

**Fifth intersessional consultation**  
**with multi-stakeholders of the Ad Hoc Committee (20-21 June 2023)**

**Concept note and guiding questions**

The fifth and last intersessional consultation with multi-stakeholders of the Ad Hoc Committee will be held on 20 and 21 June 2023, in accordance with paragraph 10 of General Assembly [resolution 75/282](#) and the road map and mode of work of the Ad Hoc Committee (available [here](#)), adopted by the Committee at its first session. In accordance with the road map and mode of work, the fifth intersessional consultation will solicit inputs on the substantive topic to be discussed by the Committee at its sixth session to be held in New York from 29 August to 1 September 2023, that is, on the draft text of the convention.

In order to guide the provision of inputs and promote an interactive consultation aimed at drawing the attention of Member States to relevant issues under negotiation, the following questions organized by chapter have been prepared by the Chair to serve as the basis of discussions at the fifth intersessional consultation. With regard to specific issues on the various chapters of the draft text of the convention, stakeholders are invited to pose additional relevant questions to the other participants, present comments and explain the rationale of proposals as appropriate.

**General provisions**

1. What proposals would you make that could be helpful for Member States in addressing the terms to be used in the convention, and which could stand the test of time?
2. Do you have any suggestions on a way to bridge what is otherwise a binary choice between “cybercrime” and “use of information and communications technologies for criminal purposes”, and “information and communications technologies device” and “computer system”?
3. How would you propose that Member States address the protection of human rights across the provisions of the treaty, and ensure the efficiency and fairness in preventing and combatting the offences covered by the convention?
4. Considering the chapter on general provisions, what aspects, in your view, could be improved or clarified to provide a sound basis for the convention and to ensure that the future treaty would be aligned with the Charter of the United Nations?

**Criminalization**

5. Based on the criminalization of the offences related to the integrity, availability and confidentiality of [a computer system] [an information and communications technologies device], that is, “illegal access, “illegal interception”, “interference with [computer data] [digital information]”, “interference with [a computer system] [an information and communications technologies device]”, and “misuse of devices”, would, in your view, all relevant offences to effectively combat [cybercrime] [the use of information and communications technologies for criminal purposes] be covered? Do you have additional proposals regarding acts that Member States should consider criminalizing given the serious harm caused by them?

6. In your view, what would be the most appropriate way for the future convention to address traditional crimes facilitated or committed by means of [a computer system] [an information and communications technologies device]?
7. With regard to offences related to online child sexual abuse and child sexual exploitation material, what would be, in your view, arguments for and against a scope that would cover other forms of abuse and exploitation materials, such as those which may not be sexual in nature and contain scenes of torture or cruelty, inhumane or degrading treatment or punishment?
8. Regarding offences related to the non-consensual dissemination of intimate images, how could the convention take into consideration artificial intelligence computer-generated images and videos?
9. What suggestions would you have regarding the design or wording of criminalization provisions to effectively combat [cybercrime] [the use of information and communications technologies for criminal purposes] while ensuring respect for human rights?
10. What are your views on whether the convention should include aggravating circumstances, and in which instances should that be the case?

#### Procedural measures and law enforcement

11. What role could the private sector play in assisting Member States keep abreast of the evolution of information and communications technologies?
12. What role could the private sector play in supporting law enforcement agencies in preventing and combatting cybercrime?
13. What are your views on the relationship between the conditions and safeguards and the procedural measures under discussion by Member States?
14. What element could the convention include to enhance the protection of victims, and which role could multi-stakeholders play in this regard?

#### International cooperation

15. What advice would you provide to Member States on the scope of the different forms of international cooperation, including extradition, mutual legal assistance, and the collection of evidence in electronic form?
16. What advice would you provide to Member States regarding specific forms of mutual assistance under discussion by Member States, such as the expedited preservation of stored computer data, the expedited disclosure of preserved traffic data, as well as mutual legal assistance in the real-time collection of traffic data and in the interception of content information?
17. Which elements within the chapter on international cooperation should Member States be particularly mindful of, to provide for an effective instrument to prevent and combat [cybercrime] [the use of information and communications technologies for criminal purposes] and to ensure that the future treaty would be aligned with the Charter of the United Nations?
18. How could the future convention add value to existing treaties and protocols on transnational organized crime?

#### Preventive measures

19. What should be the main aspects of this chapter?

20. What preventive measures, in your view, would be particularly effective in preventing and combating [cybercrime] [the use of information and communications technologies for criminal purposes]?
21. In your view, what should be the role of the international organizations, non-governmental organizations, civil society organizations, academic institutions, and the private sector in supporting Member States to prevent the offences to be established in accordance with the convention, and how could that role be reflected in the future convention and ensure that it is taken into account in the implementation of the future convention?
22. What are your views in relation to States requesting that service providers take active preventive measures in relation to the offences covered by the future convention?

#### Technical assistance

23. What would, in your view, be the main aspects to be considered in the chapter on technical assistance, to leverage to the best possible extension the contributions of all stakeholders, including international organizations, non-governmental organizations, civil society organizations, academic institutions and the private sector?
24. How could the technical assistance provisions contribute to an environment that enables and fosters cooperation and in a manner that is beneficial to Member States, stakeholders, and the public at large?
25. What measures, in your view, should be taken by Member States, and be included in the future convention, to ensure that the provision of technical assistance is effective, impactful, and lead to a new theory of change, and based on the needs identified by recipients of such assistance?
26. How could the convention accommodate requests for the transfer of technology, aimed at enhancing the capacities of developing countries in combatting the offences covered in this convention?

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