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Sixth Meeting of the Working Group on Cyber-crime
January 21-22, 2010
Washington, D.C.

RECOMMENDATIONS

The Working Group on Cyber-Crime of the REMJA (the Working Group) held its sixth meeting at OAS headquarters in Washington, D.C., United States of America, on January 21 and 22, 2010, pursuant to the Document of Washington (REMJA-VII/doc.6/08 rev. 1), the Conclusions and Recommendations of REMJA-VII (REMJA-VII/doc.7/08 rev. 1), and Resolutions AG/RES. 2369 (XXXVIII-O/08) and AG/RES. 2462 (XXXIX-O/09) of the OAS General Assembly.

Based on the mandate that was assigned to it by REMJA-VII, the Working Group concluded its deliberations at this meeting with agreement on the following recommendations to strengthen and consolidate hemispheric cooperation in the prevention and fight against cybercrime:

1. That the states that have not yet done so establish, as soon as possible, specific units or bodies charged with managing and conducting the investigation and prosecution of cybercrimes, and that these units or bodies be provided with the necessary human, financial, and technical resources to carry out their functions in an efficient, effective, and expeditious manner.

2. That the states that have not yet done so provide the OAS General Secretariat, as soon as possible, with updated information on the criminal prosecution and police authorities that serve as points of contact for international cooperation in the area of cybercrime and electronic evidence. Similarly, that the OAS General Secretariat continue, on the basis of the information it receives from the states, consolidating the two directories of the aforementioned points of contact and keeping them up to date.

3. That the states that have not yet done so proceed, as soon as possible, to examine their legal systems and adopt the legislation and procedural measures that are specifically required to criminalize the different forms of cybercrime and that ensure the efficient, effective, and timely investigation and prosecution of cybercrimes and enable states to cooperate with one other in the investigation and prosecution of those crimes.

4. That the states that have not yet done so adopt, as soon as possible, legislation and procedural measures necessary to ensure the collection and safe custody of all forms of electronic evidence and their admissibility in criminal proceedings and trials and to enable states to assist one another in matters involving electronic evidence, including the development of rules or regulations for service providers to guarantee the preservation and recovery of information that is stored or in transit.

5. That the states that have not yet done so, develop and implement national cyber security strategies that include efforts to deter, investigate, and prosecute cybercrime, as part of a broader and more coordinated effort to protect the computers and networks of their citizens, businesses, and governments.

6. That the states that have not yet done so take the necessary measures, as soon as possible, to join the G-8 emergency “24/7 Network of High-Tech Crime Points of Contact.”

7. That the OAS General Secretariat continue to consolidate and update the Inter-American Cooperation Portal on Cyber-Crime via the OAS Web page and, in this connection:

- a. To ask the OAS General Secretariat to continue, in coordination with the Working Group, completing and updating the information on the Portal with regard to its public and private components.
- b. To ask the states to respond to requests from the OAS General Secretariat to complete or update the information on each of them disseminated on the public and private components of Portal.
- c. To give due consideration to the use of other technological tools in order to facilitate the exchange of information between governmental experts on cybercrime and in the area of international cooperation in investigating and prosecuting it.
- d. That reciprocal links be established between the Inter-American Cooperation Portal on Cyber-Crime and the Internet pages that the units or bodies that the states have established or establish in the future for the investigation and prosecution of cybercrimes, and that any manuals or other information that is considered useful for facilitating cooperation in the areas of their responsibility be published thereon.

8. To promote the exchange of information, coordination and cooperation between the REMJA working groups on Cyber-Crime and Mutual Assistance in Criminal Matters and Extradition, as well as between the national authorities with responsibilities in this area, in order to strengthen the cooperation in this field and avoid duplication of efforts.

9. That any units or bodies the states have established or will establish to manage and conduct the investigation and prosecution of cybercrimes, set up and maintain Internet pages to provide citizens with information on how to avoid falling prey to cybercrimes and on how to detect and report such crimes to competent authorities when they do occur. Likewise, that coordination take place with the General Secretariat in order for reciprocal Internet links to be established between those pages and the Inter-American Cooperation Portal on Cyber-Crime.

10. That, on the basis of the information furnished by the states, the OAS General Secretariat continue to compile in a systematized fashion the cybercrime laws of the OAS member states, including their substantive and procedural aspects and their mutual legal assistance components, and make this information available to the OAS member states on the Internet Portal.

11. Recognize the consideration that certain OAS Member states have given to applying the principles of the Council of Europe's Convention on Cybercrime, acceding thereto, and adopting the legal and other measures required for its implementation, and recommend to those states that have not yet done so, to give due consideration thereto, bearing in mind the recommendations adopted by this Working Group and by the REMJAs at previous meetings. Similarly, to this end, that technical cooperation activities be continued under the auspices of the OAS General Secretariat and the Council of Europe.

12. That mechanisms for information exchange and cooperation continue to be strengthened with other international organizations and agencies in the area of cybercrime, such as the Council of Europe, the United Nations, the European Union, Asia-Pacific Economic Cooperation (APEC), the Organization for Economic Co-operation and Development (OECD), the G-8, the Commonwealth, and INTERPOL, to enable OAS member states to benefit from developments in those areas.

13. That, as part of the efforts designed to facilitate and consolidate cooperation to prevent, investigate, and punish cybercrimes, states further develop partnerships between the officials responsible for preventing, investigating and prosecuting such crimes and the private sector, especially with those companies that provide information and communications technology, in particular Internet service providers.

14. That the Working Group express its satisfaction with the results of the workshops to strengthen the capacity of states to develop legislation and procedural measures related to cybercrime and electronic evidence, held in Port of Spain, Trinidad and Tobago; Bogotá, Colombia; Santiago, Chile; Panama City, Panama; and Asunción, Paraguay, in 2008 and 2009, under the leadership of the United States as Chair of the Working Group and with U.S. financial support, the support of the states in which they took place, and the cooperation of the OAS General Secretariat.

15. That the Working Group accept the offer of the United States Government to continue to develop, in coordination with the Department of Legal Cooperation of the OAS Secretariat for Legal Affairs, a training program for prosecutors, investigators and judges, to increase and strengthen international cooperation in the investigation and prosecution of cybercrimes, particularly with respect to technologies that enable criminals to use the Internet on a global scale, as well as tools that assist law enforcement in this regard, bearing in mind the trans-national nature of these crimes and considering the suggestions and the specific interests expressed by the Member states, and that a report on the progress made in this regard be presented to the Working Group at its next meeting.

16. Encourage the members of the Working Group to participate in the 12th United Nations Congress on Crime Prevention and Criminal Justice, which will be held in Salvador, Brazil, from April 12 to 19, 2010.

17. That the Working Group meet prior to REMJA-IX to consider, among other topics, the progress made in the implementation of these recommendations.