

GNI Submission to the European Union's call for evidence on the negotiation of procedural rules for and draft protocol to the United Nations Convention against Cybercrime

The Global Network Initiative (GNI) welcomes the opportunity to participate in the European Commission's [call for evidence](#) on ensuring a common EU approach in view of the negotiations for the rules of procedure of the future Conference of the States Parties and on a draft protocol to the United Nations Convention against Cybercrime, to ensure the compatibility of this international agreement, once concluded, with EU law. GNI is the leading multistakeholder forum for accountability, shared learning, and collective advocacy on government and company policies and practices at the intersection of technology and human rights. GNI and its members have long been [involved](#) in shaping approaches to cybercrime that protect human rights, including [actively participating](#) in the [analysis](#) and [negotiation](#) of the UN Convention against Cybercrime (UNCC).

Throughout the negotiations of the UNCC, non-governmental stakeholders, including organisations representing civil society and industry perspectives from within and outside of the EU, played a critical role in providing evidence, pushing back against problematic proposals, and supporting constructive positions. Most of these organisations shared a common, foundational understanding that efforts to counter cybercrime must be undertaken in a manner consistent with fundamental rights and due process principles set out in international human rights law. They also recognised that a functioning global system for collaboration on cybercrime requires a baseline of trust and cooperation across not only states, but also the companies that are subject to and can provide transparency regarding government demands, and the civil society organisations that deliver critical analysis and accountability to ensure that efforts to counter cybercrime are not misused or abused. These positions are consistent with the fundamental values enshrined in the [Charter of Fundamental Rights of the EU](#) and the [European Convention on Human Rights](#), and were generally in line with the negotiating positions taken by the EU.

As industry and civil society stakeholders have [pointed out](#), the existing text of the UNCC contains provisions that are overbroad and lack sufficient safeguards to protect against the risks that cybercrime laws inspired and enforcement facilitated by the Convention could have significant, negative impacts on human rights. Because certain non-democratic states remain keen to further expand the scope of the UNCC through the supplemental protocol, GNI [remains convinced](#) of the importance of focusing those negotiations instead on strengthening the Convention's human rights safeguards and protections.

In addition to mitigating against misuse, prioritising safeguards would also serve the EU's own cooperation interests. Stronger protections make it easier for the EU and its Member States to cooperate with non-EU parties. Staking out a firm position at this stage would leave less room for states seeking to broaden the Convention through the protocol.

GNI also urges the Commission to settle the matter of stakeholder participation in the Conference of the States Parties (CoSP) before allowing substantive negotiations on supplemental protocols to proceed. This participation must be substantive rather than symbolic. Input from civil society and technical experts helps align operational guidance with the principles of necessity, proportionality, and transparency. The arrangements CoSP adopts should be at least as strong as those under which stakeholders took part in negotiating the Convention (i.e., the UNCC Ad-Hoc Committee). In practice, these rules should establish a general openness to allowing and facilitating non-state actor participation, ensure that such entities are informed of their ability to participate with sufficient advanced notice (and that reapplication is not required for each session), and that there should be no limitations on participation that are inconsistent with human rights principles (i.e., no prohibition on mentioning specific country situations).

GNI shares the Commission's commitment to more effective international cooperation against cybercrime. Many GNI members contribute directly to capacity-building and technical assistance toward that goal. GNI looks forward to further opportunities to work with the Commission and the Member States, and stands ready to contribute its expertise as this process continues.

About the Global Network Initiative

GNI is the leading multistakeholder forum for accountability, shared learning, and collective advocacy on government and company policies and practices at the intersection of technology and human rights. GNI's brings over 125 academics, civil society organizations, tech companies, and investors, to advance freedom of expression and privacy. Learn more about our approach [here](#).