

## Budapest Convention on Cybercrime

How does it achieve effective impact on:

⇒ criminal justice action against cybercrime?

⇒ protecting you and your rights in cyberspace?

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[www.coe.int/cybercrime](http://www.coe.int/cybercrime)

February 2013

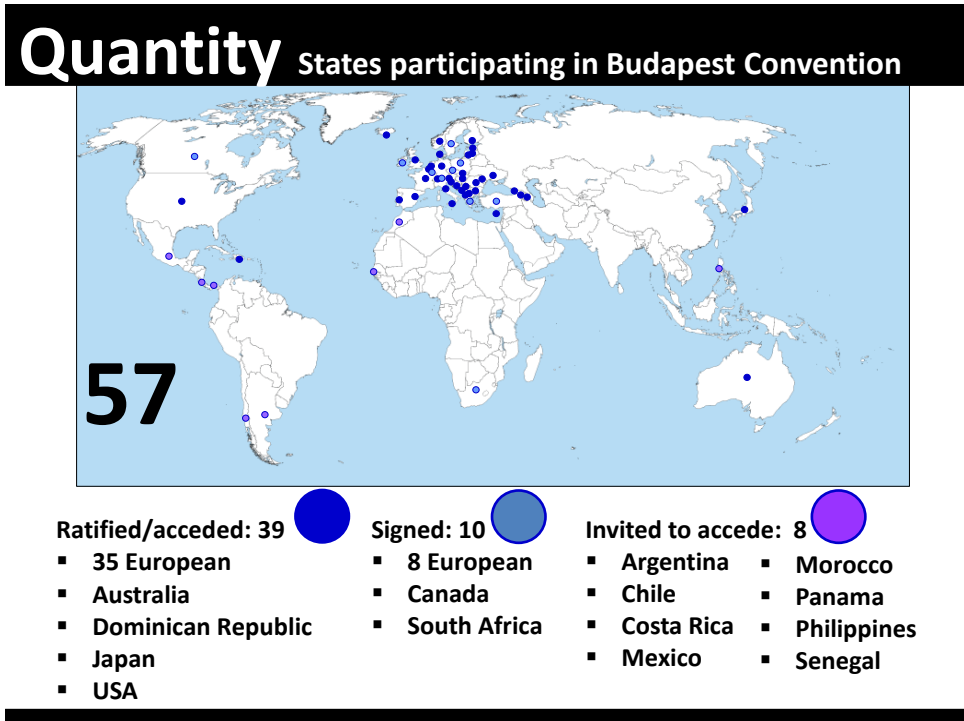
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**Quality x Quantity = Effective Impact**

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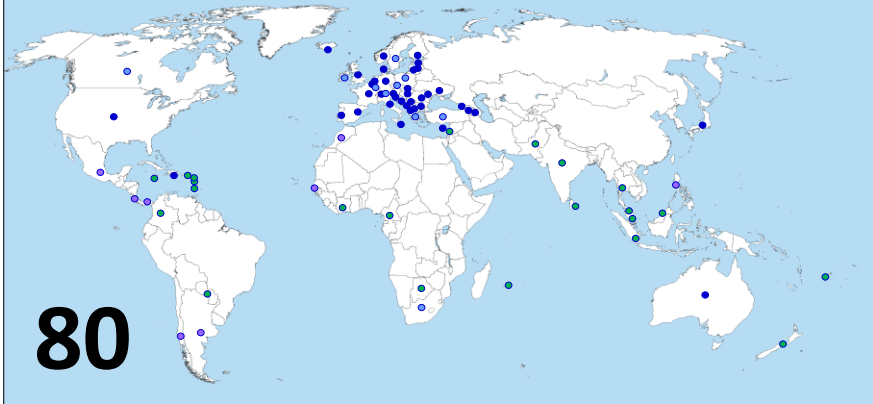
Quality of Budapest Convention	
Scope	⇒ Substantive law + procedural law + international cooperation + electronic evidence for all crimes
Substance/ contents	⇒ Specific and comprehensive ⇒ Rule of law/human rights safeguards ⇒ Test of time and practice
Firmness	⇒ Each Party <del>may/should consider</del> <b>SHALL</b> ⇒ Some reservations/declarations possible
Elasticity	⇒ Technology-neutral ⇒ E-evidence related to any crime ⇒ Guidance Notes ⇒ Protocols
Level of implementation by Parties	⇒ Legislation to be in place by the time of ratification/accession ⇒ Assessments by Cybercrime Convention Committee ⇒ Technical cooperation for capacity building

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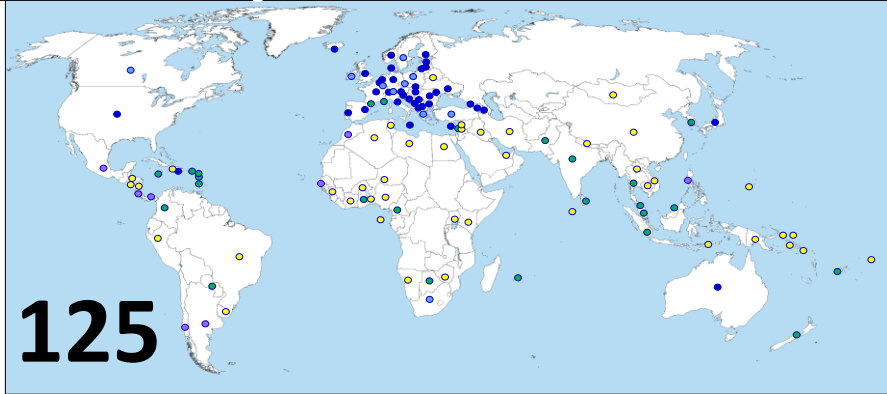
# Quantity States using Budapest Convention



- Ratified/acceded: 39 ●
- Signed: 10 ●
- Invited to accede: 8 ●
- = 57
- Other States with laws/draft laws largely in line with Budapest Convention: = at least 23 ●

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Indicative map only

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- Other States with laws/draft laws largely in line with Budapest Convention = 23 ●
- Further States drawing on Budapest Convention for legislation = 45 ●

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**Quality x Quantity = Effective Impact**

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## **Effectiveness/Impact** of the Budapest Convention

- Stronger and more harmonised legislation
  - More efficient international cooperation between Parties
  - Better cybersecurity performance
  - More investigation, prosecution and adjudication of cybercrime and e-evidence cases
  - Trusted partnerships and public/private cooperation
  - Catalyst for capacity building
  - Contribution to human rights/rule of law in cyberspace
- = “Protecting you and your rights”

**The Budapest Convention is in place and functioning.**

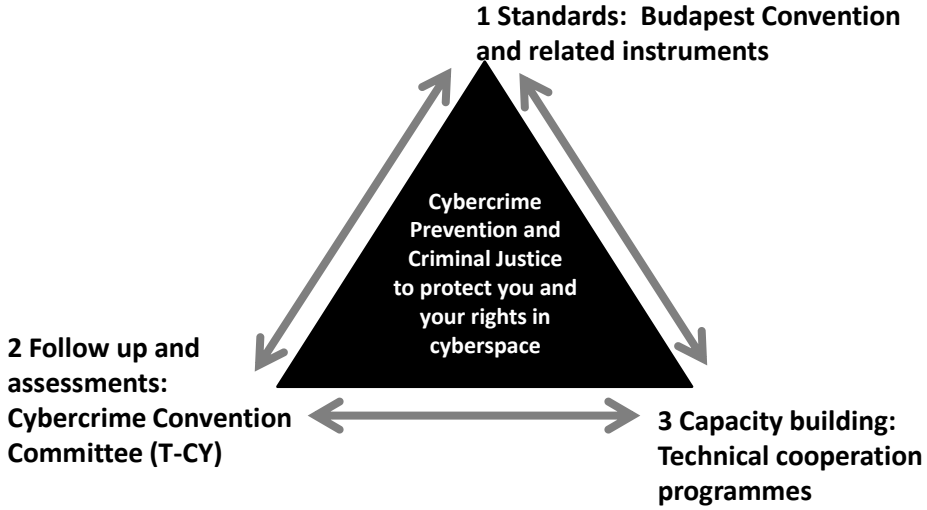
### **Obstacles:**

1. Limited criminal justice capacities
2. Political disagreements

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# Functioning of the Budapest Convention

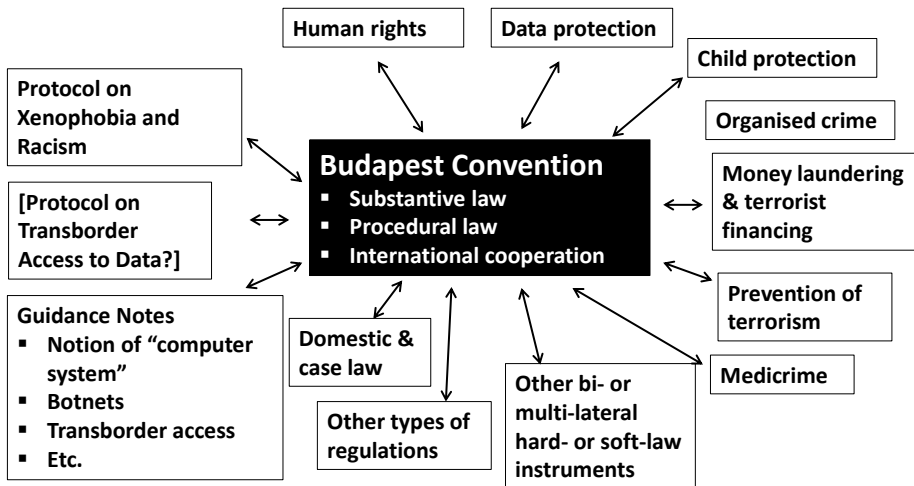


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# Functioning of the Budapest Convention

## 1 Standards: Budapest Convention and related instruments



A web of legal responses An even larger web of other responses

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## Functioning of the Budapest Convention

### 2 Follow up and assessments:

#### Cybercrime Convention Committee (T-CY) – Article 46

##### Membership (status 14 February 2013):

- 39 Members (State Parties)
- 22 Observer States
- 10 International organisations (African Union Commission, ENISA, European Union, Europol, INTERPOL, ITU, OAS, OECD, OSCE, UNODC)

##### Activities (examples):

- Assessment in 2012 of expedited preservation provisions (Articles 16, 17, 29 and 30)
- Assessment in 2013 of efficiency of international cooperation (Article 31 etc.)
- Guidance Notes (“botnets”, “spam”, “ID-fraud” etc.)
- Transborder access to data (Analysis of Article 32)
- Functioning of network of 24/7 contact points

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## Functioning of the Budapest Convention

### 3 Capacity building: Technical cooperation programmes

##### Enhance quality of implementation:

- Cybercrime strategies
- Legislation and safeguards
- Cybercrime units
- Law enforcement training
- Judicial training
- Financial investigations
- Public/private cooperation
- International cooperation

##### Enhance quantity of Parties:

- Legislation and policy dialogue to facilitate ratification/accession

##### Global and regional projects:

- ▶ 500+ activities with 125+ countries & 130+ organisations and private sector since 2006
- ▶ New joint EU/COE project on Global Action on Cybercrime in 2013
- ▶ Encouraging other donors to provide assistance to countries in implementing Budapest Convention

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# Outlook

- + Budapest Convention
  - + Capacity building
  - Political disagreement
- 
- = Effective impact

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