

ALLIANCE DRAFT STATEMENT FOR AHC 5

International cooperation

I have a few general points that I'd like to make on behalf of the Alliance of NGOs on Crime Prevention and Criminal Justice.

International Cooperation is core to this treaty, and a wide range of potential international cooperation mechanisms and procedures is reflected in the extensive Consolidated Negotiation Document.

There is a lot of text that is inspired by and indeed in many cases copied from the UNTOC and the UNCAC. These two conventions do provide a comprehensive basis for international cooperation in addressing serious transnational crimes, but we have to consider the added value of this treaty in terms of how much more extradition, mutual legal assistance and other forms of cooperation will be enabled by this negotiation, when almost all states are parties to those two conventions, and when we do not yet know the scope of offences to be included under this treaty.

Unlike with the scope and context of UNTOC or UNCAC, when developing this text's provisions on international cooperation negotiators will need to always keep in mind the unique risks to human rights, freedoms and privacy in the digital space.

The differences between this and existing conventions must be recognized, and the synergies and similarities should also be utilized.

For example – to ensure those risks are mitigated - cooperation should pertain only to the scope of offences under the convention, and in addition the proposed paragraph 4 of Article 56 is of paramount importance. It should be retained or indeed strengthened.

At the same time, the established norms of international cooperation in criminal matters, such as UNTOC and UNCAC, and the rules and conventions of diplomatic relations more generally must also be respected – in terms of principles like sovereignty, reciprocity, due process, the protection of victims and witnesses.

That is why some suggestions included should be recognized for how they could threaten these principles and norms – such as the proposed Article 65, which would subvert the role of diplomatic missions and consular offices and undermine the core principles of international cooperation in criminal matters. It has been reassuring to hear so many delegations from different regional groups make clear their position on this Article.

We regret that I am the last speaker from multistakeholders under this agenda item and hope that adequate time for diverse perspectives will be found for the remainder of the meeting.

Thank you