



3148\_1\_3\_4 Cyberleg Global State Jan 2023\_Public\_v1

Version 31 December 2022 / Public

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

prepared by the

Cybercrime Programme Office

of the Council of Europe (C-PROC)

[www.coe.int/cybercrime](http://www.coe.int/cybercrime)

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Technical report prepared by the [Cybercrime Programme Office of the Council of Europe](#) (C-PROC) under the projects GLACY+, CyberEast, iPROCEEDS 2, CyberSouth and Octopus Project.

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**Disclaimer**

This technical report does not necessarily reflect official positions of the Council of Europe, of Parties to the Convention on Cybercrime 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 2<sup>nd</sup> 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 updates of the study by C-PROC in 2018, 2019, 2020 and 2022, the present survey summarises the situation as at 1 January 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 the further strengthening of laws or of 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 January 2023, some 94% 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 nine years.

	States	Reforms underway or undertaken in recent years							
		By January 2013		By January 2018		By February 2020		By January 2023	
All Africa	54	25	46%	45	83%	46	85%	46	85%
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%
<b>All</b>	<b>193</b>	<b>143</b>	<b>74%</b>	<b>173</b>	<b>90%</b>	<b>177</b>	<b>92%</b>	<b>181</b>	<b>94%</b>

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, 130 States (or 67% 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 January 2023, that is, they had adopted specific domestic provisions corresponding to most of the substantive criminal law articles of the Convention on Cybercrime.<sup>1</sup>

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

Very good progress was thus made in the ten years between January 2013 and January 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%
<b>All</b>	<b>193</b>	<b>70</b>	<b>36%</b>	<b>61</b>	<b>32%</b>	<b>62</b>	<b>32%</b>

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%
<b>All</b>	<b>193</b>	<b>93</b>	<b>48%</b>	<b>64</b>	<b>33%</b>	<b>35</b>	<b>19%</b>

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%
<b>All</b>	<b>193</b>	<b>106</b>	<b>55%</b>	<b>63</b>	<b>33%</b>	<b>24</b>	<b>12%</b>

By January 2023	States	Largely in place		Partially in place		Not in place or no information	
All Africa	54	33	61%	13	24%	8	15%
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%
<b>All</b>	<b>193</b>	<b>130</b>	<b>67%</b>	<b>48</b>	<b>25%</b>	<b>15</b>	<b>8%</b>

<sup>1</sup> This does not necessarily mean that they were fully in line with these provisions of the Convention on Cybercrime.

## 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 Convention on Cybercrime and subject to the safeguards of Article 15) is a more complex undertaking.

	States	Procedural legislation largely in place <sup>2</sup>							
		By January 2013		By January 2018		By February 2020		By January 2023	
All Africa	54	5	9%	10	19%	16	30%	24	44%
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%	6	43%
<b>All</b>	<b>193</b>	<b>50</b>	<b>26%</b>	<b>74</b>	<b>38%</b>	<b>82</b>	<b>42%</b>	<b>96</b>	<b>50%</b>

Progress was made during the past ten years and by January 2023 some 50% 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 Convention on Cybercrime

By January 2023, 43% of UN Member States were either Parties or Signatories to the Budapest Convention on Cybercrime or had been invited to accede. These 83 States were thus members or observers in the Cybercrime Convention Committee (T-CY). There is consistent progress in terms of membership.

	States	Party, signatory or invited to accede to the Convention on Cybercrime							
		By January 2013		By January 2018		By February 2020		By January 2023	
All Africa	54	3	6%	8	15%	10	19%	12	22%
All Americas	35	8	23%	11	31%	12	34%	15	43%
All Asia	42	2	5%	4	10%	4	10%	5	12%
All Europe	48	43	90%	46	96%	46	96%	46	96%
All Oceania	14	1	7%	2	14%	2	14%	5	36%
<b>All</b>	<b>193</b>	<b>57</b>	<b>30%</b>	<b>71</b>	<b>37%</b>	<b>74</b>	<b>38%</b>	<b>83</b>	<b>43%</b>

The opening for signature of the [Second Additional Protocol](#) to the Convention on Cybercrime on enhanced cooperation and disclosure of electronic evidence in May 2022 further increased interest in this treaty.

<sup>2</sup> 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.

Beyond membership, the Convention on Cybercrime now appears to serve 83% 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.

		<b>Use of Convention on Cybercrime as guideline or source</b>							
	States	<b>By January 2013</b>		<b>By January 2018</b>		<b>By February 2020</b>		<b>By January 2023</b>	
All Africa	54	21	39%	33	61%	38	70%	42	78%
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%
<b>All</b>	<b>193</b>	<b>124</b>	<b>64%</b>	<b>142</b>	<b>74%</b>	<b>153</b>	<b>79%</b>	<b>160</b>	<b>83%</b>

The T-CY is an important forum in which more than 80 States are now able to participate. One reason for the influence of the Convention on Cybercrime beyond these States is that many more States are benefiting from capacity building activities.

By January 2023, some 185 States had participated in Council of Europe activities on cybercrime in recent years.

		<b>Participation in Council of Europe cybercrime activities previously</b>							
	States	<b>By January 2013</b>		<b>By January 2018</b>		<b>By February 2020</b>		<b>By January 2023</b>	
All Africa	54	20	37%	35	65%	50	93%	52	96%
All Americas	35	24	69%	33	94%	34	97%	35	100%
All Asia	42	25	60%	31	74%	32	76%	36	86%
All Europe	48	47	98%	48	100%	48	100%	48	100%
All Oceania	14	12	86%	14	100%	14	100%	14	100%
<b>All</b>	<b>193</b>	<b>128</b>	<b>66%</b>	<b>161</b>	<b>83%</b>	<b>178</b>	<b>92%</b>	<b>185</b>	<b>96%</b>

## 6 Appendix: Parties, signatories and States invited to accede to the Budapest Convention on Cybercrime (status 1 January 2023)<sup>3</sup>

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

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