

STATEMENT OF THE REPUBLIC OF SLOVENIA
at the 4th session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention
on Countering the Use of Information and Communications Technologies for Criminal Purposes

Item 5 - General provisions

Madam Chair,

Thank you for giving us the floor. Slovenia aligns itself with the statement delivered on behalf of the European Union and its Member States, and would like to make the following remarks in its national capacity in respect of the Agenda Item 5.

Madam Chair,

Slovenia generally supports the inclusion of Chapter I in the Convention. In respect of its Articles 1-5, we would nevertheless like to provide the following comments.

Regarding Article 1, Slovenia prefers the term "cybercrime" to be used instead of the term "the use of information and communications technologies for criminal purposes". This position applies to the terminology to be used throughout the whole Convention. We believe that this term is better associated with the criminal justice domain and is already widely used in both domestic and international jurisdictions.

Regarding Article 2, Slovenia supports the position of you, Madam Chair, that the provision on the use of terms should be addressed after the main substantive articles of the Convention are defined. At this stage, we would recall that the General Assembly resolution 74/247 provides that the AHC should take into full consideration existing international instruments. Bearing this in mind, Slovenia calls on the terms of the Convention to be aligned, to the extent possible, with the existing terms already included in the relevant international agreements.

Regarding Article 3, Slovenia considers that maintaining the proposed wording in Articles 5 and 42 would provide a good basis for broadening the scope of application to the collection of electronic evidence to other serious crimes not defined in the Convention. This acceptance would however be conditional upon two additional considerations. First, the inclusion of the limited set of offences in the Convention, as elaborated in our intervention under Agenda Item 4. And second, on the inclusion of the specific provisions in the Convention establishing sufficient safeguards that would allow for such a broader application, including by the introduction of relevant grounds for refusal in the chapter on international cooperation. As the international cooperation chapter is scheduled to be discussed at the fifth negotiating session, Slovenia reserves its right to revert to Article 3 of the CND at a later stage.

Regarding Article 4, Slovenia considers it closely connected to the provisions included in Chapter III, in particular with Article 40 and articles from Cluster 2 of that Chapter. Ensuring the full consistency between these provisions and Article 4 should therefore be borne in mind when discussing the procedural measures and law enforcement under the next agenda item 6.

Finally, regarding Article 5, Slovenia strongly supports the inclusion of the *chapeau* provision on the respect for human rights. Slovenia would nevertheless appreciate further discussion on the second paragraph of Article 5 to ensure that different vulnerabilities that may arise in specific circumstances are sufficiently and appropriately addressed.

Thank you, Madam Chair.