



Contribution of Uruguay for consideration by the Ad Hoc Committee at its second substantive session

1. This Convention shall take into consideration the existing international instruments and efforts at the national, regional and international levels to combat the use of information and communications technologies for criminal purposes, in line with resolution 74/247.

In this line, the Convention should also establish a provision on the connection between the Convention and other preexistent instruments, including matters such as priority application and non-exclusion.

Uruguay considers that the text should include a call for coherence within the UN system to combat the illicit use of ITCs as a general provision.

2. The Convention should be provided with a flexible mechanism for follow up and revision, taking into consideration the progress and permanent changes existing in the matter.

The Convention should be based on neutral technological language, avoiding the use of language related to a specific operative system or software, and aiming at providing a broader approach that can be interpreted in the context of a rapidly changing environment.

Uruguay considers important for the convention to allow the formulation of interpretative declarations, in addition to including an agile amendment procedure to facilitate its updating and that establishes mechanisms to settle disputes.

A conference of Parties should take place periodically to study significant changes in the subject, and reflect them in the content of this Convention. Article 69.1 of the UNCAC provides a guide:

The Conference of the States Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties present and voting at the meeting of the Conference of the States Parties.

3. The prevision of instances of participation and inputs from the private sector, civil society and the academia.

4. Regarding the international jurisdiction, Uruguay considers that the matter of overlapping jurisdiction of two or more States should be addressed taking into account the temporal priority in the investigation and complaint.

Nevertheless, if a State party exercising its jurisdiction under any offence established in this Convention, committed in its territory; on board a ship flying the flag of that Party; or on board an aircraft registered under the laws of that Party has been notified or has otherwise learned that any other States parties are investigating, prosecuting or conducting a judicial proceeding with respect to the same act, the competent authorities of those States parties shall, as appropriate, consult each other with a view to coordinating their actions.

The Party shall also take the measures established in this Convention when the offender is present in the territory of its country and cannot be extradited based on its nationality. The State in whose territory is the perpetrator of the crimes established in this Convention shall submit the case without further delay to its competent authorities for the purpose of legal prosecution in accordance with the law of that State.

5. Countering cybercrime is a timely and pressing challenge, that should be addressed taking into full consideration the protection, respect and fulfillment of Human Rights and Fundamental Freedoms.

All provisions of this Convention shall be understood and used in accordance with the respective international obligations in the field of human rights. Therefore, there should be a preambular paragraph reaffirming the Universal Declaration of Human Rights, the International covenant of Civil and Political Rights and other relevant instruments on Human Rights.