Statement by H.E. Archbishop Gabriele Caccia, 
Head of Delegation of the Holy See, 
Agenda item 5 
(“Provisions on Technical Assistance”)

Madam Chair,

The Holy See supports the inclusion of robust provisions that favor cooperation among States Parties, at the horizontal level, with a view to strengthening the capacity of developing countries to prevent and counter cybercrime. Given the unique context and nature of such criminal activity, the section on technical assistance should focus on ensuring that all States have the technological capability necessary to combat cybercrime and provide appropriate training to their own law enforcement and judicial personnel.

In most jurisdictions, law and policy have struggled to keep up with the development of criminal uses of ICTs. Existing laws may already provide a foundation for detection, investigation and prosecution of cybercrime, but may not fully account for the unique challenges such crime poses. These include issues related to jurisdiction, collection and preservation of evidence, and the reclamation of stolen goods, among other concerns, while taking steps to protect fundamental freedoms and encourage continued innovation.

Much of the implementation of the convention will fall to law enforcement and judicial personnel, who need to be equipped to address current and emerging issues. In that context, States with greater experience and knowhow are to be encouraged to provide training and modern equipment to those countries in need, in order to assist them in achieving the objectives of the convention. Training programs should prepare law enforcement and relevant agencies to identify and investigate cybercrime, including through continuing education to help them adapt to new technologies and trends in their criminal misuse. Courts and judicial personnel also need to be capable of assessing evidence of cybercrime to ensure due process and its proper handling, as well as appropriately to respond to requests for mutual legal assistance.

Madam Chair,
The rapid progression and evolution of ICTs continuously creates new avenues for their criminal misuse. The many benefits of rapid digitization are often accompanied by weak or nonexistent cybersecurity, especially in developing countries, risking harm to critical infrastructure as well as individual users. For that reason, effective technical and logistical assistance are inseparable from capacity building.

The Convention should therefore encourage the formation of partnerships, through bilateral and multilateral agreements and arrangements, to share knowledge, improve technological capacities, and strengthen law and policy. Such partnerships are crucial to ensuring the effective implementation of the Convention by all States Parties. Furthermore, these efforts should complement, rather than supplant, existing forms of development assistance. In this regard, Article 30 of the UN Convention against Transnational Organized Crime (UNTOC) provides a helpful model.

Thank you, Madam Chair.