

Hanoi Convention against cybercrime: “signatories”?

Alexander Seger, 24 October 2025

This weekend, States are assembling in Hanoi, Vietnam, to sign the United Nations convention against cybercrime. What does “signing” of the Hanoi Convention mean?

Signature basically is a statement of intent following a political decision by a government (the executive).

It does not really have practical or legal consequences. “Signatories” cannot use the treaty as a basis for cooperation.

For that they need to become a “party” to the treaty. In order to become a party, a State typically needs to deposit an instrument of ratification with the United Nations (or otherwise express its consent to be bound).

Ratification in most cases needs to be preceded at the domestic level by an act of parliament permitting the executive to join the treaty. However, that is not (or SHOULD NOT be) sufficient.

The most important and difficult part is that States need to enact domestic legislation to meet the requirements of the treaty. For example, to make the offences listed in the treaty (illegal access, illegal interception etc.) also offences in the domestic penal code, or provide the powers to search a computer, intercept a communication etc. in their domestic criminal procedure code.

Domestic legislation implementing the provisions of the Hanoi Convention will also be crucial to ensure that the human rights and rule of law conditions and safeguards of this treaty are met, in particular with respect to law enforcement powers.

In the case of the Budapest Convention on Cybercrime, we have insisted that States complete their domestic criminal law reforms BEFORE becoming parties. Signatories and States invited to accede have been supported in their legal reforms through capacity building projects of the [Cybercrime Programme Office of the Council of Europe \(C-PROC\)](#). Moreover, the Cybercrime Convention Committee (T-CY) is assessing actual implementation by Parties. This has been essential for the effectiveness of that treaty.

Given previous examples of UN treaties, however, it is likely that many States will rush into becoming parties to the Hanoi Convention WITHOUT the domestic criminal law provisions necessary to apply it. This would not only render the treaty ineffective but

also mean that States violate their treaty obligations, including with respect to human rights and rule of law safeguards.

See also my recent articles:

- Hanoi Convention against cybercrime: managing risks ([Chatham House Journal of Cyber Policy](#))
- Russian motivations behind the Hanoi Convention ([Just Security](#))
Cyberdiplomatie: Warum die Hanoi-Konvention kein Erfolg für Russland ist ([Tagesspiegel](#))

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