

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

3148_1_3_4 Cyberleg Global State Feb2020_v1 public.docx

Version 20 March 2020

Provisional/public

**The global state of cybercrime legislation
2013 – 2020:
A cursory overview**

prepared by the

Cybercrime Programme Office

of the Council of Europe (C-PROC)

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, CyberSouth and Cybercrime@Octopus.

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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 updates of the study by C-PROC in 2018 and 2019, the present overview summarises the situation as at 29 February 2020.

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 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 February 2020, some 92% 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 seven years.

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

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, 106 States (or 55% 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 February 2020, that is, they had adopted specific domestic provisions corresponding to most of the substantive criminal law articles of the Budapest Convention.¹

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

Very good progress was thus made in the seven years between January 2013 and February 2020 in this respect. And the pace of reforms significantly increased again 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%

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.

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

Progress was made during the past seven years and by February 2020 some 42% 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 February 2020, 38% of UN Member States were either Parties or Signatories to the Budapest Convention or had been invited to accede. These 74 States were thus members or observers in the Cybercrime Convention Committee (T-CY). There is thus consistent progress in terms of membership.

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

Beyond membership, the Budapest Convention now appears to serve almost 80% of States worldwide as a guideline or at least as a source inspiring domestic legislation, as reflected in the structure or concepts used for at least some provisions.

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

The T-CY is an important forum in which more than 74 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 February 2020, some 178 States had thus 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	
All Africa	54	20	37%	35	65%	50	93%
All Americas	35	24	69%	33	94%	34	97%
All Asia	42	25	60%	31	74%	32	76%
All Europe	48	47	98%	48	100%	48	100%
All Oceania	14	12	86%	14	100%	14	100%
All	193	128	66%	161	83%	178	92%

6 Appendix: Parties to the Budapest Convention on Cybercrime

Status 20 March 2020

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