

**Ad Hoc Committee to Elaborate a  
Comprehensive International Convention  
on Countering the Use of Information and  
Communications Technologies for  
Criminal Purposes**

**Sixth session**

New York, 21 August–1 September 2023

This document contains the draft text of the convention with the amendments made by Member States.

Status as of 2 September 2023 with updates from Member States

## **Draft text of the convention**

### **Preamble**

*The States Parties to the present Convention,*

(1) *Bearing in mind* the purposes and principles of the Charter of the United Nations,

(2) *Noting* that information and communications technologies, while having enormous potential for the development of societies, create new opportunities for perpetrators, may contribute to the increase in the rate and diversity of criminal activities, and may have an adverse impact on States, enterprises and the well-being of individuals and society as a whole,

(3) *Concerned* that the use of [a computer system] [an information and communications technology device] can have a considerable impact on the scale, speed and scope of criminal offences, including offences related to terrorism, trafficking in persons, smuggling of migrants, illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, drug trafficking and trafficking in cultural property,

(4) *Convinced* of the need to pursue, as a matter of priority, a common criminal policy aimed at the protection of society against [cybercrime] [the use of information and communications technologies for criminal purposes] by, inter alia, adopting appropriate legislation, establishing common offences and procedural powers and fostering international cooperation to prevent and combat such activities more effectively at the national, regional and international levels,

(5) *Determined* to deny safe havens to those who engage in [cybercrime] [the use of information and communications technologies for criminal purposes] by prosecuting these crimes wherever they occur,

(6) *Stressing* the need to enhance coordination and cooperation among States, including by providing technical assistance and capacity-building to countries, in particular developing countries, upon their request, to improve national legislation and frameworks and enhance the capacity of national authorities to deal with [cybercrime] [the use of information and communications technologies for criminal purposes] in all its forms, including its prevention, detection, investigation and prosecution, and emphasizing in this context the role that the United Nations plays,

(7) *Recognizing* the increasing number of victims of [cybercrime] [the use of information and communications technologies for criminal purposes], the importance of obtaining justice for those victims and the necessity to address the needs of persons

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in vulnerable situations in measures taken to prevent and combat the offences covered by this Convention,

(8) *Determined* to prevent, detect and suppress more effectively international transfers of property obtained as a result of [cybercrime] [the use of information and communications technologies for criminal purposes] and to strengthen international cooperation in the recovery and return of proceeds of crime,

(9) *Recognizing* the need for cooperation between States and relevant non-governmental organizations, civil society organizations, academic institutions and the private sector in combating [cybercrime] [the use of information and communications technologies for criminal purposes],

(10) *Affirming* the importance of mainstreaming a gender perspective in all efforts to prevent and combat the offences covered by this Convention,

(11) *Mindful* of the need to achieve law enforcement objectives and to ensure respect for human rights and fundamental freedoms as enshrined in applicable international and regional instruments,

(12) *Acknowledging* the right to protection against unlawful interference with privacy, including the protection of personal data,

(13) *Commending* the work of the United Nations Office on Drugs and Crime and other international and regional organizations in preventing and combating [cybercrime] [the use of information and communications technologies for criminal purposes],

(14) *Taking into account* the existing international and regional conventions and treaties on cooperation in criminal matters, as well as similar treaties that exist between States Members of the United Nations,

*Have agreed* as follows:

## **Chapter I**

### **General provisions**

#### *Article 1. Statement of purpose*

The purposes of this Convention are to:

(a) Promote and strengthen measures to prevent and [combat (retain combat: Venezuela) alt: detect, suppress, investigate, and prosecute (Russian Federation, Viet Nam, Venezuela, Syria, Dem. People's Rep. of Korea, Belarus, Nicaragua, Cuba, Belarus, Mali) (keep original: CARICOM, Mexico, Ecuador, South Africa, Pakistan, Iran, Yemen, European Union and its member States, United States, Costa Rica, Lebanon, Panama, Malaysia, Tanzania, El Salvador, Paraguay, Eritrea, New Zealand, Peru, United Kingdom, Canada, Liechtenstein, Morocco, Norway, Rep. of Korea, Australia, Colombia, Switzerland, Guatemala, Chile, Senegal, Georgia, Argentina, Uruguay, Nigeria, Israel, Kenya, Thailand, Japan, Vanuatu, Tonga, Ghana, Indonesia, Qatar, Cabo Verde, Algeria, Brazil, Malawi, Namibia)] [cybercrime] [the use of information and communications technologies for criminal purposes] more efficiently and effectively;

(b) Promote, facilitate and strengthen international cooperation in preventing and combating [cybercrime] [the use of information and communications technologies for criminal purposes]; and [agreed ad referendum]

(c) Promote, facilitate and support [capacity-building and (Pakistan, Iran, Yemen, Viet Nam, Egypt, Malaysia, Paraguay, China, Eritrea, Peru, United Kingdom, Canada, Morocco, Norway, Australia, Colombia, Guatemala, Chile, Uruguay, Nigeria, Kenya, Thailand, Saudi Arabia, Vanuatu, Tonga, Ghana, Indonesia, Russian Federation, New Zealand, Chad, Iraq, Qatar, Cabo Verde, Algeria, Brazil, El Salvador, Oman, Malawi, Venezuela, Costa Rica, Ecuador, Namibia, Central African Republic,

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CARICOM, South Africa, Yemen, Lebanon, Philippines, Angola, Uganda, Cuba, Iraq, Burkina Faso, Tanzania, Syria, Japan (retain original: Panama, Tanzania, New Zealand, Liechtenstein, Rep. of Korea, Switzerland, Georgia, Argentina, ~~Japan~~, ~~Türkiye~~, Nicaragua, Lao PDR)] technical assistance [including capacity-building, (United States, European Union and its member States, Georgia)] to prevent and combat [cybercrime] [the use of information and communications technologies for criminal purposes], in particular for the benefit of developing countries, and strengthen and promote the exchange of information, [and transfer of technology, where applicable, (Pakistan, Iran, Viet Nam, Egypt, China, Guatemala, Nigeria, Russian Federation, Cabo Verde, Malawi, Namibia, Yemen, Iraq, Syria, Belarus, Venezuela) (retain original: European Union and its member States, United States, Panama, Tanzania, New Zealand, United Kingdom, Canada, Liechtenstein, Norway, Rep. of Korea, Australia, Switzerland, Georgia, Argentina, Israel, Japan)] [on mutually agreed terms (Peru, Nigeria)] knowledge, experience and good practices. [retain original: Mali]

[(d) The collection and exchange of electronic evidence.: (Dominican Rep.)]

#### *Article 2. Use of terms<sup>1</sup>*

For the purposes of this Convention:

- (a) “[Computer system] [Information and communications technology device]”;
- (b) “[Computer data] [Digital information]”;
- (c) “Traffic data” shall mean any [computer data] [digital information] collected by a service provider, excluding content data, related to:
  - (i) The type of service provided and its duration where it concerns technical data and data identifying related technical measures or interfaces used by or provided to the subscriber or customer, and data related to the validation of the use of the service, excluding passwords or other authentication means used instead of a password, that are provided by a user or created at the request of a user;
  - (ii) The commencement and termination of a user access session to a service, such as the date and time of use, or of the login to and logout from the service; and
  - (iii) Communications metadata processed in an electronic communications network for the purposes of transmitting, distributing or exchanging content data, including data used to trace and identify the source and destination of a communication, data on the location of the terminal equipment used in the context of providing communications services, and the date, time, duration and type of the communication;
- (d) “Content data” shall mean any [computer data] [digital information] relating to a communication by means of a [computer system] [information and communications technology device] concerning the substance or purport of that communication, such as text, voice messages, audio recordings, video recordings and other types of information;
- (e) “Service provider” shall mean:
  - (i) Any public or private entity that provides to users of its service the ability to communicate by means of a [computer system] [information and communications technology device]; and

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<sup>1</sup> The terms contained in paragraphs (a) and (b) of this article, as they appear across the draft text of the convention, will continue to be discussed in a co-facilitated informal negotiation group. For this reason, the Chair has chosen not to provide definitions for those terms at the current stage.

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- (ii) Any other entity that processes or stores [computer data] [digital information] on behalf of such a communications service or users of such a service;
- (f) “Subscriber information” shall mean any information contained in the form of [computer data] [digital information] or any other form that is held by a service provider, relating to subscribers of its services other than traffic or content data and by which can be established:
- (i) The type of communications service used, the technical provisions taken thereto and the period of service;
- (ii) The subscriber’s identity, postal or geographical address, telephone and other access number, billing and payment information, available on the basis of the service agreement or arrangement;
- (iii) Any other information on the site of the installation of communications equipment, available on the basis of the service agreement or arrangement;
- (g) “Personal data” shall mean data relating to an identified or identifiable natural person;
- (h) “Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years;
- (i) “Child” shall mean any human being under eighteen years of age;
- (j) “Property” shall mean assets of every kind, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in, such assets;
- (k) “Proceeds of crime” shall mean any property derived from or obtained, directly or indirectly, through the commission of an offence;
- (l) “Freezing” or “seizure” shall mean temporarily prohibiting the transfer, conversion, disposition or movement of property or temporarily assuming custody or control of property on the basis of an order issued by a court or other competent authority;
- (m) “Confiscation”, which includes forfeiture where applicable, shall mean the permanent deprivation of property by order of a court or other competent authority;
- (n) “Predicate offence” shall mean any offence as a result of which proceeds have been generated that may become the subject of an offence as defined in article 16 of this Convention.

[(bis) “Relevant stakeholders” (Mauritania) (Against: Canada)]

### *Article 3. Scope of application*

1. This Convention shall apply, in accordance with its terms, to the [prevention ~~(delete: Israel)~~], [suppression, (Russian Federation, Nicaragua, Syria, Belarus, Cuba, Belarus, Mali) (Against: United States, Liechtenstein, United Kingdom, Georgia, New Zealand)] investigation and prosecution of the offences established in accordance with [articles 6 to 16 ~~(delete: China, India, Nigeria, Yemen, Russian Federation, Venezuela, Pakistan, Syria. Retain: Morocco, Switzerland, Sri Lanka)~~] [of and serious crime as defined in (Egypt, Côte d’Ivoire, Ghana, South Africa)] this Convention, including the freezing, seizure, confiscation and return of the proceeds of such offences. [Retain original: EU and its member States, Canada, Georgia, New Zealand]

[The present Convention shall apply to the prevention, investigation and prosecution o.. including the freezing, seizure, confiscation and return of the proceeds of such

offences. International cooperation and technical assistance geared to ... (Senegal) (Delete: Canada)]

2. This Convention shall also apply to the collecting, [obtaining, preserving and sharing delete: United States, Japan, Canada, United Kingdom, EU and its member States, Georgia. Against: Iran, Egypt, Russian Federation] of [information or (India, Egypt, Russian Federation)] evidence in electronic form [on any offences (Russia, Venezuela) alt: of serious crimes (United States, Georgia, Canada, Israel, United Kingdom) of any offence (India, Morocco, Russian Federation)], [as provided for in the relevant articles of this Convention (delete: India)] [, including in article 17 (Egypt, Viet Nam, Russian Federation, Syria)] [for offences established in accordance with articles 6 to 16 of this Convention (Singapore)]. [Retain original para: Nigeria] [Retain original: EU and its member States, Lebanon, Guatemala, CARICOM, Liechtenstein, Canada, Kenya, Chile, Ghana, Malaysia, Colombia, Peru, Rep. of Korea, Switzerland, Ecuador, Albania, Tanzania, Indonesia, Türkiye, Iraq, New Zealand, South Africa] [and taking into account domestic laws (Yemen)]

#### *Article 4. Protection of sovereignty*

[agreed ad referendum]

1. States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

2. Nothing in this Convention shall entitle a State Party to undertake in the territory of another State the exercise of jurisdiction and performance of functions that are reserved exclusively for the authorities of that other State by its domestic law.

#### *Article 5. Respect for human rights*

States Parties shall ensure that the implementation of their obligations under this Convention is [consistent alt: in accordance (New Zealand, Canada) alt: in line (Morocco)] with their obligations under [applicable: Syria, Russian Federation, Sri Lanka. Against: Australia] [international human rights (law (alt: instruments (Oman, Syria. Against: EU and its member States, Australia, Georgia)) to which they are a party (Viet Nam, Malaysia, Saudi Arabia, Bahrain, Nigeria, Qatar, EU and its member States, Iraq, Russian Federation)] applicable human rights treaties (China, Russian Federation. Against: Mexico, Philippines, United States, Canada, EU and its member States, Australia, Georgia)).

[Alt: 1. States Parties shall implement their obligations and perform the provisions contained in this Convention in accordance with their obligations under international human rights law(, both of a universal and regional character: Mexico, Costa Rica, Peru), and in full respect for the rule of law.

2. States Parties shall mainstream a gender perspective and to empower women and girls, and shall take into consideration the special circumstances and needs of persons and groups in vulnerable situations in measures undertaken to prevent and combat [the use of ICTs for criminal purposes] [cybercrime]. (Uruguay, United Kingdom, Mexico, Argentina, Dominican Rep., Colombia, Palestine, Guatemala, Panama, Chile, Paraguay, Lebanon, Costa Rica, Brazil, EU and its member States, El Salvador, Peru; South Africa– para 2., Switzerland, Australia, Georgia, Norway, Liechtenstein, Ecuador, United States, Canada, New Zealand) (Against: Malaysia, Russian Federation, Syria, Nigeria, Senegal, Mali)]

[retain original: Côte d'Ivoire, India, Senegal, Iraq, Holy See, Sudan, Vanuatu, China, Kenya, South Africa, Malaysia, Singapore, Yemen, Saudi Arabia, Uganda, Philippines, Indonesia, Egypt, Belarus, Bahrain, Israel, Algeria, Rep. of Korea, Nigeria, Venezuela, Burkina Faso, Tanzania, Morocco, Chad, Qatar, Türkiye, Namibia, Pakistan, CARICOM, Tonga, Sri Lanka] [delete article: Iran] [merge with article 24 (as amended) as paragraph 1: Viet Nam, Russian Federation, Venezuela, Burkina Faso. Against: Vanuatu, Brazil, EU and its member States, Switzerland,

Georgia, Uganda, United States, Canada, New Zealand, Senegal, Namibia, Lao PDR, Holy See]

[Alt. States Parties shall carry out their obligations under this Convention in accordance with their obligations under applicable international human rights law (CARICOM) (Against: Canada)]

## Chapter II Criminalization

*Article 6. Illegal access* [to a computer system (Yemen) (retain original: South Africa)]

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally [and without right (Tanzania, Uganda, Mexico)], the access [or attempted access (Namibia)] to the whole or any part of [a computer system] [an information and communications technology device/system (Russian Federation, Belarus)] [that does or may result in destruction, blocking, modifying, or copying of electronic information (Russian Federation)] [without right alt: unlawfully (Iran, Iraq, Russian Federation, Pakistan, Syria, Venezuela, Namibia, Belarus)].

[Alt chapeau: Each State Party will adopt legislative and other measures necessary to criminalize in accordance with its domestic law, (Senegal)]

2. A State Party may require that the offence be committed [by infringing alt: against an information and communications technology system which is protected with (Iran)] security measures, with the intent of obtaining [computer data] [digital information] or other [dishonest alt: criminal (Iran, Iraq, Russian Federation, Pakistan, Syria, Belarus)] intent or in relation to [a computer system] [an information and communications technology device] that is connected to another [computer system] [information and communications technology device/system (Russian Federation, Venezuela)].

[retain original: United States, Lebanon, CARICOM, Dominican Rep., Paraguay, Switzerland, Rep. of Korea, Malaysia, Costa Rica, Peru, Liechtenstein, Panama, Philippines, Chad, Australia, Brazil, New Zealand, Vanuatu, Ghana, Canada, Albania, EU & its mS, Tonga, South Africa, Uruguay, Argentina, Oman, United Kingdom, Cabo Verde, Viet Nam, Nigeria, Indonesia, India, Singapore, Norway, Armenia, Central African Republic, Qatar, Israel, Burkina Faso, Algeria, China, Georgia, Thailand, Chile, Japan]

*Article 7. Illegal interception* [or capture of computer data (Yemen, Syria) (retain original: Georgia, South Africa)]

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and [without right alt: unlawfully (Iran, Iraq, Russian Federation, Pakistan, Syria, Venezuela, Namibia, Belarus)], the interception [or capture (Yemen, Syria)], made by technical means, of non-public transmissions of [computer data] [digital (electronic: Russian Federation) information] to, from or within [a computer system] [an information and communications technology device], including electromagnetic emissions from [a computer system] [an information and communications technology device] carrying such [computer data] [digital (electronic) Russian Federation] information].

2. A State Party may require that the offence be committed with [dishonest alt: criminal (Iraq, Pakistan, Syria, Iran, Russian Federation)] intent, or in relation to [a computer system] [an information and communications technology device] that is connected to another [computer system] [information and communications technology device]. [delete subparagraph [Russian Federation, Paraguay]]

[retain original: United States, Lebanon, CARICOM, Dominican Rep., Switzerland, Rep. of Korea, Malaysia, Costa Rica, Peru, Liechtenstein, Panama, Philippines, Chad, Australia, Brazil, New Zealand, Vanuatu, Ghana, Canada, Albania, EU & its mS, Tonga, South Africa, Uruguay, Argentina, Tanzania, Oman, United Kingdom, Cabo Verde, Viet Nam, Nigeria, Indonesia, India, Singapore, Norway, Armenia, Central African Republic, Qatar, Israel, Burkina Faso, Algeria, Uganda, China, Georgia, Thailand, Lao PDR, Chile, Japan]

Article 8. [Interference with alt: Alteration of (Paraguay)] [computer data] [digital (electronic Russian Federation) information]  
[Deliberate abuse of data stored in the system (Yemen)]

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and [without right alt: unlawfully (Iran, Iraq, Russian Federation, Pakistan, Syria, Venezuela, Namibia, Belarus)], [deliberate ... (Yemen)] the damaging, deletion, deterioration, alteration or [suppression alt: blocking (Russian Federation, Namibia)] of [computer data] [digital (electronic Russian Federation) information].

[(a) The damaging, deletion, deterioration, alteration or suppression of [computer data] [digital information]:

(b) Preventing the access to the data or ICT system by measures such as data encryption, data hiding, changing passwords, and blocking the access. (Iran)]

[2. A State Party may require that the [conduct alt: offence (United States, Rep. of Korea, Malaysia, Liechtenstein, New Zealand, Vanuatu, Albania, Tonga, South Africa, Uruguay, Tanzania, Nigeria, Norway, Armenia, Uganda, Japan)] described in paragraph 1 result in serious harm. (delete subparagraph: Iran, Paraguay)]

[retain original: Lebanon, CARICOM, Dominican Rep., Switzerland, Costa Rica, Peru, Panama, Philippines, Chad, Australia, Ghana, Canada, EU & its mS, Argentina, Oman, United Kingdom, Cabo Verde, Viet Nam, Indonesia, India, Singapore, Central African Republic, Qatar, Israel, Burkina Faso, Algeria, China, Georgia, Thailand, Angola, Lao PDR, Chile, Mexico]

Article 9. [Interference with alt: sabotage of (Paraguay)] [a computer system]  
[an information and communications technology (system/device Russian Federation)]  
[Deliberate targeting of a computer system (Yemen)]

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and [without right alt: unlawfully (Iran, Iraq, Russian Federation, Pakistan, Syria, Venezuela, Namibia, Belarus)], the [deliberate targeting of a computer system (Yemen)] [serious delete (Iran, Malaysia, Namibia)] hindering of the functioning of [a computer system] [an information and communications technology system/device Russian Federation] [by alt: including through (Iran)] inputting, transmitting, damaging, deleting, deteriorating, altering or [suppressing alt: blocking (Russian Federation)] [computer data] [digital (electronic: Russian Federation) information].

[Bis A State Party may require that the conduct described in paragraph 1 result in serious harm. (Russian Federation, Belarus)]

[retain original: United States, Lebanon, CARICOM, Dominican Rep., Switzerland, Rep. of Korea, Costa Rica, Peru, Liechtenstein, Panama, Philippines, Chad, Australia, Brazil, New Zealand, Vanuatu, Ghana, Canada, Albania, EU & its mS, Tonga, South Africa, Uruguay, Argentina, Tanzania, Oman, United Kingdom, Cabo Verde, Viet Nam, Nigeria, Indonesia, India, Singapore, Norway, Armenia, Central African Republic, Qatar, Israel, Burkina Faso, Algeria, Uganda, China, Georgia, Thailand, Chile, Japan, Mexico]

*Article 10. Misuse of devices*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and [without right alt: unlawfully (Iran, Iraq, Russian Federation, Pakistan, Syria, Venezuela, Namibia, Belarus) (delete: Singapore)]:

(a) The [obtaining, (delete: Switzerland, Japan, EU & its mS, Norway) (retain original: Iraq, Russian Federation)] production, sale, procurement for use, import, distribution or otherwise making available of:

(i) A device, including a [computer (Philippines, EU & its mS, Oman, Armenia, Canada, Japan)] programme, [designed or adapted alt: specifically intended or modified (Pakistan)] primarily for the purpose of committing any of the offences established in accordance with articles 6 to 9 of this Convention; or [hiding the identity of the offender (Iran)]

[(i bis) A device, including a program, specifically intended or modified to compromise or disable the safeguards for information protection (Pakistan) (Delete: Canada)]

(ii) A [computer (Philippines, EU & its mS, Oman, Armenia, Canada, Japan)] password, access credentials, [digital or (Iraq)] electronic signature or similar data by which the whole or any part of [a computer system] [an information and communications technology device] is capable of being accessed;

[(ii bis) Electronic information deliberately designed to neutralize the means of protecting information (Russian Federation) (Delete: Canada, Georgia)]

[with the [criminal (Iraq)] intent that the device, password, access credentials or similar data be used for the purpose of committing any of the offences established in accordance with articles 6 to 9 of this Convention; and (delete: Iran. Retain original: Philippines, EU & its mS)]

(b) The possession of an item referred to in paragraph 1 (a) (i) or (ii) of this article, with intent that it be used for the purpose of committing any of the offences established in accordance with articles 6 to 9 of this Convention. [A State Party may require by law that a number of such items be possessed before criminal liability attaches. (delete: Russian Federation)]

2. This article shall not be interpreted as imposing criminal liability where the [obtaining, (delete: Switzerland, Japan, EU & its mS, Norway) (retain original: Russian Federation, Iran)] production, sale, procurement for use, import, distribution or otherwise making available, or the possession referred to in paragraph 1 of this article is not for the purpose of committing an offence established in accordance with articles 6 to 9 of this Convention, such as for the authorized [and consensual (Iran, Russian Federation)] testing or protection of [a computer system] [an information and communications technology device] [which is conducted in accordance with domestic laws and regulations (Iran, Russian Federation, Syria)].

3. Each State Party may reserve the right not to apply paragraph 1 of this article, provided that the reservation does not concern the sale, distribution or otherwise making available of the items referred to in paragraph 1 (a) (ii) of this article.

[retain original: United States, Lebanon, CARICOM, Dominican Rep., Rep. of Korea, Malaysia, Costa Rica, Peru, Liechtenstein, Panama, Chad, Australia, Brazil, New Zealand, Vanuatu, Ghana, Canada, Albania, EU & its mS, Tonga, South Africa, Uruguay, Argentina, Tanzania, United Kingdom, Cabo Verde, Viet Nam, Indonesia, India, Central African Republic, Qatar, Israel, Burkina Faso, Algeria, Uganda, China, Georgia, Chile, Mexico]

[Article 10 bis. Unlawful interference with critical information infrastructure

1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the intentional creation, distribution



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and/or use of software or other digital information knowingly designed to interfere unlawfully with critical information infrastructure, including software or other digital information for the destruction, blocking, modification, copying of information contained therein, or for the neutralization of security features.

2. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence under its domestic law the violation of the rules of operation of media designed for storage, processing and transfer of protected digital information contained in critical information infrastructure or information systems or information and communication networks that belong to critical information infrastructure, or the violation of the rules of access to them, if such violation damages the critical information infrastructure. (Russian Federation, Iran, Belarus, Burkina Faso, Venezuela, Egypt, Iran. Delete: Australia, United States, EU & its mS, New Zealand, Georgia, Norway, United Kingdom, Liechtenstein, Canada, Chile, Japan, Mexico)]

*[Article 10 ter. Unlawful provision of service*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right

(a) The provision of service or technical support, including internet access, server hosting, online storage, communications transmission or similar services; or

(b) The creation of websites, communication networks

with the intent that the service or technical support be used for the commission of any of the offences established in accordance with this Convention. (China, Iran, Russian Federation, Venezuela, Iran, Egypt. Delete: Australia, United States, EU & its mS, New Zealand, Georgia, Norway, United Kingdom, Liechtenstein, Canada, Japan, Mexico)]

*[Article 10 quater. Unlawful provision of services*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right the provision of network services to facilitate the commission of crimes by others, no matter whether others actually commit the crimes thereafter. (China, Russian Federation, Venezuela, Egypt) (Delete: United Kingdom, New Zealand, United States, EU & its mS, Norway, Australia, Canada, Japan, Mexico)]

*[Article 10 quinquies. Violation of personal data*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right, the sale, provision or otherwise making available of any material containing personal data to any other persons through the use of an information and communications technology system/device.

2. A State Party may require that the conduct described in paragraph 1 result in serious harm.

3. A State Party may require that the affected personal data reach certain amount or scale before criminal liability is attached. (China, Russian Federation, Venezuela, Egypt) (Delete: United Kingdom, New Zealand, United States, EU & its mS, Norway, Australia, Canada, Japan, Mexico)]

*Article 11. [Computer alt: information and communications technology (Russian Federation)]-related forgery*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and [without right alt: unlawfully (Iran, Pakistan, Egypt, Iraq, Oman, Syria, Russian Federation, Venezuela, Namibia, Belarus. Retain original: CARICOM)], [and that would cause prejudice to others (Morocco)] the [creation, manipulation, (Indonesia, Canada)] input, alteration, deletion or [suppression alt: blocking (Russian Federation, Venezuela)] of [computer data] [digital alt: electronic (Russian Federation)] information] resulting in inauthentic [or false (Russian Federation)] [including data conducive to terrorism-related crimes and other crimes with the use of information and communications technologies (Russian Federation, Egypt, Iraq, Syria) (delete: CARICOM)] data with the intent that it be considered or acted upon for legal purposes as if it were authentic [or true (Russian Federation, Iran)], [regardless of whether or not the data are directly readable and intelligible (delete: Russian Federation)].

[(a) Creation, input, alteration, deletion or suppression of [computer data] [digital information] resulting in inauthentic data with the intent that it be considered or acted upon for legal purposes as if it were authentic, regardless of whether or not the data are directly readable and intelligible.

(b) Deliberately using forged data. (Iran) (delete: CARICOM, Australia)]

[2. (For the purpose of this article, (CARICOM)) A State Party may require an intent to defraud, or a similar [dishonest alt: criminal (Pakistan, Egypt, Iraq, Syria, Yemen, Iran, Venezuela, Namibia, Belarus)] intent, before criminal liability attaches. (Delete paragraph: Rep. of Korea., Russian Federation, Morocco)]

[retain original: Peru, Uruguay, United Kingdom, United States, Norway, Nigeria, Côte d'Ivoire, EU and its mS, Ghana, Lebanon, Armenia, Australia, Panama, Vanuatu, Albania, CARICOM, Cabo Verde, Viet Nam, Georgia, Thailand, Qatar, Colombia, South Africa, Guatemala, Costa Rica, Bahrain, New Zealand, Switzerland, Algeria, Dominican Rep., Tonga, Malaysia, Tanzania, Kenya, Ecuador, Liechtenstein, Israel, Canada, Palestine, Argentina, Chile]

#### [Article 11 bis. Use of forged data

Each State Party shall adopted legislative measures as may be necessary to criminalize as per its internal legislation acts of intentional unlawful use of forged data. (Senegal. Delete: Norway, Australia, Canada, Mexico, United States)]

Article 12. [Computer alt: information and communications technology (Russian Federation)]-related [theft or (delete: Costa Rica, Paraguay, Peru, Rep. of Korea, Uruguay, United Kingdom, United States, Norway, Nigeria, EU and its mS, Lebanon, Armenia, Panama, Vanuatu, Albania, CARICOM, Cabo Verde, Viet Nam, Georgia, Iraq, Thailand, Qatar, Colombia, South Africa, Syria, Guatemala, Senegal, Bahrain, El Salvador, New Zealand, Switzerland, Yemen, Algeria, Dominican Rep. Venezuela, Tonga, Malaysia, Tanzania, Benin, Israel, Palestine, Senegal, Chile, Retain: Côte d'Ivoire, Egypt, China, Russian Federation, Iran, Namibia, South Africa)] fraud

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and [without right alt: unlawfully (Iran, Pakistan, Iraq, Syria, Russian Federation, Venezuela, Namibia, Belarus. Retain original: CARICOM)], [the causing of a [loss (alt: criminal damage (Syria)) of property alt: property damage (Paraguay, Algeria, Ecuador, Peru)] to another person by means of: (retain original: Australia, Georgia, New Zealand, Canada) (delete: Morocco)]

(a) Any input, alteration, deletion or suppression[, copying or unlawfully acquiring of (Iran, Russian Federation, Syria)] [use of a false name or identity theft (Saudi Arabia, Egypt, Iraq, Oman)] of [computer data] [digital information]; [retain

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original: Australia, CARICOM, Cabo Verde, Georgia, New Zealand, Canada, EU & its mS]

(b) Any interference with the functioning of [a computer system] [an information and communications technology device]; [retain original: CARICOM]

[(b ter) Any deception as to [factual] circumstances made using [a computer system] [an information and communications technology system/device] (that causes a person to do or omit (delete: CARICOM)) to do anything which that person would not otherwise do or omit to do. (Singapore, Brazil, United Kingdom, United States, Nigeria, EU and its mS, India, Ghana, Lebanon, Armenia, Australia, Panama, Vanuatu, Viet Nam, Georgia, Thailand, Colombia, China, Costa Rica, New Zealand, Switzerland, Algeria, Dominican Rep., Tonga, Malaysia, Tanzania, Paraguay, Peru, Liechtenstein, Israel, Namibia, Canada, Palestine, Norway, Argentina)]

[(b quater) Any use of [a computer system] [an information and communications technology system/device] to deceive or abuse confidence with the aim to induce another natural or legal person to do or omit to do anything (Russian Federation, Venezuela, Delete: Australia, New Zealand, Norway Liechtenstein, Canada, EU & its mS)]

With the [prior (Yemen)] [intent to carry out fraudulent activities (Syria)] [fraudulent or dishonest alt: criminal (Pakistan, Yemen, Iran, Venezuela, Iraq, Belarus) Delete: Russian Federation, Benin] intent of procuring for oneself or for another person, [without right alt: unlawfully (Iran, Pakistan, Iraq, Syria, Venezuela, Namibia, Belarus. Retain original: CARICOM) Delete: Russian Federation], [an economic (or other (Russian Federation, Cote d'Ivoire, Egypt, CARICOM, Syria, Thailand)) (and financial: Morocco) benefit alt: any kind of economic or financial benefit (Iran, Saudi Arabia, Egypt.)] [or to obtain property (Australia)] (or [computer data] [digital information] containing personal data [or the theft thereof (Syria)], including information related to a person's bank account [or credit (or debit: Iraq) (electronic: Qatar, Syria) card information (Saudi Arabia, Syria, Bahrain, Russian Federation)], without the consent of the person concerned, [that would not otherwise be made available to the perpetrator (delete: Japan, EU and its mS)) delete: Syria].

Alt 1. with the fraudulent or dishonest intent of procuring for oneself or for another person, without right, a gain in (money or other (delete: Tanzania)) property (United Kingdom, EU and its mS, Singapore, Ghana, Lebanon, Albania, Cabo Verde, Viet Nam, Georgia, Iraq, South Africa, China, New Zealand, United States, Tonga, Malaysia, Tanzania, India, Canada, Argentina) (delete: CARICOM, Russian Federation)

[alt 2. all attempts against the functioning of an ICT system with the intent to obtain an economic benefit for oneself or for another person (Senegal) (delete: CARICOM, Canada, New Zealand)]

[Bis. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and without right the act of engaging in extortion through the use of an information and communications technology system/device, which involves coercive tactics to unlawfully obtain economic or other benefit from other persons. Liechtenstein

[retain original: Peru, Uruguay, Norway, Nigeria, Lebanon, Guatemala, Costa Rica, United States]

[Article 12 bis. Illicit use of electronic payment means and instruments

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences when committed intentionally the following acts:

(a) The forging, illegal production, alteration of any electronic payment means and instruments and use of such instruments;

(b) The use of any electronic payment means and instruments for criminal purposes;

(c) Illegal purchase, sale or otherwise making available of electronic payment means and instruments; and

(d) The knowing acceptance of a forged payment instrument. (Russian Federation, Belarus, Burundi. Delete: Australia, Georgia, New Zealand, United States, Israel, Norway, United Kingdom, EU & its mS, Canada, New Zealand)]

*Article 13. Offences related to [child pornography. (Namibia, Senegal, Cameroon, Pakistan) also known as: Holy See, Namibia, Cameroon – throughout text. Retain original: Brazil, New Zealand, Uruguay, Ghana, Malaysia, United States, Vanuatu, EU and its mS, Panama, Morocco, Paraguay, Norway, United Kingdom, Liechtenstein, Nigeria, Colombia, Sudan, Guatemala, Kenya, Chile, Mozambique, South Africa, Philippines, Indonesia, Georgia, Switzerland, Benin, Russian Federation]*

*online child sexual abuse or [online (Namibia)] child sexual exploitation material [alt: materials' (Morocco)]*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally and [without right (delete: Yemen, Tanzania, Burkina Faso, Russian Federation) alt: unlawfully (Iran, Russian Federation, Pakistan, Cameroon, Venezuela, Sudan, Syria, Iraq, Mozambique, South Africa. Retain: Norway, Liechtenstein, El Salvador, Colombia, Philippines, Australia, Canada, New Zealand)], the following conduct:

(a) Producing, [offering (delete: Mozambique) (retain: Iran)], [selling (delete: CARICOM, EU and its mS, Norway, Holy See, Mozambique. Retain: Philippines, Iran)], [distributing, transmitting (delete: Palestine, Mozambique Retain: Australia)], [broadcasting (delete: CARICOM, EU and its mS, Norway, Mozambique, Russian Federation. Retain: Philippines, Russian Federation, Iran)], [displaying, publishing (delete: EU and its mS, Palestine, Mozambique. Retain: Philippines, Iran)] [directing, manufacturing, facilitating, creating (Philippines)] [exposing (Central African Republic)] or otherwise making available child sexual abuse or child sexual exploitation material through [a computer system] [an information and communications technology device] [retain original: Georgia, El Salvador, Nigeria, Iraq] [and/or participating in such acts, including permitting or influencing a child to engage to participate or assist in such acts (Philippines, Russian Federation)];

(b) [Soliciting (delete: Japan, EU and its mS, Morocco, Yemen, Syria. Retain: Philippines. Retain: Australia)], [knowingly (India, Philippines)] procuring, [for oneself or another person: EU and its mS, Norway, Philippines, Russian Federation] [knowingly: EU and its mS, Norway, Philippines] [accessing (delete: Japan, India) (retain: Iran, Australia)], [or otherwise engaging with (delete: Singapore, Japan, EU and its mS, United Kingdom. Retain: Georgia, Iran, United States)] child sexual abuse or child sexual exploitation material through [a computer system] [an information and communications technology device] [and/or participating in such acts, including permitting or influencing a child to engage, participate or assist in such acts (Philippines, Iraq)];[retain original: El Salvador, Holy See, Russian Federation, Australia]

(b alt) Soliciting or procuring content presenting child sexual abuse or child sexual exploitation material;

[Accessing regularly content presenting child sexual abuse or child sexual exploitation material. A State party may allow the accidental access to content presenting child sexual abuse or child sexual exploitation material. (Senegal)]

(c) Possessing [or controlling (delete: CARICOM, EU and its mS, Switzerland. Retain: Panama, Morocco, Russian Federation) alt: administrating (Paraguay)] [offering, selling, distributing, advertising, promoting, exporting, or

importing (Philippines, Iraq, Russian Federation)] child sexual abuse or child sexual exploitation material stored in [a computer system] [an information and communications technology device] or another storage medium; [retain original: Iraq, Russian Federation]

[(d) Financing, facilitating [~~encouraging, inciting (Morocco, Iraq)] [or profiting from (delete: Israel)] the offences established in accordance with this article. (delete: CARICOM, Japan, EU and its mS, Norway, Sudan. Retain: Tanzania, Philippines, Iran, Russian Federation)]~~

[(d bis) Making pornographic content available for children, intentionally or by negligence in verifying the identity of the users;

(d ter) Persuasion, inducement, incitement, encouragement, or coercion of the child to access sexual material or engage in sexual activity using information and communications technologies (Iran, Russian Federation) (Delete: EU and its mS, Philippines, Australia, United States)] [keep in separate provision in the same article (Holy See)] [retain original: Ecuador, Algeria]

[1 bis. Providing a venue for the commission of acts in this article, such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments (Philippines) (delete: Russian Federation)]

2. For the purposes of this article:

(a) The term “child sexual abuse or child sexual exploitation material” shall include material that depicts [~~describes. (Australia, Canada, New Zealand, Uruguay, Ghana, Costa Rica, Malaysia, Vanuatu, Pakistan, Georgia, Tonga, Ecuador, Liechtenstein, Colombia, Sudan, Guatemala, Indonesia, Sierra Leone. Delete: United States)] or represents a child [or a person appearing to be a child (delete: Argentina, Japan, United States, Georgia, Tonga, Paraguay, Algeria, Syria, Kenya, Mozambique. Retain: Panama, Holy See, Cameroon)]:~~

(i) Engaging in real or simulated [sexual activity (or pose (delete: CARICOM, Japan, Russian Federation)) alt: sexually explicit conduct (EU and its mS, Norway, Guatemala)]; [Retain original: Australia]

[(ii) In the presence of a person engaging in any sexual activity; delete sub-para: Japan, EU and its mS, United Kingdom. Retain: Holy See, Cameroon, Australia, Russian Federation)]

(iii) Whose [sexual (body: Pakistan, Sierra Leone) (parts alt: organs (EU and its mS, Morocco. Retain: Syria, Russian Federation)) (, including the genitals, anus or pubic area of any person (United States, Sierra Leone. Delete: Russian Federation)) alt: genital organs, anal region and, (if female, their (delete: Canada, New Zealand, Malaysia, United States, Georgia, Nigeria)) breasts (Australia, Canada, New Zealand, Costa Rica, Malaysia, Vanuatu, Panama, Georgia, Tonga, Nigeria, Holy See, Colombia, Guatemala, Cameroon) (Retain original: CARICOM, Qatar, Norway, Mozambique, South Africa, Russian Federation)] alt: genitalia or other private body parts (Philippines) are displayed for [primarily (delete: Iran, Philippines, Indonesia)] sexual purposes; or

(iii alt) [displayed in a sexually explicit manner where certain body parts of the child, such as genital organs or anal region, or, if female, breasts are exposed for sexual purposes (Ghana, Tanzania)]

[(iv) Who is, or is implied to be, a victim of [sexual violence (Côte d’Ivoire)] torture or cruel, inhumane or degrading treatment or punishment and such material is sexual in nature; (delete sub-para: CARICOM, Japan, India, United States, EU and its mS, Morocco, Norway, United Kingdom, Syria, Tanzania, Argentina. Retain: Guatemala, Philippines, Australia)]

[move para to article 2 (use of terms): Morocco]

(b) The term “material” shall include [any visual material, including (Liechtenstein)][[real or unreal content including, (Iran, Pakistan, Holy See. Delete: Liechtenstein)] images, video and [live-streaming media (delete: Japan)] [as well as (Liechtenstein)], (written [or any combination thereof (Philippines)] material (delete: EU and its mS, Paraguay)) [and audio recordings (delete: Rep. of Korea, EU and its mS, Paraguay. Retain: Brazil, Malaysia, Holy See, Philippines, Iran)]. [including when computer-generated (Brazil, Uruguay, Norway, Holy See, Guatemala, Philippines, Russian Federation)] [, including simulated representations of a child or children (Holy See, Egypt)] alt: all content of a sexual nature (Senegal)}[retain original: Colombia, South Africa].

[(b alt) The term material under paragraph 1 (a), except the case of offering, of this article shall include images, video and live-streaming media, written material and audio recordings. The term material under paragraph 1 (a), in case of offering only, paragraph 1 (b), and paragraph 1 (c) of this article, shall include images, video, written material and audio recordings. (Japan)]

[2 bis. For the purposes of implementing the provisions of this article, the term child pornography, as contained and defined in the Second Optional Protocol to the Convention to the Rights of the Child and in use by some States Parties within their national contexts, shall be understood to have the same meaning as child sexual abuse or child sexual exploitation material, as defined in paragraph 2 of this article (Holy See, Egypt, Russian Federation) (Delete: United Kingdom, Liechtenstein, Nigeria, Switzerland, South Africa)]

3. A State Party may require that the material identified in paragraph 2 [(b) delete: EU and its mS] be limited to material that:

(a) Depicts, [describes or (delete: EU and its mS)] represents a [real (delete: CARICOM, Mozambique)] child; or

[(b) Visually depicts child sexual abuse or child sexual exploitation (delete sub-para: EU and its mS, Norway. Retain: Philippines)][:. or

(b bis) Where it applies to material identified in paragraph 2 (a) (iv), that such material is sexual in nature (Australia, Canada, New Zealand, Costa Rica, Vanuatu, Georgia, Tonga, Colombia. Delete: United States, Russian Federation)]

[(b ter) Depicts, describes, or represents computer generated digitally or manually crafted images or graphics of a person who is represented or is made to appear to be a child (Philippines, Russian Federation)]

[(Delete paragraph 3: Iran, Holy See, Egypt, Pakistan) (Retain: Brazil, Japan, United Kingdom, Algeria, Philippines, Australia)]

[3 alt. States Parties shall adopt such legislative and other measures as may be necessary to ensure that service providers and platforms offering services in the territory fully comply with the law enforcement or judicial authorities request [or order (Philippines)] to remove or render the criminal material related to this article inaccessible (Iran, Philippines, Russian Federation) (Delete: New Zealand, Georgia, United Kingdom, Switzerland, United States)]

[3 quarter. Each State Party may establish as aggravating circumstances to the offences established in accordance with this article, where such offence or offences have been perpetrated against a disabled or incapacitated child (Iran, Russian Federation)]

[3 quinquies. The Member States shall apply the necessary measures in order to confiscate and destroy the pornographic materials related to the child sexual abuse and exploitation (Morocco, Russian Federation)]

4. States Parties [shall alt: may (Iran, Singapore, Tanzania)] [take consider taking (Algeria)] [appropriate (United Kingdom)] steps to [exclude alt: avoid (Australia, Canada, Côte d'Ivoire, New Zealand, Ghana, Costa Rica, Tonga, United Kingdom, United States)(Retain original: Colombia)] the [over-(Australia, Canada, Côte

d'Ivoire, New Zealand, Ghana, Tonga, United States)] criminalization of children under the age of 13 years (Côte d'Ivoire)] for self-generated material as described in paragraph 2 of this article. [delete paragraph: India, Russian Federation, Paraguay, Syria] [retain original: Philippines]

[4 alt 1 (replacing 4 and 5). States Parties (may alt: shall (Holy See)) take steps to avoid the (over- (delete: Holy See)) criminalization of the conduct under paragraph 1, where related to self-generated material, and the material is not exploitative to the child. States Parties shall ensure that there are appropriate safeguards under domestic law to protect children who are accused of this offence, consistent with their obligations under the Convention on the Rights of the Child and its Protocols. (Australia, Canada, Brazil, New Zealand, Japan, Malaysia, Vanuatu, Panama, Tonga, Venezuela, Indonesia)] [keep paragraphs 4 and 5 separate: Costa Rica]

[4 alt. States Parties shall take steps to exclude the criminalization of persons for self-generated material, involving the acts of production, procuring, or possession, as described in paragraph 2 of this article, which exclusively depicts or represents

(a) Children who have reached the legal age for sexual activities;

(b) Peers, who are close in age and degree of psychological and physical development or maturity;

Where such material is produced and possessed with the consent of the persons depicted or represented and only for their private use, insofar as the depicted or represented acts did not involve any abuse. (EU and its mS, Paraguay, Guatemala, Delete: Russian Federation, Iran)]

[4 alt 2. State Parties shall/may take steps to exclude the criminalization of persons for conduct as described in paragraph 1 of this article regarding self-generated material depicting or representing another person that is close in age or degree of majority insofar the material is exclusively for private use, the depicted or represented person has consented, or the depicted or represented acts did not involve any abuse (Norway, Liechtenstein, Switzerland, Delete: Russian Federation, Iran)]

[4 alt 3. States Parties shall enact laws which are more conducive to the realization of the rights of the child, and which may be contained in

1. the law of a State Party, or

2. international law in force for the State (Pakistan)]

5. States Parties shall ensure that there are appropriate safeguards under domestic law to protect children who are accused of this offence, consistent with their obligations [they may have (United States, Delete: Russian Federation)] under the Convention on the Rights of the Child and its Protocols [as well as other applicable international or regional instruments (EU and its mS, Paraguay, Liechtenstein, Philippines, Switzerland, Delete: Russian Federation)].

[5 bis. A child cannot consent to the creation and dissemination of material as defined in article 13 paragraph 2 (b) (Holy See, Cameroon, Russian Federation).]

[5 ter. Each State Party may reserve the right to not apply, in whole or in part, paragraph 1 (c) (China)]

[retain original article: Viet Nam, Iran, Argentina, Angola]

*Article 14. [Preparatory acts (Grooming (Ghana, Malaysia, United Kingdom, South Africa, Indonesia, Georgia, Sierra Leone)) and the (Australia, Ghana, Costa Rica, Ecuador, United Kingdom, Indonesia, Georgia, Sierra Leone, Delete: Brazil). Retain original: EU and its mS, Norway, Liechtenstein, Holy See, Switzerland, Russian Federation] Solicitation of a child for sexual purposes through [a computer system] [an information and communications technology device]*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, [the act of

(Thailand, Russian Federation)] [when committed (delete: Canada, Thailand, Costa Rica, Liechtenstein, Algeria)] intentionally [communicating, soliciting, or making any arrangement (Canada, Thailand, Liechtenstein, Algeria)] (by an adult (delete: Canada, Singapore, Thailand, Ghana, Costa Rica, United States, Vanuatu, Venezuela, Liechtenstein, Algeria, Colombia, Philippines, Indonesia. Retain: Kenya) alt: by any person (Philippines)) through [a computer system] [an information and communications technology device], [(communicating (delete: Japan, EU and its mS. Retain: Philippines)), [soliciting (delete: EU and its mS, Retain: Philippines)], (threatening, deceiving (Iran, Holy See, Philippines, Russian Federation)) (or making any arrangement (delete: Central African Republic) (delete: Canada, Thailand, Costa Rica, Liechtenstein, Algeria)) [or facilitating the commission of offence through (Malaysia)] [to engage or making it easier to engage (Australia, Uruguay, Ghana, Costa Rica, Georgia, Ecuador, Paraguay, Guatemala)] with a child [or a person believed to be a child (Holy See, Iran, Russian Federation)] ~~[by an adult (United States)]~~ [for sexual purposes (delete: Australia, Uruguay, Costa Rica, Paraguay, Philippines. Retain: Holy See) alt: to engage in any illegal sexual activity (United States)] [for the purpose of committing a sexual offence, as defined in domestic law, with respect to that child (Canada, Costa Rica, Georgia, Norway, United Kingdom, Liechtenstein, Indonesia)] [including through persuasion, false statements or coercion (Holy See, Iran)], alt: for the purpose of facilitating the commission of sexual activity or production of any form of child sexual abuse or exploitation material (Philippines, Russian Federation)] [(including: delete (Yemen)) for the commission of any of the offences established in accordance with article 13 (delete: Japan)].

[ (a) Making any proposal to meet a child who has not reached the legal age for sexual activities for the purpose of producing child sexual abuse and child sexual exploitation material described in article 13 paragraph 2 where that proposal was followed by material acts leading to such a meeting.

(b) The attempt to solicit a child, in order to procure, possess or knowingly obtain access to child sexual abuse and child sexual exploitation material depicting that child as described in article 13 paragraph 2. (EU and its mS. Delete: Russian Federation)]

[1 bis. For the purpose of this article, a Party may, however, require a lower age limit for a child under article 2 paragraph 1 of this Convention, which shall be no less than 16 years. (Japan, Nigeria, Australia. Delete: United States, Iraq, Russian Federation)]

2. A State Party may require [appropriate conditions for the solicitation and making any arrangement described in paragraph 1, in a manner that is consistent with this articles' objectives and principles, including the age difference between such a child and the person who commits the offence and (Japan)] an act in furtherance of the communication described in paragraph 1. [Delete paragraph: Russian Federation]

[2 bis. For the purposes of this article, a State Party may, in line with its domestic law, limit criminalization to a specific close-in-age exception between the child, no less than 16 years of age, and a person aged 18 years and above. (Australia) (Delete: Canada, United States, Iraq)]

[2 alt. A State Party may require that the proposal was followed by material acts leading to such a meeting (Norway, Liechtenstein, Switzerland) (delete: Iran)]

[Delete paragraph 2: Costa Rica, Russian Federation, Serbia, Syria, Philippines] [retain original: United Kingdom]

[Retain original: CARICOM, Tonga, Morocco, Tanzania, Viet Nam, Mexico, South Africa]

*Article 15. [Non-consensual (delete: Iran, Cameroon, Egypt. Retain: New Zealand, Ghana, EU and its mS, United Kingdom, Mozambique, South Africa, Georgia, Switzerland, Benin)] [collection of and (Senegal)] dissemination of intimate images*



1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally [and (without right alt: unlawfully (Iran, Pakistan, Syria, South Africa, Iraq, Belarus, Russian Federation) Retain: Norway, Liechtenstein, Benin, Australia) delete: Russian Federation, Nigeria, Tanzania], the [collection of (Senegal)] [offering (delete: Japan, EU and its mS) (retain: Russian Federation)], [selling (delete: EU and its mS) (retain: Iraq, Russian Federation)], distributing, transmitting, [publishing (delete: Japan, EU and its mS) (retain: Iraq, Russian Federation)] or otherwise making available of an intimate image [or images as required in accordance with domestic law (China)] of a person [over the age of 18 (United States, Holy See, Australia) alt: as described in article 2 paragraph (i) (Qatar)] by means of [a computer system] [an information and communications technology device], [to the public (Japan)] [without the consent of the person depicted in the image (delete: Yemen)]. [retain original: Georgia, Morocco, Algeria]

2. For the purpose of paragraph 1, “intimate image” shall mean a visual recording [or representation (delete: Japan, EU and its mS. Retain: Georgia, Russian Federation)] of a [natural (delete: United States)] person [over the age of 18 (United States, Paraguay, Australia) (delete: Russian Federation)] [, who is of legal age to engage in sexual activity under domestic law, (Canada, New Zealand, Georgia, Liechtenstein)] [, who is or appears to be an adult, (Australia, Pakistan, Holy See)] made by any means [including an AI-software-generated image (Iraq, Russian Federation)], including a photograph, [film (delete: Japan)] or video recording [that is sexual in nature: EU and its mS], in which the person is nude, is exposing their [(genital alt: sexual (Morocco)) organs, [of pubic area (Philippines)] anal region [or and if female, their (Australia, Tonga, Philippines. Delete: Morocco)] breasts alt: Pakistan] [undergarment clad genital organs, pubic area, buttocks or female breasts (Philippines)], or is engaged in [real or simulated (Philippines)] sexual activity, [and in respect of (delete: Canada, New Zealand, Liechtenstein) [who is of legal age to engage in sexual activity (which was private at the time of the recording, and the persons depicted maintained their privacy interest in the image at the time of the offence which (is private (Canada, New Zealand, Liechtenstein, Australia)), [at the time of the recording, (delete: Australia, Ecuador, Mauritania)] [there were circumstances that gave rise to a reasonable expectation of privacy (delete: Iran, EU and its mS)] and at the time of the offence, the person depicted maintained their privacy interest in the image. (Canada, New Zealand, Liechtenstein, Australia)]. [which was private at the time of the recording, and the persons depicted maintained their privacy interest in the image at the time of the offence (Thailand), Russian Federation] [and does not otherwise meet the definition of CSAM as defined in paragraph 13 paragraph 2 (United States)] [retain original: Algeria, Sudan, Guatemala, Kenya]

[move para to article 2 (use of terms): Morocco]

[2 alt. For the purposes of paragraph 1, intimate image shall mean an image or recording,

(a) of a person’s genital or anal region, whether bare or covered by underwear;

(b) of a person’s breasts, if the person is female whether bare or covered by underwear;

(c) of a person doing a private act; and

include an image or recording in any form that has been altered to show any of the things mentioned in this paragraph, but excludes an image so altered that no reasonable person would believe that it depicts said person. (Singapore, India, Pakistan) (delete: Russian Federation)]

[3. A State Party may require [either: EU and its mS] the intent to cause harm [or that the intimate image was recorded without the consent of the person concerned (EU and its mS)] before criminal liability attaches. [delete paragraph: Australia, Canada, Iran, Egypt, New Zealand, Iraq, Costa Rica, Vanuatu, Panama, Georgia, Tonga,

Morocco, Ecuador, Paraguay, Nigeria, Colombia, Syria, Kenya, Tanzania, Philippines, Russian Federation, Retain: Palestine]

[3 alt 1. A State Party may require that this offence only applies to persons that are 18 years of age or older. (Canada, New Zealand. Delete: Holy See, Russian Federation)]

[3 alt 2. States Parties shall adopt such legislative and other measures as may be necessary to ensure that service providers and platforms offering services in the territory fully comply with the law enforcement or judicial authorities request to remove or render the criminal material related to this article inaccessible (Iran, Pakistan, Russian Federation, Delete: Switzerland, Australia, United States)]

[retain original article: Holy See, CARICOM, Uruguay, Venezuela, Guatemala, Sierra Leone, South Africa, United States]

[3 bis. Paragraph 1 of this article shall apply without prejudice to the application of exceptions provided for under domestic law, which guarantee the freedom of expression and information and the freedom of the arts and sciences (EU and its mS, Georgia)]

[3 bis. The agreement of the child to publish intimate images of which they are the subject cannot be acceptable (Syria)]

[delete article: Viet Nam]

*[Article 15 bis. Involvement of minors in the commission of illegal acts*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence the use of an information and communication technology system/device, to involve minors in the commission of crimes or other acts that endanger their lives or their physical or mental health, except for acts provided for in article on the encouragement of or coercion of suicide of this Convention. (Russian Federation, Mali, Belarus, Nicaragua, Burkina Faso, Eritrea, Venezuela, Sudan, Cuba, Burundi, DPRK, Iran, Sierra Leone. Delete: United States, Georgia, Norway, United Kingdom, Liechtenstein, Switzerland, Australia, EU & its mS, New Zealand, Israel, Canada, Japan, Mexico)]

*[Article 15 ter. Encouragement of or coercion to suicide*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences the encouragement of coercion to suicide including of children through psychological or other forms of pressure implied through the use of an information and communications technology system/device.

2. Each State Party shall adopt such legislative or other measures as may be necessary to compel service providers to render content related to paragraph 1 of this article inaccessible. (Russian Federation, Mali, Belarus, Nicaragua, Eritrea, Venezuela, Sudan, Cuba, Burundi, DPRK, Iran, Sierra Leone, Egypt. Delete: United States, Georgia, Norway, United Kingdom, Liechtenstein, Switzerland, Australia, EU & its mS, New Zealand, Israel, Lebanon, Canada, Chile, Japan, Mexico)]

*[Article 15 quater. Incitement to subversive or armed activities*

Each State party shall adopt such legislative and other measures as are necessary to establish as an offence a call issued by means of information and communications technologies for subversive or armed activities directed towards the violent overthrow of the regime of another State. (Russian Federation, Mali, Belarus, Nicaragua, Burkina Faso, Eritrea, Venezuela, Sudan, Cuba, Burundi, DPRK, Egypt, Iran, Sierra Leone. Delete: Canada, United States, New Zealand, Dominican Republic, Guatemala, Norway, Georgia, Australia, EU & its mS, Israel, United Kingdom, Lebanon, Liechtenstein, Chile, Japan, Mexico)]

*[Article 15 quinquies. Extremism-related offences*

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1. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence or other unlawful act distribution by means of ICT of materials that call for unlawful acts motivated by political, ideological, social, racial, ethnic, or religious hatred or enmity, advocacy and justification of such actions or the provision of access to them.

2. Each State party shall adopt such legislative and other measures as are necessary to establish as an offence or other unlawful act under its domestic law humiliation by means of ICT of a person or group of people on account of their race, ethnicity, language, origin, attitude towards religion. (Russian Federation, Mali, Belarus, Nicaragua, Burkina Faso, Eritrea, Venezuela, Sudan, Cuba, Nigeria, Burundi, DPRK, Egypt, Sierra Leone. Delete: Canada, United States, New Zealand, Dominican Republic, Guatemala, Norway, Georgia, Australia, EU & its mS, Israel, United Kingdom, Lebanon, Liechtenstein, Chile, Japan, Mexico)]

*[Article 15 sexies: Denial, approval, justification or rehabilitation of genocide or crimes against peace and humanity*

Each State Party shall adopt such legislative and other measures as are necessary to establish as an offence the information and communications technology-related intentional dissemination of materials that deny, approve, justify or rehabilitate actions that amount to genocide or crimes against peace and humanity, established by the Judgment of the International Military Tribunal formed under the London Agreement of 8 August 1945. (Russian Federation, Mali, Belarus, Nicaragua, Eritrea, Venezuela, Sudan, Cuba, Burundi, DPRK, Sierra Leone. Delete: Canada, United States, New Zealand, Dominican Republic, Guatemala, Norway, Georgia, Australia, EU & its mS, Israel, United Kingdom, Lebanon, Liechtenstein, Chile, Japan, Mexico)]

*[Article 15 septies. Terrorism-related offences*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed by means of information and communications technologies, the commission of terrorist acts, the incitement, recruitment or other involvement in terrorist activities, the advocacy and justification of terrorism or the collection or provision of funds for its financing, training for terrorist acts, the facilitation of communication between terrorist organizations and their members, including the establishment, publication or use of a website or the provision of logistical support for perpetrators of terrorist acts, the dissemination of methods for making explosives employed in particular in terrorist acts, and the spreading of strife, sedition, hatred or racism. (Russian Federation, Mali, Belarus, Nicaragua, Burkina Faso, Eritrea, Venezuela, Sudan, Cuba, Nigeria, Burundi, DPRK, Egypt, Türkiye, Sierra Leone. Delete: Canada, United States, New Zealand, Dominican Republic, Guatemala, Norway, Georgia, Australia, EU & its mS, Israel, United Kingdom, Lebanon, Liechtenstein, Chile, Japan, Mexico)]

*[Article 15 octies. Offences related to the distribution of narcotic drugs and psychotropic substances*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, illicit trafficking in narcotic drugs and psychotropic substances and materials necessary for their manufacture through the use of an information and communications technology system/device. (Russian Federation, Mali, Belarus, Nicaragua, Burkina Faso, Eritrea, Venezuela, Sudan, Cuba, Burundi, DPRK, Egypt, Sierra Leone. Delete: Canada, United States, New Zealand, Dominican Republic, Guatemala, Norway, Georgia, Australia, EU & its mS, Israel, United Kingdom, Lebanon, Liechtenstein, Chile, Japan, Mexico)]

*[Article 15 novies. Offences related to arms trafficking*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, illicit trafficking in arms, ammunition, explosive devices and explosive substances by means of information and communications technologies. (Russian Federation, Mali, Belarus, Nicaragua, Burkina Faso, Eritrea, Venezuela, Sudan, Cuba, Burundi, DPRK, Egypt, Sierra Leone. Delete: Canada, United States, New Zealand, Dominican Republic, Guatemala, Norway, Georgia, Australia, EU & its mS, Israel, United Kingdom, Lebanon, Liechtenstein, Chile, Japan, Mexico)]

*[Article 15 decies. Illegal distribution of counterfeit medicines and medical products]*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, the intentional and illegal distribution of counterfeit medicines and medical products by means of information and communication technologies. (Russian Federation, Mali, Belarus, Nicaragua, Eritrea, Venezuela, Sudan, Cuba, Burundi, DPRK, Egypt, Sierra Leone. Delete: Canada, United States, New Zealand, Dominican Republic, Guatemala, Norway, Georgia, Australia, EU & its mS, Israel, United Kingdom, Lebanon, Liechtenstein, Japan, Mexico)]

*[Article 15 undecies. Other unlawful acts]*

This Convention shall not preclude a State Party from establishing as an offence any other unlawful act, committed intentionally, with the use of information and communications technologies that causes significant damage. (Russian Federation, Mali, Nicaragua, Eritrea, Venezuela, Sudan, Burundi, DPRK, Iran, Sierra Leone. Delete: Canada, United States, New Zealand, Dominican Republic, Guatemala, Norway, Georgia, Australia, EU & its mS, Israel, United Kingdom, Lebanon, Liechtenstein, Japan, Mexico)]

*[Article 15 duodecies. Acts threatening public safety]*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, the organization, planning, and commission of violent acts that pose a serious threat to public safety, including but not limited to explosions and indiscriminate violences, through the use of information and communication technology. (China, Eritrea, Russian Federation, Venezuela, Sudan, DPRK, Lao PDR, Sierra Leone, Egypt) (Delete: United Kingdom, New Zealand, United States, EU & its mS, Lebanon, Norway, Liechtenstein, Australia, Canada, Israel, Japan, Mexico)]

*[Article 15 terdecies. Online trafficking of drugs]*

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, illicit trafficking in drugs, defined by its domestic law, and materials necessary for their manufacture, through the use of an information and communications technology system/device. (China, Eritrea, Russian Federation, Venezuela, Sudan, DPRK, Egypt, Lao PDR, Sierra Leone) (Delete: United Kingdom, New Zealand, United States, EU & its mS, Lebanon, Norway, Liechtenstein, Australia, Canada, Israel, Japan, Mexico)]

*Article 16. Laundering of proceeds of crime*

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

- (a) (i) The conversion or transfer of property [(with the use of ICTs (Kenya)), including digital assets (Russian Federation, China, Namibia, Malaysia, Saudi Arabia, Syria, Peru, Venezuela. Delete: Tanzania, United Kingdom, Australia, Georgia, Viet Nam, EU & its mS)], [knowing that such property is the proceeds

of crime (~~delete: Iran, Egypt. Retain: United Kingdom~~), for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of that person's actions;

(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property [, including digital assets (Russian Federation, China, Namibia, Malaysia, Syria, Peru, Venezuela. Delete: Tanzania, United Kingdom, Australia, Georgia, Viet Nam, EU & its mS)], knowing that such property is the proceeds of crime;

(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property [, including digital assets (Russian Federation, China, Malaysia, Syria, Peru, Venezuela. Delete: Tanzania, United Kingdom, Australia, Georgia, Viet Nam, EU & its mS)] is the proceeds of crime;

(ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

[delete paragraph: United States, Canada, Costa Rica, Liechtenstein, Norway, Vanuatu, United Kingdom, EU and its mS, New Zealand, Switzerland, Australia, Albania, Israel, Guatemala, Georgia, Tonga] [Retain par.: CARICOM, Russian Federation]

2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences; [delete paragraph: United States, Canada, Iran, Costa Rica, Liechtenstein, Norway, South Africa, Philippines, Vanuatu, United Kingdom, EU and its mS, New Zealand, Switzerland, Australia, Albania, Israel, Guatemala, Syria, Georgia, Tonga, CARICOM]

(b) Each State Party shall include, as predicate offences, relevant offences [, which are serious crimes (Japan)] established in accordance with articles 6 to 15 of this Convention. In the case of States Parties whose legislation sets out a list of specific predicate offences, they shall, at a minimum, include in that list a comprehensive range of offences [, which are serious crimes (Japan)] established in accordance with articles 6 to 15 of this Convention;

[Alt 1: Each State Party [shall (may: India)] include, as predicate offences for an offence established under article 6 paragraph 1 of the United Nations Convention Against Transnational Organized Crime, relevant offences established in accordance with articles 6 to 15 of this Convention. In the case of States Parties whose legislation sets out a list of specific predicate offences, they [shall (may: India)], at a minimum, [to the extent consistent with its domestic law (India)] include in that list a comprehensive range of offences established in accordance with articles 6 to 15 of this Convention. (United States, Canada, Costa Rica, Liechtenstein, Norway, Philippines, India, United Kingdom, EU and its mS, New Zealand, Switzerland, Australia, Albania, Cabo Verde, Israel, Guatemala, Dominican Rep., Georgia, Tonga, Argentina. Delete: Russian Federation, China, Tanzania, Nigeria, Namibia, Iran, Syria, Venezuela)]

(c) For the purposes of subparagraph (b), predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article, had it been committed there;

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the [secretariat of the Conference of the States Parties to this Convention alt: Secretary-General of the United Nations (Mauritania)];

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.

[2 bis. To be qualified the element of knowledge or intentionality or purposeness that should exist in any offence elisted under paragraph 1 of this article to be considered under the circumstances of the offence itself. (Mauritania. Delete: Canada, Australia, Albania)]

[2 ter. The transfer of illicit funds as proceeds of crime and carryng out banking processes electronically, using e-means to lauder proceeds of crime, including all other electronic acts that include the laundering proceeds of crime by using ICTs. (Yemen) (delete: Canada, Australia)]

[retain original: Tanzania, Nigeria, Egypt, Malaysia, Algeria]

[delete article : EU and its mS, New Zealand, Switzerland, Cabo Verde, Georgia, Morocco, Norway]

#### [Article 16 bis. Prohibition of incitement to violence

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, the dissemination or advocacy of national, racial or religious hatred, threat, and insult that constitutes incitement to discrimination, hostility or violence or otherwise making available, racist and xenophobic material against

(a) persons for the reason that they belong to a group, distinguished by race, colour, descent or national or ethnic origin, as well as religion, if used as a pretext for any of these factors, or

(b) a group of persons which is distinguished by any of these characteristics, through an information and communication technology system. (Pakistan, Iran, Azerbaijan, Russian Federation, Türkiye) (Delete: Georgia, EU and its member States, Lebanon, Australia, United States, New Zealand, Peru, Norway, Liechtenstein, Canada, Chile, Japan)]

#### [Article 16 ter.

Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as are necessary to criminalize the following acts, where means of ICTs are used:

1. Promoting or trafficking in narcotic drugs or psychotropic substances;
2. Illicit distribution of counterfeit medicines or medical products;
3. Smuggling of migrants;
4. Illicit trafficking in persons;
5. Illicit arms trade; and
6. Illicit trafficking in cultural property. (Egypt, Russian Federation, Syria. Delete: Georgia, Australia, United States, United Kingdom, EU & its mS, New Zealand, Peru, Norway, Liechtenstein, Canada, Japan)]

#### *Article 17. Offences relating to other international treaties*

States Parties shall adopt such legislative and other measures as may be necessary to ensure that offences established in accordance with applicable [international United Nations (EU and its member States, United States, New

Zealand, Vanuatu, Mexico, Norway, Liechtenstein, Canada, Kenya, Chile, Malaysia, Switzerland, United Kingdom, Albania, Tanzania, Indonesia, Georgia]] conventions and protocols [which the State is considered to be a party to and to this Convention (Yemen)] [to which they are Parties (Thailand, Iran, Norway, Lao PDR, Malaysia, Venezuela, United Kingdom, EU and its member States, Holy See, Iraq, Georgia)] [also apply are also established as criminal offences under its domestic law (Egypt, Iran, Nicaragua, Iraq) (against: United States, Georgia)] [apply as an aggravated form (Cuba)] when committed through the use of [a computer system] [an information and communications technology device]. [delete article: Costa Rica, Dominican Rep., Lebanon, Pakistan, Morocco, Rep. of Korea, Syria. Retain original: Egypt] [Retain article: Nigeria, South Africa]

[Alt: States Parties shall ensure that offences established in accordance with applicable United Nations conventions and protocols (to which they are parties (Viet Nam, Georgia, Singapore, EU and its member States, Saudi Arabia) are punishable also when committed through the use of [a computer system] [an ICT device]. (EU and its member States, Lebanon, United States, Guatemala, Viet Nam, Japan, Mexico, Georgia, Liechtenstein, Canada, Israel, Senegal, Chile, Ghana, Colombia, Peru, Singapore, Switzerland, Ecuador, United Kingdom, Türkiye, New Zealand, Sri Lanka)]

[Alt 2: States Parties shall adopt such legislative and other measures as may be necessary to ensure that offences other than those stipulated in article 6 to article X of this Convention, established in accordance with applicable international conventions and protocols, or under domestic law, when committed primarily through the use of an information and communications technology device also constitute criminal offences under this chapter. (China, Venezuela) (Against: Canada, New Zealand)]

#### *Article 18. Liability of legal persons*

1. Each State Party [shall alt: may (Singapore) Retain original: Iran] adopt [such (delete: Singapore)] measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons [including ICT providers and platforms, (Iran)] [for participation(, facilitation, non-prevention, and commission (Iran)) in alt: for acts committed by natural persons regarding (Mauritania)] the offences established in accordance with [articles 6 to 16 of (delete: Saudi Arabia, Tanzania, Burkina Faso, Russian Federation, Syria, Nigeria, India, Kenya, Egypt, Venezuela, Retain: Morocco)] this Convention.
2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.
3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences [regardless of the role they played (Senegal)].
4. Each State Party, shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

[Retain original: Chile, Israel, Georgia, Tonga, Canada, EU & its mS, Japan, New Zealand]

#### *[Article 18 alt. Corporate liability*

1. Each Party shall adopt such legislative and other measures as may be necessary to ensure that legal persons can be held liable for a criminal offence established in accordance with this Convention, committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within it, based on:

- (a) A power of representation of the legal person;

\_\_\_\_\_ (b) An authority to take decisions on behalf of the legal person;

\_\_\_\_\_ (c) An authority to exercise control within the legal person.

2. In addition to the cases already provided for in paragraph 1 of this article, each Party shall take the measures necessary to ensure that a legal person can be held liable where the lack of supervision or control by a natural person referred to in paragraph 1 has made possible the commission of a criminal offence established in accordance with this Convention for the benefit of that legal person by a natural person acting under its authority

3. Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil or administrative.

4. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offence. (Mauritania, Russian Federation)]

[retain original: CARICOM, Ghana, United Kingdom, Liechtenstein, Rep. of Korea, Viet Nam, New Zealand, Norway, Malaysia, South Africa, Canada, Australia, Cabo Verde, United States, Switzerland, Vanuatu, Peru, Argentina, Algeria, Namibia, Georgia, EU & its mS]

#### *Article 19. Participation and attempt*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, when committed intentionally, [(the participation [in any capacity ~~(delete: New Zealand, - such as that of an accomplice, [assistant alt: or any other form of participation in accordance with national legislation (Ecuador)]~~, instigator, [aider or abettor ~~(delete: CARICOM, Japan, Eritrea, Russian Federation, Syria, Tonga. Retain: India)]~~, [ who issues an order, or provides a shelter or place for meeting (Mauritania)] in an offence established in accordance with [articles 6 to (16 alt: 15 (Japan)) of ~~(delete: Tanzania, Burkina Faso, Syria, Nigeria, India, Kenya, Russian Federation)]~~ this Convention.

2. Each State Party may adopt the necessary legislative and other measures to establish as a criminal offence, in accordance with its domestic law, when committed [intentionally ~~(delete: Yemen)]~~, any attempt to commit an offence established in accordance with [articles 6 to (16 alt: 15 (Japan) alt: 9 and 11 to 16 (Paraguay)) of ~~(delete: Burkina Faso, Syria, India, Kenya, Russian Federation)]~~ this Convention.

3. Each State Party may adopt the necessary legislative and other measures to establish as a criminal offence, in accordance with its domestic law, when committed intentionally, the preparation for an offence established [in accordance with [articles 6 to (16 alt: 15 (Japan) alt: 9 and 11 to 16 (Paraguay)) of ~~(delete: Burkina Faso, India, Kenya, Russian Federation)]~~ this Convention alt: according to the crimes established in this Convention and other crimes committed with information and communications technologies (Yemen, Russian Federation)] [in accordance with criminal intent based on the previous articles (Mauritania)]. ~~[delete paragraph: (Senegal)]~~

[retain original: Ghana, United Kingdom, Liechtenstein, Rep. of Korea, El Salvador, Norway, Malaysia, South Africa, Canada, Australia, Cabo Verde, United States, Switzerland, Vanuatu, Peru, Argentina, Algeria, Colombia, Chile, Israel, Georgia, Morocco, Egypt]

#### *Article 20. Statute of limitations*

Each State Party shall, where appropriate, [considering ~~(inter alia (Iran))~~ the gravity of the crime ~~(delete: CARICOM, Malaysia) (retain: Tanzania, Georgia)]~~, establish under its domestic law a long statute of limitations period in which [to commence proceedings alt: prosecution would take place (Senegal)] for any offence established in accordance with [articles 6 to 16 of ~~(delete: Tanzania, Burkina Faso, Syria, India, Russian Federation, Egypt)]~~ this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice. [A State Party



shall endeavour to avoid establishment of a statute of limitations period for an offence established under articles 13 and 14 of this Convention. (Ghana, Nigeria, Tanzania, South Africa, Zimbabwe, Sierra Leone)]

[delete article: New Zealand, Georgia, Tonga]

[Move to chapter VI (Senegal)]

[retain original: Ecuador, United Kingdom, Liechtenstein, El Salvador, Viet Nam, Russian Federation, South Africa, Cabo Verde, Switzerland, Vanuatu, Peru, Argentina, Algeria, Namibia, Colombia, Chile, Israel, Tonga, EU & its mS, Japan, New Zealand]

*Article 21. Prosecution, adjudication and sanctions*

1. Each State Party shall make the commission of an offence established [in accordance with [articles 6 to 16 of (~~delete: Burkina Faso, Russian Federation, Syria, Nigeria, India, Kenya, Venezuela, Syria, Egypt. Retain: Morocco~~)] this Convention alt: according to the crimes established in this Convention and other crimes committed with information and communications technologies (Yemen) (retain original: United Kingdom, New Zealand, EU and its mS, Israel)] liable to [effective, proportionate and dissuasive (~~delete: Tanzania, Central African Republic~~)] sanctions that take into account the gravity of the offence. [retain original: CARICOM, Canada, EU & its mS]

2. Each State Party may adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to establish aggravating circumstances in relation to the offences established in accordance with articles 6 to (9 alt: 10 (Russian Federation, Venezuela)) of this Convention, [including circumstances that affect critical information (and critical (Namibia)) infrastructures (~~delete: Liechtenstein, New Zealand, Norway, Tanzania, United States, EU and its mS, Switzerland, Nigeria, Israel, Philippines, Australia, Georgia~~)]. [delete paragraph: CARICOM, Norway, Switzerland, Georgia] [retain original: Algeria, Canada, Russian Federation]

(a) affect critical infrastructures, including information infrastructures;

(b) prior convictions for the offence or offences established in accordance with this Convention;

(c) where the offence committed as a part of an organized criminal activity;

(d) the offence established in accordance with articles 13 and 14 of this Convention is committed against children. (Iran, Venezuela, Russian Federation, Delete: Norway, Switzerland, Australia, EU & its mS, Georgia, United States)]

3. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with [articles 6 to 16 of (~~delete: Tanzania, Central African Republic, Russian Federation, Syria, India, Kenya, Egypt. Retain: Morocco, Georgia~~)] this Convention are exercised (in order to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences alt: diligently (Central African Republic)). [retain original: CARICOM, Canada, New Zealand, United States]

4. Each State Party shall ensure that any person prosecuted for offences established in accordance with [articles 6 to 16 of (~~delete: Burkina Faso, Russian Federation, Nigeria, India, Kenya, Syria, Egypt. Retain: Morocco, Georgia~~)] this Convention enjoys all rights and guarantees in conformity with domestic law and [consistent alt: in accordance (United Kingdom, Norway, Australia, Switzerland, Canada, Israel, New Zealand, United States)] with the obligations of the State Party under international human rights law, including the right to a fair trial and [the rights of defence alt: fair trial guarantees (United States, Georgia)]. [delete paragraph: CARICOM, Tanzania, Eritrea, Iran]

5. In the case of offences established in accordance with [articles 6 to 16 of (~~delete: Tanzania, Burkina Faso, Russian Federation, India, Kenya, Syria. Retain: Morocco~~)] this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings. [~~retain original: CARICOM, Canada, EU & its mS~~] [~~delete para: New Zealand~~]

6. Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences. [~~retain original: CARICOM, Tanzania, Georgia, Canada, EU & its mS~~] [~~delete para: New Zealand~~]

[6 bis. ~~States Parties shall ensure that there are appropriate safeguards under domestic law to protect children who are accused of offences established under this Convention consistent with the obligations under the Convention on the Rights of the Child and its Protocols (Ghana, Eritrea, Canada, Australia, EU and its mS, Vanuatu, Nigeria, New Zealand, Kenya, Norway, Israel, Georgia)~~]

7. Nothing contained in this Convention shall affect the principle that the description of the offences established in accordance with [articles 6 to 16 of (~~delete: Burkina Faso, Russian Federation, Syria. Retain: Morocco~~)] this Convention and of the applicable legal defences or other legal principles controlling the lawfulness of conduct is reserved to the domestic law of a State Party and that such offences shall be prosecuted and punished in accordance with that law. [~~retain original: CARICOM, Georgia, Canada, EU & its mS~~]

[~~retain original article: South Africa, Cabo Verde, Tonga, Argentina, New Zealand~~]

## Chapter III Jurisdiction

### *Article 22. Jurisdiction*

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences [established in accordance with [articles 6 to 16 of (~~Delete: India, Russian Federation, Pakistan, China, Nigeria, Eritrea, Belarus, Syria, Egypt. Retain: Morocco, Canada~~)] this Convention when ~~alt: committed with the use of information and communications technologies (Russian Federation, Pakistan. Retain original: United States)~~] [~~retain original: EU and its member States, UK, Uruguay, New Zealand, CARICOM, Panama, Morocco, Costa Rica, Chile, Israel, South Africa, Peru, Paraguay, Guatemala, Liechtenstein, Lebanon, Ecuador, Dominican Rep., Colombia, Georgia, Ghana, Norway, Rep. of Korea, Australia, Canada~~]:

(a) The offence is committed in the territory of that State Party; or [~~agreed ad referendum~~]

(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time when the offence is committed. [~~agreed ad referendum~~]

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when: [~~agreed ad referendum~~]

(a) The offence is committed against a national of that State Party; or [~~a legal person established or having permanent residence on the territory of that State (Russian Federation, Iran, Cabo Verde, Pakistan, Panama, Eritrea, Syria) (Retain original: United States, UK, EU and its member States, Switzerland, Uruguay, Morocco, Costa Rica, Chile, Israel, South Africa, Peru, Paraguay, Guatemala, Thailand, Liechtenstein, Lebanon, Ecuador, Dominican Rep., Norway, Singapore, Australia, Canada, New Zealand)~~]

(b) The offence is committed by a national of that State Party or a stateless person with habitual residence in its territory; or [agreed ad referendum]

(c) The offence is one of those established in accordance with article 16, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 16, paragraph 1 (a) (i) or (ii) or (b) (i) of this Convention within its territory; or

[ (c) alt.: The offence is committed or ordered from abroad having effects in the territory of that State Party: (Dominican Rep.) (Retain original: Georgia, Ghana, Norway, New Zealand, United States)]

[(c) bis: The offence is committed wholly or partly outside the territory of that State Party but its effects in the territory of that State Party constitute an offence or result in the commission of an offence (Russian Federation, Syria, Belarus, Nicaragua, Delete: EU and its member States, United States, Switzerland, UK, Uruguay, New Zealand, Costa Rica, Chile, Israel, South Africa, Paraguay, Liechtenstein, Colombia, Georgia, Norway, Australia, Canada)]

[(d) The offence is committed against the State Party. (Delete sub-para: Australia, Canada, Norway, Liechtenstein, Georgia, Rep. of Korea, New Zealand, Switzerland, Morocco, Chile, Vanuatu, Syria, Tonga, United States, Retain: Iran, Viet Nam, Egypt, India, Tanzania, Venezuela, Cabo Verde, Kenya, Qatar, Oman, Russian Federation, Namibia, Pakistan, Ghana, CARICOM, Panama, Indonesia, Costa Rica, South Africa, China, Paraguay, Saudi Arabia, Nigeria, Thailand, Philippines, Uganda, Colombia, Cuba, Eritrea, Iraq, Burkina Faso, Senegal, Dem. People's Rep. of Korea, Türkiye, Tonga)]

3. For the purposes of [the article on extradition of this Convention alt: article 37 paragraph 11 of this Convention (United States, Egypt, EU and its member States, UK, Ghana, New Zealand, CARICOM, Indonesia, Algeria, Costa Rica, Israel, Paraguay, Guatemala, Saudi Arabia, Thailand, Liechtenstein, Lebanon, Ecuador, Colombia, Georgia, Senegal, Norway, Rep. of Korea, Tonga, Australia, Canada, Japan) (reserve: Russia, Cuba)], each State Party shall [endeavour to (Japan, UK, Ghana, Israel, Viet Nam, Philippines, Norway)] [take alt: adopt (United States, Pakistan, Algeria, Costa Rica, Israel, Paraguay, Thailand, Ecuador, Philippines, Colombia, Norway)] such measures as may be necessary to establish its jurisdiction over the offences established in accordance with [articles 6 to 16 of (Delete: India, Pakistan, Nigeria, Eritrea. Retain: EU and its member States, New Zealand, CARICOM, Costa Rica, Israel, Peru, Paraguay, Guatemala, Liechtenstein, Ecuador, Georgia, Ghana, Norway, Canada)] [alt: crimes committed using ICT (Yemen)] this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that the person is one of its nationals.

4. Each State Party may also [take alt: adopt (United States, Egypt, Pakistan, Indonesia, Israel, Paraguay, Thailand, Ecuador, Philippines, Colombia, Tonga)] such measures as may be necessary to establish its jurisdiction over the offences established in accordance with [articles 6 to 16 of (Delete: India, Pakistan, Nigeria. Retain: EU and its member States, Switzerland, CARICOM, Israel, Guatemala, Liechtenstein, Lebanon, Ecuador, Colombia, Georgia, Ghana, Norway, Canada, New Zealand)] [alt: crimes committed using ICT (Yemen)] this Convention when the alleged offender is present in its territory and it does not extradite the person.

5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions. [agreed ad referendum]

6. Without prejudice to norms of general international law, this Convention shall not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law. [agreed ad referendum]

[Retain original: Argentina, CARICOM]

## Chapter IV Procedural measures and law enforcement

### *Article 23. Scope of procedural measures*

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish the powers and procedures provided for in this chapter for the purpose of [prevention (Russian Federation, Eritrea, Venezuela)] [specific (United States, Georgia, Norway, Liechtenstein, Canada, Israel, Ghana, Switzerland, United Kingdom, EU and its member States, New Zealand)]. (Delete: Iran)] criminal investigations or proceedings.

2. Except as provided otherwise in this Convention, each State Party shall apply the powers and procedures referred to in paragraph 1 of this article to:

(a) The criminal offences established in accordance with [articles 6 to 16 (delete: China, Russian Federation, . Retain: Morocco)] of this Convention [and serious crimes as defined by this Convention (Egypt)]; [Retain original: EU and its member States, Lebanon, United States, Georgia, Norway, Liechtenstein, Canada, Kenya, Morocco, Rep. of Korea, Switzerland, Tanzania, New Zealand] [merge sub- paras (a) and (b): Yemen]

(b) Other [criminal delete: Russian Federation, Nicaragua, Cuba. Against: United States, Cote d'Ivoire, Senegal, United Kingdom] offences committed by means of [a computer system] [an information and communications technology device] [as established in accordance with article 17 of this Convention (Iran)]; and [delete subparagraph: EU and its member States, Lebanon, Georgia, Singapore, Norway, Liechtenstein, Canada, Malaysia, Switzerland, Albania, New Zealand]

(c) The collection [, obtaining, preservation and sharing (India, Iran, Iraq, Russian Federation)] of evidence [, including (Russian Federation, Nicaragua)] in electronic form of ([any delete: Iran, Russian Federation] [criminal delete: Russian Federation, Iran. Against: United States, Liechtenstein, Switzerland, New Zealand] offence [of paragraphs (a) and (b) (Iran, Russian Federation)] any offence established in accordance with articles 6 to 16 of this Convention (Singapore, Switzerland, New Zealand)) [offences established in accordance with this Convention (Kenya)]. [Retain original: EU and its member States, Lebanon, CARICOM, Canada, Morocco, Colombia, Rep. of Korea, Albania, Tanzania, Indonesia, Georgia, South Africa]

3. (a) Each State Party may reserve the right to apply the measures referred to in article 29 only to offences or categories of offences specified in the reservation, provided that the range of such offences or categories of offences is not more restricted than the range of offences to which it applies the measures referred to in article 30. Each State Party shall consider restricting such a reservation to enable the broadest application of the measure referred to in article 29;

(b) Where a State Party, owing to limitations in its legislation in force at the time of the adoption of the present Convention, is not able to apply the measures referred to in articles 29 and 30 to communications being transmitted within a [computer system] [information and communications technology device] of a service provider, which:

(i) Is being operated for the benefit of a closed group of users; and

(ii) Does not employ public communications networks and is not connected with another [computer system] [information and communications technology device], whether public or private;

that State Party may reserve the right not to apply these measures to such communications. Each State Party shall consider restricting such a reservation to

enable the broadest application of the measures referred to in articles 29 and 30.  
[delete paragraph: Singapore]

[Retain original: Argentina, CARICOM, South Africa]

*Article 24. Conditions and safeguards* [to respect human rights (Viet Nam, Russian Federation)]

[1 bis. States Parties shall ensure that the implementation of their obligations under this Convention is consistent with their obligations under international human rights law to which they are a party. (Viet Nam, Russian Federation – moved from article 5 as amended)]

1. Each State Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this [chapter alt: Convention (United Kingdom, Mexico, Dominican Rep., Senegal, Guatemala, Panama, Chile, Paraguay, Lebanon, Costa Rica, Vanuatu, Brazil, EU and its member States, El Salvador, Peru, Cote d'Ivoire, Switzerland, Australia, Georgia, Norway, Liechtenstein, Uganda, Ecuador, United States, Syria, Canada, Israel, New Zealand, Colombia, Uruguay, Chad, Namibia. Against: Morocco, CARICOM, Egypt, Saudi Arabia, Sri Lanka)] are subject to conditions and safeguards provided for under its domestic law, which shall [be provide for the adequate protection of human rights, (United Kingdom, Mexico, Dominican Rep., Guatemala, Panama, Chile, Paraguay, Lebanon, Vanuatu, Brazil, EU and its member States, El Salvador, Peru, Cote d'Ivoire, Switzerland, Australia, Georgia, Norway, Liechtenstein, Uganda, Ecuador, United States, Canada, Israel, New Zealand, Uruguay, Chad, Namibia) (delete: Russian Federation)] [consistent alt: in accordance (New Zealand, Australia, Canada)] with its obligations under [applicable: Syria. Delete: Australia] (international human rights law, applicable human rights [law: CARICOM] treaties (China, Russian Federation, Against: Mexico) (instruments: Syria) [to which they are a party (Saudi Arabia, Russian Federation)] [and which (shall alt: may (Colombia)) incorporate the principle of [legality, (Senegal, Cote d'Ivoire, Switzerland, Australia, Norway, Liechtenstein, Ecuador, Colombia, Chad, Namibia, Chile, Peru, New Zealand, Against: United States, Syria, CARICOM)] [necessity and (Côte d'Ivoire, Mexico, Senegal, El Salvador, Switzerland, Australia, Norway, Liechtenstein, Ecuador, Colombia, Chad, Namibia, Chile, Peru, New Zealand, Against: United States, Syria, CARICOM)] proportionality (delete: India, Egypt. Retain: Mexico, Costa Rica, Brazil, El Salvador, Peru, Georgia, Liechtenstein, United States, New Zealand, Colombia, Uruguay, Chad, Chile, EU and its member States, Australia) (delete: Kenya, Syria, Burkina Faso, Tanzania)]. [delete para: Pakistan] [retain original: CARICOM, Tonga, Zambia, Russian Federation]

2. Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned [and in accordance with their national legislations (Egypt) (Delete: Australia)], inter alia, include [prior: Namibia. Against: Australia] judicial [supervision: Namibia. Against: Australia] or other independent [review supervision (EU and its member States, Liechtenstein, Canada)] [, the right to an effective remedy (Switzerland, Norway, Liechtenstein, Canada, Colombia, Namibia, New Zealand)], grounds justifying application, and limitation of the scope and the duration of such power or procedure. [retain original: CARICOM, Pakistan, Tonga, Zambia, Russian Federation]

3. To the extent that it is consistent with the public interest, in particular the proper administration of justice, each State Party shall consider the impact of the powers and procedures in this [article alt: Convention (United Kingdom, Brazil, EU and its member States, Peru, Cote d'Ivoire, Australia, Georgia, Norway, Liechtenstein, Uganda, Ecuador, United States, Syria, Canada, Israel, New Zealand, Colombia, Uruguay, Chad, Namibia. Against: CARICOM, Egypt, Russian Federation)] upon the rights, responsibilities and legitimate interests of [third parties service providers offering their services in the territory of that State Party (Egypt). Against: Australia]. [retain original: CARICOM, Tonga, Zambia, Iraq, Russian Federation]

[delete article (Iran, Singapore)] [retain original: Holy See, Iraq, Philippines, Indonesia, Belarus, Algeria, Rep. of Korea, Türkiye, Argentina] [separate chapter: Australia]

[Art. 24 bis. Retention of electronic information]

1. Each State Party shall adopt such legislative and other measures as may be necessary, to ensure that a service provider within its territory shall retain

\_\_\_\_\_ (a) Data on subscribers/users

\_\_\_\_\_ (b) Traffic data

\_\_\_\_\_ (c) Content data (delete: Brazil)

2. The period of such retention of such electronic information shall be established according to the domestic legislation of the State Party. (Russian Federation, China, Cuba, Belarus) (delete: Costa Rica, Canada, New Zealand, United States, Nigeria, Paraguay, Switzerland, EU and its member States, Liechtenstein, Malaysia, Colombia, Chile, Guatemala, Cabo Verde, Ecuador, United Kingdom, Albania, CARICOM, Georgia, Norway, Australia, Japan)]

*Article 25. Expedited preservation of  
stored [computer data] [digital information]*

1. Each State Party shall adopt such legislative and other measures as may be necessary to enable its competent authorities to order or similarly obtain the expeditious preservation of specified [computer data] [digital information], [including traffic data, [content data, and subscriber information, (United States, Paraguay, Pakistan, Namibia, Russian Federation, New Zealand)]] that has been stored by means of [a computer system] [an information and communications technology device], [delete: Isr[el]] in particular where there are grounds to believe that the [computer data are] [digital information is] [significant for an investigation or (Yemen, Viet Nam, Pakistan, Namibia, Russian Federation)] particularly vulnerable to loss or modification.

2. Where a State Party gives effect to paragraph 1 above by means of an order to a [natural or legal (Cuba, Egypt, Iran, Iraq, Venezuela, Cabo Verde, Yemen, Viet Nam, Syria, Pakistan, Namibia, Russian Federation) (retain original: United States, Senegal, El Salvador, EU and its member States, Canada, New Zealand)] person-[, including a legal person (India, Iran, Russian Federation)] [under its jurisdiction (Viet Nam, Egypt, Iraq)] to preserve specified stored [computer data] [digital information] in the person's possession or control, the State Party shall adopt such legislative and other measures as may be necessary to oblige that person to preserve and maintain the integrity of that [computer data] [digital information] for a period of time as long as necessary, [up to a (maximum alt: minimum (Paraguay, Russian Federation, Senegal, China, Malaysia, Philippines, Syria, Pakistan, Namibia)) of ninety alt: not less than one hundred and eighty (Iran, Tanzania, Russian Federation, Burkina Faso, Venezuela, Cuba, Algeria) (retain original: CARICOM, Norway, Serbia, Lebanon, Japan, Côte d'Ivoire, Georgia, Canada, Rep. of Korea, Australia, New Zealand, United States, Nigeria, Vanuatu, Iraq, Switzerland, EU and its member States, Liechtenstein, South Africa, Colombia, Guatemala, Cabo Verde, Ecuador, United Kingdom, Albania, Yemen, Viet Nam, Canada)] days, [or any longer period in accordance with the domestic laws of that State Party (Tanzania, China, Egypt, Angola, Russian Federation) (Delete: New Zealand)] to enable the competent authorities to seek its disclosure. A State Party may provide for such an order to be subsequently renewed.

3. Each State Party shall adopt such legislative and other measures as may be necessary to oblige the custodian or other person [, including a legal person (India, Egypt, Pakistan, Russian Federation, Syria) (retain original: United States, Canada)] [under its jurisdiction (Viet Nam, Egypt)] who is to preserve the [computer data]

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[digital information] to keep confidential the undertaking of such procedures for the period of time provided for in its domestic legislation [but no less than the period specified in paragraph 2 of this article (Pakistan)]. [Retain original: New Zealand]

*[Article 25 alt. Expedited preservation of accumulated electronic information]*

1. Each State Party shall adopt such legislative and other measures as may be necessary to enable its competent authorities to give adequate orders or instructions or obtain or ensure the expeditious preservation of specified electronic information, including traffic data, that has been stored by means of an information and communications technology system/device, where there are grounds to believe that the electronic information is important for preventing, detecting, suppressing and investigating crimes and that has to be deleted or modified due to expiry of the retention period provided for by its domestic legislation or by the provider's terms of service, or the absence of thereof.

2. Where a State Party gives effect to paragraph 1 above by means of an order to a person, including legal persons, or other persons providing services in the sphere of ICTs to preserve specified stored electronic information in the person's possession or control, the State Party shall adopt such legislative and other measures as may be necessary to oblige that person to preserve and maintain the integrity of that electronic information for a period of time as long as necessary, and not less than 180 days. A State Party may provide for such an order to be subsequently renewed to enable the competent authorities to seek its disclosure.

3. Each State Party shall adopt such legislative and other measures as may be necessary to oblige the person who is to preserve the electronic information to keep confidential the undertaking of such procedures for the period of time provided for by its domestic legislation, but no less than the period specified in para 2 of this article. (Russian Federation) (delete: United States, CARICOM, EU & its mS, Norway, Liechtenstein, Australia, Canada, Georgia, New Zealand)]

*Article 26. Expedited preservation and partial disclosure of traffic data*

Each State Party shall adopt, in respect of traffic data that are to be preserved under the provisions of the article on the expedited preservation of stored [computer data] [digital information], such legislative and other measures as may be necessary to:

(a) Ensure that such expeditious preservation of traffic data is available regardless of whether one or more service providers were involved in the transmission of that communication; and

(b) Ensure the expeditious disclosure to the State Party's competent authority, or a person designated by that authority, of a [sufficient alt: adequate (Pakistan, Russian Federation)] amount of traffic data to enable the State Party to identify the service providers and the path through which the communication or indicated information was transmitted.

[Retain original: Argentina, Canada, EU & its mS, Japan, New Zealand]

*Article 27. Production order*

Each State Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order:

(a) A person [, including a legal person (India, Iran, Pakistan, Namibia, Russian Federation, Syria) (retain original: United States, EU and its member States, Tanzania)] in its territory to submit specified [computer data] [digital information] in that person's possession or control that [are] [is] stored in [a computer system] [an information and communications technology device] or a [computer data] [digital information] storage medium (delete: Russian Federation); and

(b) A service provider offering its services in the territory of the State Party [, even if they are not present in the territory (Senegal, Russian Federation) (retain original: United States, Tanzania)] to submit [(subscriber alt: user (Russian Federation)) information alt: specified electronic information (Pakistan)] relating to such services in that service provider's possession or control [, such service provider should keep production order confidential (Namibia, Russian Federation)].

[(bis) If the data concerned is stored in the territory of another State Party, the competent authorities shall (request alt: cooperate with: Pakistan) the relevant authorities of that State Party to provide the [data alt: electronic information (Pakistan)] in accordance with Chapter V of this Convention. (China, Iraq, Pakistan, Namibia, Russian Federation) (delete: United States, Brazil, EU and its member States, Cabo Verde, United Kingdom, Albania, Tanzania, Georgia)]

[Retain original: Argentina, Canada, EU & its mS, New Zealand]

*Article 28. Search and seizure of [stored [computer data] [digital information] alt: information stored or processed electronically (Russian Federation)]*

1. Each State Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to search or similarly access [in the territory of that State Party (delete: New Zealand, United States, EU and its member States, United Kingdom, CARICOM)]:

(a) [A computer system] [An information and communications technology device], part of it, and [computer data] [digital information] stored therein; and

(b) A [computer data] [digital information] storage medium in which the [computer data] [digital information] sought may be stored.

[in its territory (New Zealand, EU and its member States, United Kingdom, Egypt)]  
[in the territory of that State Party (United States, CARICOM)]

2. Each State Party shall adopt such legislative and other measures as may be necessary to ensure that, where its authorities search or similarly access a specific [computer system] [information and communications technology device] or part of it, pursuant to paragraph 1 (a) of this article, and have grounds to believe that the [computer data] [digital information] sought is stored in another [computer system] [information and communications technology device] or part of it in its territory, and such data are lawfully accessible from or available to the initial system, such authorities shall be able to expeditiously conduct the search to obtain access to that other [computer system] [information and communications technology device].

3. Each State Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to seize or similarly secure [computer data] [digital information] in its territory accessed in accordance with paragraphs 1 or 2. These measures shall include the power to:

(a) Seize or similarly secure [a computer system] [an information and communications technology device] or part of it, or a [computer data] [digital information] storage medium;

(b) Make and retain copies of [those computer data] [that digital information] in electronic form;

[(b alt) Make and retain copies of such information in electronic form; (Russian Federation) Retain original: Australia, Georgia, New Zealand]

(c) Maintain the integrity of the relevant stored [computer data] [digital information];

(d) Render inaccessible or remove [those computer data] [that digital information] in the accessed [computer system] [information and communications technology device].



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4. Each State Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to order any person who has knowledge about the functioning of the [computer system] [information and communications technology device] [in question, the information and telecommunications network, or their component parts, ~~(delete: New Zealand, Switzerland, Canada)~~] or measures applied to protect the [computer data] [digital information] therein, to provide, as is reasonable, the necessary information to enable the undertaking of the measures referred to in paragraphs 1 [to 3 ~~alt: and 2 (New Zealand, Switzerland, Canada, Retain original: Pakistan, Russian Federation)~~] of this article.

[Retain original: Argentina]

*Article 29. Real-time [collection ~~alt: interception (Paraguay)~~ (retain original: Cabo Verde, Pakistan, Namibia, Russian Federation, Australia)] of traffic data*

1. Each State Party shall adopt such legislative and other measures as may be necessary to empower its competent authorities to:

(a) Collect or record, through the application of technical means in the territory of that State Party; and

(b) Compel a service provider, within its existing technical capability:

(i) To collect or record, through the application of technical means in the territory of that State Party; or

(ii) To cooperate and assist the competent authorities in the collection or recording of;

traffic data, in real time, associated with specified communications in its territory transmitted by means of [a computer system] [an information and communications technology device].

2. Where a State Party, owing to the principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1 (a), it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of traffic data associated with specified communications transmitted in its territory, through the application of technical means in that territory.

3. Each State Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.

[delete article: Singapore, Switzerland, Malaysia, Viet Nam] [Retain original: Russian Federation, Argentina, Venezuela, Egypt, South Africa]

*Article 30. Interception of content data*

1. Each State Party shall adopt such legislative and other measures as may be necessary, in relation to a range of serious [criminal ~~(delete: Mauritania)~~] offences to be determined by domestic law, to empower its competent authorities to:

(a) Collect or record, through the application of technical means in the territory of that State Party; and

(b) Compel a service provider, within its existing technical capability:

(i) To collect or record, through the application of technical means in the territory of that State Party; or

(ii) To cooperate and assist the competent authorities in the collection or recording of;

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content data, in real time, of specified communications in its territory transmitted by means of [a computer system] [an information and communications technology device].

2. Where a State Party, owing to the principles of its domestic legal system, cannot adopt the measures referred to in paragraph 1 (a), it may instead adopt legislative and other measures as may be necessary to ensure the real-time collection or recording of content data on specified communications in its territory, through the application of technical means in that territory.

3. Each State Party shall adopt such legislative and other measures as may be necessary to oblige a service provider to keep confidential the fact of the execution of any power provided for in this article and any information relating to it.

[delete article: Singapore, Switzerland, Malaysia, Viet Nam] [keep article: Brazil, South Africa, Russian Federation, Venezuela, Egypt, South Africa]

[Article 30 bis. Admission of electronic evidence]

Each State Party shall adopt such legislative and other measures as may be necessary to ensure that electronic evidence derived or extracted from devices, equipment, electronic/digital media, computer programs or any information and communications systems shall have the probative value in criminal procedure. (Russian Federation, Cuba, Pakistan, Belarus) (delete: Costa Rica, Canada, Australia, New Zealand, United States, Senegal, Brazil, Paraguay, Switzerland, EU and its member States, Liechtenstein, Malaysia, Colombia, Chile, Israel, Guatemala, Cabo Verde, Ecuador, United Kingdom, Albania, CARICOM, Georgia, Norway, Japan)]

[Article 30 ter.

Each State Party shall establish relevant legal procedures and technical standards for the collection, retention and provision of electronic evidence to ensure the authenticity, integrity and legality of electronic evidence. (China, Cuba, Pakistan, Russian Federation) (delete: Canada, Australia, New Zealand, United States, Brazil, Paraguay, Switzerland, EU and its member States, Liechtenstein, Malaysia, Colombia, Chile, Israel, Guatemala, Cabo Verde, Ecuador, United Kingdom, Albania, CARICOM, Georgia, Norway, Japan)]

[Article ter.

Each State Party shall adopt such legislative and technical measures to detect data that is pertaining to a crime that could be committed or if there is evidence of its ... (Yemen. Delete: CARICOM, Norway, Australia, New Zealand, United States)]

*Article 31. Freezing, seizure and confiscation of the proceeds of crime*

1. Each State Party shall adopt, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable the confiscation of: [agreed ad referendum]

(a) Proceeds of crime derived from offences [, which are serious crimes (Japan)] established in accordance with [articles 6 to 16 of (delete: India, Russian Federation, China, Burkina Faso, Nigeria, Saudi Arabia, Egypt. Retain: Canada, Vanuatu, Morocco, New Zealand) alt: the offences covered by (Syria)] this Convention or property the value of which corresponds to that of such proceeds;

(b) Property, equipment or other instrumentalities used in or destined for use in offences [, which are serious crimes (Japan) (delete: Russian Federation)] established in accordance with [articles 6 to 16 of (delete: India, Russian Federation, China, Burkina Faso, Nigeria, Egypt, Saudi Arabia. Retain: Canada, Vanuatu) alt: the offences covered by (Syria)] this Convention.

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2. Each State Party shall adopt such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation. [\[agreed ad referendum\]](#)

3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article. [\[agreed ad referendum\]](#)

4. If proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds. [\[agreed ad referendum\]](#)

5. If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds. [\[agreed ad referendum\]](#)

6. Income or other benefits derived from proceeds of crime, from property into which proceeds of crime have been transformed or converted or from property with which proceeds of crime have been intermingled, shall also be liable to the measures referred to in this article, in the same manner and to the same extent as proceeds of crime. [\[agreed ad referendum\]](#)

7. For the purposes of this article and article 50 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy. [\[agreed ad referendum\]](#)

8. Each State Party may consider the possibility of requiring that an offender demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the [\[fundamental \(Tanzania, Ghana\)\]](#) principles of their domestic law and with the nature of the judicial and other proceedings.

[\[8 bis. When acting on the request made by another State Party in accordance with this article, States Parties shall, to the extent permitted by domestic law and if so requested, give priority consideration to returning the confiscated proceeds of crime or property to the requesting State Party so that it can give compensation to the victims of the crime or return such proceeds of crime or property to their legitimate owners. \(Russian Federation, Nigeria, Syria. Delete: Canada, Vanuatu, Albania, Israel, United States, Georgia, New Zealand\)\]](#)

9. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties. [\[agreed ad referendum\]](#)

10. Nothing contained in this article shall affect the principle that the measures to which it refers shall be defined and implemented in accordance with the provisions of the domestic law of a State Party. [\[agreed ad referendum\]](#)

[\[retain original: United States, Canada, Costa Rica, Liechtenstein, Norway, Malaysia, Vanuatu, United Kingdom, EU and its mS, CARICOM, New Zealand, Australia, Albania, Cabo Verde, Rep. of Korea, Israel, Guatemala, Kenya, Algeria, Tonga, Argentina\]](#)

#### *Article 32. Establishment of criminal record*

Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as, and [\[for the purpose that, it deems appropriate alt: for investigation purposes \(Ecuador\)\]](#), any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with [\[articles 6](#)

to 16 of ~~(delete: Tanzania, Burkina Faso, Russian Federation, India, Syria, Egypt)~~ this Convention.

[retain original: CARICOM, Ghana, United Kingdom, Liechtenstein, Rep. of Korea, South Africa, Canada, Australia, Cabo Verde, United States, Nigeria, Peru, Israel, Ghana, Tonga, Morocco, EU & its mS]

[delete article: New Zealand, Georgia, Tonga]

*Article 33. Protection of witnesses [, denouncers and experts (Burkina Faso, Cabo Verde. Delete: Australia, Georgia)]*

1. Each State Party shall take appropriate measures [in accordance with its domestic (law alt: legal system (Tanzania, Guatemala, Japan)) and (CARICOM, Paraguay, Australia, Malaysia, Vanuatu, Cabo Verde, Namibia, Mexico, Guatemala, Indonesia, Argentina)] [within its means (Delete: Ecuador, Uruguay, Namibia. Retain: Paraguay, Japan)] to provide effective protection from potential retaliation or intimidation for witnesses [, denouncers and (Burkina Faso)] [, experts and other participants in criminal proceedings (Russian Federation, Pakistan, Iran, Syria, Eritrea. Delete: United States)] who give testimony [or, in good faith and on reasonable grounds, provide information (delete: EU and its mS, Cabo Verde, Algeria. Retain: Russian Federation)] concerning offences established in accordance with [articles 6 to 16 of (delete: Russian Federation, Pakistan, Kenya, Syria, Burkina Faso, Eritrea, India)] this Convention [or otherwise cooperate with investigative [prosecutive (Thailand, United States, Australia, Malaysia, Rep. of Korea, Tanzania, Indonesia, South Africa, Tonga)] or judicial authorities (delete: EU and its mS. Retain: Russian Federation, Cabo Verde)] and, as appropriate, for their relatives and other persons close to them.

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including [the right to due process (delete: Syria)]:

(a) Establishing procedures for the physical protection of such persons, [such as, -alt: including (Syria)] to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

(b) Providing evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witness, [such as alt: including (Syria)] permitting testimony to be given through the use of communications technology such as video links or other adequate means. [retain original: Tanzania, Algeria]

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article. [retain original: Tanzania]

4. The provisions of this article shall also apply to victims insofar as they are witnesses. [retain original: Tanzania]

[retain original: New Zealand, El Salvador, Holy See, Canada, South Africa, Japan, United Kingdom, Vanuatu, Singapore, Viet Nam, Colombia, Israel,]

*Article 34. Assistance to and protection of victims*

1. Each State Party shall [endeavour to (CARICOM, Malaysia, Vanuatu, Namibia)] take appropriate measures -within its means to provide assistance and protection to victims of offences [covered by this Convention alt: established in accordance with articles 6 to 16 of this Convention (EU and its mS, United States, Uruguay, United Kingdom, Australia, Singapore, New Zealand, Israel, Morocco, Canada, Chile) (delete: Russian Federation)], in particular in cases of threat of retaliation or intimidation [, as well as in appropriate cases of protection for their relatives and other persons connected to them (Russian Federation, Pakistan, Iran, Syria, Cabo Verde, Namibia, Belarus) (delete: Japan)]. [retain original: Tanzania, Egypt]

2. Each State Party shall [subject to its domestic law (Argentina)] establish appropriate procedures to provide access to compensation(, ~~(delete: Holy See)~~) and restitution(, ~~(delete: Holy See)~~) for victims of offences [covered by this Convention alt: established in accordance with articles 6 to 16 of this Convention (United Kingdom, Australia, Singapore, New Zealand, EU & its mS, Israel, Morocco, Canada, Chile)]. [from the confiscated proceeds of crime or property (India)] [retain original: Tanzania, Burkina Faso, Egypt, Russian Federation]

3. Each State Party shall, subject to its domestic law, enable views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders [in a manner not prejudicial to the rights of the defence (delete: CARICOM, Iran, Tanzania) (retain: EU & its mS)].

4. With respect to the offences established in accordance with articles 13 to 15, each State Party shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, [including their full social reintegration and their full physical and psychological recovery, (delete: CARICOM, Iran, Vanuatu, Indonesia)] in cooperation with relevant international organizations, non-governmental organizations, and other elements of civil society (delete: Iran, Holy See, Tanzania, Russian Federation)].[delete paragraph: India, Viet Nam]

[4 alt. With respect to the offences established under articles 13 to 15, each State Party shall, subject to its domestic law, take measures to provide assistance to victims of such offences, including for their physical and psychological recovery in cooperation with relevant international organizations, non-governmental organizations and other elements of civil society, as appropriate. (New Zealand, Canada, EU and its mS, United States, Uruguay, Japan, United Kingdom, Australia, Vanuatu, Tonga, Israel, Delete: Russian Federation, Egypt, Eritrea, Tanzania, India, Viet Nam)]

[4 bis. Each State Party shall endeavour to develop or strengthen support programmes for victims of the offences covered by this Convention. (Thailand, Delete: India)]

5. In applying the provisions of paragraphs 2 to 4 [alt: 4 alt (New Zealand, Canada, EU and its mS, United States, Uruguay, United Kingdom, Tonga, Japan) (delete: Russian Federation)], each State Party shall take into account [the age, gender and (delete: Holy See)] [the particular circumstances [characteristics, (Holy See)] and needs of victims, [including the particular circumstances and needs of children. alt: including those of children (Holy See)]

6. Each State Party shall, to the extent [consistent alt: in accordance (Algeria)] with its domestic legal framework, take steps to ensure compliance with requests to remove or render inaccessible the content described in articles 13 and 15. [delete paragraph: EU and its mS. Retain: Brazil]

[retain original: South Africa, Mexico, Viet Nam, Colombia]

## **Chapter V**

### **International cooperation**

#### *Article 35. General principles of international cooperation*

1. States Parties shall cooperate with each other in accordance with the provisions of this Convention, as well as other applicable international [legal (China)] instruments on international cooperation in criminal matters, and domestic laws, for the purpose of [prevention, (Egypt, Russian Federation, Cuba, Belarus, Eritrea)] investigations, prosecutions and judicial proceedings concerning offences established in accordance with [articles 6 to 16 of (delete: CARICOM, Pakistan, China, India, Nigeria, Yemen, Russian Federation, Venezuela, Syria. Retain: Morocco, New Zealand)] this Convention [delete rest of para: Norway], or for the collection, [obtaining, preservation and sharing (delete: Japan)] of evidence in electronic form [of offences established in accordance with articles 6 to 16 of this Convention (delete: CARICOM, Pakistan, Nigeria, Yemen, Russian Federation, Venezuela, Cuba, Syria)],

[as well as of serious crime as defined in article 2 (h) (EU and its member States, United States, Against: Malaysia), [(including and: Egypt) those offences covered by article 17 of this Convention when applicable delete: Costa Rica, EU and its member States, Lebanon, Pakistan, Georgia, China, Singapore, Norway, Liechtenstein, Canada, India, Morocco, Rep. of Korea, Switzerland, Albania, New Zealand] [and where applicable removable or making inaccessible the criminal content (Iran, Russian Federation, Nicaragua, Cuba. Against: Liechtenstein, Malaysia) (Delete: New Zealand)] [which may include those offences covered by article 17 of this Convention when applicable (United Kingdom)] [of a criminal offence (CARICOM, Against: Canada, United Kingdom, New Zealand)] [of any offence: (Morocco, Russian Federation)].

2. In matters of international cooperation, whenever dual criminality is considered a requirement, it shall be deemed fulfilled irrespective of whether the laws of the requested State Party place the offence within the same category of offence or denominate the offence by the same terminology as the requesting State Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under the laws of both States Parties.

[2 bis. States Parties shall desist and refrain from promulgating and applying unilateral coercive measures which contravene the purposes of the present convention and also hinder international cooperation in countering the use of information and communications technologies for criminal purposes. (Iran, Venezuela, Russian Federation) (Against: United States, EU and its member States, Chile, Israel, New Zealand)]

[2 ter. States Parties will extend cooperation to industry and service providers to better achieve the object and purpose of the present Convention. (Mexico, Ecuador) (Against: Chile, Egypt)]

[2 quater. Nothing in this Convention shall be interpreted as imposing an obligation to cooperate if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, language, religion, nationality, ethnic origin or political opinions, or that compliance with the request would cause prejudice to that person's position for any one of these reasons. (New Zealand, Vanuatu, Norway, Liechtenstein, EU & its mS) (Argentina – move to article 40 paragraph 21, United States). (Against: Brazil, Tanzania, Egypt, Russian Federation)]

[Retain original: Sri Lanka]

#### *Article 36. Protection of personal data*

1. A State Party transferring personal data pursuant to this Convention shall do so [subject to the conditions of that State Party's alt: in accordance with its (CARICOM, Vanuatu, United States, Norway, Lebanon, Pakistan, South Africa, Sri Lanka)] domestic law {and [applicable international law alt: and their obligations under applicable international law instruments (Viet Nam)] [, including international human rights law (Peru. Delete: India)] (delete: India)}. States Parties shall not be required to transfer personal data in accordance with this Convention if it cannot be provided in compliance with their applicable laws concerning the protection of personal data. {[They may also seek to impose conditions, [in accordance alt: consistent (India)] with [such applicable laws, to achieve compliance in order to respond to a request for personal data. (delete: CARICOM, Tanzania, Lebanon, Ecuador, ) [States Parties are encouraged to establish bilateral or multilateral arrangements to facilitate the transfer of personal data (delete: India)]. [retain original: Cabo Verde, Egypt, Russian Federation] (delete: Pakistan)]

[1 bis. Where the transfer of personal data cannot be carried out in accordance with paragraph 1, States Parties may seek to impose appropriate conditions (in compliance with their applicable laws concerning the protection of personal data (China)) to achieve compliance in order to respond positively to a request for personal

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data. (CARICOM, EU & its mS, Vanuatu, New Zealand, Albania, Georgia, United States, United Kingdom, China, Norway, Cabo Verde, Tanzania, Lebanon, Colombia, Ecuador, Pakistan, Switzerland, Tonga, Australia, Delete: India

2. For personal data transferred in accordance with this Convention, [States Parties alt: the requesting State (CARICOM, United States, South Africa) (retain original: Norway)] shall ensure that the personal data received are subject to effective and appropriate safeguards [and conditions (CARICOM) (retain original: United States, United Kingdom, Norway)] [in the [respective (delete: South Africa)] [equivalent to those in the requested or transferring State (South Africa)] legal frameworks of the States Parties alt: in accordance with their domestic law, applicable international law (or administrative framework (delete: United States)) (CARICOM, Vanuatu, United States, Lebanon)] [including safeguards that guarantee the confidentiality, integrity, and availability of the transferred personal data and prevent the unauthorized access, disclosure, alteration, and destruction thereof (Philippines)] [In this regard, State Parties should consider requiring that the data are processed for compatible purposes, limited to what is relevant for the purposes of the processing, and kept only as long as needed in view of such purposes, that processing is subject to appropriate measures to keep it accurate and secure, that general information about data processing is provided by way of public notice, and that effective oversight and redress is available, including to obtain, subject to reasonable limitations, to the extent needed to protect other rights or important public interests, access and rectification (EU & its mS, Australia, Vanuatu, Liechtenstein, New Zealand, Albania, Georgia, United Kingdom, Norway, Cabo Verde, Colombia, Switzerland, Tonga, Peru)]. [Retain original: China, Tanzania, Pakistan, Singapore, Russian Federation]

[2 bis. States Parties are encouraged to establish bilateral or multilateral arrangements to facilitate the transfer of personal data. (CARICOM, Vanuatu, Norway, Tanzania, Lebanon, Burkina Faso, Pakistan, Tonga

3. [Subject to article 36 paragraph 2, (India)] States Parties may transfer personal data obtained in accordance with this Convention to a third country or an international organization only with the prior written authorization of the original transferring State Party [on condition that it is foreseen in domestic law (Benin)]. [retain original: Pakistan, Tonga, Eritrea, South Africa]

[retain original article: Russian Federation, Malaysia, Argentina, Türkiye, Iran, Namibia, Burkina Faso, Chad, Egypt]

#### *Article 37. Extradition*

1. This article shall apply to the criminal offences established [in accordance with (articles 6 to 16 of (delete (India, Lao PDR, Tanzania, Russian Federation. Retain: Morocco, Canada)) this Convention alt: according to the crimes established in this Convention and other crimes committed with information and communications technologies (Yemen, Russian Federation) (in accordance with this Convention, including art. 17 and serious crimes (Egypt, Russian Federation, Burkina Faso, Eritrea, Syria, Kenya, Iran, Sudan, Tanzania, Cameroon, Malawi, Pakistan, Venezuela, Oman, Saudi Arabia, Syria)) (retain original: United States, Japan, Australia, Georgia, EU & its mS, Israel, Paraguay, Ecuador, Vanuatu, United Kingdom, Canada, New Zealand, Norway, Liechtenstein, Switzerland, Singapore, Chile)] [and serious crimes (Côte d'Ivoire) (delete: Canada, New Zealand, Australia)] where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party [by (a maximum (delete: CARICOM, Vanuatu, Cabo Verde)) deprivation of liberty of at least one year (delete: Mauritania, Singapore, Japan, Australia, Namibia, Malaysia, Sudan, Burkina Faso, Uganda, Vanuatu, Tanzania, Canada, Senegal, Yemen, Indonesia, Cabo Verde) (retain original: Argentina, Syria, Morocco, EU & its mS)]. {When the extradition is sought for the purpose of serving a final sentence of imprisonment or another form of detention imposed in respect of

an extraditable offence [covered by this Convention (Côte d'Ivoire)], the requested State Party may grant the extradition [provided that, at the moment of submission of the request, a period of at least six months of the (pronounced (Côte d'Ivoire)) sentence remains to be served (delete: Mauritania) (retain original: EU & its mS, Algeria) [in accordance with (the requirements of (United Kingdom)) its domestic law (Namibia, United Kingdom, Canada)]. [Retain original: Zambia, Indonesia, Canada] (delete: Egypt)]

[2. Notwithstanding paragraph 1 of this article, a State Party whose law so permits may grant the extradition [in accordance with the requirements of its domestic law. (United Kingdom, Canada)] [of a person for any of the criminal offences established in accordance [with (articles 6 to 16 (Nigeria) (delete (India, Lao PDR, Tanzania, Retain: Canada)) (this Convention, including art. 17 and serious crimes (Egypt, Russian Federation, Burkina Faso, Eritrea, Syria, Kenya, Iran, Sudan, Tanzania, Cameroon, Malawi, Pakistan, Oman)) of this Convention that are not punishable under its own domestic law. (delete: United States, Mauritania, Australia, Israel, Malaysia, Costa Rica, Vanuatu, Yemen, Norway, Philippines, Singapore, Zambia, EU & its mS, Morocco)) (delete: United Kingdom, Canada, Argentina, Indonesia)] [Retain original: Japan, Georgia, Paraguay, Ecuador, Tanzania, New Zealand, Liechtenstein, Switzerland] [Delete paragraph: Russian Federation]

3. If the request for extradition includes several separate criminal offences, at least one of which is extraditable under this [article alt: Convention (Uganda)] and some of which are not extraditable by reason of their period of imprisonment but are related to offences established [in accordance with (articles 6 to 16 of (delete (India, Lao PDR, Tanzania, Russian Federation, Retain: Canada)) this Convention, alt: according to the crimes established in this Convention and other crimes committed with ICTs (Yemen, Russian Federation) (this Convention, including art. 17 and serious crimes (Egypt, Russian Federation, Burkina Faso, Eritrea, Syria, Kenya, Iran, Tanzania, Cameroon, Malawi, Pakistan, Oman)) (retain original: United States, Japan, Australia, Georgia, EU & its mS, Israel, Paraguay, Ecuador, Vanuatu, Canada, New Zealand, Norway, Liechtenstein, Switzerland, Singapore, Zambia)) the requested State Party may apply this article also in respect of those offences. [retain original: Morocco, Canada]

4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them. [A State Party whose law so permits, in case it uses this convention as a basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence. (Türkiye, Russian Federation, Egypt) (retain original: Australia, Georgia, Israel, Canada, Norway, Argentina, United States, Colombia, Morocco, Armenia, Indonesia, EU & its mS, Japan, New Zealand)]

5. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.

6. States Parties that make extradition conditional on the existence of a treaty shall:

(a) At the time of deposit of their instruments of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether they will take this Convention as the legal basis for cooperation in extradition with other States Parties to this Convention; and

(b) If they do not take this Convention as the legal basis for cooperation in extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to [implement alt: achieve the aims of (United States, Canada, Argentina)] this article.



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[7. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves. ~~(delete: Yemen)~~ (retain: Argentina, Canada)]

8. Extradition shall be subject to the conditions provided for [in article 37, paragraph 1 and (CARICOM) (retain original: Australia, , Singapore)] by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition. [retain original: Tanzania, EU & its mS, Russian Federation]

[ (a) The requested State Party may, where appropriate, seek assurances from the requesting State party, if otherwise extradition would have to be refused, in particular if the person would be in danger of being subjected to the death penalty, torture, or inhumane or degrading treatment or punishment. (EU & its mS, Israel, Costa Rica, Paraguay, Holy See, Norway, Liechtenstein, Switzerland, Georgia, Colombia, Canada, South Africa, New Zealand) (delete: Tanzania, China, Iran, Pakistan, Eritrea, Singapore, Japan, Malaysia, Argentina, Egypt)]

9. States Parties shall, subject to their domestic law, [endeavour ~~alt: be required to (Yemen)~~ to expedite extradition procedures and to simplify evidentiary requirements relating thereto in respect of any offence to which this article applies. [Retain original: Argentina, Australia, Canada]]

[10. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent, and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures (including through existing channels of the International Criminal Police Organization (Nigeria, Argentina, Eritrea, Uruguay, Peru, Dominican Rep., Iran, Panama, Namibia, Paraguay, Ecuador, Iraq, Vanuatu, Tanzania, Angola, Senegal, Cameroon, Malawi, South Africa, Venezuela, Philippines, Oman, Syria, Argentina) to ensure the person's presence at extradition proceedings. ~~(delete: Yemen)~~ [In case of urgency, the requesting State may transmit the request for the provisional arrest of the person through the International Criminal Police Organization (Türkiye, Russian Federation) (Delete: Japan)] [Retain original: Canada]

11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that the person is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decisions and conduct their proceedings in the same manner as in the case of any other offence of a comparable nature under the domestic law of that State Party. The States Parties concerned [shall ~~alt: may (Cabo Verde)~~ cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution. [Retain original: Argentina, Indonesia, Australia, Canada, South Africa]

[Alt: In case the wanted person to be extradited is a national of the requested State they have to initiate prosecution... (Yemen) (Delete: New Zealand, South Africa)]

12. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph [11 ~~alt: 10 (Russian Federation)~~ of this article. [Retain original: Canada, Argentina, New Zealand]

[12 bis. Where more than one request of extradition is sought for a person, either for the same offence or for different offences, the requested State Party may consider the requests taking into account circumstances, such as the nationality of the person, gravity of the offence, time sequence of the receipt of the requests, time and place of the committing of the offence or offences. (Iran) (delete: United States, Australia, Panama, Costa Rica, United Kingdom, Canada, New Zealand, Norway, Liechtenstein, Georgia, EU & its mS)]

[12 bis alt. If there are multiple extradition requests from multiple States for a single offence the priority for extradition should follow the following sequence:

\_\_\_\_\_ (a) The State whose interests have been harmed by the offence;

\_\_\_\_\_ (b) The State in whose territories the offence was committed;

\_\_\_\_\_ (c) The State to which the person to be extradited belongs or of which they are a national at the time of the offence;

\_\_\_\_\_ (d) When multiple circumstances apply, then the State that has first requested has priority.

12 bis alt bis. When extradition requests apply to multiple offences, selection will be according to the circumstances surrounding each, the gravity of the offence, and the location where it was committed.

12 bis alt ter. The requested State Party or the recipient State Party has the right, in the extradition request it receives from various States Parties, to freely decide, taking into account all relevant circumstances. (Syria, Sudan, Russian Federation) (Delete: Australia, Panama, Costa Rica, Vanuatu, United Kingdom, Canada, New Zealand, Norway, Liechtenstein, Georgia, United States, Indonesia) , EU & its mS]

[12 ter. Where the requested State Party receives two or more requests from different States for extradition of the same person, the requested State will determine which request will proceed on the basis of the seriousness of the offence or the dates in which the requests were made. (Uganda, Russian Federation, Tanzania) (delete: Canada, New Zealand, Norway, Liechtenstein, Eritrea, Georgia, United States, Australia, EU & its mS)]

[ 13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting State Party, consider the enforcement of the sentence imposed under the domestic law of the requesting State Party or the remainder thereof. (delete: Cabo Verde)]

14. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment [and the protection of human rights (Philippines)] at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present. [Where a requesting State Party plans to also prosecute a person for an offence other and prior to the offence for which they are extradited and where the State intends to execute a sentence handed down for any other offence, we should have a safeguard for which the death penalty may apply, the ... (Senegal) (delete: United States, Australia, Canada, New Zealand)]

[14 bis. Where an individual who is not a national of the requesting State party is extradited to the State in question and another State Party requests the extradition of the same individual for an offence prior for which the first extradition took place, this request is honoured only after express consultation with the State Party who originally granted extradition. (Senegal) (delete: United States, Australia, Canada, New Zealand)]

15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the

request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, [gender, (sexual orientation (delete: Malaysia)) (Australia, Georgia, Panama, Malaysia, Costa Rica, Ecuador, United Kingdom, Canada, Argentina, Brazil, Norway, Liechtenstein, Mexico, Cabo Verde, Colombia, Chile, South Africa, New Zealand) (retain original: Iraq, Tanzania, Holy See, Russian Federation, Cameroon, Guatemala, Indonesia, Türkiye, Iran, Pakistan, Eritrea, Senegal, Burkina Faso, Mauritania, Mali, Egypt)] race, language, religion, nationality, ethnic origin [migratory status (Philippines)] or political [and ideological (Cabo Verde). Against: Australia] opinions, or that compliance with the request would cause prejudice to that person's position for any one of these reasons. [The requested State Party shall notify the requesting State Party about the grounds of its decision. (Iran, Russian Federation) (delete: Australia, United Kingdom, Canada, United States, New Zealand)] [Retain original: Singapore, Paraguay, Saudi Arabia, CARICOM, Indonesia]

[15 bis. Extradition may be refused if the request concerns an offence which the requested State Party considers a political offence or an offence connected with a political offence. (Georgia, Costa Rica, Cameroon, Philippines, EU & its mS, Argentina, United States, Colombia, Norway, Australia, Canada, Switzerland, New Zealand) (delete: Russian Federation, Iran, Burundi, Egypt)]

16. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

17. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

18. The requested State Party shall inform the requesting State Party of its decision with regard to the extradition, [including any reason for refusal of extradition (delete: Japan, Australia) (retain original: Tanzania, Argentina, Canada, Egypt, Russian Federation)].

19. Each State Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the [secretariat alt: Secretary-General of the United Nations (Iran, Sudan, Pakistan, Russian Federation) (retain original: EU & its mS)] the name and address of an authority responsible for making or receiving requests for extradition or provisional arrest [in the absence of a treaty (United States, Costa Rica, United Kingdom, Canada, Philippines, New Zealand) (delete: Russian Federation)]. The [secretariat alt: Secretary-General (Russian Federation, Syria, Iran, Sudan, Pakistan)] shall set up and keep updated a register of authorities so designated by the States Parties. Each State Party shall ensure that the details held in the register are correct. [Retain original: Egypt]

20. States Parties shall [seek alt: be required to (Yemen, Central African Republic)] to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition. [Retain original: Philippines, Singapore, Argentina, United States, Australia, Canada, Egypt, New Zealand]

[retain original: Ghana, Uruguay, Chad, Tonga, Sierra Leone]

#### *Article 38. Transfer of sentenced persons*

States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established [in accordance with (articles 6 to 16 of (delete (India, Lao PDR, Russian Federation)) this Convention, alt: according to the crimes established in this Convention and other crimes committed with information and communications technologies (Yemen, Russian Federation) (this Convention, including art. 17 and serious crimes (Egypt, Russian Federation, Burkina Faso, Eritrea, Kenya, Iran, Pakistan, Venezuela, Oman))] (Retain original: Canada) in order that they may complete their sentences there[, taking into consideration the rights of sentenced persons and issues relating to consent (Russian

Federation), rehabilitation, and reintegration (Nigeria, Burkina Faso, Ghana, Australia, Kenya, Namibia, Chad, Costa Rica, Vanuatu, Tanzania, Holy See, Canada, Angola, Senegal, Brazil, Cameroon, Malawi, Indonesia, ~~Russian Federation~~, Cabo Verde, Argentina, Zimbabwe, Egypt, Mali, Sierra Leone)]. [retain original: Argentina, Uruguay, Peru, Georgia, Dominican Rep., EU & its mS, Israel, Panama, Malaysia, Algeria, Ecuador, United Kingdom, Canada, New Zealand, Norway, South Africa, Liechtenstein, Switzerland, Pakistan, Tonga, Philippines, Singapore, Australia, Morocco, Chile, Egypt, United States]

[delete article: EU & its mS, Israel, Singapore]

*Article 39. Transfer of criminal proceedings*

1. States Parties [shall ~~alt: may (Uganda)]~~ consider the possibility of transferring to one another proceedings for the criminal prosecution of an offence established [in accordance with (articles 6 to 16 of (~~delete (India, Lao PDR, Russian Federation))~~ this Convention ~~alt: according to the crimes established in this Convention and other crimes committed with information and communications technologies (Yemen, Burkina Faso, Russian Federation) (this Convention, including art. 17 and serious crimes (Egypt, Russian Federation, Eritrea, Syria, Iran, Pakistan, Venezuela, Oman))~~ where such a transfer is deemed to be in the interests of the proper administration of justice, particularly in cases where several jurisdictions are involved, [with a view to concentrating the prosecution (~~delete: Côte d'Ivoire)~~]. [retain original: CARICOM, Israel, Ecuador, Canada, New Zealand, Norway, Liechtenstein, Switzerland, United States, EU & its mS] [retain original: Morocco]

[2. If a State Party that makes the transfer of criminal proceedings conditional on the existence of a treaty receives a request for transfer from another State Party with which it has no treaty in this matter, it may consider this Convention as the legal basis for the transfer of criminal proceedings in respect of any offence to which this article applies. (~~delete: United States, Israel, Costa Rica, Sudan, Canada, Singapore)~~] [retain: Russian Federation]

[2 bis. The State Parties that make transfer of criminal proceedings conditional on the existence of the treaty shall:

(a) At the time of deposit of their instruments of ratification, acceptance, approval, or accession to this Convention, inform the Secretary-General of the United Nations whether they will take this Convention as the legal basis for cooperation in the transfer of criminal proceedings with other States Parties to this Convention;

(b) If they do not take this Convention as the legal basis for cooperation in transfer of criminal proceedings, seek, where appropriate, to conclude treaties on transfer of criminal proceedings with other States Parties to this Convention in order to implement this article. (Iran, Pakistan, Russian Federation) (~~delete: United States, Israel, Canada, New Zealand)~~

[Retain original: Ghana, Uruguay, Peru, Australia, Georgia, Panama, Namibia, Algeria, Vanuatu, Tanzania, United Kingdom, Brazil, Malawi, South Africa, Tonga, Philippines, Argentina, Indonesia, Sierra Leone]

[Move art. to MLA section (Mauritania) (Against: Canada)]

[Move to before art. 38 (Russian Federation) (Against: Canada)]

*[Art. 39 bis. Non bis in idem]*

1. Extradition shall not be granted if a final judgment has been passed by the competent authorities of the requested State Party upon the person claimed in respect of the offence for which extradition is requested. Extradition may be refused if the competent authorities of the requested State Party have decided either not to prosecute or to terminate proceedings in respect of the same offence.

2. The extradition of a person against whom a final judgment has been rendered in a third State that is party to the Convention for the offence in respect of which the extradition is sought, shall not be granted:

(a) If the afore-mentioned judgment resulted in his acquittal:

(b) If the term of imprisonment or other measure to which he was sentenced:

(i) Has been completely enforced;

(ii) Has been wholly, or with respect to the part not enforced, the subject of a pardon or an amnesty;

(c) If the court convicted the offender without imposing a sanction.

3. However, in the cases referred to in paragraph 2, extradition may be granted:

(a) If the offence in respect of which judgment has been rendered was committed against a person, an institution or any actor who is a public official in the requesting State;

(b) If the person on whom judgment has been passed is himself a public official in the requesting State;

(c) If the offence in respect of which judgment has been passed was committed completely or partly in the territory of the requesting State or in a place treated as its territory.

(d) The provisions of paragraphs 2 and 3 shall not prevent the application of wider domestic provisions relating to the effect of non bis in idem attached to foreign criminal judgment. (Russian Federation, Eritrea, Syria, Lao PDR, Iran) (delete: United States, Georgia, EU & its mS, Israel, Panama, Vanuatu, United Kingdom, Canada, New Zealand, Norway, Liechtenstein, Australia, Japan)]

*[Article 39 ter. Confidentiality of data]*

1. A State Party receiving a request after consulting with the requesting State can request to the requesting State to ensure that the confidentiality of the sources of the data, information and evidence is preserved pursuant to the terms of this Convention. It can also request that this is not disclosed or is not used except within the limits and conditions specified.

2. The requested State Party must preserve the confidentiality of the request for mutual legal assistance as well as documents pertaining thereto as well as all measures taken pursuant to that request, with the exception for information necessary for enforcement.

3. The requesting State shall not use the data or information or evidence provided for purposes other than those specified in the request for mutual legal assistance and shall not disclose or transmit this data, information or evidence to a third Party without the prior written authorization of the requesting State. (Saudi Arabia, Russian Federation) (delete: United States, Australia, Canada, EU & its mS, New Zealand)]

*Article 40. [General principles and procedures]*

*relating to (delete: Iran, Russian Federation, Mauritania, Syria, Cameroon, DPRK. Retain: Australia, Canada, United States, EU & its mS)] mutual legal assistance*

1. States Parties [shall alt: may (Yemen, Oman. Retain original: Brazil, Argentina, Namibia, Iran, Morocco, CARICOM, Canada)] afford one another the [widest alt: appropriate (Cameroon)] measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences established in accordance with [articles 6 to 16 of (delete: Egypt, Bahrain, India, Burkina Faso, Pakistan, Russian Federation. Retain: Australia, Canada, United Kingdom, Switzerland, EU & its mS, United States, Morocco, New Zealand)] this Convention [and all the crimes arising from the misuse of information and communications technologies (Oman, Yemen, Russian Federation – throughout the text) (Against:

Canada, New Zealand)], and for the purposes of the collection [obtaining, preservation and sharing (India, Philippines, Indonesia, Algeria, Iran, Russian Federation) (Against: Canada, New Zealand)] of evidence in electronic form of [any crime (Morocco, Russian Federation) (delete: Canada, New Zealand)] {offences established in accordance with [articles 6 to 16 of (delete: Egypt, Bahrain, India, Burkina Faso, Pakistan, Russian Federation, Retain: Australia, Canada, United Kingdom, Switzerland, EU & its mS, United States, New Zealand)] this Convention, [States Parties shall also cooperate for the purposes of the collection of evidence in electronic form of serious crimes, including serious crimes covered by article 17 of this Convention, when applicable (United States, United Kingdom, New Zealand)] {[as well as of serious crimes, [including alt: and (Egypt, Retain original: Australia, Israel)] those offences covered by article 17 of this Convention when applicable alt: and serious crimes as defined in article 2 (h) (EU and its mS, Côte d'Ivoire, Lebanon, Liechtenstein, Georgia, Vanuatu, Australia, Philippines, Tonga, Colombia) alt: any criminal offence (Uganda, Russian Federation)] [and other criminal offences punishable by a maximum deprivation of liberty of at least three years (Argentina, Brazil, Russian Federation)] (Delete: Morocco)}. [delete paragraph: Russian Federation, Syria, Retain: Australia, United States, Canada] (delete: Norway, Pakistan, Switzerland)}

[alt: States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences established under this Convention, including for the purposes of the collection of information and evidence in electronic form of offences established under this Convention. As to serious crimes defined in article 2 (h), States Parties shall afford one another mutual legal assistance for the purposes of the collection of information and evidence in electronic form. (China, Delete: Australia, Norway, United Kingdom, Israel, EU & its mS, United States, Canada, Switzerland, New Zealand)] [retain original: Argentina]

2. Mutual legal assistance [shall alt: may (Viet Nam, Yemen, Retain original: Brazil, Argentina, South Africa)] be afforded to the [fullest alt: widest (New Zealand, Canada, Tonga) (delete: Yemen)] extent possible [in accordance with this Convention, applicable international (Russian Federation, Syria, DPRK, Delete: Australia, United States, Canada, EU & its mS, New Zealand)] under relevant laws, treaties, [agreements and arrangements domestic law (Russian Federation, Syria, Delete: Australia, United States, Canada, EU & its mS, New Zealand)] of the requested State Party with respect to investigations, prosecutions and judicial proceedings [including those (Russian Federation, Syria, Delete: Australia, United States, Canada, New Zealand)] in relation to the offences for which a legal person may be held liable in accordance with article 18 of this Convention in the requesting State Party. [retain original: CARICOM, United States, EU & its mS, Colombia, South Africa]

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

(a) Taking evidence or statements from persons [including representatives of legal persons (Russian Federation, Syria, Pakistan, DPRK, Delete: Australia, United States, Canada, EU & its mS)] [, depositions or any other type of evidence (Central African Republic) (delete: EU & its mS, New Zealand)];

(b) Effecting service of [judicial (delete: Russian Federation, Syria, Philippines) (Retain original: Australia, United States, Canada, EU & its mS, Colombia, New Zealand)] documents;

(c) Executing searches and seizures, [of stored data, disclosing this data (Senegal)] and freezing [assets (Senegal), Retain original: Australia, New Zealand];

(d) Searching or similarly accessing, seizing or similarly securing, and disclosing data stored by means of [a computer system] [an information and communications technology device] pursuant to article 44; [merge sub-paras: Senegal]

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- (e) Collecting real-time traffic data pursuant to article 45;
- (f) Intercepting content data pursuant to article 46; ~~(delete: Singapore, Malaysia, Retain: Philippines, Switzerland, Russian Federation)~~
- (g) Examining objects and sites;
- (h) Providing ~~targeted and (Philippines)~~ ~~relevant (New Zealand, Canada, Philippines)~~ information, ~~evidentiary items~~ ~~alt: objects and evidence (Russian Federation, Syria)~~ and expert evaluations; ~~retain original: Australia, United States, Canada, EU & its mS, Colombia, New Zealand~~
- (i) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
- (j) Identifying ~~all persons or the proceeds of crime (Senegal)~~ ~~or alt: (Uganda)~~ tracing ~~freezing and confiscating (Uganda)~~ proceeds of crime, property ~~and digital assets (Bahrain, Iraq, Delete: Liechtenstein)~~, instrumentalities or other things for evidentiary purposes; ~~retain original: Australia, EU & its mS, United States, Canada, Colombia, New Zealand~~
- (k) Facilitating the voluntary appearance of persons in the requesting State Party;
- (l) Recovering ~~for the purposes of confiscation and transfer of (Russian Federation, Syria, Against: Australia)~~ proceeds of crime ~~in accordance with the provisions of this Convention (Australia, Canada)~~; ~~Retain original: United States, Canada, EU & its mS, Colombia, New Zealand~~
- ~~(l bis) Removal of the domain name used for criminal activities (Russian Federation)~~;
- ~~(l ter) Removal or making the criminal content inaccessible (Iran, Iraq, Delete: Georgia, United States, EU & its mS, Australia, New Zealand)~~
- (m) Any other type of assistance that is not contrary to the domestic law of the requested State Party.
- ~~retain original: CARICOM, Yemen, Canada~~

4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party pursuant to this Convention.

5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restrictions on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to the disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.

6. The provisions of this article shall not affect ~~the (India)~~ obligations ~~of the requesting and requested State Party (India, Russian Federation)~~ under any other treaty, bilateral or multilateral, that governs or will govern, in whole or in part, ~~in respect of (India, Russian Federation)~~ mutual legal assistance ~~between requesting and requested State Parties (India, Russian Federation)~~. ~~retain original: Yemen~~

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7. Paragraphs 8 to 30 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty on mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 8 to 30 of this article in lieu thereof. States Parties are strongly encouraged to apply the provisions of those paragraphs if they facilitate cooperation.

[move to article 21: Mauritania] [retain original: Yemen, CARICOM]

8. States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, the requested State Party may, when it deems appropriate, provide assistance, [that does not involve coercive actions, (Viet Nam)] to the extent it decides at its discretion, irrespective of whether the conduct would constitute an offence under the domestic law of the requested State Party [. and in particular when both perpetrators and victims are nationals of the requesting State Parties (China) (delete: United States)]. Assistance may be refused when requests involve matters of a *de minimis* nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention. [delete paragraph: Russian Federation, Syria, Belarus, Sri Lanka. (Retain original: Australia, United States, Canada, United Kingdom, Israel, EU & its mS, Colombia, CARICOM, Canada, New Zealand)] [move to paragraph 21 (e) (Senegal, Côte d'Ivoire)] [retain UNTOC language: Cameroon]

9. A person who is being detained or is serving a sentence in the territory of one State Party and whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences established in accordance with this Convention may be transferred if the following conditions are met:

(a) The person freely gives informed consent;

(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

10. For the purposes of paragraph 9 of this article:

(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

(b) The State Party to which the person is transferred shall, without delay, implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which the person was transferred for time spent in the custody of the State Party to which the person was transferred.

11. Unless the State Party from which a person is to be transferred in accordance with paragraphs 9 and 10 of this article so agrees, that person, regardless of the person's nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to the person's departure from the territory of the State from which the person was transferred.

12. (a) Each State Party shall designate a central authority [or competent authorities (Uganda) (delete: United States, New Zealand)] or authorities that shall have the responsibility and power to [send and (delete: United Kingdom)] receive requests for mutual legal assistance and either to execute them or to transmit them to



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the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory; [retain original: Indonesia, Canada]

(b) Central authorities [and competent authorities (Uganda) (delete: United States, New Zealand)] shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority; [retain original: Indonesia, EU & its mS]

(c) The [secretariat alt: Secretary-General of the United Nations (Iran, Russian Federation, Syria.) (Retain original: Australia, United States, Canada, EU & its mS, New Zealand)] shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention, and shall set up and keep updated a register of central authorities designated by the States Parties. Each State Party shall ensure that the details held in the register are correct at all times; [retain original: Indonesia]

(d) Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

[Retain original: CARICOM]

13. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The secretariat shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. [In urgent circumstances (delete: Ecuador)] and where agreed by the States Parties, requests may be made orally [or in electronic form (Viet Nam, Iraq, Australia, El Salvador, Canada, Ecuador, Indonesia, Peru, Tonga, Colombia)], but shall be confirmed in writing forthwith. [Retain original: United States, CARICOM, Indonesia, EU & its mS, New Zealand]

14. Where not prohibited by [their alt: the (Russian Federation, Syria, DPRK)] respective laws, [of State Parties, their (Russian Federation, Syria, DPRK)] central authorities [of States Parties (delete: Russian Federation, Syria, DPRK)] are encouraged to alt: may (Russian Federation, Syria, DPRK)] transmit and receive requests for mutual legal assistance, and communications related thereto, as well as evidence, in electronic form under conditions allowing the requested State Party to establish authenticity and ensuring the security of communications. [Retain original: Australia, United States, Canada, Peru, EU & its mS, Colombia, CARICOM, Indonesia]

15. A request for mutual legal assistance shall contain:

(a) The identity of the authority making the request;

(b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;

(c) A summary of the relevant facts [or circumstances of the offence in respect of which the examination, investigation, prosecution, or judicial proceeding is being conducted (Russian Federation, Syria.) (Retain original: Australia, United States, Canada, EU & its mS, New Zealand)], except in relation to requests for the purpose of service of [judicial (delete: Philippines)] documents; [retain original: Peru, Canada]

(d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;

(e) Where possible and appropriate, the identity, location and country of origin of any person, item or accounts concerned; and

[(e alt) Where possible and appropriate, the identity, location and nationality of any person concerned or the location and description of any property concerned (Singapore, Lebanon, Ghana, Thailand, Philippines)] [and any other information that may help identify or locate the property concerned (Philippines) [delete: United States, Canada, EU & its mS, New Zealand]]

[e alt 1] Data identifying the person who are the subject of a crime report, in vestigation, prosecution or proceeding where possible their location and nationality or account as well as items concerned (Russian Federation, Syria.) (delete: Australia, United States, Canada, EU & its mS, Japan, New Zealand)]

(f) The [time period and (delete: CARICOM, Vanuatu, United Kingdom, EU & its mS, United States, Tonga, Canada, Japan), ] purpose for which the evidence, information or other assistance is sought.

[(f bis) The preferred deadline for execution of the request desired by the requesting State Party. (Russian Federation, Syria.) (Delete: Australia, United States, Canada, EU & its mS, New Zealand)]

[(f ter) If appropriate, the specific time period which relates to the criminal activity under investigation (United Kingdom, EU & its mS, United States, Tonga, Georgia, CARICOM, Canada, New Zealand)] [Retain original: Russian Federation]

16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

18. Wherever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness [or alt: , Russian Federation, Syria,] expert [suspect, accused or victim (Russian Federation, Syria, Philippines, Pakistan)] by the [judicial authorities of alt: the relevant authority as deemed appropriate (Philippines)] another State Party, the [first (delete: Russian Federation, Syria,)] State Party [in whose territory that individual is located (Russian Federation, Syria,)] may, at the request of the other [State Party (Russian Federation, Syria,)], permit the hearing to take place by videoconference [if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party (delete: United Kingdom, Georgia)]. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party. If the requested State Party does not have access to the technical means necessary for holding a videoconference, such means may be provided by the requesting State Party, upon mutual agreement. [Retain original: Australia, United States, Canada, Peru, EU & its mS, CARICOM, Indonesia, New Zealand]

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

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20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

21. Mutual legal assistance may be refused:

(a) If the request is not made in conformity with the provisions of this [article ~~alt: Convention (Saudi Arabia, New Zealand)~~];

(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests;

(c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

~~[ (c bis) When, as determined by the requested State, the offence for which the person is sought to be a political offence, or an offence related thereto, (or an ordinary offence prosecuted for political reasons (delete: Georgia, Algeria)). (Costa Rica, EU and its mS, Côte d'Ivoire, Lebanon, Dominican Rep., Ghana, Liechtenstein, Georgia, Guatemala, Paraguay, Brazil, Vanuatu, Australia, United States, Norway, Canada, Ecuador, Kenya, United Kingdom, Philippines, Albania, Switzerland, Algeria, EU & its mS, Tonga, Israel, Japan, Delete: Tanzania, Morocco, Russian Federation, Egypt)~~

~~[ (c ter) Nothing in this Convention shall be interpreted as imposing an obligation to cooperate if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person's sex, race, language, religion, nationality, ethnic origin or political opinions, or that compliance with the request would cause prejudice to that person's position for any one of these reasons. (Argentina, New Zealand, Georgia, Brazil, Colombia, Australia, El Salvador, United States, Canada, Chile, Armenia, Israel, EU & its mS, Japan, Delete: Tanzania, Russian Federation, Egypt)]~~

~~[if there is a substantial ground to believe that the request was made for the ... r (Philippines)]~~

(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

~~[ (d bis) States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, the requested State Party may, when it deems appropriate, provide assistance to the extent it decides at its discretion, irrespective of whether the conduct would constitute an offence under the domestic law of the requested State Party Assistance may be refused when requests involve matters of a *de minimis* nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention. (Senegal) (Against: Canada, New Zealand, Russian Federation)]~~

[22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

23. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank ~~[and tax (South Africa) (delete: United States, Canada, New Zealand)]~~ secrecy.

24. Reasons ~~[shall alt: may (Uganda)]~~ be given for any refusal of mutual legal assistance. ~~(delete paras: Yemen)]~~ [Retain original: New Zealand] [Delete par.: Sri Lanka]

25. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requested State Party shall respond to reasonable requests by the

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requesting State Party on the status, and progress in its handling, of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

26. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

27. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 26 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

28. Without prejudice to the application of paragraph 11 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be [investigated, (Uganda) (delete: United States, Canada)] prosecuted, detained, punished or subjected to any other restriction of the person's liberty in that territory in respect of acts, omissions or convictions prior to the person's departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which the person has been officially informed that the presence of the person is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of the person's own free will.

29. The ordinary costs of executing a request shall be borne by the requested State Party, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

30. The requested State Party:

(a) Shall provide to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are available to the general public;

(b) May, at its discretion, provide to the requesting State Party, in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, [certified (Uganda)] documents or information in its possession that under its domestic law are not available to the general public.

[delete paragraph: Russian Federation, Syria. Retain original: Australia, United States, Canada, Peru, EU & its mS]

31. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to or enhance the provisions of this article.

[retain original: Nigeria, Ghana, Tonga, DRC]

#### *Article 41. 24/7 network*

1. Each State Party [shall alt: may (Yemen)] designate a point of contact [at its competent authority (Russian Federation, Namibia)] available 24 hours a day, 7 days a week, in order to ensure the provision of immediate assistance for the purpose of investigations, [prosecutions (delete: Australia, Switzerland, Malaysia) (retain: Thailand, Rep. of Korea)] or [judicial (delete: Philippines, Malaysia)] proceedings concerning [criminal (EU & its mS, Norway, Israel, Liechtenstein, Paraguay, Iraq,

Ecuador, Switzerland, India, Georgia, DRC, Albania, CARICOM) (retain original: Thailand)] offences established in accordance with [articles 6 to 16 of (~~delete: India, Burkina Faso, Russian Federation, Retain: Morocco, New Zealand~~)] this Convention [and all the crimes arising from the misuse of ICTs (Oman – throughout the text, Iran) (~~Delete: New Zealand~~)], or for the collection, [obtaining, preservation (~~delete: United Kingdom, Japan, Australia, Switzerland, Yemen, Malaysia~~) (retain: Algeria, Russian Federation)] [of evidence (Brazil, Argentina, Georgia, Tanzania, Uruguay, Paraguay, Guatemala, Peru)] [and sharing (~~delete: United Kingdom, Japan, Australia, Liechtenstein, Switzerland, Yemen, Malaysia~~) (retain: Algeria, Russian Federation)] [information (Brazil, Argentina, Georgia, Iraq, Viet Nam, Indonesia Paraguay, Guatemala, Peru)] [of (information and (Russian Federation))] evidence in electronic form (~~delete: Brazil, Argentina, Georgia, Viet Nam, Tanzania, Indonesia, Uruguay, Guatemala~~) (information (Tanzania))] of [any (Russian Federation,)] [offences alt: crime (Morocco) {established in accordance with [articles 6 to 16 (~~delete: India, Burkina Faso, Cameroon, Russian Federation~~) alt: articles 6 to 15 (Georgia, Costa Rica)] [~~. Each State Party shall also ensure the provision of assistance under this article with respect to the collection of evidence in electronic form of serious crime, including those serious crimes covered by article 17 of this Convention, when applicable. (United States, United Kingdom)~~] of this Convention, [as well as of serious crime, [(including alt: and (Egypt, Iran, Eritrea, Russian Federation) (which may include (United Kingdom)) those offences covered by article 17 of this Convention when applicable (~~delete: Georgia, New Zealand, Canada, CARICOM, Costa Rica, EU & its mS, Israel, Liechtenstein, Switzerland, Norway, Pakistan~~)] [alt: and serious crimes as defined in article 2 (h) (Lebanon, Georgia, Brazil, EU & its mS)]. [Retain original: Canada, Nigeria, Israel, United States] (~~delete: Morocco~~)}

2. The secretariat shall be notified of such point of contact and keep an updated register of points of contact designated for the purposes of this article [and will notify annually the States Parties of the updated contact points (Paraguay)] (~~against: Canada~~).

3. Such assistance shall include facilitating or, if permitted by the domestic law and practice of the requested State Party, directly carrying out the following measures:

(a) The provision of technical advice;

(b) The preservation of stored [computer data] [digital information] pursuant to articles 42 and 43;

[(b bis) The rendering inaccessible of [computer data] [digital information] pursuant to subparagraph (d) of paragraph 3 of article 28; (India, Iran, Russian Federation) (delete: Canada, United States, United Kingdom, Norway, Liechtenstein, Switzerland, Georgia, New Zealand, Peru, EU & its mS

(c) The collection of evidence, the provision of legal information and the locating of suspects; [or (~~delete: India~~) [~~delete paragraph: New Zealand~~

[(d) The provision of [computer data] [digital information] to avert an emergency [as defined in article 2 of this Convention (Cabo Verde, Cameroon, Russian Federation)] (~~delete: Costa Rica, United Kingdom, Philippines, Yemen, Rep. of Korea, Liechtenstein, Canada~~)]

[(d bis) The provision of subscriber information needed for the requesting party's criminal investigations or proceedings. (India, Iran) (delete: Canada, United States, United Kingdom, Norway, Liechtenstein, Switzerland, Georgia, New Zealand, Peru, EU & its mS, New Zealand)]

[Retain original par. 3: Tanzania]

4. A State Party's point of contact shall have the capacity to carry out communications with the point of contact of another State Party on an expedited basis. If the point of contact designated by a State Party is not part of that State Party's authority or authorities responsible for mutual legal assistance or extradition, the

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point of contact shall ensure that it is able to coordinate with that authority or those authorities on an expedited basis. [agreed ad referendum]

5. Each State Party shall ensure that trained and equipped personnel are available [to (ensure alt: facilitate (CARICOM, Malaysia, South Africa, Rwanda)) alt: in order to facilitate (Tanzania)] the operation of the 24/7 network. [retain original: United Kingdom, Canada, EU & its mS]

6. States Parties [may alt: shall (CARICOM, South Africa) (retain original: Tanzania, United States, United Kingdom, Namibia, Russian Federation)] also use [and secure direct lines of information exchange or (Pakistan)] strengthen existing authorized networks of points of contact, where applicable, and within the limits of their domestic laws, including [utilization of (Pakistan)] the 24/7 networks for computer-related crime of the International Criminal Police Organization for [prompt police-to-police cooperation and other methods of information exchange cooperation alt: swift police-to-police cooperation, as well as other modes of cooperation for information exchange (Pakistan, Russian Federation)]. [Retain original: Canada, EU & its mS]

[6 bis. To provide support on training, technical sites to countries in need (Yemen) (Delete: Canada, New Zealand)].

[Retain original: Vanuatu, Nigeria, Tanzania, Kenya, Cabo Verde, Tonga]

*Article 42. Expedited preservation of stored  
[computer data] [digital [electronic (Pakistan)] information]*

1. A State Party may request another State Party to order or otherwise obtain the expeditious preservation of data stored by means of [a computer system] [an information and communications technology device], located within the territory of that other State Party [, or where the data is in the possession or control of a service provider located or established in, or, through data processing activities, otherwise operating from that other State Party. (Russian Federation)] and in respect of which the requesting State Party intends to submit a request for mutual legal assistance in the search [or similar access, seizure or similar securing, or disclosure of the data alt: for actions such as searching, accessing, seizing, securing or disclosing electronic information (Pakistan, Russian Federation)]. [Retain original: EU & its mS, United States, Canada, Japan]

2. A request for preservation made under paragraph 1 shall specify:

(a) The authority seeking the preservation; [agreed ad referendum]

(b) The offence that is the subject of an [criminal (United States, Canada, United Kingdom, Rep. of Korea, EU & its mS, Tonga, South Africa, Japan)] investigation [, prosecution (Thailand, Algeria, EU & its mS, Tonga, South Africa, Japan)] or judicial proceedings and a brief summary of the related facts;

(c) The stored [computer data] [digital information] to be preserved and their relationship to the offence; [agreed ad referendum]

(d) Any available information identifying the custodian of the stored [computer data] [digital information] or the location of the [computer system] [information and communications technology device]; [agreed ad referendum]

(e) The necessity of the preservation; [agreed ad referendum]

(f) That the requesting State Party intends to submit a request for mutual legal assistance in the search or similar access, seizure or similar securing, or disclosure of the stored [computer data] [digital information]; [agreed ad referendum]

(g) As appropriate, the need to keep the request for preservation confidential and not to notify the user. [agreed ad referendum]

3. Upon receiving the request from another State Party, the requested State Party [shall take alt: shall consider taking (Singapore)] all appropriate measures [including

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the use of technical means (Pakistan)] to preserve expeditiously the [specified data alt: specified electronic information for the duration specified (Pakistan)] in accordance with its domestic law. [For the purposes of responding to a request, dual criminality shall not be required as a condition for providing such preservation (delete: Viet Nam, Australia)]. [Retain original: EU & its mS]

4. A State Party that requires dual criminality as a condition for responding to a request for mutual legal assistance in the search or similar access, seizure or similar securing, or disclosure of stored [computer data] [digital information] may, in respect of offences other than those established in accordance with [articles 6 to 16 of (Japan, United States, Canada, United Kingdom, EU & its mS)] this Convention, reserve the right to refuse the request for preservation under this article in cases where it has reasons to believe that, at the time of disclosure, the condition of dual criminality could not be fulfilled. [(delete paragraph: India)] [retain original: Australia, Switzerland, EU & its mS]

[5. A request for preservation may be refused on the basis of the grounds contained in article 40, paragraph 21. (delete para: Brazil, Lebanon. Retain: CARICOM, Liechtenstein, Australia, United Kingdom, Switzerland, EU & its mS, United States, Canada)]

6. Where the requested State Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting State Party's investigation, [prosecution or other proceedings, the requesting State Party may postpone the execution of said request (Philippines)] it shall promptly so inform the requesting State Party, which shall then determine whether the request should nevertheless be executed. [Retain original: EU & its mS, Canada]

7. Any preservation effected in response to a request made pursuant to paragraph 1 [shall alt: may (Singapore, Armenia)] be for a period of [not (more than alt: less than (Pakistan, Tonga, Russian Federation)) ninety days alt: at least sixty days (EU and its mS, Lebanon, Liechtenstein, Paraguay, Australia, United States, Norway, Canada, United Kingdom, Thailand, Rep. of Korea, Albania, Israel, Peru, Morocco, CARICOM, New Zealand)], in order to enable the requesting State Party to submit a request for the search or similar access, seizure or similar securing, or disclosure of the data. Following the receipt of such a request, the data [shall alt: may (Singapore)] continue to be preserved pending a decision on that request. [retain original: Iraq]

8. Before the expiry of the preservation limit in paragraph 7, the requesting State Party may request an extension of the period of preservation, [for not more than ninety additional days (delete: United State, Thailand, Rep. of Korea, Philippines, EU & its mS, Morocco, Tonga, Canada)] [for the same period as originally requested (Philippines)]. [delete paragraph: Japan, United Kingdom, Uganda]

[retain original: Nigeria, Malaysia, Vanuatu, Australia, Palestine, Tanzania, Ghana, South Africa, Tonga, Egypt]

#### *Article 43. Expedited disclosure of preserved traffic data*

1. Where, in the course of the execution of a request made pursuant to article 42 to preserve traffic data concerning a specific communication, the requested State Party discovers that a service provider in another State Party was involved in the transmission of the communication, the requested State Party shall expeditiously disclose to the requesting State Party a sufficient amount of traffic data to identify that service provider and the path through which the communication was transmitted. [agreed ad referendum]

2. Disclosure of traffic data under paragraph 1 may be refused on the basis of the grounds contained in article 40, paragraph 21.

[2 bis A State Party that requires dual criminality as a condition for responding to a request for mutual legal assistance for disclosure of preserved traffic datamay, in respect of offences other than those established in accordance with this Convention, reserve the right to refuse the request for disclosure of traffic data under paragraph 1 in cases where it has reasons to believe that the condition of dual criminality could not be fulfilled. (India)]

[retain original: CARICOM, Namibia, Malaysia, Vanuatu, United States, Nigeria, United Kingdom, Tanzania, Thailand, Albania, Ghana, EU & its mS, Tonga, Morocco, Australia, Canada, Japan, New Zealand, South Africa]

*Article 44. Mutual legal assistance in accessing  
stored [computer data] [digital information]*

1. A State Party may request another State Party to search or similarly access, seize or similarly secure [, render inaccessible (India)], and disclose data stored by means of [a computer system] [an information and communications technology device] located within the territory of the requested State Party [or retained by any service provider that is located or established in, or, through data processing activities, otherwise operating from the requested State (Pakistan)] [for the purpose of criminal investigations, prosecutions and other proceedings concerning the offences defined under this Convention and other criminal offences provided that those are punishable under the laws of both Parties (Philippines)] [, or where the data is in the possession or control of a service provider located or established in, or, through data processing activities, otherwise operating from that other State Party (Russian Federation)], including data that have been preserved pursuant to article 42. [Retain original: United States, Canada, Morocco]

2. The requested State Party shall respond to the request through the application of relevant international instruments and laws referred to in article 35, and in accordance with other relevant provisions of this chapter. [agreed ad referendum]

3. The request shall be responded to on an expedited basis where:

(a) There are grounds to believe that the relevant data are particularly vulnerable to loss or modification; or

[(a bis) There are grounds to believe that the relevant [computer data] [digital information] are used to commit further offences established in accordance with this Convention (India, South Africa)]

(b) The instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited cooperation.

[3 bis. A State Party that requires dual criminality as a condition for responding to a request for mutual legal assistance for access to stored [computer data] [digital information] may, in respect of offences other than those established in accordance with this Convention, reserve the right to refuse the request for access to stored [computer data] [digital information] under paragraph 1 in cases where it has reasons to believe that the condition of dual criminality could not be fulfilled. (India)]

[retain original: CARICOM, Namibia, Malaysia, Vanuatu, United States, Nigeria, Palestine, United Kingdom, Tanzania, Thailand, Albania, Ghana, EU & its mS, Tonga, Morocco, Australia, Canada, Japan, New Zealand, Russian Federation, South Africa]

*Article 45. Mutual legal assistance in the real-time  
collection of traffic data*

1. States Parties shall alt: may (EU and its member States, Lebanon, New Zealand, Liechtenstein, Georgia, Paraguay, Vanuatu, Australia, Norway, Canada, United Kingdom, Albania, Indonesia, Israel, United States, Tonga, Armenia. Retain original: Brazil, Algeria, South Africa, Ghana, Namibia, Tonga) (retain original: Morocco)] provide mutual legal assistance to each other in the real-time collection of traffic data



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associated with specified communications in their territory transmitted by means of [a computer system] [an information and communications technology device], [or where the data is in the possession or control of a service provider located or established in, or, through data processing activities, otherwise operating from that other State Party (Russian Federation) (delete: EU & its mS, United States, Canada, Morocco)]. Subject to the provisions of paragraph 2, such assistance shall be governed by the conditions and procedures provided for under domestic law. [Retain original: Chile]

2. Each State Party [shall alt: may (EU and its member States, Lebanon, New Zealand, Liechtenstein, Georgia, Paraguay, Norway, Canada, Albania, Indonesia, United States, Armenia, Chile, Retain original: South Africa)] provide such assistance at least with respect to criminal offences for which the real-time collection of traffic data would be available in a similar domestic case.

3. A request made in accordance with paragraph 1 of this article [may be submitted in electronic format and (Pakistan, Russian Federation) (delete: EU & its mS)] shall specify:

(a) The name of the requesting authority;

(b) A summary of the main facts and the nature of the investigation, prosecution or judicial proceeding to which the request relates;

(c) The [computer data] [digital information] in relation to which the collection of the traffic data is required and their relationship to the offence or other illegal act;

(d) Any available data that identify the owner or user of the data or the location of the [computer system] [information and communications technology device];

(e) Justification for the need to collect the traffic data;

(f) The period for which traffic data are to be collected and a corresponding justification of its duration. [delete sub-para: United States, Canada, EU & its mS]

[delete article: Singapore, Malaysia, Norway, Switzerland, Viet Nam]

[retain original: CARICOM, Namibia, Nigeria, Palestine, United Kingdom, Tanzania, Thailand, Argentina, Philippines, Albania, Belarus, Egypt, South Africa]

#### *Article 46. Mutual legal assistance in the interception of content data*

States Parties [shall alt: may (EU and its member States, Lebanon, New Zealand, Liechtenstein, Georgia, Paraguay, Vanuatu, Australia, Norway, Canada, United Kingdom, Albania, Indonesia, Israel, Tonga, Armenia, United States)] provide mutual legal assistance to each other in the real-time collection or recording of content data of specified communications transmitted by means of [a computer system] [an information and communications technology device], to the extent permitted under treaties applicable to them and under their domestic laws.

[retain original: CARICOM, Namibia, United States, Canada, Nigeria, Palestine, United Kingdom, Tanzania, Thailand, Argentina, Philippines, Albania, Morocco, Brazil, Algeria, South Africa, Ghana, Namibia, Iran, Tonga, Chile, Egypt, Russian Federation]

[Alt: 1. States Parties shall provide mutual legal assistance to each other in the real-time collection or recording of content data of specified communications in their territory transmitted by means of [a computer system] [an information and communications technology device], or where the data is in the possession or control of a service provider located or established in, or, through data processing activities, otherwise operating from another State Party. Subject to the provisions of paragraph 2, such assistance shall be governed by the conditions and procedures provided for under domestic law.]

2. Each State Party shall provide such assistance at least with respect to criminal offences for which the real-time collection or recording of content data would be available in a similar domestic case.

3. A request made in accordance with paragraph 1 of this article shall specify:

(a) The name of the requesting authority;

(b) A summary of the main facts and the nature of the investigation, prosecution or judicial proceeding to which the request relates;

€ The [computer data] [digital information] in relation to which the collection or recording of content data is required and their relationship to the offence;

(d) Any available data that identify the owner or user of the data or the location of the [computer system] [information and communications technology device];

€ Justification for the need to collect or record the content data;

(f) The period for which content data are to be collected or recorded and a corresponding justification of its duration. (Russian Federation, Belarus. Delete: Canada, United States, New Zealand)]

[delete article: Singapore, Malaysia, Norway, Switzerland, Viet Nam]

#### *Article 47. Law enforcement cooperation*

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences [covered by this Convention alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, Vanuatu, Costa Rica, United States, EU & its mS, Norway, Japan, Israel, Australia, Liechtenstein, Switzerland, Singapore, Georgia, Paraguay, Chile)] [including article 17 and serious crimes (Egypt, Iran, Eritrea, Russian Federation, Nigeria, Burkina Faso, South Africa) (delete (Russian Federation))] [and any other offences committed with the use of information and communications technologies (Yemen, Russian Federation)]. States Parties shall, in particular, take effective measures:

(a) To enhance and, where necessary, to establish channels of [direct and secure (Pakistan, Russian Federation)] communication between their competent authorities, agencies and services [taking into account the existing channels available, including (those of (Benin)) the International Criminal Police Organization, (cybersecurity office (Benin)) among others, (Dominican Rep., Benin, Uruguay, Iran, Iraq, Guatemala, Ecuador, Namibia, Peru, Cameroon, Paraguay, Rwanda, Pakistan)] in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences [covered by this Convention alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, Vanuatu, Costa Rica, United States, EU & its mS, Norway, Japan, Israel, Australia, Liechtenstein, Switzerland, Singapore, Georgia, Paraguay)] [including article 17 and serious crimes (Egypt, Iran, Eritrea, Russian Federation, Nigeria, Burkina Faso, South Africa, Syria) (Delete: New Zealand)], including, if the States Parties concerned deem it appropriate, links with other criminal activities;

(b) To cooperate with other States Parties in conducting inquiries with respect to offences [covered by this Convention alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, Vanuatu, Costa Rica, United States, EU & its mS, Norway, Japan, Israel, Australia, Liechtenstein, Switzerland, Singapore, Georgia, Paraguay, Chile)] [including article 17 and serious crimes (Egypt, Iran, Eritrea, Russian Federation, Nigeria, Burkina Faso, South Africa, Syria) (Delete: New Zealand)] concerning:

(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

(ii) The movement of proceeds of crime or property derived from the commission of such offences;

(iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

[ (b bis) Cooperation between competent national authorities concerned with prosecution and investigation and private sector entities operating in the field in matters related to commission of offences under this Convention. (Mauritania, Senegal) (Against: Canada, New Zealand)]

\_\_\_\_(c) To provide, where appropriate, necessary items or data for analytical or investigative purposes; [agreed ad referendum]

(d) To exchange, where appropriate, information with other States Parties concerning specific means and methods used to commit the offences [covered by this Convention, alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, Iran, Eritrea, Vanuatu, Costa Rica, United States, EU & its mS, Norway, Japan, Israel, Australia, Liechtenstein, Switzerland, Singapore, Georgia, Paraguay, Chile)] [including article 17 and serious crimes (Egypt, Iran, Eritrea, Russian Federation, Nigeria, Burkina Faso, South Africa, Syria) (Delete: New Zealand)] including the use of false identities, forged, altered or false documents and other means of concealing activities, as well as [cybercrime] tactics, techniques and procedures [associated with the use of information and communications technologies for criminal purposes];

(e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers; [agreed ad referendum]

(f) To exchange information and coordinate administrative and other measures taken, as appropriate, for the purpose of early identification of the offences [covered by this Convention alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, Eritrea, Vanuatu, Costa Rica, United States, EU & its mS, Norway, Japan, Israel, Australia, Liechtenstein, Switzerland, Singapore, Georgia, Paraguay, Chile)] [including article 17 and serious crimes (Egypt, Iran, Eritrea, Russian Federation, Nigeria, Burkina Faso, South Africa, Syria) (Delete: New Zealand) (delete: Russian Federation)].

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them [if required and mutually agreed (Australia)]. In the absence of such agreements or arrangements between the States Parties concerned, the States Parties [may alt: shall (Russian Federation) (Retain original: EU & its mS)] consider this Convention to be the basis for mutual law enforcement cooperation in respect of the offences [covered by this Convention alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, Vanuatu, Costa Rica, United States, EU & its mS, Norway, Japan, Israel, Australia, Liechtenstein, Switzerland, Singapore, Georgia, Paraguay, Chile)] [including article 17 and serious crimes (Egypt, Iran, Eritrea, Russian Federation, Nigeria, Burkina Faso, South Africa, Syria) (Delete: New Zealand)]. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

[Retain original: CARICOM, Tanzania, Algeria, Rep. of Korea, Malaysia, Kenya, Albania, Cabo Verde, Tonga, Morocco]

[Article 47 bis. Cooperation between national authorities  
and service providers]

1. Each State Party shall take such measures as may be necessary, in accordance with its domestic law, to facilitate cooperation between competent national law enforcement authorities and service providers relating to matters involving the commission of offences established in accordance with this Convention.

2. The cooperation shall include, inter alia:

(a) Undertaking actions to minimize the use of services for illegal purposes;

(b) Promptly reporting instances of criminal incidents to relevant law enforcement authorities;

(c) Providing support to law enforcement through sharing expertise, training and knowledge;

(d) Ensuring implementation of protective measures and due diligence protocols;

(e) Ensuring adequate training for their work force to enhance cyber resilience;

(f) Upon receipt of a request from law enforcement, promptly preserving electronic evidence to prevent loss or modification;

(g) Appointing a designated point of contact for effective communication with law enforcement;

(h) Ensuring the confidentiality of requests received from law enforcement authorities; and

(i) Taking measures to render offensive and harmful content inaccessible.

3. The State Parties shall, in relation to service providers, develop mutually agreed guidelines to establish cooperation of the competent authorities of the State Parties with the service providers keeping in view their legitimate trusts, conditions, and safeguards mentioned in article 24 or this Convention. (Pakistan, Iran, China, Mauritania, Russian Federation: merge with proposal. Delete: United States, Georgia, Canada, Australia, EU and its mS, New Zealand, Norway, Liechtenstein, Japan)]

*Article 48. Joint investigations*

States Parties [shall consider concluding alt: are encouraged to (Senegal)] bilateral or multilateral agreements or arrangements whereby, in relation to [matters alt: the offences established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, Vanuatu, United States, EU & its mS, Israel, Australia, Liechtenstein, Switzerland, Singapore, Georgia, Armenia, Norway, Chile)] [including article 17 and serious crimes (Egypt, Iran, Eritrea, Russian Federation, Nigeria, Burkina Faso, South Africa) (Delete: New Zealand)] that are the subject of [criminal (EU & its mS, Canada) (retain original: Thailand)] investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative [bodies alt: groups (Russian Federation) (delete: United States)]. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement [of competent authorities of two or more States Parties (Russian Federation) (delete: United States, New Zealand)] on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigations are to take place is fully respected.

[Retain original: CARICOM, Tanzania, Costa Rica, United Kingdom, Argentina, Algeria, Rep. of Korea, Malaysia, Kenya, Albania, Cabo Verde, Peru, Tonga, Morocco]

[Article 48 bis. Special investigative techniques]

1. For the purpose of effectively combating offences covered by this Convention, identifying and tracing instrumentalities and proceeds of such offences, or property the value of which corresponds to such proceeds, each State Party shall, to the extent permitted by the fundamental principles of its domestic legal system and under the conditions prescribed by its domestic law, take the necessary measures to allow for the use of covert special investigative techniques, such as electronic or other forms of surveillance, online undercover operations or extended searches by its competent authorities in its territory or in the territory under its jurisdiction, and to ensure that the evidence collected through the use of such measures is admissible in judicial proceedings.

2. If there are reasonable grounds to believe that a serious offence covered by this Convention has been, is being or is likely to be committed, a State Party shall, within its possibilities and under the conditions prescribed by its domestic law, at the request of another State Party for legal or law enforcement assistance, and where necessary jointly with the competent authorities of that other State Party, carry out covert special investigative techniques, such as electronic or other forms of surveillance, online undercover operations or extended searches by its competent authorities in its territory or in the territory under its jurisdiction, and provide the evidence collected through the use of such measures to the requesting State Party.

3. A request made in accordance with paragraph 2 of this article shall specify:

(a) Particular individuals, entities, locations or devices, instrumentalities, proceeds or property subject to the requested measure;

(b) Particular network access, equipment or service level identifiers subject to the requested measure;

(c) Where that person(s), entity or equipment, instrumentalities, proceeds or property are, or are suspected to be, located in the requested State or any relevant service provider is located or established in, or, through data processing activities, otherwise operates from the requested State;

(d) The type of covert special investigative technique for which the assistance is sought, and the persons, service providers or entities that may be required to assist in its implementation;

(e) The duration for which the assistance is sought; and

(f) The nature of the data or information that is expected to be collected, and specifically the links to serious crime investigated in the requesting State, as well as justification of the prosecution. (Russian Federation, Eritrea, Viet Nam, Belarus) (delete: United States, EU & its mS, United Kingdom, Norway, Australia, Liechtenstein, Canada, Georgia, New Zealand, Albania, Japan)]

*Article 49. Mechanisms for the recovery of property through international cooperation [in confiscation (delete: Russian Federation. Retain: Canada, Vanuatu, Switzerland, Australia, Israel, Georgia)]*

1. Each State Party, in order to provide mutual legal assistance pursuant to article 50 of this Convention with respect to property acquired through or involved in the commission of an offence [which are serious crimes (Japan)] established in accordance with [articles 6 to 16 of (delete: Russian Federation, China, Burkina Faso, Nigeria, Egypt, Syria,. Retain: Canada, Vanuatu) alt: offences established under this Convention (Kenya)] alt: and all offences resulting from the misuse of ICTs (Yemen) this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to give effect to an order of confiscation issued by a court [or competent authority (Switzerland)] of another State Party;

(b) Take such measures as may be necessary to permit its competent authorities, where they have jurisdiction, to order the confiscation of such property of

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foreign origin by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law; and [\[agreed ad referendum\]](#)

(c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases. [\[agreed ad referendum\]](#)

[\[\(c bis\) Take such measures as may be necessary, without prejudice to the rights of bona fide third parties, to make property obtained by criminal means available to another State Party for recovery to legitimate owners, where it is established that the property belongs to that particular owner. \(Russian Federation. Delete: Canada, Vanuatu, United States, New Zealand\)\]](#)

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to article 50, paragraph 2, of this Convention, shall, in accordance with its domestic law: [\[agreed ad referendum\]](#)

(a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for the purposes of paragraph 1 (a) of this article; [\[agreed ad referendum\]](#)

(b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and [\[agreed ad referendum\]](#)

(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property. [\[agreed ad referendum\]](#)

[\[retain original: Tanzania, United States, Canada, Costa Rica, Liechtenstein, Norway, Malaysia, Vanuatu, United Kingdom, EU and its mS, CARICOM, New Zealand, Australia, Albania, Cabo Verde, Rep. of Korea, Israel, Guatemala, Kenya, Ghana, Algeria, Tonga, Peru, Argentina, Morocco\]](#)

#### *Article 50. International cooperation for the purposes of confiscation*

1. A State Party that has received a request from another State Party having jurisdiction over an offence [\[, which are serious crimes \(Japan\)\]](#) established in accordance with [\[articles 6 to 16 of \(delete: India, China, Burkina Faso, Nigeria, Egypt, Russian Federation. Retain: Canada, Vanuatu, New Zealand\) alt: the offences covered by \(Syria\) alt: offences established under \(Kenya\) alt: and all offences resulting from the misuse of ICTs \(Yemen\) \(Delete: New Zealand\)\]](#) this Convention for the confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation and, if such an order is granted, give effect to it; or [\[agreed ad referendum\]](#)

(b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court [\[or competent authority \(Switzerland\)\]](#) in the territory of the requesting State Party in accordance with article 31, paragraph 1, [\[and 54 paragraph 1 \(a\) \(Tanzania\)\]](#) of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities [\[referred](#)

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to in article 31 paragraph 1 (United States, Canada, Vanuatu, New Zealand)] situated in the territory of the requested State Party.

2. Following a request made by another State Party having jurisdiction over an offence [, which are serious crimes (Japan)] established in accordance with [articles 6 to 16 of (delete: India, China, Egypt, Russian Federation) alt: the offences covered by (Syria) alt: offences established under (Kenya) alt: and all offences resulting from the misuse of ICTs (Yemen, Russian Federation) (Delete: New Zealand)] this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party. ]

3. The provisions of article 40 are applicable, mutatis mutandis, to this article. In addition to the information specified in article 40, paragraph 15, requests made pursuant to this article shall contain: [agreed ad referendum]

(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated, including, to the extent possible, the location, and where relevant, the estimated value of the property and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law; [agreed ad referendum]

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested, a statement specifying the measures taken by the requesting State Party to provide adequate notification to bona fide third parties and to ensure due process, and a statement that the confiscation order is final; [agreed ad referendum]

(c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested and, where available, a legally admissible copy of an order on which the request is based. [agreed ad referendum]

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral treaty, agreement or arrangement to which it may be bound in relation to the requesting State Party. [agreed ad referendum]

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the secretariat [of the Conference of the States Parties of this Convention (Tanzania, Burkina Faso)]. [retain original: Russian Federation]

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis. [agreed ad referendum]

7. Cooperation under this article may also be refused or provisional measures may be lifted if the requested State Party does not receive sufficient and timely evidence [that indicates the property referred to in paragraph 1 of this article (Côte d'Ivoire)] [or if the property is of a *de minimis* value (delete: Russian Federation, Côte d'Ivoire. Retain: Canada, United Kingdom, United States, Georgia, New Zealand)].

8. Before lifting any provisional measure taken pursuant to this article, the requested State Party shall, wherever possible, give the requesting State Party an opportunity to present its reasons in favour of continuing the measure. [agreed ad referendum]

9. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties. [agreed ad referendum]

10. States Parties shall consider concluding bilateral or multilateral treaties, agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this article. [agreed ad referendum]

[retain original: Canada, Costa Rica, Liechtenstein, Norway, Malaysia, Vanuatu, United Kingdom, EU and its mS, CARICOM, New Zealand, Australia, Albania, Cabo Verde, Rep. of Korea, Israel, Guatemala, Ghana, Algeria, Tonga, Peru, Argentina, Morocco]

#### *Article 51. Special cooperation*

Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with [articles 6 to 16 of (delete: India, China, Nigeria, Egypt, Russian Federation, Retain: Canada, Vanuatu) alt: the offences covered by (Syria) alt: offences established under (Kenya) alt: and all offences resulting from the misuse of ICTs (Yemen, Russian Federation) (Delete: New Zealand)] this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out [criminal (EU and its mS, Switzerland, Albania, Georgia)] investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under article 50 of the Convention.

[delete article (Japan, Australia)]

[retain original: United States, Canada, Costa Rica, Liechtenstein, Norway, Malaysia, Vanuatu, United Kingdom, EU and its mS, CARICOM, New Zealand, Albania, Cabo Verde, Rep. of Korea, Israel, Guatemala, Ghana, Algeria, Tanzania, Tonga, Peru, Argentina, Morocco, South Africa]

#### *Article 52. Return and disposal of confiscated proceeds of crime or property*

1. Proceeds of crime or property confiscated by a State Party pursuant to article 31 or 50 of this Convention shall be disposed of by that State Party in accordance with its domestic law [and administrative procedures (delete: Malaysia)]. [retain original: CARICOM, Russian Federation, South Africa]

2. When acting on a request made by another State Party in accordance with article 50 of this Convention, States Parties shall, to the extent permitted by domestic law and if so requested, give priority consideration to returning the confiscated proceeds of crime or property to the requesting State Party {so that it can [give compensation to alt: restitute (India, China, Egypt, Russian Federation, Syria, Kenya, Iran) (retain original: Canada)] the victims of the crime [or return alt: from (India, )] such proceeds of crime or property to their prior legitimate owners. (delete: Burkina Faso)} [retain original: CARICOM, South Africa]

3. When acting on a request made by another State Party in accordance with articles 31 and 50 of this Convention, a State Party may, {after due consideration has been given to [compensation of alt: restitution to (India, China, Egypt, Russian Federation, Kenya, Iran) (retain original: Canada)] victims (delete: Australia Canada)}, give special consideration to concluding agreements or arrangements on:

(a) Contributing the value of such proceeds of crime or property or funds derived from the sale of such proceeds of crime or property or a part thereof to the account designated in accordance with article 56, paragraph 2 (c), of this Convention, and to intergovernmental bodies specializing in the fight against [[cybercrime] [the use of information and communications technologies for criminal purposes] alt: with the offences established in accordance with articles 6 to 16 of this Convention (New Zealand Canada)];



(b) Sharing with other States Parties, on a regular or case-by-case basis, such proceeds of crime or property, or funds derived from the sale of such proceeds of crime or property, in accordance with its domestic law [or administrative procedures ~~(delete: Malaysia)~~]. [retain original: CARICOM, South Africa]

[3 bis. Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions, or juridical proceedings, leading to the return or disposal of proceeds of crime or property, or funds derived from the sale of such proceeds of crime or property. (CARICOM, Tanzania, Paraguay, Nigeria, Mauritania, Philippines, Vanuatu, Kenya, South Africa. Delete: Georgia Canada, New Zealand)]

[3 ter. Where appropriate, States Parties may conclude agreements, mutually acceptable arrangements or hold consultations on a case-by-case basis for the final disposal of the proceeds of such crime or property or funds derived from the sale of such proceeds of crime or property. (CARICOM, Tanzania, Paraguay, Mauritania, Philippines. Delete: Nigeria, Georgia Canada, New Zealand)]

[retain original: United States, Canada, Costa Rica, Liechtenstein, Norway, Vanuatu, United Kingdom, EU and its mS, New Zealand, Australia, Albania, Cabo Verde, Rep. of Korea, Israel, Guatemala, Tonga, Argentina, Morocco, Chile]

## Chapter VI Preventive measures

### *Article 53. Preventive measures*

1. Each State Party shall endeavour, in accordance with fundamental principles of its legal system, to develop and implement or maintain effective and coordinated policies and best practices to [address the root causes and (Iran, Venezuela, Nigeria, Russian Federation)] reduce existing or future opportunities for [cybercrime] [the use of information and communications technologies for criminal purposes] through appropriate legislative, administrative or other measures.

[1 alt. Each State Party shall, based on the basic principles of its internal legalisation adopt effective and coordinated policies and best practices to limit and prevent [cybercrime] [the use of information and communications technologies for criminal purposes] through appropriate legislative and other measures. (Yemen) (Delete: New Zealand)]

[retain original: Canada, Australia, EU and its mS, Norway, Vanuatu, United Kingdom, South Africa, Chile, United States, Rep. of Korea, Peru, Guatemala, Israel, Tanzania, Zambia, Holy See, Georgia, Japan, New Zealand, South Africa]

2. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of [its domestic law alt: their legal system (United States, Norway, Nigeria)], to promote the active participation of individuals, [and (United States, Canada, Uruguay, Norway, Chile, Peru)] groups [outside the public sector, such as civil society, including academia, the media, non-governmental organizations, international organizations, financial institutions, and the private sector (United States, Canada, Uruguay, Norway, Chile, Peru, Tanzania, Nigeria)] and [stakeholders outside the public sector alt: other relevant stakeholders (CARICOM, Canada, Uruguay, El Salvador, Indonesia, South Africa, Peru)], such as non-governmental organizations, civil society organizations, academic institutions and the private sector [and service providers (Senegal, Cameroon, Peru, Mauritania)], as well as the public in general, in the prevention of the offences covered by this Convention.

[2 alt. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of [its domestic law aiming at preventing the crimes covered by this Convention through the active participation of individuals, ... and [stakeholders outside the public sector (Yemen) (Delete: Canada)]

[retain original: Colombia, Venezuela, Vanuatu, Holy See]

3. Preventive measures [regarding the offences covered in this Convention (Iran, Yemen)] [may (delete: Senegal, South Africa)] include:

(a) Strengthening cooperation between law enforcement agencies [ investigations (Central African Rep.)] or prosecutors and relevant stakeholders for the purpose of preventing and combating the offences [covered by this Convention (including article 17 and serious crime (Egypt, Venezuela, Iran, Russian Federation) (Delete: New Zealand)) alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, EU and its mS, Japan, Vanuatu, United States, Israel, Switzerland, Georgia, Retain original: Eritrea, Russian Federation, Tanzania, Burkina Faso, Nigeria)];

[ (a bis) Strengthening cooperation and information sharing within law enforcement agencies and private entities such as financial institutions, technology companies, academia, non-governmental organizations, and other relevant civil society organizations to prevent and combat offences covered by this Convention, such cooperation shall aim at devising effective policies considering trends and risks: (Pakistan, Russian Federation) (Delete: Canada, New Zealand)]

(b) Promoting public awareness regarding the [existence, causes and gravity of the (delete: Yemen)] threat posed by the offences [covered by this Convention (including article 17 and serious crime (Egypt, Iran, Russian Federation) (Delete: New Zealand)) alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, EU and its mS, Japan, Vanuatu, Israel, Switzerland, Georgia, United States, Retain original: Eritrea, Russian Federation, Burkina Faso)] through public information activities, public education, media and information literacy programmes {and curricula that promote public participation in preventing and combating such offences [and contribute to its non-tolerance (delete: United States, Australia, Norway, Ecuador, Canada, New Zealand) alt: (, including access to cybersecurity tools (Ecuador)) (delete: EU and its mS, New Zealand)]}; [Retain original: Tanzania, Nigeria, South Africa]

(c) Building and making efforts to increase the capacity of domestic criminal justice systems, including training and developing expertise among criminal justice [practitioners alt: actors (Central African Rep.)], as part of national prevention strategies against the offences [covered by this Convention (including article 17 and serious crime (Egypt, Venezuela, Russian Federation) (Delete: New Zealand)) alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, EU and its mS, Japan, Vanuatu, United States, Israel, Switzerland, Georgia, Retain original: Eritrea, Russian Federation, Burkina Faso, Tanzania, Nigeria),]; [move to article 54: CARICOM, Vanuatu]

[ (c bis) Building capacity of service providers to take effective preventive measures, {including, among others and where feasible in light of national circumstances, the retention of log-data for assisting relevant authorities in future cybercrime investigations and electronic evidence collection, the establishment of multi-layered security schemes and early-warning mechanisms against potential criminal offences. (China, Eritrea, Venezuela, Russian Federation, Viet Nam, Cameroon, Iran) (delete: Canada, Australia)}] [delete para: EU and its mS, Norway, United Kingdom, United States, Israel, Switzerland, Canada, Georgia, New Zealand]

(d) Developing, facilitating and promoting programmes and activities in order to discourage those [at risk of alt: attempting to (Central African Rep. Retain original: EU and its mS, Chile, Georgia)] engaging in [[cybercrime] [offences committed with the use of information and communications technologies] alt: the offences established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, Vanuatu, United States, Israel, Switzerland, Retain original: Eritrea, Russian Federation, EU and its mS, Chile), Nigeria] from becoming offenders (under articles 6 to 16 of this Convention (EU and its mS, Chile, Georgia)) [and to develop their skills in a lawful manner (delete: CARICOM, Indonesia, United States. Retain: Norway, EU and its mS, Chile, Canada)] [that foster their economic and social

development (Ecuador)];[retain original: Venezuela, New Zealand, United Kingdom, United States, Tanzania, Burkina Faso, South Africa]

(e) Endeavouring to promote the reintegration into society of persons convicted of offences [covered by this Convention (including article 17 and serious crime (Egypt, Venezuela, Russian Federation)) alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Canada, EU and its mS, Vanuatu, Israel, Switzerland, Georgia, United States, Retain original: Eritrea, Russian Federation, Burkina Faso, South Africa)];

(f) Developing strategies and policies to prevent and eradicate [gender-based (delete: Russian Federation, Iran, Iraq, Senegal, Pakistan, Saudi Arabia, Syria, Mali, Holy See, Burundi)] violence [against women and girls (Holy See)] [, including sexual violence, (Iraq)] that occurs through or is amplified by [the use of information and communications technologies (Norway) (alt: computer systems (Peru, Paraguay))], (taking into consideration the special circumstances and needs of persons in vulnerable situations [subject to domestic law (Nigeria)] [, and adopting strategies and policies to eliminate violence in all its forms (Yemen)] (delete: Burkina Faso, Indonesia, Iraq, Holy See)); [delete para: CARICOM, Tanzania, Nigeria] [retain original: Canada, Australia, EU and its mS, Brazil, Japan, Colombia, Uruguay, Kenya, Norway, United Kingdom, South Africa, Chile, United States, El Salvador, Rep. of Korea, New Zealand, Mexico, Guatemala, Israel, Georgia]

(g) Undertaking [specific and tailored alt: tailored, specific, and concrete (Philippines)] efforts to [protect and (Philippines)] keep children safe online, [including through education and training on and raising public awareness of child sexual abuse or child sexual exploitation online and through revising domestic legal frameworks [and international agreements (delete: Australia)] aimed at its prevention, (as well as making efforts to guarantee the immediate removal of child sexual abuse and exploitation material [also known as child pornography (Holy See)] (delete: EU and its mS, Georgia)) [and promoting widely available, easily accessible, child-sensitive counselling, reporting and complaints mechanisms (Ghana, Iran, Russian Federation)]; (delete: CARICOM, Vanuatu, Retain: Canada, Australia, Cameroon)] [retain original: EU and its mS, Brazil, Colombia, Uruguay, Kenya, Norway, United Kingdom, Philippines, Indonesia, Chile, Viet Nam, United States, Rep. of Korea, New Zealand, Guatemala, Israel, Tanzania, Iran, Georgia, South Africa]

[ (g alt) Adopting binding measures [to eliminate the harmful content (Yemen)] for the private sector to remove child sexual abuse and child sexual exploitation material (Qatar, Yemen) (delete: Switzerland, Canada, New Zealand)]

[ (g bis) Developing strategies and policies to prevent any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, violence, including against persons of a particular race, religion, colour, or identity. (Pakistan) (Delete: Canada, New Zealand)]

(h) Enhancing the transparency of and promoting the [contribution alt: engagement (Russian Federation, Venezuela)] of the public [to alt: via providing information on (Russian Federation, Venezuela, Retain original: Canada, United States)] decision-making processes [as appropriate (United States)] [and ensuring that the public has (adequate alt: effective (United States)) access to information (move to sub-para (b) CARICOM, Tanzania)]; [delete: Iran, Mauritania] [Retain original: EU & its mS, New Zealand]

(i) Respecting, promoting and protecting the freedom to seek, receive, [publish and disseminate alt: and impart public (United States, Canada)] information concerning [[cybercrime] [the use of information and communications technologies for criminal purposes] alt: the offences established in accordance with articles 6 to 16 of this Convention (New Zealand, Vanuatu, United States, United States, Israel, Canada, Retain original: Eritrea, Russian Federation, Burkina Faso)]; [delete: Iran, Mauritania] [retain original: Colombia, Venezuela] [in accordance with the domestic law of States Parties (Tanzania, Zambia, Nigeria, South Africa)]

(j) Developing or strengthening [evidence-based, trauma-informed and accessible (Australia, Brazil, United States, Canada)] support programmes for victims of the offences [covered by this Convention (including article 17 and serious crime (Egypt, Venezuela, Russian Federation) (Delete: New Zealand)) alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Japan, Vanuatu, United States, United States, Israel, Canada, Retain original: Eritrea, Russian Federation, Burkina Faso, Brazil, Guatemala, Tanzania, Iran, South Africa)]; [moved to article 34 paragraph 4 bis (Thailand, CARICOM, Algeria)]

(k) Preventing and detecting transfers of proceeds of crime and property related to the offences established in accordance with [articles 6 to 16 of (delete: India, Eritrea, Russian Federation, Burkina Faso, Venezuela, Algeria, Yemen, Nigeria, Retain: Norway, EU and its mS, Georgia)] this Convention. [Retain original: Tanzania, Canada, New Zealand, United States]

[ (k bis) [Promoting and (Indonesia)] Strengthening the cooperation of service providers in preventing and combatting the use of information and communications technologies for criminal purposes, [in particular entities responsible for managing digital resources (delete: Indonesia) (retain: Viet Nam, Cameroon)]; [Delete: EU & its mS, New Zealand]

(k ter) Developing authentic digital identity systems [, Cameroon (Delete: Canada, New Zealand)];

©ter) Developing and promoting preventive measures, including through countering misuse of anonymizing devices (Iran, Eritrea, Delete: Canada, Norway, United Kingdom, United States, Israel, EU & its mS, New Zealand))

[ (k quinquies) Developing and enabling environment of acts conducted in good faith by cyber security researcher and to reduce the potential for harmful interferences with [computer systems] [information and communications technology devices] such as penetration testing and discovery and reporting of information and communications technology vulnerabilities for appropriate information and communications technology actors. (El Salvador, Delete: United States)]

(k sixies) Development of technical proactive mechanisms to prevent and combat cybercrime (Uganda) (Delete: Canada, New Zealand)]

4. Each State Party shall take appropriate measures to ensure that the relevant competent authority or authorities responsible for preventing and combating [[cybercrime] [the use of information and communications technologies for criminal purposes] alt: the offences established in accordance with articles 6 to 16 of this Convention (New Zealand, Japan, Vanuatu, United States, Israel, EU & its mS)] are known and accessible to the public, where appropriate, for the reporting, including anonymously, of any incident that may be considered a criminal offence covered by this Convention. [Retain original: Tanzania, Burkina Faso, Nigeria, Holy See, Russian Federation, South Africa]

5. States Parties shall endeavour to periodically evaluate existing relevant national legal frameworks and administrative practices with a view to identifying gaps [and vulnerabilities (delete: Indonesia)] and ensuring their relevance in the face of changing threats posed by the offences [covered by this Convention (including article 17 and serious crime (Egypt, Venezuela, Russian Federation) (Delete: New Zealand)) alt: established in accordance with articles 6 to 16 of this Convention (New Zealand, Japan, Vanuatu, United States, Israel)].[retain original: Algeria, Tanzania, Burkina Faso, Zambia, Nigeria, Holy See, Russian Federation, South Africa]

6. States Parties [may alt: shall (Central African Rep.)] collaborate with each other and with [, inter alia, (United States, Delete: Venezuela)] relevant [civil society, including academia, the media, non-governmental organizations (United States, Israel, Delete: Venezuela)] international and regional organizations [financial institutions, and the private sector (United States, Delete: Venezuela)] in promoting and developing the measures referred to in this article. This includes participation in

international projects aimed at the prevention of [[cybercrime] [offences committed with the use of information and communications technologies] alt: the offences established in accordance with articles 6 to 16 of this Convention (New Zealand, Japan, Vanuatu, United States, Israel, EU & its mS). [Retain original: Tanzania, Burkina Faso, Zambia, Nigeria, Holy See, Russian Federation, South Africa]

7. Each State Party shall inform the secretariat of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures to prevent [[cybercrime] [the use of information and communications technologies for criminal purposes] alt: the offences established in accordance with articles 6 to 16 of this Convention (New Zealand, Vanuatu, United States, EU & its mS) (retain original: Russian Federation, Tanzania, Burkina Faso). [Retain original: Tonga, Morocco]

## **Chapter VII**

### **Technical assistance and information alt: expertise (Mauritania, Qatar) (retain original: United Kingdom, EU & its mS, New Zealand, United States)exchange**

*Article 54. Technical assistance [and alt: including (United States, Côte d'Ivoire) (retain original: Nigeria, Uruguay, Iran, Namibia, Palestine, South Africa)] capacity-building*

1. States Parties shall, according to their capacity, consider affording one another the widest measure of technical assistance and capacity-building, including training and other forms of assistance, the mutual exchange of relevant experience and specialized knowledge and, where possible, the transfer of technology on [voluntary and (Australia, Canada, Norway, United States, EU & its mS, New Zealand, United Kingdom, Switzerland, Georgia) (retain original: Costa Rica, El Salvador, Thailand, Iran, Nigeria, Indonesia, Philippines, Iraq, South Africa, Pakistan, Tanzania, Viet Nam, Syria, Russian Federation, Palestine)] mutually agreed terms [, taking into particular consideration the (interests and (delete: United States) (retain: El Salvador) needs of developing States Parties (El Salvador, CARICOM, Iran, China, Brazil, Paraguay, Cuba, Syria, India, Russian Federation, Guatemala, Algeria, Peru, Viet Nam, South Africa, Costa Rica, Burkina Faso, Norway, Egypt, Thailand, United States, Ecuador, Argentina, Lebanon, Tonga, New Zealand, Indonesia, Côte d'Ivoire, Uruguay, Oman, Philippines, Iraq, Vanuatu, Pakistan, Tanzania, Namibia, Kenya, Cameroon, Saudi Arabia, Sudan, Morocco, Colombia, Armenia, Chi)e], with a view to facilitating [and limiting (Yemen)] the prevention, detection, investigation and prosecution of the offences covered by this Convention. [retain original: Mali]

2. States Parties shall, to the extent necessary, initiate, develop, implement or improve specific training programmes for their personnel responsible for [in order to limit and prevent (Yemen)] the [limiting and (Yemen)] prevention, detection, investigation and prosecution of the offences covered by this Convention. [Retain original: United States, Lebanon, Canada, New Zealand]

3. Activities referred to in paragraphs 1 and 2 of this article may include, [inter alia (United States, Nigeria)] to the extent permitted by domestic law, the following:

(a) Methods and techniques used in the [limiting and (Yemen) (retain original: Nigeria)] prevention, detection, investigation [, including digital forensic investigation (Pakistan, Iraq)] and prosecution of the offences covered by this Convention; [Retain original: Canada]

(b) Building capacity in the development and planning of strategic policies and legislation to prevent and combat [cybercrime] [offences committed with the use of information and communications technologies]; [agreed ad referendum]

(c) Building capacity in the collection, preservation and sharing of evidence, in particular in electronic form, [including the maintenance of the chain of custody]

(delete: United States, Lebanon, New Zealand, Canada)] and forensic analysis[. so that authenticity and integrity of the evidence concerned are not compromised (China) (delete: United Kingdom, Canada, New Zealand, United States)];

(d) Modern law enforcement equipment and the use thereof; [agreed ad referendum]

(e) Training of competent authorities in the preparation of requests for mutual legal assistance and other means of cooperation that meet the requirements of this Convention, especially for the collection, preservation and sharing of evidence in electronic form; [agreed ad referendum]

(f) Prevention, detection and monitoring of the movements of proceeds deriving from the commission of the offences covered by this Convention, property, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities; [agreed ad referendum]

(g) Appropriate and efficient legal and administrative mechanisms and methods for facilitating the seizure[. confiscation (Nigeria, Côte d'Ivoire, Tanzania, Namibia)] and [return alt: confiscation (United States, New Zealand, Canada) (retain: Nigeria)] of proceeds of offences [covered alt: established (United States, New Zealand, Canada) (retain original: Russian Federation)] by this Convention;

(h) Methods used in the protection of victims and [cooperating (United States)] witnesses who cooperate with (investigative, prosecutive, or (Thailand, Australia, Guatemala, United States, Ecuador, Tonga, New Zealand, United Kingdom, Iran, Iraq, Vanuatu, Republic of Korea, Tanzania, CARICOM, Canada, Japan)) judicial authorities; [Retain original: Zambia]

(i) Training in relevant substantive and procedural law, [and (delete: CARICOM, Algeria, India, United States)] law enforcement investigation [and prosecution (CARICOM, El Salvador, Algeria, Tanzania, Morocco, Uganda, New Zealand, United States)] [and judicial (Morocco)] powers, [and adjudicating (CARICOM, Algeria, India, Tanzania, New Zealand)] [and creation of joint investigation teams (Uganda)] as well as in national and international regulations and [(in languages alt: language training (CARICOM, El Salvador, Algeria, India) (delete: United States))].

[(i bis) The effective protection of human rights, including the protection [of alt: against arbitrary or unlawful interference with (United States)] privacy [and personal data (delete: United States)], and respect for due process while preventing and combatting offences covered by this Convention. (EU & its mS, Lebanon, New Zealand, United Kingdom, Costa Rica, Switzerland, Albania, Australia, Canada, Georgia) (delete: Russian Federation, Iran, Egypt, Malaysia)]

[Retain original: South Africa]

4. [Subject to its domestic law, (Egypt, Syria, Oman, Iraq, Tanzania, Saudi Arabia, Sudan, Viet Nam, Palestine)] States Parties shall endeavour to leverage the expertise of and cooperate closely with other States Parties, [relevant non-governmental organizations, civil society organizations, academic institutions and the private sector, (delete: Iran, Egypt) (retain: Japan)] with a view to enhancing [and supporting national efforts in (Iran, Egypt)] the effective implementation of this Convention. [Retain original: Philippines, United States, Canada, Israel, New Zealand]

5. States Parties shall [assist alt: consider assisting (United States, Canada) (retain original: Nigeria, Iran, South Africa, Viet Nam)] one another [. directly or through the United Nations Office on Drugs and Crime (Viet Nam)] in planning and implementing research and training programmes designed to share expertise in the areas referred to in paragraph 3 [and 4 (Pakistan)] of this article, and to that end shall also [consider (United States, Canada) (retain original: Nigeria, Iran, South Africa)], when appropriate, use regional and international conferences and seminars to promote

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cooperation and to stimulate discussion on problems of mutual concern. [Retain original: Tanzania, New Zealand]

6. States Parties shall [consider assisting alt: endeavour to assist (Philippines)] one another, upon request, in conducting evaluations, studies and research relating to the types, causes and effects of offences [covered alt: established (United States, New Zealand, Canada) (retain original: Russian Federation)] by this Convention committed in their respective territories, with a view to developing, with the participation of the competent authorities and [, as appropriate, (Egypt, Iran, Syria, Oman, Tanzania, Sudan, Viet Nam)] relevant stakeholders, [including alt: such as (United States, Canada)] civil society [including academia, the media, and non-governmental organizations, international organizations, financial institutions, (United States, Tanzania, Chile, Israel)] and the private sector, [national (United States, Canada)] strategies and action plans to prevent and combat [cybercrime] [the use of information and communications technologies for criminal purposes]. [Retain original: Iran]

7. States Parties shall [promote alt: consider promoting (United States, Canada) (retain original (Nigeria, Iran, South Africa, Mali)] training and technical assistance that facilitates timely extradition and mutual legal assistance. Such training and technical assistance may include [, inter alia (United States, Canada) (retain original: Nigeria, Iran)] language training, assistance with the drafting and handling of mutual legal assistance requests, and secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.

8. States Parties [are encouraged to alt: shall (CARICOM, El Salvador, Algeria, South Africa, Lebanon, Nigeria, Vanuatu, Mali) (retain original: United States) , Switzerland] strengthen, to the extent necessary [and appropriate (United States) (retain original: Nigeria, Iran)], efforts to maximize the effectiveness of [operational and training activities alt: technical assistance (and alt: , including (United States) capacity building (Benin, Australia, Cabo Verde, Guatemala, Peru, South Africa, Costa Rica, Canada, Burkina Faso, Norway, Egypt, Ecuador, Algeria, Tonga, New Zealand, Indonesia, Uruguay, Russian Federation, Oman, United Kingdom, Iraq, Vanuatu, Tanzania, Namibia, Kenya, Cameroon, Sudan, Albania, Morocco, Chile, Mali) , EU & its mS] in international and regional organizations and in the framework of relevant bilateral and multilateral agreements or arrangements.

9. States Parties shall [consider establishing alt: establish (CARICOM, El Salvador, Algeria, Ecuador, Vanuatu, Tanzania, Iraq) (retain original: Canada, Norway, EU & its mS, New Zealand, United Kingdom, Switzerland, Georgia, Japan, United States)] [voluntary alt: sustainable funding (Namibia)] mechanisms [anchored in equitable principles aimed at facilitating the implementation efforts of this Convention of all countries, including developing ones (Namibia)] with a view to contributing financially to the efforts of developing countries to implement this Convention through technical assistance programmes and capacity-building projects.

10. Each State Party shall [consider making alt: make (CARICOM, El Salvador, Lebanon, Nigeria, Vanuatu, Tanzania, Iraq) (retain original: Canada, New Zealand, United Kingdom, United States, Switzerland, EU & its mS, Japan)] voluntary contributions to the United Nations Office on Drugs and Crime [and other relevant international organizations (United States, Canada)] for the purpose of fostering, [through the Office (delete: United States, Canada)], programmes and projects with a view to implementing this Convention through technical assistance and capacity-building.

*Article 55. Exchange of [information alt: expertise (Egypt, Brazil, Syria, Mauritania, Yemen, Vanuatu, Qatar, Indonesia, Saudi Arabia, Sudan) (retain original: United States)]*

1. Each State Party [shall alt: may (India, Oman, Tanzania) (retain original: Brazil)] [, as appropriate and in accordance with its domestic law (Egypt, Iran China, Cuba, Syria, Iraq, Tanzania, Sudan, Viet Nam) (Retain original: Canada, United

States)] consider analysing, in consultation with relevant experts, including relevant non-governmental organizations, civil society organizations, academic institutions and the private sector [and service providers (Senegal)], trends in its territory with respect to offences covered by this Convention, as well as the circumstances in which such offences are committed. [Retain original: New Zealand]

2. States Parties [shall ~~alt: may (India, Oman, Tanzania, Sudan) (retain original: Brazil)~~ consider developing and sharing with each other and through international and regional organizations statistics, analytical expertise [and information (~~delete: Yemen~~) concerning [cybercrime] [offences committed with the use of information and communications technologies], [with a view to developing, insofar as possible, common definitions, standards and methodologies, (~~delete: United State, New Zealand s~~)] including best practices to prevent and combat such offences.

3. Each State Party [shall ~~alt: may (India, Oman, Tanzania) (retain original: Brazil)~~ consider monitoring its policies and [practical ~~alt: actual (United States)] measures to [prevent and (~~delete: United States)~~ combat offences [covered ~~alt: established (United States, New Zealand)] by this Convention and making assessments of their effectiveness and efficiency.~~~~

4. States Parties [shall ~~alt: may (India, Oman, Tanzania) (retain original: Brazil)] consider exchanging information on legal, policy and technological developments related to [cybercrime] [offences committed with the use of information and communications technologies] and the collection of evidence in electronic form.~~

[Retain original (Australia, Algeria, South Africa, Canada, Ecuador, Lebanon, Tonga, Nigeria, Peru, Uruguay, United Kingdom, ~~United States, Republic of Korea, Namibia, Kenya, CARICOM, Cameroon, Albania, Morocco, Chile, EU & its mS)]~~

#### *Article 56. Implementation of the Convention through*

[~~economic alt: sustainable (Australia, China, Yemen, Norway, Tonga, New Zealand, Vanuatu, Morocco) (retain original: United States)] development and technical assistance~~

1. States Parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation, taking into account the negative effects of the offences covered by this Convention on society in general and, in particular, on sustainable development [, including the limited access that landlocked countries are facing (Paraguay) (~~delete: United States, Tanzania, Canada)]~~.

2. States Parties [, in accordance with their domestic laws, (Iran, Tanzania, Viet Nam)] are strongly encouraged to make concrete efforts, to the extent possible and in coordination with each other, as well as with international and regional organizations: [Retain original: Canada]

(a) To enhance their cooperation at various levels with other States Parties, in particular developing countries, with a view to strengthening their capacity to prevent and combat the offences covered by this Convention; [agreed ad referendum]

(b) To enhance financial [and material (~~delete: United States, Canada)]~~ assistance [, including transfer of technology, where applicable (Pakistan, Iraq, Venezuela) (~~Delete: Canada, New Zealand, United States)~~] to support the efforts of other States Parties, in particular developing countries, in effectively preventing and combating the offences covered by this Convention and to help them to implement this Convention;

(c) To provide technical assistance to other States Parties, in particular developing countries, in support of meeting their needs regarding the implementation of this Convention. To that end, States Parties shall endeavour to make adequate and regular voluntary contributions to an account specifically designated for that purpose in a United Nations funding mechanism; [agreed ad referendum]



(d) To encourage civil society, [~~including (delete: CARICOM, Russian Federation, Cabo Verde, Viet Nam, Norway, Oman, United Kingdom, Cabo Verde)~~] [~~academia (move: Canada, Norway, New Zealand, United States)~~], the media, non-governmental organizations, international organizations, financial institutions and the private sector, as appropriate, to contribute to the efforts of States Parties, including in accordance with this article, [in particular by providing more training programmes and modern equipment to (~~delete: Australia, Cabo Verde, United Kingdom, Canada, United States~~)] [~~and to assist (Australia, Canada, United States)~~] developing countries [~~in order to assist them (delete: Australia, Canada, United States)~~] in achieving the objectives of this Convention;

(e) To exchange best practices [~~, expertise, knowledge, (Iran, South Africa, Tanzania) (delete: United States)~~] and information with regard to activities undertaken, with a view to improving transparency, avoiding duplication of effort and making best use of any lessons learned.

[Retain original: United States]

3. States Parties shall also consider using existing subregional, regional and international programmes, including conferences and seminars, to promote cooperation and technical assistance and to stimulate discussion on problems of mutual concern, including the special problems and needs of developing countries. [~~agreed ad referendum~~]

[4. To the extent possible, States Parties shall ensure that resources and efforts are distributed and directed to support the harmonization of standards, skills, capacity, expertise and technical capabilities with the aim of establishing common minimum standards among States Parties to eradicate safe havens for the offences covered by this Convention and strengthen the fight against [cybercrime] [the use of information and communications technologies for criminal purposes]. (~~delete paragraph: United States~~) (retain: Iran)]

5. To the extent possible, the measures taken under this article shall be without prejudice to existing foreign assistance commitments or to other financial cooperation arrangements at the bilateral, regional or international levels. [~~agreed ad referendum~~]

[5 bis. States Parties are encouraged to strengthen efforts to maximize the cooperation for effective implementation of the Convention in the framework of relevant bilateral and multilateral agreements and arrangements in the field of transfer of technology, including information and communications technologies. (Iran) (~~delete: Norway, New Zealand, United Kingdom, United States, Canada~~)

6. States Parties may conclude bilateral, regional or multilateral agreements or arrangements on material and logistical assistance, taking into consideration the financial arrangements necessary for the means of international cooperation provided for by this Convention to be effective and for the prevention, [~~and combatting (Russian Federation)~~] [~~detection, investigation and prosecution (delete: Russian Federation)~~] of the offences covered by this Convention. [~~Retain original: United States, Canada, Japan~~]

[Retain original: Algeria, Ecuador, Lebanon, Nigeria, Namibia, Kenya, Sudan, Albania, EU & its mS, New Zealand]

## Chapter VIII

### Mechanism of implementation

#### *Article 57. Conference of the States Parties to the Convention*

1. A Conference of the States Parties to the Convention is hereby established to improve the capacity of and cooperation between States Parties to achieve the objectives set forth in this Convention and to [~~promote alt: facilitate (Yemen)~~] and review its implementation. [~~retain original: Tanzania, United Kingdom, United States,~~

Peru, EU and its mS, Israel, Ecuador, Mozambique, Guatemala, Georgia, Kenya, Dominican Rep., Cameroon, Australia, New Zealand]

2. The ~~[(s. alt: S (CARICOM, Zimbabwe))~~ecretariat alt: Secretary-General of the United Nations (Russian Federation, Morocco, Pakistan, Egypt, Eritrea, Iran, Dem. Rep. of the Congo, Sudan, Cameroon)] shall convene the Conference of the States Parties not later than one year following the entry into force of this Convention. Thereafter, regular meetings of the Conference shall be held in accordance with the rules of procedure [adopted alt: approved (Yemen)] by the Conference. [retain original: Tanzania, United States, Norway, Peru, EU and its mS, Israel, Ecuador, South Africa, Mozambique, Guatemala, Georgia, Kenya, Dominican Rep. , Australia, New Zealand]

3. The Conference of the States Parties [shall (delete: Yemen)] adopt rules of procedure and rules governing the activities set forth in this article, including rules concerning the admission and participation of observers [, (Brazil, United Kingdom)] [in line (mutatis mutandis (Brazil, Paraguay, Ecuador, Guatemala, Canada)) with the modalities agreed in A/RES/75/282 (Canada, Australia, United Kingdom, New Zealand, United States, Norway, Colombia, EU and its mS, Lebanon, Israel, Ecuador, Georgia, Dominican Rep, Vanuatu. Delete: Russian Federation, Egypt, Eritrea, Iran, China, Pakistan, DPRK, Malaysia, Burkina Faso, Sudan)], and the payment of expenses incurred in carrying out those activities. ~~Such~~ rules and related activities shall take into account principles such as effectiveness, inclusivity, transparency, efficiency [, multilingualism (EU and its mS, Georgia)] [and national ownership (delete: Russian Federation, Pakistan, Zimbabwe, India. Retain: Georgia)] (delete: Iran, Egypt, China, Mauritania, Oman, Saudi Arabia). [retain original: Tanzania, Argentina, Viet Nam, United States, Indonesia, Norway, Peru, Sudan, Dominican Rep., India]

4. In establishing its regular meetings, the Conference of the States Parties shall take into account the time and location of the meetings of other relevant international and regional organizations and mechanisms in similar matters, including their subsidiary treaty bodies, consistent with the principles identified in paragraph 3 of this article. [delete para: Iran, China, Mauritania, Pakistan] [retain: United Kingdom, United States, Norway, Peru, Ecuador, Georgia, Australia, Canada, EU & its mS, New Zealand]

5. The Conference of the States Parties shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of this article, including: [agreed ad referendum]

(a) Facilitating the effective use and implementation of this Convention, the identification of any problems thereof, as well as the activities carried out by States Parties under this Convention, including encouraging the mobilization of voluntary contributions; [agreed ad referendum]

(b) Facilitating the exchange of information [among States Parties and relevant stakeholders (United States, Australia, Canada)] on legal, policy and technological developments pertaining to the offences covered by this Convention and the collection of evidence in electronic form [among States Parties and relevant stakeholders (delete: United States, Australia, Canada)], as well as on patterns and trends in [cybercrime] [the use of information and communications technologies for criminal purposes] and on successful practices for preventing and combating such offences [and for the return of proceeds of crime (Tanzania, Paraguay, Peru) (delete: Canada, United States)];

(c) Cooperating with relevant [civil society, including academia, the media, non-governmental organizations, (United States, Norway, Georgia, Australia, Israel)] international [and regional organizations alt: financial institutions (United States, Norway, Georgia)], (as well as non-governmental organizations, civil society organizations, academic institutions and (delete: United States)) the private sector;

(delete: Iran) (retain: Australia)] [retain original: Brazil, New Zealand, China, Norway, Pakistan, Russian Federation, Georgia.]

(d) Making appropriate use of relevant information [mechanisms (Yemen)] produced by other international and regional organizations and mechanisms for preventing and combating the offences [covered alt: established (Tanzania, United States, Canada)] by this Convention, in order to avoid unnecessary duplication of work;

(e) Reviewing periodically the implementation of this Convention by its States Parties; [agreed ad referendum]

(f) Making recommendations to improve this Convention and its implementation as well as considering possible [supplementation or (delete: EU and its mS, Georgia, United States)] amendment of the Convention; [retain original: Kenya]

(g) [Elaborating and adopting alt: Considering the elaboration and adoption of (Switzerland, United States)] supplementary protocols to this Convention on the basis of article 61;

(h) Taking note of the technical assistance and capacity-building [and transfer of technology (Iran, Pakistan, Delete: Georgia, Cameroon)] requirements [or needs (Uganda)] of States Parties regarding the implementation of this Convention and recommending any action it may deem necessary in that respect. [retain original: United States, Norway, EU and its mS, Israel, Kenya, Dominican Rep., Australia, Canada, New Zealand]

6. Each State Party shall provide the Conference of the States Parties with information on legislative, administrative and other measures, as well as on its programmes, plans and practices, to implement this Convention, as required by the Conference. The Conference shall examine the most effective way of receiving and acting upon information, including, inter alia, information received from States Parties and from competent international organizations. [Inputs received from representatives of relevant non-governmental organizations, civil society organizations, academic institutions and the private sector, duly accredited in accordance with procedures to be decided upon by the Conference, may also be considered. (delete: India, Pakistan. Retain: Canad{,})] (delete: Iran)] [retain original: Tanzania, Brazil, Switzerland, Chile, New Zealand, United States, Dem. Rep. of the Congo, Norway, Uganda, Peru, EU and its mS, Israel, Ecuador, Mozambique, Kenya, Australia, Dominican Rep., Angola, Canada, Georgia]

7. For the purpose of paragraph 5 of this article, the Conference of the States Parties may establish and administer such review mechanisms as it considers necessary to supplement the information provided by States Parties and relevant stakeholders in accordance with paragraph 6 of this article. [agreed ad referendum]

8. Pursuant to paragraphs 5 to 7 of this article, the Conference of the States Parties shall establish, if it deems necessary, any appropriate mechanisms or subsidiary bodies to assist in the effective implementation of the Convention. [agreed ad referendum]

[retain original: CARICOM, Morocco, Algeria, Panama, Argentina, Cabo Verde, Malaysia, El Salvador, Sudan, Lebanon, Nigeria, Singapore, Vanuatu, Tonga, South Africa]

*Article 58. [General (Yemen) (Against: Australia)] Secretariat*

[1. The United Nations Office on Drugs and Crime shall provide the necessary secretariat services to the Conference of the States Parties to the Convention [and any mechanisms or subsidiary bodies which it may establish under paragraphs 7 and 8 of article 57 (Australia, Brazil, United States, Georgia)].(Iran)]

2. The [General (Yemen) (Against: Australia)] secretariat shall:

(a) Assist the Conference of the States Parties [and any mechanisms or subsidiary bodies (Australia, United States, Georgia)] in carrying out the activities set forth in this Convention and make arrangements and provide the necessary services for the sessions of the Conference [and the meetings of its mechanisms and subsidiary bodies (Australia, Georgia, United States)] [as they pertain to this Convention (delete: Tanzania)];

(b) Upon request, assist States Parties in providing information to the Conference of the States Parties, as envisaged in this Convention; and [agreed ad referendum]

(c) Ensure the necessary coordination with the secretariats of relevant international and regional organizations. [agreed ad referendum]

[retain original: CARICOM, Morocco, Algeria, Panama, China, Zimbabwe, South Africa, Paraguay, Argentina, Eritrea, Cabo Verde, United Kingdom, New Zealand, Dem. Rep. of the Congo, Indonesia, Peru, Colombia, Malaysia, El Salvador, Sudan, Lebanon, Ecuador, Mozambique, Guatemala, Nigeria, Kenya, India, Dominican Rep., Singapore, Cameroon, Angola, India, Vanuatu, Burkina Faso, Tonga, Chile, Egypt]

## Chapter IX Final provisions

### *Article 59. Implementation of the Convention*

1. Each State Party shall take the necessary measures, including legislative and administrative measures, in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention. [agreed ad referendum]

2. Each State Party may adopt more strict or severe measures than those provided for by this Convention for preventing and combating the offences [covered established (Tanzania, New Zealand, United States)] by this Convention.

[2 bis. Each State Party shall, as may be necessary, further cooperation with the private sector to ensure more effectively the implementation of its obligations under this Convention. (Mexico, Ecuador)]

[Retain original: Viet Nam, Venezuela, Iran, Cabo Verde, Argentina, Egypt, Norway, South Africa, Algeria, Indonesia, CARICOM, United States, Eritrea, Australia, United Kingdom, Chile, Angola, Peru, Yemen, India, Zimbabwe, Syria, Burkina Faso, Tonga, Qatar, Egypt, EU & its mS, Japan]

### *Article 60. Effects of the Convention*

1. If two or more States Parties have already concluded an agreement or treaty on the matters dealt with in this Convention or have otherwise established their relations on such matters, or should they in future do so, they shall also be entitled to apply that agreement or treaty or to regulate those relations accordingly. [However, where States Parties establish their relations in respect of the matters dealt with in the present Convention other than as regulated therein, (they shall do so in a manner that is not inconsistent with the objectives and principles of this Convention. (retain: China)) (delete: EU & its mS, Egypt, Canada, Mauritania, Switzerland, Liechtenstein, New Zealand, Chile, Norway, Dominican Rep., United States, Japan, Australia, United Kingdom, Costa Rica, Peru, Yemen, Morocco, Tonga, Georgia)] [Retain original: Iran, Cabo Verde, South Africa, Algeria, CARICOM, Eritrea, Ecuador, India, Zimbabwe, Syria, Russian Federation]

2. Nothing in this Convention shall affect other rights, restrictions, obligations and responsibilities of a State Party under international law. [agreed ad referendum]

### *Article 61. Relation with protocols*

[agreed ad referendum]

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1. This Convention may be supplemented by one or more protocols.
  2. In order to become a Party to a protocol, a State or a regional economic integration organization must also be a Party to this Convention.
  3. A State Party to this Convention is not bound by a protocol unless it becomes a Party to the protocol in accordance with the provisions thereof.
  4. Any protocol to this Convention shall be interpreted together with this Convention, taking into account the purpose of that protocol.

*Article 62. Settlement of disputes*

1. States Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation or any other peaceful means of their own choice. [\[agreed ad referendum\]](#)
2. Any dispute between two or more States Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation or other peaceful means [\[within a reasonable time \(delete: Yemen\)\]](#) shall, [\[at the request of one of those States Parties, \(delete: Malaysia, Venezuela, Iran, Egypt, Eritrea\)\]](#) be submitted to arbitration [\[upon agreement of the disputing parties \(Malaysia, Venezuela, Iran, Egypt, Eritrea\)\]](#). If, six months after the date of the request for arbitration, those States Parties are unable to agree on the organization of the arbitration, any one of those States Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court. [\[Retain original: El Salvador, Liechtenstein, New Zealand, Cabo Verde, Argentina, Chile, Dominican Rep., South Africa, Algeria, Indonesia, CARICOM, United States, Guatemala, Paraguay, Australia, United Kingdom, Peru, Ecuador, India, Tanzania, Tonga, Canada, EU & its mS\]](#)
3. Each State Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other States Parties shall not be bound by paragraph 2 of this article with respect to any State Party that has made such a reservation. [\[agreed ad referendum\]](#)
4. Any State Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations. [\[agreed ad referendum\]](#)

*Article 63. Signature, ratification, acceptance, approval and accession*

[\[agreed ad referendum\]](#)

1. This Convention shall be open to all States for signature from [\[date\]](#) to [\[date\]](#) in [\[city\]](#), [\[country\]](#), and thereafter at United Nations Headquarters in New York until [\[date\]](#).
2. This Convention shall also be open for signature by regional economic integration organizations, provided that at least one member State of such an organization has signed this Convention in accordance with paragraph 1 of this article.
3. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its member States has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.
4. This Convention is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this

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Convention. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

*Article 64. Entry into force*

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the [fortieth alt: (sixtieth (Mexico, Canada, Switzerland, Liechtenstein, New Zealand, Norway, Dominican Rep., Singapore, United States, Japan, Guatemala, Australia)) (thirtieth (Russian Federation, Venezuela, China, Iran, Egypt, Algeria, Eritrea, India, Syria, Burkina Faso, Qatar, Mali, Sierra Leone)) (twentieth (Mauritania, Zimbabwe)) (Retain original: Brazil, India, El Salvador, Iran, Cabo Verde, Argentina, South Africa, Algeria, Indonesia, CARICOM, Paraguay, United Kingdom, Peru, Yemen, Viet Nam, Ecuador, Tanzania, Morocco, Armenia, Angola, Tonga)] instrument of ratification, acceptance, approval or accession. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Convention after the deposit of the [fortieth alt: (sixtieth (Mexico, Canada, Switzerland, Liechtenstein, New Zealand, Norway, Dominican Rep., Singapore, United States, Japan, Guatemala, Australia)) (thirtieth (Russian Federation, Venezuela, China, Iran, Egypt, Algeria, Eritrea, India, Syria, Burkina Faso, Mali, Sierra Leone)) (twentieth (Mauritania, Zimbabwe)) (Retain original: Brazil, India, El Salvador, Iran, Cabo Verde, Argentina, South Africa, Algeria, Indonesia, CARICOM, United Kingdom, Peru, Yemen, Viet Nam, Ecuador, Tanzania, Morocco, Angola, Tonga)] instrument of such action, this Convention shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument or on the date on which this Convention enters into force pursuant to paragraph 1 of this article, whichever is later.

[Article 64 bis. Provisional application

1. This Convention may be applied provisionally by a State or regional economic integration organization that consents to its provisional application by so notifying the depositary in writing at the time of signature or deposit of its instrument of ratification, acceptance, approval or accession. Such provisional application shall become effective from the date of receipt of the notification by the Secretary-General of the United Nations.

[2. Provisional application by a State or regional economic integration organization shall terminate upon the entry into force of this Convention for that State or regional economic integration organization or upon notification by that State or regional economic integration organization to the depositary in writing of its intention to terminate its provisional application. (delete par. 2 (India)

(Mexico) (delete: Iran, New Zealand)]

*Article 65. Amendment*

1. After [either (Canada, Liechtenstein, New Zealand, Norway, Dominican Rep., Australia)] the expiry of [five alt: eight (Canada, Liechtenstein, New Zealand, Norway, Dominican Rep., Australia) three (Russian Federation, Mauritania, Venezuela, Mali)] years from the entry into force of this Convention, [or the deposit of the eightieth instrument of ratification, acceptance or approval (Canada, Liechtenstein, New Zealand, Norway, Dominican Rep., Australia)] a State Party may propose an amendment and transmit it to the secretariat, who shall thereupon communicate the proposed amendment to the States Parties and to the Conference of the States Parties to the Convention for the purpose of considering and deciding on

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the proposal. The Conference shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties present and voting at the meeting of the Conference. [Retain original: Brazil, Russian Federation, India, Malaysia, Venezuela, El Salvador, China, Iran, Cabo Verde, Argentina, South Africa, Algeria, Indonesia, CARICOM, Eritrea, Guatemala, Paraguay, Peru, Yemen, Viet Nam, Ecuador, India, Tanzania, Zimbabwe, Burkina Faso, Tonga, Mali]

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their member States that are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs and vice versa. [agreed ad referendum]

3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by States Parties. [agreed ad referendum]

4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a State Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment. [agreed ad referendum]

5. When an amendment enters into force, it shall be binding on those States Parties that have expressed their consent to be bound by it. Other States Parties shall still be bound by the provisions of this Convention and any earlier amendments that they have ratified, accepted or approved. [agreed ad referendum]

#### [Article 65 bis. Reservations]

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

[2. Reservations may be withdrawn at any time. (delete: India)]

(Malaysia) (delete: Iran, Norway, Paraguay, United Kingdom, Ecuador Australia, Canada, Mexico, New Zealand)]

#### *Article 66. Denunciation*

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective [one year alt: six months (Russian Federation, Venezuela, Mali) (retain original: El Salvador, Iran, South Africa, Algeria, CARICOM, United States, Eritrea, Guatemala, Paraguay, United Kingdom, Angola, Peru, Yemen, Ecuador, India, Tanzania, Zimbabwe, Tonga Australia, EU & its mS, New Zealand)] after the date of receipt of the notification by the Secretary-General.

2. A regional economic integration organization shall cease to be a Party to this Convention when all of its member States have denounced it. [agreed ad referendum]

3. Denunciation of this Convention in accordance with paragraph 1 of this article shall entail the denunciation of any protocols thereto. [agreed ad referendum]

#### *Article 67. Depositary and languages*

[agreed ad referendum]

1. The Secretary-General of the United Nations is designated depositary of this Convention.

2. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.

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