



Statement on behalf of the EU and its Member States

First formal 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’

**Agenda Item 4 – Objectives and scope of the Convention
Comments on the Chair’s proposal (A/AC.291/CRP.8 Rev.4)**

**United Nations
New York**

(Thursday, 10 March 2022)

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Thank you Madam Chair, I have the honour to speak on behalf of the EU and its Member States.

Madam Chair, we would like to thank you for the revised version of the proposal, which strives to take into consideration the various views of UN Member States. We take note of your clarifications concerning this document which will remain indicative and is not deemed to be adopted nor endorsed.

Nevertheless, Madame Chair, please allow me to highlight some main considerations. We also reserve the right to provide further comments at a later stage.

First, in general regarding the sections on objective and the scope, we should be mindful of reflecting the human rights and fundamental freedoms that need to be protected in a more detailed way. Especially for paragraph 2 of the objectives, let me read what the EU and its Member States propose:

“Protecting and promoting human rights and fundamental freedoms, as enshrined in international human rights instruments, adhering to state’s international human rights obligations, including relating to the right to privacy and by providing strong and effective conditions and safeguards, including the protection of personal data, as well as legality, necessity and proportionality and taking into full consideration existing international instruments and efforts at the national, regional and international levels, the objectives of the convention shall be:”

Second, among the elements of the scope we would like to highlight the following:

- the element on sovereignty in point 1 should be balanced more by adding a reference to the rule of law which would read:

Ensuring full respect for the principles of sovereign equality and the rule of law

- the element on victims in point 3 should use a more adequate reference by referring to victims in vulnerable situation instead of vulnerable groups;

- the element on taking into consideration gender in point 4, should use a more adequate reference by referring to mainstreaming a gender perspective,
- finally on point 15, we would prefer to refer to “other stakeholders” instead of “individuals and groups outside the public sector” which is unclear. We propose therefore the following drafting:

Encouraging the active participation of other stakeholders in the fight against the use of ICTs for criminal purposes/cybercrime, including in raising public awareness regarding the existence, causes, gravity of and threat posed by the use of ICTs for criminal purposes/ cybercrime.

Madam Chair, allow me to express again the EU and its Member States support for your work and for the work of the Secretariat. The EU and its Member States will remain actively engaged in the negotiating process.

Finally, 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.

Thank you, Madam Chair.