



Access Now's statement to the fifth session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communication Technologies for Criminal Purposes

**Discussion on Item 7: Mechanism of Implementation
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Thank you, chair. We welcome the publication and open discussion of the report presented by the co-facilitators - and thank them for their hard work.

We believe that if a Conference of Parties model is to be successful, it must clearly operate within specific principles on how it would function and engage the wide range of stakeholders and all states in order to help combat and prevent cybercrime in a human rights respecting way. We therefore support calls to ensure that paragraph 3 of this article [as outlined in the co-facilitators report] emphasizes a clear set of principles shaping the rules of procedure and rules governing related activities. The rules and procedures of the Conference of Parties must at minimum ensure meaningful implementation of the principles of effectiveness, inclusivity, transparency and efficiency.

As part of this, we emphasize that we all must recognise that the proceedings of the AHC have been enriched by having a range of stakeholders here, beyond just ECOSOC accredited non-governmental organizations.

While Access Now is an ECOSOC accredited organization, we are painfully aware of the challenges that far too many of our colleagues have faced - and the many excellent voices of technical expertise and diverse experience that have not been able to participate here despite the efforts of the chair and many delegations.

We hope that the Conference of Parties does not limit engagement only to ECOSOC accredited non-governmental organizations. We are heartened therefore by the realization amongst states as reflected in the report of the co-facilitators and the proposed text here that calls for

usage of the term “multi stakeholders” rather than the more limited term of “non-governmental organizations”. The Conference of Parties should enable the involvement of and expertise provided by technical experts and other individuals and organizations impacted by the activities of cybercriminals or by the effect of cybercrime laws. We would support the adoption of language of “multi-stakeholders” or “other stakeholders”.

We would strongly caution against deletion of language allowing the receipt of information and expertise to the Conference of Parties by non-governmental stakeholders and experts. Proposals to limit inputs towards the Conference of Parties processes, including the planned review mechanisms, to only state parties themselves are inadvisable. Not only would they make the CoP less inclusive and transparent, it would also make it less efficient and effective - placing an unnecessary burden on states.

We caution against the inclusion of language around state secrets in the draft text; it is superfluous and may be open to misunderstanding and misuse.

We also welcome proposals made by delegations to look at the issue of financial resources, voluntary contributions, and the constraints that states and stakeholders will encounter for future meetings. As we have seen for our AHC meetings here in Vienna, many relevant government participants on cybercrime issues and experts on cyber issues and human rights are not ordinarily based here. Many smaller states and entities located in the global south have had to navigate resource challenges in order to participate here. Therefore, if the Conference of Parties takes place alongside or closely linked to the UNTOC and UNCAC mechanisms, and the work of the UNODC, we support calls to provide avenues for additional funding in support of enhanced, equitable global participation.

Thank you for this chance to take the floor again chair.

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