

London Conference on Cyberspace (1-2 November 2011)
Cybercrime legislation



About Budapest Convention:

- Criminalising conduct
- Efficient investigations through procedural law tools + conditions and safeguards
- International cooperation

Concept of cybercrime:

- Offences against and by means of computers
- Electronic evidence related to any crime

Criminal justice treaty:

- cyberCRIME
- rule of law + human rights principles

Note:

- Guideline + treaty
- Generic (conduct) + specific
- Negotiated + accepted
- Scalable
 - Membership
 - Contents (protocols)
 - Link to other standards
- Mature and proven to work:
 - 10 y+ preparation
 - 10 y implementation
- Risk of lower standards and digital divide if new treaty were prepared

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1

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Budapest Convention (23 Nov 2001 – 23 Nov 2011): key achievements

- Process of legislative reforms worldwide
- Global outreach, global impact: 55 countries ratified, signed, invited to accede. Cooperation with at least another 55 countries
- Catalyst for capacity building
- Increased criminal justice measures
- Increased cooperation between parties
- Trusted partnerships and multi-stakeholder cooperation around a common normative framework
- An essential element of norms of behaviour for cyberspace
- Contribution to human rights and the rule of law in cyberspace
- Protection you and your rights

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2

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Conclusions:

1. Standards, norms, good practices on cyberCRIME available: Focus on capacity building to support implementation
2. Budapest Convention as a guideline for legislation
3. Increase accession to Convention as framework for trusted international cooperation against cybercrime
4. Ensure rule of law / human rights principles (Article 15 + Convention 108)
5. Solutions to transborder access by LEA
6. Enhance cooperation between international organisations to serve societies
7. Clarify concepts of cybercrime and cybersecurity – complementary but different solutions
8. Separate the issues (e.g. cybersecurity: norms on State behaviour in cyberspace?)

