Co-Facilitators Report
Informal Group A – Criminalization Clusters 3, 4 and 6
Delivered at
The Fourth Session of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes
20 January 2023, Vienna

At the direction of the Chair of the Ad Hoc Committee (AHC), the co-facilitators, Ms. Briony Daley Whitworth (Australia) and Ms. Platima Atthakor (Thailand) convened informal negotiations of Member States to make progress on five provisions of the Chair’s Consolidated Negotiating Document (CND): Article 15 Violation of personal information, Article 16 Identity-related offences, Article 17 Infringement of copyright, Article 22 Involvement of minors in the commission of illegal acts and Article 23 Encouragement of or coercion to suicide.

Informal meetings were convened in hybrid format at 1.30 pm – 2.45 pm during the lunch intermission on Thursday, 12 January 2023; Monday, 16 January 2023; and Tuesday, 17 January 2023.

In addition, on Friday, 13 January 2023 at 6.15 – 6.45 pm, the co-facilitators met online with multi-stakeholders accredited to the AHC who provided their views on the articles under consideration.

During the informal sessions of Group A, the co-facilitators invited Member States to provide views and comments to the articles under consideration, provide concrete textual proposals/revisions and rationale to improve the text of the articles in a way that might garner consensus, as well as to comment on any of the proposals put forward. Those textual proposals and positions are reflected in the working document of Group A which will be attached to this report to be published on the website of the Ad Hoc Committee.

Member States expressed diverse views on the articles under consideration. Some Member States called for deletion of particular articles or clusters. Some States expressed support for particular articles to be included in the convention. Some States proposed alternative wording for particular articles or paragraphs.

After three informal sessions, the positions of Member States currently remain considerably divergent. However, the co-facilitators noted with appreciation the constructive and conciliatory approach of Member States to the informal discussion of the articles under consideration.

In light of the overall positive participation of Member States during the sessions, the co-facilitators are of the view that with further work and discussion, there could be an opportunity to deliver progress on some of the articles.

The co-facilitators of Group A will thus continue to work on these articles after the Fourth Session of the Ad Hoc Committee.
Specifically, the co-facilitators will hold further informal bilateral consultations during the intersessional period (that is, before the Fifth Session of the AHC) with interested Member States who have made textual proposals, as well as with any other interested Member States. These informal bilateral consultations will be held virtually (online) only, and will need to take into consideration the time zones of the co-facilitators (who are based in Australia and Thailand).

The co-facilitators will bring the discussions from the informal bilateral consultations, together with the proposals and comments made during the informal sessions at the Fourth Session, back to work on alternate texts. These alternative texts will be the co-facilitators’ proposals to be submitted for consideration by Member States at the informal sessions of Group A to be held at the Fifth Session of the AHC. The co-facilitators’ alternative proposals would have no formal status.

The co-facilitators submit the proposed next steps to the Chair and the Ad Hoc Committee for consideration and approval, and look forward to all parties’ continued cooperation and active participation.

Thank you, Madame Chair.