



REPUBLIC OF POLAND
PERMANENT MISSION TO THE UNITED NATIONS

750 THIRD AVENUE, NEW YORK, NY 10017

TEL. (212) 744-2506

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Statement by the Republic of Poland
1st 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 3

Tadeusz Chomicki
Ambassador for Cyber and Tech Affairs

New York, 1st March 2022

Madam Chair, Distinguished Delegates,

Let me start by expressing our gratitude to you, your team and the Secretariat for your continued effort to prepare for this first session of the Ad Hoc Committee. Please, be assured that Poland will do its best to achieve the goals of this process and you can count on our support.

Like many speakers before, I must express our full solidarity with Ukraine and the Ukrainian people at this dark moment. Poland condemns in the strongest possible way, Russia's military aggression against Ukraine that is a violation of fundamental principles of international law, including the UN Charter. A sovereign state – a member of our UN family, and a free nation is attacked by another state without any basis, whether in fact or in law. As we speak the Russian aggression shows signs of escalating and civilian targets are being shelled in contravention with international humanitarian law. We praise the Ukrainian people who are defending bravely their freedom against this armed attack.

Madam Chair,

Poland aligns itself with the statement delivered on behalf of the European Union, which expresses well our goals and objectives in this process.

Cybercriminals' attacks in Poland target ordinary citizens, entrepreneurs, civil society or government institutions alike. Therefore, it is important to make this new convention a practical and effective instrument enabling law enforcement and judicial authorities to fight cybercrime around the world. In the same time this future convention must respect fundamental human rights such as the right to privacy and the protection of personal data. Its main assumption should be the preservation of global, open, free, stable and safe cyberspace.

The planned instrument should include legal definitions of cybercrime and in further work we should avoid an excessive expansion in the scope of the future

convention, using the acquis of international law without having to re-address many issues that have already been resolved in the past. It is important to avoid duplication and this new instrument should fully comply with the already existing legal framework for combating cybercrime, including the Budapest Convention, with its additional protocols.

The provisions of the new convention should ensure essential features, including proportionality, legality and the necessity to act by law enforcement authorities. They must also address the specific situation of cybercrime victims.

Poland points out that a successful outcome of the work on this convention requires a wide exchange of experiences and perspectives, including a meaningful participation of civil society, entrepreneurs, academia, non-governmental organizations and other multi-stakeholders.

Our first discussion should be limited to the objectives, scope and structure of the future convention. It is important to have a common understanding of and to agree upon these three elements before going into details.

In terms of modalities of work, we are in favour of the idea presented by the Chair to conduct future negotiations in a 'chapter-by-chapter' way. Since we are dealing with complex issues here, we need to have ample time to provide sensible input. This is why we propose to postpone the April 8th deadline for submissions on the chapters.

Madam Chair,

We all joined process of negotiations which should result in a new international legal instrument enhancing cooperation in our fight against cybercrime. However, to reach this ultimate goal we should be united in a good faith and trust. We were told at the beginning of this session that what is happening now in Ukraine does not apply to the works of this Ad Hoc Committee. It is hard to

agree with such a statement. Russia's military aggression against Ukraine is accompanied by large-scale disinformation campaigns and cyber-attacks. Many of such malicious activities would fall under provisions of this very convention on countering the use of information and communications technologies for criminal purposes, which we are just starting to negotiate. Poland gives full support to the negotiating process and we will stay committed to achieve our common goals here. However, it is hardly possible to be optimistic today when continued attacks against Ukraine put in question ability to engage in works on legally binding convention in the cyber field consistent with the UN Charter. The Charter that Russia continues to violate.

I thank you for your attention.