



Statement on behalf of the EU and its Member States

by

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To the United Nations**

**First negotiating session of the Ad-hoc Committee set up to elaborate a ‘UN
Convention on countering the use of information and communications
technologies for criminal purposes’**

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Madam Chair, Your Excellences, Distinguished Delegates, I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries North Macedonia*, Montenegro* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the EFTA country Liechtenstein member of the European Economic Area, as well as the Republic of Moldova and Georgia, align themselves with this statement.

At the outset let me express the EU and its Member States' full solidarity with Ukraine and the Ukrainian people. The EU condemns in the strongest possible terms Russia's military aggression against Ukraine, which grossly violates international law and the UN Charter, and undermines international security and stability. The EU demands that Russia immediately ceases its military actions and stops its disinformation campaign and cyber-attacks. These circumstances and the continued cyber-attacks against Ukraine are not conducive to a constructive engagement with Russia on a legally binding convention in the cyber field.

Madam Chair, I would like to thank you, for your tireless efforts over the past months to prepare for this first negotiating session of the ad hoc Committee. You have managed to shepherd us through some very difficult periods brought about

* North Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.

by the global health pandemic. Thanks should also go to your team and the Secretariat. You can continue to count on the support of the EU and its Member States.

Madam Chair,

In its yearly threat assessment of December 2021, Europol confirmed that cybercrime remains a global threat to the security of our citizens and businesses. During the Covid-19 pandemic, reported ransomware attacks increased by 300 %. Victims paid more than 280 million euro in ransom in 2020. And virtual attacks increasingly have devastating real world consequences. Ransomware is a global threat. From anywhere in the world, criminals can strike our hospitals. Our banks. Our schools. Our energy companies.

An attack in Ireland in 2021 disrupted the health service for a week. The software for CT scans and X-rays went down. Radiation therapy was suspended. One attack closed some 800 supermarkets in Sweden.

There is no doubt that we need to step up our efforts in the fight against cybercrime. And we need to do this in a comprehensive way at a global level. The EU and its Member States are therefore eager to contribute to the work ahead of us to elaborate a UN cybercrime convention that will bring real added value and strengthen international cooperation in a meaningful and practical way.

Madam Chair,

The European Union and its Member States therefore believe that the main outcome of the negotiation process starting today should be a Convention that will be a practical and effective instrument enabling criminal law enforcement and judicial authorities in the global fight against cybercrime. It should fully respect human rights and safeguarding fundamental freedoms. It should be compatible with a global, open, free, stable and secure cyberspace.

An instrument that truly benefits international cooperation to fight cybercrime should take into full consideration the existing framework of tried-and-tested international and regional instruments in the field of organised crime and cybercrime such as the United Nations Convention against Transnational Organized Crime (UNTOC), the United Nations Convention against Corruption (UNCAC) and the Council of Europe Budapest Cybercrime Convention.

In this regard, we should make sure that, during this first session, any consensus-outcome on the scope and objectives of the future Convention complements existing instruments and avoids impairing in any way the application of those existing instruments or the further accession of any country to them.

Our advocacy for legal consistency is based on two main reasons. First, we need to build on the achievements of international law without having to revisit several subjects, which have already been solved in the past (such as certain subjects relating to international cooperation). It is therefore a question of saving time in the negotiation process by using agreed provisions. Second, we must avoid creating a possible situation of conflict in standards.

It is imperative to ensure the future convention includes strong provisions on the protection of human rights and fundamental freedoms, including the right to privacy and the protection of personal data. We must guarantee full compatibility of a future UN Cybercrime Convention with international legal obligations in this area. In order to be effective, this instrument should provide the necessary safeguards, including proportionality, legality and necessity of law enforcement action.

Furthermore, the Ad Hoc Committee must duly consider the role of victims of cybercrime.

The future convention should be clear and precise and, in the interest of time, focus only on the essential elements of criminal justice and associated mechanisms for cooperation.

The future instrument should fully respect and be compatible with a global, open, free, stable and secure cyberspace. It should take into full consideration the work and outcomes of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime. The UNODC's expertise on cybercrime matters and capacity-building, and its role as a repository of knowledge on cybercrime, will therefore be invaluable in the preparation of the formal sessions as well as the inter-sessional meetings.

For a successful end-result, drawing on the experience and perspectives of multi-stakeholders is also key. We look forward to engaging with civil society, private sector, academia and non-governmental organisations throughout the negotiations.

Finally, we should make sure that by the end of this first session we will have agreed on the objectives, scope and structure of a future convention and on establishing an inclusive and transparent programme of work for the subsequent formal negotiating sessions as well as for intersessional consultations.

We should elaborate this programme of work in such a way to enable the active and meaningful participation of all states, but also of the stakeholders. This will ensure that all voices are heard.

Thank you, Madam Chair.