GLACY+
Global Action on Cybercrime Extended

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Strategies on cybercrime: considerations

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www.coe.int/cybercrime

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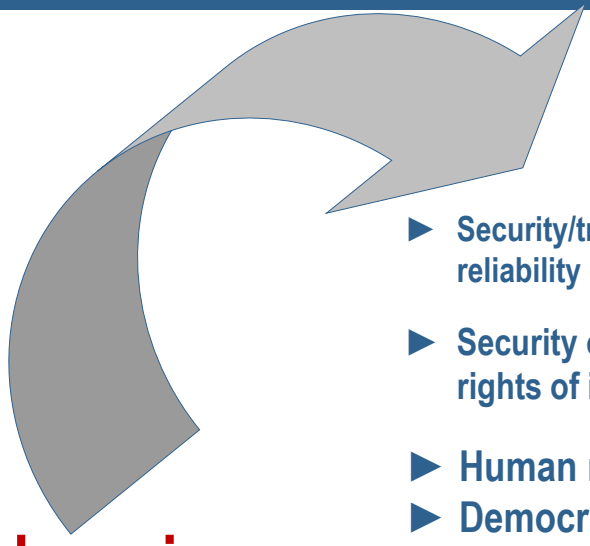
Prevention and control of cybercrime: why?



Cybercrime

- Security/trust/resilience/ reliability of ICT
- Security of society and rights of individuals
- Human rights
- Democracy
- Rule of law

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Prevention and control of cybercrime: what?

Cybercrime

- Offences against computer systems and data
- Offences by means of computer systems and data

+

Electronic evidence

- Any crime may involve evidence in electronic form on a computer system
- Needed in criminal proceedings
- No data, no evidence, no justice

= Capacity building for all criminal justice officials needed!

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Cybercrime and e-evidence: why a strategy?

- Political commitment
- Define objectives and targets and monitor progress
- Coherence
- Multi-stakeholder cooperation
- Budgets
- Facilitate capacity building

Cybercrime or cybersecurity strategy?

- Interrelated and complementary
- Cybercrime and e-evidence often (partially) included in cybersecurity strategies
- Further elaboration required

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Example Chile: National Cybersecurity Policy 2017 – 2022

Objectives by 2022:

A. The country will have in place a robust and resilient information infrastructure, prepared to face and recover from cybersecurity incidents, under a risk management approach

B. The State will protect people's rights in cyberspace
   1. Crime prevention and trust building in cyberspace
   2. Priority setting in the implementation of punishing measures (including adoption of legislation in line with Budapest Convention)
   3. Multi-sectoral prevention (including capacity building)
   4. Respect for and promotion of fundamental rights

C. Chile will develop a cybersecurity culture based on education, good practices and accountability in the management of digital technologies

D. The country will carry out cooperation actions with other stakeholders in the field of cybersecurity and will actively participate in international forums and discussions (including Budapest Convention on Cybercrime)

E. The country will promote the development of a cybersecurity industry serving its strategic objectives

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Cybercrime and e-evidence: Elements of a strategy

Objective

Protecting society / individuals and their rights in cyberspace

Protection against:

- Intentional attacks against and by means of computers
- Any crime involving electronic evidence on a computer system

- Cybercrime reporting
- Prevention
- Legislation
  - Criminalising conduct
  - Law enforcement powers (with safeguards)
- Specialised units
- Interagency cooperation
- Law enforcement training
- Judicial training
- Public/private cooperation
- Effective international cooperation
- Financial investigations and fraud/ML/TF prevention
- Protection of children

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Cybercrime strategies: contribution by Council of Europe

1 Budapest Convention on Cybercrime

- Criminalising conduct
- Powers for law enforcement to secure electronic evidence
- International cooperation

2 Cybercrime Convention Committee

- Assessing and guiding implementation
- Preparing additional solutions: access to evidence in the cloud

3 Capacity building ► C-PROC

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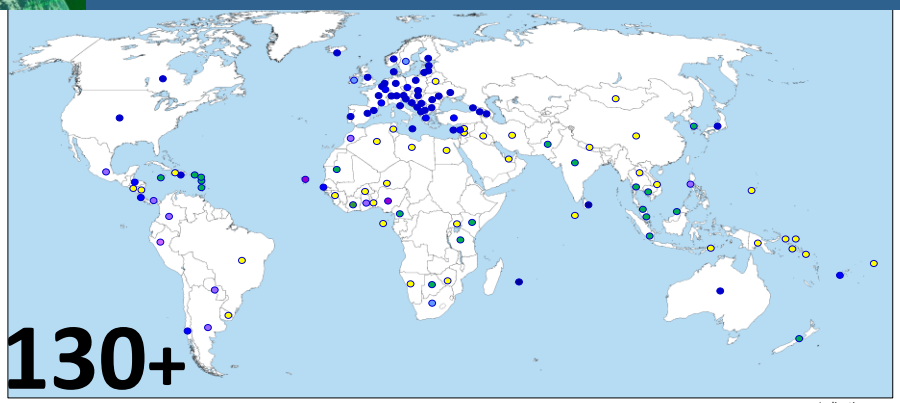
Reach of the Budapest Convention



Indicative map only

Budapest Convention
Ratified/acceded: 56
Signed: 4
Invited to accede: 10
= 70

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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Crime and jurisdiction in cyberspace ► solutions being negotiated by the Cybercrime Convention Committee

Specific issues being addressed:

- Differentiating subscriber versus traffic versus content data
- Limited effectiveness of MLA
- Loss of location and transborder access jungle
- Provider present or offering a service in the territory of a Party
- Voluntary disclosure by US-providers
- Emergency procedures
- Data protection

Solutions:

1. More efficient MLA [agreed by T-CY]
2. Guidance Note on Article 18 [approved by T-CY in February 2017]
3. Domestic rules on production orders (Article 18) [agreed by T-CY]
4. Cooperation with providers: practical measures [agreed by T-CY]
5. Protocol to Budapest Convention [negotiations started in Sep 2017]

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Cybercrime strategies: contribution by Council of Europe

Capacity building on cybercrime electronic evidence

GLACY+ and other programmes:

- Legislation
- Specialised law enforcement units
- Training of prosecutors and judges
- Public/private cooperation
- Targeting proceeds from crime online
- International cooperation

► Dedicated Cybercrime Programme Office of the Council of Europe (C-PROC) in Bucharest, Romania

► Cooperation with OAS and other organisations

► Priority to countries committed to implement Budapest Convention

► Support to any country regarding legislation

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Conclusion

Consider Budapest Convention for:

- **Protection of individuals and their rights**
- **Consistent legislation**
- **International cooperation**
- **Negotiation of new international solutions**
- **Capacity building**
- **Support to cybercrime strategies**