

**Oral Intervention on General Provisions as Delivered By Maria Paz Canales - Derechos Digitales**  
**Fourth Session - 9 January to 20 January 2023**

Dear Madame Chair,

The Derechos Digitales and Electronic Frontier Foundation welcomes the opportunity to speak today. Today, we will focus on Art 1, 2, and 3. In drafting the general provisions, we would like to recommend the following changes:

- Article 1 limits the purpose of the future treaty to promote and strengthen measures to prevent and combat cybercrime. Suggest deleting “while protecting users ...”. Protecting users is beyond the scope of a criminal justice treaty.
- Article 1.c As technical assistance is part of the implementation of the Convention, the paragraph should ensure alignment with its core purposes. We suggest replacing “Provide practical measures to enhance technical assistance” with “promote the provision of technical assistance among state parties in a manner consistent with international human rights standards recognized by the Convention.” Alternatively, move 1.c to the section on technical assistance.
- Add Article 1.d to recognize that it is an objective of the Convention to ensure respect for International human rights law, the protection of human rights and fundamental freedoms, and the core principles of necessity and proportionality when combating cybercrime.
- Article 2, to use the term cybercrime and computer systems.
- Article 3 limits the scope of application of this Convention to the prevention, detection, investigation, and prosecution of cybercrime as the offenses covered in the convention; and applies to the collecting, obtaining, preserving, and sharing of evidence in electronic form of cybercrime as the offenses covered in the Convention.
- We also recommend that Article 3.3 be deleted, as stated in our initial intervention for this chapter.
- We strongly support the principle of sovereignty as stated in Article 4.
- While we value Article 5(1) on respect for human rights and the inclusion of gender perspectives, we prefer to reference will be made to specific human rights instruments.
- Article 5(2): We subscribe the recommendations made by Chatham House to explicitly affirm the right of women and people of diverse gender identities and expressions to participate in the governance, implementation, and oversight of cybercrime.

Reframe “special circumstances and needs of vulnerable groups, in particular women, children and the elderly” to avoid positioning people, particularly women, as inherently vulnerable. This could be done by referring to the “special circumstances and needs of [groups experiencing particular cybercrime risks\groups in vulnerable situations particularly women, children, people of diverse gender identities, expressions, and sexual orientations, elderly people, and people with disabilities”.

We welcome the opportunity to speak today and look forward to continuing to collaborate with the process.