



CZECH REPUBLIC

Permanent Mission of the Czech Republic to the International Organizations in Vienna

Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering
the Use of Information and Communications Technologies for Criminal

Fourth Session

Agenda Item 5 – General Provisions

Statement by

Ms. Marta Pelechová

International Dossiers Coordinator, Ministry of Justice

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Thank you Madam Chair.

The Czech Republic aligns itself with the statement delivered by the European Union and adds the following in its national capacity.

We welcome the Chapter on General Provisions and agree with the inclusion of the 5 articles. Article 1 is generally acceptable for us. For Article 2 we agree with your proposal that definitions should be tackled at the end of our negotiations, when we know exactly what is included in the convention and what therefore needs to be defined, which we do not know now yet. At this point, we would only reiterate that any such definitions should be technology neutral and precise, and should not cover cybersecurity issues or any other issues which are not strictly linked to cybercrime.

In general, we also agree with Article 3. We would suggest that it should also include a reference to other forms of international cooperation not listed there at the moment, and also to include technical assistance and capacity building, so that this article is in line with the purpose of the convention in Article 1. Concerning the scope of cooperation with respect to electronic evidence in paragraph 2 of Article 3, we believe this requires further discussions, as we said in our previous statement.

Article 4 covers the sensitive issue of state sovereignty. We are aware that the proposed wording is inspired by the UNCAC and UNTOC which is fine in general, but we would like to point out that the issue of state sovereignty in connection to cybercrimes might be a bit different, because - as it has been said repeatedly - cybercrime knows no borders, and operates in virtual space, so we would suggest to give this article a bit more thinking to adjust it more to cybercrime matters and not simply overtake it from the existing instruments.

And we very much welcome the inclusion of Article 5, it is one of the crucial articles, as highlighted previously by the EU and other delegations. We could even see a more detailed article on human rights but this as a minimum could be acceptable for us. And we would like to emphasize that having this article does not preclude having the issue of human rights mentioned on other places in the convention as well, wherever relevant.

Thank you, Madam Chair.