

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 5 - General Provisions

Thank you, Chair, for giving me the floor.

General provisions in an international convention are important because they establish the overall framework and purpose of the treaty, and set out the obligations of the states that are party to the convention. Before commenting on articles of the General Provisions let me emphasize that the comments made herein are without prejudice to the amendments that we will table during the negotiations regarding the content or the formation of those articles.

Recalling comments of our previous intervention, and simultaneously expressed by several Member states, the use of the term that corresponds to the title, mode of work, and mandate of this committee must be used throughout the convention. This implies using the term ICT instead of computer devices.

Similarly, the term technical cooperation be used throughout the Convention instead of technical assistance in order to maintain neutrality and inclusivity in the relationship between the parties involved. This is a common practice in international instruments, as the term "technical cooperation" is seen as implying a more equal partnership between the parties, while "technical assistance" may be perceived as implying a one-way transfer of knowledge or resources. Therefore, Article 1(c) may accordingly be amended.

**"Regarding Article 2,** my delegation supports the chair's proposal to define terms after the substantive articles have been defined. This approach is preferable because it allows the definitions of the terms to be aligned with the content of the substantive articles and ensures that the definitions are consistent with the way the terms are used in the Convention. This can help prevent any potential confusion or misunderstandings about the meaning of the terms used in the Convention."

While the Scope of the application includes the return of the proceeds of offenses, the text of the Convention, specifically the chapter on procedural measures and law enforcement,

does not currently include any provisions for this. To ensure consistency and alignment with the scope of the Convention, we suggest that specific provisions for the return of the proceeds of offenses be included in the chapter on procedural measures. My delegation will propose specific amendments to account for coverage of the proceeds of offences.

Additionally, my delegation is of the view that **the scope of the Convention be limited to the specific crimes listed in the Convention.** This approach will allow the Convention to be more targeted and effective and will eliminate the issue of dual criminality for Member States. It will also make it easier to admit electronic evidence and allow Member States to develop experience in handling these specific types of crime. In addition, limiting the scope of the Convention to these specific crimes will facilitate quick and widespread ratification, and provide a solid foundation for international cooperation, research, and the potential expansion of the Convention to address new types of cybercrime as they arise.

Article 4 which talks about the protection of sovereignty and respect for territorial integrity is supported in its current form.

And finally with regard to article 5(2), we would like to further seek clarity on this as we see no value for addition of this provision in Article 5. And for this we are ready to listen views of other Member States on this provision.

I thank you