



STATEMENT BY MALAYSIA

FOURTH SESSION OF THE AD HOC COMMITTEE TO ELABORATE A COMPREHENSIVE INTERNATIONAL CONVENTION ON COUNTERING THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES FOR CRIMINAL PURPOSES VIENNA, 9-20 JANUARY 2023

AGENDA ITEM 5: GENERAL PROVISIONS

Madam Chair,

In general, Malaysia supports the inclusion of Article 1 into the draft Convention, with a preference to use the term “cybercrime”. Nevertheless, Malaysia observes that the draft Consolidated Negotiating Document (CND) did not incorporate Malaysia’s previous proposal related to the need to ensure a proper balance between the interests of law enforcement and respect for fundamental human rights. Thus, given the importance of the said issue and given that Malaysia’s proposal was also supported by several other countries during the previous AHC, Malaysia wishes to again propose the inclusion of article 1 (d), which reads as follows:

“(d) To ensure a proper balance between the interests of law enforcement and respect for fundamental human rights.”

2. In respect to Articles 3 and 4 of the CND, Malaysia can go along with the inclusion of these provisions.

3. Malaysia is of the view that the proposed Article 5 outlines respect for human rights as an element of State Parties' obligations under the draft Convention. On this note, Malaysia generally supports the element of respect for human rights, as laid down in the human rights instruments applicable to Malaysia. Regardless, Malaysia wishes to propose the following amendments to Article 5 paragraph 1 of the CND, which reads as follows.

“States Parties, shall ensure that the implementation of their obligations under this Convention is in accordance with applicable international human rights law to which they are party to.”

4. Further, with regard to the proposal to include “mainstreaming gender perspectives”, Malaysia is of the view that focus should be given to vulnerable groups, particularly women, children and the elderly. Henceforth, Malaysia proposes to amend the language in Article 5 Paragraph 2 as follows:

“States Parties shall take necessary measures to protect the vulnerable groups, in particular women, children and the elderly, in order to prevent and combat cybercrime.”

I thank you, Madam Chair.