Item 5: Technical Assistance: New Zealand Statement

Thank you chair

Technical assistance and capacity building measures are a key element to the success of this convention. We are seeking to develop a comprehensive convention, with high standards, and we need to ensure all states have the opportunity to meet those standards.

In regards to questions 24 and 25.

The convention should set out, as a general principle that states should seek to afford one another the widest measure of technical assistance and capacity building to implement this convention. Technical assistance and capacity building measures should be carried out in an inclusive manner, allowing for the participation of all relevant stakeholders, which will increase our ability to match expertise with need. The measures should be comprehensive and take into account local context and needs. Particular attention should be given to the needs of developing countries.

In our view, we should be wary of trying to take an overly prescriptive approach to the specific areas covered within the convention. Attempting to develop an exhaustive list risks the unintended consequence of limiting the range of technical assistance and capacity building measures that are available over time. The most important factor is developing a common understanding on the general principles, which would provide the basis for ongoing discussions between states, and involving relevant stakeholders, about various capacity needs and the expertise available to meet those needs.

Nevertheless, we believe some areas integral to capacity building, such as training programmes, could be highlighted within the convention, particularly related to essential elements of the convention where there are varying degrees of capacity, such as resourcing a 24/7 contact network and responding to mutual legal assistance requests.

In response to question 27.

We think it would be prudent to note that the UNODC should have a role in assisting with technical assistance and capacity building measures, and the implementation of this convention. The agreed outcomes of the Open Ended Intergovernmental Expert Group on cybercrime provide useful guidance in this regard. In particular those outcomes that encourage the UNODC to provide capacity-building and training programmes in combating cybercrime to national governmental experts to strengthen capacities to detect and investigate cybercrime.

The IEG report also notes a number of specific tools the UNODC has developed, which would be useful for states seeking to implement this convention, including around mutual legal assistance best practises.
We would also have no objection with highlighting the valuable expertise that Interpol would bring to technical assistance and capacity building measures.

However, in both cases, we would emphasise again that the provisions in this chapter should be inclusive in scope and support a general principle that all relevant stakeholders, including private sector, academia, and other non-governmental organisations, have a role and expertise to bring to the technical assistance and capacity building measures that this convention seeks to develop. And we should not seek to limit the pathways that this assistance could be provided.

We would suggest that the convention should emphasise that technical assistance and capacity-building measures, including training programmes, should seek to take into account a gender perspective of cybercrime and account for vulnerable groups. As we have discussed previously, offences covered by this Convention may be more likely to affect certain groups (for example, children and women). Such capacity building programmes should also emphasise the importance of upholding international human rights obligations and protecting fundamental freedoms.

Finally, chair, we thank Brazil for its proposal, which we will consider. In line with the inclusive philosophy we have taken in these negotiations, we wondered whether there would also be opportunity for stakeholders to provide information on the technical assistance and capacity building measures they may be able to identify from their experiences. Consultation with stakeholders on this issue will be important.

Thank you chair.