Expert Group to Conduct a
Comprehensive Study on Cybercrime
Vienna, 6–8 April 2021

Annotated provisional agenda

Provisional agenda

1. Organizational matters:
   (a) Opening of the meeting;
   (b) Adoption of the agenda.
2. Consideration of all preliminary conclusions and recommendations resulting from the fourth, fifth and sixth meetings of the Expert Group, held in 2018, 2019 and 2020, and production of conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice.
4. Other matters.
5. Adoption of the report.

Annotations

1. Organizational matters
   (a) Opening of the meeting
   The seventh meeting of the Expert Group to Conduct a Comprehensive Study on Cybercrime will be opened on Tuesday, 6 April 2021, 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, 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.
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 in Vienna 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 Nations1 and disseminated it to Member States for their comments. The comments were reproduced as received on the dedicated website of the Expert Group.2

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 in Vienna 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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1 Available at www.unodc.org/unodc/en/cybercrime/egm-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 Expert Group at its previous meetings:

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 in Vienna 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 in Vienna 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, entitled “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. In the same resolution, the Assembly noted with appreciation that the Expert Group would
develop, in accordance with its workplan for the period 2018–2021, possible conclusions and recommendations for submission to the Commission. Also in the same resolution, 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 for 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 sixth meeting of the Expert Group was initially scheduled to take place from 6 to 8 April 2020, but had to be postponed owing to the coronavirus disease (COVID-19). As approved by the extended Bureau, it was held from 27 to 29 July 2020 in a hybrid format, with the Chair and members of the secretariat present in the meeting room and all other participants attending online, with remote simultaneous interpretation. At that meeting, the Expert Group focused on international cooperation and the prevention of cybercrime. Again, diverse 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 was informed that, since its previous meeting, there had been developments that had led to the adoption by the General Assembly of resolution 74/247, in which the Assembly had decided 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. Also at that meeting, the expeditious execution of mutual legal assistance requests was identified as one of the most important conditions for effective measures against cybercrime and other offences involving electronic evidence. Emphasis was also placed on the significance of networking for enhancing international cooperation to address cybercrime. Furthermore, the Expert Group discussed cybercrime prevention as an important component of national policies and strategies to address challenges posed by cybercrime. Multi-stakeholder cybercrime strategies were identified by many speakers as a vital preventive element in the fight against cybercrime. In order to meet the challenges of Internet connectivity and the shortened duration of meetings in connection with the hybrid meeting format, a list of preliminary recommendations and conclusions as compiled by the Rapporteur on the basis of the discussions and deliberations during the meeting was included in the meeting report. The report on the sixth meeting is contained in document UNODC/CCPCJ/EG.4/2020/2.

The dates for the seventh meeting of the Expert Group were approved by the extended Bureau by means of a silence procedure on 23 November 2020. The provisional agenda for the seventh meeting was agreed upon by the extended Bureau by means of a silence procedure on 14 December 2020, taking into account the structure of the workplan, as described above.

The proposed organization of work for the seventh 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. **Consideration of all preliminary conclusions and recommendations resulting from the fourth, fifth and sixth meetings of the Expert Group, held in 2018, 2019 and 2020, and production of conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice**

Under agenda item 2, the Expert Group may wish to consider all preliminary conclusions and recommendations resulting from its fourth, fifth and sixth meetings, held in 2018, 2019 and 2020, and produce conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice.

In line with paragraphs 5 and 6 of the Chair’s proposal for the workplan of the Expert Group for the period 2018–2021, adopted by the Expert Group at its fourth meeting, the Rapporteur was to prepare, at each of the meetings of the Expert Group in 2018, 2019 and 2020, with assistance from the Secretariat and on the basis of the discussions and deliberations of the Expert Group, a list of preliminary conclusions and recommendations suggested by Member States that should be precise and should focus on strengthening practical responses to cybercrime. As specified in the workplan, that list was to be included in the report on each meeting in the form of a compilation of suggestions made by Member States, to be discussed further at the stocktaking meeting to be held no later than 2021. Also in accordance with the workplan, at that stocktaking meeting, the Expert Group would consider all the preliminary conclusions and recommendations resulting from the meetings of the Expert Group in 2018, 2019 and 2020, in order to produce a consolidated and comprehensive list of adopted conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice.

Prior to the seventh meeting (the stocktaking meeting), and in accordance with paragraph 6 of the workplan, the preliminary conclusions and recommendations suggested by Member States will be circulated by the secretariat to all Member States, observers and other stakeholders for comments. The comments received will be posted online in advance of the meeting for consideration by delegations.

**Documentation**

Compilation of all preliminary conclusions and recommendations suggested by Member States during the meetings of the Expert Group to Conduct a Comprehensive Study on Cybercrime held in 2018, 2019 and 2020 (UNODC/CCPCJ/EG.4/2021/CRP.1)

3. **Discussion of future work of the Expert Group**

Under agenda item 3, the Expert Group may wish to discuss issues pertaining to its future work.

From the beginning of the work of the Expert Group, the Commission on Crime Prevention and Criminal Justice played a critical role in shaping the policymaking framework for that work. It was the Commission that established the Expert Group at the request of the General Assembly and in line with paragraph 42 of the Salvador Declaration.

It was also the Commission that requested, in its resolution 26/4, 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. In the same resolution, the Commission requested 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. Also 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 the cybercrime study, without prejudice to other issues included in the mandate of the Expert Group.
At the sixth meeting of the Expert Group, some speakers were of the view that the Commission on Crime Prevention and Criminal Justice should consider extending the mandates of the Expert Group beyond 2021 in order to retain a forum for experts and practitioners to exchange information on cybercrime, including for the purpose of examining approaches to child sexual abuse and exploitation online and other emerging forms of cybercrime. Other speakers underlined that, upon completion of the workplan of the Expert Group at its meeting in 2021, there was no reason to extend its mandate, in the light of General Assembly resolution 74/247 and also in the light of the need to focus on the implementation of that resolution, the negotiation of the new convention and making the best use of available resources (UNODC/CCPCJ/EG.4/2020/2, para. 45).

Also at the same meeting, one speaker noted that, although the mandates of the Expert Group and General Assembly resolution 74/247 were different, attention should be focused on convergence and complementarities. In view of that, international cooperation and capacity-building, which had been advanced by the Expert Group, should be reflected as pillars of the future work of the ad hoc committee in charge of negotiating the new convention (UNODC/CCPCJ/EG.4/2020/2, para. 46).

The Expert Group may wish to continue this discussion and facilitate the exchange of views among delegations with a view to making, as appropriate, recommendations for submission to the Commission on Crime Prevention and Criminal Justice at its thirtieth session. Such recommendations will be intended to facilitate the consideration of this matter by the Commission and its final decision on the completion or extension of the mandate of the Expert Group. The relevant deliberations at the seventh meeting of the Expert Group are also expected to benefit from the approach of the international community to this matter, as discussed at the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice.

**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 consideration of all the preliminary conclusions and recommendations will be completed at the meeting and the Expert Group will produce, through the Rapporteur and with the necessary assistance of the Secretariat, a consolidated list of adopted conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice. The consolidated list will be included in the final report of the meeting of the Expert Group.
## Proposed organization of work

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<tr>
<th>Date</th>
<th>Time</th>
<th>Item</th>
<th>Title or description</th>
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<tbody>
<tr>
<td>Tuesday, 6 April 2021</td>
<td>10 a.m.–1 p.m.</td>
<td>1 (a)</td>
<td>Opening of the meeting</td>
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<td>Adoption of the agenda</td>
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<td>2</td>
<td>Consideration of all preliminary conclusions and recommendations resulting from the fourth, fifth and sixth meetings of the Expert Group, held in 2018, 2019 and 2020, and production of conclusions and recommendations for submission to the Commission on Crime Prevention and Criminal Justice</td>
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<td>3–6 p.m.</td>
<td>2</td>
<td>Consideration of all preliminary conclusions and recommendations (continued)</td>
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<td>Wednesday, 7 April 2021</td>
<td>10 a.m.–1 p.m.</td>
<td>2</td>
<td>Consideration of all preliminary conclusions and recommendations (continued)</td>
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<td>3–6 p.m.</td>
<td>2</td>
<td>Consideration of all preliminary conclusions and recommendations (continued)</td>
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<td>Thursday, 8 April 2021</td>
<td>10 a.m.–1 p.m.</td>
<td>3</td>
<td>Discussion of future work of the Expert Group</td>
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<td>3–6 p.m.</td>
<td>3</td>
<td>Discussion of future work of the Expert Group (continued)</td>
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