CLUSTER 3

Article 15. Violation [inviolability: Mexico] of personal [digital: Mexico] information [Alt: Illegal processing of personal data (Russian Fed.)] [Alt2: Violation of processing of personal data (Philippines)]

 Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally and unlawfully, the [accessing, (delete: Brazil)] sale, provision or otherwise making available of any material containing personal information about a [natural: Brazil] person, [[including information related to a person’s bank account, health or medical information (India),: delete (Guatemala)] [with the intent of obtaining a financial [or other (Guatemala, Indonesia, Brazil)] benefit, [end para.: Indonesia, Brazil] maligning the individual or bringing harm (India)] (delete: Iran, Malaysia) [with dishonest or fraudulent intent, or intent to cause harm to the owner of the personal information (Malaysia)], and[/or: India] subsequent disclosure: delete (China)], without the consent of the person concerned, of such material to any other person.

Alt: Each State Part shall take such legislative and other measures as may be necessary to criminalize illegal processing of personal data through the use of ICTs, including collection and storage. (Russian Fed.)

Alt. 2: Each State Party shall adopt such legislative and other measures as may be necessary to protect personal digital information and for that purpose, inter alia, to establish as criminal offences its unlawful and non-consented exploitation. (Mexico)

Alt. 3: Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally and unlawfully, obtaining, collecting, compiling, removing, providing, selling, buying, exchanging, sharing, disclosing, making available or any other kind of processing data relating to personal data (including information relating to bank account) with or without the intention of financial gain without the consent of the person concerned, of such material to any other person. (Colombia)

Alt. 4 (Philippines): Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally and unlawfully, the following acts without the consent of the person concerned:

 (a) The accessing, sale, provision or otherwise making available of any material containing personal data about a person, including but not limited to information related to a person’s bank account with the intent of obtaining a financial benefit; and

 (b) The subsequent disclosure of such material to any other person.

2. Each State Party may impose an aggravation of penalty in the case that the actions described in paragraph 1 involves personal information of its nationals in large scale, instigates widespread effects or committed against [women and children: Iran / any person, with the intent of or results in the obtaining and disclosure of an intimate audio and visual material of another person or personal information that is comparably private.: Guatemala]. (Iran, Guatemala)

2alt. Each State Party may require that the conduct described in para. 1 result in serious harm or the amount of the personal information affected reach a particular threshold. (China, Russian Fed.)

**Delete article**: UK, Jamaica on behalf of Caricom, EU and member States, Uruguay, New Zealand, Israel, Japan, United States, Australia, South Africa, Georgia, Tanzania, Norway, Canada, Nigeria, Rep. of Korea

**Retain article**:Russian Fed.

Article 16. Identity-related offences

 Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally [and due to negligence (Philippines)]:

 (a) The obtaining, receiving or distribution of passwords or credentials for access to [a computer system] [computer data] without right [or authorization (Iran)] [including at any stage of the process of verification of access credentials: Guatemala]; and

 (b) The fraudulent [, unwarranted disclosure, (Philippines)] or [and: (Philippines)] dishonest use of the electronic signature, password, account, picture, document (Iran) or any other unique identification feature of any other person.

 (c) The accessing, sale, provision or otherwise making available of any personal information about a person, including information related to a person’s bank account, with the intent of obtaining a financial benefit, and subsequent disclosure, without the consent of the person concerned, of such material to any other person. (Uruguay)

**Delete article**: Russian Fed., UK, Jamaica on behalf of Caricom, EU and member States, New Zealand, Israel, Japan, United States, Australia, South Africa, Georgia, Brazil, Tanzania, Norway, Canada, Nigeria, Rep. of Korea

Alt. (Mexico): Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, inter alia (Guatemala):

1. To unlawfully obtain or distribute password or credentials for accessing digital systems; and
2. To use without consent electronic signatures, passwords or any other unique identification features; and

 (c) To impersonate an individual or entity without a judicial mandate.

 CLUSTER 4

Article 17. Infringement of [copyright alt: intellectual property (China, Algeria) (delete: Australia)] [alt2: Offences related to copyrights and related rights, and moral rights (Mexico) (delete: Australia)]

[1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences[, when committed intentionally (delete: Japan, Philippines, Mexico, USA, UK)], the infringement of [copyright alt: intellectual property (China, Algeria) (delete: Australia)], as defined by the legislation of that State Party, by means of [a computer system] [an information and communications technology system/device], [including the unlawful use of computer programs and databases that are protected by copyright, [and plagiarism (delete: Philippines)] (delete: Japan, EU, UK, Australia, USA)], pursuant [, where appropriate, (Singapore)] to the obligations it has undertaken under [relevant and applicable conventions (delete: UK)] [Paris Act of 24 July 1971 revising the Bern Convention for the Protection of Literary and Artistic Works, the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Copyright Treaty (UK) (delete: Australia)], with the exception of any moral rights conferred by such conventions, where such acts are committed [wilfully (delete: Rep. of Korea)] and on a commercial scale.

Alt: Each State Party shall adopt such legislative and other measures as may be necessary to protect copyrights and related rights, and moral rights, against their infringement in cyberspace, and for that purpose, inter alia, to establish as criminal offences, the infringement of those rights, including the unlawful use of computer programs and databases, and the implementation of remedies to prevent or deter for their infringement. (Mexico) (delete: Australia)

2. Each State party shall adopt such legislative and other measures as may be necessary to establish as criminal offences[, when committed intentionally (delete: Japan, Philippines, UK)], the infringement of rights related to copyright, [including streaming delivery to another computer (USA) (delete: Australia)] as defined by the legislation of that State Party, by means of [a computer system] [an information and communications technology system/device], pursuant [, where appropriate (Singapore)] to the obligations it has undertaken under [relevant and applicable conventions (delete: UK)] [International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (Rome Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights and the WIPO Performances and Phonograms Treaty (UK) (delete: Australia)], with the exception of any moral rights conferred by such conventions, where such acts are committed [wilfully (delete: Philippines, Rep. of Korea)], on a commercial scale [and by means of a [a computer system] [an information and communications technology system/device] (delete: Australia, UK)].

Delete para.: Mexico, Venezuela

3. A State Party may reserve the right not to impose criminal liability under paragraphs 1 and 2 in limited circumstances, provided that other effective remedies are available and that such reservation does not derogate from the State Party’s international obligations.]

Delete para.: Venezuela

Alt: For the purposes of paragraph 1, each State Party may recur in limited circumstances to other effective remedies, in lieu of imposing criminal liability, provided that those remedies are available and are not in contradiction to international provisions on copyrights and related rights, and moral rights. (Mexico) (delete: Australia)

**Delete article**: Iran, Singapore, Colombia, Brazil, EU and mS, New Zealand, South Africa, Pakistan, Turkiye, Nigeria, Switzerland.

**Retain article**:Russian Fed.

 CLUSTER 6

Article 22. Involvement of minors [in the commission of illegal acts / alt: in a commission of crimes covered by this Convention (Mexico)]

 [Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence the use of [a computer system] [an information and communications technology system/device] to involve [minors alt: children (Uruguay)] in the commission of [illegal acts that endanger their lives or their physical or mental health, except for acts provided for in article [23] [, on encouragement of or coercion to suicide,] of this Convention. (delete: Uruguay, Venezuela)] [any acts that can expose them to physical or mental violence, injury or abuse, neglect or negligent treatment. (Uruguay, Venezuela)]

Alt: Each State Party shall adopt such legislative and other measures as may be necessary to establish as [a criminal offence – alt: an aggravation (Uruguay)] involving minors in commission of crimes covered by this Convention, and to make such offences punishable by appropriate penalties that take into account their grave nature. (Mexico, Peru, Uruguay)

**Delete article**: UK, Trinidad & Tobago on behalf of Caricom, USA, New Zealand, Colombia, Albania, Singapore, Rep. of Korea, USA, Australia, Israel, Chile, South Africa, Tanzania, Canada, Japan, EU and mS, Norway, Malaysia, Switzerland, Liechtenstein.

**Retain article**:Russian Fed.

Article 23. [Encouragement/abetment (India, Pakistan)] of or coercion to suicide

 [Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the [facilitation, (Iran, Pakistan)] [encouragement (alt: abetment (India, Pakistan)] of or coercion to suicide, [including (alt: specially (Uruguay) / retain original: Pakistan) of [children alt: minors (Albania) retain original: Uruguay, Pakistan], through psychological or other forms of pressure applied through the use of [a computer system] [an information and communications technology system/device].]

2. Each State Part shall adopt such legislative and other measures as may be necessary to compel service providers to render content related to paragraph 1 of this article inaccessible. (Iran, Pakistan, China)

**Delete article**: Colombia, Singapore, Rep. of Korea, USA, South Africa, Peru, Chile, Tanzania, Venezuela (*merge with relevant provisions),* Canada, Japan, EU and mS, Norway, Malaysia, UK, Switzerland, Liechtenstein.

**Retain article**:Russian Fed.