

Thank you Madam Chair,

The State of Israel wishes to present at this point our perspective on some of the issues mentioned in the guiding questions in the second cluster:

On the 1st question - according to our position noted earlier, Israel believes that the Convention we are negotiating should focus on cyber-dependent crimes and not cyber-enabled crimes, with very limited exceptions. We agree with other member states that have suggested wording the provision with respect to the offence of **fraud** in a sufficiently broad manner that will include various behaviors and be applicable to any future technologies.

On the proposed provisions on "creation and use of digital information to mislead the user", as a form of [computer] [ICT]-related forgery Israel has mentioned previously that in our view the concept of "digital information" appears to be overly broad, and could arguably be interpreted as including the criminalization of content-related activities. The phrase "to mislead the user" is much broader than "for economic benefit" found in the language of the Budapest convention, and could be construed to criminalize dissemination of information in a manner that unduly violates freedom of expression. Therefore, in our view, the types of provisions we've described previously are sufficient.

Per the question relating to identity-theft related offences Israel wishes to echo what some MS highlighted on this matter that such behavior involves a number of other existing offences, like cyber related fraud and in our view these offences may be sufficient should they be crafted in a sufficiently broad manner.

Per the question regarding the inclusion in the convention of offences related to the infringement of copyrights at present, we prefer not to make a position on this matter. We wish to hear more views and explanations from MS on the necessity of including this suggested language, and we plan to further consult with IP law experts in order to better understand the current state of play, and whether there is a need to preserve or depart from the wording of the Budapest convention covering this issue.

Thank you Chair.