

SPEECH BY YB DATO' SRI AZALINA OTHMAN SAID
MINISTER IN THE PRIME MINISTER'S DEPARTMENT
ADDRESSING THE CYBERCRIME CONVENTION COMMITTEE
8TH JUNE 2017

1. It is a great pleasure for me to address the Cybercrime Convention Committee this morning. First of all, I would like to thank the Council of Europe for giving Malaysia an opportunity to attend the 17th Plenary Meeting of the Cybercrime Convention Committee (T-CY) as an ad hoc observer.
2. I am sure our participation as an ad hoc observer to the meeting would help us to better understand the technical subject matter in detail and in depth. At the same time it will also enable us to consider and adopt the best practices implemented by the member states.
3. Malaysia places great importance on the development of its digital economy as they are essential components of its current and future economic growth. And, it is undeniable that the cyberspace and the internet has become an integral part of the modern society. The nature of cyber space that are borderless, anonymous, complex and interconnected poses unprecedented challenges to the government and stakeholders. Criminals always leverage the secrecy and anonymity of the Internet to communicate, conduct transaction, recruit new members, raise fund, spread propaganda, plan illicit activities, etc. Hence, there is a need to establish a safe and secure digital environment.

Everything from economic growth to national security today depend heavily on a stable, safe, and resilient cyberspace. Therefore, managing the cybercrime is paramount to the government.

4. The Government of Malaysia acknowledged that the Budapest Convention is the first multilateral treaty and in fact, the only multilateral treaty existing so far in dealing with the crimes committed via the Internet and other computer networks and the traditional offences committed by means of computer systems.
5. We saw the need to further explore the possibility for Malaysia to become a member to the Budapest Convention. As such, we have formed several committees within various government departments including the law enforcement agencies to study the provisions in the Budapest Convention and determine the policy, legal, technical and administrative requirements that Malaysia needs to fulfill.
6. It is my pleasure to inform to the members of the TCY that we have identified and put most of the relevant issues in the pipeline to be implemented. Allow me to share some of the initiatives.
7. Acknowledging that the cybercrime offences are dynamic in nature, the Government of Malaysia has established the Special Cyber Court last year to adjudicate and dispose cybercrime offences. The government was of the opinion that the establishment of a Special Cyber Court is pivotal due to the

worrying trend of cyber-attacks that ranges from hacking, online scams, botnet, web-defacement, information theft, spying, cyber gambling, and pornography and so on.

8. The 2nd ASEAN-Japan Cybercrime Dialogue was held on the 1st and 2nd of March 2017 in Kuala Lumpur. This Dialogue was inaugurated in 2014 as a follow-up to the commitment made at the ASEAN-Japan Commemorative Summit in December 2013. The Meeting was attended by all ASEAN Member States, Japan and the ASEAN Secretariat. The dialogue was held to discuss the importance of Budapest Convention with the countries of ASEAN and discuss ASEAN-Japan cooperation on cybercrime.
9. Furthermore, ongoing trainings that are focusing on cybercrime issues are being organized in Malaysia with the collaboration of many stakeholders. At the same time, several special trainings on technical aspects by international experts have been conducted in Malaysia by the US Department of Justice. I take this opportunity to thank the US Department of Justice for the continuous support in conducting trainings for the various stakeholders in Malaysia.
10. Our study on Malaysia's legislations framework have identified that our Computer Crimes Act 1997 (CCA) and Mutual Assistance in Criminal Matters Act 2002 (MACMA) need to be amended to fulfill the legal requirements under the Budapest Convention.
11. The Computer Crimes Act 1997 may be amended by adding provisions on offences contained in the Budapest Convention that

includes the provision on unauthorized obstruction of use of computer, data theft, identity theft, misuse of devices and provision to enhance penalties for offences relating to protected computers.

12. The amendment to the Mutual Assistance in Criminal Matters Act 2002's will relate to matters of procedure in investigation and international cooperation. I would like to inform that Malaysia has signed a Treaty with the United Kingdom of Great Britain and Northern Ireland on Mutual Assistance in Criminal Matters to allow greater international cooperation with European Countries.
13. Concurrently, the Malaysian Communications and Multimedia Commission is also in the process of amending the Multimedia and Communications Act 1998 (CMA 1998) to insert new terms and provisions to have it aligned with the Convention especially in the preservation of traffic data.
14. The Malaysian Parliament had recently passed the Sexual Offences Against the Children Act 2017 that covers the offences on child pornography and child grooming. This new Act is currently pending for the Royal Assent before being enforced. There will be also a Special Court established to deal with Child Sexual Offences cases and this court will be launched by the Prime Minister of Malaysia himself, The Honourable Dato' Sri Mohd Najib bin Tun Abdul Razak on 22nd June 2017.

15. Aside from the legislative process, Malaysia's has identified the operational, technical and infrastructure requirements aspects for the purposes of enforcing the relevant laws.
16. As such, the Government of Malaysia is of the view that it is important for Malaysia to plan and put up a mechanism that could allow an effective method in providing technical capacity and resources (financial, human capital and infrastructure) in order to meet the obligations under the Convention before an instrument of accession could be deposited.
17. I believe that participating as an ad hoc observer will be advantageous to Malaysia in deciding on our position with regards to accession to the Budapest Convention. Lastly, thank you very much for your attention and I wish all of you a fruitful and enlightening meeting.