

Cybercrime Convention Committee (T-CY)

Working group on artificial intelligence

(DRAFT) Terms of Reference¹

Name	T-CY working group on artificial intelligence.
Origin	T-CY Working Group under Article 1.1.j of the Rules of Procedure established by decision of the T-CY adopted at [the 31 st Plenary (11-12 December 2024)] ²
Duration	1 January 2025 – 30 June 2026
Main tasks	<p>To prepare a mapping study on cybercrime, electronic evidence and artificial intelligence (AI), including options and recommendations for further action by the T-CY.</p> <p>The mapping study shall focus on the specific links between cybercrime, electronic evidence and artificial intelligence, and address issues such as:</p> <ul style="list-style-type: none">▪ Offences committed against and by means of AI systems³, and applicability of current criminal law, including the Convention on Cybercrime and its First Protocol on Xenophobia and Racism.▪ The use of AI systems for the prevention, detection, investigation and prosecution of offences, for the collection of electronic evidence and for international cooperation, and the applicability of current criminal law and agreements, including the Convention on Cybercrime and its Second Protocol.▪ The applicability of human rights and rule of law safeguards, chain of custody, territoriality and jurisdiction, and other conditions and principles in this regard.

¹ Draft for consideration by the T-CY Plenary, 11-12 December 2024

² Note: The 30th Plenary of the T-CY (June 2024) decided "To invite the T-CY Bureau to present the T-CY plenary with options for future work of the T-CY on the question of cybercrime, electronic evidence and artificial intelligence, such as the preparation of a mapping study or similar".

³ See CETS 225:

Article 2 – Definition of artificial intelligence systems

For the purposes of this Convention, "artificial intelligence system" means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that may influence physical or virtual environments. Different artificial intelligence systems vary in their levels of autonomy and adaptiveness after deployment.

	<p>Options and recommendations may include, for example, the drafting of guidance notes, documenting experiences and good practices, or negotiation of a binding instrument. However, the purpose of this Working Group is not to draft or negotiate text of a new instrument.</p> <p>The Group shall take into account relevant standards and activities of the Council of Europe (in particular in relation to the Framework Convention on Artificial Intelligence (CETS 225) and the European Committee of Crime Problems (CDPC)), as well as those of other organisations.</p> <p>The Group shall provide an update to the T-CY at its 33rd Plenary and a final report for consideration by the 34th Plenary of the T-CY.</p>
Working methods	<p>The Working Group shall hold its meetings in camera in virtual format or back-to-back with meetings of the T-CY Bureau or Plenary.</p> <p>The Working Group may hold public hearings, invite other experts and consult other stakeholders.</p>
Composition	<ul style="list-style-type: none"> • Bureau members ex-officio with defrayal of cost⁴. • Up to 8 additional T-CY members or experts appointed by Parties with defrayal of cost⁵.

⁴ Subject to the availability of funds.

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