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Expert Group to Conduct a Comprehensive Study on Cybercrime

Vienna, 27–29 March 2019

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 dates for the fifth meeting of the Expert Group were decided by the extended Bureau at its meeting on 2 November 2018. The provisional agenda for the fifth meeting was agreed upon by the extended Bureau at the same meeting.

II. List of preliminary recommendations and conclusions

9. In line with the Chair’s proposal for the 2018–2021 workplan of the Expert Group (UNODC/CCPCJ/EG.4/2018/CRP.1) at the meetings of the Expert Group in 2019 and 2020, the Rapporteur, with the necessary assistance of the Secretariat and based on the discussions and deliberations, will prepare a list of preliminary conclusions and recommendations suggested by Member States, which should be precise and focus on strengthening practical responses to cybercrime. Pursuant to the workplan, the list is included in the summary report of the meeting as a compilation of suggestions made by Member States, for further discussion at the stock-taking meeting not later than 2021. 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

A. Law enforcement and investigations

10. At its 1st and [2nd...] meetings, on 27 [and 28...] March 2019, the Expert Group considered agenda item 2, entitled “Law enforcement and investigations”.

11. The discussion was facilitated by the following panellists: Mr. Shenkuo Wu (China); Ms. Ioana Albani (Romania); Mr. Martin Gershanik (Argentina); Mr. Pedro Verdelho (Portugal); and Mr. Anton Kurdyukov (Russian Federation).

B. Electronic evidence and criminal justice

12. At its [...] meetings, on 28 [and...] March 2019, the Expert Group considered agenda item 3, entitled “Electronic evidence and criminal justice”.

C. Other matters

13. At its [...] meeting, on 29 March 2019, the Expert Group considered agenda item 4, entitled “Other matters”.

IV. Organization of the meeting

A. Opening of the meeting

14. The meeting was opened by André Rypl (Brazil), Vice-President of the Expert Group, in his role as Chair of the fifth meeting of the Expert Group.

B. Statements

15. Statements were made by experts from the following Member States: Argentina, Australia, Belarus, Brazil, Ecuador, Iran (Islamic Republic of), Niger, Nigeria, Peru, Russian Federation, Serbia, South Africa, United Kingdom, United States of America.[...]

C. Adoption of the agenda and other organizational matters

16. At its 1st meeting, on 27 March 2019, the Expert Group adopted the following provisional agenda:

1. Organizational matters:
 - (a) Opening of the meeting;
 - (b) Adoption of the agenda.
2. Law enforcement and investigations.
3. Electronic evidence and criminal justice.
4. Other matters.
5. Adoption of the report.

D. Attendance

17. The meeting was attended by representatives of 98 Member States, , an institute of the United Nations crime prevention and criminal justice programme network, intergovernmental organizations and the private sector.

18. A provisional list of participants was circulated at the meeting ([UNODC/CCPCJ/EG.4/2019/INF/1](#)).

E. Documentation

19. The Expert Group had before it, in addition to the draft comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, the following documents:

(a) Annotated provisional agenda ([UNODC/CCPCJ/EG.4/2019/1](#));

(b) Proposal by the Chair for the 2018–2021 workplan of the Expert Group, based on Commission on Crime Prevention and Criminal Justice resolution 26/4 ([UNODC/CCPCJ/EG.4/2018/CRP.1](#)).

V. Adoption of the report

20. At its 6th meeting, on 29 March 2019, the Expert Group adopted its report ([UNODC/CCPCJ/EG.4/2019/L.1](#)).
