**Proposed outline and modalities for the further activities of**

**the open-ended ad hoc intergovernmental 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. The General Assembly decided, in its resolution [74/247](https://undocs.org/en/A/RES/74/247) of 27 December 2019 entitled “Countering the use of information and communications technologies for criminal purposes”, 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. The General Assembly further decided in the same resolution 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.
3. The present background paper was prepared by the Secretariat pursuant to the mandates granted to the Ad Hoc Committee through the above-mentioned resolution with a view to facilitating discussions, during its organizational session, on the structure of its future work towards fulfilling its mandate. It presents some proposed elements of an outline of the further activities of the Ad Hoc Committee and an overview of the organization of the elaboration process[[1]](#footnote-1).
4. In preparing the background paper, the Secretariat has taken the following into account.
   1. Experience relating to the organization of the negotiation processes of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[[2]](#footnote-2); and of the United Nations Convention against Corruption[[3]](#footnote-3).
   2. The organization of the [multi-year plan](https://www.unodc.org/documents/organized-crime/cybercrime/cybercrime-april-2018/V1800915.pdf) of work of the open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime.
   3. The availability of conference management resources in the coming years was also an important factor in proposing the structure of the further activities of the Ad Hoc Committee.

**II. Proposed outline of the further activities of**

**the Ad Hoc Committee**

1. In accordance with resolution 74/247, the task of the Ad Hoc Committee is 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 Ad Hoc Committee may consider holding eight sessions in Vienna, Austria, from August 2021 to the end of June 2024 to elaborate and approve the convention for submission via a draft resolution to the General Assembly for consideration and adoption, at its seventy-ninth session in 2024.
2. 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 by the Ad Hoc Committee.

**III. Proposed modalities of the further activities of**

**the Ad Hoc Committee**

1. This section offers some proposed elements for the structure of the further activities of the ad hoc committee, including a workable and flexible indicative schedule for the meetings of the Committee to be held in Vienna, Austria in 2021, 2022, 2023 and 2024.
2. The proposed tentative timetable and tasks of the sessions of the Ad Hoc Committee to be held in 2021, 2022, 2023 and 2024 is as follows[[4]](#footnote-4):

**2021**

|  |  |  |
| --- | --- | --- |
| Meeting | Dates | Tasks |
| First session of the Committee | 2-13 August | Discuss and agree on the matters pertaining to the outline and structure of the convention. |

**2022**

|  |  |  |
| --- | --- | --- |
| Meeting | Dates | Tasks |
| Second session of the Committee | One week from 21 February-4 March | Discuss and agree on the text of the zero draft convention based on the proposals and contributions submitted by Member States after the first session of the Committee. The text would be the basis for the further elaboration work that the Committee would undertake at its subsequent sessions. |
| Third session of the Committee | 22 August–2 September | Continue to elaborate in detail the text of the draft convention in a gradual approach. |
| Fourth session of the Committee | 12-23 December | Continue to elaborate in detail the text of the draft convention in a gradual approach. |

**2023**

|  |  |  |
| --- | --- | --- |
| Meeting | Dates | Tasks |
| Fifth session of the Committee | Two weeks in April[[5]](#footnote-5) | Continue to elaborate in detail the text of the draft convention in a gradual approach. |
| Sixth session of the Committee | 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, to ensure consistency of the text in all official languages of the United Nations. |
| Seventh session of the Committee | Two weeks in December | Continue to elaborate in detail the text of the draft convention in a gradual approach. |

**2024**

|  |  |  |
| --- | --- | --- |
| Meeting | Dates | Tasks |
| Eighth session of the Committee | 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. |

1. If mandated by the Committee, the Secretariat would prepare, for the first session of the Committee, a background consolidated document containing the outline and structure of the convention, based on the proposals and contributions received from Member States. For the second session, the Secretariat will consolidate a zero draft of the convention based on the proposals and contributions made by Member States for the meeting to consider and adopt for further elaboration. For each of the following sessions, the Secretariat would prepare a revised text of the draft convention based on the proposals and contributions submitted by Member States and the outcome of the previous session of the Committee. The collection of proposals and contributions from Member States before each session would 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 action by the Committee.
2. In accordance with Rule 103 of the Rules of procedure of the General Assembly, the Committee shall elect its officers of one Chairperson, 13 Vice-Chairpersons 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 also 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.
3. In addition to the formal meetings of the Ad Hoc Committee, it would remain the prerogative of Member States to meet and consult informally under the guidance of the officers of the Committee in their efforts to reach consensus on matters related to the preparation of the convention. Considerable importance should be attached to ensuring the transparency of the negotiation process and the maximum participation of States.
4. The Ad Hoc Committee may consider, during the course of the elaboration of the convention, inviting Member States to consider the arrangement of a high-level political signing conference for the convention.
5. The 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 Ad Hoc Committee, including by covering travel costs and accommodation expenses.
6. 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 General Assembly and following the practice established by the Ad Hoc Committees on the Elaboration of a Convention against Transnational Organized Crime and the Ad Hoc Committee for the Negotiation of a Convention against Corruption[[6]](#footnote-6).
7. 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.
8. The Ad Hoc Committee may consider submitting progress reports on its work to the General Assembly at its seventy-sixth, seventy-seventh and seventy-eighth and seventy-ninth sessions, in 2021, 2022, 2023 and 2024 respectively.

1. As the Ad Hoc Committee is a subsidiary body of the General Assembly, the Rules of procedure of the General Assembly will apply. [↑](#footnote-ref-1)
2. For the meeting documents of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, please click [here](https://www.unodc.org/unodc/en/treaties/CTOC/background/adhoc-committee.html). [↑](#footnote-ref-2)
3. For the meeting documents of the Ad Hoc Committee on the Negotiation of a Convention against Corruption, please click [here](https://www.unodc.org/unodc/en/treaties/CAC/background/adhoc-committee.html). [↑](#footnote-ref-3)
4. The proposed tentative timetable was prepared based on the advice of the Conference Management Service of UNOV/UNODC regarding the available meeting resources, feasibility of holding the meetings and meeting interval required by the preparing, editing and translation of parliamentary documents. [↑](#footnote-ref-4)
5. Due to working procedure, Conference Management Services of UNOV/UNODC is not at the position to provide specific dates for the sessions in 2023 and 2024.The consultation on the tentative specific dates will be kept within the Secretariat and Member States will be updated in due courses. [↑](#footnote-ref-5)
6. 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 in its [report on the work of its first to seventh session](https://www.unodc.org/pdf/crime/convention_corruption/session_7/422e.pdf). [↑](#footnote-ref-6)