

Intervention by the Dominican Republic on agenda item 4 corresponding to Chapter II of the provisions on criminalization.

Thank you, Madame Chair,

The Dominican Republic would like to begin by thanking, recognizing and congratulating your leadership in directing this committee, in organizing its work to date in an efficient, inclusive and transparent manner, with the support of your team and the team of the UNODC Secretariat, and in the effort to produce the consolidated negotiating document.

In relation to Chapter II on criminalization provisions, the Dominican Republic in general terms agrees with articles 7 to 13, 16, 17, 22, 23, 35, 36, 38 and 39, and we have some observations on the following articles:

In **Article 6**, although we agree with the scope of this provision, we understand that the term "without right" should be added to paragraph 1 to read: "criminalize the illicit, deliberate AND WITHOUT RIGHT access to all or part of a computer system".

In **Article 14**, before establishing a position, we would like a clarification of paragraph d), since it is not clear to us whether it refers to a merchant who, knowing in advance that a payment instrument is counterfeit, accepts it, in which case he/she would become an accomplice to the crime.

In **Article 15** we propose to add the word EXTRACTION to read: "to criminalize, when committed intentionally and unlawfully, the access, EXTRACTION, sale, supply or otherwise making available of any material containing personal information about a person".

In **Article 18**, paragraph 2, item e), we believe that "child or adolescent" should be added at the beginning of the sentence to read: "a child or adolescent victim of torture or other cruel, inhuman or degrading treatment or punishment", or that this element be moved to another block, since it is equally important to protect adults in this regard.

We are of the view that **Article 19** could well be part of Article 18 as item h) of paragraph 1, and in its paragraph 1 rather than creating, developing, altering, maintaining, controlling, moderating, assisting, making available, advertising or promoting a computer system or information and communications technology

system/device for the purpose of facilitating material depicting child sexual abuse or exploitation, it would make more sense to speak of an online or electronic service.

**Article 20** on grooming should read "criminalized, when committed intentionally BY AN ADULT".

In relation to **Article 21** on cyberstalking, the definition in the final part "other information that identifies a child for the purpose of attempting to arrange a meeting with the child for the purpose of sexual intercourse, sexually explicit conduct or unlawful sexual activity" corresponds more closely to the definition of grooming. Also, as in the case of Article 18 we understand that cyberstalking also affects adults and could well be part of cluster 7. In the case of minors, the most commonly used term and concept is cyberbullying.

In **Article 24** on sexual extortion, we propose to consider the inclusion of AUDIO, to read: "deliberate threats to distribute or transmit, by electronic means, an audio or image of an intimate nature of another person".

In **Article 25** we are of the view that the non-consensual dissemination of images of an intimate nature should be criminalized regardless of the intention with which it is done, since it still causes harm to the victim. Also, in the English version, paragraph 2 says "a visual recording" and the correct term would be "a visual record". In paragraph 3 we would like to understand what could be legitimate purposes of disseminating these images without consent.

Regarding clusters 8 and 9, the Dominican Republic is of the opinion that **articles 26 to 32** include conducts that are already covered in other international instruments, in addition to the fact that they are too broad and are not sufficiently linked to the cyber realm to be included in this convention.

As for **cluster 10**, money laundering is already part of other international instruments, regardless of the type of asset being laundered, and obstruction of justice is already part of the criminal procedural codes of the States.

Regarding **Article 37** we do not understand the purpose of this wording and we would like clarification on it before establishing a position.

Thank you very much Madame Chair.

