



# Economic and Social Council

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## Commission on Crime Prevention and Criminal Justice

### Twenty-eighth session

Vienna, 20–24 May 2019

Item 8 of the provisional agenda\*

### World crime trends and emerging issues and responses in the field of crime prevention and criminal justice

#### Austria, Canada and Colombia: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following draft resolution for adoption by the General Assembly:

### Promoting technical assistance and capacity-building to strengthen national measures and international cooperation to combat cybercrime

*The General Assembly,*

*Recalling* its resolution [65/230](#) of 21 December 2010, in which it endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, and requested the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 42 of that Declaration, an open-ended intergovernmental expert group 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,

*Reaffirming* its resolutions [46/152](#) of 18 December 1991, [60/1](#) of 16 September 2005, [67/1](#) of 24 September 2012, [69/193](#) and [69/196](#) of 18 December 2014, [70/178](#) and [70/182](#) of 17 December 2015, [71/209](#) of 19 December 2016 and [72/196](#) of 19 December 2017,

*Recalling* its resolution [70/174](#) of 17 December 2015, in which it endorsed 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, in which Heads of State and Government noted the activities of the

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\* [E/CN.15/2019/1](#).



open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector 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,

*Welcoming* Commission on Crime Prevention and Criminal Justice resolution 26/4 of 26 May 2017, in which the Commission decided that the Expert Group to Conduct a Comprehensive Study on Cybercrime would dedicate its future meetings to examining, in a structured manner, each of the main issues dealt with in the draft comprehensive study on cybercrime prepared by the United Nations Office on Drugs and Crime under the auspices of the Expert Group, encouraged the Expert Group to develop possible conclusions and recommendations for submission to the Commission and requested the Office to periodically collect information on new developments, progress made and best practices identified,

*Reaffirming* its resolution 73/186 of 17 December 2018, in which, inter alia, it noted with appreciation the fourth meeting of the Expert Group to Conduct a Comprehensive Study on Cybercrime and called upon Member States to support the workplan of the Expert Group,

*Recalling* its resolution 73/187 of 17 December 2018, in which, noting the work carried out by the Commission on Crime Prevention and Criminal Justice, under the auspices of which the Expert Group to Conduct a Comprehensive Study on Cybercrime had been established to counter the use of information and communications technologies for criminal purposes, it requested the Secretary-General to seek the views of Member States on the challenges that they faced in countering the use of information and communications technologies for criminal purposes and to present a report based on those views for its consideration at its seventy-fourth session,

*Noting with appreciation* the work done thus far by the Expert Group to Conduct a Comprehensive Study on Cybercrime and its focus on substantive discussions among practitioners, policymakers and experts from Member States, including on exchanging information on good practices, challenges and other relevant experiences in combating cybercrime,

*Highlighting* the utility of the United Nations Convention against Transnational Organized Crime<sup>1</sup> in strengthening international cooperation for the prevention, investigation and prosecution of cybercrime in cases where the offence is transnational in nature and involves an organized criminal group,

*Conscious* of the challenges faced by States, in particular developing countries, in combating cybercrime, and emphasizing the need to reinforce technical assistance and capacity-building activities, based on national needs, for the prevention, prosecution and punishment of the use of information technologies for criminal purposes,

*Looking forward* to the discussions that will be held during the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice on new and emerging forms of crime and on the potential for the rapidly evolving telecommunications environment, including the expansion of the Internet of things, the adoption of blockchain technologies and cryptocurrencies and the use of artificial intelligence in conjunction with machine learning to improve expert systems and decision-making, to create challenges for law enforcement authorities due to their criminal misuse while at the same time creating opportunities for the modernization and improvement of criminal justice systems,

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<sup>1</sup> United Nations, *Treaty Series*, vol. 2225, No. 39574.

*Welcoming* the efforts of the United Nations Office on Drugs and Crime in advancing the implementation of the Global Programme on Cybercrime for the purpose of fulfilling its mandate to provide technical assistance and capacity-building on cybercrime,

1. *Welcomes with appreciation* the outcome of the fifth meeting of the Expert Group to Conduct a Comprehensive Study on Cybercrime, held in Vienna from 27 to 29 March 2019;

2. *Notes* that, as the expert body on cybercrime in the United Nations, the Expert Group is to continue its work with a view to submitting a consolidated list of adopted conclusions and recommendations to the Commission on Crime Prevention and Criminal Justice at its thirtieth session, pursuant to its mandates under General Assembly resolution 65/230 and Commission on Crime Prevention and Criminal Justice resolution 26/4;

3. *Highlights* that the Expert Group will dedicate its next meeting to international cooperation and prevention, bearing in mind the discussions on those issues in the draft comprehensive study on cybercrime, comments received by Member States and recent developments at the national and international levels;

4. *Urges* Member States to develop and implement procedural powers to ensure that cybercrime and crimes involving electronic evidence can be effectively investigated and prosecuted at the national level and that effective international cooperation can be obtained in multinational cases, bearing in mind the need for appropriate limits and safeguards, such as oversight mechanisms, to balance law enforcement interests and privacy and human rights concerns;

5. *Also urges* Member States to ensure that law enforcement officers, prosecutors and judges are trained in cybercrime law, evidence collection and information technology skills and are sufficiently equipped to be able to play their respective roles in responding effectively and expeditiously to the challenges created by new technologies, including in transnational cases;

6. *Further urges* Member States to endeavour to provide long-term technical assistance and capacity-building to strengthen the ability of national authorities to deal with cybercrime, in a manner respectful of human rights;

7. *Reaffirms* the role of the United Nations Office on Drugs and Crime, pursuant to Commission on Crime Prevention and Criminal Justice resolution 22/8 of 26 April 2013, as a central repository of cybercrime laws and lessons learned with a view to facilitating the continued assessment of needs and criminal justice capabilities and the delivery and coordination of technical assistance;

8. *Requests* the United Nations Office on Drugs and Crime to continue to periodically collect information on new criminal phenomena in the areas of cybercrime and electronic evidence, including the expansion of the Internet of things, the adoption of blockchain technologies and cryptocurrencies and the use of artificial intelligence in conjunction with machine learning to improve expert systems and decision-making, as well as information on new national developments to advance legislative frameworks and address technological challenges, progress made and best practices identified, and to continue reporting that information to the Expert Group and the Commission on Crime Prevention and Criminal Justice;

9. *Invites* 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 and in collaboration with international organizations such as the Council of Europe, 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. *Requests* the United Nations Office on Drugs and Crime, upon request and consistent with paragraph 41 of the Salvador Declaration on Comprehensive

Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,<sup>2</sup> to continue to provide, on the basis of national needs, technical assistance, capacity-building and training to Member States through the Global Programme on Cybercrime in relation to the prevention, detection, investigation and prosecution of cybercrime in all its forms, in cooperation with other Member States, relevant international and regional organizations, the private sector and civil society, and to provide such assistance in an integrated way and with a long-term perspective, bearing in mind the need to strengthen partnerships in this regard;

11. *Invites* Member States to pursue cooperation with industry and civil society in developing solutions to the challenges created by new technologies, taking into account the need to increase transparency and accountability when doing so;

12. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

13. *Requests* the Executive Director to submit a report to the Commission at its twenty-ninth session on the implementation of the present resolution and on the work of the Global Programme on Cybercrime.

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<sup>2</sup> General Assembly resolution [65/230](#), annex.