

Japan's Efforts in Promoting Regional Cooperation against Cybercrime

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[Tsuyoshi Kitagawa](#)

Principal Deputy Director
International Safety and Security Cooperation Division
Foreign Policy Bureau, Ministry of Foreign Affairs

Common principles for successful international cooperation against cybercrime

1. At least core cybercrime needs to be properly criminalized under substantive criminal law

**Substantive
Law**

2. Law enforcement agencies need to have procedural power to investigate

**Procedural
Law**

3. Countries should be able to assist with each other on investigation

**International
Cooperation**

4. Law enforcement personnel need to have the capacity to investigate

**Capacity
Building**

Japan's accession to Budapest Convention

- Japan acceded to the Budapest Convention in July 2012 as **the first Party from the Asian region**
 - Total number of Parties = 41 countries (as of Dec 2013)
 - 36 European + Australia, the Dominican Republic, Japan, Mauritius and the USA
- Japan amended relevant laws in order to accede to the Budapest Convention
 - the Penal Code
 - the Criminal Procedure Law
 - the Act on International Assistance in Investigation and Other Related Matters
 - the Act on Prohibition of Illegal Access
 - Etc.

Budapest Convention on Cybercrime

1. Criminalization (Art. 2-13)

- Offences **against** computer data and systems:
 - illegal access, illegal interception, data interference, system interference, misuse of devices
- Offences **by means of** computers:
 - computer-related fraud and forgery, child pornography, intellectual property rights offences

Substantive
Law

2. Investigative powers (Art. 14-21)

- **Electronic evidence** in relation to **any** crime:
Expedited preservation, search and seizure of computer data, interception of computer data

Procedural
Law

3. Mutual Legal Assistance, Extradition, 24/7 Network (Art. 23-35)

International
Cooperation

4. Various capacity building activities conducted by the Parties and the Council of Europe Secretariat

Capacity
Building

Avenues for International Cooperation

- Budapest Convention is not the only avenue for international cooperation
- As long as **Substantive Law** and **Procedural Law** are harmonized and law enforcement personnel have the **capacity** to cooperate, other avenues for international cooperation can also be useful
 - Bilateral mutual legal assistance treaties
 - Mutual legal assistance through diplomatic channel (without treaty)
 - Police-to-police cooperation (G8 24/7 network, ICPO)

Japan's efforts in promoting regional cooperation against cybercrime in the Asia Pacific

- Capacity-building activities
 - UNAFEI (United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders)
 - Sep-Oct 2008: “The Criminal Justice Response to Cybercrime”
 - Ministry of Foreign Affairs, National Police Agency, Ministry of Justice
 - May 2013: “Workshop on Effective International Cooperation in the area of Cybercrime Investigation and Prosecution”
 - UNODC (United Nations Office on Drugs and Crime)
 - 2014- : Global Program on Cybercrime Project for Southeast Asia
- Dialogues and information-exchange
 - ASEAN + Japan Senior Officials Meeting on Transnational Crime (2003-)
 - ASEAN + Japan Ministerial Meeting on Transnational Crime (2013 -)
 - ASEAN + Japan Summit