

The Republic of Slovenia

- intervention AHC 2nd session – group 4 questions

Madam Chair,

In relation to the Group 4 Questions

Slovenia fully aligns itself with the statement delivered on behalf of the European Union and its Member States and would like to make the following remarks in its national capacity.

At the outset, let me reiterate once again that Slovenia is of the view that only the offences that **serve a legitimate goal, that are necessary and proportionate** should be included in the Convention.

We believe that these conditions have been satisfied in respect of **the core cyber-dependent crimes**. To the contrary, these conditions seem NOT to be satisfied when it comes to the proposals aiming to incorporate into the Convention offences related to the content or speech, where the behaviour that is to be criminalised **does not enjoy universal understanding**. Thus, understandably, these proposals contain vague and ambiguous provisions which do not satisfy the strict requirements of the criminal law.

Furthermore, an attempt to regulate such behaviour brings about **serious risks for human rights violations, in particular the freedom of expression**. It brings about risks of criminalisation of ordinary activities of persons in contradiction with the international standards of human rights and thus must be avoided.

Freedom of expression is the foundation stone of a democratic society. It also forms a basis for the full enjoyment of a wide range of other human rights: for instance, freedom of expression is integral to the enjoyment of the rights to the freedom of assembly and association, and the exercise of the right to vote.

Regarding restrictions of the freedom of expression, **the International Covenant on Civil and Political Rights** prescribes strict conditions. A right balance is thus extremely delicate and difficult to find. While there are fora within the UN, dedicated to these discussions, in particular **the UN Human Rights Committee**, Slovenia is afraid that the UN MS would still have diverging views on what should be criminalised under such offences. We believe that an attempt to find the right balance among ourselves, in the scope of our current endeavour, in this ad hoc committee, would be rather time-consuming and counter-productive.

Madam Chair,

The conditions of a legitimate goal, necessity and proportionality are also NOT satisfied by the provisions that try to incorporate into the Convention the traditional crimes which are already included in existing international instruments.

This is the case with, for instance, the offences related to the distribution of narcotic drugs and psychotropic substances, arms trafficking, illegal distribution of counterfeit medicines and medical products; arms manufacturing, trafficking in persons – we believe these offences are first) not fundamentally changed by the use of the ICTs, and secondly) are adequately covered by the UNTOC and other existing international conventions.

We believe that the existing international instruments regulating the mentioned crimes are sufficiently comprehensive. An attempt to include the described conducts into the Convention would create not only **risks of duplication**, but also **risks of conflicts with the existing international norms**, which must be avoided.

Madam Chair

Let us remind ourselves again what is **the main aim** we want to achieve in this ad-hoc committee. We want the new Convention to be a practical tool, a basis for a quick and effective investigation and prosecution of cybercrime – that is the main goal. Rather than attempting to over criminalize one's opinion and expression, these are the areas we should save our precious time for.