

**Statement by the Representative of Japan  
at the First Session of the Ad Hoc Committee  
to Elaborate a Comprehensive International Convention  
on Countering the Use of Information and Communications Technologies  
for Criminal Purposes  
(Agenda Item 6)**

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Madam Chair,  
Excellencies,  
and Distinguished Delegates,

Last week, we had fruitful discussions with Member States in the first formal session of the Ad Hoc Committee. Let me start by thanking the Chair and the Secretariat for their tireless efforts in running the meeting.

Madam Chair,

Japan believes that we should strive for “a free, fair and secure cyberspace” and enhance our capability to tackle cybercrime all over the world by making the new international convention universal and agreeable to all Member States. To this end, in the new convention, we should first develop a solid framework, focusing on basic and essential provisions of criminal offences and criminal procedure, as well as mutual legal assistance and other international cooperation.

Madam Chair,

From this perspective, I would like to make the following four points.

First, the acts which the new convention criminalizes should be limited to cybercrime. Among cybercrime, the offences established in the new convention should foremost cover cyber-dependent crimes, and cyber-enabled crimes should be covered only where it is necessary and where there is broad consensus among Member States. For example, it is undesirable to criminalize what may restrict freedom of expression and for which it is difficult to establish a unified definition. In addition, whether to deal with terrorist crimes and drug crimes using cyberspace in the convention should be carefully considered, so as not to duplicate existing treaties such as UNTOC.

Second, international cooperation should also be discussed thoroughly with regard to provisions that should be included in the context of cybercrime. Considering that the main purpose of the transfer of sentenced persons is not directly related to crime prevention or investigation, but to improve the rehabilitation environment of prisoners after the completion of investigation and prosecution procedures, it is not appropriate to include the transfer of prisoners in the convention, which is drafted in relation to specific types

of crimes. In addition, the cultural and social conditions of the Member States vary widely, and there will also be differences in their judicial systems. In light of this, in this convention, which aims to be universal, we object to the inclusion of the transfer of prosecution.

Third, the measures against cybercrimes must not be detrimental to the principle of due process or impose unjustifiable restrictions on human rights despite the significance of tackling cybercrime. Such safeguards are preconditions for successful international cooperation, and therefore the new convention should include concrete provisions for ensuring due process and human rights.

Fourth, preventive measures should clearly define the role of the States and should not impose obligations on the private sector easily. The provision of infrastructure and platforms in cyberspace currently relies heavily on the private sector. Because the private sector plays an important role in the prevention of cybercrimes, the formulation of this convention should emphasize multi-stakeholder dialogue and transparent processes, and it is worth considering establishing a provision of preventive measures to raise awareness and conduct training with support of the private sector. However, private companies, including which provide services and platforms in cyberspace, should not be penalized for not establishing their security standards or violating them. Also, we should carefully consider whether legal persons, their representatives, and creators of software could be penalized when they do not involve themselves in cybercrime with awareness. In principle, pursuing criminal liability is to punish those who intentionally commit crimes, and we must be cautious about holding them liable for negligence from the perspective of not hindering the development of technology.

Madam Chair,

Japan continues to engage constructively in the discussion, listening to the opinions of each country.

Thank you.