SEOUL CONFERENCE ON CYBERSPACE 2013

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Panel 4: Cybercrime (18 October 2013)

Cybercrime: a case for capacity building

The Council of Europe contribution

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www.coe.int/cybercrime

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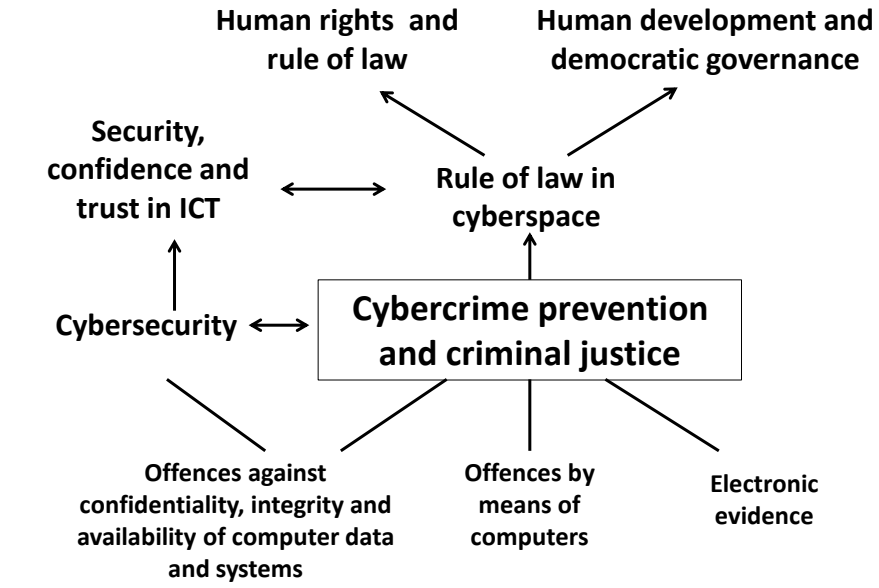
1 Prevention and control of cybercrime: rationale



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2 Prevention and control of cybercrime: rule of law / human rights conditions

- Positive obligation to protect individuals against crime
- Conditions to be met when interfering in rights
- Article 15 Budapest Convention
- Data protection Convention 108
- Criminal justice versus national security

An interference in fundamental rights:

- must be prescribed by law and the law must be precise, clear, accessible and foreseeable
- must pursue a legitimate aim
- must be necessary, that is, it must respond to a pressing social need in a democratic society and thus be proportionate
- must allow for effective remedies
- must be subject to guarantees against abuse.

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3 Capacity building on cybercrime: advantages

- Responding to needs and producing results and impact
- Multi-stakeholder cooperation
- Contribution to human rights and rule of law in cyberspace
- Contribution to human development and democratic governance (link to development agenda)
- Reducing the digital divide
- Broad international support

Problem: Development cooperation organisations not yet involved.

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4 Capacity building: supporting processes of change

Situation A	*Process of change* →	*Situation B*
▪ No policy/strategy on cybercrime	→	▪ Policy/strategy adopted and implemented
▪ No or weak legislation	→	▪ Comprehensive domestic legislation in line with international standards
▪ No investigation, prosecution or adjudication of cybercrime	→	▪ Cybercrime is investigated, prosecuted and adjudicated
▪ No specialised cybercrime unit or forensic capability	→	▪ Specialised cybercrime and forensic units in operation
▪ No or limited international cooperation	→	▪ Frequent international police-to-police and judicial cooperation
▪ International agreement signed	→	▪ International agreement ratified and implemented

↑ **Capacity building on cybercrime**

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5 CoE contribution: the approach on cybercrime

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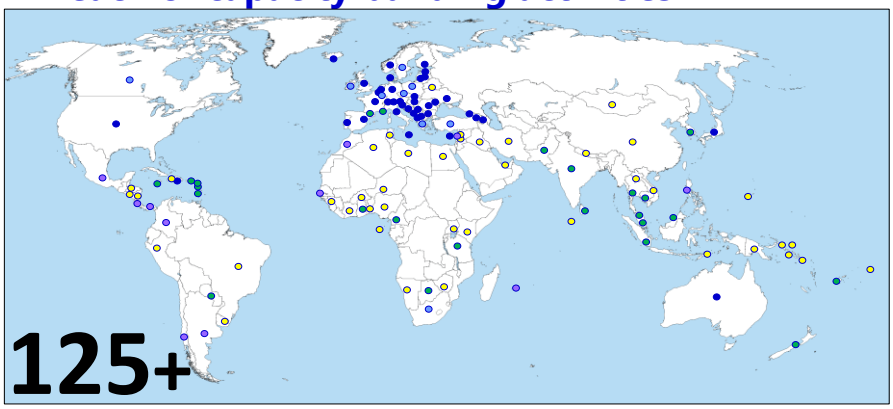
6 Reach of the Budapest Convention – reach of capacity building activities



Indicative map only

Ratified/acceded: 40

Signed: 11

Invited to accede: 11

= 62

Other States with laws/draft laws largely in line with Budapest Convention = 20

Further States drawing on Budapest Convention for legislation = 43+

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7 Capacity building projects to date

2004 = cooperate

- **Global Project on Cybercrime** (since 2006 with Estonia, Japan, Monaco, Romania, UK and Microsoft)
- **Project on Cybercrime in Georgia** (2009-10 EU/COE)
- **CyberCrime@IPA** (2010-13 EU/COE)
- **CyberCrime@EAP** (2011-13 EU/COE)

= 600+ activities with 130+ countries and 120+ private sector organisations and academia

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8 Elements of CoE capacity building projects

- Cybercrime policies, strategies, engagement
- Legislation and safeguards
- Specialised units
- Law enforcement training
- Judicial training
- Public/private (LEA/ISP) cooperation
- International cooperation
- Child protection
- Criminal money flows

Experience, materials, tools available: Roll-out and disseminate.

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9 GLACY

NEW (signed 18 Oct 2013)

EU/COE Joint Project on Global Action on Cybercrime

Project title: Global Action on Cybercrime (GLACY)

Duration: 36 months (Nov2013 – Nov 2016)

Budget: EUR 3.35 million

Funding: European Union (Instrument for Stability, IfS) and Council of Europe

Geo scope: Countries prepared to implement the Budapest Convention

Funded by the European Union and the Council of Europe

EUROPEAN UNION

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Implemented by the Council of Europe

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NEW (MoU signed 15 Oct 2013)

Cybercrime Programme Office of the Council of Europe

- Strengthening CoE capacity for delivery of capacity building activities
- Established in Bucharest, Romania

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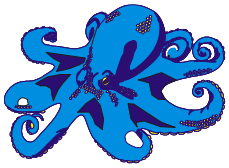
11 Coming up: Octopus 2013



Octopus Conference on Cooperation against Cybercrime

4-6 December 2013, Strasbourg

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