Quintet of Attorneys General

London, July 30-31, 2019

Quintet of Attorneys General Statement on international cooperation on cybercrime

We, the Attorneys General for the United Kingdom, the United States of America, and New Zealand, and appointed representatives for Australia and Canada, gathered in London, United Kingdom, on July 30-31, 2019 to discuss the year's pressing legal issues of common interest faced in our respective countries.

We are bound together by respect for human rights, fundamental freedoms, democracy and the rule of law and we share a common concern about the evolution and complexity of challenges posed by cybercrime. We make this common statement to confirm our strong support for the Council of Europe Convention on Cybercrime (Budapest Convention) as an effective global framework to support the fight against cybercrime, and to continue to support the work currently being done by the United Nations Open-Ended Intergovernmental Expert Group on Cybercrime.

The explosive growth, complexity and dynamism of cyberspace have provided opportunities for enhancing global social interaction and provided many benefits for industries and governments. However, these opportunities have introduced new threats and challenges, including those related to combating child sexual exploitation and abuse online, fomenting hatred, including for terrorist purposes, hacking for financial gain, spreading false information and other behaviours that threaten the safety of our societies. As new and evolving technologies, including artificial intelligence, cloud computing and the Internet of Things, become increasingly prevalent, the need to address these threats and challenges continues to grow.

We strongly support the Budapest Convention. With 63 States Parties from all regions in the world and growing membership, it has proven itself compatible across many diverse legal and institutional settings. Not only does the Convention provide the necessary basic framework for fighting cybercrime, it also provides procedural tools needed to gather electronic evidence and the international cooperation measures needed to address the global nature of cybercrime. Over the years, the Budapest Convention has also adapted to emerging challenges with the issuance of Guidance Notes to help States Parties apply existing provisions to new cybercrime developments, supplemented by the 24/7 network and strong capacity building programmes. The Convention's States Parties are now also working to improve international cooperation mechanisms relating to cross-border data since criminal investigations increasingly require access to information stored in other jurisdictions.

We also support the Budapest Convention given its robust international framework that protects human rights, including privacy protections and freedom of expression, due process and the rule of law and that is consistent with a multi-stakeholder model of Internet governance. We firmly believe that the Convention provides a strong legally binding framework to combat cybercrime. We also note that the

Budapest Convention is being used as a model by many countries when developing domestic legislation even when these countries have not decided to accede to it.

There is now pressure applied by some governments to launch political debates on the need for a new global cybercrime treaty despite the lack of consensus support for this approach. We believe this consumes valuable political and financial resources, detracts from capacity building efforts and undermines the ability of experts to focus their attention on the core challenges faced by states in the detection, prevention, investigation and prosecution of cybercrime.

We also support the important work of the United Nations Open-Ended Intergovernmental Expert Group on Cybercrime (IEG), which provides a forum for expert input into discussions on the highly technical subject of cybercrime, including its international cooperation and capacity-building dimensions. We view the work of the IEG as essential to future discussions in the United Nations about possible responses to cybercrime.

The IEG was given the mandate in 2010 by the United Nations General Assembly to conduct a "comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime". Since that time, the IEG has been and continues to be the United Nations forum in which substantive experts, including policy makers, practitioners and law enforcement officials from all Member States gather to discuss responses to cybercrime taking into account a comprehensive set of viewpoints and possible solutions. The important work of the IEG is ongoing, guided by a workplan which will see it providing recommendations on cybercrime to the United Nations Commission on Crime Prevention and Criminal Justice (Commission) in 2021. These recommendations will cover, among others, substantive and procedural issues, international cooperation challenges and technical assistance measures.

The work of the IEG has also contributed to guide the work of the United Nations Global Programme on Cybercrime which is responding to the substantial need for technical assistance by some Member States, along with other bodies such as Council of Europe, Interpol and the Organization of American States. It is only with such assistance that developing nations will be able to increase their access to, and fully benefit from, the Internet and other elements of cyberspace. This assistance includes protecting Internet users and information networks, and supporting the development of investigative capabilities and forensic analysis.

We look forward to the discussion this fall at the United Nations General Assembly of the report of the Secretary-General on "Challenges faced in countering the use of information and communications technologies (ICTs) for criminal purposes". We are pleased that this discussion will take place in light of the resolution that the Commission is recommending that the General Assembly adopt concerning

"Promoting technical assistance and capacity-building to strengthen national measures and international cooperation to combat cybercrime including information sharing". Indeed, this resolution, adopted by consensus by United Nations Member States, draws the General Assembly's attention to the fact that there can be no meaningful discussion on cybercrime or decisions made on next steps, without being informed of the outcomes of the important work that the IEG is currently doing in Vienna.

Hon David Parker

Attorney General for New Zealand .....

The Hon David Lametti

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(François Daigle, Associate Deputy Minister, Justice Canada, delegated representative)

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