

**First negotiating session of the Ad Hoc Committee set up to elaborate a “UN Convention on countering the use of information and communications technologies for criminal purposes”**

**New York, 28 February – 11 March 2022**

**Statement by Italy**

Madame Chair, Your Excellencies, Distinguished Delegates,

Italy aligns itself with the statement of the European Union and wishes to add the following remarks in its national capacity.

On the aggression being conducted by Russia against Ukraine, Italy, together with its EU partners and allies, has made its position clear, through statements and consistent acts, standing firmly in support of the sovereignty and territorial integrity of Ukraine and in full solidarity with the Ukrainian people. As we speak, the situation in Ukraine is the subject of an emergency special session of the GA, which will provide a further opportunity for dealing with the unfolding crisis.

Our intervention in this Committee will focus on the scope, objective and structure of the new Convention on cybercrime we are about to negotiate.

As a matter of procedure, we should refrain from engaging in discussion on excessively vague or highly politicized issues or on topics that fall outside the mandate of the Ad Hoc Committee, also with a view to avoid falling into legal uncertainty. We should rather focus on crimes in which the element of cyber is the target of the offence, or fundamental to enable/carry out the offence, which should be narrowly defined and universally recognized.

With reference to the objectives, Italy would like to reiterate the need for a Convention that effectively enhances law enforcement international cooperation and provides useful tools to address the challenges posed by cybercrime, in a technology neutral manner and in full respect of human rights and fundamental freedoms, including freedom of expression and association.

We need a Convention that contributes to ensure a global, open, free, stable and secure cyberspace.

The new Convention should be consistent and coherent with the existing international and regional legal framework, relevant regional and international instruments in the field of cybercrime and human rights.

The Council of Europe has often been at the forefront of tackling the challenges posed to our societies by new technologies. Treaties such as the Budapest Convention on Cybercrime are now benchmarks at global level. Italy welcomes the forthcoming opening for signature of the Second Additional Protocol to the Budapest Convention during its Presidency.

We especially value the positive experience of the 2000 United Nations Convention against Transnational Organized Crime (the so-called “Palermo Convention”) and its Protocols, which, along more than 20 years, have governed international cooperation between law enforcement and judicial authorities. Thanks to its flexibility, the Convention remains a valid tool even against continuously evolving challenges posed by organized crime. Moreover, thanks to its almost universal participation, the Convention allows to effectively address the transnational dimension of crime.

We expect the same for the new Convention on cybercrime. We aim at negotiating a tool dealing with substantive criminal and criminal procedural law, enabling State Parties to make critical legislative changes, collaborate across borders, work to raise awareness and capacity and ensure that national policies reflect the importance of the fight against cybercrime.

We aim at a negotiation process leading to a consensual text. A text based on the full support of Member States. To do so, we need to remain focused and ensure that the Convention complies with human rights standards.

We support the inclusion of substantive criminal law provisions related to high-tech crime and cyber-dependent crime, including illicit trafficking of technology, illegally gaining access to, intercepting or interfering with computer data and systems.

Before, I made reference to UNTOC as a model for the Convention on cybercrime. The text we are going to negotiate should also include provisions to combat transnational organized crime operating in cyberspace. We also attach the utmost importance to the protection of the victims of cybercrime. The Convention should reflect it in its provisions.

The new Convention should increase the opportunity for information sharing, training, sharing of best practices and lessons learned, providing technical assistance and capacity building among its State Parties. In this regard, we see merit in including

specific reference to UNODC, the OSCE and other relevant international organizations with a wide expertise in professional training activities.

While the provisions of the Convention must be technology neutral, we support the inclusion of a reference to the importance of exchanges of views and information about new challenges posed by further technological developments.

We are committed to an inclusive, open and transparent negotiation process, allowing every Member States to actively engage in the discussions. We also welcome the contribution coming from the private sector, civil society, non-governmental organizations, the academia and technical community.

In conclusion, you can count on the support of Italy for the success of this negotiation process.