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Compilation of proposals and comments submitted by Member States on provisions on international cooperation, technical assistance, preventive measures and the mechanism of implementation, the final provisions and the preamble of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes

Addendum

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Additional submission

The present addendum contains a submission from one Member State, received after 29 July 2022, for consideration by the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes at its third session.

United Kingdom of Great Britain and Northern Ireland

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[9 August 2022]

Preamble

The United Kingdom of Great Britain and Northern Ireland believes that the preamble should underscore the need to ensure a proper balance between the interests of law enforcement and respect for fundamental human rights. Furthermore, it should recognize the vital role already played by existing international instruments and international cooperation frameworks.

Chapter – International cooperation

Article 1

Conditions and safeguards

1. Each Party shall ensure that the establishment, implementation and application of the powers and procedures provided for in this section are subject to conditions and safeguards provided for under its domestic law, which shall provide for the adequate protection of human rights and liberties, including rights arising pursuant to obligations it has undertaken under the International Covenant on Civil and Political Rights of 1966, and other applicable international human rights law, and which shall incorporate the principle of proportionality.
2. Such conditions and safeguards shall, as appropriate in view of the nature of the procedure or power concerned, inter alia, include judicial or other independent supervision, grounds justifying application, and limitation of the scope and the duration of such power or procedure.
3. To the extent that it is consistent with the public interest, in particular the sound administration of justice, each Party shall consider the impact of the powers and procedures in this section upon the rights, responsibilities and legitimate interests of third parties.

Article 2

General principles

Parties shall cooperate with each other, in accordance with the provisions of this chapter, and through the application of relevant international instruments on international cooperation in criminal matters, arrangements agreed on the basis of uniform or reciprocal legislation, and domestic laws, to the widest extent possible for the purposes of investigations or proceedings concerning the offences covered by the Convention, or for the collection of evidence in electronic form of a criminal offence.

Article 3

Extradition

1. (a) This article applies to extradition between Parties for the criminal offences established in accordance with the offences set out in this Convention, provided that they are punishable under the laws of both Parties concerned by deprivation of liberty for a maximum period of at least one year, or by a more severe penalty;

(b) Where a different minimum penalty is to be applied under an arrangement agreed on the basis of uniform or reciprocal legislation or an extradition treaty, including the European Convention on Extradition, applicable between two or more parties, the minimum penalty provided for under such arrangement or treaty shall apply.

2. The criminal offences described in paragraph 1 of this article shall be deemed to be included as extraditable offences in any extradition treaty existing between or among the Parties. The Parties undertake to include such offences as extraditable offences in any extradition treaty to be concluded between or among them.

3. Parties that do not make extradition conditional on the existence of a treaty shall recognize the criminal offences referred to in paragraph 1 of this article as extraditable offences between themselves.

4. Extradition shall be subject to the conditions provided for by the law of the requested Party or by applicable extradition treaties, including the grounds on which the requested Party may refuse extradition.

5. If extradition for a criminal offence referred to in paragraph 1 of this article is refused solely on the basis of the nationality of the person sought, or because the requested Party deems that it has jurisdiction over the offence, the requested Party shall submit the case at the request of the requesting Party to its competent authorities for the purpose of prosecution and shall report the final outcome to the requesting Party in due course. Those authorities shall take their decision and conduct their investigations and proceedings in the same manner as for any other offence of a comparable nature under the law of that Party.

6. (a) Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary-General of the United Nations the name and address of each authority responsible for making or receiving requests for extradition or provisional arrest in the absence of a treaty;

(b) The Secretary-General of the United Nations shall set up and keep updated a register of authorities so designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times.

Article 4

General principles relating to mutual assistance

1. The Parties shall afford one another mutual assistance to the widest extent possible for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence.

2. Each Party shall also adopt such legislative and other measures as may be necessary to carry out the obligations set forth in [the articles relating to mutual legal assistance and the use of procedural law to support requests from other Parties].

3. Each Party may, in urgent circumstances, make requests for mutual assistance or communications related thereto by expedited means of communication, where possible through electronic transmission to the extent that such means provide appropriate levels of security and authentication (including the use of encryption, where necessary), with formal confirmation to follow, where required by the requested Party. The requested Party shall accept and respond to the request by any such expedited means of communication.

4. Except as otherwise specifically provided in articles in this chapter, mutual assistance shall be subject to the conditions provided for by the law of the requested Party or by applicable mutual assistance treaties, including the grounds on which the requested Party may refuse cooperation. The requested Party shall not exercise the right to refuse mutual assistance in relation to the offences referred to in criminal

offences set out in this treaty solely on the ground that the request concerns an offence which it considers a fiscal offence.

5. Where, in accordance with the provisions of this chapter, the requested Party is permitted to make mutual assistance conditional upon the existence of dual criminality, that condition shall be deemed fulfilled, irrespective of whether its laws place the offence within the same category of offence or denominate the offence by the same terminology as the requesting Party, if the conduct underlying the offence for which assistance is sought is a criminal offence under its laws.

Article 5

Spontaneous information

1. A Party may, within the limits of its domestic law and without prior request, forward to another Party information obtained within the framework of its own investigations when it considers that the disclosure of such information might assist the receiving Party in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with this Convention or might lead to a request for cooperation by that Party under this chapter.

2. Prior to providing such information, the providing Party may request that it be kept confidential or only used subject to conditions. If the receiving Party cannot comply with such request, it shall notify the providing Party, which shall then determine whether the information should nevertheless be provided. If the receiving Party accepts the information subject to the conditions, it shall be bound by them.

Article 6

Procedures pertaining to international cooperation in the absence of applicable international agreements

1. Where there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and requested Parties, the provisions of paragraphs 2 through 9 of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.

2. (a) Each Party shall designate a central authority or authorities responsible for sending and answering requests for mutual assistance, the execution of such requests or their transmission to the authorities competent for their execution;

(b) The central authorities shall communicate directly with each other;

(c) Each Party shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, communicate to the Secretary-General of the United Nations the names and addresses of the authorities designated in pursuance of this paragraph;

(d) The Secretary-General of the United Nations shall set up and keep updated a register of central authorities designated by the Parties. Each Party shall ensure that the details held on the register are correct at all times.

3. Mutual assistance requests under this article shall be executed in accordance with the procedures specified by the requesting Party, except where incompatible with the law of the requested Party.

4. The requested Party may, in addition to the grounds for refusal established in article 3, paragraph 4, refuse assistance if:

(a) The request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence; or

(b) It considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.

5. The requested Party may postpone action on a request if such action would prejudice criminal investigations or proceedings conducted by its authorities.
6. Before refusing or postponing assistance, the requested Party shall, where appropriate after having consulted with the requesting Party, consider whether the request may be granted partially or subject to such conditions as it deems necessary.
7. The requested Party shall promptly inform the requesting Party of the outcome of the execution of a request for assistance. Reasons shall be given for any refusal or postponement of the request. The requested Party shall also inform the requesting Party of any reasons that render impossible the execution of the request or are likely to delay it significantly.
8. The requested Party shall keep confidential the fact of any request made under this chapter, as well as its subject, except to the extent necessary for its execution. If the requested Party cannot comply with the request for confidentiality, it shall promptly inform the requesting Party, which shall then determine whether the request should nevertheless be executed.
9. (a) In the event of urgency, requests for mutual assistance or communications related thereto may be sent directly by judicial authorities of the requesting Party to such authorities of the requested Party. In any such cases, a copy shall be sent at the same time to the central authority of the requested Party through the central authority of the requesting Party;
- (b) Any request or communication under this paragraph may be made through the International Criminal Police Organization (INTERPOL);
- (c) Where a request is made pursuant to subparagraph (a) of this article and the authority is not competent to deal with the request, it shall refer the request to the competent national authority and inform directly the requesting Party that it has done so;
- (d) Requests or communications made under this paragraph that do not involve coercive action may be directly transmitted by the competent authorities of the requesting Party to the competent authorities of the requested Party;
- (e) Each Party may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, inform the Secretary-General of the United Nations that, for reasons of efficiency, requests made under this paragraph are to be addressed to its central authority.

Article 7

Transfer of criminal proceedings

Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence covered by this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

Article 8

Confidentiality and limitation on use

1. When there is no mutual assistance treaty or arrangement on the basis of uniform or reciprocal legislation in force between the requesting and the requested Parties, the provisions of this article shall apply. The provisions of this article shall not apply where such treaty, arrangement or legislation exists, unless the Parties concerned agree to apply any or all of the remainder of this article in lieu thereof.
2. The requested Party may make the supply of information or material in response to a request dependent on the condition that it is:
 - (a) Kept confidential where the request for mutual legal assistance could not be complied with in the absence of such condition; or

(b) Not used for investigations or proceedings other than those stated in the request.

3. If the requesting Party cannot comply with a condition referred to in paragraph 2, it shall promptly inform the other Party, which shall then determine whether the information should nevertheless be provided. When the requesting Party accepts the condition, it shall be bound by it.

4. Any Party that supplies information or material subject to a condition referred to in paragraph 2 may require the other Party to explain, in relation to that condition, the use made of such information or material.

Article 9

Expedited preservation of stored computer data

1. A Party may request another Party to order or otherwise obtain the expeditious preservation of data stored by means of a computer system, located within the territory of that other Party and in respect of which the requesting Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the data.

2. A request for preservation made under paragraph 1 shall specify:

(a) The authority seeking the preservation;

(b) The offence that is the subject of a criminal investigation or proceedings and a brief summary of the related facts;

(c) The stored computer data to be preserved and their relationship to the offence;

(d) Any available information identifying the custodian of the stored computer data or the location of the computer system;

(e) The necessity of the preservation; and

(f) If the Party intends to submit a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of the stored computer data.

3. Upon receiving the request from another Party, the requested Party shall take all appropriate measures to preserve expeditiously the specified data in accordance with its domestic law. For the purposes of responding to a request, dual criminality shall not be required as a condition to providing such preservation.

4. A Party that requires dual criminality as a condition for responding to a request for mutual assistance for the search or similar access, seizure or similar securing, or disclosure of stored data may, in respect of offences other than those established in accordance with this Convention, reserve the right to refuse the request for preservation under this article in cases where it has reasons to believe that at the time of disclosure the condition of dual criminality cannot be fulfilled.

5. In addition, a request for preservation may only be refused if:

(a) The request concerns an offence which the requested Party considers a political offence or an offence connected with a political offence; or

(b) The requested Party considers that execution of the request is likely to prejudice its sovereignty, security, *ordre public* or other essential interests.

6. Where the requested Party believes that preservation will not ensure the future availability of the data or will threaten the confidentiality of or otherwise prejudice the requesting Party's investigation, it shall promptly so inform the requesting Party, which shall then determine whether the request should nevertheless be executed.

7. Any preservation effected in response to the request referred to in paragraph 1 shall be for a period not less than sixty days, in order to enable the requesting Party

to submit a request for the search or similar access, seizure or similar securing, or disclosure of the data. Following the receipt of such a request, the data shall continue to be preserved pending a decision on that request.

Article 10

Mutual assistance regarding accessing of stored computer data

1. A Party may request another Party to search or similarly access, seize or similarly secure, and disclose data stored by means of a computer system located within the territory of the requested Party, including data that have been preserved pursuant to article 9.
2. The requested Party shall respond to the request through the application of international instruments, arrangements and laws referred to in article 2, and in accordance with other relevant provisions of this chapter.
3. The request shall be responded to on an expedited basis where:
 - (a) There are grounds to believe that relevant data are particularly vulnerable to loss or modification; or
 - (b) The instruments, arrangements and laws referred to in paragraph 2 otherwise provide for expedited cooperation.

Article 11

Law enforcement 24/7 network

1. Each Party shall designate a point of contact available on a twenty-four-hour, seven-day-a-week basis, in order to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence. Such assistance shall include facilitating, or, if permitted by its domestic law and practice, directly carrying out the following measures:
 - (a) The provision of technical advice;
 - (b) The preservation of data pursuant to [those relating to the preservation and disclosure of computer data];
 - (c) The collection of evidence, the provision of legal information and the locating of suspects.
2. (a) A Party's point of contact shall have the capacity to carry out communications with the point of contact of another Party on an expedited basis;
 - (b) If the point of contact designated by a Party is not part of that Party's authority or authorities responsible for international mutual assistance or extradition, the point of contact shall ensure that it is able to coordinate with such authority or authorities on an expedited basis.
3. Each Party shall ensure that trained and equipped personnel are available, in order to facilitate the operation of the network.

Article 12

Law enforcement cooperation

1. Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. Each Party shall, in particular, adopt effective measures:
 - (a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the Parties concerned deem it appropriate, links with other criminal activities;

(b) To cooperate with other Parties in conducting inquiries with respect to offences covered by this Convention concerning the identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

(c) To provide, when appropriate, necessary items or quantities of substances for analytical or investigative purposes;

(d) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the Parties concerned, the posting of liaison officers;

(e) To exchange information with other Parties on specific means and methods used by those committing the offences covered by this Convention;

(f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.

2. With a view to giving effect to this Convention, Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the Parties concerned, the Parties may consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

Article 13

Joint investigations

Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The Parties involved shall ensure that the sovereignty of the Party in whose territory such investigation is to take place is fully respected.

Chapter – Technical assistance and capacity-building

Article 14

General principles of technical assistance and capacity-building

1. Parties shall, to the extent they are able, afford one another the widest measure of technical assistance and capacity-building to implement this Convention, and in line with the following principles:

(a) Technical assistance and capacity-building should be carried out in an inclusive manner and should include all nations, paying particular attention to developing countries, and all relevant stakeholders, at various levels, across and within nations;

(b) Each beneficiary, to the extent it is able, needs to determine its own priorities, based on country-specific situations and requirements;

(c) Initiatives require a comprehensive and systematic approach that includes multiple levels and dimensions (technical, human, organizational, governmental and legal aspects), builds on existing capacities and ensures sustainability.

2. Transparency and accountability help establish trust, which is necessary for effective cooperation.

Article 15
Training

1. Each Party shall, to the extent necessary, initiate, develop or improve specific training programmes for its law enforcement personnel, including prosecutors, investigating magistrates and other personnel charged with the prevention, detection and control of the offences covered by this Convention. Such programmes must focus on gender-responsive approaches, as some of the offences covered by this Convention may be more likely to affect certain groups (children, young adults – especially women and girls) more than other groups. The programmes must also uphold international human rights and may include secondments and exchanges of staff. Such programmes shall deal, in particular and to the extent permitted by domestic law, with the following:

- (a) Methods used in the prevention, detection and control of the offences covered by this Convention;
- (b) Building capacity in the development and planning of strategic policies and legislation to prevent and combat the offences set out in this Convention;
- (c) Techniques used by persons suspected of involvement in offences covered by this Convention, and appropriate countermeasures;
- (d) Detection and monitoring of the movements of the proceeds, deriving from the committing of the offences in this Convention, equipment or other instrumentalities and methods used for the transfer, concealment or disguise of such proceeds, property, equipment or other instrumentalities, as well as methods used in combating money-laundering and other financial crimes;
- (e) Collection of evidence, particularly electronic evidence;
- (f) Modern law enforcement equipment and techniques;
- (g) Methods used in the protection of victims and witnesses.

2. Parties shall assist one another in planning and implementing research and training programmes designed to share expertise in the areas referred to in paragraph 1 of this article and to that end shall also, when appropriate, use regional and international conferences and seminars to promote cooperation and to stimulate discussion on problems of mutual concern.

3. Parties shall promote specialized training that will facilitate more effective mutual legal assistance. Such training and technical assistance may include assistance with drafting and handling mutual legal assistance requests, and secondments and exchanges between personnel in central authorities or agencies with relevant responsibilities.

4. In the case of existing bilateral and multilateral agreements or arrangements, Parties shall strengthen, to the extent necessary, efforts to maximize operational and training activities within international and regional organizations and within other relevant bilateral and multilateral agreements or arrangements.

Article 16

Other measures: implementation of the Convention through economic development and technical assistance and capacity-building

1. Parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation, taking into account the negative effects of the offences set out in this Convention on society in general, in particular on sustainable development.

2. Parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations, noting in

particular the central role of the United Nations Office on Drugs and Crime in this regard:

(a) To enhance their cooperation at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat the offences set out in this Convention;

(b) To enhance technical assistance and capacity-building, in accordance with their needs, to support the efforts of developing countries to fight the offences set out in this Convention effectively and to help them implement this Convention successfully;

(c) To encourage and persuade other States and relevant non-governmental organizations, recognizing the important role of the private sector in this regard, as appropriate, to join them in efforts in accordance with this article, in particular by providing support to developing countries in order to assist them in achieving the objectives of this Convention;

(d) To exchange best practices and information with regard to activities undertaken, with a view to improving transparency, avoiding duplication of efforts and making best use of any lessons learned.

3. These measures shall be without prejudice to existing foreign assistance commitments or to other financial cooperation arrangements at the bilateral, regional or international levels.

4. Parties may conclude bilateral or multilateral agreements or arrangements on material and logistical assistance, taking into consideration the financial arrangements necessary for the means of international cooperation provided for by this Convention to be effective and for the prevention, detection and control of the offences covered by this Convention.

5. Parties and other implementing organizations shall ensure that the assistance efforts undertaken in support of capacity-building are subject to appropriate and transparent monitoring and evaluation processes to assess their effectiveness.

Chapter – Prevention measures

Article 17

Prevention

1. Parties shall endeavour to develop and evaluate national projects and to establish and promote best practices and policies aimed at the prevention of the offences set out in this Convention.

2. Parties shall endeavour to be mindful of gender equality in their measures to prevent the offences set out in this Convention, if appropriate.

3. Parties shall endeavour to evaluate periodically existing relevant national legal instruments and administrative practices with a view to identifying gaps and vulnerabilities and ensuring their relevance in the face of changing threats from the offences set out in this Convention.

4. Parties shall endeavour to promote the reintegration into society of persons convicted of offences covered by this Convention.

5. Parties shall endeavour to promote public awareness regarding the existence, causes and gravity of the threat posed by the offences set out in this Convention and what the public can do to protect themselves. Information may be disseminated where appropriate through the diverse and plural media and shall include measures to promote public participation in preventing and combating such crime.

6. Recognizing that prevention requires the participation of all relevant stakeholders, Parties shall endeavour to encourage enterprises within their jurisdiction to employ risk-based approaches to improve their resilience to the offences set out in this Convention and to detect, respond to and recover from such incidents.

7. Parties shall endeavour to make information, advice, guidance and support available to help their societies, economies and citizens take practical steps to secure themselves against the offences set out in this Convention.

8. Parties should endeavour to prevent child sexual exploitation and abuse by establishing and strengthening public-private partnerships or dialogues, and developing regulatory frameworks appropriate to Parties' domestic context, to facilitate or promote services that are safe by design and do not compromise children's safety, while protecting privacy, freedom of expression and other internationally recognized human rights.

9. Parties shall consider specific and tailored efforts to keep children safe online. This may include ensuring domestic legal frameworks, practical arrangements and international cooperation arrangements to enable the detection, identification, reporting, investigation, prosecution and deterrence of child sexual abuse and exploitation online.

10. Parties shall endeavour to pay special attention to the issue of preventing and tackling gender-based violence, particularly in relation to violence against women and girls online, through digital literacy campaigns and other awareness-raising activities, in close consultation with various stakeholders, including the technology industry.

Article 18

Measures to enhance cooperation with law enforcement authorities

1. Each Party shall take appropriate measures to encourage persons who participate or who have participated in the offences set out in this Convention:

(a) To supply information useful to competent authorities for investigative and evidentiary purposes on such matters as:

- (i) The identity, nature, composition, structure, location or activities of relevant criminal actors, including organized criminal groups;
- (ii) Links, including international links, with other criminal actors;
- (iii) Offences that criminal actors have committed or may commit;

(b) To provide factual, concrete help to competent authorities that may contribute to depriving criminal actors of their resources or of the proceeds of crime.

2. Each Party shall consider providing for the possibility, in appropriate cases, of mitigating punishment of an accused person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.

3. Each Party shall consider providing for the possibility, in accordance with fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence covered by this Convention.

4. Where a person referred to in paragraph 1 of this article located in one Party can provide substantial cooperation to the competent authorities of another Party, the Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other Party of the treatment set forth in paragraphs 2 and 3 of this article.

Article 19

Collection, exchange and analysis of information on the nature of the offences set out in this Convention

1. Each Party shall consider analysing, in consultation with the scientific and academic communities, trends in the offences set out in this Convention, as well as the professional groups and technologies involved.

2. Parties should consider collecting data, where appropriate, on experiences of the offences set out in this Convention and the criminal justice system, with due regard

for individual privacy and human rights, and sharing the data with all relevant stakeholders to ensure the widest possible understanding of the prevalent threats and how to respond most effectively to them.

3. Parties shall consider developing and sharing analytical expertise concerning the offences set out in this Convention with each other and through international and regional organizations, as well as with all relevant stakeholders.

4. Each Party shall consider monitoring its policies and actual measures to combat the offences within this Convention and as appropriate, making and sharing assessments of their effectiveness and efficiency.

Article 20

Participation of society

1. Each Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations, the technology industry and community-based organizations, in the prevention of and the fight against the offences set out in this Convention and to raise public awareness regarding the existence, causes and gravity of and the threat posed by these offences. Due regard should be paid to gender representation. This participation should be strengthened by such measures as:

(a) Enhancing the transparency of, and promoting the contribution of the public to, decision-making processes;

(b) Ensuring that the public has effective access to information;

(c) Undertaking public information activities that contribute to non-tolerance of the offences set out in this Convention, as well as public education programmes, including school and university curricula;

(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning the offences set out in this Convention. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary for:

(i) Respect of the rights or reputations of others;

(ii) The protection of national security or *ordre public* or of public health or morals.

Chapter – Mechanism of implementation

Article 21

Conference of the Parties to the Convention

1. A Conference of the Parties to the Convention is hereby established to improve the capacity of Parties to combat the offences set out in this Convention and to promote and review the implementation of this Convention.

2. The Secretary-General of the United Nations shall convene the Conference of the Parties not later than one year following the entry into force of this Convention. The Conference of the Parties shall adopt rules of procedure and rules governing the activities set forth in paragraphs 3 and 4 of this article (including rules concerning payment of expenses incurred in carrying out those activities). Recognizing the central role of non-governmental stakeholders in efforts to prevent and combat the offences in this Convention, the rules of procedure shall include a provision for representatives of relevant non-governmental organizations, civil society organizations, academic institutions and the private sector to participate in the Conference of Parties.

3. The Conference of the Parties shall agree upon mechanisms for achieving the objectives mentioned in paragraph 1 of this article, including:

(a) Facilitating activities by Parties, including by encouraging the mobilization of voluntary contributions;

(b) Facilitating the exchange of information among Parties and relevant non-governmental organizations on patterns and trends relating to the offences set out in this Convention and on successful practices for combating them;

(c) Cooperating with relevant international and regional organizations and non-governmental organizations;

(d) Reviewing periodically the implementation of this Convention;

(e) Making recommendations to improve this Convention and its implementation;

(f) Making appropriate use of relevant information produced by other international and regional mechanisms for combating and preventing the offences set out in this Convention in order to avoid unnecessary duplication of work.

4. For the purpose of paragraph 3 (d) and (e) of this article, the Conference of the Parties shall acquire the necessary knowledge of the measures taken by Parties in implementing this Convention and the difficulties encountered by them in doing so through information provided by them and through such supplemental review mechanisms as may be established by the Conference of the Parties.

5. Each Party shall provide the Conference of the Parties with information on its programmes, plans and practices, as well as legislative and administrative measures to implement this Convention, as required by the Conference of the Parties.

Article 22

Secretariat

1. The Secretary-General of the United Nations shall provide the necessary secretariat services to the Conference of the Parties to the Convention.

2. The secretariat shall:

(a) Assist the Conference of the Parties in carrying out the activities set forth in article 21 of this Convention and make arrangements and provide the necessary services for the sessions of the Conference of the Parties;

(b) Upon request, assist Parties in providing information to the Conference of the Parties as envisaged in article 21, paragraph 5, of this Convention; and

(c) Ensure the necessary coordination with the secretariats of relevant international and regional organizations.

Article 23

Implementation of the Convention

1. Each Party shall take the necessary measures, including legislative and administrative measures, in accordance with international human rights law and fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention.

2. The offences established in accordance with this Convention shall be established in the domestic law of each Party.

3. Each Party may adopt more strict or severe measures than those provided for by this Convention for preventing and combating the offences set out in this Convention.

Chapter – Final measures

Article 24

Settlement of disputes

1. Parties shall endeavour to settle disputes concerning the interpretation or application of this Convention through negotiation.
2. Any dispute between two or more Parties concerning the interpretation or application of this Convention that cannot be settled through negotiation within a reasonable time shall, at the request of one of those Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, those Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.
3. Each Party may, at the time of signature, ratification, acceptance or approval of or accession to this Convention, declare that it does not consider itself bound by paragraph 2 of this article. The other Parties shall not be bound by paragraph 2 of this article with respect to any Party that has made such a reservation.
4. Any Party that has made a reservation in accordance with paragraph 3 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 25

Signature, ratification, acceptance, approval and accession

1. This Convention shall be open to all States for signature from [date] to [date] at [place], and thereafter at United Nations Headquarters in New York until [date].
2. This Convention shall also be open for signature by regional economic integration organizations, provided that at least one member State of such organization has signed this Convention in accordance with paragraph 1 of this article.
3. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations. A regional economic integration organization may deposit its instrument of ratification, acceptance or approval if at least one of its Parties has done likewise. In that instrument of ratification, acceptance or approval, such organization shall declare the extent of its competence with respect to the matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.
4. This Convention is open for accession by any State or any regional economic integration organization of which at least one member State is a Party to this Convention. Instruments of accession shall be deposited with the Secretary-General of the United Nations. At the time of its accession, a regional economic integration organization shall declare the extent of its competence with respect to matters governed by this Convention. Such organization shall also inform the depositary of any relevant modification in the extent of its competence.

Article 26

Relation with protocols

1. This Convention may be supplemented by one or more protocols.
2. In order to become a Party to a protocol, a State or a regional economic integration organization must also be a Party to this Convention.
3. A Party to this Convention is not bound by a protocol unless it becomes a Party to the protocol in accordance with the provisions thereof.
4. Any protocol to this Convention shall be interpreted together with this Convention, taking into account the purpose of that protocol.

*Article 27**Entry into force*

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession. For the purpose of this paragraph, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Parties of such organization.
2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Convention after the deposit of the fiftieth instrument of such action, this Convention shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument.

*Article 28**Amendment*

1. After the expiry of five years from the entry into force of this Convention, a Party may propose an amendment and file it with the Secretary-General of the United Nations, who shall thereupon communicate the proposed amendment to the Parties and to the Conference of the Parties to the Convention for the purpose of considering and deciding on the proposal. The Conference of the Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus have been exhausted and no agreement has been reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the Parties present and voting at the meeting of the Conference of the Parties.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote under this article with a number of votes equal to the number of their Parties that are Parties to this Convention. Such organizations shall not exercise their right to vote if their Parties exercise theirs and vice versa.
3. An amendment adopted in accordance with paragraph 1 of this article is subject to ratification, acceptance or approval by Parties.
4. An amendment adopted in accordance with paragraph 1 of this article shall enter into force in respect of a Party ninety days after the date of the deposit with the Secretary-General of the United Nations of an instrument of ratification, acceptance or approval of such amendment.
5. When an amendment enters into force, it shall be binding on those Parties which have expressed their consent to be bound by it. Other Parties shall still be bound by the provisions of this Convention and any earlier amendments that they have ratified, accepted or approved.

*Article 29**Denunciation*

1. A Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.
2. A regional economic integration organization shall cease to be a Party to this Convention when all of its Parties have denounced it.
3. Denunciation of this Convention in accordance with paragraph 1 of this article shall entail the denunciation of any protocols thereto.

*Article 30**Depositary and languages*

1. The Secretary-General of the United Nations is designated depositary of this Convention.

2. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed this Convention.
