

Eticas Foundation's Oral Intervention on Chapter V, Technical assistance
Delivered By Tanja Fachathaler on behalf of Eticas Foundation
Fifth Session - 11 to 21 April 2023

As held

Mister Chair,
Excellencies,
Honourable Delegates,

Representing Eticas Foundation, we welcome the opportunity to share our views on this chapter and we would like to recommend the following concerning technical assistance:

- Article 86 should be deleted in its entirety as the current drafting does not seem adequate.
- Article 87:
 - As for the terms in brackets: the term cybercrime should be used throughout the article
 - As has been elaborated by previous speakers: we welcome the mention of human rights, the protection of privacy and personal data and the respect for due process in paragraph 2, letter m as well as a gender perspective in letter n.

However, we suggest shifting them to the chapeau of paragraph 2 so as to mainstream it throughout the various ways and means of assistance. This has been suggested by some already during the session and we are in strong support of this.

The last sentence of the chapeau could thus read as follows:

„Such programmes shall deal, in particular and to the extent permitted under international human rights obligations, including in particular the protection of privacy and personal data, and with respect for gender equality and due process, with the following:“

- Delete entirely para 2/letter g on “modern law enforcement equipment and techniques and the use thereof, including electronic surveillance, controlled deliveries and undercover operations” as it is at odds with the protection of human rights.
 - As for the remaining paragraphs, in particular paras 3,5,6, and 8, the voluntary nature should be maintained through the text as has been pointed out by many speakers.
- We expressly welcome the inclusion of civil society/NGOs in para 3 letter d and para 5 but would suggest to align the language as the terms are not necessarily synonyms.
 - Art 88, paras 2 and 4: As for the terms in brackets: the term cybercrime should be used throughout the article.

- Art 89: we recommend the deletion of para 3 letter c.

Thank you, Chair.