



Sixth session of the Ad Hoc Committee to elaborate a comprehensive convention on countering the use of information and communications technologies for criminal purposes

1 September 2023

Madame Chair, distinguished delegates,

- The last two weeks have been intense and exhausting, and at times for many in this room also frustrating. I believe it is a good moment to remind ourselves of the fundamental reason why we are here and will keep discussing this convention in the coming months.
- It is all about Human Rights. The human rights of all the victims of cybercrime, the rights of people to express themselves, to meet and mingle with their friends, to be protected against intrusions into their lives by criminals as well as State actors. Only if the final draft of this convention reflects this reality, it will serve its purpose.
- It is encouraging to see the wide support for inclusions of clear references to human rights in articles 5 and 24. However, we urge the delegates to further improve these provisions.
 - It should be uncontroversial to include references to established principles of international human rights law, such as legality, necessity and proportionality and the right to remedy.
 - We are disappointed to see that no progress has been made to include commitments to meaningful transparency, which is key for ensuring accountability and building public trust.
- Upholding human rights requires drafting all provisions in the treaty in a targeted fashion that avoids ambiguity.
- This means finding language in articles 6-10 that pre-empts that security researchers are punished for their essential contributions to the safety of us all. It means making sure in articles 13-15 that children won't be investigated for expressing their sexuality, LGBTIQ+ people won't be put at risk, and works of art won't be banned.
- It also means ensuring that procedural measures are narrowly tailored, reflecting both the gravity of the crime and the intrusiveness of the measure at issue. It means not enabling mass surveillance and not forcing service providers to undermine their own security measures, as could for example happen via article 28(4).
- It further means that the treaty must include comprehensive safeguards that prevents that cooperation happens in a legal vacuum. Informal arrangements that shun clearly set out safeguards must be avoided, in particular in articles 41 and 47.



- And finally, it means not defining a broad scope of application that will foreseeably invite the application of deeply intrusive measures to petty crime, and even become a facilitator of transnational repression via cooperation measures. We are concerned about a new proposal for article 35 that would further lower the criminalization threshold to three years of possible imprisonment.
- These are just some examples of where we see room for improvement.
- OHCHR stands ready to keep supporting delegations in finding solutions that will effectively help combat cybercrime, build trust and strengthen human rights, just as people around the world rightfully expect.
- Thank you, Madame Chair.

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