



# General Assembly

Distr.: General  
25 November 2019

Original: English

**Seventy-fourth session**

Agenda item 107

## **Countering the use of information and communications technologies for criminal purposes**

### **Report of the Third Committee**

*Rapporteur:* Mr. Firas Hassan **Jabbar** (Iraq)

#### **I. Introduction**

1. At its 2nd plenary meeting, on 20 September 2019, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventy-fourth session the item entitled “Countering the use of information and communications technologies for criminal purposes” and to allocate it to the Third Committee.
2. The Third Committee held a general discussion on the item jointly with item 106, entitled “Crime prevention and criminal justice”, and item 108, entitled “International drug control”, at its 5th and 6th meetings, on 3 October 2019, and considered proposals and took action on the item at its 44th and 50th meetings, on 7 and 18 November 2019. An account of the Committee’s discussion is contained in the relevant summary records.<sup>1</sup>
3. For its consideration of the item, the Committee had before it the report of the Secretary-General on countering the use of information and communications technologies for criminal purposes (A/74/130).
4. At its 5th meeting, on 3 October, the Committee heard an introductory statement by the Director of the Division for Treaty Affairs of the United Nations Office on Drugs and Crime.
5. At the 44th meeting, on 7 November, the representative of the United States of America made a statement with regard to the draft resolutions before the Committee.<sup>2</sup>

<sup>1</sup> See [A/C.3/74/SR.5](#), [A/C.3/74/SR.6](#), [A/C.3/74/SR.44](#) and [A/C.3/74/SR.50](#).

<sup>2</sup> See [A/C.3/74/SR.44](#).



## II. Consideration of draft resolutions [A/C.3/74/L.11](#) and [A/C.3/74/L.11/Rev.1](#)

6. At the 44th meeting, on 7 November, the representative of the Russian Federation, also on behalf of Belarus, Cambodia, China, the Democratic People's Republic of Korea, Myanmar, Nicaragua and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Countering the use of information and communications technologies for criminal purposes" ([A/C.3/74/L.11](#)).

7. At its 50th meeting, on 18 November, the Committee had before it a revised draft resolution ([A/C.3/74/L.11/Rev.1](#)), which was submitted by the sponsors of draft resolution [A/C.3/74/L.11](#) and Algeria, Angola, Azerbaijan, Bolivia (Plurinational State of), Burundi, Cuba, Egypt, Eritrea, Iran (Islamic Republic of), Kazakhstan, the Lao People's Democratic Republic, Libya, Madagascar, the Sudan, Suriname, the Syrian Arab Republic, Tajikistan, Uzbekistan and Zimbabwe. Subsequently, Antigua and Barbuda, Armenia, Benin, Cameroon, the Central African Republic, the Congo, Equatorial Guinea, Eswatini, Guinea, India, Indonesia, Jamaica, Kyrgyzstan, Nauru, the Niger, Saint Vincent and the Grenadines, South Africa, Togo, Turkmenistan and Uganda joined in sponsoring the draft resolution.

8. At the same meeting, the Chair drew the attention of the Committee to a statement of the programme budget implications of the draft resolution.

9. Also at the same meeting, the representative of the Russian Federation made a statement.

10. Also at its 50th meeting, the Committee adopted draft resolution [A/C.3/74/L.11/Rev.1](#) by a recorded vote of 88 to 58, with 34 abstentions (see para. 13). The voting was as follows:<sup>3</sup>

*In favour:*

Algeria, Angola, Antigua and Barbuda, Armenia, Azerbaijan, Belarus, Bhutan, Bolivia (Plurinational State of), Botswana, Brunei Darussalam, Burundi, Cabo Verde, Cambodia, Cameroon, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, Gambia, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mongolia, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Serbia, Seychelles, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Tajikistan, Thailand, Togo, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe.

*Against:*

Albania, Andorra, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, North Macedonia, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovakia,

<sup>3</sup> The delegation of Benin subsequently indicated that it had intended to vote in favour.

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Slovenia, Spain, Sweden, Switzerland, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:*

Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Brazil, Costa Rica, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Ecuador, El Salvador, Fiji, Ghana, Grenada, Guatemala, Guyana, Haiti, Mauritius, Mexico, Morocco, Palau, Papua New Guinea, Peru, Philippines, Samoa, Saudi Arabia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uruguay, Zambia.

11. Before the vote, the representatives of Nicaragua, the Bolivarian Republic of Venezuela, China, Belarus and Indonesia made statements. Statements in explanation of vote were made by the representatives of the United States of America, Finland (on behalf of the European Union and its member States), Canada (also on behalf of Australia, Iceland, Liechtenstein, New Zealand and Norway) and Australia.

12. After the vote, statements in explanation of vote were made by the representatives of Costa Rica, Japan, the Republic of Korea and Peru. The representative of the Islamic Republic of Iran also made a statement.

### III. Recommendation of the Third Committee

13. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

#### **Countering the use of information and communications technologies for criminal purposes**

*The General Assembly,*

*Noting* that information and communications technologies, while having enormous potential for the development of States, create new opportunities for perpetrators and may contribute to a rise in the levels and complexity of crime,

*Noting also* the potential risk of the misuse of emerging technologies, including artificial intelligence, while recognizing their potential in preventing and combating the use of information and communications technologies for criminal purposes,

*Concerned* by the increase in the rate and diversity of crimes committed in the digital world and their impact on the stability of critical infrastructure of States and enterprises and on the well-being of individuals,

*Recognizing* that diverse criminals, including traffickers in persons, are taking advantage of information and communications technologies to carry out criminal activities,

*Stressing* the need to enhance coordination and cooperation among States in combating the use of information and communications technologies for criminal purposes, including by providing technical assistance to developing countries, upon their request, to improve national legislation and frameworks and build the capacity of national authorities to deal with such use in all its forms, including its prevention, detection, investigation and prosecution, and emphasizing in this context the role that the United Nations, in particular the Commission on Crime Prevention and Criminal Justice, plays,

*Recalling* Commission on Crime Prevention and Criminal Justice resolution 22/8 of 26 April 2013,<sup>1</sup> in which the Commission welcomed the efforts of the United Nations Office on Drugs and Crime in fulfilling its mandate to provide technical assistance and capacity-building on cybercrime,

*Noting* the work carried out by the Commission on Crime Prevention and Criminal Justice under the auspices of an open-ended intergovernmental expert group which was established to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector,

*Recalling* its resolution 65/230 of 21 December 2010, in which the General Assembly endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,

*Recalling also* 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

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<sup>1</sup> See *Official Records of the Economic and Social Council, 2013, Supplement No. 10 (E/2013/30)*, chap. I, sect. D.

Levels, and Public Participation,<sup>2</sup> adopted at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015,

*Noting* the discussions held during the first to fifth meetings of the open-ended intergovernmental expert group, held in Vienna from 17 to 21 January 2011, 25 to 28 February 2013, 10 to 13 April 2017, 3 to 5 April 2018 and 27 to 29 March 2019, reaffirming the importance of the study and the need to further enhance international discussion on and cooperation against cybercrime,

*Noting also* the importance of the international and regional instruments in the fight against cybercrime and the ongoing efforts to examine options to strengthen existing and propose new national and international legal or other responses to the use of information and communications technologies for criminal purposes,

*Recalling* its resolutions [53/70](#) of 4 December 1998, [54/49](#) of 1 December 1999, [55/28](#) of 20 November 2000, [56/19](#) of 29 November 2001, [57/53](#) of 22 November 2002, [58/32](#) of 8 December 2003, [59/61](#) of 3 December 2004, [60/45](#) of 8 December 2005, [61/54](#) of 6 December 2006, [62/17](#) of 5 December 2007, [63/37](#) of 2 December 2008, [64/25](#) of 2 December 2009, [65/41](#) of 8 December 2010, [66/24](#) of 2 December 2011, [66/181](#) of 19 December 2011, [67/27](#) of 3 December 2012, [68/193](#) of 18 December 2013, [68/243](#) of 27 December 2013, [69/28](#) of 2 December 2014, [70/237](#) of 23 December 2015, [71/28](#) of 5 December 2016, [72/196](#) of 19 December 2017, [73/27](#) of 5 December 2018 and [73/187](#) of 17 December 2018,

*Recalling also* the reports of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security,<sup>3</sup> which is of the view that States should consider how best to cooperate to prosecute the criminal use of information and communication technologies,

*Taking note* of Commission on Crime Prevention and Criminal Justice resolution 26/4 of 26 May 2017,<sup>4</sup> in which the Commission expressed appreciation for the work done by the Expert Group to Conduct a Comprehensive Study on Cybercrime and requested the Expert Group to continue its work, with a view to examining options to strengthen existing responses and propose new national and international legal or other responses to cybercrime, and in this regard reaffirming the role of the United Nations Office on Drugs and Crime,

*Taking note also* of Economic and Social Council resolution [2019/19](#) of 23 July 2019, entitled “Promoting technical assistance and capacity-building to strengthen national measures and international cooperation to combat cybercrime, including information-sharing”, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice,

*Recognizing* the role of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime as an important platform for exchanging information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing responses and to proposing new national and international legal or other responses to cybercrime,

*Reaffirming* the importance of respect for human rights and fundamental freedoms in the use of information and communications technologies,

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<sup>2</sup> Resolution [70/174](#), annex.

<sup>3</sup> [A/65/201](#), [A/68/98](#) and [A/70/174](#).

<sup>4</sup> See *Official Records of the Economic and Social Council, 2017, Supplement No. 10 (E/2017/30)*, chap. I, sect. D.

1. *Takes note* of the report of the Secretary-General,<sup>5</sup> which was prepared pursuant to resolution [73/187](#);
2. *Decides* 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 of Cybercrime;
3. *Also decides* that the ad hoc committee shall convene a three-day organizational session in August 2020, in New York, in order to agree on an outline and modalities for its further activities, to be submitted to the General Assembly at its seventy-fifth session for its consideration and approval;
4. *Requests* the Secretary General to allocate the necessary resources in order to organize and support the work of the ad hoc committee within the United Nations programme budget;
5. *Invites* donor countries to provide assistance to the United Nations in ensuring the active engagement of developing countries in the work of the ad hoc committee, including by covering travel costs and accommodation expenses;
6. *Decides* to examine the question at its seventy-fifth session under the item entitled “Countering the use of information and communications technologies for criminal purposes”.

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<sup>5</sup> [A/74/130](#).