THE COUNCIL OF EUROPE'S MAPPING STUDY
ON
CYBERVIOLENCE

THE BUDAPEST CONVENTION ON CYBERCRIME AND THE STUDY

- The only implemented cybercrime treaty in world https://www.coe.int/en/web/cybercrime/the-budapest-convention

- Requires countries to have certain substantive criminal laws, criminal procedure laws, and laws on international cooperation

- The T-CY, its implementation committee

- Mapping study finalized in 2018 with appendix of cases and appendix of legislation https://rm.coe.int/t-cy-2017-10-cbg-study-provisional/16808c4914

- Collections on the COE website that are updated: news reports and studies https://www.coe.int/en/web/cybercrime/resources1

- Country initiatives https://www.coe.int/en/web/cybercrime/inventory

- Legislation https://www.coe.int/en/web/cybercrime/legislation

FURTHER RESOURCES

Other treaties and other COE committees that are important for this issue

- Lanzarote convention
- https://www.coe.int/web/children/lanzarote-convention
- Istanbul convention
- https://www.coe.int/en/web/istanbul-convention
- protocol to the Budapest Convention on racism and xenophobia in cyberspace
- https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/189

FOCUS OF THE STUDY; DIFFERENT TYPES OF CYBERVIOLENCE

- MANY TYPES OF VICTIM
  - Special emphasis on women and children
  - Definition used: the use of computer systems to cause, facilitate, or threaten violence against individuals that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering and may include the exploitation of the individual's circumstances, characteristics or vulnerabilities.
  - Mature definition of cyberviolence has not been developed
- MANY TYPES OF CRIME
  - Some types of cyberviolence are large fields by themselves
  - Some are old wine in new bottles
  - Others seem new
    - In at least two respects, cyberviolence is different: persistence of the crime and electronic facilitation of the crime

CHALLENGES IN ADDRESSING CYBERVIOLENCE

- PEOPLE MAY BE AFRAID TO REPORT OR DON'T KNOW HOW

- IT MAY BE DIFFICULT TO REPORT

- LAW ENFORCEMENT MAY NOT TAKE THE CONDUCT SERIOUSLY, OR THAT MAY BE VICTIMS' PERCEPTION

- CONDUCT MAY BE TREATED AS ONE INCIDENT RATHER THAN A PATTERN

- VICTIMS AND LAW ENFORCEMENT MAY BELIEVE THAT THERE IS NO USABLE LAW OR PRACTICAL WAY TO INVESTIGATE

- CHILDREN MAY BE BETTER PROTECTED BY STATUTES THAN ADULTS

- IS IT FREE EXPRESSION OR HATE SPEECH?

- THE ROLE OF SOCIAL MEDIA IN THE CONDUCT AND THE RESPONSE OF COMPANIES

STUDY RECOMMENDATIONS

- 1. INVESTIGATE AND PROSECUTE USING LAWS FROM THE PHYSICAL WORLD.

- 2. USE NEWER LAWS IF AVAILABLE.

- 3. USE BUDAPEST OR OTHER MECHANISMS TO OBTAIN INTERNATIONAL ASSISTANCE.

- 4. BETTER TRAINING FOR LAW ENFORCEMENT AUTHORITIES.

- 5. IMPROVE GENDER BALANCE IN INSTITUTIONS THAT HANDLE CYBERCRIME.