



General Assembly

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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 fourth 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 fourth session in Vienna from 9 to 20 January 2023. During the session, the Ad Hoc Committee held 20 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 149 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 fourth session of the Ad Hoc Committee.¹

C. Documentation

5. A list of the documents before the Ad Hoc Committee at its fourth session has been published on the web pages of the fourth session of the Committee.²

¹ www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_fourth_session/main.html.

² Ibid.



II. Organizational matters

A. Adoption of the agenda and organization of work

6. At its 1st meeting, on 9 January 2023, the Ad Hoc Committee adopted the provisional agenda and the proposed organization of work as contained in document [A/AC.291/15](#). The agenda was as follows:

1. Opening of the session.
2. Organizational matters:
 - (a) Adoption of the agenda and organization of work;
 - (b) Election of Vice-Chairs.
3. Presentation by the Committee Chair of the report on the third intersessional consultation with multi-stakeholders, held on 3 and 4 November 2022.
4. Provisions on criminalization.
5. General provisions.
6. Provisions on procedural measures and law enforcement.
7. Any other business.
8. Adoption of the report.
9. Closure of the session.

7. The Ad Hoc Committee decided to follow the methodology for conducting its work at its fourth and fifth sessions as proposed by the Chair in the annex to her letter dated 15 November 2022.³

8. A statement was made by the representative of the Islamic Republic of Iran.

9. At the 14th meeting, on 17 January, the Chair, on the basis of the substantive amendments and proposals provided in the plenary, proposed, and the Ad Hoc Committee agreed, that, should the Committee complete the second round of discussions on agenda items 4 to 6 by the 16th meeting, the Committee would dedicate the 17th and 18th meetings to the consideration of substantive amendments and proposals made during the second round.

10. Accordingly, at its 17th and 18th meetings, on 19 January 2023, and at its 19th meeting, on 20 January 2023, the Ad Hoc Committee considered those substantive amendments and proposals. At the 19th meeting, the co-facilitators of the informal negotiations referred to in the aforementioned methodology presented to the Committee an oral report on the progress made in the negotiations.

B. Election of Vice-Chairs

11. The Ad Hoc Committee elected by acclamation Briony Daley Whitworth (Australia) and Deborah McCarthy (United States of America) as Vice-Chairs.

³ Available at www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_fourth_session/main.html#Documents.

III. Presentation by the Committee Chair of the report on the third intersessional consultation with multi-stakeholders, held on 3 and 4 November 2022

12. At its 1st meeting, on 9 January 2023, the Ad Hoc Committee considered agenda item 3, entitled “Presentation by the Committee Chair of the report on the third intersessional consultation with multi-stakeholders, held on 3 and 4 November 2022”.

13. For its consideration of the item, the Committee had before it a conference room paper containing the report of the Chair on the third 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.14).

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

IV. Provisions on criminalization

15. At its 1st to 3rd, 7th to 12th and 17th to 19th meetings, held on 9, 10, 12, 13, 16, 19 and 20 January 2023, the Ad Hoc Committee considered agenda item 4, entitled “Provisions on criminalization”.

16. 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 general provisions and the provisions on criminalization and on procedural measures and law enforcement of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes (A/AC.291/16).

17. Statements were made by representatives of the following Member States: Yemen (on behalf of the Group of Arab States), Czechia, Germany, Austria, Pakistan, Iraq, Democratic People’s Republic of Korea, Norway, Russian Federation, Brazil, Mexico, Republic of Korea, Sweden, Ecuador, Lebanon, Guatemala, Singapore, Bahrain, France, United States, Netherlands, Australia, Honduras, Switzerland, Costa Rica, Liechtenstein, Dominican Republic, Luxembourg, Colombia, Canada, Israel, Indonesia, New Zealand, Georgia, Estonia, Uruguay, United Kingdom of Great Britain and Northern Ireland, Portugal, Viet Nam, Belarus, Japan, Jamaica (on behalf of the Caribbean Community), Senegal, Algeria, Slovenia, India, Egypt, Thailand, Islamic Republic of Iran, Malaysia, Ghana, Argentina, Philippines, Chile, Ghana (on behalf of the Group of African States), Poland, South Africa, Nigeria, Eritrea, Fiji, Syrian Arab Republic, Kazakhstan, Peru, Latvia, Zimbabwe, Mozambique, United Republic of Tanzania, Yemen, Nicaragua, Côte d’Ivoire, China, Cuba, Niger, Azerbaijan, Bolivarian Republic of Venezuela, Morocco, Panama, Oman, Kenya, Namibia, Paraguay, Burkina Faso, Sudan, Angola, Uganda, Türkiye, Tonga, Albania and Cabo Verde.

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

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

20. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: Business Innovation Research Development, International Chamber of Commerce, Microsoft Corporation, Rashtriya Raksha University, Electronic Frontier Foundation, Alliance of NGOs on Crime Prevention and Criminal Justice, Global Partners Digital Limited, AWTAD Anti-Corruption Organization, Libyan Transparency Association and International Chamber of Commerce United Kingdom.

21. As proposed by the Chair and approved by the Ad Hoc Committee, the Committee considered agenda item 4 in two rounds.

22. At the 1st to 3rd meetings, held on 9 and 10 January 2023, the Chair opened the floor for a first round of discussions for the sharing of concise substantive comments and views relating to the chapter on criminalization of the consolidated negotiating document ([A/AC.291/16](#), annex), in order to clearly identify provisions enjoying broad support, which would be further discussed by the plenary during the second round, and to identify those provisions on which there were potentially divergent views and which could benefit from a co-facilitated informal negotiation process. Subsequently, two groups of articles were referred for co-facilitated informal negotiations. The first group related to clusters 3, 4 and 6 of the chapter on criminalization of the consolidated negotiating document, and the negotiations on that group were co-facilitated by Briony Daley Whitworth (Australia) and Platima Atthakor (Thailand). The second group related to clusters 8 and 9 of the same chapter of the consolidated negotiating document, and the negotiations on that group were co-facilitated by Mohamed Hamdy Elmolla (Egypt) and Engelbert Theuermann (Austria). The co-facilitators were tasked with reporting orally to the plenary on the outcome of the informal negotiations.

23. During the second round of discussions on the chapter on criminalization, held at the 7th to 12th meetings, on 12, 13 and 16 January 2023, and at the 17th to 19th meetings, on 19 and 20 January 2023, the representatives of Member States, the representative of the European Union, in its capacity as observer and on behalf of its member States, and the observers for non-member States provided their substantive amendments and proposals relating to clusters 1, 2, 5, 7, 10 and 11 of the chapter on criminalization. Also during the second round, the Chair provided to the plenary on each following day the revised texts of the provisions reflecting the comments that had been made on the preceding day. The co-facilitated informal negotiations related to the chapter on criminalization continued in the second round. At the 19th meeting, on 20 January 2023, the co-facilitators, as tasked, informed the Ad Hoc Committee of their progress. 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. General provisions

24. At its 3rd, 4th, 12th to 14th and 19th meetings, held on 10, 16, 17 and 20 January 2023, the Ad Hoc Committee considered agenda item 5, entitled “General provisions”.

25. 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 general provisions and the provisions on criminalization and on procedural measures and law enforcement of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes ([A/AC.291/16](#)).

26. Statements were made by representatives of the following Member States: Islamic Republic of Iran, Italy, Uruguay, Jamaica (on behalf of the Caribbean Community), Portugal, Costa Rica, Czechia, Sweden, Pakistan, Colombia, Canada, Israel, Switzerland, Guatemala, Liechtenstein, New Zealand, Mexico, India, United States, South Africa, Japan, Egypt, Spain, Chile, Senegal, Singapore, Slovenia, Republic of Korea, Norway, Indonesia, France, Argentina, Thailand, Ecuador, Yemen, Germany, Cuba, United Kingdom, Poland, Malaysia, Lebanon, Algeria, Iceland, Russian Federation, Austria, Belarus, Nigeria, Peru, Bolivarian Republic of Venezuela, Namibia, Dominican Republic, Australia, Oman, Sudan, Niger, Philippines, United Republic of Tanzania, Brazil, Honduras, Eritrea, Mali, Fiji, Kenya, Paraguay, Iraq, Burkina Faso, Morocco, Angola, Mozambique, Kazakhstan,

Uganda, Netherlands, Viet Nam, Nicaragua, Türkiye, Syrian Arab Republic, Tajikistan, Zimbabwe, Cabo Verde, China, Tonga and Mongolia.

27. The representative of the European Union, in its capacity as observer, made statements on behalf of the European Union and its member States.

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

29. Statements were also made by the representatives of the International Criminal Police Organization (INTERPOL) and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

30. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: Rashtriya Raksha University, Royal Institute of International Affairs – Chatham House, Libyan Transparency Association, Derechos Digitales, International Chamber of Commerce United Kingdom, Microsoft Corporation, Global Forum on Cyber Expertise, International Chamber of Commerce, Business Innovation Research Development, Eticas Foundation, Access Now, Global Partners Digital Limited, Hiperderecho and AWTAD Anti-Corruption Organization.

31. As proposed by the Chair and approved by the Ad Hoc Committee, the Committee considered agenda item 5 in two rounds.

32. At the 3rd and 4th meetings, held on 10 January 2023, the Chair opened the floor for a first round of discussions for the sharing of concise, substantive comments and views relating to the chapter on general provisions of the consolidated negotiating document ([A/AC.291/16](#), annex), in order to clearly identify provisions enjoying broad support, which would be further discussed by the plenary during the second round, and to identify those provisions on which there were potentially divergent views and which could benefit from a co-facilitated informal negotiation process. The co-facilitated informal negotiations on the general provisions were subsequently undertaken and focused on article 2, on the use of terms, of the consolidated negotiating document. The negotiations were co-facilitated by Rapulane Sydney Molekane (South Africa) and Eric do Val Lacerda Sogocio (Brazil). The co-facilitators were tasked with reporting orally to the plenary on the outcome of the informal negotiations.

33. During the second round of discussions on the chapter on general provisions, held at the 12th to 14th meetings, on 16 and 17 January 2023, and the 19th meeting, on 20 January 2023, the representatives of Member States, the representative of the European Union, in its capacity as observer and on behalf of its member States, and the observers for non-member States provided their substantive amendments and proposals relating to articles 1, 3, 4 and 5 of the chapter on general provisions. Also during the second round, the Chair provided to the plenary on each following day the revised texts of the provisions reflecting the comments that had been made on the preceding day. The co-facilitated informal negotiations related to article 2 continued in the second round. At the 19th meeting, on 20 January 2023, the co-facilitators, as tasked, informed the Ad Hoc Committee of their progress. 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 procedural measures and law enforcement

34. At its 5th, 6th, 14th to 16th and 19th meetings, held on 11, 17, 18 and 20 January 2023, the Ad Hoc Committee considered agenda item 6, entitled “Provisions on procedural measures and law enforcement”.

35. 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 general

provisions and the provisions on criminalization and on procedural measures and law enforcement of a comprehensive international convention on countering the use of information and communications technologies for criminal purposes (A/AC.291/16).

36. Statements were made by representatives of the following Member States: France, India, Czechia, Singapore, Uruguay, Mexico, Jamaica (on behalf of the Caribbean Community), United Republic of Tanzania, Guatemala, Portugal, Norway, Indonesia, Algeria, Germany, United Kingdom, Pakistan, Cuba, Japan, Panama, Netherlands, Switzerland, Australia, Canada, Senegal, Sweden, Republic of Korea, Viet Nam, Namibia, Thailand, Spain, Costa Rica, South Africa, Georgia, Kenya, Côte d'Ivoire, Colombia, Russian Federation, Brazil, Egypt, Liechtenstein, Luxembourg, Chile, Peru, Israel, Austria, Ecuador, New Zealand, United States, Nicaragua, Argentina, Mozambique, Slovenia, Lebanon, Malawi, Uganda, Dominican Republic, Nigeria, Bolivarian Republic of Venezuela, Ghana, Islamic Republic of Iran, Poland, Malaysia, Burkina Faso, Azerbaijan, Philippines, Guyana (on behalf of the Caribbean Community), China, Honduras, Latvia, Yemen, Vanuatu, Niger, Cabo Verde, Angola, Paraguay and Iraq.

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

38. Statements were also made by representatives of the following intergovernmental organizations and United Nations entities: Council of Europe, OHCHR and INTERPOL.

39. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: Red en Defensa de los Derechos Digitales, Electronic Frontier Foundation, Eticas Foundation, Access Now, Business Innovation Research Development, Global Partners Digital Limited, Alliance of NGOs on Crime Prevention and Criminal Justice, International Chamber of Commerce, Microsoft Corporation, International Chamber of Commerce United Kingdom, Rashtriya Raksha University, Global Initiative against Transnational Organized Crime, Libyan Transparency Association, CyberPeace Institute, Privacy International, AWTAD Anti-Corruption Organization and National Law University, Delhi.

40. As proposed by the Chair and approved by the Ad Hoc Committee, the Committee considered agenda item 6 in two rounds.

41. At the 5th and 6th meetings, held on 11 January 2023, the Chair opened the floor for a first round of discussions for the sharing of concise, substantive comments and views relating to the chapter on procedural measures and law enforcement of the consolidated negotiating document (A/AC.291/16, annex), in order to clearly identify provisions enjoying broad support, which would be further discussed by the plenary during the second round, and to identify those provisions on which there were potentially divergent views and which could benefit from a co-facilitated informal negotiation process. The co-facilitated informal negotiations on the provisions on procedural measures and law enforcement were subsequently undertaken and focused on articles 40, 47, 48 and 49 of the consolidated negotiating document. The negotiations were co-facilitated by Andrea Martin-Swaby (Jamaica) and Syed Nouredin bin Syed Hassim (Singapore). The co-facilitators were tasked with reporting orally to the plenary on the outcome of the informal negotiations.

42. During the second round of discussions on the chapter on procedural measures and law enforcement, held at the 14th to 16th meetings, on 17 and 18 January 2023, and the 19th meeting, on 20 January 2023, the representatives of Member States, the representative of the European Union, in its capacity as observer and on behalf of its member States, and the observers for non-member States provided their substantive amendments and proposals relating to articles 41 and 42 in cluster 1, articles 43 to 46 in cluster 2 and all of the articles in cluster 3 of the chapter on procedural measures and law enforcement. Also during the second round, the Chair provided to

the plenary on each following day the revised texts of the provisions reflecting the comments that had been made on the preceding day. The co-facilitated informal negotiations related to the chapter on procedural measures and law enforcement continued in the second round. At the 19th meeting, on 20 January 2023, the co-facilitators, as tasked, informed the Ad Hoc Committee of their progress. 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. Any other business

43. At its 20th meeting, on 20 January 2023, the Ad Hoc Committee considered agenda item 7, entitled “Any other business”.

44. The Chair recalled that, as provided for in the road map and mode of work for the Ad Hoc Committee, the Committee may consider the establishment of a group of experts with skills in the official languages of the United Nations who would be tasked with ensuring the consistency of the whole text of the convention in all official languages of the United Nations. The Chair presented two options for the composition and format of the group of experts. Under the first option, the group would be open-ended in its composition. Under the second option, the group would be limited in its membership and have an equal number of representatives for each of the six official languages of the United Nations, based, to the extent feasible, on geographical and gender balance. As the group of experts would hold its first meetings during the sixth session of the Committee, the Chair proposed, and the Committee decided, to postpone the decision on the establishment of the expert group to its fifth session.

45. Under agenda item 7, the Ad Hoc Committee also considered the meeting format for the fifth session. The Chair proposed, and the Committee decided, to follow the practice of the third and fourth sessions, that is, to hold the fifth session with in-person and online components, with two daily meetings of three hours each, in the morning and afternoon, on the understanding that the online interventions would not exceed 30 minutes per meeting, in accordance with the policy for mitigating the adverse impact on the auditory health of interpreters, and with the understanding that, in the unlikely event that online interventions were to last longer than 30 minutes in a given meeting, the duration of the meeting would revert back to the standard hybrid duration of two hours.

46. Lastly, the Chair referred to the methodology for conducting its work during the fifth session which the Ad Hoc Committee had endorsed at the beginning of the session. On the basis of the experience and lessons learned during the fourth session, the Chair proposed a revision of the methodology for the fifth session, and the Committee decided that it would conduct the second reading of relevant chapters of the consolidated negotiating document in a single round during the fifth session. Accordingly, substantive comments on the chapters under consideration would be made in a single round.

47. The Ad Hoc Committee approved the meeting format for the fifth session and the revised methodology for conducting its work during the fifth session.

48. In order to continue to facilitate the participation of developing countries at the fifth and sixth sessions of the Ad Hoc Committee, a representative of the Secretariat invited Member States to provide extrabudgetary resources to the United Nations Office on Drugs and Crime for that purpose.

49. Statements were made by representatives of the following Member States: Islamic Republic of Iran, Pakistan, Brazil, Philippines, South Africa (on behalf of the Group of African States), Colombia, China, Nigeria, Singapore, Austria and Yemen.

VIII. Adoption of the report

50. At its 20th meeting, on 20 January 2023, the Ad Hoc Committee adopted the report on its fourth session ([A/AC.291/L.9](#) and [A/AC.291/L.9/Add.1–3](#)).

IX. Closure of the session

51. At the 20th meeting, on 20 January 2023, a closing statement was made by the Chair of the Ad Hoc Committee.
