

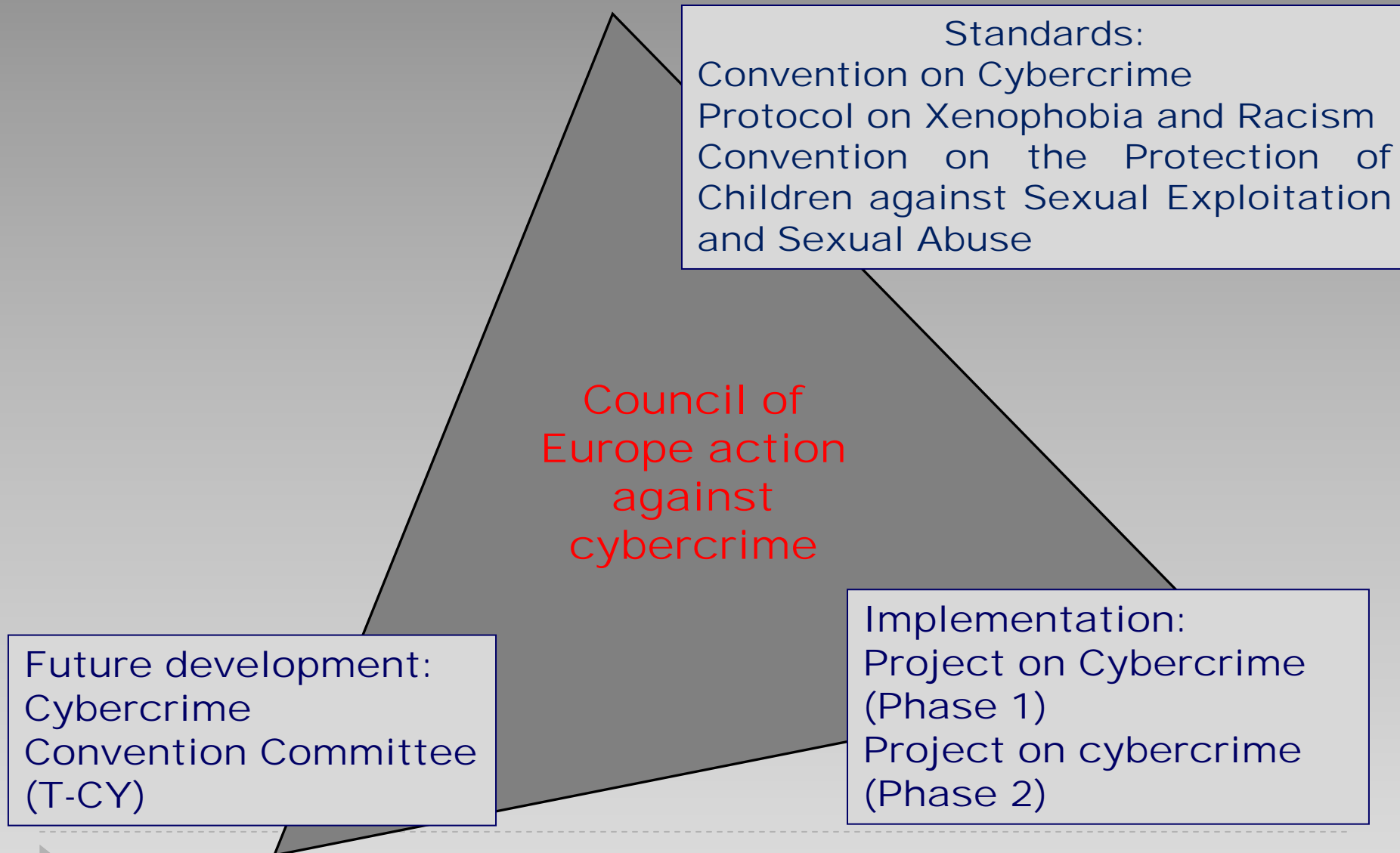


The Council of Europe Convention on Cybercrime: *status quo* and future challenges

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The approach against cybercrime



The Council of Europe Convention on Cybercrime

Elaborated by the Council of Europe with the participation of Canada, Japan, South Africa and the USA

In 2001 the Convention was adopted/opened for signature and entered into force on 1.07.2004

5 countries (Costa Rica, the Dominican Republic, Mexico, Philippines and Chile) have been invited to accede

Total number of signatures not followed by ratifications:	20
Total number of ratifications/accessions:	26

- Art 36 - Signature and entry into force (open to member States and non-members which have participated in its elaboration)
- Art 37 - Accession (any State may accede following majority vote in Committee of Ministers and unanimous vote by the parties entitled to sit on the Committee of Ministers)



Status of signatures and ratifications of the Convention on Cybercrime

Ratified (26):	Signed (20):	Not signed (5 CoE member States):	Invited to accede (4):
Albania Armenia Bosnia and Herzegovina Bulgaria Croatia Cyprus Denmark Estonia Finland France Germany (2009) Hungary Iceland Italy Latvia Lithuania Moldova (2009) Netherlands Norway Romania Serbia (2009) Slovakia Slovenia FYROM Ukraine United States of America	Azerbaijan Austria Belgium Canada Czech Rep Georgia Greece Ireland Japan Liechtenstein Luxembourg Malta Montenegro Poland Portugal South Africa Spain Sweden Switzerland United Kingdom	Andorra Monaco Russian Federation San Marino Turkey	Costa Rica Dominican Republic Mexico Philippines Chile

Why Council of Europe Convention on cybercrime?

- The only multilateral treaty dealing with cybercrime matters already implemented in many countries while others are taking into consideration to become Party
- A guideline for drafting the legislation on cybercrime
- Provides important tools for law enforcement to investigate cybercrime
- Ensure adequate protection of human rights and liberties according to the relevant international documents
- Flexible mechanisms to avoid conflicts with national legislations and proceedings

CC provides for countries:

- Coherent national approach to legislation on cybercrime
- Harmonisation of criminal law provisions on cybercrime with those of other countries
- Legal and institutional basis for international LE and judicial cooperation with other parties
- Participation in the Consultations of the Parties
- The treaty as a platform facilitating public-private cooperation



Convention provides global standards and a framework for an effective fast international cooperation



Project on cybercrime (phase 2)

1 March 2009 – 30 June 2011

To promote broad implementation of the Convention on Cybercrime (ETS 185) and its Protocol on Xenophobia and Racism (ETS 189) and related international standards

Legislation and policies: Cybercrime policies and legislation strengthened in accordance with the Convention on Cybercrime and its Protocol

International cooperation: Capacities of 24/7 points of contact, high-tech crime units and of authorities for mutual legal assistance strengthened

Investigation: Law enforcement – service provider cooperation in the investigation of cybercrime improved on the basis of the guidelines adopted in April 2008

Financial investigations: enhanced knowledge among high tech crime units and FIUs to follow money flows on the internet and stronger cooperation between financial intelligence and investigation units, high-tech crime units and the private sector

Judges and prosecutors: Training for judges and prosecutors in cybercrime and electronic evidence institutionalised

Data protection and privacy: Data protection and privacy regulations in connection with cybercrime investigations improved in line with Council of Europe and other relevant international standards

Exploitation of children and trafficking in human beings: Enhanced knowledge of standards against the sexual exploitation and abuse of children and trafficking in human beings on the internet



Funding: Romania, Microsoft, McAfee

Project achievements

- ▶ Convention presented for more than 150 countries in different meetings
- ▶ “Legislative profiles” prepared for more than 90 countries that served as bases for regional/country-specific legislative workshops and helped sharing good practices
- ▶ More than 100 countries around the world have cybercrime legislation in place or are in process of preparing legislation using the Convention as a guideline or “model law”
- ▶ Legislative reforms continue in many countries, often with the support of the project
- ▶ Demands for assistance are increasing
- ▶ A training concept on cybercrime for judges and prosecutors
- ▶ 50 countries signed/ratified/invited to accede the treaty; becoming full parties will greatly enhance the value of the Convention as a framework for international cooperation
- ▶ Project promoted the creation of 24/7 points of contact in a number of countries
- ▶ Cooperation with a large number of public and private sector stakeholders which enhances markedly the impact of this project

▶ **Studies:**

- ▶ August 2008 - National legislation implementing the Convention on Cybercrime - Comparative analysis and good practices (23 European countries and 9 non-European countries)
- ▶ March 2008 - The effectiveness of international co-operation against cybercrime – examples of good practice
- ▶ April 2009 - The functioning of 24/7 points of contact for cybercrime

- ▶ **Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**

Project on Cybercrime

- ▶ The conditions for further global impact of this project are already created:
 - ▶ clear standards of reference to work towards
 - ▶ subject matter expertise
 - ▶ momentum created in and requests for assistance from many countries
 - ▶ a vast network of contacts and expertise,
 - ▶ good cooperation with other organizations and stakeholders
 - ▶ support by the private sector and credibility among stakeholders across sectors and regions

*THANK YOU FOR YOUR
ATTENTION*

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