

**UN Ad Hoc Committee (AHC) to elaborate a comprehensive International
Convention on countering the use of Information and Communications
Technologies for criminal purposes.
Indian views on Scope, Objectives and Structure
6th December, 2021**

The Government of Republic of India welcomes the opportunity given by the Chair to submit views on the Scope, Objectives and Structure of the new International Convention on countering the use of Information and Communications Technologies for criminal purposes. This statement is without prejudice to any future position / submission that the Republic of India may take / make during the course of future deliberations / negotiations on the scope, objectives and structure of this convention in the informal sessions or substantive sessions of Ad Hoc Committee.

A new International Convention on Cybercrime will offer an unprecedented opportunity to arrive at a consensus under the aegis of United Nations to secure international cooperation to counter Cybercrime which will enable the Member States to combat the ever evolving cyber threats which are generally trans-border in nature, and are adversely affecting the national, regional and global economy including the stability and the peace in the world.

India looks forward to having fruitful cooperation with the Member States to implement the UN General Assembly Resolution 74/247 and 75/282.

Cybercrime threatens all the States and spares none, be it developed or developing countries, and it is important to effectively combat the transnational Cybercrime operations. This AHC must therefore, take into account the valuable expertise already gained through UN Group of Governmental Experts (UNGGE) on Advancing responsible State behaviour in Cyberspace in the context of international security, UN Open Ended Working Group (UNOEWG) on the developments in the fields of Information and Telecommunication in the context of international security and the current ongoing work in the UNOEWG (2021-25). Similarly, AHC can benefit from the existing operating regional conventions against Cybercrimes. As mandated by UN General Assembly Resolution, the proposed convention would be a comprehensive International Convention on Cybercrimes. Therefore, it must cover all types of Cybercrimes and incorporate the earlier agreements in the UN forums without duplicating the efforts.

India attaches great importance to maintaining an open, inclusive, free, fair, transparent, secure, stable and accessible process for all Member States to negotiate the International Convention on Cybercrimes on consensus basis to the extent possible that provides practical solutions.

India welcomes the participation of multi-stakeholders in giving their suggestions, feedbacks, etc. to UN Ad Hoc Committee on Cybercrime that can be considered by Member States in the regular Session of AHC.

Scope

The scope of convention should include:

1. Existing and emerging Cyber threats and crimes.
2. Norms, rules and principles for the responsible behaviour of States
3. International law on Cybercrime
4. Confidence-building measures
5. Capacity building
6. International cooperation measures in the field of Cybercrime.

Objectives

The Convention should have built in procedures to protect human rights, fundamental rights of privacy of an individual and democratic values of governance. The Convention should take an holistic approach and should be compact and concise in defining the cyber crimes, common minimum punishments, share best practices among the member States, increase international cooperation in early investigation and prosecution of cybercrimes, to simplify and define the issue of jurisdiction in order to deter and mitigate the cybercrimes & cybercriminals and enhance the resilience of capabilities of member States to face the emerging threats in a coordinated manner so to increase the stability and peace in the world.

Structure of International Convention on countering the use of Information and Communications Technologies for criminal purposes may include the following:

1. Preamble.
2. General Provisions and terminology.
3. Definition of Cybercrime.
4. Provision of punishment for the crimes.
5. Procedure of International Cooperation among Law Enforcement Agencies.
6. Capacity building measures.
7. Technical and financial assistance to Member States.
8. Procedure for implementation of Convention.
9. Final Provisions of convention.
