UN Intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime

Seventh session 6-8 April 2021

“Agenda-item 2 on production of conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice”

Statement by

Kingdom of the Netherlands

VIENNA, 6 April 2020
Mr. Chair,  
Distinguished delegates,

1. From the views expressed in past sessions of this Expert Group, it seems that consensus will be possible on an important number of recommendations. It is my hope that during these three days we will be able to further extend that list. In addition to consensual text, my delegation would suggest to provide the CCPCJ with the conclusions and recommendations to which one or more delegations object, in order to present a complete picture. Thirdly, my delegation considers it important to try to be concrete so as to enable the CCPCJ to decide on actionable next steps.

2. Mr. Chair, regarding the individual conclusions and recommendations, the Netherlands aligns itself with comments submitted to the Secretariat earlier by other EU member states and like-minded countries. I would like to supplement these comments with the following specific elements.

3. On the subject of **criminalization**, international harmonization regarding cybercrime should focus on a core set of offences against the confidentiality, integrity and availability of computer networks and computer data, and should be distinguished from harmonization regarding **general** offences committed merely using ICT, that are to be dealt with in specialized forums concerning those specific areas of crime. International harmonization is also needed to grant law enforcement agencies procedural authority to investigate those crimes consistent with due process guarantees, privacy interests, civil liberties and human rights.

4. In that regard, the Netherlands reiterates its strong support for recommendations b and h on Criminalization, as well as recommendations a, i, j, m and n of that chapter.

5. Regarding **international cooperation**, my delegation agrees with others that the solution to tackling cybercrime lies in an overall package of measures to improve both the national response and international cooperation. Capacity building and technical assistance are indispensable to achieve an adequate approach world-wide. Tried and tested practices, such as rapid response mechanisms for international cooperation, merit extensive application between states. The Netherlands wishes to voice its support for recommendation e under the heading of International cooperation.

6. Furthermore, in order for international cooperation to be effective, national legislation on cybercrime and criminal procedure relating to cybercrime cases should include procedures enabling international cooperation among law enforcement agencies. In this respect we refer to recommendation jj under International cooperation.

7. Finally, Mr. Chair, I would like to draw the participants’ attention to our national comment uploaded on the IEG webpage, which elaborates on conclusions and recommendations in the compilation by the Secretariat enjoying consensus or broad agreement among Member States. Since time constraints do not permit to refer to all of them, I would call on all delegations to take note of them as if they were incorporated in this intervention.

8. Thank you Mr. Chair.