

Item 7

T-CY Working Group on artificial intelligence: Update

T-CY 31 (December 2024):

- Decision to establish a T-CY Working Group tasked to “prepare a mapping study on cybercrime, electronic evidence and artificial intelligence (AI), including options and recommendations for further action by the T-CY”

Chair: Gareth Sansom, Canada

Bureau members + experts from:

- Argentina
- Belgium
- Bosnia and Herzegovina
- Cabo Verde
- Cameroon
- Chile
- Costa Rica
- Côte d'Ivoire
- Dominican Republic
- Ecuador
- France
- Grenada
- Montenegro
- Norway
- Spain

Meetings so far:

- 6 March 2025 online
- 7 May 2025 online
- 1 June 2025 in person

Research questions

Offences against, by and by means of AI systems [“AI offences”]

- What offences can be committed by or by means of AI systems?
- What offences can be committed against AI systems?
- What criminal law issues arise in the criminalisation of offences against and by means of AI systems (such as criminal intent, criminal liability, negligence)?
- To what extent do current criminal law and international agreements, including the framework of the Convention on Cybercrime, apply? Are there any gaps?

Research questions

Investigating, prosecuting and adjudicating AI offences or with the support of AI

- What particular challenges arise in criminal proceedings against AI offences?
- What particular challenges arise in the use of AI in criminal proceedings of any offence?
- How are due process principles and rules, and how do conditions and safeguards apply when AI is used in criminal proceedings?
- To what extent do current criminal law and international agreements, including the framework of the Convention on Cybercrime, apply? Are there any gaps?

Research questions

AI and electronic evidence

- How can AI be used for the collection of e-evidence?
- What particular issues arise (such as with regard to due process principles and rule of law conditions and safeguards, including the protection of personal data)?
- To what extent do current criminal law, e-evidence rules and international agreements, including the framework of the Convention on Cybercrime, apply? Are there any gaps?

Research questions

AI and international cooperation

- What particular challenges arise in international cooperation on AI offences?
- What particular challenges arise in the use of AI for international cooperation in criminal matters?
- How can AI systems be used for cross-border investigations and the collection of e-evidence?
- What particular issues arise in this context (territoriality, jurisdiction, sovereignty, protection of fundamental rights etc.)?
- To what extent do current international agreements, including the framework of the Convention on Cybercrime, apply? Are there any gaps?

Research questions

AI and crime prevention

- How can AI systems be used to prevent crime?
- What particular issues arise (including with respect to human rights, justice and the rule of law)?

Structure of the draft mapping study:

TABLE OF CONTENTS

1	Introduction
2	Concepts, definitions and relevant standards and agreements
3	Offences against and by or by means of AI systems
4	Investigation, prosecution and adjudication of offences
5	AI and electronic evidence
6	AI and international cooperation
7	Artificial intelligence and crime prevention
8	Conclusions and recommendations.....
9	Appendix