



General Assembly

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

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

Background paper prepared by the Secretariat

I. Introduction

1. In its resolution [74/247](#) of 27 December 2019, entitled “Countering the use of information and communications technologies for criminal purposes”, the General Assembly 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.
2. In the same resolution, the General Assembly also decided that the Ad Hoc Committee should 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 Assembly at its seventy-fifth session for its consideration and approval.
3. The present background paper was prepared by the secretariat pursuant to the mandates granted to the Ad Hoc Committee through resolution [74/247](#), with a view to facilitating discussions at its organizational session on the structure of its future work towards fulfilling its mandate. It sets out proposed elements of an outline for the further activities of the Ad Hoc Committee and an overview of the organization of the elaboration process.¹

¹ As the Ad Hoc Committee is a subsidiary body of the General Assembly, the rules of procedure of the Assembly will apply.



4. In preparing the background paper, the secretariat took the following factors into account:

(a) Experience relating to the organization of the negotiation processes for the United Nations Convention against Transnational Organized Crime and the Protocols thereto,² and for the United Nations Convention against Corruption;³

(b) The organization of the multi-year workplan of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime;

(c) The availability of conference management resources in the coming years, which was also an important factor in proposing the structure of the further activities of the Ad Hoc Committee.

II. Proposed outline for the further activities of the Ad Hoc Committee

5. In accordance with resolution 74/247, the Ad Hoc Committee is mandated to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes. In order to fulfil its mandate, the Committee may consider holding eight sessions in Vienna, from August 2021 to the end of June 2024, to elaborate and approve the convention for submission, through a draft resolution, to the General Assembly for consideration and adoption at its seventy-ninth session, to be held in 2024.

6. Pursuant to resolution 74/247, during the negotiation process, the Ad Hoc Committee will take 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. For this purpose, the secretariat will prepare, if requested by the Committee, a background paper on existing international legal instruments, recommendations and other documents addressing the use of information and communications technologies for criminal purposes, with a view to facilitating the elaboration process.

III. Proposed modalities for the further activities of the Ad Hoc Committee

7. The present section offers some proposed elements with regard to the structure of the further activities of the Ad Hoc Committee, including a workable and flexible indicative schedule for the sessions of the Committee, to be held in Vienna in 2021, 2022, 2023 and 2024.

² The meeting documents of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime are available at www.unodc.org/unodc/en/treaties/CTOC/background/adhoc-committee.html.

³ The meeting documents of the Ad Hoc Committee on the Negotiation of a Convention against Corruption are available at www.unodc.org/unodc/en/treaties/CAC/background/adhoc-committee.html.

8. The proposed tentative timetable for and tasks to be carried out at the sessions of the Ad Hoc Committee to be held in 2021, 2022, 2023 and 2024 are set out in the table below:⁴

<i>Session</i>	<i>Dates</i>	<i>Tasks</i>
2021		
First session	2–13 August	Discuss and agree on matters pertaining to the outline and structure of the convention
2022		
Second session	One week, between 21 February and 4 March	Discuss and agree on the text of the zero draft convention on the basis of the proposals and contributions submitted by Member States after the first session of the Committee. The text will form the basis for the further work that the Committee will undertake at its subsequent sessions
Third session	22 August–2 September	Continue to elaborate in detail the text of the draft convention as part of a gradual approach
Fourth session	12–23 December	Continue to elaborate in detail the text of the draft convention as part of a gradual approach
2023		
Fifth session	Two weeks in April*	Continue to elaborate in detail the text of the draft convention as part of a gradual approach
Sixth session	Two weeks from late August to early September	Continue to elaborate in detail the text of the draft convention. At this stage, the Committee may consider requesting all regional groups to appoint representatives to form a group that will be tasked, at the seventh session of the Committee, with ensuring the consistency of the text in all the official languages of the United Nations
Seventh session	Two weeks in December	Continue to elaborate in detail the text of the draft convention as part of a gradual approach
2024		
Eighth session	Two weeks before the end of June	Finalize and approve the draft text of the convention, and discuss and approve a draft resolution, to which the text of the draft convention will be annexed, for consideration and adoption by the General Assembly at its seventy-ninth session, in 2024

* Due to working procedure, Conference Management Services of the United Nations Office at Vienna is not in a position to provide specific dates for the sessions in 2023 and 2024. Consultations on the tentative dates will be conducted by the secretariat, and Member States will be updated in due course.

9. If mandated by the Committee, the secretariat will prepare, for the first session of the Committee and on the basis of the proposals and contributions received from Member States, a consolidated background document containing the outline and structure of the convention. For the second session, the secretariat will consolidate a zero draft of the convention on the basis of the proposals and contributions made by Member States, to be considered and agreed on by the Committee for further elaboration. For each of the following sessions, the secretariat will prepare a revised text of the draft convention on the basis of the proposals and contributions submitted

⁴ The proposed tentative timetable was prepared on the basis of the advice of the Conference Management Service of the United Nations Office at Vienna regarding available meeting resources, the feasibility of holding the meetings and the intervals at which meetings are feasible in view of the requirements for preparing, editing and translating parliamentary documents.

by Member States and the outcome of the previous session. The collection of proposals and contributions received from Member States before each session will be without prejudice to the right of all delegations to submit proposals as they deem appropriate and opportune during the negotiation process for consideration and further action by the Committee.

10. In accordance with rule 103 of the rules of procedure of the General Assembly, the Committee shall elect its officers, comprising one Chair, 13 Vice-Chairs and one Rapporteur, on the basis of equitable geographical distribution, experience and personal competence. As was the case for the elaboration of the Organized Crime Convention and the Convention against Corruption, the Committee may consider retaining the officers elected for the organizational session to serve as officers for its subsequent sessions, until it finalizes and approves the draft convention for consideration and adoption by the General Assembly at its seventy-ninth session, in 2024.

11. In addition to meeting at the formal sessions of the Ad Hoc Committee, Member States may meet and consult informally under the guidance of the officers of the Committee in their efforts to reach consensus on matters related to the elaboration of the convention. Considerable importance should be attached to ensuring the transparency of the negotiation process and the maximum participation of States.

12. The Ad Hoc Committee may consider, during the course of the elaboration of the convention, inviting Member States to consider arranging a high-level political conference for the signature of the convention.

13. The Ad Hoc Committee may wish to urge Member States to be fully involved in the elaboration of the convention and to endeavour to ensure continuity in their representation. In this regard, the Committee may consider reiterating the invitation contained in resolution [74/247](#) to donor countries to provide assistance to the United Nations in ensuring the active engagement of developing countries in the work of the Committee, including by covering travel costs and accommodation expenses.

14. During the elaboration process, the Ad Hoc Committee may consider taking into account the contributions of intergovernmental organizations, non-governmental organizations, civil society and the private sector, in accordance with the rules of procedure of the General Assembly and following the practice established by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and the Ad Hoc Committee for the Negotiation of a Convention against Corruption.⁵

15. The Committee may also consider reiterating the request contained in resolution [74/247](#) for the Secretary-General to allocate the necessary resources in order to organize and support the work of the Committee within the United Nations programme budget.

16. The Ad Hoc Committee may consider submitting progress reports on its work to the General Assembly at its seventy-sixth, seventy-seventh, seventy-eighth and seventy-ninth sessions, to be held in 2021, 2022, 2023 and 2024, respectively.

⁵ The practice of the Ad Hoc Committee for the Negotiation of a Convention against Corruption in this regard can be found in paragraphs 23 to 27 of its report on the work of its first to seventh sessions (A/58/422).