



# General Assembly

Distr.: Limited  
23 February 2024

Original: English

## **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 concluding 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 concluding session in New York from 29 January to 9 February 2024. During the session, the 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.
3. In her opening remarks, the Chair recalled the previous work of the Committee. On 27 December 2019, the General Assembly had adopted resolution [74/247](#), in which it decided to establish an open-ended ad hoc intergovernmental committee of experts, representative of all regions, to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes, taking into full consideration existing international instruments and efforts at the national, regional and international levels on combating the use of information and communications technologies for criminal purposes, in particular the work and outcomes of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime.
4. The Ad Hoc Committee held an organizational session in New York from 10 to 12 May 2021, at which it elected its officers and exchanged views on the proposed outline and modalities for its further activities.
5. On 26 May 2021, the General Assembly adopted resolution [75/282](#), in which it decided, inter alia, that the Ad Hoc Committee should convene at least six sessions of 10 days each, to commence in January 2022, in New York and Vienna, and a concluding session in New York, with a view to providing a draft convention to the General Assembly at its seventy-eighth session.
6. Owing to the impact of the coronavirus disease (COVID-19) pandemic, the first session of the Ad Hoc Committee could not be convened as scheduled. On 20 January 2022, the General Assembly adopted decision [76/552](#), by which it postponed the first session and decided, inter alia, that the Committee was to hold a one-day meeting



in New York, preferably before the first session, for the purpose of addressing organizational matters.

7. On 24 February 2022, the Ad Hoc Committee held a session on organizational matters in New York, at which it adopted the list of other relevant non-governmental organizations, civil society organizations, academic institutions and private sector entities that may participate in the Committee, in line with paragraph 9 of resolution 75/282. The modalities of the participation of multi-stakeholders, approved by the Committee by means of a silence procedure on 14 December 2021, were annexed to the report on the session ([A/AC.291/6](#)).

8. At its first session, held in New York from 28 February to 11 March 2022, the Ad Hoc Committee adopted a road map and mode of work with a view to facilitating the fulfilment of the Committee's mandate through a well-planned, organized and transparent approach, and also adopted the structure of the convention. In addition, the Committee considered the objectives and scope of the convention and held a preliminary exchange of views on key elements of the convention.

9. At its second and third sessions, held in Vienna from 30 May to 10 June 2022 and in New York from 29 August to 9 September 2022, the Ad Hoc Committee undertook a first reading of the chapters, as subsequently reorganized, on the general provisions, criminalization, jurisdiction, procedural measures and law enforcement, international cooperation, preventive measures, technical assistance and information exchange, the mechanism of implementation and the final provisions, and the preamble, and exchanged views on the basis of the written submissions of Member States.

10. At its fourth and fifth sessions, held in Vienna from 9 to 20 January 2023 and from 11 to 21 April 2023, the Ad Hoc Committee undertook a second reading of the above-mentioned chapters, contained in the consolidated negotiating documents prepared by the Chair, with the assistance of the Secretariat, on the basis of the outcomes of the first reading of those chapters during the second session (see [A/AC.291/16](#)) and the third session (see [A/AC.291/19](#)).

11. At its sixth session, held in New York from 21 August to 1 September 2023, the Ad Hoc Committee undertook a reading of the draft text of the convention ([A/AC.291/22](#), annex), which had been prepared by the Chair, with the assistance of the Secretariat, on the basis of the outcomes of the second reading of the draft chapters of the convention during the fourth and fifth sessions.

## **B. Attendance**

12. The session was attended by representatives of 144 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.

13. A list of registered participants has been made available on the web pages of the concluding session of the Ad Hoc Committee.<sup>1</sup>

## **C. Documentation**

14. A list of the documents before the Ad Hoc Committee at its concluding session has been published on the web pages of the concluding session of the Committee.

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

## II. Organizational matters

### A. Election of Vice-Chairs

15. The Ad Hoc Committee elected by acclamation Zhen Shang (China) and Warisawa Koichi (Japan) as Vice-Chairs.

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

16. At its 1st meeting, on 29 January 2024, the Ad Hoc Committee adopted the provisional agenda, as orally amended, and the proposed organization of work as contained in document [A/AC.291/24](#). The agenda was as follows:

1. Opening of the session.
2. Organizational matters:
  - (a) Election of Vice-Chairs;
  - (b) Adoption of the agenda and organization of work.
3. Revised draft text of the convention.
4. Draft General Assembly resolution.
5. Any other business.
6. Adoption of the report.
7. Closure of the session.

17. At the same meeting, the Chair informed the Ad Hoc Committee that, pursuant to General Assembly resolution 78/245 of 22 December 2023, the Lunar New Year had been established as a floating holiday, which would be observed at Headquarters on 9 February 2024, the last day of the concluding session. As per the decision of the Bureau, the Chair proposed to maintain the meeting on that floating holiday, with a view to fulfilling the mandate of the Committee. The proposal was approved by the Committee.

18. In addition, the Ad Hoc Committee decided to follow the methodology for conducting its work at its concluding session, as proposed by the Chair in the annex to her letter dated 15 January 2024.<sup>2</sup> On the basis of that methodology, the Chair announced that, during the first week of the concluding session, after initial consideration in plenary, articles 3, 5, 17, 24 and 35 and the preamble of the revised draft text of the convention ([A/AC.291/22/Rev.1](#), annex) would be further discussed in open-ended informal meetings under the guidance of the Chair, while the reading of the remaining provisions in plenary would be undertaken in groups of chapters, under the guidance of Vice-Chair Terlumun George-Maria Tyendezwa (Nigeria) for the chapters on the general provisions, criminalization and jurisdiction, Vice-Chair Briony Daley Whitworth (Australia) for the chapters on procedural measures and law enforcement, and international cooperation, and Vice-Chair Warisawa Koichi (Japan) for the chapters on preventive measures, technical assistance and information exchange, the mechanism of implementation and the final provisions.

19. Furthermore, the Chair of the Ad Hoc Committee recalled that the Committee had decided at its sixth session that the work of the open-ended co-facilitated informal negotiating group on article 2 (Use of terms) would continue beyond the sixth session and throughout the concluding session, under the co-facilitation of Eric do Val Lacerda Sogocio (Brazil) and Rapulane Sydney Molekane (South Africa), represented by Pragashnie Adurthy (South Africa).

<sup>2</sup> Available at [www.unodc.org/unodc/en/cybercrime/ad\\_hoc\\_committee/ahc\\_concluding\\_session/main](http://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_concluding_session/main).

20. In addition, the Chair of the Ad Hoc Committee stated that the group of 17 experts tasked with ensuring the consistency of the text of the convention in all official languages of the United Nations, under the coordination of Claudio Peguero Castillo (Dominican Republic), would continue to review the articles agreed upon ad referendum by the Committee.

### III. Revised draft text of the convention

21. At its 1st to 10th and 12th to 19th meetings, held from 29 January to 9 February 2024, the Ad Hoc Committee considered agenda item 3, entitled “Revised draft text of the convention”.

22. For its consideration of item 3, the Ad Hoc Committee had before it a note by the Chair containing the revised draft text of the convention ([A/AC.291/22/Rev.1](#)), prepared by the Chair with the support of the Secretariat.

23. At its concluding session, the Ad Hoc Committee considered all provisions contained in the revised draft text of the convention. The representative of Nicaragua made a general statement on behalf of Belarus, Burkina Faso, Burundi, China, Cuba, the Democratic People’s Republic of Korea, Iran (Islamic Republic of), Mali, Pakistan, the Russian Federation, the Syrian Arab Republic and Venezuela (Bolivarian Republic of). Statements were made by representatives of the following Member States: Islamic Republic of Iran, Jamaica (on behalf of the Caribbean Community), Cuba, Egypt, Nigeria, Russian Federation, Pakistan, Belarus, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland, Paraguay (on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Peru and Uruguay), Eritrea, Brazil, Bolivarian Republic of Venezuela, Morocco, El Salvador, Ecuador, Peru, United States of America, Singapore, Iraq, China, Australia, Syrian Arab Republic, Egypt (on behalf of the Group of African States), Republic of Korea, Chile, Uruguay, Argentina, Japan, Czechia, Mali, Algeria, Burkina Faso, Iceland, Albania, Costa Rica, Uganda, Ghana, Dominican Republic, India, Mexico, United Republic of Tanzania, Indonesia, South Africa, Norway, Georgia, Colombia, Thailand, Kingdom of the Netherlands, Viet Nam, Poland, Paraguay, Israel, Switzerland, Mauritania, Panama, France, Cameroon, Canada, Sweden, Namibia, Austria, Vanuatu, Italy, Yemen, Germany, Tunisia, Cabo Verde, Guyana (on behalf of the Caribbean Community), Zimbabwe, Senegal, Qatar, Bahrain, Papua New Guinea, Malaysia, Liechtenstein, Central African Republic, Plurinational State of Bolivia, Nauru, Sudan, Sao Tome and Principe, Guatemala, Republic of Moldova, Azerbaijan, Sierra Leone, Kenya, Philippines, Democratic Republic of the Congo, Côte d’Ivoire, Benin, Mozambique, Mongolia, Malawi, Ireland, Maldives, Montenegro, Slovakia, Egypt (on behalf of Algeria, Bahrain, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, the United Arab Emirates and Yemen, as well as the State of Palestine), Libya, Nicaragua, Armenia, Kiribati, Niger, Egypt (on behalf of Algeria, Bahrain, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, the Syrian Arab Republic, the United Arab Emirates and Yemen, as well as the State of Palestine), Angola, Chad, Timor-Leste, Tonga, Botswana, Slovenia, Serbia, Honduras and Bosnia and Herzegovina.

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

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

26. Statements were also made by representatives of the following intergovernmental organizations: International Criminal Police Organization (INTERPOL) and International Chamber of Commerce.

27. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: Asociația Eliberare, Privacy International, Eticas Foundation, Cybersecurity Tech Accord,

Microsoft Corporation, Ambivium Institute on Security and Cooperation and DB Connect.

28. At the 1st and 2nd meetings, the Chair of the Ad Hoc Committee presented the revisions made to the draft text of the convention.<sup>3</sup> The Chair then invited the coordinator of the informal consultations on article 36 (Protection of personal data), Dan Rotenberg (European Union), who had continued to facilitate reaching consensus beyond the sixth session, to report on the progress made during the intersessional period. The report and working document of the coordinator on the matter had been made available on the web pages of the sixth session of the Committee.<sup>4</sup> Following the oral report presented by John Keyes (European Union) on behalf of the coordinator, the Chair requested the coordinator to continue to seek consensus in informal discussions and to report on the outcome to the plenary. Subsequently, the Chair opened the floor for Member States to make substantive proposals relating to articles 3, 5, 17, 24 and 35 and the preamble of the revised draft text of the convention and announced that further discussions would be held in an open-ended informal meeting, under her guidance.

29. At the 3rd to 10th and 12th to 14th meetings, Vice-Chair Briony Daley Whitworth, Vice-Chair Warisawa Koichi and Vice-Chair Terlumun George-Maria Tyendezwa guided the consideration by the Ad Hoc Committee of the chapters assigned to each of them by the Chair. At those meetings, many Member States made substantive amendments and proposals relating to the provisions of the revised draft text of the convention.

30. At the 13th meeting, Vice-Chair Eric do Val Lacerda Sogocio presented to the Ad Hoc Committee the progress made in the co-facilitated informal open-ended negotiations on article 2 (Use of terms) of the revised draft text of the convention and opened the floor for Member States to make substantive amendments and proposals relating to article 2. Subsequently, the Vice-Chair invited Mr. Keyes, on behalf of the coordinator of the informal consultations on article 36 (Protection of personal data), Mr. Rotenberg, to present the outcome of the informal consultations on that article. Member States then exchanged views on article 36.

31. At the 15th and 16th meetings, the Chair opened the floor for Member States to exchange views on the proposed compromise package, prepared by the Chair on the basis of the discussions held during the open-ended informal meeting on articles 3, 5, 17, 24 and 35. At those meetings, many Member States proposed substantive amendments to and made suggestions regarding the provisions contained in the compromise package.

32. At the 17th to 19th meetings, the Ad Hoc Committee considered the further revised draft text of the convention ([A/AC.291/22/Rev.2](#), annex), which had been prepared by the Chair, with the assistance of the Secretariat, on the basis of the discussions held during the open-ended informal meeting and the previous plenary meetings of the concluding session and which had been made available in its advance edited version on 7 February 2024. Also at the 17th to 19th meetings, many Member States expressed their support for and/or provided substantive amendments and proposals relating to the provisions of the further revised draft text of the convention.

33. At the 19th meeting, the Chair, with the support of the Bureau, proposed to the Ad Hoc Committee that the concluding session be suspended and resumed at a later date, and informed the Committee that, for that purpose, she had prepared a draft decision for consideration by the Committee. The Chair further informed the Committee that the draft decision, as contained in document A/AC.291/L.13, had been made available on the web pages of the concluding session of the Committee. A representative of the Secretariat then informed the Committee of the programme budget implications of the Chair's proposal. The Committee subsequently approved

<sup>3</sup> The presentation, in the form of explanatory notes, has been made available on the web pages of the concluding session.

<sup>4</sup> [www.unodc.org/unodc/en/cybercrime/ad\\_hoc\\_committee/ahc\\_sixth\\_session/main](http://www.unodc.org/unodc/en/cybercrime/ad_hoc_committee/ahc_sixth_session/main).

the proposal and recommended the draft decision for adoption by the General Assembly.

34. With the understanding that nothing was agreed until everything was agreed and that a final decision on the draft text of the convention as a whole would be taken at its resumed concluding session, the Ad Hoc Committee, at its concluding session, agreed ad referendum on the following provisions of the further revised draft text of the convention ([A/AC.291/22/Rev.2](#), annex):<sup>5</sup> article 1 (a); article 2, paragraph 1 (d); article 6, paragraph 1; article 7, paragraph 1; article 8, paragraph 2; article 9; article 10; article 11, paragraph 1; article 12 (chapeau) and subparagraphs (b) and (c); article 14; article 16, paragraph 1, and paragraph 2 (d) to (g); article 18; article 19; article 20; article 21, paragraphs 1, 3 and 5 to 8; article 22, paragraph 2 (a) and (c), and paragraphs 3 and 4; article 25; article 26; article 27; article 28; article 31; article 32; article 33; article 34, paragraphs 1 to 3; article 37, paragraphs 1 to 3, 5 to 14, 16, 17 and 20; article 39, paragraph 2; article 42, paragraph 4; article 44, paragraph 3; article 47, paragraph 1 (b) and (d); article 50, paragraph 5; article 52, paragraphs 1 and 2; article 53, paragraph 1, paragraph 3 (b), (c), (f), (j) and (k), and paragraph 7; article 54, paragraph 3 (chapeau) and subparagraphs (c), (h) and (i), and paragraphs 7 and 9; article 55, paragraph 4; article 56, paragraph 2 (chapeau) and subparagraph (e); article 57, paragraph 1, and paragraph 5 (f) to (h); article 58, paragraph 2 (chapeau) and subparagraph (a); and article 66, paragraph 1. Article 57, paragraph 7,<sup>6</sup> which had been agreed ad referendum by the Committee at its sixth session (A/AC.291/23, para. 29), was reopened for further discussion.

#### IV. Draft General Assembly resolution

35. At its 11th and 19th meetings, held on 5 and 9 February 2024, the Ad Hoc Committee considered agenda item 4, entitled “Draft General Assembly resolution”.

36. For its consideration of item 4, the Ad Hoc Committee had before it a note by the Chair containing a draft resolution for consideration and adoption by the General Assembly at its seventy-eighth session, in 2024 ([A/AC.291/25](#)).

37. At its concluding session, the Ad Hoc Committee considered the draft General Assembly resolution. Statements were made by representatives of the following Member States: Russian Federation, Islamic Republic of Iran, United States, Morocco, China, Australia, Israel, Canada, Mauritania, Vanuatu, Japan, Eritrea, Georgia, Egypt, Republic of Korea, Yemen, Cuba, Mali, Chile, India, Uruguay, Burkina Faso, Nicaragua, Iceland, Bolivarian Republic of Venezuela, Paraguay, Peru, Albania, El Salvador, Indonesia, Algeria, Costa Rica, Switzerland, South Africa, Angola, United Republic of Tanzania, United Kingdom, Dominican Republic, Oman, Tonga, Mexico, Namibia, Timor-Leste, New Zealand, Sudan, Central African Republic, Panama, Malawi, Côte d’Ivoire, Syrian Arab Republic, Ecuador, Tunisia, Lebanon, Iraq, Kiribati, Jamaica (on behalf of the Caribbean Community), Pakistan, Norway, Brazil, Uganda, Democratic People’s Republic of Korea, Papua New Guinea, Democratic Republic of the Congo, Kenya, Argentina, Rwanda, Malaysia, Liechtenstein, Libya, Thailand, Zimbabwe, Cabo Verde, Saudi Arabia, Viet Nam, Colombia, Nigeria and Lao People’s Democratic Republic.

<sup>5</sup> At the 17th meeting, some delegations noted that agreement on some provisions of the further revised draft text of the convention that had been marked as “agreed ad referendum” by the Ad Hoc Committee during its reading of the revised draft text of the convention ([A/AC.291/22/Rev.1](#), annex) continued to depend on a final decision on the use of specific terms. Specifically, those were the provisions that, in the revised draft text of the convention, contained the terms “[cybercrime] [the use of information and communications technologies for criminal purposes]” or “[cybercrime] [offences committed with the use of information and communications technologies]”.

<sup>6</sup> At the 19th meeting of the concluding session, several delegations proposed amendments to this provision.

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

39. At the 11th meeting, the Chair presented the text of the draft resolution and, subsequently, Member States made substantive amendments and proposals relating to the draft resolution.

40. At the 19th meeting, following the approval of the draft decision (A/AC.291/L.13) to be submitted to the General Assembly for the purpose of suspending the concluding session and resuming it at a later date, the Chair suggested to the Ad Hoc Committee that the approval of the draft decision had made unnecessary the further consideration at the concluding session of the draft General Assembly resolution by which the draft convention would be submitted to the Assembly for consideration and adoption. Therefore, it was proposed that the consideration of the draft resolution be postponed until the resumed concluding session. The Ad Hoc Committee approved the proposal.

## **V. Any other business**

41. At its 20th meeting, on 9 February 2024, the Ad Hoc Committee considered agenda item 5, entitled “Any other business”.

## **VI. Adoption of the report**

42. At the 20th meeting, many Member States expressed their appreciation and gratitude for the work of the Chair and the Secretariat. Statements were made by representatives of the following Member States: Mexico, South Africa (on behalf of the Group of African States), Islamic Republic of Iran, Jamaica (on behalf of the Caribbean Community), Brazil, Iraq (on behalf of the Group of Arab States), China, United States, Japan, Argentina, Malaysia, Russian Federation, Saudi Arabia, Indonesia, Uruguay, India, Côte d’Ivoire, Algeria, Libya, Peru, Bolivarian Republic of Venezuela, Colombia, El Salvador, Switzerland (on behalf of Iceland, Liechtenstein and Norway), Costa Rica, Israel, Albania, Nauru, Belarus, Sudan and Senegal.

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

44. At its 20th meeting, on 9 February 2024, the Ad Hoc Committee adopted the report on its concluding session (A/AC.291/L.12, A/AC.291/L.12/Add.1 and A/AC.291/L.12/Add.2).

## **VII. Closure of the session**

45. At the 20th meeting, on 9 February 2024, the Chair of the Ad Hoc Committee announced the suspension of the concluding session.

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