

7 January 2020

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**Expert Group to Conduct a  
Comprehensive Study on Cybercrime**

Vienna, 6–8 April 2020

**Annotated provisional agenda****Provisional agenda**

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda.
2. International cooperation.
3. Prevention.
4. Other matters.
5. Adoption of the report.

**Annotations****1. Organizational matters****(a) Opening of the meeting**

The sixth meeting of the Expert Group to Conduct a Comprehensive Study on Cybercrime will be opened on Monday, 6 April 2020, at 10 a.m.

**(b) Adoption of the agenda**

In its resolution [65/230](#), the General Assembly endorsed the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,<sup>1</sup> and requested the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 42 of the Salvador Declaration, an open-ended intergovernmental expert group 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.

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<sup>1</sup> General Assembly resolution [65/230](#), annex.



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).

The second meeting of the Expert Group was held from 25 to 28 February 2013. At that meeting, the Expert Group took note of the draft 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 for consideration within a comprehensive study of the impact of and response to cybercrime and the methodology for that study, as adopted at the first meeting of the Expert Group. The report on the second meeting is contained in document [UNODC/CCPCJ/EG.4/2013/3](#).

In its resolution [22/7](#), the Commission on Crime Prevention and Criminal Justice took note of the draft comprehensive study on cybercrime prepared by UNODC under the auspices of the Expert Group and the discussion on its content at the second meeting of the Expert Group, at which diverse views had been expressed regarding the content, findings and options presented in the study, and requested the Expert Group, with the assistance of the Secretariat, as appropriate, to continue its work towards fulfilling its mandate.

Pursuant to Commission resolution [22/7](#), in 2015 and 2016 the Secretariat commissioned the translation of the draft comprehensive study on cybercrime into all six official languages of the United Nations<sup>2</sup> and disseminated it to Member States for their comments. The comments were reproduced as received on the website of UNODC.<sup>3</sup>

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, the international community and the private sector, and invited the Commission 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.

The third meeting of the Expert Group was held from 10 to 13 April 2017. At that meeting, the Expert Group considered, inter alia, the adoption of the summaries by the Rapporteur of deliberations at the first and second meetings of the Expert Group, the draft comprehensive study of the problem of cybercrime and comments thereto, and the way forward on the draft study, and exchanged information on national legislation, best practices, technical assistance and international cooperation. The report on the third meeting is contained in document [UNODC/CCPCJ/EG.4/2017/4](#).

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, and requested the Expert Group to continue to exchange information on national legislation, best practices, technical assistance and international cooperation,

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<sup>2</sup> Available at [www.unodc.org/unodc/en/cybercrime/egm-on-cybercrime.html](http://www.unodc.org/unodc/en/cybercrime/egm-on-cybercrime.html).

<sup>3</sup> Available at [www.unodc.org/unodc/en/organized-crime/comments-to-the-comprehensive-study-on-cybercrime.html](http://www.unodc.org/unodc/en/organized-crime/comments-to-the-comprehensive-study-on-cybercrime.html).

with a view to examining options to strengthen existing responses and to propose new national and international legal or other responses to cybercrime.

In the same resolution, the Commission decided that the Expert Group would dedicate its future meetings to examining, in a structured manner, each of the main issues dealt with in chapters 3 to 8 of the study (as listed below), without prejudice to other issues included in the mandate of the Expert Group, taking into account, as appropriate, contributions received pursuant to Commission resolution 22/7 and the deliberations of the previous meetings of the Expert Group:

Chapter 3 Legislation and frameworks

Chapter 4 Criminalization

Chapter 5 Law enforcement and investigations

Chapter 6 Electronic evidence and criminal justice

Chapter 7 International cooperation (including sovereignty, jurisdiction and international cooperation, formal international cooperation, informal international cooperation, and extraterritorial evidence)

Chapter 8 Prevention

The fourth meeting of the Expert Group was held from 3 to 5 April 2018. At that meeting, the Expert Group focused on legislation and frameworks and criminalization related to cybercrime. The legislative and policy developments to address cybercrime at the national and international levels were discussed. Different views were expressed in relation to whether a new universal or global legal instrument on cybercrime was needed within the framework of the United Nations. The Expert Group also discussed how cybersecurity and cybercrime were related and what the differences were between them. Moreover, the Expert Group discussed ways in which cybercrime was criminalized at the national level. Also at its fourth meeting, the Expert Group adopted the Chair's proposal for the workplan of the Expert Group for the period 2018–2021 (UNODC/CCPCJ/EG.4/2018/CRP.1). The report on the fourth meeting is contained in document [E/CN.15/2018/12](#).

The fifth meeting of the Expert Group was held from 27 to 29 March 2019. At that meeting, the Expert Group focused on law enforcement and investigations as well as electronic evidence and criminal justice. The Expert Group was informed about successful national efforts to implement legal and procedural measures to tackle cybercrime; develop and implement cybersecurity strategies and policies; enact and/or upgrade legislation on cybercrime; implement new investigative tools to gather electronic evidence and establish its authenticity for evidentiary purposes in criminal proceedings; and implement institutional arrangements for the more efficient use of resources to combat cybercrime. The need for appropriate procedural powers to obtain electronic evidence was highlighted, together with challenges arising from conflicts regarding territorial jurisdiction. The discussion also focused on how to strike a balance between the need for effective law enforcement responses to cybercrime and the protection of fundamental human rights, in particular the right to privacy. The Expert Group accorded priority to the need for sustainable capacity-building within national law enforcement and criminal justice systems as an important prerequisite for enhancing domestic capabilities and enabling the sharing of good investigative practices and experience and the dissemination of new techniques. The report on the fifth meeting is contained in document [UNODC/CCPCJ/EG.4/2019/2](#).

In its resolution [74/173](#) on promoting technical assistance and capacity-building to strengthen national measures and international cooperation to combat cybercrime, including information-sharing, the General Assembly acknowledged the importance of the work of 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 to propose new national and international legal or other responses to cybercrime. The Assembly noted with appreciation that the Expert Group would develop, in accordance with its

workplan for the period of 2018–2021, possible conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice. The Assembly recognized the Expert Group as an important platform for the exchange of 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. The Assembly requested UNODC to continue to periodically collect information on new developments, progress made and best practices identified and to periodically report that information to the Expert Group and the Commission on Crime Prevention and Criminal Justice, and invited the Expert Group to provide advice, on the basis of its work, to UNODC, including with regard to the Global Programme on Cybercrime, in order to assist, without prejudice to other issues included in the mandate of the Expert Group, in identifying high-priority capacity-building needs and effective responses, without prejudice to the status of the Commission as the governing body of the crime programme of the Office.

The dates for the sixth meeting of the Expert Group were decided by the extended Bureau via no-objection procedure on 11 November 2019. The provisional agenda for the sixth meeting was agreed upon by the extended Bureau via no-objection procedure on 18 December 2019, taking into account the structure of the workplan, as described above.

In accordance with the workplan of the Expert Group for the period 2018–2021, the Secretariat, before the sixth meeting, invited Member States to provide, in writing, comments, good practices, new information, national efforts and recommendations pertaining to agenda items 2 and 3 for compilation and dissemination, as received, on the pages of the UNODC website dedicated to the Expert Group. In the same context, the Secretariat also invited observers to provide relevant information.

The proposed organization of work for the sixth meeting (see annex) was prepared in accordance with the financial statement on Commission resolution 26/4 (E/CN.15/2017/CRP.5, annex VII) in order to enable the Expert Group to perform its mandated functions within the time and according to the conference services available to it. The resources available will permit the holding of six plenary meetings over the course of three days, with interpretation into the six official languages of the United Nations.

## **2. International cooperation**

Under agenda item 2, the Expert Group may wish to discuss issues concerning international cooperation related to cybercrime.

At the second meeting of the Expert Group, most experts agreed that increased and faster cooperation would be needed to address the problem of cybercrime, especially as that problem continued to expand and the potential threat of cybercrime had become more serious. Beyond that, different views were expressed regarding the best strategic approach and priorities for addressing the problems related to cybercrime ([UNODC/CCPCJ/EG.4/2017/3](#), para. 25).

At the third meeting of the Expert Group, most speakers emphasized the necessity of achieving effective and strengthened regional and international cooperation to combat cybercrime given its cross-border and rapidly-evolving nature. National legal frameworks, the capability to enforce the law and international cooperation were crucial in that regard. It was widely noted that the threat of cybercrime continued to grow and was linked to transnational organized crime and other serious crimes, terrorism and radicalization, among other things. Among the challenges in the area of cooperation to combat cybercrime that were highlighted were the harmonization of criminalization provisions, the establishment of procedural powers for law enforcement and the issue of determining jurisdiction for the purpose of securing electronic evidence. Many speakers highlighted the need for fast and effective responses to requests for mutual legal assistance related to preserving and obtaining electronic evidence. Several speakers noted that the use of informal channels and

expedited means of cooperation, such as police-to-police cooperation, were often a better alternative or a useful supplement to formal mutual legal assistance modalities, as they could ensure timely responses to urgent requests for assistance (UNODC/CCPCJ/EG.4/2017/4, paras. 14 and 32).

At its fourth meeting, the Expert Group discussed, inter alia, challenges encountered with regard to the further strengthening of international cooperation through both formal and informal cooperation practices, as well as jurisdictional issues raised by cloud computing. The Expert Group further discussed trans-border access to data in an effort to identify best practices and enhance cooperation among States in the investigation of cybercrime (E/CN.15/2018/12, paras. 23 and 24).

At its fifth meeting, the Expert Group reiterated the importance of international cooperation in the cross-border investigation and prosecution of cybercrime. Different practices were mentioned as examples of how to foster international cooperation in relation to electronic evidence, in particular, at the operational level. It was also noted by some speakers that capacity-building and training on requirements related to mutual legal assistance were key components for ensuring timely access to data. In addition, some countries recommended the use of 24/7 networks to request the prompt preservation of data. Speakers agreed that international cooperation was of paramount importance for gathering and sharing electronic evidence in the context of cross-border investigations. It was stressed that States should make full use of the Organized Crime Convention and relevant multilateral, regional and bilateral treaties and arrangements on cybercrime to foster international cooperation on judicial assistance and law enforcement in related cases, while respecting the principles of sovereignty, equality and reciprocity. The significance of promoting networking for the sharing of experiences and expertise was highlighted, in particular, to address the challenges posed by varying national requirements on the admissibility and evidentiary integrity and authenticity of such evidence (UNODC/CCPCJ/EG.4/2019/2, paras. 23, 24 and 44).

The Expert Group may wish to further discuss and exchange information on national needs, as well as challenges, lessons learned and best practices regarding international cooperation to combat cybercrime and make recommendations on how to improve international cooperation in this regard.

#### **Documentation**

No documentation is currently foreseen under agenda item 2.

### **3. Prevention**

Under agenda item 3, the Expert Group may wish to discuss issues pertaining to the prevention of cybercrime.

At the second meeting of the Expert Group, there was general agreement among experts on the need to include effective prevention measures at the national and international levels. In that context, it was noted that preventive activities included activities such as raising awareness about the risks of cybercrime and the likelihood of prosecution and punishment for offenders; cybersecurity measures to protect technologies and their users; and efforts to prevent further crime by identifying and disrupting ongoing illicit online activities, including by taking down botnets. Other experts noted that prevention needed to involve the private sector and that it generally did not require legislation (UNODC/CCPCJ/EG.4/2017/3, para. 42).

The Expert Group may wish to further discuss and exchange information on national needs and measures, as well as challenges, lessons learned and best practices in the area of cybercrime prevention, and make recommendations on how to strengthen preventive measures in this regard.

#### **Documentation**

No documentation is currently foreseen under agenda item 3.

**4. Other matters**

As no issues to be raised under agenda item 4 have come to the attention of the Secretariat, no documentation regarding the item is currently foreseen.

**5. Adoption of the report**

Under agenda item 5, a report on the meeting of the Expert Group will be adopted. In accordance with the workplan of the Expert Group, the Rapporteur, with the necessary assistance of the Secretariat and on the basis of the discussions and deliberations, will prepare a list of preliminary conclusions and recommendations suggested by Member States, which should be precise and should focus on strengthening practical responses to cybercrime. The list, as a compilation of suggestions made by Member States, is to be included in the summary report of the meeting for further discussion at the stock-taking meeting of the Expert Group, to be convened not later than 2021.

## Annex

**Proposed organization of work**

<i>Date</i>	<i>Time</i>	<i>Item</i>	<i>Title or description</i>	
Monday, 6 April 2020	10 a.m.–1 p.m.	1 (a)	Opening of the meeting	
		1 (b)	Adoption of the agenda	
		2	International cooperation	
	3–6 p.m.	2	International cooperation ( <i>continued</i> )	
Tuesday, 7 April 2020	10 a.m.–1 p.m.	2	International cooperation ( <i>continued</i> )	
		3	Prevention	
		3–6 p.m.	3	Prevention ( <i>continued</i> )
Wednesday, 8 April 2020	10 a.m.–1 p.m.	3	Prevention ( <i>continued</i> )	
			3–6 p.m.	4
			5	Adoption of the report