

6 July 2022

English only

**Ad Hoc Committee to Elaborate a
Comprehensive International Convention
on Countering the Use of Information and
Communications Technologies for
Criminal Purposes**
Third session
New York, 29 August–9 September 2022

**Chair's Report of the Second Intersessional Consultation of
the Ad Hoc Committee to Elaborate a Comprehensive
International Convention on Countering the Use of
Information and Communications Technologies for
Criminal Purposes**

Note by the Secretariat

1. The present text was prepared by the Chair of the Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes. It contains the Chair's report of the Second Intersessional Consultation, held on 13 and 14 June 2022.
2. The Second Intersessional Consultation of the Ad Hoc Committee was held in accordance with paragraph 10 of General Assembly resolution [75/282](#), in which the General Assembly encouraged the Chair of the Ad Hoc Committee to host intersessional consultations to solicit inputs from a diverse range of stakeholders on the elaboration of the draft convention, the modalities of the participation of multi-stakeholders in the Ad Hoc Committee, contained in Annex II of the report of the session on organizational matters (available [here](#)), as well as the road map and mode of work for the Ad Hoc Committee contained in Annex II of the report of the first session of the Ad Hoc Committee (available [here](#)).
3. The Second Intersessional Consultation was held in English over four meetings in Vienna and online (the agenda is available [here](#)). It was attended by representatives of 102 multi-stakeholders: 6 from United Nations bodies, specialized agencies, funds and functional commissions of the Economic and Social Council, 5 from intergovernmental organizations, 34 from non-governmental organizations in consultative status with the Economic and Social Council and 58 from other non-governmental organizations, civil society, academic institutions and the private sector. The consultation was also attended by 76 Member States and non-member observer States.
4. The intersessional consultation was chaired by H.E. Ms. Faouzia Boumaiza Mebarki (Algeria), Chair of the Ad Hoc Committee, and Mr. Eric Do Val Lacerda Sogocio (Brazil), Vice-Chair of the Ad Hoc Committee.



5. A panel was held under agenda item 2, entitled “International Cooperation”, with presentations by Mr. Nemanja Malisevic, Director of Digital Diplomacy at Microsoft, Mr. Yvon Dandurand, Senior Associate at the International Centre for Criminal Law Reform and Criminal Justice Policy, Mr. Chris Gibson, Executive Director of the Forum for Incident Response and Security Teams (FIRST), Ms. Cleo Sgouropoulou, Vice-Rector of the University of West Attica and Mr. Craig McEwen, Chief Information Security Officer of AngloAmerican, on behalf of International Chamber of Commerce – United Kingdom of Great Britain and Northern Ireland.

6. The panellists addressed a variety of issues related to international cooperation in countering the use of information and communications technologies for criminal purposes for the consideration of the Ad Hoc Committee. The first panellist highlighted that effective international cooperation is essential for successful prosecutions. In this context, he also stressed the importance of relying on existing treaties that have proven effective in this field. Moreover, he noted that the convention should allow States to refuse cooperation on the basis of human rights considerations or political offence exceptions. The need for more transparency with regard to requests by governments for the collection, retention and sharing of data by the private sector was also mentioned. The second panellist addressed the complex, slow and disjointed nature of the current international cooperation regime. He also mentioned the importance of building meaningful relationships that increase trust and foster reciprocity between Member States to further strengthen international cooperation in criminal matters. The third panellist provided an overview of the challenges of replying to incidents of criminal use of information and communications technologies from the viewpoint of a computer emergency response team. He noted that the decision to refer information on an incident to law enforcement would often be dependent on the trust built between law enforcement and the specific incident response teams. The fourth panellist presented on the need for international cooperation to also regulate the uses of artificial intelligence. The last panellist provided an insight into the experience of a mining company facing incidents arising from the use of information and communications technologies for criminal purposes on a regular basis and reiterated the importance of fostering relationships and building trust between the public and private sector for a more effective response to fighting the criminal use of information and communications technologies.

7. Following the presentations, the Chair of the Ad Hoc Committee opened the floor for questions and statements by multi-stakeholders, Member States and non-member observer States. Many speakers stressed that the convention constituted an opportunity for legal harmonization, which is essential in the field of international cooperation on criminal matters, and should thus be built on related existing international instruments. Furthermore, many speakers emphasized the need for building trust, on the basis of transparency and reciprocity, for an effective cooperation between Member States. Several speakers mentioned that while law enforcement cooperation should be as effective as possible, due consideration should be given to human rights conditions and safeguards. In this context, some speakers highlighted the importance of transparency when governments requested data from the private sector, as well as the application of human rights conditions and safeguards to the different types of data requested. In addition, the need for having a legal basis for sharing data between the private and public sector was underscored. Many speakers also agreed that the provisions in the chapter on international cooperation should remain flexible to consider new developments in technology and that a way to ensure this flexibility could be addressed through a mechanism of implementation that helps the convention stand the test of time.

8. The discussion under agenda item 3, entitled “Technical Assistance”, was preceded by a panel with presentations by Ms. Pei Ling Lee, Head of Cyber Strategy and Outreach Unit from the International Criminal Police Organization (INTERPOL), Mr. John Ede, President of Ohaha Family Foundation, Mr. Szilard Pfeiffer, Security Engineer, and Mr. Gaus Rajnovic, Cyber Security Manager, both on behalf of

Cybersecurity Tech Accord, and Ms. Tima Soni, Director of the Cybersecurity Division at the United Nations International Computing Centre.

9. Before the panel, the Chair gave the floor to Ms. Renata Delgado-Schenk, Programme Officer at the Global Programme on Cybercrime of the United Nations Office on Drugs and Crime (UNODC), who briefed the meeting on the Programme's work, including on technical assistance and capacity-building, legal and policy framework support, as well as on prevention and international cooperation matters.

10. The first panellist focused on existing mechanisms for the provision of technical assistance at the regional and international levels. The effectiveness of regional threat assessments to inform capacity-building, as well as the involvement of the private sector in this field were highlighted. The second panellist, while underscoring the damages caused by the use of information and communications technologies for criminal purposes, stressed that developed countries should provide capacity-building assistance to developing countries. The two subsequent panellists mentioned that the convention would provide the opportunity to strengthen the role of the private sector, both as a giver and receiver of technical assistance, given that this sector is largely affected by the use of information and communications technologies for criminal purposes. The last panellist explained, on the basis of the work of the United Nations International Computing Centre, how technical assistance in this field could be conducted, including by running phishing tests and information-sharing.

11. Following the presentations, the Chair of the Ad Hoc Committee opened the floor for questions and statements on agenda item 3. An overarching topic of the exchange of views under this agenda item was the prospect of the new convention adding value to existing technical assistance and capacity-building initiatives. Beyond existing measures, such as awareness-raising and education, which could be strengthened, speakers also underscored the role that the convention could play in filling technical assistance gaps. The use of secondments between the private and public sector was noted as a novel technical assistance measure. Furthermore, the need for trainings on investigating within the darkweb received strong support due to the high possibility of abuse in this environment. Moreover, speakers agreed that the duplication of efforts on the provision of technical assistance should be avoided at all costs.

12. Under agenda item 4, entitled "Preventive Measures", a panel was held with presentations by Ms. Timea Suto, Global Digital Policy Lead at the International Chamber of Commerce, Mr. José Cepeda García de Leon, senator from Spain and Vice-President of the Spanish delegation at the Inter-Parliamentary Union, and Mr. Wolfgang Schwabl, Chief Security Officer at A1 Telekom Austria AG.

13. The panellists discussed matters related to preventive measures in relation to the use of information and communications technologies for criminal purposes. The first panellist stressed that prevention efforts can reduce harm by neutralizing attacks, dismantling vulnerabilities and dissuading actors from criminal conduct, and thus should be a key element of the convention in addition to law enforcement measures. She also stressed the importance of harmonizing legislative approaches and fostering multi-stakeholder cooperation in preventing the criminal use of information and communications technologies. The second panellist focused on the need to include the perspective of national parliaments in the negotiations of the convention as they can often be the target of crimes committed by the misuse of information and communications technologies, while also having – through their legislative functions – a large potential to effectively contribute to its prevention. On preventive measures, he mentioned the use of early warning systems, and increasing the sharing of knowledge on criminal techniques, tactics and intentions. The last panellist presented the issue of prevention from the viewpoint of a telecommunication service provider. In particular, the speaker referred to security by default, which could be an effective cybercrime prevention tool to lower the level of attack entry points by criminal actors. Furthermore, he suggested that the regulation of security by default

measures would lead to enhanced prevention as it would even the playing field for entities developing technological products in the private sector.

14. Following the presentations, the Vice-Chair of the Ad Hoc Committee opened the floor for questions and statements by multi-stakeholders, Member States and non-member observer States. Some speakers mentioned the overlap of capacity-building measures with preventive measures, and the conducting of joint exercises among both public and private sector entities was given as an example of how to effectively contribute to both measures. With regard to awareness-raising and education as key preventive components, the meeting discussed the importance of educating both children and adults, as a way of preventing online child sexual abuse. Moreover, several speakers stated that preventive measures developed in the framework of the convention should not restrict human rights and fundamental freedoms. In addition, exploring the points of convergence between the public and private sectors for the prevention and fight of cybercrime was underscored. It was also noted that the private sector is not comprised only of large multinational enterprises, but also of a diverse range of smaller entities.

15. A panel was also held under agenda item 5, entitled “Mechanism of implementation”, with presentations by Mr. Severin Sindizera, Coordinator at the Association pour l’intégration et le développement durable au Burundi (AIDB) as well as Ms. Ingeborg Geyer, Treasurer, and Mr. Ian Tennant, Head of Vienna Multilateral Representation, at the Alliance of NGOs on Crime Prevention and Criminal Justice.

16. The first panellist highlighted that the convention should consider the viewpoint of civil society and indigenous peoples’ organizations when negotiating the characteristics of a mechanism of implementation. The second and third panellists presented various models of mechanisms of implementation of existing instruments, providing an overview of strengths and weaknesses for consideration in the negotiation of the convention. Moreover, the panellists stressed that a mechanism of implementation should be a key component of the convention, considered from its inception, rather than an afterthought. Having a convention with a mechanism that requires Member States to measure its impact, instead of a purely legalistic implementation, was recommended, as well as avoiding a bureaucratic, expensive and lengthy mechanism. The importance of the convention establishing a mechanism for implementation that considers existing processes was also highlighted in order to ensure synergies. Most importantly, the panellists stressed that an open and inclusive role for all civil society is of key importance to an effective implementation of the convention.

17. As with previous agenda items, the Vice-Chair of the Ad Hoc Committee opened the floor for questions and statements by multi-stakeholders, Member States and non-member observer States. Based on the discussions that ensued, several speakers underlined that lessons on the establishment of a more efficient mechanism for the convention could be drawn from existing mechanisms of implementation of other conventions addressing criminal matters. Nevertheless, speakers cautioned against reinventing the wheel when developing a mechanism for the implementation of the convention.

18. Lastly, the meeting considered the preamble and final provisions. Several speakers mentioned that the preamble is important as it sets the tone of the instrument, and that Member States will give due consideration to its drafting.

19. At its fourth meeting on 14 June 2022, the Second Intersessional Consultation of the Ad Hoc Committee was adjourned after all agenda items were considered.