



Ministry of Communications



Workshop on Cybercrime and Cybersecurity for
selected Members of Parliament
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Cybercrime and e-evidence: challenges and solutions

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Cybercrime and e-evidence: threats and challenges

Cybercrime and other offences involving evidence on computer systems (e-evidence):

WHO DID IT?

**No data, no evidence,
no justice**

- **Billions of users and devices**
- **Trillions of attacks**
- **Millions of offences**
- **Is there any type of crime without e-evidence?**
- **Investigations % ?**
- **Convictions % ?**

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Cybercrime and e-evidence: threats and challenges

Where is the crime?
 Where is the data, where is the evidence?
 Who has the evidence?
 Where is the boundary for LEA powers?

▶ Transnational nature of cybercrime and e-evidence
 ▶ Crime and jurisdiction in cyberspace

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Cybercrime and e-evidence: threats and challenges

Life in cyberspace, rights in cyberspace

Core political, economic and security interests in cyberspace

▶ How to reconcile security and fundamental rights?

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Legal framework, institutional capacities and cooperation

Towards solutions

- Differentiate data needed
 - Subscriber information
 - Traffic data
 - Content data

- Legal framework
 - Substantive criminal law
 - Specific procedural powers to obtain data
 - Safeguards + data protection regime

- Cooperation at all levels
 - Training for ALL criminal justice officials
 - Interagency cooperation
 - Cooperation with service providers (domestic, multi-national)
 - International cooperation
 - Budapest Convention on Cybercrime

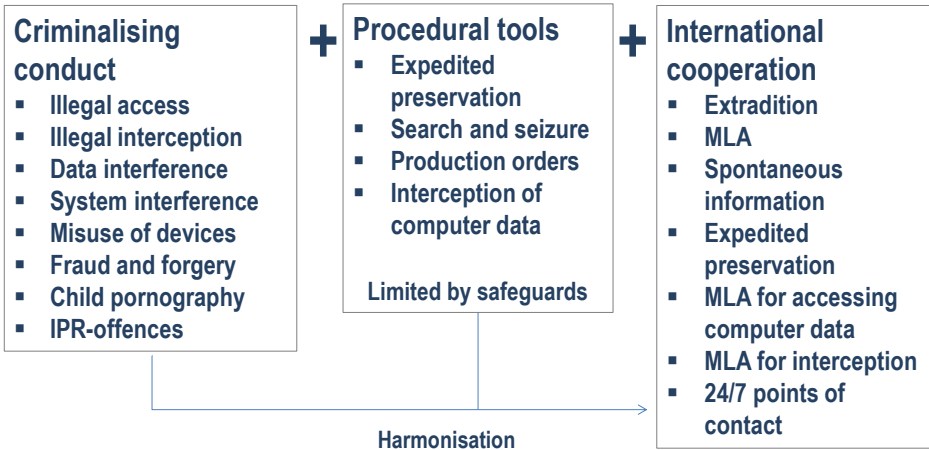
- Additional solutions on access to evidence in the cloud
 - Protocol to Budapest Convention

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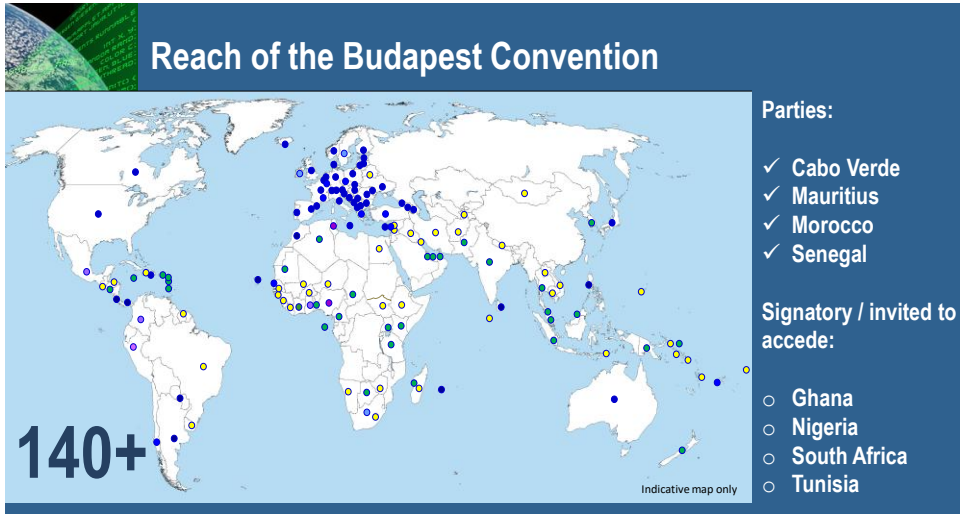
Legal framework, institutional capacities and cooperation

What international benchmarks?

► Budapest Convention on Cybercrime



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- Ratified/acceded: 61 ● Other States with laws/draft laws largely in line with Budapest Convention = 20+ ●
- Signed: 4 ● Further States drawing on Budapest Convention for legislation = 50+ ●
- Invited to accede: 6 = 71 ●

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Cybercrime and e-evidence: Towards a Protocol to the Budapest Convention

- A. Provisions for more efficient MLA**
 - Emergency MLA
 - Joint investigations
 - Video conferencing
 - Language of requests
 - Etc.
 - B. Provisions for direct cooperation with providers in other jurisdictions**
 - C. Framework and safeguards for existing practices of extending searches transborder**
 - D. Safeguards/data protection**

Terms of reference approved in June 2017.

Negotiations: Sep 2017 – Dec 2019.

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Legal framework, institutional capacities and cooperation

Question:

Ghana about to become a Party to the Budapest Convention

► How to permit Ghana to engage in intensive international cooperation on cybercrime and electronic evidence with currently 61 other Parties?