

FOC Joint Statement on the Adoption of the UN Convention Against Cybercrime

Freedom Online Coalition | January 2025

FOC Member States have participated actively and constructively in negotiations to develop a practical, rights-respecting and appropriately scoped United Nations (UN) Convention against Cybercrime. With its adoption, the Convention establishes a new framework for cooperation on cybercrime and provides complementary criminal justice tools with global reach. When implemented in accordance with its provisions and coupled with the robust safeguards it prescribes, the Convention holds the potential to improve the global community's ability to combat pervasive and emerging cybercrime threats.

While this represents a significant achievement for UN Member States, we also recognize the concerns that have been raised about the Convention, including those of the FOC Advisory Network (FOC-AN). These arise in large part from the intrusive nature of some of the procedural measures for law enforcement and from the Convention's broad scope of international cooperation, including for the sharing of evidence in electronic form. For this reason, FOC Member States have consistently advocated for the necessity of effective human rights protections and safeguards, which are crucial for building trust and enabling international cooperation on criminal matters.

The conditions and safeguards, which are directly applicable to the procedural powers and measures that this Convention provides for, are an integral part of the Convention's object and purpose. We are in favour of the adoption of the Convention with the expectation that its guarantees, which constitute binding legal obligations for all States Parties, will be implemented effectively and in good faith. These guarantees include, for example, judicial or other independent review, the right to an effective remedy, and other conditions and safeguards referred to in Article 24.

The Convention explicitly requires Parties to ensure that it is implemented consistent with their obligations under international human rights law, and prohibits Parties from interpreting the Convention as permitting suppression of human rights and fundamental freedoms. This means that no aspect of the Convention may be exploited to undermine or restrict rights, such as freedom of expression and opinion, including for those engaged in political dissent, members of the media or members of marginalized populations, including related to sexual orientation and gender identity. FOC Member States will monitor the Convention's implementation and application, and firmly oppose any interpretation or use that contravenes the Convention's core principles. We will demand accountability for States who try to abuse this Convention to target private companies' employees, good-faith cybersecurity researchers, journalists, dissidents, and others.

We stress the fundamental importance and clear value of a multistakeholder approach in incorporating perspectives from governments, civil society, the private sector, international organizations, media, and the technical and academic communities in the fight against cybercrime. We remain committed to continue to involve these stakeholders in the Conference of States Parties and implementation of the Convention. The involvement of stakeholders is unequivocally essential in this process.

