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ORAL STATEMENT

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**United Nations Ad Hoc Committee to Elaborate a Comprehensive International
Convention on Countering the Use of ICTs for Criminal Purposes**

Intervention on Group 5: Specifically Proposed Article 24 of the Draft Treaty

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Thank you Madame chair. We are glad for this opportunity to speak.


We welcome the many strong statements made by many delegations here recognising a core truth: this treaty requires strong human rights protections including specific reference to existing international human rights law instruments. Choosing to omit this important language in the proposed Article 24 would result in a treaty text that would not be acceptable to the global community, and would place not only human rights at greater risk, but would hamper the efforts of law enforcement. As many states have noted, effective law enforcement requires the following of proper procedures and due process based on international human rights law. Removal of such commitments would hamper the cross border cooperation and technical assistance that this treaty hopes for states to advance by increasing uncertainty and fear, and adding space for misunderstanding amongst cooperating nation states.

The second point which I wish to touch upon briefly refers to some of the comments made regarding necessity, legality and proportionality. We want to express strong caution on proposals to delete references to necessity, legality and proportionality in the proposed Article 24. As we have previously shared in earlier sessions, it is a clearly understood principle that international human rights law applies the principles of necessity, legality, and proportionality. The United Nation's own resolutions on [the right to privacy in the digital age](#) makes reference to these importance principles. The [submissions](#) made by the United Nations Office for the High Commissioner for Human Rights (OHCHR) to multiple sessions of the AHC have noted that it is the specific principles of necessity, legality, and proportionality are not only well understood in international human rights law, but in fact are required by human rights law. This body should therefore be clear that these principles are accepted in international human rights law and in fact must be placed there in Article 24.

With these brief remarks madame, I close my intervention. Thank you.



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