

Proposal by India for the addition of new subparagraphs in Article 41 to combat Phishing

India proposes to add a new sub para under article 41(3), which would read as :

(e) The rendering inaccessible of [computer data] [digital information] pursuant to subparagraph (d) of paragraph 3 of article 28”.

Under this draft convention, the 24/7 network serves as a swift channel for global collaboration, enabling prompt responses to urgent issues. Neglecting its use for addressing our most critical needs would be a disservice. Phishing stands out as the predominant cybercrime globally, consistently identified by reports from FBI, EUROPOL, Interpol, and others. Delegates, consulting practitioners, would recognize phishing as the most significant threat vector in their respective jurisdictions. The current Articles in the RDTC, in their present state, are appear inadequate in tackling these concerns.

2. Effectively combating phishing involves swiftly rendering phishing links inaccessible and identifying the abused IT resources and the malicious actors. This dual strategy prevents further offenses using the same link/resources and informs the state about vulnerable IT resources and malicious actors. We propose utilizing the 24/7 network (Article 41) to promptly inform the requested state about identified URLs/Websites. The requested state, upon verification, can take appropriate action in accordance with domestic law, contributing to building resilience against such abuses over time.

3. The decision to render the resource inaccessible lies with the requested state, acknowledged under Article 28(3), akin to provisions for Child Sexual Exploitation Materials in Article 34(6). While Article 47(1)f facilitates information exchange between Law Enforcement Agencies, it lacks a practical mechanism. Time sensitivity in dealing with offenses like CSAM, CSEM, Nonconsensual Intimate Images, or Phishing necessitates incorporating the "rendering inaccessible" provision under the 24/7 mechanism (Article 41(3)(e), providing a tangible and effective means to address these offenses.