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PERMANENT MISSION OF AUSTRIA
TO THE UNITED NATIONS

First Session of the Ad hoc Committee to Elaborate a
comprehensive international convention on countering the use of
information and technologies for criminal purposes

Agenda Item 3 – General Debate

Statement by the Republic of Austria delivered by
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United Nations

New York, 1 March 2022

- Austria fully aligns herself with the statement delivered by the representative of the European Union on behalf of the EU and its Member States. We would like to add the following in our national capacity.
- First of all, let me refer to the aggression of the Russian Federation against Ukraine, because there can be no “business as usual” after the events of the last days. Austria strongly condemns the unprovoked invasion of Ukraine by the armed forces of the Russian Federation. This is a flagrant violation of the UN Charter and international law and a matter for the entire international community. Austria stands in solidarity and support with the Ukrainian people. We call on Russia to stop the path of war and aggression, its disinformation campaign and cyber-attacks, to withdraw all its troops from the territory of Ukraine and to return to the negotiation table. We echo other delegations who stress that the way how the Russian Federation disregards the fundamental principles of international law by invading Ukraine and destabilizing it with cyber-attacks sends a very negative signal of Russia’s engagement in the Ad hoc Committee process and hampers its ability to be perceived as engaging in good faith.
- Madame Chair, we would like to congratulate you for all your efforts in the preparations of the first substantial session of the Ad hoc Committee. We applaud you for your steadfast commitment to an open and participatory approach in Vienna and in New York, despite challenging circumstances created by the global pandemic. We are very satisfied that due to the improved COVID-situation, the meeting can finally take place because we have an important task to fulfil.
- Cybercrime is a global threat to the economic development and prosperity of all of us. Cybercriminals are attacking our private sector, administrations and critical infrastructures with growing frequency, scale and sophistication. Many individuals have been directly affected. In the face of this growing worldwide and transnational challenge, Austria attaches great importance to further strengthening international cooperation in the area of cybercrime.
- The Ad Hoc Committee was established to elaborate a comprehensive international convention on cybercrime. The outcome of this process should be a universally adopted UN Convention that adds value in the global fight against cybercrime as a practical instrument for law enforcement and the judiciary. Austria is of the firm view that combatting cybercrime requires the buy-in from all states. Throughout the preparatory process, we have continuously advocated for a transparent, inclusive and consensus-based approach, which would allow all states to be heard on an equal footing. A UN Convention on cybercrime without the support of all key actors would have little value.
- At the outset of the first session, let me underline the following national priorities, which will be further elaborated in the subsequent agenda items:
 - Firstly, the Convention should be compatible with existing international instruments and efforts in combatting cybercrime. It must also fully align with international human rights standards and a free, open and secure internet.

- Secondly, the Convention should aim to harmonize substantive criminal law as this would have a positive effect on cross-border cooperation. Criminalization should focus on types of crimes which are inherently linked to modern information and communication technologies.
 - Thirdly, we believe that the Convention should address powers of law enforcement authorities under national law and investigative techniques.
 - Finally, in respect of international cooperation we are of the opinion that the Convention should be a legal basis for the cross border gathering of electronic evidence in general.
- Furthermore, we wish to stress the importance of multistakeholder engagement in all steps of the proceedings. We cannot have a successful and practical outcome without listening to the views and expertise of the private sector, civil society organisations, academia and other non-state actors. We therefore welcome the inclusion of all civil society organizations by the General Assembly on 24 February.
- UNODC, as the leading UN entity in addressing new and emerging forms of crime and the Secretariat of the Ad Hoc Committee, has a key role to play in guiding us through this process. Through the Global Programme on Cybercrime, UNODC is assisting Member States in their struggle against cyber-related crimes through capacity building and technical assistance. Member states should draw on this specialised expertise and experience in the current and forthcoming negotiation sessions.
- In conclusion, Austria is prepared to work constructively on a joint, inclusive and structured approach to elaborating a landmark Convention in the global fight against cybercrime. We hope that the participation during this first substantial session of the Ad Hoc Committee will be active and broad in order to lead us to the path of consensus.