

31 August 2023



**ORAL STATEMENT**

*\*Check against delivery*

UN Headquarters, New York

**United Nations Ad Hoc Committee to Elaborate a Comprehensive International  
Convention on Countering the Use of ICTs for Criminal Purposes**

**Intervention on Group 15: Specifically Proposed Articles 41, 47, and 48 of the Draft Convention,  
including Proposed Amendments**

*Delivered by: Laura O'Brien, Senior UN Advocacy Officer*

Thank you, Madame chair. Access Now is grateful for this opportunity to address you and delegates again.

Our remarks respond to the discussion regarding Group 15, focusing on Articles 41, 47, and 48 of the final draft text, including proposed amendments.

At the outset, we express our support to the concerns raised by many delegations on the **over-broad scope for international cooperation**. Too broad of a scope not only makes cross border cooperation and implementation of this proposed Convention harder at the outset, it also **creates greater dangers for human rights**. We support the calls for a tightened focus on cooperation for core, defined offenses, established in the Criminalisation Chapter, namely Articles 6 to 16.

We therefore strongly recommend that — as far as possible — the cooperation proposed by Article 41 and 47 be focused on the specifically defined crimes included in the proposed Convention, namely those proposed in Articles 6 to 16. We equally support the proposals to remove any references to Article 17 in Article 41. We believe that both suggestions would substantially improve the text and provide consistency to limit the scope of Article 41 to the crimes specified by Articles 6 to 16.

We do wish to express strong reservations at two proposals made to introduce further sections to Group 15. First, we draw attention to the proposed reintroduction on a provision regarding “Special investigative techniques” to the proposed Convention. This would be ill advised, and dangerous. The discussions in the previous session on this proposal in the consolidated negotiating draft made it clear that **there is no consensus in support of this provision**. That lack of consensus also comes from the recognition by many of us present in the AHC that such

language **poses grave risks to human rights and due process**, and also risks encouraging further usage of dangerous tools such as spyware and hacking-for-hire which place all of us globally at further risk.

Second, and lastly, we express caution at the proposal made to add an Article 41(3)(b bis) to require the 24/7 network to provide assistance for rendering information inaccessible. We note that the proposing delegation has indicated that this would be in reference to matters relating to Article 28(3), but the scope **still appears far too broad**. In effect, this would put web content blocking mandates on the 24/7 network points of contact, which we believe would raise significant human rights concerns and likely lead to abuse.

Thank you, Madame Chair.



**Access Now** (<https://www.accessnow.org>) defends and extends the digital rights of people and communities at risk. As a grassroots-to-global organization, we partner with local actors to bring a human rights agenda to the use, development, and governance of digital technologies, and to intervene where technologies adversely impact our human rights. By combining direct technical support, strategic advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age.

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