

Japan's Response to the Guiding Questions regarding Agenda Item 5

Questions 1 and 2:

Japan reiterates that this Committee should focus on drafting essential and basic provisions in a technology-neutral manner. If we tried to stipulate provisions specific to each technological means or modus operandi, these provisions would quickly become outdated. In the same vein, the terms used in this Convention need to be clearly defined in a technology-neutral manner.

Question 3:

Japan believes that the chapter on general provisions and the provisions themselves should be clear and concise. They might include “statement of purpose,” “use of terms,” “scope of application” and other necessary provisions that all Member States agree on.

Questions 4 and 5:

We support the three objectives outlined in the Chair's proposal at the first session. The new Convention should include concrete provisions for ensuring due process because such safeguards are preconditions for successful international cooperation. Japan would support the inclusion of a reference to the protection of human rights in the statement of purpose, whether or not the Convention includes an article exclusively on this matter, as long as the provision is clear and concise.

Question 6:

We could consider applying procedural provisions to investigations and criminal proceedings for the criminal offenses established in this Convention and other criminal offenses committed by means of a computer system, and to the collection of evidence in electronic form of a criminal offense. The provision for the scope of application should reflect the content of the Convention as a whole.

Question 7:

We need to reexamine this point, taking into account what the object of criminalization will be. However, in general, Japan can support the inclusion of a general provision on freezing, seizure, confiscation and return of the proceeds of offenses similar to those in UNTOC and

UNCAC, and if it is similar to UNCAC Article 3, paragraph 1, the Convention could mention these in an article on the scope of application.

Question 8:

We understand that there have been many discussions on sovereignty in relation to the use of ICT. In order to gain the support of many Member States, Japan believes that, if the Ad Hoc Committee wishes to stipulate a provision, it should be general, like Article 4 of UNTOC and UNCAC.

Question 10:

This Committee should address definitions after the substantive provisions are settled, as many Member States have stated.

Question 12:

Japan supports the consideration of gender-sensitive issues. The Convention should contribute to the promotion of gender equality and the empowerment of women. We are open to discussion and keen to listen to the views of other Member States, observers and multi-stakeholders.