

### Article 3

1. This Convention shall apply, in accordance with its terms, to the prevention, investigation and prosecution of the offences established in accordance with this Convention, including the freezing, seizure, confiscation and return of the proceeds of such offences.
2. ~~This Convention shall also apply to the collecting, obtaining, preserving, and sharing of evidence in electronic form of serious crime, as provided for in the relevant articles of this Convention.~~
3. Nothing in this Convention shall be interpreted as permitting or facilitating repression of expression, conscience, opinion, belief, peaceful assembly or association; or permitting or facilitating discrimination or persecution based on individual characteristics.

### Article 5

*Retain*

### Article 17

*Delete*

### Article 23

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 **specific** 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 this Convention;
  - ~~(b) Other criminal offences committed by means of [a computer system] [an information and communications technology device]; and~~
  - ~~(c) The collection of evidence in electronic form of any criminal offence~~

## Article 24

1. Each State Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in **Chapters IV and V** are subject to conditions and safeguards provided for under its domestic law, **which shall provide for the adequate protection of human rights**, and which shall incorporate the principle of proportionality.
2. Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, inter alia, include judicial or other independent review, grounds justifying application, and limitation of the scope and the duration of such power or procedure.
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 **Chapters IV and V** upon the rights, responsibilities and legitimate interests of third parties.
4. **The conditions and safeguards in this Article shall apply when the powers and procedures set forth in this Chapter are used for the purpose of international cooperation.**

## Article 35

1. States Parties shall cooperate with each other in accordance with the provisions of this Convention, as well as other applicable international instruments on international cooperation in criminal matters, and domestic laws, for the purpose of investigations, prosecutions and judicial proceedings concerning offences established in accordance with this Convention, ~~as well as of serious crime, including offences covered by Article 17 of this Convention when applicable.~~
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.
3. **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.**

#### **Article 40**

20. Mutual legal assistance may be refused:

(a) If the request is not made in conformity with the provisions of this article;

(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;

**(cbis) If the request concerns an offence which the requested State Party considers a political offence or an offence connected with a political offence.**

(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.

#### **Adopting Resolution Language on Protocols**

5. Also decides that the Ad Hoc Committee will complete its tasks arising from the negotiation of the [name of the Convention] by holding **at least one session** well before the convening of the first session of the Conference of the States Parties to the Convention in order to prepare the draft text of the rules of procedure of the Conference and of other rules described in article 57 of the Convention, **and to consider developing recommendations regarding the elaboration of a supplemental protocol to the Convention**, which will be submitted to the Conference at its first session for consideration;

***Note:*** *This proposal includes only those elements that are connected to scope, including human rights and safeguards. It is without prejudice to issues addressed elsewhere in the treaty.*