



General Assembly

Distr.: Limited
26 August 2023

Original: English

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

Sixth session

New York, 21 August–1 September 2023

Draft report

Rapporteur: Harditya Suryawanto (Indonesia)

Addendum

IV. Draft text of the convention

1. At its 1st to [x] meetings, held from 21 August to 1 September 2023, the Ad Hoc Committee considered agenda item 4, entitled “Draft text of the convention”.
2. For its consideration of item 4, the Ad Hoc Committee had before it a note by the Chair containing the draft text of the convention (A/AC.291/22, annex), prepared by the Chair with the support of the Secretariat.
3. At its sixth session, the Ad Hoc Committee considered all provisions contained in the draft text of the convention. The representative of the Russian Federation made a general statement on behalf of Belarus, Burkina Faso, Burundi, Cuba, the Democratic People’s Republic of Korea, the Lao People’s Democratic Republic, Mali, Myanmar, the Syrian Arab Republic and Tajikistan. Statements were made by representatives of the following Member States: Côte d’Ivoire, Jamaica (on behalf of the Caribbean Community), China, Mexico, Ecuador, Viet Nam, South Africa, Pakistan, Islamic Republic of Iran, Yemen, Russian Federation, Egypt, United States of America, India, Costa Rica, Lebanon, Panama, Malaysia, United Republic of Tanzania, El Salvador, Paraguay, France, Eritrea, Germany, New Zealand, Peru, United Kingdom of Great Britain and Northern Ireland, Canada, Liechtenstein, Morocco, Norway, Republic of Korea, Australia, Colombia, Switzerland, Guatemala, Czechia, Chile, Bolivarian Republic of Venezuela, Senegal, Georgia, Dominican Republic, Uruguay, Nigeria, Kenya, Israel, Thailand, Japan, Saudi Arabia, Vanuatu, Tonga, Ghana, Indonesia, Türkiye, Chad, Iraq, Qatar, Cabo Verde, Syrian Arab Republic, Algeria, Brazil, Oman, Malawi, Singapore, Argentina, Kingdom of the Netherlands, Bahrain, Philippines, Angola, Uganda, Cuba, Burkina Faso, Democratic People’s Republic of Korea, Belarus, Nicaragua, Austria, Lao People’s Democratic Republic, Albania, Slovakia, Namibia, Serbia, Central African Republic, Sudan, Mozambique, Cameroon, Benin, Azerbaijan, Armenia, Mauritania, Sierra Leone, Zambia, Democratic Republic of the Congo, Rwanda, Trinidad and Tobago (on behalf



of the Caribbean Community), Mali, Zimbabwe and Guyana (on behalf of the Caribbean Community).

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

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

6. Statements were also made by representatives of the following intergovernmental organizations and United Nations entities: African Union, International Chamber of Commerce, United Nations Children's Fund, Office of the United Nations High Commissioner for Human Rights and International Criminal Police Organization.

7. Further statements were made by representatives of the following academic institutions, civil society organizations and private sector entities: Cybersecurity Tech Accord, Microsoft Corporation, United States Council for International Business, Eticas Foundation, DB Connect, Access Now, Derechos Digitales, Global Initiative against Transnational Organized Crime, AWTAD Anti-Corruption Organization, Hiperderecho, Electronic Frontier Foundation, Global Partners Digital, Article 19: International Centre against Censorship, Rapha House International, Business Innovation Research Development, Instituto Panameño de Derecho y Nuevas Tecnologías, Human Rights Watch, Cyber Saathi Foundation, Humanity for the World, Privacy International, Red en Defensa de los Derechos Digitales and CyberPeace Institute.

8. At the 1st to [x] meetings, the Chair opened the floor for Member States to make substantive amendments and proposals relating to the draft text of the convention, which was projected on screen to reflect in real time the amendments and proposals made by Member States, following the groups of articles of the draft text of the convention contained in the annex to the methodology for conducting the work of the Ad Hoc Committee at its sixth session. Before the end of each day, the Chair provided to the plenary the draft text of the convention containing the comments that had been made by Member States on that day.

9. At the 10th and [x] meetings, the co-facilitators of the informal open-ended negotiations on article 2 (Use of terms) of the draft text of the convention made an oral report on the outcome of the co-facilitation process to the Ad Hoc Committee.

10. At the 10th and [x] meetings, the co-chairs of the informal open-ended meetings presented oral reports to the Ad Hoc Committee on the outcome of their discussions on group 4, containing articles 3, 17, 23, 35 and 61 of the draft text of the convention, which had been assigned to informal meetings by the Committee.

11. As the discussion at the plenary meetings advanced, the Chair announced that further discussions on certain groups of articles of the draft text of the convention would be held in informal consultations, which would be coordinated by Yamada Tetsuya (Japan) for group 5 (arts. 5 and 24), Phu Nguyen (Viet Nam) for group 6 (arts. 25–30), Terlumun George-Maria Tyendezwa (Nigeria) for group 7 (arts. 13–15), Pauline Yee (Singapore) for group 8 (arts. 11 and 12), Dan Rotenberg (European Union) for group 10 (art. 36), Aldana Rohr on behalf of Maria Melazza (Argentina) for group 11 (arts. 40 and 42–46) and Juan Manuel Gómez-Robledo (Mexico) for group 20 (arts. 59, 60 and 62–67).

12. At the [x] meeting, the above-mentioned coordinators presented oral reports on the outcomes of their respective informal discussions.

13. With the understanding that the Ad Hoc Committee would take a final decision on the draft text of the convention as a whole at its concluding session and that nothing was agreed until everything was agreed, the Committee agreed *ad referendum* on the following provisions of the draft text of the convention at its sixth session: article 1 (b); article 4; article 22, paragraph 1 (a) and (b), paragraph 2 (chapeau) and subparagraph (b), and paragraphs 5 and 6; article 31, paragraph 1 (chapeau), and paragraphs 2 to 7, 9 and 10; article 41, paragraph 4; article 42, paragraph 2 (a), (c),

(d), (e), (f) and (g); article 43, paragraph 1; article 44, paragraph 2; article 47, paragraph 1 (c) and (e); article 49, paragraph 1 (b) and (c), and paragraph 2; article 50, paragraph 1 (a), and paragraphs 3, 4, 6 and 8 to 10; article 54, paragraph 3 (b), (d), (e) and (f); article 56, paragraph 2 (a) and (c), and paragraphs 3 and 5; article 57, paragraph 5 (chapeau) and subparagraphs (a) and (e), and paragraphs 7 and 8; article 58, paragraph 2 (b) and (c); article 59, paragraph 1; article 60, paragraph 2; article 61; article 62, paragraphs 1, 3 and 4; article 63; article 65, paragraphs 2 to 5; article 66, paragraphs 2 and 3; and article 67.

14. At the 19th meeting, the Chair of the Ad Hoc Committee recalled the road map and mode of work adopted at the first session of the Committee ([A/AC.291/7](#), annex II) and the decision taken by the Committee at its fifth session to establish a language consistency group ([A/AC.291/20](#), para. 63). The consistency group is composed of experts nominated by the following Member States: Argentina, Belarus, Burkina Faso, China, Côte d'Ivoire, Ecuador, France, Ghana, Jordan, Kazakhstan, Mexico, Russian Federation, Singapore, Sudan, United Kingdom, United States and Yemen. The group has been entrusted with reviewing and ensuring the consistency of articles agreed upon *ad referendum* by the Ad Hoc Committee in all six official languages of the United Nations during the sixth session.

15. In accordance with the methodology for conducting the work of the Committee at its sixth session, and as laid out in the information note on the consistency group circulated by the secretariat on behalf of the Chair on 29 March 2023, the consistency group considered articles that had been agreed upon *ad referendum* by the plenary. At the 19th meeting, the coordinator of the consistency group briefed the plenary on the work of the group. It had held two meetings during the sixth session and would continue its work on the provisions agreed upon *ad referendum* by the Committee during the sixth session. The group would also continue its work in virtual format during the intersessional period and would report on the outcome of its work to the Committee during the concluding session, to be held from 29 January to 9 February 2024.

16. The status of the negotiations, including on the provisions on which agreement was reached *ad referendum* and the Chair's compromise text on the provisions on which agreement was still outstanding, will be reflected in a document to be prepared by the Chair, with the assistance of the Secretariat, in advance of the concluding session, as provided for in the methodology for conducting the work of the sixth session.