

Joint Statement on the UN Convention Against Cybercrime

Freedom Online Coalition - July 2024

United Nations Member States, including Freedom Online Coalition Member States, are undertaking negotiations on a UN cybercrime treaty with extensive provisions setting international requirements for law enforcement measures and international cooperation in collecting electronic evidence for serious crimes. As the treaty negotiations are due to conclude July 29 to August 9, the members of the Freedom Online Coalition take the opportunity to reaffirm our strong commitment: **that the same human rights offline must also be protected online, including the right to freedom of expression and other rights and fundamental freedoms.**

An international treaty on cybercrime requires commitment to full compliance with existing international human rights law and robust safeguards related to domestic law enforcement powers and international cooperation. This includes safeguards for freedom of expression and rights related to privacy, the discretion to refuse cooperation in relation to discriminatory or political requests, robust conditions, limitations, and safeguards for the exchange of electronic evidence, avoiding a broadening of the scope of criminalization, and appropriate access to effective remedies. Maintaining inclusion of such provisions ensures credibility and confidence in the application of the treaty's provisions to combat global cybercrime, addresses concerns of misinterpretations and overreach, and practically, ensures limited resources are directed to combatting the most serious and urgent forms of cybercrime.

Through this treaty, we have an opportunity – on a global level – to enhance cooperation on combatting and preventing cybercrime and collecting and sharing electronic evidence for serious crimes.

However, the treaty could be misused as a tool for acts of domestic and transnational repression and other human rights violations, for example to target journalists and media workers, human rights defenders, diaspora communities, the technical community, civil society, and other marginalized groups. To mitigate this risk, it is necessary that the treaty scope is carefully defined and accompanied by necessary safeguards to fully protect and promote human rights.

Ensuring broad and effective cooperation in this treaty requires concrete safeguards and human rights protections must be built into the treaty framework. Among these provisions, we particularly emphasize ensuring that the treaty cannot be used domestically or transnationally to facilitate the suppression of conduct protected by international human rights law. Therefore, we will continue to strongly advocate for inclusion of robust human rights protections and other safeguards in the final treaty.

In order for any new treaty to provide a framework for domestic legislation, serve as an ongoing forum for government and stakeholder collaboration, and encourage law enforcement capacity building and technical assistance opportunities, it must be widely adopted and applied in a rights-respecting manner. We stand resolute in finalizing a strengthened treaty that commits to human rights provisions and safeguards and we will continue to work with countries globally in the fight against cybercrime.

