

Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes

Brazil's Statement under Item 3 – General Debate, 28 February 2022

Madam Chair, distinguished colleagues,

At the outset, Brazil would like to thank the trust that has been deposited on us to become a member of the Bureau of the Ad Hoc Committee.

Madam Chair, the Bureau has important functions. Its members support the Chair and facilitate the dialogue within their regions and among all the members of this Committee. Also, according to Resolution 75/282, approved in May 2021, “all decisions of the Committee on substantive matters without approval by consensus shall be taken by a two-thirds majority of the representatives present and voting, before which the Chair, upon a decision of the Bureau, shall inform the Committee that every effort to reach agreement by consensus has been exhausted”.

This paragraph points to one of the main characteristics we envisage for the instrument that we will negotiate for the next two years: it should be a consensus-based text. We believe that this is the way to achieve what we deem to be the main objective of the convention we are starting to build: universal adherence.

We envisage an instrument that will enable whole membership of the United Nations to a higher level of capacity for combating cybercrimes. That means establishing a minimum set of crimes to be typified, modern and more effective legal procedural tools that will address the specificities of combating cybercrime and enhancing international legal cooperation in criminal matters. Also, a treaty that will give conditions to providing capacity building and training.

If we keep those objectives as guidance to our negotiations, the convention that we expect to finally have by 2024, will achieve the universality we need, so that there will be no safe havens from where cybercriminals would operate.

In what regards the objectives of the convention, Brazil, as mentioned before, supports the proposal presented by the Chair. We would add, however, to the third bullet point, the mentioning of “establishing specific tools for international legal cooperation in criminal matters in cases of cybercrime”. Speed and fugacity are the essential characteristics of cybercrime that we must face as cooperating countries.

In what concerns the list of elements of the scope of the convention, we find the list drawn by the Chair to be representative of the elements of the national submissions.

We believe that the Committee should not try, at the beginning of our discussions, to thoroughly negotiate a text of objectives and scope of the convention. Objectives and scope will be more clearly defined as we further our discussions.

As for the structure, Brazil believes that it is of utmost importance that the present session agrees on a simple structure, as proposed by the chair, so that the committee has clarity on the items to be discussed on the next sessions. Doing so, the delegations can provide text and prepare accordingly for the discussions that will take place.

Finally, Madam Chair, we strongly believe that inclusivity, transparency and decisions based on consensus will keep this Committee on the path for fulfilling our mandate and drafting, in the time allotted for our work, a convention that is effective and universally accepted.

Thank you, Madam Chair.