

Update on the Budapest Convention on Cybercrime

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www.coe.int/cybercrime

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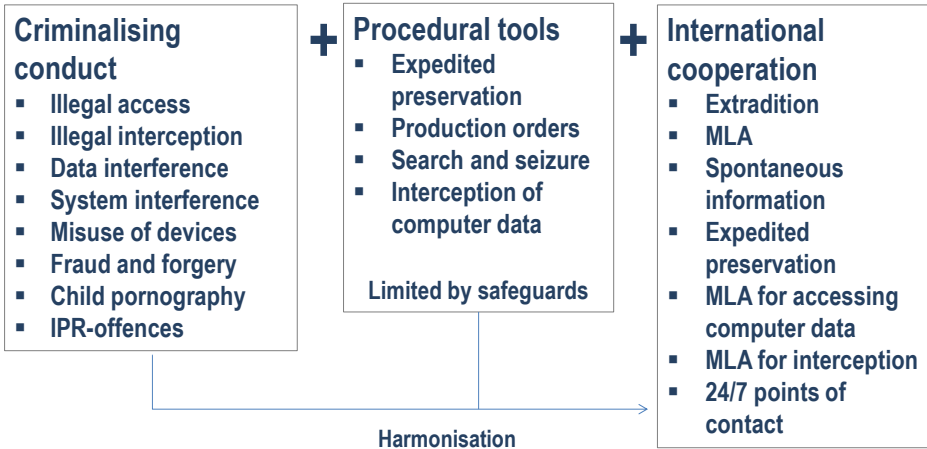


Budapest Convention on Cybercrime and related standards



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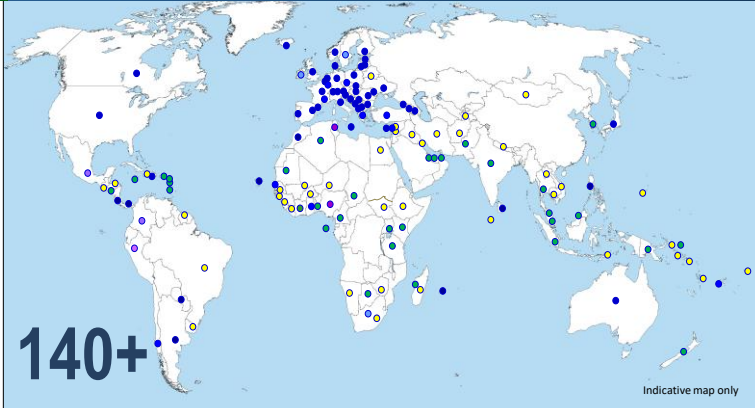
Scope



Procedural powers and international cooperation for any criminal offence involving evidence on a computer system!

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REACH of the Budapest Convention



Ratified/acceded: 62		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: 5 = 71			

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Backed up by capacity building on cybercrime

Experience of C-PROC (Cybercrime Programme Office of the COE in Romania) after 5 years and 600+ activities for 100+ countries.

Evidence that capacity building:

- ▶ Works, responds to needs and makes an impact.
- ▶ Facilitates multi-stakeholder cooperation
- ▶ Has human development benefits and feeds into Sustainable Development Goals
- ▶ Helps reduce the digital divide
- ▶ Is based on broad international support and may help overcome political divisions
- ▶ Is now high on the agenda of many governments and public and private sector organisations

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Impact of Budapest Convention to date

- 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 in cyberspace”**

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Keeping the Budapest Convention up to date

- ▶ **Protocol on Xenophobia and Racisms via Computer Systems (31 Parties + 13 Signatories)**
- ▶ **Guidance Notes on**
 - Notion of computer systems
 - Botnets
 - Malware
 - Spam
 - Terrorism
 - Transborder access to data (Article 32)
 - Production Orders for Subscriber Information (Article 18)
 - Election interference [in preparation]
- ▶ **Protocol on enhanced international cooperation under negotiation**
- = Budapest Convention remains up-to-date and relevant**

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Towards a Protocol: Provisions under negotiation

A. Provisions for more efficient MLA

- **Emergency MLA**
- **Joint investigations**
- **Video conferencing**
- **Language of requests**
- **Etc.**

Preparation of
the Protocol
started in
September 2017

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

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The way ahead

- **Budapest Convention in place and functioning**
- **Ensure quality of implementation: T-CY assessments, capacity building etc.**
- **Make a difference through capacity building**
- **Enlarge membership: Encourage accession by additional States subject to domestic legislation and capacities**
- **Keep Convention up to date: Additional Protocol to the Convention**
- **Encourage Parties to share experience in international fora and facilitate common positions**