

27 July 2020

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Expert Group to Conduct a Comprehensive Study on Cybercrime

Vienna, 27–29 July 2020

Draft report**I. Introduction**

1. In its resolution [65/230](#), the General Assembly requested the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 42 of the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, an open-ended intergovernmental expert group, to be convened prior to the twentieth session of the Commission, to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime.
2. The first meeting of the Expert Group was held in Vienna from 17 to 21 January 2011. At that meeting, the Expert Group reviewed and adopted a collection of topics and a methodology for the study ([E/CN.15/2011/19](#), annexes I and II).
3. The second meeting of the Expert Group was held in Vienna from 25 to 28 February 2013. At that meeting, the Expert Group took note of the comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, as prepared by the United Nations Office on Drugs and Crime (UNODC) with the guidance of the Expert Group, pursuant to the mandate contained in General Assembly resolution [65/230](#) and the collection of topics and the methodology for that study, as adopted at the first meeting of the Expert Group.
4. In the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice and endorsed by the General Assembly in its resolution [70/174](#), Member States noted the activities of the Expert Group and invited the Commission on Crime Prevention and Criminal Justice to consider recommending that the Expert Group continue, based on its work, to exchange information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing responses and to propose new national and international legal or other responses to cybercrime.



5. The third meeting of the Expert Group was held in Vienna from 10 to 13 April 2017. At that meeting, the Expert Group considered, *inter alia*, the adoption of the summaries by the Rapporteur of the deliberations at the first and second meetings of the Expert Group, the draft comprehensive study of the problem of cybercrime and comments thereon and the way forward on the draft study. It also exchanged information on national legislation, best practices, technical assistance and international cooperation.

6. In its resolution 26/4, adopted at its twenty-sixth session in May 2017, the Commission on Crime Prevention and Criminal Justice requested the Expert Group to continue its work and, in so doing, to hold periodic meetings and function as the platform for further discussion on substantive issues concerning cybercrime, keeping pace with its evolving trends, and in line with the Salvador Declaration and the Doha Declaration. Also in that resolution, the Commission requested the Expert Group to continue to exchange information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing responses, and propose new national and international legal or other responses to cybercrime.

7. The fourth meeting of the Expert Group was held in Vienna from 3 to 5 April 2018. At that meeting, the Expert Group focused on legislation and frameworks and criminalization related to cybercrime. Legislative and policy developments with regard to addressing cybercrime at the national and international levels were discussed. The Expert Group also considered the ways in which cybercrime was criminalized at the national level. Also at that meeting, the Expert Group adopted the proposal by the Chair for the 2018–2021 workplan of the Expert Group (UNODC/CCPCJ/EG.4/2018/CRP.1).

8. The fifth meeting of the Expert Group was held in Vienna from 27 to 29 March 2019. At that meeting, the Expert Group focused on law enforcement and investigations and on electronic evidence and criminal justice related to cybercrime. At that meeting, the expert group was informed, *inter alia*, about successful national efforts to implement legal and procedural measures to tackle cybercrime; and implement new investigative tools to gather electronic evidence and establish its authenticity for evidentiary purposes in criminal proceedings. The discussion also focused on how to strike a balance between the need for effective law enforcement responses to cybercrime and the protection of fundamental human rights, in particular the right to privacy. The Expert Group accorded priority to the need for sustainable capacity-building for enhancing domestic capabilities and enabling the sharing of good investigative practices and experiences.

9. In its resolution 74/173 of 18 December 2019, the General Assembly acknowledged the importance of the work of the Expert Group to continue to exchange information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing responses and to propose new national and international legal or other responses to cybercrime; noted with appreciation that the Expert Group would develop, in accordance with its workplan for the period of 2018–2021, possible conclusions and recommendations for submission to the Commission; recognized the Expert Group as an important platform for the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing responses and to propose new national and international legal or other responses for cybercrime; requested the United Nations Office on Drugs and Crime to continue to periodically collect information on new developments, progress made and best practices identified and to periodically report that information to the Expert Group and the Commission on Crime Prevention and Criminal Justice; and invited the Expert Group to provide advice, on the basis of its work, to the United Nations Office on Drugs and Crime, including with regard to the Global Programme on Cybercrime, in order to assist, without prejudice to other issues included in the mandate of the Expert Group, in identifying high-priority

capacity-building needs and effective responses, without prejudice to the status of the Commission as the governing body of the crime programme of the Office.

10. The extended Bureau approved the original dates of 6 to 8 April 2020 to conduct the sixth session of the expert group for approval via silence procedure on 11 November 2019. The provisional agenda for the sixth meeting was agreed upon by the extended Bureau via silence procedure on 18 December 2019. On 12 March 2020, the extended Bureau was informed that the meeting was to be postponed due to COVID-19 restrictions. The extended Bureau approved new dates, 27 to 29 July 2020, to hold the rescheduled sixth session of the intergovernmental expert group on cybercrime via silence procedure on 15 April 2020. The holding of the sixth session of the intergovernmental expert group on cybercrime in the hybrid/Chair format was approved by silence procedure on 22 June 2020.

II. List of preliminary recommendations and conclusions

11. In line with the Chair's proposal for the 2018–2021 workplan of the Expert Group (UNODC/CCPCJ/EG.4/2018/CRP.1), the Rapporteur, with the necessary assistance of the Secretariat and based on the discussions and deliberations during the meeting, prepared a list of preliminary conclusions and recommendations suggested by Member States, which are precise and focus on strengthening practical responses to cybercrime. Pursuant to the workplan, the list was included in the report of the sixth session as a compilation of suggestions made by Member States, for further discussion at the stock-taking meeting not later than 2021.

12. As provided for in the workplan, at its stock-taking meeting, the Expert Group will consider the accumulated preliminary conclusions and recommendations and will consolidate them in a list of adopted conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice. Prior to the stock-taking meeting, the preliminary conclusions and recommendations proposed by Member States will be circulated to all Member States, observers, and other stakeholders for comments and the latter will be posted online in advance of the stock-taking meeting for consideration by delegations.

III. Summary of deliberations (Summary by the Chair)

13. Stemming from the meeting, the following summary of deliberations was prepared by the Secretariat after the meeting in close coordination with the Chair, pursuant to the proposed organization of work for the meeting, which had been circulated to the extended Bureau of the Expert Group on 13 July 2020 and was approved by the Expert Group at the opening of the meeting. This summary of deliberations was not debated and, consequently, was not subject to adoption during the meeting. It was, instead, a "Summary by the Chair" (covering sections A, B and C), as follows:

A. International cooperation

14. At its 1st and [2nd...] meetings, on 27 [and 28...] July 2020, the Expert Group considered agenda item 2, entitled "International cooperation".

15. The discussion was facilitated by the following panellists: Mr. George-Maria Tyendezwa (Nigeria), Mr. Gangqiang Zhang (China), Pol.col. Amornchai Leelakajonjit (Thailand), Mr. Markko Künnapu (Estonia), Mr. Vadim Sushik (Russian Federation), Lic. Pedro Janices (Argentina), Mr. Stephen McGlynn, (Australia) and Ms. Sheri L. Shepherd-Pratt (United States).

B. Prevention

16. At its [...] meetings, on 28 [and...] July 2020, the Expert Group considered agenda item 3, entitled “Prevention”.

17. The discussion was facilitated by the following panellists: Mr. Destino Pedro (Angola), Ms. Liyun Han (China), Ms. Benjaporn Watcharavutthichai (Thailand), Dr. Horacio Azzolin (Argentina), Mr. Claudio Peguero (Dominican Republic) and Mr. Pedro Verdelho (Portugal).

C. Other matters

18. At its [...] meeting, on 29 July 2020, the Expert Group considered agenda item 4, entitled “Other matters”.

IV. Organization of the meeting

A. Opening of the meeting

19. The meeting was opened remotely by Advocate Doctor Mashabane (South Africa), Chair of the Expert Group, who delegated Mr. André Rypl (Brazil), Vice-chair of the Expert Group, to preside over the meeting on his behalf, having full powers and duties of the chairperson to conduct the proceedings during the sixth meeting of the Expert Group.

B. Adoption of the agenda and other organizational matters

20. At its 1st meeting, on 27 July 2020, the Expert Group adopted the following provisional agenda:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda.
2. International cooperation.
3. Prevention.
4. Other matters.
5. Adoption of the report.

C. Statements

21. Statements were made by experts from the following Member States:[...]

D. Attendance

22. The meeting was attended by representatives of [94] Member States, an observer State, an institute of the United Nations crime prevention and criminal justice programme network, intergovernmental organizations and the private sector.

23. A provisional list of participants was circulated at the meeting ([UNODC/CCPCJ/EG.4/2020/INF/1](#)).

E. Documentation

24. The Expert Group had before it, in addition to the comments from Member States received in accordance with the workplan for the period 2018-2021, the following document:

- (a) Annotated provisional agenda ([UNODC/CCPCJ/EG.4/2020/1](#)).

V. Adoption of the report

25. At its 6th meeting, on 29 July 2020, the Expert Group adopted this report.
