



**THE SECOND SESSION OF THE AD HOC COMMITTEE TO ELABORATE A
COMPREHENSIVE INTERNATIONAL CONVENTION ON COUNTERING
THE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGIES
FOR CRIMINAL PURPOSES**

**STATEMENT BY
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**ON BEHALF OF
THE CARIBBEAN COMMUNITY
(CARICOM)**

AGENDA ITEM 4: PROVISIONS ON CRIMINALIZATION

PLENARY (ROOM M-3)

MAY 30, 2022

Madame Chair,

I have the honour to deliver this statement on behalf of the fourteen Member States of the Caribbean Community. At the outset, we would like to commend you for your outstanding efforts as Chair of the Ad Hoc Committee on Cybercrime, and for leading us into the Second Session. We would also like to express our appreciation to the Secretariat for their continued support throughout this process.

Madame Chair,

Our region is of the firm belief that if we are to achieve the proposed objectives of this Convention, there are several key areas to be addressed with respect to criminalization.

This Chapter of the Convention seeks to achieve a harmonious approach by Member States in respect of establishing a minimum standard of relevant computer related crimes and crimes involving the use of ICTs.

Madame Chair,

This is what the United Nations achieved with the UNTOC and UNCAC, and what we hope to achieve in this developing area of the law.

Delegates will recall that CARICOM, in its statement regarding the objectives and scope of the Convention, dated 02nd March, 2022 stated as follows;

“... In terms of the scope of the instrument, CARICOM believes that the instrument should provide the following;

A settled list of substantive cybercrime offences...”

Additionally, CARICOM highlighted that the Convention must include the following key elements within the Chapter on Criminalization;

1. An Outline of computer dependent crimes;
2. A specified list of computer enabled crimes where the use of the computer system results in a change in the scope, magnitude and impact of such activities.
3. Particular categories of content related offences which consist of the possession, production and distribution of child sexual exploitation and abuse material as well as the non-consensual distribution of sexual images when such distribution is done with a specific intent to cause harm to the individual depicted on these images;

On the basis of these recommendations in the First Session, CARICOM, has submitted draft language for the consideration of Member States in respect of this very important chapter.

We have recommended the following offences for inclusion in the instrument:

1. Unauthorized/ Illegal Access

2. Unauthorized/ Illegal Modification
3. Unauthorized/ Illegal Interception
4. System Interference
5. Data Interference
6. Misuse of Devices
7. Producing, Distributing, Procuring and Possessing child sexual exploitation and abuse material through a computer system
8. Non-Consensual Distribution of Sexual Images

Madame Chair,

Criminal offences such as the Infringement of Intellectual Property Rights through the use of computer systems/ ICT's, Computer Related Fraud as well as Computer Related Forgery aim to safeguard the products of our ingenuity and to safeguard our assets and financial interests.

Further, Inchoate Offences – Attempting, Aiding and Abetting, Counselling or Procuring the commission of the above offences – aim to discourage and criminalize conduct of others who facilitate and support the commission of these crimes.

Madame Chair,

CARICOM is of the view that it is critical to capture liability of legal persons in this Chapter. These are entities with rights and responsibilities and, in many instances, they have economic power, resources and influence. Because of this, liability for

legal persons as well as measures and sanctions must be included in the efforts to counter the use of ICTs for criminal purposes.

Madame Chair,

This is not an exhaustive list of proposed offences. Member States may go further in respect of their domestic law as they address the issue of computer related crimes. However, this list of basic offences will serve to enhance the prevention and suppression of these core computer related crimes.

Madame Chair,

Harmonization results in enhanced international co-operation through Mutual Legal Assistance in Criminal Investigations, and Extradition and can only serve to enhance our capabilities in the fight against this form of transnational organized crime.

Madame Chair,

Nevertheless, we must bear in mind that the development of digital tools is constantly changing, and we must expect cyber breaches to come in other forms. The transnational nature and speed of such offences put a strain on traditional mechanisms for detection and repression as well as legal cooperation on a global

scale. That is why this Convention must respond not only to current concerns but also to address the challenges of the future

In closing, I wish to reiterate CARICOM's unwavering commitment to this process and to ensuring the successful completion of this Second Session of the Ad Hoc Committee.

Thank you, Madame Chair.