

Round 1 interventions

Criminalisation

Madam Chair, I would like to echo others in wishing all colleagues a HNY and thanking you, your team and the secretariat for your hard work on the CND.

As we move into the next phase of our negotiations, the UK continues to believe we should focus on those elements where achieving consensus is a realistic possibility.

On criminal offences, our position is that these are essentially a core set of cyber-dependent offences which we all recognise. Subject to some drafting amendments, we therefore support the inclusion of the offences in **Cluster 1**.

Beyond these, we *only* support the inclusion of cyber-enabled offences:

- where they are mainly committed online and a computer transforms their scale and impact,
- where we can all agree a clear and common definition,
- and where they are not already adequately covered by existing instruments.

Based on these guiding criteria, the UK supports the inclusion of the following four clusters:

- **Cluster 2** on economic crimes
- **Cluster 4** on copyright
- **Cluster 5** on child sexual exploitation and abuse materials
- **Cluster 7** on the non-consensual dissemination of intimate images

In all of these clusters, with the exception of Cluster 4, we believe greater consolidation is possible. For example, we could streamline the articles in Cluster 5 to make two instead of four, as has already been proposed by several MS today.

The UK does not support the inclusion of the remaining clusters:

- In brief, **Cluster 3** seems to be largely duplicative of provisions in Clusters 1 and 2 and is therefore unnecessary.
- Whilst **Cluster 6** may be well intentioned, in practice it risks being misused, including potentially to repress young people. As others have noted, what is considered an “illegal act” will of course differ between Member States, making Article 22 impossible to implement practically.
- On **Cluster 8**, we believe that the societal and legal differences between Member States over content offences will present an insurmountable barrier to consensus in this area. Moreover, such provisions are at risk of misuse for political purposes.
- **Cluster 9** groups together a set of offences which are already covered by existing instruments. We still have questions about how we can realistically include them here and the benefits of doing so. Terrorism, for example, as several MS have noted, has taxed other parts of the UN system for decades and there is a clear risk of misalignment with those other areas of the UN system working on terrorist use of the internet.

To sum up then, there is a huge amount of consensus emerging on the core crimes for this convention and the UK will continue work positively towards an instrument that improves international cooperation on investigating and prosecuting them.

Finally, I would like to join others in reiterating the UK's condemnation of Russia's illegal war of aggression in Ukraine and our unwavering support for Ukraine's sovereignty and territorial integrity.