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## **Report of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes on its fifth session**

### **I. Opening of the session**

#### **A. Opening and duration of the session**

1. The Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes held its fifth session in Vienna from 11 to 21 April 2023. During the session, the Ad Hoc Committee held 19 meetings.
2. The session was opened by the Chair of the Ad Hoc Committee, Faouzia Boumaiza Mebarki (Algeria), who delivered opening remarks.

#### **B. Attendance**

3. The session was attended by representatives of 151 States Members of the United Nations. Also attending were observers for non-member States, representatives of entities of the United Nations system and observers for intergovernmental, non-governmental and other organizations.
4. A list of registered participants has been made available on the web pages of the fifth session of the Ad Hoc Committee.<sup>1</sup>

#### **C. Documentation**

5. A list of the documents before the Ad Hoc Committee at its fifth session has been published on the web pages of the fifth session of the Committee.<sup>2</sup>

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<sup>1</sup> [www.unodc.org/unodc/en/cybercrime/ad\\_hoc\\_committee/ahc\\_fifth\\_session/main](http://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_fifth_session/main).

<sup>2</sup> Ibid.



## II. Adoption of the agenda and organization of work

6. At its 1st meeting, on 11 April 2023, the Ad Hoc Committee adopted the provisional agenda and the proposed organization of work as contained in document [A/AC.291/18](#). The agenda was as follows:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Presentation by the Committee Chair of the report on the fourth intersessional consultation with multi-stakeholders, held on 6 and 7 March 2023.
4. Provisions on international cooperation.
5. Provisions on technical assistance.
6. Provisions on preventive measures.
7. Provisions on the mechanism of implementation.
8. Final provisions.
9. Preamble.
10. Any other business.
11. Adoption of the report.
12. Closure of the session.

7. The Ad Hoc Committee decided to follow the revised methodology for conducting its work at its fifth session, as proposed by the Chair and approved by the Ad Hoc Committee at the 20th meeting of its fourth session, held on 20 January 2023, as contained in the annex to her letter dated 22 February 2023.<sup>3</sup>

8. A statement was made by the representative of the Russian Federation.

## III. Presentation by the Committee Chair of the report on the fourth intersessional consultation with multi-stakeholders, held on 6 and 7 March 2023

9. At its 1st meeting, on 11 April 2023, the Ad Hoc Committee considered agenda item 3, entitled “Presentation by the Committee Chair of the report on the fourth intersessional consultation with multi-stakeholders, held on 6 and 7 March 2023”.

10. For its consideration of the item, the Committee had before it a conference room paper containing the report of the Chair on the fourth intersessional consultation, which had been held, pursuant to paragraph 10 of General Assembly resolution [75/282](#), to solicit inputs from a diverse range of stakeholders on the elaboration of the draft convention (A/AC.291/CRP.16).

11. The Chair presented an overview of the above-mentioned report.

## IV. Provisions on international cooperation

12. At its 1st to 9th meetings, held on 11, 12, 13, 14 and 17 April 2023, the Ad Hoc Committee considered agenda item 4, entitled “Provisions on international cooperation”.

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<sup>3</sup> Available at [www.unodc.org/documents/Cybercrime/AdHocCommittee/5th\\_session/Documents/Revised\\_methodology\\_-\\_AHC\\_5th\\_session.pdf](http://www.unodc.org/documents/Cybercrime/AdHocCommittee/5th_session/Documents/Revised_methodology_-_AHC_5th_session.pdf).

13. At the 18th meeting, held on 21 April 2023, the Chair opened the floor for an exchange of views on new proposals made during the fifth session, including those relating to the chapter on international cooperation of the consolidated negotiating document (A/AC.291/19, annex). At the beginning of the meeting, the representative of Egypt made a general statement on behalf of the Group of 77 and China.

14. For its consideration of item 4, the Ad Hoc Committee had before it a note by the Chair containing the consolidated negotiating document on the preamble, the provisions on international cooperation, preventive measures, technical assistance and the mechanism of implementation and the final provisions of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes (A/AC.291/19).

15. Statements were made by representatives of the following Member States: Yemen (on behalf of the Group of Arab States), Pakistan, Russian Federation, Singapore, Jamaica (on behalf of the Caribbean Community), Italy, Sweden, Czechia, Malaysia, Argentina, Liechtenstein, Ghana (also on behalf of the Group of African States), Ecuador, United States of America, Switzerland, Egypt, Mexico, Norway, United Arab Emirates, Indonesia, Brazil, Panama, Kazakhstan, Republic of Korea, Germany, Philippines, Kingdom of the Netherlands, Islamic Republic of Iran, Senegal, Colombia, Israel, China, Syrian Arab Republic, Japan, Chile, Peru, United Kingdom of Great Britain and Northern Ireland, Canada, Vanuatu, South Africa, Costa Rica, Guatemala, New Zealand, Cameroon, Yemen, Uruguay, Nigeria, Burkina Faso, Morocco, Azerbaijan, Slovenia, Australia, Armenia, Algeria, Eritrea, France, Bolivarian Republic of Venezuela, United Republic of Tanzania, Poland, Angola, Namibia, Sudan, Dominican Republic, Estonia, Georgia, Tonga, Thailand, Viet Nam, Mozambique, Central African Republic, Spain, Latvia, Nicaragua, India, Kenya, Côte d'Ivoire, Türkiye, Austria, Paraguay, Chad, Belgium, Cabo Verde, Slovakia, Guyana (on behalf of the Caribbean Community), Malawi, Uganda, Guinea and Fiji.

16. The representative of the European Union, in its capacity as observer, made a statement on behalf of the European Union and its member States.

17. The observers for the State of Palestine and the Holy See made statements.

18. Statements were also made by representatives of the following intergovernmental organizations and United Nations entities: International Criminal Police Organization (INTERPOL) and Office of the United Nations High Commissioner for Human Rights (OHCHR).

19. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: Derechos Digitales, International Chamber of Commerce, International Chamber of Commerce United Kingdom, Microsoft Corporation, Global Initiative against Transnational Organized Crime, Global Partners Digital, Eticas Foundation and Alliance of NGOs on Crime Prevention and Criminal Justice.

20. At the 1st to 9th meetings, the Chair opened the floor for the sharing of substantive amendments and proposals relating to the chapter on international cooperation of the consolidated negotiating document (A/AC.291/19, annex). On each following day, the Chair provided to the plenary the text of the above-mentioned consolidated negotiating document containing the provisions reflecting the comments that had been made on the preceding day. The views expressed would be taken into consideration by the Chair in preparing, with the support of the Secretariat, the draft text of the convention, as provided for in the road map and mode of work for the Committee, adopted at its first session (A/AC.291/7, annex II).

## V. Provisions on technical assistance

21. At its 10th to 12th meetings, held on 17 and 18 April 2023, the Ad Hoc Committee considered agenda item 5, entitled "Provisions on technical assistance".

22. At the 18th meeting, held on 21 April 2023, the Chair opened the floor for an exchange of views on new proposals made during the fifth session, including those relating to the chapter on technical assistance of the consolidated negotiating document.

23. For its consideration of item 5, the Ad Hoc Committee had before it a note by the Chair containing the consolidated negotiating document on the preamble, the provisions on international cooperation, preventive measures, technical assistance and the mechanism of implementation and the final provisions of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes ([A/AC.291/19](#)).

24. Statements were made by representatives of the following Member States: Israel, Nigeria (on behalf of the Group of African States), Malaysia, Mexico, Algeria, Czechia, Australia, Tunisia, Islamic Republic of Iran, Pakistan, Uruguay, Brazil, Germany, Singapore, Paraguay, Nigeria, Norway, Colombia, Japan, China, United Kingdom, Republic of Korea, Ecuador, Sweden, Eritrea, Chile, Russian Federation, Jamaica (on behalf of the Caribbean Community), South Africa, Senegal, United States, New Zealand, Kingdom of the Netherlands, Poland, Vanuatu, Argentina, Indonesia, Egypt, Canada, India, Switzerland, Thailand, Burkina Faso, Kenya, France, Yemen, Bolivarian Republic of Venezuela, Costa Rica, Austria, Cabo Verde, Zimbabwe, Dominican Republic, United Republic of Tanzania, Syrian Arab Republic, Cameroon, Namibia, Fiji and Honduras.

25. The representative of the European Union, in its capacity as observer, made a statement on behalf of the European Union and its member States.

26. The observer for the Holy See made a statement.

27. A statement was also made by the representative of INTERPOL.

28. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: Global Forum on Cyber Expertise, Access Now, Derechos Digitales, Microsoft Corporation, National Law University, Delhi, Eticas Foundation, International Chamber of Commerce United Kingdom, Rashtriya Raksha University, Global Initiative against Transnational Organized Crime and Alliance of NGOs on Crime Prevention and Criminal Justice.

29. At the 10th to 12th meetings, the Chair opened the floor for the sharing of substantive amendments and proposals relating to the chapter on technical assistance of the consolidated negotiating document ([A/AC.291/19](#), annex). On each following day, the Chair provided to the plenary the text of the above-mentioned consolidated negotiating document containing the provisions reflecting the comments that had been made on the preceding day. The views expressed would be taken into consideration by the Chair in preparing, with the support of the Secretariat, the draft text of the convention, as provided for in the road map and mode of work for the Committee, adopted at its first session ([A/AC.291/7](#), annex II).

## **VI. Provisions on preventive measures**

30. At its 12th to 14th meetings, held on 18 and 19 April 2023, the Ad Hoc Committee considered agenda item 6, entitled “Provisions on preventive measures”.

31. At the 18th meeting, held on 21 April 2023, the Chair opened the floor for an exchange of views on new proposals made during the fifth session, including those relating to the chapter on preventive measures of the consolidated negotiating document.

32. For its consideration of item 6, the Ad Hoc Committee had before it a note by the Chair containing the consolidated negotiating document on the preamble, the provisions on international cooperation, preventive measures, technical assistance and the mechanism of implementation and the final provisions of a comprehensive

international convention on countering the use of information and communications technologies for criminal purposes ([A/AC.291/19](#)).

33. Statements were made by representatives of the following Member States: United Kingdom, India, Kingdom of the Netherlands, Türkiye, China, Singapore, Latvia, Trinidad and Tobago (on behalf of the Caribbean Community), Liechtenstein, Uruguay, Slovenia, Germany, Argentina, Vanuatu, Russian Federation, Japan, New Zealand, Canada, United States, Brazil, South Africa, Chile, Tonga, Pakistan, Norway, Islamic Republic of Iran, Ecuador, Australia, Burkina Faso, Malawi, Colombia, Malaysia, Republic of Korea, Angola, Mexico, France, Nigeria, Ghana, Bolivarian Republic of Venezuela, Serbia, Switzerland, Israel, Yemen, Egypt, Peru, Cabo Verde, United Republic of Tanzania, Algeria, Thailand, Mauritania, Dominican Republic, Costa Rica, Eritrea, Mozambique, Belgium, Kazakhstan, Cameroon, Namibia, Senegal, Jamaica (on behalf of the Caribbean Community) and Fiji.

34. The representative of the European Union, in its capacity as observer, made a statement on behalf of the European Union and its member States.

35. The observer for the Holy See made a statement.

36. A statement was also made by the representative of INTERPOL.

37. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: Article 19 – International Centre Against Censorship, Red en Defensa de los Derechos Digitales, Access Now, Libyan Transparency Association, Microsoft Corporation, International Chamber of Commerce, AWTAD Anti-Corruption Organization and Humanity for the World.

38. At the 12th to 14th meetings, the Chair opened the floor for the sharing of substantive amendments and proposals relating to the chapter on preventive measures of the consolidated negotiating document ([A/AC.291/19](#), annex). On each following day, the Chair provided to the plenary the text of the above-mentioned consolidated negotiating document containing the provisions reflecting the comments that had been made on the preceding day. The views expressed would be taken into consideration by the Chair in preparing, with the support of the Secretariat, the draft text of the convention, as provided for in the road map and mode of work for the Committee, adopted at its first session ([A/AC.291/7](#), annex II).

## VII. Provisions on the mechanism of implementation

39. As proposed by the Chair and approved by the Ad Hoc Committee, the Committee decided to consider agenda item 8, entitled “Final provisions”, and agenda item 9, entitled “Preamble”, before considering agenda item 7, entitled “Provisions on the mechanism of implementation”, in order to take due consideration of the outcome of the co-facilitated negotiating process on the provisions of the mechanism of implementation. Accordingly, at its 17th meeting, held on 20 April 2023, the Ad Hoc Committee considered agenda item 7, entitled “Provisions on the mechanism of implementation”.

40. For its consideration of item 7, the Ad Hoc Committee had before it a note by the Chair containing the consolidated negotiating document on the preamble, the provisions on international cooperation, preventive measures, technical assistance and the mechanism of implementation and the final provisions of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes ([A/AC.291/19](#)).

41. Statements were made by representatives of the following Member States: United States, Uruguay, Morocco, China, Egypt, Canada, New Zealand, Russian Federation, South Africa, Australia, Republic of Korea, Guyana (on behalf of the Caribbean Community), Yemen, Peru, Ecuador, Japan, Singapore, Algeria, India, Islamic Republic of Iran, United Kingdom, Colombia, Argentina, Nigeria, Brazil,

Ghana, Bolivarian Republic of Venezuela, Pakistan, Namibia, Burkina Faso, Indonesia, Malaysia, Türkiye and Fiji.

42. The representative of the European Union, in its capacity as observer, made a statement on behalf of the European Union and its member States.

43. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: International Chamber of Commerce United Kingdom, Microsoft Corporation, Access Now, CyberPeace Institute, Global Initiative against Transnational Organized Crime, International Chamber of Commerce and Libyan Transparency Association.

44. At the 17th meeting, the Chair opened the agenda item and first gave the floor to the co-facilitators for the informal negotiations on the mechanism of implementation, Raphaël Nägeli (Switzerland) and Terlumun George-Maria Tyendezwa (Nigeria), to present the outcome of the co-facilitated negotiating process. Thereafter, the Chair opened the floor for the sharing of substantive amendments and proposals relating to the provisions contained in the co-facilitators' proposals. On the following day, the Chair provided to the plenary the text of the consolidated negotiating document, into which the above-mentioned proposals reflecting the comments made at the 17th meeting had been integrated. The views expressed would be taken into consideration by the Chair in preparing, with the support of the Secretariat, the draft text of the convention, as provided for in the road map and mode of work for the Committee, adopted at its first session ([A/AC.291/7](#), annex II).

## VIII. Final provisions

45. At its 14th and 15th meetings, held on 19 April 2023, the Ad Hoc Committee considered agenda item 8, entitled "Final provisions".

46. At the 18th meeting, held on 21 April 2023, the Chair opened the floor for an exchange of views on new proposals made during the fifth session, including those relating to the chapter on final provisions of the consolidated negotiating document.

47. For its consideration of item 8, the Ad Hoc Committee had before it a note by the Chair containing the consolidated negotiating document on the preamble, the provisions on international cooperation, preventive measures, technical assistance and the mechanism of implementation and the final provisions of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes ([A/AC.291/19](#)).

48. Statements were made by representatives of the following Member States: Egypt, United States, Norway, Mexico, New Zealand, Guyana (on behalf of the Caribbean Community), China, Singapore, Japan, Burkina Faso, Syrian Arab Republic, Argentina, Russian Federation, Liechtenstein, Australia, Slovakia, Canada, Slovenia, South Africa, Brazil, Bolivarian Republic of Venezuela, Pakistan, United Kingdom, Malaysia, Indonesia, Islamic Republic of Iran, Cabo Verde, India, Latvia, United Republic of Tanzania, Chad, Israel, Ghana, Peru, Algeria, Sweden, Namibia and Fiji.

49. The representative of the European Union, in its capacity as observer, made a statement on behalf of the European Union and its member States.

50. The observer for the Holy See made a statement.

51. At the 14th and 15th meetings, the Chair opened the floor for the sharing of substantive amendments and proposals relating to the chapter on final provisions of the consolidated negotiating document ([A/AC.291/19](#), annex). On each following day, the Chair provided to the plenary the text of above-mentioned consolidated negotiating document containing the provisions reflecting the comments that had been made on the preceding day. The views expressed would be taken into consideration by the Chair in preparing, with the support of the Secretariat, the draft text of the

convention, as provided for in the road map and mode of work for the Committee, adopted at its first session ([A/AC.291/7](#), annex II).

## IX. Preamble

52. At its 15th to 17th meetings, held on 19 and 20 April 2023, the Ad Hoc Committee considered agenda item 9, entitled “Preamble”.

53. At the 18th meeting, held on 21 April 2023, the Chair opened the floor for an exchange of views on new proposals made during the fifth session, including those relating to the preamble of the consolidated negotiating document.

54. For its consideration of item 9, the Ad Hoc Committee had before it a note by the Chair containing the consolidated negotiating document on the preamble, the provisions on international cooperation, preventive measures, technical assistance and the mechanism of implementation and the final provisions of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes ([A/AC.291/19](#)).

55. Statements were made by representatives of the following Member States: Uruguay, Canada, United States, Jamaica (on behalf of the Caribbean Community), Brazil, France, United Kingdom, Burkina Faso, Germany, Liechtenstein, China, Yemen, Argentina, Chile, Vanuatu, Malaysia, Norway, Sweden, Islamic Republic of Iran, Nigeria, Russian Federation, Mexico, Singapore, Australia, Pakistan, New Zealand, Japan, South Africa, Paraguay, Dominican Republic, Panama, Bolivarian Republic of Venezuela, Latvia, Egypt, Colombia, Thailand, Algeria, Costa Rica, Serbia, Kenya, Kingdom of the Netherlands, Niger, Israel, India, Peru, Zimbabwe, Spain, Indonesia, Ecuador, Cameroon, Tonga, Switzerland and Fiji.

56. The representative of the European Union, in its capacity as observer, made a statement on behalf of the European Union and its member States.

57. The observer for the Holy See made a statement.

58. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: Eticas Foundation, Red en Defensa de los Derechos Digitales and Alliance of NGOs on Crime Prevention and Criminal Justice.

59. At the 15th to 17th meetings, the Chair opened the floor for the sharing of substantive amendments and proposals relating to the preamble of the consolidated negotiating document ([A/AC.291/19](#), annex). On each following day, the Chair provided to the plenary the text of the above-mentioned consolidated negotiating document containing the provisions reflecting the comments that had been made on the preceding day. The views expressed would be taken into consideration by the Chair in preparing, with the support of the Secretariat, the draft text of the convention, as provided for in the road map and mode of work for the Committee, adopted at its first session ([A/AC.291/7](#), annex II).

## X. Any other business

60. At its 19th meeting, on 21 April 2023, the Ad Hoc Committee considered agenda item 10, entitled “Any other business”.

61. The co-facilitators of the informal negotiations presented to the Committee oral reports on the outcome of the informal negotiations on clusters 3, 4 and 6 of the chapter on criminalization of the consolidated negotiating document ([A/AC.291/16](#)) (co-facilitated by Briony Daley Whitworth (Australia) and Platima Atthakor (Thailand)), on clusters 8 and 9 of the same chapter of the consolidated negotiating document ([A/AC.291/16](#)) (co-facilitated by Mohamed Hamdy Elmolla (Egypt) and Engelbert Theuermann (Austria)), on article 2 on the use of terms of the chapter

on general provisions of the consolidated negotiating document ([A/AC.291/16](#)) (co-facilitated by Rapulane Sydney Molekane (South Africa) and Eric Do Val Lacerda Sogocio (Brazil)), on articles 40, 47, 48 and 49 of clusters 1 and 2 of the chapter on procedural measures and law enforcement of the consolidated negotiating document ([A/AC.291/16](#)), and on articles 73 and 74 of cluster 5 of the chapter on international cooperation of the consolidated negotiating document ([A/AC.291/19](#)) (co-facilitated by Syed Nouredin Bin Syed Hassim (Singapore) and Andrea Martin Swaby (Jamaica)).

62. Pursuant to the revised methodology for conducting of work by the Ad Hoc Committee at its fifth session, the work of the co-facilitators was completed at the end of the fifth session. On the basis of a proposal by the Chair, which was agreed upon by the plenary, the co-facilitators of the informal negotiations on article 2, on the use of terms, would continue their work until the end of the sixth session.

63. Furthermore, recalling the road map and mode of work for the Ad Hoc Committee, the Chair proposed to the Committee the establishment of a group, consisting of 18 experts with skills in the official languages of the United Nations and one coordinator, to be tasked with ensuring the consistency of the text of the convention in all official languages of the United Nations. In accordance with the Ad Hoc Committee's decision at its fourth session to postpone the discussion on the matter to its fifth session, and following the proposal circulated by the Chair on 29 March 2023, the Ad Hoc Committee approved the establishment of the language consistency group. The Chair informed the Committee that the Bureau had approved the proposal to appoint Claudio Peguero Castillo (Dominican Republic) as coordinator of the language consistency group. The consistency group would commence its substantive work during the sixth session; however, it might meet during the intersessional period to discuss and agree on a methodology of work. Lastly, the Chair informed the Committee of the list of 14 countries that had already agreed to designate an expert to participate in the work of that group, and would inform Member States as soon as confirmation was received from the remaining countries.

64. The Ad Hoc Committee decided that the concluding session would be held for 10 working days in New York from 29 January to 9 February 2024.

65. Finally, recalling General Assembly resolution [75/282](#), a representative of the Secretariat provided information on extrabudgetary resources used to facilitate the participation of developing countries at the fifth session of the Ad Hoc Committee and encouraged Member States to provide additional extrabudgetary resources to facilitate the participation of delegates from developing countries at the sixth session of the Ad Hoc Committee.

66. Statements were made by representatives of the following Member States: Spain, Russian Federation, Islamic Republic of Iran and Cabo Verde.

## **XI. Adoption of the report**

67. At its 19th meeting, on 21 April 2023, the Ad Hoc Committee adopted the report on its fifth session ([A/AC.291/L.10](#) and [A/AC.291/L.10/Add.1–6](#)).

## **XII. Closure of the session**

68. At the 19th meeting, on 21 April 2023, a closing statement was made by the Chair of the Ad Hoc Committee.

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