



**READI Workshop on Cybercrime Legislation in
ASEAN Member States, 27-28 November 2008,
Kuala Lumpur, Malaysia**

AGENDA

BACKGROUND

As societies around the world increasingly rely on information and communication technologies they also become increasingly vulnerable to the threat of cybercrime. A consistent and comprehensive legal framework is a fundamental element to counter this challenge. Cybercrime is the most transnational of all crimes. Legislation thus needs to be harmonized among countries and permit efficient international cooperation. The Convention on Cybercrime of the Council of Europe (the "Budapest Convention") is the main international standard in this field and provides a guideline for the development of national legislation as well as a framework for international cooperation. The IMPACT summit held in May 2008 in Kuala Lumpur proposed to use this Convention as a reference standard.

ASEAN countries have started to improve their national legislation; some of them making use of the Convention on Cybercrime. The Philippines were invited to accede to this treaty in May 2008, and Indonesia adopted new legislation in Spring 2008. In order to help all ASEAN Member States (AMS) make use of this opportunity a regional workshop was proposed for members of the ASEAN Telecommunication Regulators' Council (ATRC).

The European Commission in its Communication on Cybercrime of May 2007 and the European Union's Justice and Home Affairs Council of November 2007 have already pledged to support the implementation of the Convention on Cybercrime worldwide.

OBJECTIVES OF THE WORKSHOP

The objectives of the Workshop are to brief the AMS on the aims and content of the Budapest Convention, help map and share information on Cybercrime legislation at the ASEAN Member State level and assess the relevant provisions of this national legislation with those of the Convention on Cybercrime of the Council of Europe with a view to its subsequent strengthening and/or the promotion of further AMS accessions to the Convention.

PRESENTERS

Prof. Dr. Henrik Kaspersen

Prof. Dr. Henrik Kaspersen (the Netherlands) obtained his law degree at Utrecht University after a career as computer scientist. In 1991 he became the director of the Computer/Law Institute of the Vrije Universiteit in Amsterdam. Prof. Dr. Kaspersen scientific research relates to several topics and aspects of computer law. Prof. Dr. Kaspersen is a specialist in the field of cyber crime. He was involved in the preparation of the Dutch Computer Crime Act 1993. Further, between 1995 and 2003 he performed as the chair of three expert committees of the Council of Europe that prepared a Recommendation on procedural law concerning investigation of Cyber Crime R (95) 13, the Cyber Crime Convention (CETS 185) and the First Additional Protocol to that Convention on racist and xenophobic messages in Cyberspace (CETS 189). In 2006 and 2007 he was the Chair of the Cybercrime Convention Committee (T-CY) that has been set up to propose amendments to the Cybercrime Convention. Within the Octopus program of the Council of Europe he is active in promoting implementation of or accession to the Cyber Crime Convention.

Ms. Cristina Schulman

Cristina Schulman is Legal Adviser at the International Law and Treaties Department of the Ministry of Justice of Romania. She holds a law degree (University of Iasi, Romania 1990) and post graduate diploma in international law (University of Bucharest, Romania, 2004). From 1999-2001 she was legal adviser in the Legal Department of the Government of Romania having as a main responsibility reviewing and giving advisory opinion on draft laws. Since 2001 she has been working for the Ministry of Justice of Romania in the international law field dealing with the harmonization of the national legislation in order to assure its compatibility with the obligations assumed by Romania under international treaties, including the obligations resulting from the Romania's quality as a Member State of European Union. She has been involved in the process of ratification and implementation of international treaties, including the Council of Europe Convention on Cybercrime. She spoken on cybercrime legislation at a number of Council of Europe and other events and is currently Vice-chair of the Cybercrime Convention Committee which is supervising the implementation of the Convention on Cybercrime.

Mr. Alexander Seger

Alexander Seger has been with the Council of Europe in Strasbourg, France, since 1999. He is currently head of the Economic Crime Division at the Directorate General of Human Rights and Legal Affairs where he is responsible, among other things, for programmes against cybercrime. From 1989 to 1998 he worked in international drug control for the United Nations in Vienna, Laos and Pakistan and as a consultant for the German Government. He holds a PhD in political science, law and social anthropology after studies in Germany (Heidelberg and Bonn) and France (Bordeaux).

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| Day I – 27 November 08 Registration – 08.30 | Meranti Room, Level 3A Hotel Maya Kuala Lumpur 138 Jalan Ampang, 50450 Kuala Lumpur, Malaysia |
| Opening Ceremony 09.00 – 09.15 | Opening Remarks by the Host Country (Malaysia) Mr. Mohamed Sharil Tarmizi Chief Operating Officer Malaysian Communications and Multimedia Commission |
| 09.15 – 09.30 | Opening Remarks Mr. Vincent Piket Head of the Delegation of the European Commission to Malaysia |
| 09.30 – 09.40 | Group Photo |
| 09.40 – 10.00 | Coffee Break |
| Session I 10.00 – 10.30 | The Threat of Cybercrime <i>Overview of cybercrime threats and trends, and the issues to be addressed through cybercrime legislation</i> Presenter : Alexander Seger, Council of Europe Questions & Answers |

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| <p>Session II 10.30 – 11.15</p> <p>Session III 11.15 – 12.15</p> <p>Session IV 12.15 – 12.45</p> <p>12.45 – 13.00</p> | <p>International Standards and National Legislation <i>Introduction to the Convention on Cybercrime; example of how countries have implemented it into national law</i></p> <p>Presenters : Henrik Kaspersen, Netherlands / Cristina Schulman, Romania</p> <p>Cybercrime legislation in the ASEAN Countries <i>Participants provide a short overview of the current situation regarding cybercrime legislation in their countries</i></p> <p>Presenter : Representative from ASEAN Member States</p> <p>Introduction to the Workshop <i>Workshop topics, organization, working methods, expected results</i></p> <p>Presenter : Alexander Seger, Council of Europe</p> <p>Questions and Answers</p> |
| <p>13.00 – 14.00</p> | <p>Lunch Break</p> |
| <p>Session V 14.00 – 15.30</p> | <p>Workshop Sessions on Definitions in Criminal Law <i>Countries divide into two working groups; groups discuss definitions in criminal law: “computer systems”, “traffic data”, “service provider”, and others</i></p> <p>Facilitators Group 1 : Henrik Kaspersen / Cristina Schulman Facilitators Group 2 : Geronimo Sy, Philippines / Alexander Seger</p> |
| <p>15.30 – 16.00</p> | <p>Coffee Break</p> |
| <p>Session VI 16.00 – 17.30</p> | <p>Workshop Session on Substantive Criminal Law <i>Based on draft country profiles, working groups discuss substantive criminal law provisions: how countries illegal access to computer systems; data and system interference, child pornography, computer-related fraud and other conduct</i></p> <p>Facilitators Group 1 : Henrik Kaspersen / Cristina Schulman Facilitators Group 2 : Geronimo Sy / Alexander Seger</p> |
| <p>17.30</p> | <p>End of Day I</p> |

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| Day II – 28 November 2008 | |
| 09.00 – 10.15 | <p>Cont'd Workshop Sessions on Substantive Criminal Law</p> <p>Facilitators Group 1 : Henrik Kaspersen / Cristina Schulman Facilitators Group 2 : Geronimo Sy / Alexander Seger</p> |
| 10.15 – 10.30 | Coffee Break |
| <p>Session VII 10.30 – 13.00</p> | <p>Workshop sessions on procedural law <i>Based on draft country profiles, working groups discuss procedural law: how countries regulate search and seizure of computer data, expedited preservation of data, production orders, interception of traffic or content data and other investigative activities</i></p> <p>Facilitators Group 1 : Henrik Kaspersen / Cristina Schulman Facilitators Group 2 : Geronimo Sy / Alexander Seger</p> |
| <p>Session VIII 14.00 – 15.00</p> | <p>Update of Country Profiles <i>Participants update the legislative profile of their respective countries including comments on provisions where further work is required, and prepare recommendations on further steps to be taken</i></p> <p>Work within Country Delegations</p> |
| 15.00 – 16.30 | <p>Presentation of recommendations <i>Participants provide a summary of their analyses concerning cybercrime legislation in and their proposals regarding further steps to be taken their respective countries</i></p> <p>Presenter : ASEAN Member States</p> |
| 16.30 – 17.00 | Open discussion on next steps and future plans |
| 17.00 – 17.30 | Conclusions |
| 17.30 | End of the Workshop |