

**Statement by the Head of the Russian Delegation  
at the opening of the reconvened concluding session  
of the UN Ad Hoc Committee to Elaborate a Comprehensive  
International Convention on Countering the Use of Information  
and Communications Technologies for Criminal Purposes  
(New York, 29 July 2024)**

Distinguished Heads and members of Delegations, Chairperson of the Ad Hoc Committee, Secretariat staff,

I am compelled again to begin my statement by informing you about the obstacles created by the United States authorities to Russia's efforts within the UN Ad Hoc Committee. Most members of the Russian delegation were not able to arrive even by the beginning of the session, because the US Embassy in Moscow issued visas to our colleagues only on the afternoon of July 26, i.e. two days before the negotiations were to begin. Moreover, the United States denied entry to the current and previous heads of the Russian delegation (*Andrey Krutskikh and Artur Lyukmanov*), as well as to Deputy Head of the Delegation Ernest Chernukhin, who is one of the main promoters of the idea to elaborate the convention. We had asked the Chair of the Ad Hoc Committee to intervene, but no action was taken.

We call on the Chair and her Secretariat to reflect this situation in a report to the Committee on Relations with the Host Country and to make the appropriate amendments to the resolution on the outcome of the Ad Hoc Committee's work. Under these circumstances, it is obvious that the Chair's aspiration to reach consensus cannot be met. Therefore, Russia is reserving its position on the entire text of the new version of the convention throughout this session.

Distinguished Delegates,

The UN Ad Hoc Committee is nearing the finalization of the first-ever international treaty on information security. All UN member states have been involved in negotiations to establish new norms of international law that lay the foundations for law enforcement cooperation to counter ICT crimes, and even those who back in 2019 spoke against such an agreement aimed at overcoming the neo-colonial dependence of states on foreign ICTs. The very fact of such involvement confirms the relevance of Russia's call to develop new international legal norms on security in the use of ICTs and improve them in order to comply with the principles of the UN Charter.

The Chair's document tabled at the seventh session sets out important elements of the future multilateral work. Part and parcel of these are the provisions on states' cooperation and technical assistance in investigation of ICTs-related crimes by exchanging electronic evidence. The document supports efforts to counter fraud and financial crime, the dissemination of illegal information and child pornography. All this is a fundamental step forward in overcoming digital inequality between states and promoting the governing principle of the UN Charter – the principle of the sovereign equality of states.

However, the current draft convention falls short of the mandated task of elaborating a comprehensive agreement.

The proposed text restates the articles of the outdated Budapest Convention, aside from its infamous Article 32b (although we do have concerns about the double interpretation of Article 27 on the provision of information, as its wording can make it possible for one state to access data stored on the territory of another state, circumventing its competent agencies and regulators). Offenses related to the transfer, processing and distortion of information using ICTs have not been addressed. I mean the dissemination of terrorist and extremist ideas, Nazi appeals, information on human trafficking and illegal trafficking in weapons and drugs.

Some delegations argue that there is no need to cover these topics because elements of relevant offenses are covered by bilateral and multilateral agreements. Yet these agreements do not help us to prevent, suppress, or investigate crimes committed using ICTs, crimes that are transnational, anonymous, and full of loopholes. These ICT features have not been reflected in the treaty text, although there is every ground for doing so: national legislations, multilateral arrangements, and UN Security Council and UN General Assembly resolutions. In 2021, Russia submitted a draft convention based on legislative and law enforcement practices adopted by most states, including those who have spoken out at the Ad Hoc Committee against broader criminalization. The fact that they do not cooperate on countering information crimes with other countries is nothing but a manifestation of their double standard approach. Luckily, we did not have long to convince delegations of the need to combat child pornography (although some countries did try to hinder these efforts by clarifying the limits of criminalization when it comes to images of naked children's bodies disseminated through ICTs).

Disregard for the mandate of the Ad Hoc Committee manifested itself in such fundamental aspect as the terminology of the Convention and its title. On the last day of the negotiations at the seventh session, the Secretariat suggested adopting the “cyber” convention as a *fait accompli*. We recall that resolutions 74/247 and 75/282 call for a convention on countering the use of ICTs for criminal purposes and that all states voted in favour of this wording, although some countries voted for one of the resolutions and against the other one. It should also be recalled that in 2018, the UN General Assembly adopted resolution 73/187 to include an item on “countering the use of ICTs for criminal purposes” into the agenda of the UNGA Third Committee. Later, the UN Secretary-General drafted a report on this topic, and since 2018, ICT terminology has been firmly entrenched in UN documents.

Another blunder is the updated version of human rights references in the draft convention. These provisions prompted objections and criticisms on our part before. And yet, the drafters of the current version outdid themselves, introducing even more questionable wording about freedom of speech, freedom of expression, freedom of assembly, etc. What purpose do these changes serve? What were the drafters guided by? Clearly not by the mandate (there is nothing in it about so-called human rights guarantees), but rather by the policy lines taken by the states that have come out in support of the Freedom Online Coalition and see themselves as human rights defenders the world over. And these are the countries where, under the canopy of human rights, pedophilia is rife, religious and moral principles are violated, drug use is promoted, and Hitler, Nazi sympathizers and terrorist organizations are glorified.

Filling the text of a future international treaty with human rights references is nothing more than a way to shirk from fulfilling obligations to provide assistance in countering ICT crimes. This also can be used to hamper cooperation by law enforcement agencies of third countries or as a tool to interfere in domestic affairs under the same pretext of defending human rights. We believe the new wording of Article 6 to be non-consensual. We call on the Secretariat to either remove the non-consensual paragraph 2 of Article 6, or to revise its wording, or to consider putting this contentious provision to a vote.

Distinguished Delegates,

Russia's approaches are strictly in line with UNGA resolutions 74/287 and 75/282. We call on all participants in the negotiations to stick to these fundamental agreements and to refrain from non-consensual ideas. We have a lengthy and hard work ahead of us to implement the mandate, which has not been fulfilled to date. Russia is ready for honest and transparent work towards finding solutions and compromises in the interests of consensus. However, in the light of unilateral proposals incorporated into the draft that have nothing to

do with the mandate, our guiding principle is “nothing is agreed unless everything is agreed”.

Thank you.