

SIXTH SESSION OF THE AD HOC COMMITTEE TO ELABORATE A COMPREHENSIVE INTERNATIONAL CONVENTION ON COUNTERING THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY FOR CRIMINAL PURPOSES

COORDINATOR REPORT INFORMAL INFORMALS

GROUP 11

- Article 40. General principles and procedures relating to mutual legal assistance
- Article 42. Expedited preservation of stored [computer data] [digital information]
- Article 43. Expedited disclosure of preserved traffic data.
- Article 44. Mutual legal assistance in accessing stored [computer data] [digital information]
- Article 45. Mutual legal assistance in real-time collection of traffic data
- Article 46. Mutual legal assistance in the interception of content data

Thank you very much, Madam President, for entrusting us with the coordination of the Informals/ Informals of Group 11 (Articles 40, 42, 43, 44, 45 and 46)

We have been taking note of the proposals made by distinguished delegations and reaching out to our colleagues to facilitate consensus on new proposals.

So far, discussions and dialogues have been held with many of the countries that made proposals, but more exchanges are still pending.

Also, we have discussed with Member States about unsupported proposals or provisions that could be included in other articles, the general response was that Member States needed more time for their consideration.

Regarding some articles in particular, it's appropriate to share that, with respect to the two grounds for refusal included in article 40: General principles and procedures relating to mutual legal assistance paragraph 21, it was identified that many delegations believe that both could add value to the future convention. If consulted, a large majority of Member States expressed that they would support the inclusion of both. However, there are also positions that stated that the issue of human rights should not be taken up again in this part of the Convention.

In relation to Article 45 Mutual legal assistance in the real-time collection of traffic data and Article 46 Mutual legal assistance in the interception of content data, there are proposals to change the expression mandatory to optional.

As informal-informal coordinators we believe that there is room for dialogue and consensus regarding this technical aspect of the convention, which we believe would increase even more when the scope of the future convention is defined.

We will continue to talk with all the State delegations that are interested about the different positions with the objective of reaching compromise solutions. Our objective is to collaborate in a process of exchange, transparent and inclusive and, with optimism, achieve, together, a consensual text, as soon as possible.

The goal is ambitious and for this we want to encourage the delegations to keep in mind the purposes of the future Convention as a tool to fight crime through justice systems, which also implies a balanced system of human rights and guarantees.

We are willing to continue working on the path that the Chair requires in order to continue seeking consensus among all parties and achieve a proposal that can be in accordance with the amendments of the countries.

Thank you very much to all the delegations for your constructive discussions, to you, Madam President, to the Secretary and to the Translators for your enormous effort and commitment in this process.

New York, September 1, 2023