

## **India statement on 3<sup>rd</sup> Chapter – Procedural Measures and Law Enforcement on 11.1.2023**

Madam Chair,

It gives me pleasure to note that there has been progress in the 1<sup>st</sup> Round of discussions and we have already covered two chapters.

Procedural Measures and Law Enforcement chapter provides for the articles through which this convention will be implemented effectively and efficiently. The text in this chapter should have clarity to provide the foundation for practical international cooperation and implementation of this convention.

I may briefly indicate the Indian position as follows:

In cluster 1 – Article 40 to 42

India believes that sharing of electronic information and evidences found in Cluster I & II of this Chapter is the soul of this convention. India proposes that sharing of the information and evidences for the purpose of investigations of crimes should be broadened irrespective of whether the crime is criminalized under this Convention.

India supports the conditions & safeguards under article 42 for the purpose of collection and sharing of electronic evidences. However, the degree of protection required to obtain content data is not the same as that for traffic data. Therefore, this article cannot be applied identically and uniformly to Articles 43 to 49.

**Cluster 2 – Article 43 to 49**

Article 43 (2) – India proposes 90 days be replaced with 180 days for expedited preservation.

Article 47-48: Indian delegation would like to hear other member states' views on the definition of traffic data, its practical implementation, application of Article 41 and 42 to Article 47-48, etc.

In Article 49 – India proposes to retain both the words Digital and Electronic.

### **Cluster 3 – Article 50 to 55**

Article 51: India seeks clarification on this article and its implementation.

Article 54 – India does not support this article.

Thank you.

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