



GLACY

Global Action on Cybercrime
Action globale sur la cybercriminalité

Workshop on responsibilities for international cooperation

Organised by the Ministry of Information and Communication Technology of Mauritius
and the Council of Europe
Balaclava, Mauritius, 11 August 2014

**International Cooperation on Cybercrime and
Electronic Evidence under the Budapest Convention**

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Council of Europe

www.coe.int/cybercrime

Funded
by the European Union
and the Council of Europe



COUNCIL OF EUROPE



Implemented
by the Council of Europe

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Crime scene

➤ **Transnational dimension**
 ➤ **Independence of place of action and presence at crime site**
 ➤ **Jurisdiction**

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Cybercrime & electronic evidence

Cyber-/information security strategies

Security/trust/resilience/reliability of ICT

Non-intentional ICT security incidents

Disasters
Technical failure
Human failure

Intentional attacks against ICT by

State actors Non-state actors Terrorists Criminals

Critical infrastructure attacks

Other attacks on confidentiality, integrity and availability of ICT

Cybercrime strategies

Rule of law/ criminal justice and human rights

Offences by means of ICT

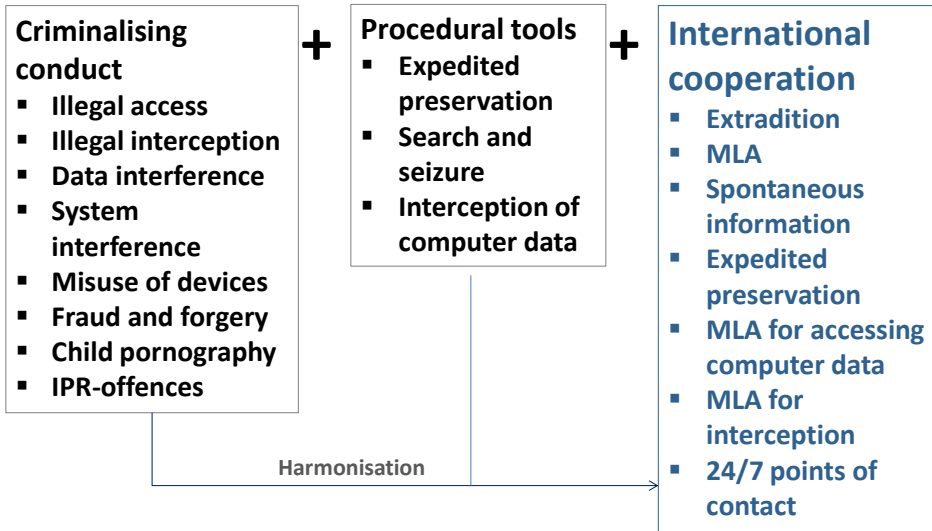
Offences involving ICT

Fraud
Child expl.
Terrorist use of ICT
IPR-offences
Extortion, etc

Any offence involving electronic evidence

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Contents of the Budapest Convention



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Budapest Convention: International cooperation provisions

Combination: regular MLA + expedited and provisional measures

Article	Budapest Convention
Art. 23	General princip. (subsidiarity)
Art. 24	Extradition
Art. 25	General rules
Art. 26	Spontaneous information
Art. 27	MLA in absence of treaty
Art. 28	Confidentiality

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Budapest Convention: International cooperation provisions

Article	Budapest Convention
Art. 29	Expedited preservation
Art. 30	Partial disclosure traffic data
Art. 31	MLA accessing data
Art. 32	Transborder access
Art. 33	MLA collection traffic data
Art. 34	MLA interception content
Art. 35	24/7 point of contact

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Joining the Budapest Convention

Treaty open for accession (article 37)

Phase 1:

- A country with legislation in place or advanced stage
- Letter from Government to CoE expressing interest in accession
- Consultations (CoE/Parties) in view of decision to invite
- Invitation to accede

Phase 2:

- Domestic procedure (e.g. decision by national Parliament)
- Deposit of the instrument of accession

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Parties/observers of Budapest Convention

Parties:

- European States
- Australia
- Dominican Republic
- Japan
- Mauritius
- Panama
- USA

Signed:

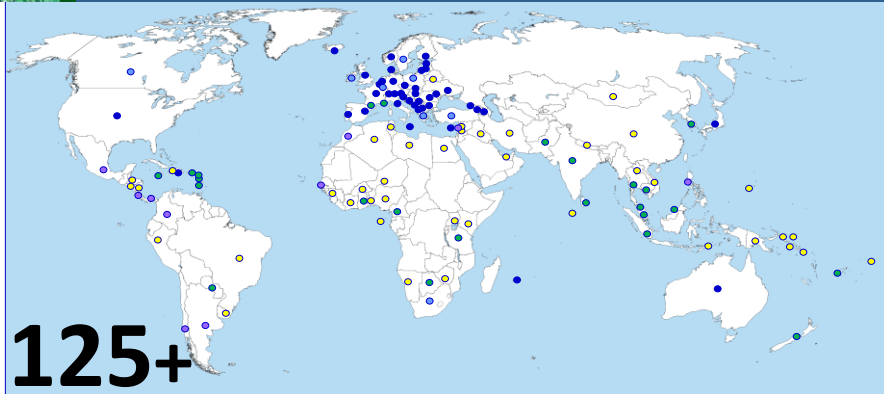
- Canada
- South Africa
- European countries

Invited to accede:

- Argentina
- Chile
- Colombia
- Costa Rica
- Israel
- Mexico
- Morocco
- Philippines
- Senegal

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Reach of Budapest Convention



125+

Indicative map only

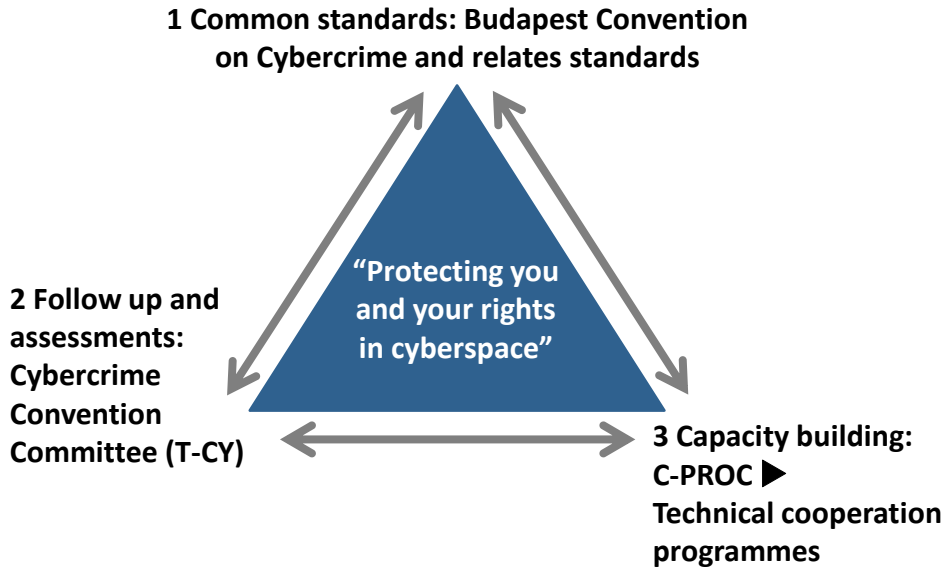
Ratified/acceded: 42
 Signed: 11
 (incl. 5 EU m/s)
 Invited to accede: 9
 = 62

- Other States with laws/draft laws largely in line with Budapest Convention = 20
- Further States drawing on Budapest Convention for legislation = 45+
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COE approach on cybercrime



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T-CY Assessments in 2013/14

2nd round of T-CY Assessments:

Efficiency of international cooperation provisions:

- Article 31 on mutual assistance regarding accessing of stored computer data.
- And related Articles 23, 25, 26, 27, 28 and 35.

Aim:

- Better use of existing provisions
- Additional solutions

Procedure and status:

- Questionnaire February 2013.
- Plenary discussions June 2013 and December 2013.
- Revised report to be circulated for comments, consideration and adoption in [June] 2014.

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T-CY assessment of international cooperation

International requests for data

Types of data requested:

1. **Subscriber information (80+%?)**
2. **Traffic data**
3. **Content data**

Underlying offences

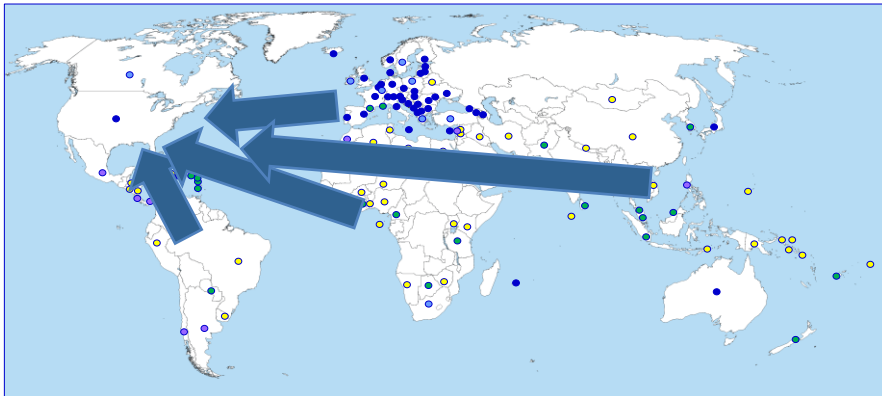
1. **Fraud and other financial crimes**
2. **Violent and serious crime (murder, assault, trafficking, child abuse etc.)**
3. **Offences against computer systems**

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T-CY assessment of international cooperation

Mapping requests sent/received



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T-CY assessment of international cooperation

Preliminary findings/issues

- Good level of cooperation between Parties
- MLA process considered inefficient
- Insufficient use made of existing opportunities
- Limited cooperation in minor cases
- Possibilit of direct cooperation underused
- Stronger (supportive) role of 24/7 contact points in MLA process
- Cooperation with service providers
- Etc.

26 draft recommendations under discussion by T-CY
(June and December 2014)

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Budapest Convention & international cooperation

What next:

- Enlarge membership (more parties)
- More efficient use of current provisions
- New possibilities through an additional Protocol?
- Common solutions (and safeguards) to transborder access to data and jurisdiction (additional Protocol?)
- Solutions to international cooperation with service providers

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