Ad hoc intergovernmental committee
to elaborate a comprehensive international convention
on countering the use of information and communications technologies for criminal purposes
Third session
29 August – 9 September 2022
United Nations Headquarters, New York

Statement by H.E. Archbishop Gabriele Caccia,
Head of Delegation of the Holy See,
Agenda item 7
(“Provisions on Mechanism of Implementation”)

Madam Chair,

Effective implementation of the Convention at the national level is indispensable to attain its objectives. In that regard, and drawing upon the relevant provisions of UNTOC and UNCAC, the Convention should require States parties to take the necessary measures, including legislative and administrative measures, in accordance with the fundamental principles of their domestic legislation, to ensure the implementation of their obligations under this Convention. Likewise, States parties to this Convention should have the right to adopt stricter or more severe measures than those that are set forth in this Convention, in order to prevent and counter the use of information and communications technology for criminal purposes.

On the other hand, my delegation would like, respectfully, to sound a note of caution regarding the so-called review mechanisms.

Regrettably, in the last few years we have witnessed a notable proliferation treaty-based review procedures and mechanisms, which impose an excessive burden upon the limited human and financial resources of most States. In fact, our administrations are subject to a continuous barrage of questionnaires and peer reviews, which end by distracting our scarce resources from the real task of combating criminal activities. Unfortunately, those mechanisms tend to contribute to the expansion of the already bloated bureaucratic apparatus, both among the international civil service and at the national level.

Effective implementation of international treaties does not depend on the policing by review mechanisms but rather on the share believe that agreements must be kept – the well-known principle of pacta sunt servanda – and conviction that, on balance, the observance of the treaty provisions furthers their national objectives. That is precisely
why treaties should be adopted by consensus and why they must strike the right balance among the various proposal, avoiding extreme ideological views.

For these reason, before making a final decision on whether to create a new specific review mechanism, delegations would do well to ask themselves if such a mechanisms is truly necessary in the particular contest of this Convention.

If most delegations were convinced that it is so, my delegation would not object. However, participation in such mechanism should be voluntary, based, ideally, on an opt-in clause. In any case, the Holy See reserves the right to consent on an ad hoc basis to be subject to any mechanism or body to review the implementation set forth by the Convention, or which the Conference of Parties may establish in the future.

I thank you.