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The global state of cybercrime legislation 2013 – 2023: A cursory overview

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prepared by the
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Disclaimer

This technical report does not necessarily reflect official positions of the Council of Europe, of Parties to the Budapest Convention or of donors to C-PROC projects.

1 Purpose

The Council of Europe is cooperating with a large range of countries in all regions of the world and, through its Cybercrime Programme Office (C-PROC), is supporting many of them in the reform of legislation on cybercrime and electronic evidence.

In January 2013, prior to the 2nd meeting of the [UN Intergovernmental Expert Group on Cybercrime](#), under the then Global Project on Cybercrime a review of the state of cybercrime legislation worldwide had been prepared.

Following yearly updates of the study by C-PROC since 2018, the present overview summarises the situation as at 6 December 2023.

The purpose of this update is to provide a cursory overview of global trends regarding legislation on cybercrime and electronic evidence, and thus to serve as a starting point for more thorough assessments and in particular for targeted support to countries or regions in view of further strengthening of laws or criminal justice capacities to enable the application of new legislation by practitioners.

2 Reforms of legislation on cybercrime and electronic evidence

Some countries began to work on specific legislation on cybercrime and electronic evidence already in the 1990s. By December 2023, some 95% of UN Member States had either carried out such reforms or reforms were underway.

Many African States, in particular, have commenced reforms during the past eleven years.

	States	Underway or undertaken in recent years							
		By January 2013		By January 2018		By February 2020		By December 2023	
All Africa	54	25	46%	45	83%	46	85%	48	89%
All Americas	35	25	71%	31	89%	32	91%	34	97%
All Asia	42	34	81%	37	88%	38	90%	39	93%
All Europe	48	47	98%	48	100%	48	100%	48	100%
All Oceania	14	12	86%	12	86%	13	93%	14	100%
All	193	143	74%	173	90%	177	92%	183	95%

Obviously, reforms of legislation can never be considered completed and should thus be understood as a continuous process.

One problem seems to be that in many countries, reforms are initiated but not carried through, with draft laws sometimes pending for years or being abandoned.

Furthermore, some Governments are careful not to adopt laws without the necessary capacities to apply them. In some instances, laws have been adopted but not their implementing regulations.

Capacity building support is required to move ahead.

3 Substantive criminal law provisions

As a result of reforms undertaken, 131 States (or 68% of UN Member States) seem to have had substantive criminal law provisions to criminalise offences against and by means of computers “largely in place” by December 2023, that is, they had adopted specific domestic provisions corresponding to most of the substantive criminal law articles of the Convention on Cybercrime (Budapest Convention).¹

An additional one fourth of States had adopted at least some specific substantive criminal law provisions.

Very good progress was thus made in the eleven years between January 2013 and December 2023 in this respect. And the pace of reforms significantly increased since 2018.

By January 2013	States	Largely in place		Partially in place		Not in place or no information	
All Africa	54	6	11%	18	33%	30	56%
All Americas	35	10	29%	12	34%	13	37%
All Asia	42	13	31%	17	40%	12	29%
All Europe	48	38	79%	8	17%	2	4%
All Oceania	14	3	21%	6	43%	5	36%
All	193	70	36%	61	32%	62	32%

By January 2018	States	Largely in place		Partially in place		Not in place or no information	
All Africa	54	14	26%	21	39%	19	35%
All Americas	35	13	37%	15	43%	7	20%
All Asia	42	17	40%	18	43%	7	17%
All Europe	48	44	92%	4	8%	0	0%
All Oceania	14	5	36%	6	43%	3	21%
All	193	93	48%	64	33%	35	19%

By February 2020	States	Largely in place		Partially in place		Not in place or no information	
All Africa	54	22	41%	19	35%	13	24%
All Americas	35	17	49%	15	43%	3	9%
All Asia	42	18	43%	19	45%	5	12%
All Europe	48	44	92%	4	8%	0	0%
All Oceania	14	5	36%	6	43%	3	21%
All	193	106	55%	63	33%	24	12%

By December 2023	States	Largely in place		Partially in place		Not in place or no information	
All Africa	54	34	63%	13	24%	7	13%
All Americas	35	23	66%	10	29%	2	6%
All Asia	42	20	48%	19	45%	3	7%
All Europe	48	46	96%	2	4%	0	0%
All Oceania	14	8	57%	4	29%	2	14%
All	193	131	68%	48	25%	14	7%

¹ This does not necessarily mean that they were fully in line with these provisions of the Budapest Convention.

4 Specific procedural powers to secure e-evidence

Reform of procedural law and the enactment of specific procedural powers to secure electronic evidence for use in criminal proceedings (corresponding to Articles 16 to 21 Budapest Convention and subject to the safeguards of Article 15) is a more complex undertaking. Some States may use a combination of general and specific powers to investigate cybercrime and collect electronic evidence.

	States	Procedural legislation largely in place ²							
		By January 2013		By January 2018		By February 2020		By December 2023	
All Africa	54	5	9%	10	19%	16	30%	26	48%
All Americas	35	5	14%	9	26%	12	34%	17	49%
All Asia	42	8	19%	13	31%	11	26%	12	29%
All Europe	48	31	65%	39	81%	39	81%	37	77%
All Oceania	14	1	7%	3	21%	4	29%	7	50%
All	193	50	26%	74	38%	82	42%	99	51%

Progress was made during the past eleven years and by December 2023 some 51% of States had specific powers largely in place. However, many States still rely on general procedural law provisions (for search, seizure and so on) to investigate cybercrime and secure electronic evidence.

Again, Governments may be reluctant to adopt specific procedural powers without the capacity of their authorities to apply them in practice, and further capacity building would be needed to advance.

5 Links to the Budapest Convention

By December 2023, 47% of UN Member States were either Parties or Signatories to the Budapest Convention or had been invited to accede. These 91 States were thus members or observers in the Cybercrime Convention Committee (T-CY). There is consistent progress in terms of membership, with a large increase in requests for accession in particular in 2022-2023.

	States	Party, signatory or invited to accede							
		By January 2013		By January 2018		By February 2020		By December 2023	
All Africa	54	3	6%	8	15%	10	19%	16	30%
All Americas	35	8	23%	11	31%	12	34%	16	46%
All Asia	42	2	5%	4	10%	4	10%	7	17%
All Europe	48	43	90%	46	96%	46	96%	46	96%
All Oceania	14	1	7%	2	14%	2	14%	6	43%
All	193	57	30%	71	37%	74	38%	91	47%

Beyond membership, the Budapest Convention now appears to serve 84% of States worldwide as a guideline or at least as a source inspiring domestic legislation, as reflected in the structure of or concepts used for at least some provisions.

² Note: The availability of procedural powers is sometimes difficult to determine without a more detailed assessment. In some countries some procedural powers may be the subject of secondary regulations.

		Use of Budapest Convention as guideline or source							
	States	By January 2013		By January 2018		By February 2020		By December 2023	
All Africa	54	21	39%	33	61%	38	70%	45	83%
All Americas	35	22	63%	24	69%	26	74%	27	77%
All Asia	42	25	60%	27	64%	28	67%	30	71%
All Europe	48	46	96%	47	98%	47	98%	47	98%
All Oceania	14	10	71%	11	79%	14	100%	14	100%
All	193	124	64%	142	74%	153	79%	163	84%

The T-CY is an important forum in which more than 90 States are now able to participate. One reason for the influence of the Budapest Convention beyond these States is that many more States are benefiting from capacity building activities by the Cybercrime Programme Office of the Council of Europe (C-PROC).

By December 2023, some 186 States had participated in Council of Europe activities on cybercrime in recent years.

		Participation in Council of Europe cybercrime activities previously							
	States	By January 2013		By January 2018		By February 2020		By December 2023	
All Africa	54	20	37%	35	65%	50	93%	18	98%
All Americas	35	24	69%	33	94%	34	97%	12	100%
All Asia	42	25	60%	31	74%	32	76%	17	86%
All Europe	48	47	98%	48	100%	48	100%	8	100%
All Oceania	14	12	86%	14	100%	14	100%	6	100%
All	193	128	66%	161	83%	178	92%	186	96%

6 Appendix: Parties, signatories and States invited to accede to the Budapest Convention on Cybercrime (status 6 December 2023)³

Parties		Signatories or invited to accede
Albania	Morocco	Benin
Andorra	Netherlands	Burkina Faso
Argentina	Nigeria	Cameroon
Armenia	North Macedonia	Côte d'Ivoire
Australia	Norway	Ecuador
Austria	Panama	Fiji
Azerbaijan	Paraguay	Guatemala
Belgium	Peru	Ireland
Bosnia and Herzegovina	Philippines	Kazakhstan
Brazil	Poland	Kiribati
Bulgaria	Portugal	Mexico
Cabo Verde	Romania	New Zealand
Canada	San Marino	Niger
Chile	Senegal	Republic of Korea
Colombia	Serbia	Rwanda
Costa Rica	Slovak Republic	São Tomé and Príncipe
Croatia	Slovenia	Sierra Leone
Cyprus	Spain	South Africa
Czech Republic	Sri Lanka	Timor-Leste
Denmark	Sweden	Trinidad and Tobago
Dominican Republic	Switzerland	Tunisia
Estonia	Tonga	Uruguay
Finland	Türkiye	Vanuatu
France	Ukraine	
Georgia	United Kingdom	
Germany	United States of America	
Ghana		
Greece		
Hungary		
Iceland		
Israel		
Italy		
Japan		
Latvia		
Liechtenstein		
Lithuania		
Luxembourg		
Malta		
Mauritius		
Republic of Moldova		
Monaco		
Montenegro		

³ Source: [Council of Europe Treaty Office: Convention on Cybercrime \(ETS 185\)](#)