

26 July 2024

English only

**Ad Hoc Committee to Elaborate a
Comprehensive International Convention
on Countering the Use of Information and
Communications Technologies for
Criminal Purposes****Reconvened concluding session**

New York, 29 July–9 August 2024

Note by the Coordinator of the consistency group**I. Background**

1. The Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes established, during its fifth session,¹ 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 (hereinafter, the consistency group). The group is consisted of seventeen members and one coordinator, representing all six official languages of the United Nations. The consistency group is coordinated by Mr. Claudio Peguero Castillo (Dominican Republic), Vice-Chair of the Ad Hoc Committee. The members are: Argentina, Belarus, Burkina Faso, China, Côte d'Ivoire, Ecuador, France, Ghana, Jordan, Kazakhstan, Mexico, Russian Federation, Singapore, Sudan, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen. The consistency group is assisted in its work by editors and by translators from the translation section of the United Nations, as well as by members of the secretariat of the Ad Hoc Committee.

2. The consistency group began its work during the sixth session,² reviewing article 4, which was agreed upon *ad referendum* during the session. Subsequently, the consistency group reviewed, prior to the concluding session, articles 61 and 63, which had also been agreed *ad referendum* during the sixth session.

3. Following the concluding session, the consistency group agreed to revise the draft convention in different stages. The stages involved a thorough review of, in the first part, all articles agreed *ad referendum* during the concluding session, followed by articles with paragraphs agreed *ad referendum*. The consistency group had, as the basis of its work, the draft contained in document [A/AC.291/22/Rev.2](#), published by the Chair on 8 February 2024.

* Reissued for technical reasons on 29 July 2024.

¹ [A/AC.291/20](#), paragraph 63.

² [A/AC.291/23](#), paragraphs 30 and 31.



4. The consistency group continued to work on the basis of Rev.2 with the objective of incorporating its revisions into the new draft, contained in document [A/AC.291/22/Rev.3](#). However, the group continued to work after the cut-off date for the incorporation into document Rev.3 and, as a result, some of the consistency group's suggestions did not make it into the latest draft. They will, accordingly, be outlined in the present document for consideration of the Ad Hoc Committee in those particular instances.

5. Finally, the group concluded its intersessional work with the revision of any other provision in [A/AC.291/22/Rev.3](#), that had not yet been agreed upon by the Ad Hoc Committee. Suggested improvements, which have not been incorporated, are also included in this document.

II. Results of the work

6. This section outlines the changes proposed by the consistency group and implemented in document Rev.3, unless there is a particular instance in which the change is proposed but not yet reflected in that document.

A. Changes in more than one language

7. Throughout the draft text, including in articles that had already been agreed *ad referendum*, changes were made when referencing other paragraphs within an article to specify that it refers to a paragraph in that same article. For example, in article 9, paragraph 2 was amended as follows: "A State Party may require that the conduct described in paragraph 1 of this article result in serious harm." These changes were implemented consistently throughout the text, in all languages, to ensure clarity in cross references. Similar changes were also implemented when the reference was to another subparagraph within the same paragraph. Finally, cross-references to other articles in the convention were verified and replaced. An example of the latter can be found in article 26, where "the article on the expedited preservation of stored electronic data" was replaced for "article 25 of this Convention."

8. In article 15, which had been agreed *ad referendum*, paragraph 4 was amended to ensure that criminalization referred to a conduct, and not individuals (in this case, children). The result was as follows: "States Parties may take steps to exclude the criminalization of children for conduct as described in paragraph 1 of this article when committed by children." This change was requested by members of more than one language group because the text as it was originally posed challenges for translation and to reflecting the original meaning.

B. English

9. In article 25, changes were made to paragraph 2 to ensure clarity.

10. In article 2, subparagraph (f) (i), the following was incorporated into Rev.3: "The type of communications service used, the technical provisions ~~taken~~ related thereto and the period of service." This change would help to make clearer translations into the other five official languages.

C. French

11. In article 25, which had been agreed *ad referendum*, changes were made in paragraphs 1 and 3. In paragraph 1, the consistency group recommended replacing the term "accélérée" was replaced for "rapide", which is closest in meaning to the English term "expedited". This was also replicated in article 26 and other references in the chapter on international cooperation. In paragraph 3, the term "dépositaire" was

replaced with “détenteur”, which more accurately describes a person possessing the data in question. This was also reflected in article 42, paragraph 3 (d).

12. In article 28, paragraph 2, and upon suggestion from translators, the term “motifs raisonnables” was replaced for “raisons” as it more closely reflects the original meaning of “grounds” in English.

13. In article 63 and elsewhere in the convention, references to Secretary-General were made gender-inclusive (e.g., “le Secrétaire general ou la Secrétaire generale”).

14. In article 67, paragraph 2, the verb “être” was changed to the present indicative (“est”).

15. The following changes were not implemented in Rev.3 but are suggested and will be incorporated into the next revision:

(a) In article 17, paragraph 2 (c), the words “du territoire relevant de la compétence d’un État partie” was repeated in order to align with the English text;

(b) In article 21, paragraph 7, “comme les y obligent” will be replaced by “conformément aux obligations découlant de”, as it is closer to the English version;

(c) In article 37, paragraph 6 (a), the following change will be made to improve syntax:

Au moment du dépôt de leur instrument de ratification, d’acceptation, ou d’approbation ou d’adhésion à de la présente Convention, ou d’adhésion à celle-ci, indiquent au [...]

(d) In article 42, paragraph 8, “sera” will be replaced by “est”;

(e) In article 44, paragraph 3 (b), “rapide” will be replaced by “acclélérée”;

(f) In articles 53, paragraph 1, 55, paragraph 2, and 56, paragraph 2 (e), “meilleures” will be replaced by “bonnes”.

D. Russian

16. Changes to the Russian text of Rev.3 were introduced based on discussions with Russian Language Sub-Group during which clarifications were given by members of the Sub-Group of the current use of Russian legal terms. None of those changes affect texts in English, French and Spanish.

17. As a result of the above-mentioned discussions, replacements were made as follows:

(a) “технические параметры трафика” was replaced with “данные о трафике” (arts. 2 (c), (d) (f), 25, 26 (title, chapeau, and paragraphs (a) and (b)), 29 (title and paragraphs 1 and 2), 40 (paragraph 3 (e)), 43 (title and paragraphs 1 and 2), 45 (title and paragraphs 1, 2 and 3 (c), (e) and (f)));

(b) “признать в своем внутреннем законодательстве” was replaced with “признать в соответствии со своим внутренним законодательством” (arts. 7–16, 19 (paras. 1–3));

(c) “уголовное преступление” was replaced with “уголовное правонарушение” (arts. 7–17, 19 (paragraphs 1–3), 23 paragraph 2 (a) – (c), 30 (paragraph 1), 37 (paragraphs 1–3), 45 (paragraph 2), 53 (paragraphs 4 and 5));

(d) “трюминг” was replaced with “создание доверительных отношений” (art. 15 (title and paragraph 1));

(e) “половое преступление” was replaced with “сексуальное преступление” (art. 15 (title and paragraph 1));

(f) “предупреждение киберпреступности и борьба с ней” was replaced with “предупреждение и пресечение киберпреступности” to make the phrase more

concise (arts. 1 (a) – (c), 53 (paragraphs 3 (a), (b) and 4), 54 (paragraphs 3 (b) and 6)), 55 (paragraphs 2 and 3), 56 (paragraphs 2 (a) and (b)), 57 (paragraph 4 (b) and (d)) and 59 (paragraph 2);

(g) “импорт” was replaced with “ввоз” (art. 11 (paragraphs 1 (a) and 2));

(h) “лицо, подозреваемое в совершении преступления” was replaced with “лицо, предположительно совершившее преступление” (arts. 20, 22 (paragraph 3), 32, and 37 (paragraph 11));

(i) “степень опасности преступления” was replaced with “тяжесть преступления” (arts. 20, 21 (paragraphs 1 and 6));

(j) “выемка” was replaced with “изъятие” (arts. 28 (title, para. 3 and 3(a)), 40 (paras. 3(c) and 3(d)), 42 (paras. 1, 5 and 8), 44 (para. 1));

(k) “апест” was replaced with “изъятие” (art. 31 (para. 7)).

E. Spanish

18. Changes were made in the following articles to ensure that they more accurately reflect the text in English:

- (a) Article 17, paragraph 2 (d);
- (b) Article 19, paragraphs 2 and 3;
- (c) Article 21;
- (d) Article 26, subparagraphs (a) and (b);
- (e) Article 33, paragraphs 2 (a) and 4;
- (f) Article 34, paragraph 4;
- (g) Article 37, paragraph 37;
- (h) Article 47, paragraph 1 (a);
- (i) Article 50, paragraph 3 (a) and paragraph 5;
- (j) Article 53, paragraph 7; and
- (k) Article 57, paragraphs 5 and 8.

19. Changes were made in the following articles to ensure adherence to the more usual form of the language:

- (a) Article 33, paragraph 1;
- (b) Article 41, paragraph 4;
- (c) Article 44, paragraph 3 (b);
- (d) Article 50, paragraph 8; and
- (e) Article 63, paragraph 4.

In article 13, paragraph (c) was amended as follows:

El engaño sobre hechos mediante la utilización de un sistema de tecnología de la información y las comunicaciones que haga que lleve a una persona haga a hacer o dejedejar de hacer algo que de otro modo no haría o haría;

This change was introduced to avoid repetition of the verb “hacer”, considering that it is already used in the sentence in different forms.

20. In article 18, paragraph 1, “a fin de” was replaced with “para” to simplify the text.

21. In article 19, paragraph 1, “de carácter intencional, en forma de” was replaced with “deliberada, por ejemplo, la” in order to ensure consistency within the translated

document. In paragraphs 2 and 3, “de carácter intencional” was replaced with “deliberado” (and its feminine form, where applicable) for the same purpose. In paragraphs 2 and 3, “adoptará” will be replaced with “podrá adoptar”.

22. In article 21, “velará por que se ejerzan” will be replaced with “procurará que”.

23. In article 25, “particularmente” was replaced with “especialmente” to avoid repetition.

24. In article 26, subparagraphs (a), a change was made the English text and therefore also reflected in Spanish to ensure that the articles clearly relate to the respective nouns (“comunicación” and “Estado”), and therefore equally applied in subparagraph (b).

25. In article 27, subparagraph (a) was changed to harmonize the wording with that of subparagraph (b).

26. Article 28 had several changes implemented, as follows:

(a) In the title and in paragraphs 1 and 2, “Registro” was replaced with “búsqueda” to avoid ambiguity, as the former was at times used to translate the English word *record*;

(b) As a result of the change mentioned above, paragraphs 1 and 2 were amended to maintain the correct grammar in Spanish;

(c) In paragraph 4, the term “indicadas” was replaced with “mencionadas” to ensure consistency throughout the translated text.

27. In article 31, paragraph 2, changes were made to ensure a more accurate meaning in Spanish, as well as harmonizing the wording in the document.

28. In article 32, “que considere adecuadas” was added after “condiciones” to ensure clarity.
