

UK opening statement on criminalisation chapter

Thank you Madam Chair. I would like to begin by adding our voice to those delegations thanking you, your team and the secretariat for all you have done to prepare us for this session.

Madam Chair, distinguished colleagues, the UK believes we should take a focussed approach to criminalisation in our treaty.

We want to develop a treaty that enables our law enforcement agencies and prosecutors to work more effectively together – and to do this in the two years available to us. The best way to achieve this is to focus on criminal offences we all recognise and can broadly agree on the definitions of.

We agree with the majority of Member States on the inclusion of offences that could not happen without a computer system. We have proposed five such offences, which we believe cover almost all possible manifestations of these types of crime and do so in a way that is technology neutral.

As technology is continually evolving, we should avoid naming specific technologies or platforms that criminals use to commit crimes, and focus instead on the underlying crimes. This way, our treaty will not become outdated as criminals find new ways to commit old crimes.

Beyond these offences, we do not support a long “shopping list” of crimes.

Yet we are open to considering where our convention might present an opportunity, in some limited cases, to do more to tackle those traditional criminal offences which are now carried out through the means of a computer system – where a clear justification can be made for the need to do so.

To help us to identify where this might be the case, we agree [with the EU] it would be beneficial to set some criteria. Whilst this is not an exact science, we propose considering an offence where:

- it is mainly carried out online;
- the use of a computer is transformational in changing an offence’s scale and impact; and
- where its legal definition is commonly understood across all Member States.

In addition, we propose that we should only include an offence where it is not already covered adequately by existing universal instruments. We should aim to fill gaps rather than cause conflict or confusion.

We have made a small number of proposals for offences we feel meet these criteria, including fraud, child sexual exploitation and abuse, the non-consensual sharing of intimate images, and modern slavery and human trafficking.

We look forward to justifying our proposals and to discussing those of others as we consider your helpful guiding questions Madam Chair.

Finally, I would like to underscore our continued condemnation of Russia's illegal war in Ukraine, an unprovoked, premeditated attack on the principles of self-determination and the rule of law. Thank you.