



African Union

Strasbourg, 17 November 2016



OCTOPUS

# Octopus Conference 2016

## Cooperation against Cybercrime

16 – 18 November 2016

Council of Europe, Strasbourg, France

### **African Union Convention on Cybersecurity and Personal Data Protection**

### And AU Perspectives on Cybersecurity and Cybercrime Issues.

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## OUTLINE

- **Cybersecurity and Cybercrime issues: Introduction and overview**
- **Cybercrime Legislation in Africa: Overview**
- **AU Convention on Cybersecurity** (Malabo Convention)
- **Conclusion and Way forward**





## Africa is the weakest link of the chain





Addressing cyber security calls for clear-sighted **political will** to define and **implement a strategy for development of digital infrastructure and services (e-services)** and articulate a coherent, effective and controllable multi-disciplinary cyber security strategy.





Cyber legislation requirements:

1. **Technology neutrality**
2. **Ensure that rule of law and human rights requirements are met.**
3. **harmonization with other countries law.**



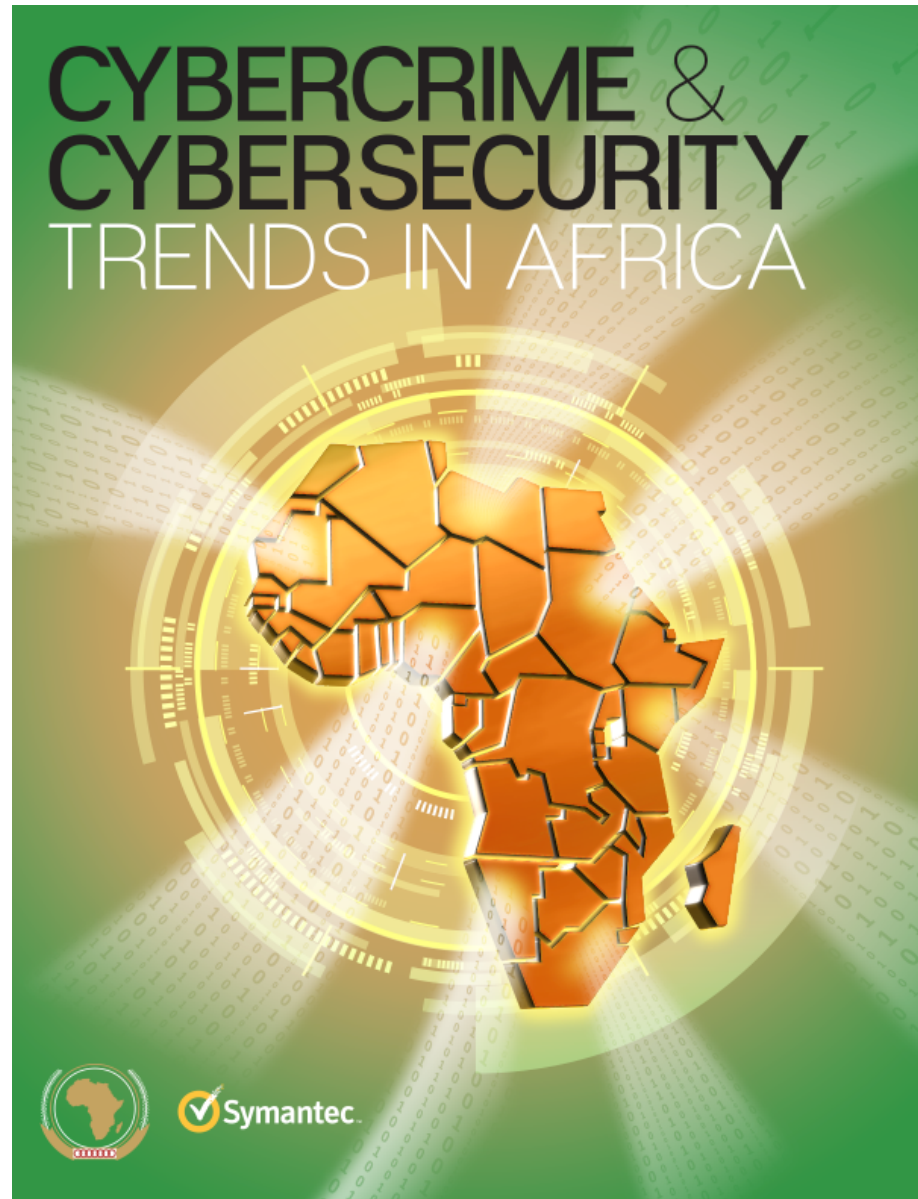


African Union

## II: Cybercrime Legislation in Africa: Overview



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# II: Cybercrime Legislation in Africa: Overview

Having Cybercrime legislation in Place	Having Cybercrime legislation partially put in Place	Have draft Laws	Did not have specific legal provision on Cybercrime in FORCE
12	12	15	30
Botswana	Algeria	Burkina Faso	
Cameroon	Benin	Djibouti	
Cote d'Ivoire	Gambia	Ethiopia	
Ghana	Kenya	Guinea	
Mauritania	Madagascar	Lesotho	
Mauritius	Morocco	Mali	
Nigeria	Mozambique	Morocco	
Senegal	Rwanda	Namibia	
Tanzania	South Africa	Niger	
Uganda	Sudan	South Africa	
Zambia	Tunisia	Swaziland	
Chad	Zimbabwe	Togo	
		Tunisia	
		Zimbabwe	
		Kenya	





# AU Convention on Cybersecurity and Personal Data Protection (Malabo Convention)



**Convention de l'Union Africaine sur  
la Cyber Sécurité et la Protection  
des Données à Caractère Personnel**

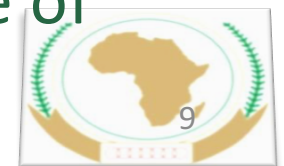






## OBJECTIVE AND GOAL

- **The objective** is to propose the adoption at the level of the African Union, of a Convention establishing a credible framework for cybersecurity in Africa through organization of electronic transactions, protection of personal data, promotion of cyber security, e-governance and combating cybercrime.
- The **ultimate goals** are eminently protective given that the Convention is geared to protecting:
  - **Institutions** against **the threats and attacks** capable of endangering their survival and efficacy;
  - The **rights of persons** during data gathering and processing against the threats and attacks capable of compromising such rights.





## Expected results

-  *Definitions on key cyber terminologies in legislation*
-  *Harmonised cyber legislation and provisions for the African Union*





## The Convention main parts

***PART I: ORGANIZATION OF ELECTRONIC COMMERCE***

***PART II: PROTECTION OF PERSONAL DATA***

***PART III: COMBATING CYBER CRIME***

***PART IV: COMMON AND FINAL PROVISIONS***

	SECTIONS	ARTICLES	DEFINITION/ TERMINOLOGIES
I. e-Transaction	3	Art. 2-7 (6 art.)	<b>43</b>
II. Protection données pers.	5	Art. 8-23 (16 art.)	
III. promotion Cybersécurité et lutte c. Cybercriminalité	2	Art. 24-31 (8 art.)	
IV. Dispositions finales	-	Art. 32-38 (7 art.)	
	<b>10 sections</b>	<b>38 articles</b>	<b>43 définitions</b>

[www.au.int/en/treaties/african-union-convention-cyber-security-and-personal-data-protection](http://www.au.int/en/treaties/african-union-convention-cyber-security-and-personal-data-protection)





# AU Perspectives on Cybersecurity and Cybercrime Issues.

## STATUS of SIGNATURE AND RATIFICATION



• By AU Member States (quorum: 15)

- 8 SIGNATURES  
- 1 RATIFICATION

No	PAYS	DATE DE SIGNATURE	DATE DE RATIFICATION
1	<b>Benin</b>	28/01/2015	-
2	<b>Tchad</b>	14/06/2015	-
3	<b>Congo</b>	12/06/2015	-
4	<b>Guinée Bissau</b>	31/01/2015	-
5	<b>Mauritanie</b>	26/02/2015	-
6	<b>SENEGAL</b>	-	03/08/2016
7	<b>Sierra Leone</b>	29/01/2016	-
8	<b>Sao Tome &amp; Principe</b>	29/01/2016	-
9	<b>Zambie</b>	29/01/2016	-



# Conclusion and Way forward

1. *Development and distribution of **toolkits** to facilitate the ratification of the AU Convention on Cybersecurity*
2. *Organize and/or participate in workshops for capacity building and Heightened awareness and capacity to facilitate the **development of national cyber security legislation** and in each AU MS;*
3. ***Facilitate the setting up of National CERTs** to contribute to the continental and global cooperation and fight against cybercrime*
  - *National CERTs*
  - *Regional CSIRTs (in collaboration with RECs)*
  - *Cybersecurity Unit within the AUC*





# THANK YOU FOR YOUR ATTENTION

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