

Remarks on centering victims’ perspectives | Fourth Negotiating Session of the UN Ad Hoc Committee



Chatham House sincerely thanks the chair for the opportunity to make some short remarks regarding the consolidated negotiating draft (CND).

We will focus our remarks on the issue of victim protection as it relates to the CND in the Criminalization chapter – in particular, looking at this chapter from the victims’ perspective.

On Wednesday, Chatham House hosted an on-the-record side event on centering victims’ perspective given the significant lived, human dimension of cybercrime. During this event, we heard from legal and law enforcement experts including the Canadian Child Protection Centre, Interpol and others.

One of the main takeaways was around the focus of some articles. Although a convention with a narrow scope of offences would be in accordance with the respect of human rights, some articles – if drafted *too* narrowly – might exclude or lead to insufficient treatment of victims. There are some examples that relate to specific articles that support this argument.

In Article 12, limiting the focus of this article to acts ‘causing a loss of property’ may be too narrow. It is important to recognize that computer systems may be used to deceive or induce another person or entity to do or omit to do anything for motivations other than economic benefit. Many cybercrime victims may be targeted for reasons other than financial gain, such as humiliation.

Similarly, in Article 15, the ‘intent of obtaining a financial benefit’ may be too narrow and risks overlooking other reasons victims have been targeted.

In Article 17 paragraphs 1 and 2, the reference to ‘on a commercial scale’ is too limiting when viewed from the perspective of a victim whose copyright may have been violated in terms of intimate images they have produced. For example, their own pictures could be misused by offenders to create a fake account. Establishing as criminal offences the infringement of copyright is an important tool cybercrime victims can rely on to take down child sexual abuse material or non-consensual intimate images from platforms.

Regarding Article 21 on cyberstalking, there is a need to extend this article beyond ‘in furtherance of a meeting’, because victims – in this case, children – can be harmed as significantly just through online exploitation.

Regarding Articles 24 and 25, articles should consider the non-financial benefit motivations of offenders to be better tailored to protecting cybercrime victims.

Chair, thank you for the opportunity to share our views. Chatham House is available to discuss any suggestions relating to both victim protection and gender mainstreaming in the future cybercrime convention.