Public Consultation on the Chair's Consolidated Draft Document

The fourth session of the United Nations Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes (Ad Hoc Committee) will take place from 9-20 January.

Ahead of this fourth session, the chair of the Ad Hoc Committee has shared a [consolidated draft document](#) of the first three chapters of the convention (please find attached):

- Chapter 1: General provisions;
- Chapter 2: Criminalisation provisions; and
- Chapter 3: Procedural and law enforcement provisions.

This is a chair's document to aid discussions, and not the draft convention. The text draws on written submissions from member states, as well as views shared during the previous negotiating sessions. At the fourth session, member states will debate whether the suggested provisions should remain in the text, and provide drafting suggestions. The chair will take this feedback and seek to develop a draft convention for consideration later in 2023.

During previous sessions, and drawing on feedback we have heard from you, New Zealand has advocated for a convention that:

- Complements and builds on existing international rules and norms, and does not duplicate or conflict with work done elsewhere;
- Is consistent with existing international human rights obligations and contains strong safeguards to protect the right to freedom of expression, assembly and association, and the right not to be subjected to arbitrary and unlawful interference with privacy;
- Is sharply focused on cyber-dependent offences, together with cyber-enabled crimes only where the scale, scope and speed of the offence is increased by use of a computer;
- Enables swift preservation and access to digital evidence subject to international human rights and legal protections related to proportionality and necessity;
- Takes into account the interests of indigenous peoples internationally;
- Is informed by multi-stakeholder, including NGO, academia, and private sector, perspectives and insights to ensure the instrument is informed by best practice;
- Provides for technical assistance among Member States to build the capacity of national authorities to tackle cybercrime; and
- Is technology neutral and future-proofed to the extent possible.

We will continue to advocate for these elements during the fourth session.

To assist our preparations for the next round of negotiation, we would welcome your views on the draft text. We provide below some guiding questions, but welcome your views on any element of the text. We recognise that many of you have already provided comments on these elements in pervious submissions, and please be assured we will continue to take those views into consideration as we develop our approach to the fourth session.

- What is your view on the scope of the criminalisation provisions in the draft text?

- What is your view on the scope of the procedural and law enforcement provisions in the draft text?
- In your view, does the draft text contain adequate protections for human rights and fundamental freedoms?
- What is your view on the fundamental terminology the convention should use? Currently the text has bracketed two options: either 'cybercrime' or 'the use of information and communication technologies for criminal purposes'. (New Zealand has advocated for using 'cybercrime' terminology throughout the convention as, in our view, it is a better understood term).

The fifth session will be held in April 2023, and will involve debate on a draft text of the remaining chapters on the convention, namely chapters on international cooperation, technical assistance, prevention measures, the mechanism of implementation, the final provisions, and the preamble. Once we receive this additional draft text, we will share it with you and provide an opportunity to input your views on these elements.

Please email feedback to UNcybercrimeconvention@dpmc.govt.nz