Background Paper:  
**The United Nations Ad-hoc Committee for Development of an International Cybercrime Convention: An Overview**

The increasing prevalence and scale of cybercrime in the context of emerging technologies has demonstrated the need for international cooperation and legal frameworks to effectively combat cybercrime on a global scale. In response to this, the UN General Assembly (under UN General Assembly-Resolution 74/247) established the open-ended Ad Hoc Committee (Committee), which is an intergovernmental committee of experts representing all regions across the world. The Committee was established to elaborate a comprehensive international convention on countering the use of information and communications technologies (ICTs) for criminal purposes, in light of existing domestic and international efforts (Cybercrime Convention). It is required to provide a draft of the convention to the General Assembly at its seventy-eighth session in 2023 (UNGA Resolution 75/282).

The Ad Hoc Committee is likely to pave the way for the first universal and legally binding instrument on cybercrime. The Cybercrime Convention is expected to foster coordination and cooperation among State actors to combat cybercrime, taking into account the unique socio-economic conditions prevailing in developing countries. The Committee enjoys widespread representation from State and Non-State stakeholders with participation from non-governmental organisations, civil society, academia, private organisations, and other UN bodies. The United Nations Office on Drugs and Crime (UNODC) serves as the Secretariat for the process.

The Committee has been working towards building the Cybercrime Convention since May 2021. In the initial sessions, Member States exchanged general views on the scope and objectives of the comprehensive Convention, and agreed on the broad structure of the Convention. This was followed by themed discussions on provisions relating to the acts that must be criminalised, procedural measures and legal enforcement mechanisms to tackle cybercrime, measures to prevent cybercrime, international cooperation, and technical assistance to developing countries, among others.

Presently, the negotiating process has reached a crucial stage, where Member States are engaged in discussions on the basis of a Consolidated Negotiating Document (CND). The CND is
prepared by the Chair of the Committee and comprehensively incorporates various views, proposals, and submissions made by the Member States at previous sessions of the Committee.

Despite ongoing discussions over the past two years, Member States are still grappling to agree on core components of the Convention: the scope, the extent to which international human rights obligations can be encoded within the text of the Convention, and the role and responsibilities of the multi-stakeholder community in countering cybercrime. In addition, the jury is still out on the powers and functions of domestic enforcement bodies and the scope of capacity building and technical assistance that can be offered to developing countries under the Convention.

Continued collaboration amongst the Member States and other stakeholders, and an agreement on the core questions outlined above are vital to drafting a robust Cybercrime Convention which is capable of effectively countering cybercrime, while also accounting for human rights and the needs of Member States.