

**Fourth Session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of ICT for Criminal Purposes**

**9-20 January 2023**

**Pakistan's Statement on Agenda Item 4 - Criminalization Chapter**

Thank you, Madam Chair, for giving me the floor.

Allow me to begin by congratulating you and your committee for producing a consolidated negotiating document that reflects the majority of the views of the Member States. The document has been formed in accordance with other international instruments, providing us with a strong foundation to build. This is especially important as we navigate the complexities of the negotiation process and work towards finding common ground.

In accordance with Resolution 75/282, our approach to these negotiations will involve a careful reading of the text to identify areas of consensus and divergent views. We will then engage in further negotiation to address any differing viewpoints and arrive at a complete text that reflects the needs and concerns of all Member States.

I am confident that, by working together and utilizing the expertise of all parties involved, we will be able to overcome any challenges that may arise and ultimately achieve a satisfactory result. Let us embrace this opportunity to come together and build upon the solid foundation that has been laid before us.

**Madam Chair,**

Pakistan has been an active participant in the negotiation process, bringing forward proposals and showing flexibility in considering the perspectives of other parties. Taking this opportunity, I would like to share some of Pakistan's perspectives on the chapter on criminalization:

**First:** The use of terminology is consistent with the title of Resolution 75/282 and accurately reflects the scope and approach of the Convention. Using terms such as "ICT" (information and communication technologies) and "digital data" can help to ensure that the Convention covers a wide range of issues and technologies related to the use and misuse of ICT. Other preferences include the use of the following terms:

- a. Since all computer devices are considered ICT devices, but not all ICT devices are necessarily computer devices. Therefore, to cover all devices ICT devices are preferred over computer devices.
- b. Digital information is a specific type of electronic information that is stored and transmitted in a digital format. All digital information is electronic, but not all electronic information is necessarily digital. Therefore, the use of terminology electronic information is adopted.
- c. Digital information is a specific type of computer data that is stored in a digital format. All digital information is computer data, but not all computer data is necessarily digital. To cover a wide range of issues computer information may be used.
- d. Data is the raw material that is used to create information, which is the processed and organized form of that data. Data is an essential component of information, but it must be processed and presented in a meaningful way in order to be considered information. The choice is given to information to avail most of the data.
- e. The electronic digital data storage device is a type of computer data storage medium that is specifically designed to store digital information electronically. All electronic digital data storage devices are computer data storage media, but not all computer data storage media are necessarily electronic digital data storage devices. Therefore, a device that covers a wide range of storage mediums including cloud storage and QR code access, etc, and other ICT mediums is preferred.

**Second:** Crimes that are dependent on or enabled by the use of information and communication technologies (ICT) should be addressed in the Convention. Hate speech, discrimination, and crimes against religious values and sentiments can have serious and destructive consequences, and all member states need to work together to develop strategies to prevent and address these crimes. It is also important to recognize that addressing these crimes may require a multifaceted

approach, including efforts to educate the public, promote tolerance and understanding, and provide support and resources to those who have been affected by these crimes.

In this regard, two articles are proposed to be added as Articles 29 and 30 respectively to cover hate-related crimes and Respect for religious beliefs and sentiments. The text of Hate related crimes is taken from Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination while the text of Respect for Religious beliefs and sentiments is taken from Article 20 of ICCPR and the provision of the Budapest Convention. The text of the articles will also be provided for the consideration of the member states.

**Third:** On addressing the issue of intellectual property rights and plagiarism under the future convention, my delegation is of the view that crimes concerning Intellectual property rights and plagiarism pertain to the work of the World Intellectual Property Organization (WIPO). Therefore, addressing this issue in the ICT convention might result in duplication and undermine the mandate of other relevant bodies, both of which could be avoided.

**Fourth:** Concerning the question of the inclusion of Terrorism in the Convention, we would like to underscore that caution must be exercised in defining such a crime narrowly so as not to undermine any legitimate act under international law as well as the UN Charter including the right of people to self-determination living under foreign occupation.

**Fifth:** In order to guarantee that all parties have access to the best solutions and the most cutting-edge technologies, technology neutrality is crucial. The various needs and priorities of Member States must also be taken into account. Ensuring technology neutrality can level the playing field and give everyone the same chance to gain from technological advancements.

Therefore, a provision must be added to encourage supply and promote the use of open-source and free software as well as make sure that proprietary software is cost-effectively accessible.

**Madam Chair,**

For my delegation, it's crucial to reach a consensus and strike the right balance. Even though achieving consensus can be challenging, the benefits of more cohesive and successful outcomes make the effort worthwhile. You can rely on my delegation's support for this objective.

I Thank you