

2026

STUDY GUIDE

GENERAL ASSEMBLY

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MUNLawS 2026

GENERAL ASSEMBLY

Study Guide

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From the Secretary General...

Dear Delegates,

It is my great pleasure to welcome you to this year's MUNLawS!

After ten months of planning, organising, and probably overthinking every possible detail, the day has finally come! We have put a lot of ourselves into making this conference happen, and we hope that you will enjoy it as much as we have enjoyed creating it.

Having been part of the MUN community for a few years now, organising a conference of your own is definitely a different experience, one filled with equal parts excitement, stress, and the occasional crisis. A big thank you goes to my team, Živa Srše, Živa Rozina, Vito Vidmar, and Maks Novak, for everything they have done along the way. I truly could not have asked for a better team!

*As a law student with a particular interest in human rights, I find myself increasingly concerned by the ongoing conflicts and divisions across different regions of the world. This is one of the reasons why, this year, we have chosen **Strengthening Regional Cooperation** as our overall theme.*

While that might sound like a very diplomatic way of saying “let's get along”, there is much more to it. In a world that often seems too divided, cooperation can sometimes feel difficult but that is exactly why it matters. And what better place to promote cooperation among young people than an MUN, where people from different countries and backgrounds come together, ready to listen to one another and, sometimes, even let go of their own ideas for the sake of finding common ground?

Throughout this conference, I encourage you to challenge one another, question your own assumptions, and defend your positions but most importantly, remember to listen to one another. The goal is not to be the loudest person in the room, but rather to see what we can achieve when all those voices are heard.

And of course, do not forget to have fun. At the end of the day, we are not real diplomats (yet)!

I hope you have an unforgettable few days filled with great debates, questionable amounts of caffeine, and, hopefully, many new friendships.

See you in the committee!

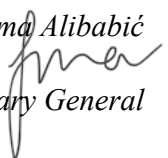
Irma Alibabić

Secretary General



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INTRODUCTION TO THE COMMITTEE

Chairs' Welcome

Dear delegates,

We are delighted to welcome you to the General Assembly of MUNLawS 2026. It is our pleasure to serve as your Chairs and to guide you through the discussions, negotiations, and drafting process that will take place during the conference. Two highly relevant issues will be addressed by the General Assembly this year: ***Addressing the Challenges of Irregular Migration*** and ***The UN Cybercrime Convention: Balancing Security and Human Rights***. Both topics necessitate careful thinking about the relationship between State sovereignty, human rights and international cooperation, along with security, and the role of the United Nations in responding to global challenges. Let us introduce ourselves before discussing the substance of the debate.

Hello everyone, my name is Aša Slapnik, and I will be the General Assembly's Chair. Currently, I am supporting my interest in global economics and politics with academic knowledge as a student of international business in Paris. My concern for the current global situation, especially its humanitarian consequences, fuels my interest in Model United Nations. I am a firm believer that young people should think seriously about the future of human rights and global stability, which is why I am excited to see how you will represent your assigned States, defend their positions, and work together toward realistic solutions.

Hi delegates, I am Gabriela Turk-Carew, and I will also be chairing the General Assembly this year. As a student of international business currently expanding my knowledge at the University of Strasbourg, I have a particular interest in the way international cooperation shapes the world's economics. Besides nailing formal speeches and resolutions, I believe MUN is also about learning how to listen, compromise, and understand the political and legal interests of different States. Aša and I will do our best to make this committee a space where all delegates feel encouraged to speak, ask questions, and participate actively, regardless of their previous MUN experience.



We prepared this Study Guide to help you, delegates, begin your research and understand the basic legal, political, and institutional background of the committee's two debate topics. It includes an introduction to the General Assembly, including its mandate and legal basis, outlines the main issues, relevant international legal instruments, and possible areas of disagreement between States, and suggests questions you should consider when preparing draft resolutions and amendments.

However, please treat this document as a starting point, not as a complete research file. Delegates are expected to research the State they represent, namely its UN positions, treaty ratifications, interests, and, most importantly, realistic policy preferences. Particular attention has to be paid to the legal framework of each topic: human rights and refugee law in relation to irregular migration, and the balance between cybercrime cooperation, privacy, freedom of expression, due process, and other fundamental rights in relation to the UN Cybercrime Convention.

Most importantly, we wish you to come curious, respectful, and open minded. Do not hesitate to ask questions; MUN is a learning experience, and we believe that the best debates happen when delegates are prepared, engaged, and willing to listen to one another. We look forward to welcoming you to MUNLawS 2026 and to seeing the solutions you will bring to the floor.

Yours sincerely,

Aša Slapnik & Gabriela Turk-Carew

About the UN General Assembly and its Third Committee

Brief history and overview of the General Assembly

In 1945, at the end of World War II, States yearned for peace, stability, and safety. Representatives of 50 States gathered with the intention to develop a set of rules, procedures, and guidelines and later signed **the UN Charter**, which marked the beginning of the creation of **a new international organization, the United Nations (UN)**, with its main objective being to prevent another world war like the one they had just lived through.¹

Today, 193 Member States are still working to maintain international peace and security, provide humanitarian assistance, protect human rights, and uphold international law under the UN. Simultaneously, they are undertaking new work that was not envisioned by its founders back in 1945. They are setting Sustainable Development Goals (SDG), combating climate change and dealing with other challenges facing the modern world.²

The UN Charter, which was adopted in 1945, established 6 main bodies of the organization.³ The **General Assembly (GA) serves as the chief deliberative, policymaking, and representative organ** of the UN. Since all 193 Member States of the UN comprise it, it provides a forum for multilateral discussion of international issues covered by the Charter. Besides that, it also plays a major role in the process of standard-setting and the codification of international law. The Assembly makes recommendations to States on international issues within its competence. It has also taken action across all pillars of the United Nations, including with regard to political, economic, humanitarian, social, and legal matters. You can find a more in-depth description of the GA's functions on the official UN website by searching for 'Functions and powers of the General Assembly'.⁴

Each of the 193 Member States in the Assembly has **one vote**. Two types of voting are used, depending on the question at hand:

¹ United Nations, "History of the United Nations," accessed May 15, 2026.

² United Nations, "History of the United Nations," accessed May 15, 2026.

³ Article 7 of the UN Charter.

⁴ United Nations, "Background of the General Assembly," accessed May 15, 2026.

- a) **a two-thirds majority** of Member States present and voting is required when it comes to important matters (recommendations on peace and security, the election of Security Council (SC) and Economic and Social Council (ECOSOC) members, and budgetary questions);⁵ and
- b) **a simple majority**, meaning that more Member States vote in favour than against, is required when it comes to ordinary procedural or less significant matters.⁶

That said, following informal consultations among Member States during which proposals are negotiated, most resolutions are **adopted without a vote (by consensus)**. Even though **GA resolutions are usually non-binding**, they matter because they give all Member States an equal forum to express their positions, build consensus, and influence the future direction of international law and global policy.⁷

General Assembly's Third Committee: Social, Humanitarian and Cultural Affairs

As the name of the Third Committee itself explains, this Committee, also referred to as **SOCHUM**, discusses questions relating to the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. It also addresses important social development questions such as issues related to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control.⁸

The topics that the delegates will debate are irregular migration and cybercrime-human rights concerns. These topics fall within the Third Committee's mandate because Topic A on irregular migration involves humanitarian protection, non-discrimination, trafficking

⁵ Article 18(2) of the UN Charter.

⁶ Article 18(3) of the UN Charter.

⁷ United Nations, "Maintain International Peace and Security."

⁸ United Nations General Assembly, "Social, Humanitarian & Cultural Issues (Third Committee)," accessed May 15, 2026.

risks, and migrants' rights. Meanwhile, Topic B, on cybercrime-human rights concerns, involves ensuring that criminal justice and digital security measures do not violate privacy, freedom of expression, due process, or other fundamental rights.

The key factor to remember is that the SOCHUM does not create binding law directly, but it works within existing international legal instruments and can only **recommend frameworks, reports, and resolutions, or propose further action.**⁹

Legal ground

The legal basis of SOCHUM is derived fundamentally from the **UN Charter**, which gives the GA the authority to debate international issues, including human rights, social development, and international cooperation, and to make recommendations on international issues.¹⁰

The work of SOCHUM is **guided by human rights law and by the legal instruments relevant to each agenda item.** In the corresponding topic sections of the Study Guide, specific international treaties and non-binding frameworks are mentioned that relate to irregular migration and cybercrime.

Membership and voting

The Third Committee is composed of UN Member States, and each has one vote. Non-member observer States and organizations do participate in the debate, but they do not vote.

The Third Committee follows the voting rules of the General Assembly described above. Since both topics fall within the Third Committee's social, humanitarian, and human rights mandate, **resolutions will generally be adopted by a simple majority** of Member States present and voting.

⁹ United Nations, "Social, Humanitarian & Cultural Issues (Third Committee)," accessed May 15, 2026..

¹⁰ Art. 10 of the UN Charter.

Topic A:

ADDRESSING THE CHALLENGES OF IRREGULAR MIGRATION



Figure 1: Migration rescue operation off the island of Crete¹¹

NOTE FROM THE CHAIRS: The following section of the Study Guide should give delegates a good understanding of the extent to which the debate is expected to go and the key issues that States should be addressing. However, further research is encouraged, especially using the sources listed at the end of the section.

¹¹ Photograph accredited to REUTERS/Stringer.

KEY TERMS USED	THEIR DEFINITIONS
asylum seeker	someone who leaves their own country, often for political reasons or because of war, and who travels to another State hoping that the government of that State will protect them and allow them to live there
border externalization	the process of shifting functions that are normally undertaken by a State within its own territory so that they take place outside its territory
internally displaced person (IDP)	someone who has been forced to leave their home, especially because of war or a natural disaster, such as an earthquake, flood, etc., yet remains within the borders of their country of origin
irregular migrant	a person who enters, transits or stays in a country - of which he or she is neither a national nor a permanent resident - without fulfilling the relevant legal requirements
migrant	a person who travels to a different country or place
mixed migration flows	movements in which people with different and overlapping reasons for leaving (economic hardship, education, discrimination) travel along the same routes toward the same destinations, while their legal status and applicable protections may differ or change during the journey
non-refoulement	fundamental principle of international law, rooted in the 1951 Refugee Convention, that prohibits States from transferring or removing individuals to a place where they face a real risk of persecution, torture, cruel or inhuman treatment, or other irreparable harm

refugee	a person who has escaped from their own country for political, religious, or economic reasons or because of a war
smuggling of migrants	transnational crime involving the procurement of irregular entry into a country for a person who is not a national or permanent resident, specifically to obtain a financial or material benefit
stateless person	a person who officially belongs to no State
trafficking in persons	the recruitment, transportation, transfer, harbouring, or receipt of persons (by force, coercion, fraud or some other form of deception) for the purpose of exploitation

NOTE FROM THE CHAIRS: For conceptual clarity, beginner delegates should familiarize themselves with the above terms and be able to make good use of them during the debate. Many of the terms in this section have precise legal definitions under international legal frameworks. However, for the purposes of the Study Guide, simplified definitions are provided to help delegates understand these concepts more easily, meaning that **delegates should use these definitions only as a guide to understanding the issues addressed later in the Study Guide.**

For the purpose of writing a position paper or making a point during the debate, **delegates should use definitions from the relevant legal frameworks**, which will be addressed throughout the Study Guide.

Topic overview

Irregular migration refers to the movement of people that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.¹²

¹² International Organization for Migration, “Key Migration Terms,” accessed May 15, 2026.

The International Organization for Migration (IOM) states that there is no accepted definition of irregular migration, but the term is used mainly for movement that occurs outside regular migration channels, including unauthorized border crossing, overstaying a visa, and working without the required legal documents and authorization.¹³ Delegates must understand that the **term reflects a description of a person’s migration status, and not their human worth or their entitlement to rights**. The Office of the United Nations High Commissioner for Human Rights (OHCHR) stresses that all migrants, even in irregular situations, are entitled to human rights because these rights do not depend on nationality, citizenship, or regular immigration status.¹⁴

Irregular migration should NOT be considered equal to **illegal** migration.¹⁵ Using the term “illegal” risks presenting the migrant as a criminal, whereas irregular entry or stay should be considered an administrative violation, rather than a criminal offence.

Irregular migration stems from various overlapping reasons, such as armed conflict, persecution, human rights abuses, famine, poverty, environmental degradation, or climate related disasters.¹⁶ On the other hand, the reasons could be less extreme, e.g., family separation, labor demand, weak protection systems in transit countries, etc. Academic literature also shows that irregular migration unfolds where restrictive migration policies co-occur with strong labour demand and limited lawful routes that create incentives for informal employment, smuggling, or dangerous border crossings instead of stopping movement altogether.¹⁷

ESSENTIAL: A central issue lies in **finding a balance between State sovereignty and human rights**. It is true that States have the authority to control their borders and regulate

¹³ International Organization for Migration, *Glossary on Migration*, International Migration Law No. 34 (Geneva: International Organization for Migration, 2019).

¹⁴ Office of the United Nations High Commissioner for Human Rights, *Protecting the Rights of Migrants in Irregular Situations*, accessed May 15, 2026.

¹⁵ Office of the United Nations High Commissioner for Human Rights, *The Criminalisation of Irregular Migration*, accessed May 15, 2026.

¹⁶ International Organization for Migration, *World Migration Report 2024* (Geneva: International Organization for Migration, 2024).

¹⁷ Hein de Haas, Katharina Natter, and Simona Vezzoli, “Growing Restrictiveness or Changing Selection? The Nature and Evolution of Migration Policies,” *International Migration Review* 52, no. 2 (2018): 324–367.

entry and stay, nonetheless, they are obliged to exercise this authority consistently with international human rights and refugee law, as will be examined later.

Irregular migration falls within the mandate of SOCHUM because it pertains to the protection of vulnerable individuals, the prevention of exploitation or discrimination, and the need to reconcile State migration policies with universal human rights standards.

NOTE FROM THE CHAIRS: Delegates should approach irregular migration not only as a border-management problem, but predominantly as a **human rights issue demanding international cooperation**.

Current situation

NOTE FROM THE CHAIRS: This section serves solely as an introduction to the ongoing situation on a global scale.¹⁸ Delegates are expected to find more specific information about the current situation in the State they are representing by checking relevant, credible, and reliable sources.

Major migration routes

Ongoing irregular migration is not concentrated on just one route.¹⁹ It is especially present in areas shaped by conflict, persecution, environmental stress, restrictive visa regimes, labor demand, and in areas with developed smuggling networks. These areas have many interconnected regional corridors of migration.

The IOM and the UNHCR refer to these movements through a **route-based approach** because migrants (refugees, asylum seekers, stateless persons, trafficking victims, etc.) often travel along the same routes even though they might be searching for different kinds

¹⁸ International Organization for Migration, *World Migration Report 2024* (Geneva: International Organization for Migration, 2024).

¹⁹ International Organization for Migration, *The Annual Global Overview of Migration Routes 2024* (Geneva: International Organization for Migration, 2025).

of protection.²⁰ UNHCR's 2024 route-based approach focuses mostly on coordinated protection across countries of origin, transit, and destination, rather than solely at the final border.²¹

The section below provides a **list of major migration routes** and outlines them on a world map.

NOTE FROM THE CHAIRS: Delegates should check whether the State they represent belongs to any of the routes, whether as a State of origin, transit, destination or readmission. This is important because it should help delegates understand the role their assigned States plays in a migration route. Therefore, delegates should research:

- who is moving along the route;
- why the route starts/passes through/ends in their State;
- how the route affects their State;
- what their government currently does with regard to the route;
- what position their State would take in the committee.

Delegates whose States do not belong to any of the routes are encouraged to research the overall position and their State's attitude towards migration policies regarding a specific route.

Major migration routes are as follows:

- **Central Mediterranean,**
- **Eastern Mediterranean & Western Balkan,**
- **Western Mediterranean,**
- **Central American,**
- **Western African Atlantic,**
- **Horn of Africa Eastern,**

²⁰ United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2024* (Copenhagen: United Nations High Commissioner for Refugees, 2025).

²¹ United Nations High Commissioner for Refugees, *A Route-Based Approach: Strengthening Protection and Solutions in the Context of Mixed Movements of Refugees and Migrants* (Geneva: United Nations High Commissioner for Refugees, 2024).

- **Eastern Southern Africa,**
- **Asian-Pacific.**

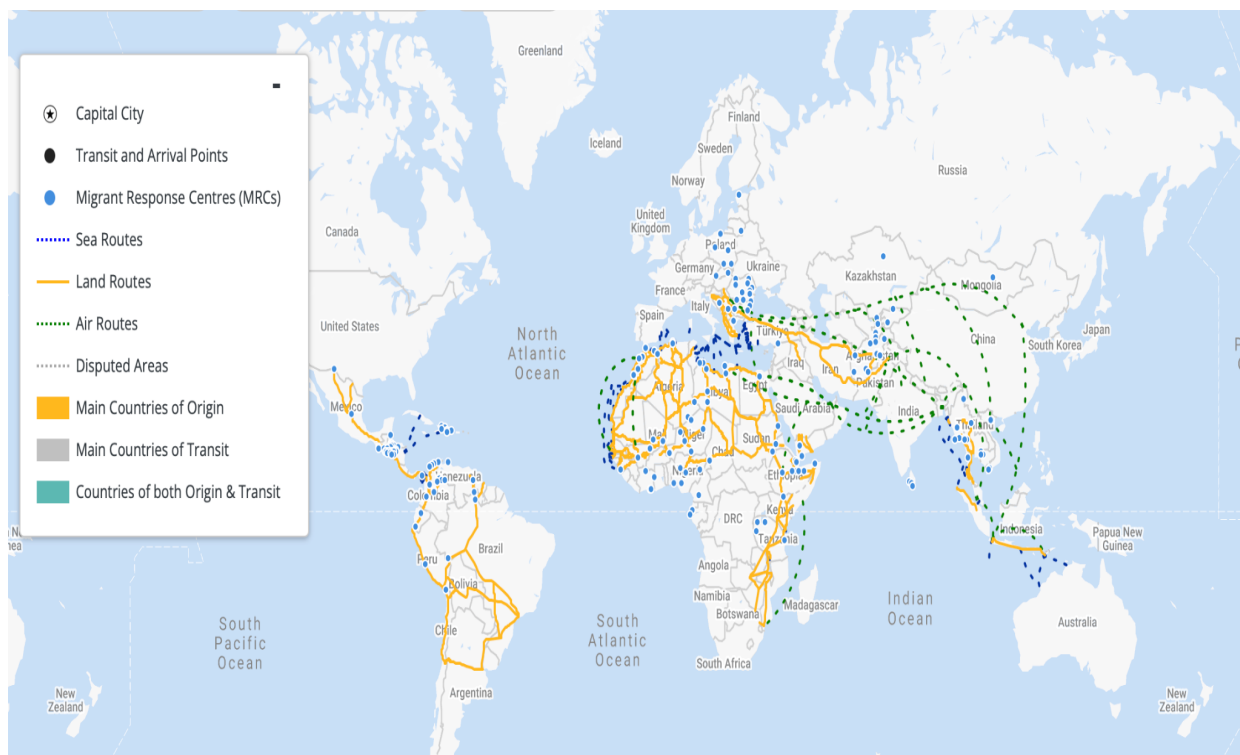


Figure 2: Major migration routes²²

These examples should show delegates that irregular migration is not a single phenomenon but rather a global pattern. Migrants encounter many risks throughout the journey, which means that their protection cannot be limited to the destination border.²³ Organized crime and smuggling networks are particularly prevalent on pathways that are inaccessible, which is examined in detail further on.

NOTE FROM THE CHAIRS: It is strongly suggested that delegates visit IOM's website and check the *Global Overview of Migration Routes Portal*. The portal allows you to check the global overview of the routes (as seen in Figure 2), as well as browse specific routes and check different statistics with regard to them.

²² Photograph accredited to IOM - Global Data Institute.

²³ United Nations High Commissioner for Refugees, *A Route-Based Approach: Strengthening Protection and Solutions in the Context of Mixed Movements of Refugees and Migrants* (Geneva: United Nations High Commissioner for Refugees, 2024).

Key challenges

1. State sovereignty and border management

States retain **sovereign authority** to regulate entry into their territory, decide on admission procedures and border security, however, this authority is **not unlimited**.²⁴ All border management must be **in accordance with international refugee and human rights law**, and in certain cases, also with the **law of the sea**. Practically, this means that States can control their borders, but they cannot use collective expulsions, arbitrary detention, pushbacks, or returns that would in any way expose individuals to persecution, inhuman treatment, or torture.²⁵

Oftentimes States facing several arrivals rely on saying that strong border enforcement accounts for good national security, prevention of trafficking, smuggling, and maintaining public order. All of the above is true, and irregular migration routes can expose migrants to exploitation, violence, and death, while States experience overwhelmed systems for asylum, administration, and reception. Regardless, international law does not give States the option to suspend core protection obligations solely due to complex logistics and politics behind it. Delegates should pay attention to the **principle of non-refoulement**, which persists as one of the most important limits on border enforcement.²⁶

One of the primary issues are **pushbacks**. They occur when individuals are prevented from entering a region or are forced back across borders by the authorities, in most cases, without an assessment of their protection needs. These practices are mostly executed at land or maritime borders and may violate the principle of non-refoulement where individuals are returned to a territory in which they may encounter a real risk of persecutions, torture or other inhumane treatment. A pushback where States collectively reject a group of migrants without considering the conditions for entry into the area on an

²⁴ Office of the United Nations High Commissioner for Human Rights, *Recommended Principles and Guidelines on Human Rights at International Borders* (Geneva: OHCHR, 2014), 4–5.

²⁵ International Covenant on Civil and Political Rights, adopted December 16, 1966, 999 U.N.T.S. 171, arts. 7, 9, 13; Convention relating to the Status of Refugees, adopted July 28, 1951, 189 U.N.T.S. 137, art. 33.

²⁶ Convention relating to the Status of Refugees, art. 33; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted December 10, 1984, 1465 U.N.T.S. 85, art. 3.

individual basis, is called **collective expulsion**.²⁷ Human rights, whether at border zones, in transit areas, or during interception operations at sea, still need to be considered wherever States exercise effective control over individuals.²⁸

Another relevant issue is **detention**. Detention might be resorted to under particular circumstances, for example, to conduct necessary security and identity checks, and to ensure that immigration procedures are lawful. Note that detention, however, should not be a go-to response to irregular entry. Deprivation of liberty needs to be lawful, proportionate, and subject to judicial review under international human rights law.²⁹ States should make their best efforts to find alternatives to detention, especially for children, families, victims of trafficking, and other vulnerable persons.³⁰ The use of detention is controversial also because it raises questions such as medical care, access to legal assistance, communication with the outside world, and general detention conditions.

Further challenges are experienced especially by coastal States and maritime nations. The law of the sea requires States to provide **assistance to persons in distress at sea**, no matter their nationality, migration status, or the conditions in which they are found.³¹ Delegates should bear in mind that rescue operations often result in disputes over disembarkation, responsibility-sharing, and what role should a certain coastal State play in the assistance and responsibility. Here, the concept of a “place of safety” becomes of a central importance and consistent with the principle of non-refoulment, rescued persons should not be disembarked in a territory where they may face arbitrary detention, torture,

²⁷ Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, adopted September 16, 1963, E.T.S. No. 46, art. 4; OHCHR, *Recommended Principles and Guidelines*, 17–18.

²⁸ European Court of Human Rights, *Hirsi Jamaa and Others v. Italy*, App. No. 27765/09, Judgment, February 23, 2012, paras. 70–82, 114–158.

²⁹ Human Rights Committee, *General Comment No. 35: Article 9 — Liberty and Security of Person*, U.N. Doc. CCPR/C/GC/35, December 16, 2014, paras. 18, 40.

³⁰ United Nations High Commissioner for Refugees, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention* (Geneva: UNHCR, 2012), guidelines 4.2, 9.2; Global Compact for Safe, Orderly and Regular Migration, U.N. Doc. A/RES/73/195, January 11, 2019, objective 13.

³¹ United Nations Convention on the Law of the Sea, adopted December 10, 1982, 1833 U.N.T.S. 397, art. 98; International Convention for the Safety of Life at Sea, adopted November 1, 1974, 1184 U.N.T.S. 2, chap. V, reg. 33.

or persecution. This obligation applies at sea as well, where individuals fall under a State's jurisdiction, including while on board a vessel flying that State's flag.³²

NOTE FROM THE CHAIRS: Prevention of abuse at borders requires more than abstract legal commitments, which is why delegates should be specific about clauses in the resolutions and make sure they are achievable and concrete. For instance, delegates should make good use of caucuses, and discuss independent border monitoring, identification of vulnerable persons, training of border officials, interpretation services, complaint mechanisms, and accountability for violations.³³ Also to be considered are technological aspects, such as the use of biometric databases, surveillance systems, and risk-profiling tools with the intention of having safeguards in place to prevent unlawful data-sharing, violations of privacy, and general discrimination.

QUESTIONS TO CONSIDER:

- How can States strengthen border security without undermining access to asylum and protection procedures?
- What limits should be placed on immigration detention, especially for children and vulnerable persons?
- How should responsibility for rescue at sea and disembarkation be shared between coastal States, flag States, and other States?
- What mechanisms could prevent abuse by border authorities?

2. Protection of vulnerable migrants

Irregular migration affects people in different ways. Certain groups of migrants, such as children, women, refugees in mixed flows, victims of trafficking, LGBTQ+ migrants, stateless persons, and disabled persons, among others, **face heightened risks**. These

³² International Maritime Organization, *Guidelines on the Treatment of Persons Rescued at Sea*, IMO Doc. MSC.167(78), May 20, 2004, paras. 6.12–6.17; UNHCR and International Maritime Organization, *Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants* (Geneva: UNHCR/IMO, 2015), 7–12.

³³ OHCHR, *Recommended Principles and Guidelines*, 20–26.

groups might face not just crossing borders without authorization but also finding themselves in systems where they are unable to obtain protection, legal assistance, prove their identity, or if needed, report abuse.³⁴

The central question under this issue is how States identify and protect persons with specific needs while managing irregular migration. One of the most complex groups are **children**, especially if unaccompanied. Procedures proposed for a resolution must be based on the **best interests of the child**. Discussion should focus on access to education, healthcare, appointing a guardianship, tracing their family, etc. Attention should be paid to the immigration detention as explained above. Delegates should note that UN Children's Fund (UNICEF) urges authorities to find alternatives instead of opting for detention of children for migration-related reasons.³⁵

Another vulnerable group is **women and girls** who primarily experience gender-based violence, sexual exploitation and abuse, as well as unsafe conditions in transit or reception facilities. A resolution should consider ensuring protection, such as gender-sensitive screening, safe accommodation, healthcare, especially reproductive one, and confidentiality where needed. Women and girls who are also victims of trafficking oftentimes migrate irregularly due to coercion, deception, or exploitation by criminal networks.³⁶

Observed trends show that **LGBTQ+ persons** usually flee due to persecution in their country of origin, such as harassment or discrimination.³⁷ **Stateless persons** lack nationality, identity documents, which results in legal invisibility, prolonged detention, and exclusion from services.³⁸

³⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Migration and Human Rights: Improving Human Rights-Based Governance of International Migration* (Geneva: United Nations, 2013), 18–19.

³⁵ UNICEF, *Alternatives to Immigration Detention of Children* (New York: UNICEF, 2019).

³⁶ Inkeri von Hase et al., *From Evidence to Action: Tackling Gender-Based Violence against Migrant Women and Girls* (New York: UN Women, 2021).

³⁷ United Nations High Commissioner for Refugees (UNHCR), "LGBTIQ+ Persons," accessed August 31, 2026.

³⁸ United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, *General Comment No. 5 (2021) on Migrants' Rights to Liberty and Freedom from Arbitrary Detention*, U.N. Doc. CMW/C/GC/5 (2021), paras. 44–45.

Disabled persons are subject to inaccessible procedures, lack of medical care, unadapted reception conditions, and similar challenges.³⁹

NOTE FROM THE CHAIRS: In practice, a major challenge is ensuring access to asylum and legal procedures. Protection mechanisms may be ineffective if vulnerable migrants cannot understand the procedures available to them, communicate their circumstances, receive interpretation, or access legal assistance. Delegations should therefore debate border-screening mechanisms and ways to ensure that the **different needs of migrants are identified and addressed**.⁴⁰

Delegates should mostly consider finding mechanisms that allow States to maintain migration procedures and still protect vulnerable groups. A resolution should focus on how to identify vulnerable groups, the safeguards applied, access to legal and asylum assistance, and cooperation between States aimed at preventing the shifting of responsibility onto transit States.

QUESTIONS TO CONSIDER:

- How can States identify vulnerable migrants without discriminatory profiling?
- What safeguards should exist for victims of trafficking before returning?
- How can States protect LGBTQ+ migrants, stateless persons, and persons with disabilities in reception systems?
- How can international cooperation support transit States receiving large numbers of vulnerable migrants?

3. Smuggling, trafficking, and criminal networks

Delegates should treat smuggling, trafficking, and criminal networks as legally distinct issues.

³⁹ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Recommended Principles and Guidelines on Human Rights at International Borders* (Geneva: OHCHR, 2014), guidelines 5–6.

⁴⁰ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Recommended Principles and Guidelines on Human Rights at International Borders* (Geneva: OHCHR, 2014), guideline 6.

ESSENTIAL:

Smuggling is considered facilitation of irregular entry into another State **for financial or material benefit**, conversely, **human trafficking** is **centred on exploitation** through deceiving, coercing, abusing power, and exploiting their vulnerability.

Trafficking refers to **a crime against the person**, while **smuggling** refers primarily to **a crime against the integrity of State borders**. Trafficked people are controlled, meanwhile a smuggled one usually pays to cross the border irregularly. Even so, in practice, the two different cases might overlap, usually, we observe cases where a migrant who initially agreed to be smuggled later becomes a victim of trafficking.⁴¹

Distinguishing between the two is crucial since policy responses should be different.

The GA has for years tried to resolve a dilemma where stricter border control can accidentally increase dependence on smugglers. Migrants turn to informal ways of migration when regular migration pathways are limited, asylum procedures are difficult to access, borders are heavily guarded, and word of mouth about the general image of a border is strong. It should not be mistaken: **States still have the right to control their borders, yet border control alone most likely will not dismantle smuggling markets.**⁴²

Delegates are expected to pay attention also to how **criminalization of irregular migration harms migrants themselves**. While international law requires States to criminalize migrant smuggling, the **Smuggling of Migrants Protocol** emphasizes that migrants should not become criminally liable just for the reason of being smuggled.⁴³ States treating irregular migrants fundamentally as offenders are increasing the proneness of migrants to avoid authorities and refuse to report abuse. Consequently, investigations against the actual organizers or smuggling and trafficking networks are weakened.

⁴¹ United Nations Office on Drugs and Crime, “Migrant Smuggling FAQs”; United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2024*.

⁴² International Organization for Migration, *World Migration Report 2024*; United Nations Office on Drugs and Crime, “Migrant Smuggling FAQs.”

⁴³ United Nations, *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*, 2000. In this context, Articles 5 and 6 are especially relevant.

Consider targeting those who profit from exploitation as more effective, while migrants remain identified and protected.

NOTE FROM THE CHAIRS: Familiarizing oneself with the victim-centred response concept is essential to understand that trafficked persons should not be punished for unlawful acts they were compelled to commit as a result of being trafficked. Instead, it is suggested that they get legal aid, receive access to identification procedures, medical care, and, if necessary, temporary residence. Delegates should treat this approach as not only humanitarian but also as a road to improved law enforcement outcomes, since protected victims tend to cooperate with investigations to a greater extent than victims who fear of detention or deportation.

Given that smuggling and trafficking networks often operate across several jurisdictions, **international cooperation becomes essential.** To combat and dismantle recruiters in the country of origin, transporters in transit States, document forgers, corrupt officials, financial intermediaries, and exploiters in the destination State, States need to strengthen cooperation. This can be done through intelligence-sharing, financial tracking, anti-corruption measures, and other measures, while remaining within the limits of human rights obligations. Measures against criminal networks should avoid pushbacks, collective expulsions, and arbitrary detention.

QUESTIONS TO CONSIDER:

- How can States distinguish clearly between migrant smuggling and human trafficking in their national laws and policies?
- What safeguards should be created to ensure that anti-smuggling operations do not lead to pushbacks, arbitrary detention, collective expulsions, or violations of the principle of non-refoulement?
- Should trafficking victims receive temporary or long-term residence permits if returning to their country of origin would expose them to danger?
- What practical measures can the General Assembly recommend to prevent migrants from being forced into more dangerous routes?

4. International cooperation and responsibility-sharing

Irregular migration requires cooperation between States, especially States of origin, transit, and destination, since all face different pressures and responsibilities. The **Global Compact for Safe, Orderly and Regular Migration (CGM)** recognizes **migration as a cross-border issue requiring cooperation between States** while reaffirming that migration governance must respect, protect, and fulfil the human rights of migrants.⁴⁴

The fundamental problem is the **unequal distribution of responsibility**. States near conflict zones are often hosting large numbers of refugees even though in most cases they have fewer resources than wealthier destination States. The proposal by the **Global Compact on Refugees (GCR)** is to ease pressure on host countries, strengthen refugee self-reliance, expand access to third countries, and support conditions for safe and dignified return.⁴⁵

NOTE FROM THE CHAIRS: Practically speaking, this means that responsibility-sharing may include humanitarian funding, resettlement places, technical support for asylum systems, development assistance, education and employment programmes, and other measures. When proposing effective and realistic resolution, delegates should examine which of these categories their State can contribute to the most.

Development assistance is of utmost importance because it links irregular migration to structural conditions in countries of origin. Conflict, economic inequality, food insecurity, climate pressure, and lack of legal employment opportunities can push people to engage in dangerous activities and pursue dangerous routes.

NOTE FROM THE CHAIRS: We observe the biggest risk of shifting responsibility onto weaker States if development cooperation becomes conditional on stopping movement. A resolution may consider a balanced approach that uses development assistance to

⁴⁴ International Organization for Migration. “A Framework for Assisted Voluntary Return and Reintegration.” Geneva: IOM, 2018.

⁴⁵ International Organization for Migration. “Global Compact for Safe, Orderly and Regular Migration.” Accessed May 15, 2026.

strengthen governance, reduce vulnerability, address root causes, and improve livelihoods, all while protecting the right to seek asylum and the principle of non-refoulement.

Another crucial aspect of responsibility-sharing is **safe and regular migration pathways**. Expanding regular pathways can be done through the inclusion of labor migration schemes, humanitarian visas, family reunification, student mobility, temporary protection, and resettlement. The **UN Secretary-General’s 2024 report on implementation of the GCM** identifies as priorities for migration governance the expansion of safe and regular migration pathways along with rights-based return and sustainable reintegration.⁴⁶

NOTE FROM THE CHAIRS: Delegates might consider the policy question of creating lawful alternatives that decrease the need for irregular journeys in the first place.

Delegates can also touch on the **return and reintegration process**. Return policies ought to be individualized, transparent, and subject to legal review, while reintegration, which is equally relevant, includes ensuring housing, employment, community-based assistance, etc., with the main purpose of preventing the renewal of pressure to migrate irregularly. Abovementioned is also supported by **IOM’s Assisted Voluntary Return and Reintegration (AVRR)**.⁴⁷

Delegations should also consider **regional agreements** since they can facilitate better coordination of migration flows. Given the fact that migration routes often cross several neighbouring States, regional cooperation can be more effective and practical compared to global frameworks.

Finally, States need **reliable data** on migration routes, deaths, disappearances, trafficking patterns, detention conditions, and returns, while still guaranteeing that data collection respects privacy and does not expose migrants to surveillance or retaliation. **OHCHR’s**

⁴⁶ Office of the United Nations High Commissioner for Human Rights. “Global Compact for Safe, Orderly and Regular Migration.” Accessed May 15, 2026.

⁴⁷ Office of the United Nations High Commissioner for Human Rights. *Recommended Principles and Guidelines on Human Rights at International Borders*. Geneva: OHCHR, 2014.

Recommended Principles and Guidelines on Human Rights at International Borders

stress that borders are not zones where human rights obligations disappear, and they recommend independent monitoring mechanisms and access to effective remedies.⁴⁸

QUESTIONS TO CONSIDER:

- How should responsibility be divided between States of origin, transit, and destination?
- Should wealthier States have stronger obligations to provide funding, resettlement, or technical assistance?
- What safe and regular pathways should States prioritize: labour migration, humanitarian visas, family reunification, student visas, resettlement, or temporary protection?
- How can return procedures be made compatible with the principle of non-refoulement, due process, and human dignity?
- What kind of migration data should States share, and what safeguards are needed to protect privacy?

Overview of relevant international law

Irregular migration is governed and regulated through a combination of different areas of international law, as well as non-binding cooperation frameworks. Delegates are encouraged to familiarize themselves with the most relevant international law and refer to it during the debate where appropriate.

The **Charter of the United Nations** should serve as the delegates' anchor, providing a general legal foundation for international cooperation on migration. Although the Charter does not regulate migration directly, it serves as the basis for how international cooperation should work, and showcasing, even though not specifically stating, that

⁴⁸ United Nations. *Report of the Secretary-General on the Global Compact for Safe, Orderly and Regular Migration*. New York: United Nations, 2024.

collaboration between States is necessary for both effective border management and the protection of migrants.⁴⁹

The **Universal Declaration of Human Rights (UDHR)** is not a treaty, yet it is a very influential instrument.⁵⁰ Apart from the most basic human rights, it also recognizes the right of anyone to leave the country, including their own, and seek asylum from persecution.⁵¹

The **International Covenant on Civil and Political Rights (ICCPR)** prohibits torture, interference with privacy, and arbitrary detention.⁵² Delegates should pay attention to **Articles 13, 17 and 23**, which provide procedural safeguards against expulsion and protect private and family life.⁵³

The **1951 Refugee Convention** defines who qualifies as a refugee and establishes the principle of non-refoulement.⁵⁴ **Article 31** also protects refugees from being penalized merely for irregular entry when they present themselves without delay and show good cause.⁵⁵

The **Convention Against Torture (CAT)** adds further protection by prohibiting States from returning, expelling, or extraditing a person to a country where there are substantial grounds to believe they would face torture.⁵⁶ Unlike refugee law, this protection can apply even when the person does not meet the legal definition of a refugee.

⁴⁹ Charter of the United Nations, June 26, 1945, arts. 1, 55–56, 1 UNTS XVI.

⁵⁰ Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III), December 10, 1948, arts. 3, 5, 9.

⁵¹ Universal Declaration of Human Rights, arts. 13–14.

⁵² International Covenant on Civil and Political Rights, December 16, 1966, arts. 6, 7, 9, 999 UNTS 171.

⁵³ Convention relating to the Status of Refugees, July 28, 1951, arts. 1(A)(2), 33, 189 UNTS 137; Protocol relating to the Status of Refugees, January 31, 1967, 606 UNTS 267.

⁵⁴ Convention relating to the Status of Refugees, July 28, 1951, arts. 1(A)(2), 33, 189 UNTS 137.

⁵⁵ Convention relating to the Status of Refugees, art. 31.

⁵⁶ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 10, 1984, art. 3, 1465 UNTS 85.

The **Convention on the Rights of the Child (CRC)** requires States to treat the best interests of the child as a primary consideration.⁵⁷ It protects children from discrimination, family separation, exploitation, and arbitrary detention.⁵⁸

Transnational criminal law addresses irregular migration through the Smuggling Protocol and the Trafficking Protocol, both supplementing the **United Nations Convention against Transnational Organized Crime (UNTOC)**. The **Smuggling Protocol** targets those who facilitate irregular entry for financial or material benefit, while making clear that migrants should not be criminally liable merely for being smuggled.⁵⁹ The **Trafficking Protocol** focuses on exploitation through coercion, deception, force, or abuse of vulnerability, and requires States to prevent trafficking, prosecute traffickers, and protect victims.⁶⁰

Finally, the **Global Compact for Safe, Orderly and Regular Migration (GCM)** is not legally binding, but it provides a useful policy framework for international cooperation, safe and regular pathways, alternatives to detention, anti-smuggling and anti-trafficking measures, and sustainable return and reintegration.⁶¹

Taken together, these instruments show that States may manage borders and return persons without a legal basis to stay, but only in line with the principle of non-refoulement, due process, child protection, family unity, and human dignity.

Broad state stances

NOTE FROM THE CHAIRS: State positions on irregular migration are shaped by geography, economic capacity, domestic politics, security concerns, and human rights

⁵⁷ Convention on the Rights of the Child, November 20, 1989, art. 3, 1577 UNTS 3.

⁵⁸ Convention on the Rights of the Child, arts. 2, 9, 22, 32–37.

⁵⁹ Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000, arts. 3, 5, 2241 UNTS 507.

⁶⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000, art. 3, 2237 UNTS 319.

⁶¹ United Nations General Assembly, *Global Compact for Safe, Orderly and Regular Migration*, UN Doc. A/RES/73/195, January 11, 2019, objectives 5, 9, 10, 13, and 21.

commitments. Delegates should avoid assuming that all States within a bloc share identical views, however, the following categories provide a useful starting point for preparing State positions. Note that these categories do overlap: a State can be a country of origin, transit, or destination and still belong to a regional bloc or adopt a more security- or more rights-oriented policy position.

OVERVIEW OF STATE STANCES	
Major destination States	Focus on border management, asylum capacity, return procedures, and integration. Receiving large numbers of asylum applications or irregular arrivals, thus emphasizing the need to distinguish between refugees, trafficking victims, and migrants without a legal basis to stay. Supporting cooperation against smuggling networks. May disagree on how far protection obligations should limit removals and detention. ⁶²
Transit States	Located along major migration routes, facing pressure from both migrants and destination States. Priorities: humanitarian assistance, border control funding, search-and-rescue capacity, anti-smuggling cooperation, support for hosting people who become stranded before reaching their intended destination. May argue that they should not carry a disproportionate burden simply because of their geography. ⁶³
Origin States	Emphasizing root causes of irregular migration, including conflict, poverty, persecution, unemployment, weak governance, environmental pressures, and lack of regular migration channels. Priorities: development assistance, labour mobility schemes, diaspora engagement, and reintegration support for returning nationals. May

⁶² International Organization for Migration, *World Migration Report 2024* (Geneva: International Organization for Migration, 2024).

⁶³ International Organization for Migration, *Annual Global Overview of Migration Routes 2024* (Geneva: International Organization for Migration, 2024).

	resist forced returns if reintegration systems are weak or if returns create political and economic pressure domestically. ⁶⁴
Small and developing States	Stressing capacity constraints. Lack of financial, administrative, or border-management resources compared to wealthier States. Affected by displacement, climate vulnerability, conflict spillovers, or dependence on remittances. Supporting responsibility-sharing, international funding, technical assistance, and protection-sensitive migration policies. ⁶⁵
European Union and Schengen States	Framing irregular migration through the balance between free movement inside the Schengen Area and stronger control of external borders. Priorities: cooperation with countries of origin and transit, asylum-system reform, return procedures, anti-smuggling operations, and solidarity among Member States. The EU's recent Pact on Migration and Asylum reflects this dual approach by aiming to strengthen external border management while maintaining asylum guarantees and responsibility-sharing mechanisms. ⁶⁶

States emphasizing sovereignty and security tend to prioritize the right of States to control borders, prevent irregular entry, combat transnational organized crime, and return persons without a legal basis to remain. These States may argue that uncontrolled irregular migration undermines public trust, national security, and the integrity of asylum systems. They are likely to support stronger border surveillance, information-sharing, readmission agreements, and action against smuggling networks.⁶⁷

⁶⁴ International Organization for Migration, *World Migration Report 2024*.

⁶⁵ United Nations High Commissioner for Refugees, *Global Trends: Forced Displacement in 2024* (Geneva: UNHCR, 2025).

⁶⁶ European Commission, "Pact on Migration and Asylum," accessed May 15, 2026; Frontex, "Irregular Border Crossings into EU Drop Sharply in 2024," January 14, 2025.

⁶⁷ United Nations Office on Drugs and Crime, *Global Study on Smuggling of Migrants 2018* (Vienna: United Nations, 2018); Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, November 15, 2000, 2241 UNTS 507.

States emphasizing human rights and regular pathways focus more strongly on the principle of non-refoulement, access to asylum procedures, alternatives to detention, family unity, protection of vulnerable migrants, and expansion of safe and regular migration pathways. These States may argue that restrictive border policies can increase reliance on smugglers and expose migrants to greater risks during transit. They are likely to support humanitarian visas, labour mobility, resettlement, legal aid, monitoring at borders, and stronger protection for children, trafficking victims, and refugees in mixed flows.⁶⁸

NOTE FROM THE CHAIRS: Overall, delegates should identify whether their State is mainly a country of origin, transit, destination, or a combination of these roles. Strong position papers should connect national interests with international law.

Points a resolution should address

When drafting a resolution, delegates should move beyond general concern and propose concrete, realistic, and legally sound measures. A strong resolution should balance State sovereignty with the protection of migrants' rights, while also addressing the responsibilities of origin, transit, and destination States. Delegates should draft provisions covering five areas:

- lawful border, asylum, detention, and return procedures,
- protection of children, trafficking victims, and other vulnerable migrants,
- measures for targeting smuggling and trafficking networks without criminalizing victims,
- responsibility-sharing, return and sustainable reintegration, and safe pathways,
- monitoring, funding, data protection, and implementation by relevant UN bodies.

⁶⁸ United Nations General Assembly, *Global Compact for Safe, Orderly and Regular Migration*, UN Doc. A/RES/73/195, January 11, 2019, objectives 5, 7, 9, 10, 13, and 21.

Additional preparation materials

NECESSARY READING:

A delegate-friendly explainer on asylum procedures, refugee status, and protection for people fleeing conflict or persecution:

- **UNHCR, “Asylum and Refugee Status.”** Available at:
<https://help.unhcr.org/global/asylum-and-refugee-status/>.

A broad overview of global migration trends, including migration routes, drivers of movement, displacement, development, and migration governance:

- **IOM, *World Migration Report 2024*.** Available at:
<https://publications.iom.int/books/world-migration-report-2024>.

Especially relevant for child migrants, detention, border procedures, vulnerable groups, and protection-sensitive migration governance:

- **OHCHR, *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations, 2018*.** Available at:
<https://www.ohchr.org/en/documents/tools-and-resources/principles-and-guidelines-human-rights-protection-migrants-vulnerable>.

The key non-binding international framework on migration cooperation, including regular pathways, return, reintegration, anti-smuggling, anti-trafficking, and alternatives to detention:

- **United Nations General Assembly, *Global Compact for Safe, Orderly and Regular Migration (GCM), 2018*.** Available at:
<https://digitallibrary.un.org/record/1660537?ln=en&v=pdf>.

Topic B:

UN CYBERCRIME CONVENTION: BALANCING SECURITY AND HUMAN RIGHTS



Figure 3: Cybercrime⁶⁹

⁶⁹ Photograph retrieved from the International Commission of Jurists website.

KEY TERMS USED	THEIR DEFINITIONS ⁷⁰
cybercrime	criminal activities carried out using computers, digital devices, networks or the internet – common forms of cybercrime include hacking, online fraud, identity theft, ransomware attacks, phishing, and unauthorized access to digital systems
cybersecurity	the protection of computer systems, digital networks, software, and data from cyberattacks, unauthorized access, damage, or disruption
digital privacy	the right of individuals to control and protect their personal information, online communications, and digital activity from unauthorized access or surveillance
encryption	a method of securing digital information by converting data into coded form so that only authorized individuals can access or read it
human rights online	the application of fundamental human rights, such as freedom of expression, privacy, and access to information, within digital and online spaces
jurisdiction	the legal authority of a State to investigate, prosecute, and enforce laws within its territory or over specific individuals or activities
phishing	a cybercrime technique in which attackers impersonate legitimate organizations or individuals in order to deceive people into revealing sensitive information such as passwords, banking details, or personal data
ransomware	a type of malicious software that blocks access to a computer system or data until a payment, usually referred to as a ransom, is made to the attacker

⁷⁰ Oxford University Press, "Cybercrime," Oxford Advanced Learner's Dictionary, accessed July 26, 2026.

surveillance

the monitoring of individuals, communication, online activity, or digital data by governments, organizations, or other entities, often for security, law enforcement, or intelligence purposes

Topic overview

The rapid expansion of digital technologies has transformed global communication, commerce, and governance while creating new opportunities for cybercrime. Activities such as hacking, online fraud, ransomware, identity theft, and illegal digital content increasingly affect governments, businesses, and individuals across borders. As cybercrime is often transnational, States have called for stronger international cooperation and unified legal frameworks.

In response, the United Nations has pursued an international Cybercrime Convention aimed at strengthening cooperation, improving cybercrime investigations, and establishing common standards for combating online criminal activity. However, the proposed convention has also generated debate over privacy, freedom of expression, digital surveillance, and human rights. While some States emphasize that stronger security measures, investigative powers, and international coordination is necessary to address increasingly complex cyber threats and protect global digital security, others warn that vague legal definitions and expanded surveillance capabilities could be misused to suppress political dissent, monitor journalists and activists, or violate the freedoms of individuals.⁷²

ESSENTIAL: The challenge is therefore not only to combat cybercrime effectively, but also to ensure that international security measures remain consistent with fundamental human rights and international law.

⁷² United Nations Human Rights Council, Report of the Special Rapporteur on the Right to Privacy (March 24, 2015).

Background context and current situation

One of the primary challenges associated with cybercrime is **its international nature**. It may be planned in one State, executed through servers located in another, and directed toward victims in several different States at the same time. As a result, differences between national legal systems, including variations in criminal definitions, investigative powers, extradition procedures, and evidentiary standards, can complicate international cooperation and create legal loopholes that cybercriminals may exploit.⁷³

International efforts to address these challenges began with frameworks such as the Council of Europe’s **Budapest Convention on Cybercrime**, adopted in 2001. Although it established important common standards and was joined by numerous non-European states, some States argued that a more universally representative framework under the United Nations was necessary. In 2019, the **UN General Assembly** adopted **Resolution 74/247**, establishing an **ad hoc committee to draft a new international convention** on countering the use of information and communications technologies for criminal purposes. After years of negotiations, the **United Nations Convention against Cybercrime** was adopted by the General Assembly in December 2024, reflecting the growing recognition of cybercrime as an issue affecting international peace, security, and human rights. The United Nations Office on Drugs and Crime (UNODC) specifies that the treaty is an attempt to address crimes such as online sexual abuse, online scams, and money laundering.⁷⁴

The current cybercrime threat is widespread. **Ransomware** is among the most aggressive forms of cybercrime, capable of disrupting hospitals, governments, energy providers, transport systems, and businesses. The Federal Bureau of Investigation in the United States has reported that ransomware was identified as the most intrusive threat to critical infrastructure in 2024, while overall reported cybercrime losses continued to rise.⁷⁵ In the European Union, EU Agency for Law Enforcement Cooperation (Europol) also identifies

⁷³ Basic Facts about the Global Cybercrime Treaty," Peace and Security, accessed July 26, 2026.

⁷⁴ United Nations Office on Drugs and Crime, "UN General Assembly Adopts Landmark Convention on Cybercrime," December 24, 2024.

⁷⁵ Federal Bureau of Investigation, *2024 IC3 Annual Report* (Washington, DC: FBI, 2025); Federal Bureau of Investigation, "FBI Releases Annual Internet Crime Report," April 23, 2025.

ransomware attacks, child sexual exploitation, and online fraud as some of the most pervasive manifestations of cybercrime.⁷⁶

Fraud and identity-related crimes are particularly common because they require relatively low technical capacity while offering high potential profits. Phishing, spoofing, data breaches, investment fraud, business email compromise, and cryptocurrency scams can cause serious financial harm while reducing confidence in digital banking, public services, online commerce, and digital communication. From this perspective, cybercrime does not solely conceive individual harm, but also significantly undermines confidence in digital transformation.⁷⁷

Online sexual abuse and exploitation material present another major concern. The anonymity of digital platforms enables offenders to produce, store, distribute, and trade such material. To address offences related to online child sexual abuse and exploitation material, the new UN Convention shows that States increasingly recognize this as a matter involving international cooperation rather than being confined to domestic criminal law.⁷⁸

Human rights bodies have warned that these provisions must be assembled and implemented with great precision because it is crucial that the protection of children does not lead to overbroad criminalization of children themselves, legitimate educational and scientific material, or lawful expression. Clear child-rights safeguards and precise definitions in this area were specifically recommended by the Office of the United Nations High Commissioner for Human Rights (OHCHR).⁷⁹

A difficult challenge that presents itself through law enforcement is the reality of cybercrime being largely transnational, while **national criminal justice systems differ** from one another. A ransomware attack may be launched from one nation, use infrastructure in another, and then target victims in several others. It could also involve cryptocurrency transfers through multiple jurisdictions. This presents difficulties in

⁷⁶ Europol, *Internet Organised Crime Threat Assessment (IOCTA) 2024* (The Hague: Europol, 2024).

⁷⁷ Federal Bureau of Investigation, “FBI Releases Annual Internet Crime Report,” April 23, 2025.

⁷⁸ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime: Full Text,” arts. 14, 29, 30.

⁷⁹ Office of the United Nations High Commissioner for Human Rights, *Human Rights and the Draft Cybercrime Convention: Information Note* (Geneva: OHCHR, 2024).

evidence collection, extradition, attribution, and mutual legal assistance. Existing bilateral mutual legal assistance treaties often operate too slowly for investigations where electronic evidence can be deleted, moved, or encrypted in a short period of time. This explains why many nations are in favour of a global cooperation framework. It also explains why the scope and safeguards of that framework are politically sensitive.⁸⁰

Differences in national enforcement capacity further complicate international cooperation. While some States have specialized cybercrime units and advanced digital forensic capabilities, others lack up-to-date legislation, trained personnel, or resources to preserve and analyse electronic evidence. It was reported that cybercrime accounts for more than 30 percent of all reported crime in Western and Eastern Africa, while 90 percent of African countries reported needing significant improvement in law enforcement or prosecution capacity, according to INTERPOL’s 2025 Africa Cyber Assessment.⁸¹ This imbalance can create “safe havens” for cybercriminals and highlights the need for effective international cooperation.

At the same time, the UN Convention has raised concerns regarding human rights and investigative powers as it includes provisions on real-time traffic data and interception of content data.⁸² Civil society organizations have also expressed concern that the Convention may be used in connection with politically motivated offences, as examined later. A further concern relates to good-faith cybersecurity research, whistleblowing, and public-interest disclosure, which will also be addressed below.

Negotiations surrounding the proposed convention revealed significant disagreements over the Convention’s scope, investigative powers and human-rights safeguards, which are **central to discussions concerning its implementation**. The central issue for delegates is therefore not whether cybercrime should be addressed, but how to ensure that the global response

⁸⁰ Lisandra Novo, “In or Out? Managing Risks from the UN Cybercrime Convention,” in *CyCon 2025: The Next Step*, ed. C. Kwan et al. (Tallinn: NATO CCDCOE Publications, 2025), 57–74.

⁸¹ INTERPOL, “New INTERPOL Report Warns of Sharp Rise in Cybercrime in Africa,” June 23, 2025.

⁸² United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime: Full Text,” arts. 29–30.

strengthens security without undermining privacy, freedom of expression, due process, cybersecurity research, and the rule of law.

Key challenges

1. Scope of the Convention

One of the central questions surrounding the United Nations Convention against Cybercrime is how broadly its scope should be understood. The Convention does not only aim to prevent and combat cybercrime, but also to strengthen international cooperation and the sharing of electronic evidence in criminal proceedings.⁸³ This creates an important debate for delegates: should the Convention be limited to cyber-dependent crimes, meaning crimes that can only be committed through information and communications technology (ICT) systems, or should it also cover ordinary crimes that are merely committed, facilitated, or evidenced through ICT systems?

A **narrow approach** would focus mainly on offences that directly target computer systems, networks, or data. These include illegal access, illegal interception, interference with electronic data, and interference with ICT systems. Such offences are more clearly connected to the technical nature of cybercrime and are easier to define with legal precision. The OHCHR has supported this narrower approach, warning that criminalization should be “precisely and narrowly defined” to avoid threatening legitimate activities and human rights, especially freedom of expression.⁸⁴

A **broader approach**, however, would include crimes committed through ICT systems even when the crime itself is not cyber-dependent. For example, fraud, harassment, trafficking, terrorism-related offences, or the distribution of illegal content may occur online, but they are not necessarily dependent on the existence of a computer system. This wider model

⁸³ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes,” arts. 1–3, accessed May 15, 2026.

⁸⁴ Office of the United Nations High Commissioner for Human Rights, *Human Rights and the Draft Cybercrime Convention* (Geneva: OHCHR, 2024), 2.

may help law enforcement respond to modern forms of criminality, since evidence, communication, and financial transfers often take place digitally. However, it also increases the risk that the Convention could be used as a general instrument for cross-border criminal enforcement rather than a targeted cybercrime treaty.

The main danger of an overly broad scope is that **vague domestic offences may become internationally reinforced**. The Convention defines “serious crime” by reference to offences punishable by at least four years of imprisonment or a more serious penalty, leaving much of the substance to domestic law.⁸⁵ This may create inconsistencies because States define crimes differently. Conduct that is protected speech in one State may be criminalized in another under broad offences such as “extremism,” “terrorism,” “false information,” “insulting the state,” or “propaganda against the state.” As a result, international cooperation mechanisms could be used to request data, surveillance assistance, or extradition in cases involving journalists, dissidents, human rights defenders, or political opponents.⁸⁶

Content-related offences are especially sensitive. While some online content crimes, such as child sexual abuse material or non-consensual sharing of intimate images, clearly require strong legal responses, other content-based provisions can become vague or politicized. If the Convention is interpreted to include broad categories of harmful, extremist, or politically sensitive online expression, States may use cybercrime law to restrict criticism, minority speech, or opposition activity. OHCHR specifically warned that broadening criminalization beyond cyber-dependent crimes is problematic where offences are based on online expression, because cybercrime laws of this type are often used to suppress political dissent and restrict free expression.⁸⁷

NOTE FROM THE CHAIRS: Delegates should therefore consider whether the Convention should contain stronger safeguards limiting its scope, whether content-related offences

⁸⁵ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” art. 2(h).

⁸⁶ Lisandra Novo, “In or Out? Managing Risks from the UN Cybercrime Convention,” in *CyCon 2025: The Next Step*, ed. C. Kwan et al. (Tallinn: NATO CCDCOE Publications, 2025), 60–61.

⁸⁷ Office of the United Nations High Commissioner for Human Rights, *Human Rights and the Draft Cybercrime Convention*, 3.

need additional precision, and whether dual criminality shall apply also to cooperation requests.

Ultimately, the scope of the Convention will determine whether it becomes a focused tool against cybercrime or a broad criminal cooperation framework with serious human rights risks. Delegates must balance the need for effective international cooperation with legal certainty, proportionality, and protection against abuse.

QUESTIONS TO CONSIDER:

- Should the Convention apply only to cyber-dependent crimes, or also to crimes committed using ICT systems? Should content-related offences be included?
- Should States be required to refuse cooperation where a request risks violating human rights?

2. Law enforcement cooperation and digital evidence

A second major issue in the United Nations Convention against Cybercrime is how States should cooperate in criminal investigations involving digital evidence. Cybercrime is rarely confined to one territory: a victim may be in one State, the suspect in another, the relevant server in a third, and the service provider headquartered somewhere else entirely. This makes traditional criminal cooperation slower and more complex, especially when investigators need electronic evidence before it is deleted, encrypted, transferred, or otherwise made inaccessible. The Convention therefore creates a framework for mutual legal assistance, extradition, preservation of electronic data, cross-border cooperation, 24/7 contact points, and capacity-building.⁸⁸

Mutual legal assistance (MLA) is one of the Convention’s core mechanisms. Through mutual legal assistance, one State may formally request another State to help with an investigation, prosecution, or judicial proceeding. Under the Convention, this can include

⁸⁸ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” accessed May 15, 2026. The Convention was adopted on December 24, 2024, opened for signature on October 25, 2025, and aims to strengthen international cooperation in sharing electronic evidence for serious crimes.

taking evidence, serving documents, executing searches and seizures, accessing stored electronic data, collecting traffic data in real time, or intercepting content data.⁸⁹ This is important because digital evidence is often held by private companies or stored outside the investigating State’s jurisdiction. Without cooperation, law enforcement authorities may be unable to identify perpetrators, trace stolen funds, or prove the technical elements of cybercrime.

However, mutual legal assistance also raises serious human rights concerns. If requests are too broad or insufficiently reviewed, one State could use the Convention to obtain private communications, subscriber information, or traffic data in cases involving political opposition, journalism, activism, or protected speech. The OHCHR has warned that international cooperation provisions must avoid placing a requested State in a position where it becomes complicit in human rights violations.⁹⁰

Therefore, delegates should consider whether cooperation should depend on clear legal requirements, including dual criminality, judicial authorization, specificity of the request, and refusal where the request may lead to arbitrary detention, discrimination, political prosecution, or violations of privacy and freedom of expression.

Extradition is another important part of law enforcement cooperation. The Convention allows States to treat covered offences as extraditable, making it easier to transfer suspects to the State where prosecution will take place. This can be useful in ransomware, online fraud, child sexual abuse material, and attacks on critical infrastructure, where suspects often operate from abroad. At the same time, extradition must not become automatic. **Article 37** of the Convention provides that extradition is not required where there are substantial grounds to believe that the request aims to prosecute or punish a person on grounds such as sex, race, language, religion, nationality, ethnic origin, or political

⁸⁹ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” art. 40. Article 40 requires States to afford “the widest measure of mutual legal assistance” and lists forms of assistance including search and seizure, access to stored electronic data, real-time traffic-data collection, and content-data interception.

⁹⁰ Office of the United Nations High Commissioner for Human Rights, Human Rights and the Draft Cybercrime Convention (Geneva: OHCHR, 2024), 9–11.

opinion.⁹¹ Delegates may debate whether this protection is strong enough, or whether the Convention should include broader safeguards for political offences, risk of torture, unfair trials, or misuse of cybercrime charges against dissidents.

The **preservation of electronic evidence** is especially important because digital data can disappear quickly. **Article 25** allows authorities to order the expedited preservation of stored electronic data, including traffic data, content data, and subscriber information, particularly where there are grounds to believe the data may be lost or modified. **Article 42** also allows one State to request another State to preserve electronic data while a formal mutual legal assistance request is being prepared.⁹² This mechanism is useful because preservation does not necessarily disclose the data immediately; it keeps the evidence available until proper legal procedures can follow. Still, preservation orders should not become a shortcut around due process. Delegates should consider whether preservation should require a factual basis, a link to a specific offence, time limits, confidentiality limits, and later judicial review before disclosure.

Cross-border access to data is one of the most sensitive parts of the Convention. Modern cloud infrastructure means that data may be stored in a different State from both the suspect and the victim. The Convention addresses this through production orders, search and seizure powers, and mutual legal assistance in accessing stored electronic data. **Article 27** allows competent authorities to order a person in their territory to submit specified electronic data, and to order a service provider offering services in that territory to submit subscriber information.⁹³ This can improve efficiency, but it also raises sovereignty, privacy, and data protection concerns. If a State can compel a company to produce data stored abroad, this may conflict with the laws of the State where the data is located or where the user resides.

Cooperation between governments and service providers is therefore unavoidable, but it must be carefully limited. Service providers often hold the data needed to identify

⁹¹ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” art. 37(15).

⁹² United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” arts. 25 and 42.

⁹³ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” art. 27.

suspects, preserve evidence, remove child sexual abuse material, prevent fraud, and respond to emergencies. The Convention also encourages cooperation between law enforcement, prosecutors, private sector entities, and service providers in prevention and cybersecurity.⁹⁴ However, service-provider cooperation becomes problematic if companies are required to conduct mass monitoring, disclose encryption keys, reveal vulnerabilities, or assist in disproportionate surveillance. Experts have warned that provisions requiring persons with technical knowledge to assist authorities could be interpreted broadly, including in ways that threaten encryption, source code, or cybersecurity research.⁹⁵

Capacity-building for developing States is also central to this issue. Many States do not yet have sufficient forensic laboratories, trained cybercrime prosecutors, digital chain-of-custody procedures, or central authorities capable of responding quickly to mutual legal assistance requests. The Convention addresses this through technical assistance and capacity-building, including training on investigation methods, legislation, preservation and sharing of electronic evidence, forensic analysis, mutual legal assistance requests, and extradition procedures.⁹⁶ This is necessary because unequal capacity can create enforcement gaps: some States may become safe havens for cybercriminals simply because they lack the technical or institutional tools to investigate them. At the same time, capacity-building should include human rights training, judicial oversight, data protection, and safeguards against arbitrary surveillance.

QUESTIONS TO CONSIDER:

- When should mutual legal assistance be mandatory, and when should States be allowed or required to refuse cooperation?
- Should dual criminality be required before electronic evidence is shared?
- What level of judicial oversight should apply to preservation orders, production orders, real-time traffic-data collection, and content interception?

⁹⁴ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” art. 53.

⁹⁵ Lisandra Novo, “In or Out? Managing Risks from the UN Cybercrime Convention,” in *CyCon 2025: The Next Step*, ed. C. Kwan et al. (Tallinn: NATO CCDCOE Publications, 2025), 61.

⁹⁶ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” arts. 54 and 56.

3. Privacy, surveillance, and due process

Privacy, surveillance, and due process are arguably the most sensitive issues in the United Nations Convention against Cybercrime. The Convention gives States tools to request, preserve, access, and share electronic evidence, but those same tools may also expose individuals to intrusive surveillance. The key question for delegates is therefore not whether law enforcement should be able to investigate cybercrime, but how far investigative powers should go and what safeguards should be required before States access private digital data.

The Convention distinguishes between different types of electronic data. **“Subscriber information”** can identify a user, their address, payment details, or service arrangement. **“Traffic data”** can show the origin, destination, route, time, date, duration, or type of communication. **“Content data”** refers to the substance of a communication, such as messages, images, audio, or video.⁹⁷ Even when authorities do not access the actual content of messages, traffic data can still reveal highly sensitive patterns, including political networks, personal relationships, religious affiliation, location history, or contact with journalists and lawyers. For this reason, delegates should not treat metadata as harmless.

Data requests are a core investigative tool under the Convention. **Article 27** requires States to empower competent authorities to order persons or service providers to produce specified electronic data or subscriber information. **Article 28** goes further by requiring powers to search, access, seize, copy, retain, or render inaccessible stored electronic data.⁹⁸ These measures may be necessary in cases involving ransomware, online fraud, attacks on critical infrastructure, or child sexual abuse material. However, they must be limited to specific investigations, specific data, and specific legal grounds. A request for “all data

⁹⁷ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” art. 2. Article 2 defines traffic data, content data, service providers, subscriber information, personal data, and serious crime.

⁹⁸ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” arts. 27–28. These articles concern production orders and search and seizure of stored electronic data.

relating to a person” or “all users connected to a website” would be much more dangerous than a request for clearly identified evidence linked to a defined offence.

The most intrusive powers are **real-time collection and interception**. [Article 29](#) concerns the real-time collection of traffic data, while [Article 30](#) concerns the real-time interception of content data.⁹⁹ These powers are different from preserving already existing evidence: they allow authorities to monitor communications as they happen. This creates a much higher risk of surveillance abuse, especially where domestic law does not require strong judicial authorization. The OHCHR warned that real-time traffic-data collection and content interception are highly intrusive and may result in massive data collection, particularly if they are available for a broad range of offences without prior judicial authorization.¹⁰⁰

A further concern is the **risk of mass surveillance**. The Convention does not only apply procedural powers to the offences it directly criminalizes. [Article 23](#) also extends these powers to other crimes committed through information and communications technology (ICT) systems and to the collection of electronic evidence for any criminal offence.¹⁰¹ This broad formulation may help investigators respond to modern crimes, but it also creates a risk that cybercrime powers could be used in ordinary criminal cases, public-order cases, or politically sensitive cases. In States with weak rule-of-law safeguards, the same provisions could be used to monitor activists, journalists, opposition figures, human rights defenders, or minority communities.

Independent judicial authorization should therefore be treated as a central safeguard, not a technical detail. [Article 24](#) requires that procedural powers be subject to conditions and safeguards under domestic law, including human rights protection, proportionality, judicial or other independent review, effective remedies, grounds justifying the measure,

⁹⁹ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” arts. 29–30. Article 29 concerns real-time collection of traffic data, while Article 30 concerns interception of content data.

¹⁰⁰ Office of the United Nations High Commissioner for Human Rights, *Human Rights and the Draft Cybercrime Convention* (Geneva: OHCHR, 2024), 6. OHCHR warns that real-time traffic-data collection and content interception are highly intrusive and require clear judicial authorization, necessity, and proportionality safeguards.

¹⁰¹ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” art. 23. Article 23 extends procedural powers beyond Convention offences to other ICT-related offences and the collection of electronic evidence for any criminal offence.

and limits on scope and duration.¹⁰² However, the wording still leaves much discretion to domestic law. Delegates should consider whether stronger language is needed, especially for interception powers, real-time monitoring, compelled assistance from service providers, and cross-border data requests. The higher the privacy interference, the stronger the oversight should be.

Notification, remedies, and transparency are also essential. A person whose data has been accessed may never know that surveillance occurred, making it difficult to challenge unlawful measures. In some cases, secrecy is necessary during an active investigation, but secrecy should not be indefinite. OHCHR recommends that confidentiality should be limited to the time and extent necessary for the specific investigation, and that affected persons should be notified once notification no longer risks harming the investigation.¹⁰³ Delegates may also consider transparency reports, audit logs, independent oversight bodies, and remedies for individuals whose data was accessed unlawfully.

Protection against arbitrary or politically motivated investigations is equally important. The Convention includes a **general human rights clause** stating that implementation must be consistent with international human rights law and that the Convention must not be interpreted as permitting suppression of freedoms such as expression, opinion, religion, assembly, and association.¹⁰⁴ This is important, but delegates should consider whether it is enough. A State may formally describe a case as cybercrime while actually targeting political speech or dissent. For example, vague offences such as “propaganda against the State,” “extremism,” “insulting public authorities,” or “spreading

¹⁰² United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” art. 24. Article 24 requires human rights safeguards, proportionality, judicial or independent review, effective remedies, grounds justifying application, and limits on scope and duration.

¹⁰³ Office of the United Nations High Commissioner for Human Rights, *Human Rights and the Draft Cybercrime Convention*, 8. OHCHR recommends safeguards including legality, necessity, proportionality, prior judicial review, limits on scope and duration, notification, transparency, remedies, and protection of privileged communications.

¹⁰⁴ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” art. 6; International Covenant on Civil and Political Rights, arts. 17 and 19. Article 6 of the Convention requires consistency with international human rights law and prohibits interpretations that would suppress fundamental freedoms, while the International Covenant on Civil and Political Rights protects privacy and freedom of expression.

false information” could be used to request traffic data, account information, or stored communications from another State.

NOTE FROM THE CHAIRS: A strong resolution should therefore insist that surveillance powers be lawful, necessary, proportionate, targeted, and independently reviewed. It should also make clear that States should refuse cooperation where a request risks enabling political persecution, discrimination, arbitrary detention, torture, unfair trial, or violations of privacy and freedom of expression. The Convention can help states fight serious cybercrime, but without strict safeguards it may also become a mechanism for cross-border surveillance.

QUESTIONS TO CONSIDER:

- Should different safeguards apply to subscriber information, traffic and content data?
- When should affected individuals be notified that their data was accessed?
- Should States be required to refuse cooperation in politically motivated cases?

4. Protection of journalists, researchers, and human rights defenders

A fourth major issue is the protection of journalists, cybersecurity researchers, whistleblowers, digital activists, and human rights defenders. This point should be treated as one of the clearest human rights concerns in Topic B. The Convention is designed to help States investigate serious cybercrime, but the same investigative powers may also be used against people whose work depends on accessing, receiving, publishing, or protecting sensitive digital information.

Cybersecurity researchers are especially exposed. Their work often involves testing systems, identifying vulnerabilities, reporting weaknesses, and sometimes accessing systems in ways that may appear suspicious if viewed outside their public-interest context. **Article 7** of the Convention criminalizes intentional access to an information and communications technology (ICT) system “without right,” while **Articles 8–11** criminalize conduct such as interception, data interference, system interference, and misuse of

devices.¹⁰⁵ These offences are necessary for dealing with malicious hacking, but if they are drafted or applied too broadly at the domestic level, they may also affect researchers who act in good faith to reveal security flaws. The OHCHR therefore recommended that cybercrime laws include explicit intent requirements to prevent misuse against lawful activities such as research or activism.¹⁰⁶

Whistleblowing raises a similar problem. Whistleblowers may disclose information showing corruption, unlawful surveillance, corporate misconduct, or State abuse. In some domestic systems, such disclosure may be treated as unauthorized access, unlawful data disclosure, theft of data, or breach of confidentiality. The problem is not that all disclosure should be protected automatically, but that public-interest disclosure should not be criminalized in the same way as malicious cybercrime. Without safeguards, cybercrime law can become a tool for punishing the exposure of wrongdoing rather than addressing the wrongdoing itself.

Investigative journalism is also directly relevant. Journalists often receive leaked documents, analyse digital evidence, protect confidential sources, use encrypted communication, and publish material that may embarrass powerful actors. In States with weak press-freedom protections, cybercrime laws have already been used against journalists. For example, Reuters reported in 2024 that Nigerian investigative journalist Daniel Ojukwu was detained under Nigeria’s cybercrime law after a report concerning government corruption, and media-rights groups criticized the case as an attempt to suppress independent journalism.¹⁰⁷ This example shows why delegates should not treat the risk as theoretical.

Digital activism and human rights work also depend heavily on online tools. **Human rights defenders** may document abuses, archive evidence, communicate securely with victims,

¹⁰⁵ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” arts. 7–11. These provisions concern illegal access, illegal interception, interference with electronic data, interference with ICT systems, and misuse of devices.

¹⁰⁶ Office of the United Nations High Commissioner for Human Rights, *Cybercrime: Tech and Civic Space Brief* (Geneva: OHCHR, 2025), 2. OHCHR states that cybercrime laws should include explicit intent requirements to prevent misuse against lawful activities such as research or activism.

¹⁰⁷ Reuters, “Nigerian Journalist Detained over a Week under Cybercrime Law, Employer Says,” May 9, 2024

organize campaigns, or bypass censorship. These activities may be framed by some governments as extremism, public-order threats, false information, or unlawful interference with state systems. Human Rights Watch has warned that the Convention’s broad “serious crime” framework may expose protected activities such as criticism of the government, peaceful protest, investigative journalism, and whistleblowing to electronic evidence-sharing between States.¹⁰⁸ This is particularly concerning because cybercrime investigations can involve subscriber data, traffic data, stored communications, search and seizure, real-time collection, and cross-border cooperation.

The risk is therefore not only domestic repression, but also transnational repression. A government may request data from another State about a journalist, activist, dissident, or human rights defender living abroad. If the requested State does not carefully examine the human rights consequences of the request, it may become indirectly involved in political persecution. OHCHR’s guidance on cybercrime and civic space stresses that mutual legal assistance and international cooperation should respect human rights, include dual criminality, and be supported by safeguards against transnational repression.¹⁰⁹

The Convention does include some **safeguards**. **Article 6** requires States to implement the Convention consistently with international human rights law and states that the Convention must not be interpreted as permitting suppression of rights such as freedom of expression, opinion, religion, peaceful assembly, and association. **Article 24** also requires conditions and safeguards, including proportionality, judicial or independent review, effective remedies, grounds justifying the measure, and limits on scope and duration.¹¹⁰ However, these safeguards depend heavily on domestic implementation. In States where courts are not independent or where cybercrime laws are already used against dissent, general human rights language may not be enough.

NOTE FROM THE CHAIRS: Delegates should therefore consider public-interest safeguards. These may include explicit protection for good-faith cybersecurity research,

¹⁰⁸ Human Rights Watch, “New UN Cybercrime Treaty Primed for Abuse,” December 30, 2024.

¹⁰⁹ Office of the United Nations High Commissioner for Human Rights, *Cybercrime: Tech and Civic Space Brief*, 2.

¹¹⁰ United Nations Office on Drugs and Crime, “United Nations Convention against Cybercrime,” arts. 6 and 24.

responsible vulnerability disclosure, whistleblowing, journalistic activity, human rights documentation, and digital activism. States could also require malicious or dishonest intent before criminal liability attaches, exclude liability where conduct was necessary to expose serious wrongdoing, and protect confidential journalistic sources and privileged communications. The Convention's tools should target malicious cyber activity, not the people who reveal abuse, strengthen cybersecurity, or hold public authorities accountable.

A strong resolution should make clear that cybercrime enforcement must not be used to silence dissent, intimidate journalists, punish researchers, or criminalize human rights work. Delegates should balance security and accountability by ensuring that criminal law remains precise, that investigative powers remain targeted, and that public-interest activity receives explicit legal protection.

QUESTIONS TO CONSIDER:

- How should the Convention protect good-faith cybersecurity research and responsible vulnerability disclosure?
- Should public-interest whistleblowing be protected from cybercrime prosecution?
- How can States prevent cybercrime laws from being used against investigative journalists and confidential sources?

Overview of relevant international law

The **United Nations Charter** provides the general basis for international cooperation, respect for sovereign equality, and promotion of human rights.¹¹¹ This is important because cybercrime requires cross-border cooperation, but such cooperation must not violate State sovereignty, privacy, due process, or fundamental freedoms.

The **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Civil and Political Rights (ICCPR)** are central human rights instruments for this topic.

¹¹¹ United Nations, *Charter of the United Nations*, arts. 1, 2, 13, and 55.

Article 12 of the UDHR and Article 17 of the ICCPR protect individuals against arbitrary interference with privacy, family, home, and correspondence. Article 19 of both instruments protects freedom of opinion and expression.¹¹² These provisions are directly relevant to data requests, interception of communications, online speech, investigative journalism, whistleblowing, and digital activism. Cybercrime measures must therefore meet the standards of legality, necessity, and proportionality.

The **United Nations Convention against Transnational Organized Crime (UNTOC)** is relevant as a background model for international criminal cooperation. It provides mechanisms for extradition, mutual legal assistance, law enforcement cooperation, and technical assistance.¹¹³ While it is not a cybercrime treaty, it influenced the structure of later criminal cooperation instruments, including the UN Cybercrime Convention.

The **Budapest Convention on Cybercrime** is the main comparative treaty. Adopted by the Council of Europe in 2001, it created a framework for cybercrime offences, procedural powers, and international cooperation.¹¹⁴ Many provisions of the UN Cybercrime Convention were influenced by or reproduced from the Budapest Convention, although the UN treaty is broader and more globally negotiated.¹¹⁵ Delegates should use the Budapest Convention as a comparison point, especially when discussing whether the UN Convention’s scope is too broad.

The **United Nations Convention against Cybercrime**, even while not in effect yet, is the central treaty for this debate. It was adopted by the UN General Assembly in December 2024 and is intended to strengthen cooperation against cybercrime and the sharing of electronic evidence.¹¹⁶ However, its broad scope, inclusion of “serious crimes,” and powers

¹¹² United Nations General Assembly, *Universal Declaration of Human Rights*, arts. 12 and 19; United Nations General Assembly, *International Covenant on Civil and Political Rights*, arts. 17 and 19.

¹¹³ United Nations Office on Drugs and Crime, *United Nations Convention against Transnational Organized Crime and the Protocols Thereto* (New York: United Nations, 2004).

¹¹⁴ Council of Europe, *Convention on Cybercrime*, ETS No. 185, Budapest, November 23, 2001.

¹¹⁵ Lisandra Novo, “In or Out? Managing Risks from the UN Cybercrime Convention,” in *CyCon 2025: The Next Step*, ed. C. Kwan et al. (Tallinn: NATO CCDCOE Publications, 2025), 59–60.

¹¹⁶ United Nations General Assembly, *United Nations Convention against Cybercrime; Strengthening International Cooperation for Combating Certain Crimes Committed by Means of Information and Communications Technology Systems and for the Sharing of Evidence in Electronic Form of Serious Crimes*, A/RES/79/243, December 24, 2024.

concerning real-time data collection and interception have raised concerns about privacy, cybersecurity, and human rights.¹¹⁷ For this reason, **Articles 6 and 24**, which concern human rights and safeguards, should be read together with the ICCPR and other human rights standards.

Finally, delegates should also consider **Human Rights Council resolutions** on the right to privacy in the digital age and **reports by UN Special Rapporteurs**. Important resolutions include **Resolution 28/16**, which affirms that the right to privacy must be protected online just as it is offline, calling on States to stop unlawful or arbitrary surveillance. It also established the mandate for a Special Rapporteur on the right to privacy to monitor and report on digital violations. These sources confirm that privacy rights apply online and that surveillance, data collection, encryption restrictions, and digital investigations must comply with human rights law.¹¹⁸ The Special Rapporteur on freedom of expression has emphasized the importance of encryption and anonymity, while the Special Rapporteur on privacy has addressed State surveillance, personal data protection, and remedies for unlawful interference.¹¹⁹

Overall, the Convention should be interpreted through a human rights framework. Delegates should ask whether proposed measures are lawful, necessary, proportionate, independently reviewed, and protected against political misuse.

Broad state stances

State positions on the UN Cybercrime Convention are not divided only between “support” and “opposition.” Most States recognize that cybercrime is a serious cross-border problem, but they disagree on how much power the Convention should give to law enforcement, human rights safeguards, and international cooperation.

¹¹⁷ Novo, “In or Out?,” 60–61.

¹¹⁸ Human Rights Council, *The Right to Privacy in the Digital Age*, A/HRC/RES/54/21, October 12, 2023.

¹¹⁹ David Kaye, *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*, A/HRC/29/32, May 22, 2015; Office of the United Nations High Commissioner for Human Rights, *Human Rights and the Draft Cybercrime Convention* (Geneva: OHCHR, 2024), 2–3.

States prioritizing security and sovereignty tend to support a broader Convention. These States usually emphasize that cybercrime, online fraud, ransomware, child sexual abuse material, and attacks on infrastructure require stronger international cooperation. They may also argue that each State should have the sovereign right to define crimes under its domestic law and regulate digital activity within its territory. Russia was one of the main initiators of the UN treaty process and had criticized the Budapest Convention partly on sovereignty grounds, arguing that a UN-based treaty would be more universal.¹²⁰

States prioritizing human rights safeguards generally support cooperation against cybercrime but insist that the Convention must not enable repression, arbitrary surveillance, or politically motivated investigations.¹²¹

Technologically advanced States have specific concerns because many major service-provider companies are headquartered in their territories. They therefore often support efficient cooperation mechanisms, but also want clear safeguards to avoid overwhelming domestic authorities or forcing companies to comply with abusive or legally conflicting requests. The United States, for example, indicated that it was unlikely to sign or ratify the Convention unless meaningful human rights and legal protections were implemented by signatories.¹²²

Developing States seeking capacity-building may view the Convention as an opportunity to improve their ability to investigate cybercrime. Many States lack sufficient technical equipment, trained investigators, digital forensic capacity, specialized prosecutors, or fast mutual legal assistance systems. For these States, technical assistance, training, funding, and technology transfer are central issues.

NOTE FROM THE CHAIRS: Overall, delegates should avoid assuming that all States within one region will take the same position. A State’s stance may depend on its cybersecurity

¹²⁰ Lisandra Novo, “In or Out? Managing Risks from the UN Cybercrime Convention,” in *CyCon 2025: The Next Step*, ed. C. Kwan et al. (Tallinn: NATO CCDCOE Publications, 2025), 59–60.

¹²¹ Novo, “In or Out?,” 60–61.

¹²² Novo, “In or Out?,” 64.

capacity, human rights record, technological development, relationship with major service providers, exposure to cybercrime, and view of State sovereignty.

OVERVIEW OF STATE STANCES	
Security & sovereignty-focused States	Support a broad Convention with strong international cooperation and investigative powers. They emphasize State sovereignty and the right to regulate cybercrime according to domestic law.
Human rights-focused States	Support international cooperation against cybercrime but demand strong safeguards for privacy, freedom of expression, due process, and protection against politically motivated investigations or arbitrary surveillance.
Technologically advanced States	Generally, support efficient international cooperation but seek clear legal safeguards, particularly because major technology companies and service providers are often located within their territories. They are concerned about excessive or conflicting requests to domestic authorities and private companies.
Developing States	Generally, support the Convention as a way to strengthen their ability to combat cybercrime. They particularly emphasize technical assistance, training, funding, digital forensic capabilities, and technology transfer.

Points a resolution should address

A strong resolution should allow States to investigate cybercrime effectively while protecting privacy, due process, freedom of expression, and civic space. Delegates should consider the following questions:

- What safeguards should apply to data requests, preservation orders, real-time traffic-data collection, and interception of content data?
- How can States prevent cybercrime laws from being misused against journalists, cybersecurity researchers, whistle-blowers, and digital activists?
- How should cybercrime be defined to avoid criminalizing legitimate expression, public-interest reporting, responsible vulnerability disclosure, or political dissent?
- What capacity-building should be provided to developing States?
- How should victims of cybercrime be protected?
- Should States be required to monitor and report on the human rights impacts of cybercrime investigations, surveillance powers, and cooperation requests?

Additional preparation materials

NECESSARY READING:

- **Official text of the UN Cybercrime Convention.** Available at:
<https://www.unodc.org/unodc/en/cybercrime/convention/text/convention-full-text.html>.

Essential for understanding the Convention's scope, offences, procedural powers, international cooperation rules, and safeguards.
- **UNODC Convention page.** Available at:
<https://www.unodc.org/unodc/en/cybercrime/convention/home.html>.

Useful for official updates, background, status, and implementation materials.

- **OHCHR, *Human Rights and the Draft Cybercrime Convention*.** Available at: <https://www.ohchr.org/en/documents/tools-and-resources/human-rights-and-draft-cybercrime-convention>.

Important for understanding privacy, due process, freedom of expression, and safeguard concerns.

- **Official text of the Budapest Convention on Cybercrime.** Available at: <https://rm.coe.int/1680081561>.

Useful as comparative material, since it was the main earlier international cybercrime treaty. Delegates are also advised to find additional background information on the Convention.

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Figures

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2. **Figure 2:** IOM – Global Data Institute, Global Overview of Migration Routes Portal - Interactive Map. Available at: <https://dtm.iom.int/global-overview-of-migration-routes-portal>.
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