Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes

Third session

CHECK AGAINST DELIVERY

Statement by
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Technical Assistance, Capacity Building and Mechanisms for Implementation, Final Provisions and the Preamble

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Thank you Madam Chair for giving us the floor.

At this stage, Israel wishes to present its perspective and suggestions for the convention chapters on technical assistance, preventive measures, and mechanisms for implementation, final provisions and the preamble.

Madam chair, with respect to the chapter on technical assistance, we wish to emphasize the importance Israel attaches to this issue and our hopes that the convention will assist states through sharing of best practices, exchanging knowhow, performing training, and conducting research. These activities are important in order to enhance and further develop the capabilities of states to prevent, detect, investigate and prosecute cybercriminals, as well as to assist state parties in implementing the convention. For example, in 2018, Israel held a joint learning session between the Israel Police and Chilean Police, during which the representatives of the Israel Police shared their professional knowledge and experience regarding the investigation of crimes committed in cyber space. These types of exchanges are mutually beneficial and enriching.

Regarding question no. 29, we would like to propose the following distinction between the two terms –technical assistance, in our view, is done on the case specific and more practical levels – for example police to police assistance in forensic or investigative technics or tools, while capacity building is usually performed offline and on a more strategic level – through the sharing of best practices, training and exchange of general knowledge and experience.
As for the preventive measures chapter – on the question of whether there are particular groups that the convention should prioritize, we support the idea to grant children such a priority and wish to see considerable efforts made to keep children safe online. We also wish to mention a few other unique groups that in our view deserve special protection under the convention, such as: victims of human trafficking, victims of cyber enabled sexual offences and victims of crimes in general. These groups deserve special protection regardless of any concrete preventive measures taken.

Regarding question 33, Israel believes this issue is outside the scope of the discussed convention, and that it is covered in other UN and other international fora and therefore should not be included to this text.

With respect to the 4th chapter, dealing with mechanisms of implementation, it is important that member states regard the future convention as a baseline, which does not preclude states from adopting stricter or complementary measures. The most appropriate option for an implementation mechanism, in Israel's view, is the one included in the Budapest framework, which has already been applied and tested successfully.

On the questions relating to final provisions, we wish to add our support to the option of adding flexibility to the convention by enabling additional supplementary protocols if needed. However, they should be regarded as separate treaties and state parties will retain the right to decide whether they join and implement them. Furthermore, we do not
think it necessary at this stage to determine in advance the nature of future protocols.

Regarding question 46 on the matter of amendments to the convention - bearing in mind that we are discussing a convention that deals, at its core, with technology, which by nature is constantly developing and changing, there is a need to keep it up to date. We therefore think that amendments to this convention should be allowed in accordance with the modalities that governed the drafting of this convention, especially pertaining to the need to make all efforts to achieve consensus on the adoption of each amendment, and only as a last resort a requirement for its adoption by a 2/3 majority vote of the state party.

And finally Madam Chair, as for the preamble – we have reviewed some of the suggestions presented by member states to the preamble and in principle we can endorse parts of them. However, given that the preamble is intended to relate to and inform the interpretation of the convention, and that the scope and drafting of the other substantive provisions have no yet been finalized, we prefer to wait until more progress has been made on some of these provisions before delving into the drafting of the preamble.

Thank you Chair.