

# **The global state of cybercrime legislation**

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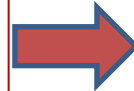
# Why legislation on cybercrime and electronic evidence?

**Massive increase in cybercrime = offences against and by means of computers**

**Cybercrime related to COVID-19 an illustration**

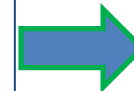
**Any crime may involve evidence on computer systems**

**Crime in cyberspace a threat to human rights, democracy and the rule of law**



**Effective criminal justice response needed to ensure the rule of law in cyberspace**

**Response must be based on law and meet rule of law requirements**



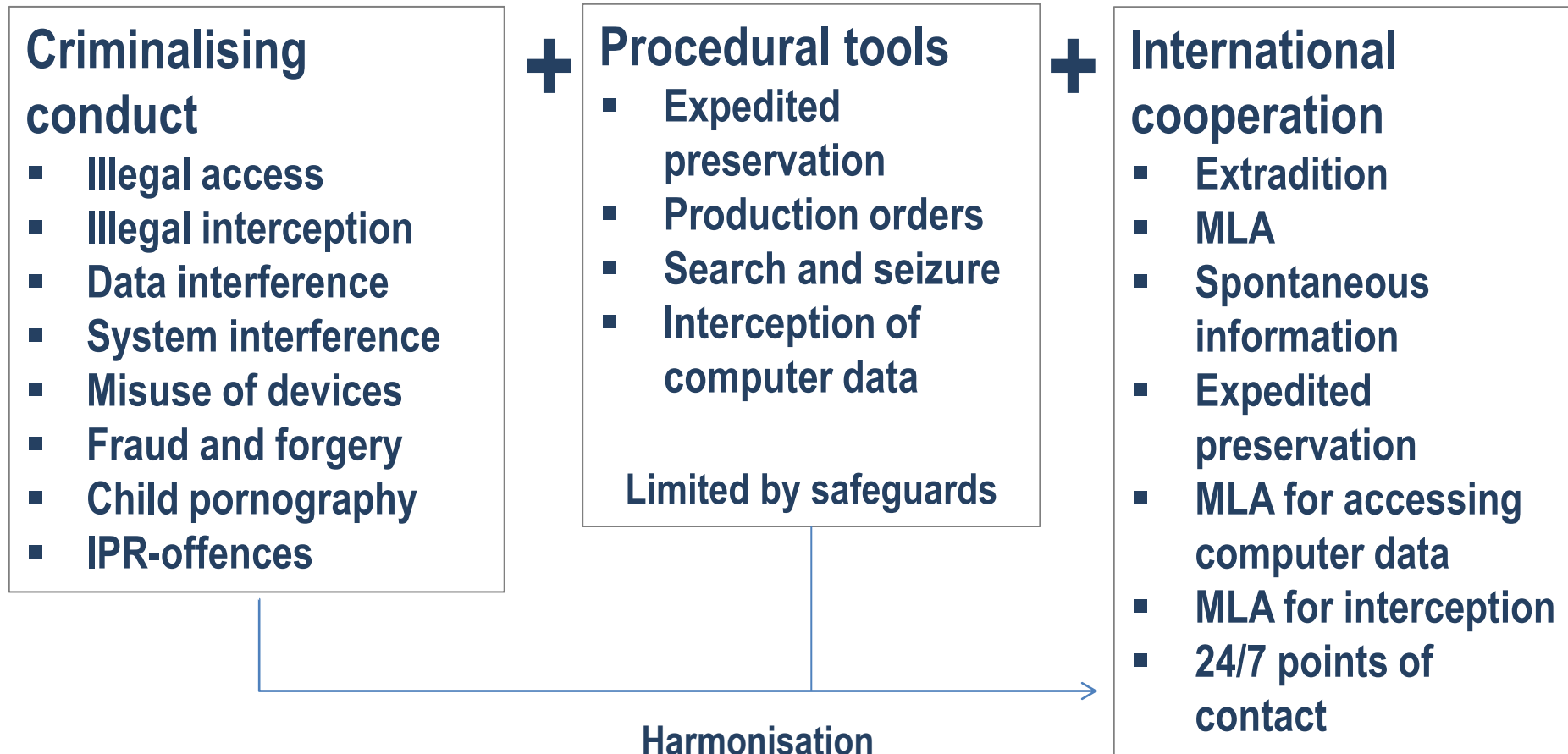
**Establish offences in substantive criminal law**

**Provide law enforcement with powers to secure evidence on computer systems**

**Limit such powers by safeguards**

**Enable effective international cooperation**

# Budapest Convention: Global benchmark for cybercrime legislation



*Procedural powers and international cooperation for any criminal offence involving evidence on a computer system!*

# Budapest Convention: Global benchmark for cybercrime legislation

## Budapest Convention on Cybercrime

- ▶ Criminal justice treaty on cybercrime and electronic evidence

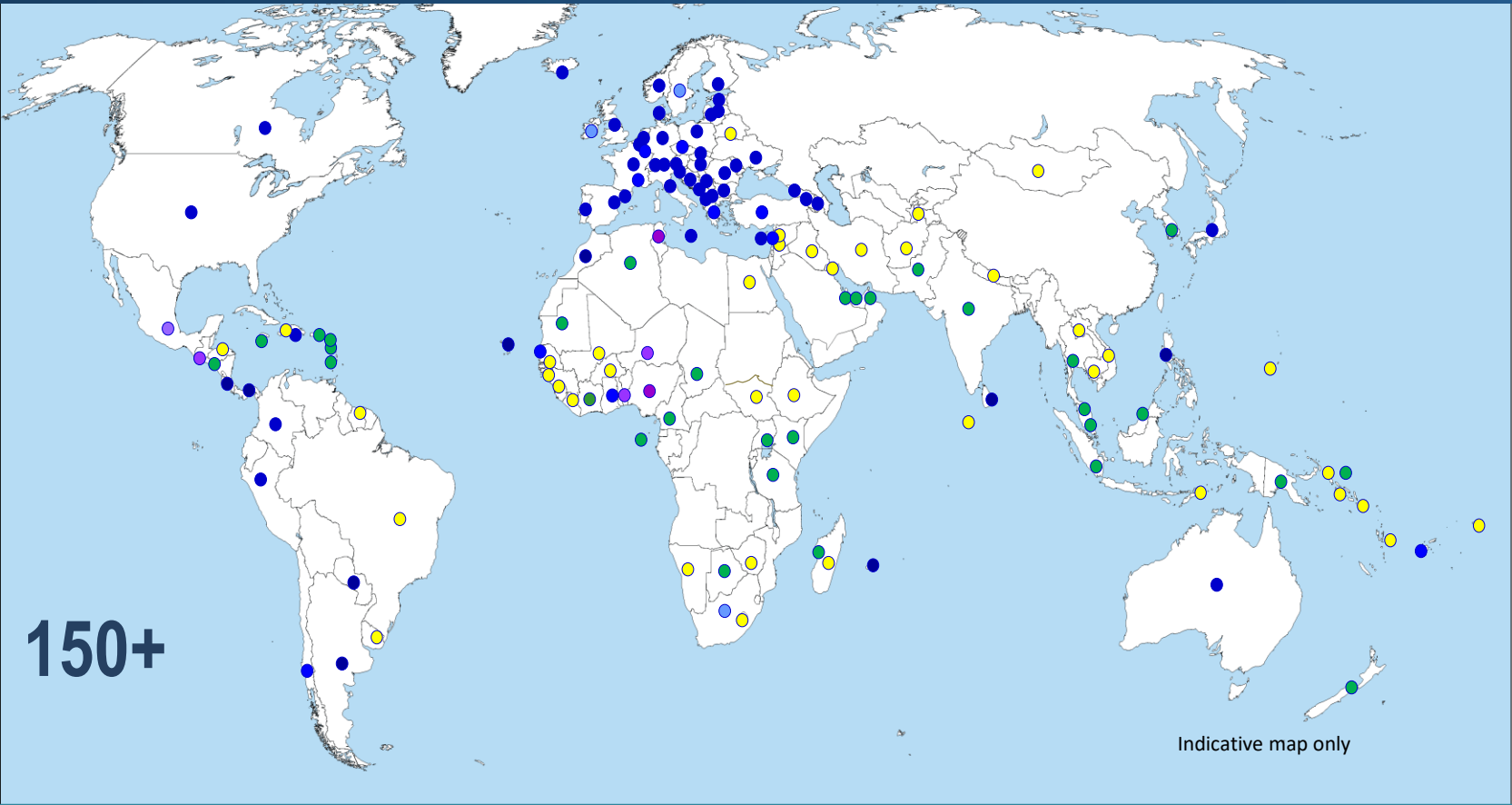
*Complementarity*



## African Union “Malabo” Convention on Cybersecurity and Personal Data Protection:

- ▶ Organization of electronic commerce
- ▶ Protection of personal data
- ▶ Promoting cybersecurity and combating cybercrime

# Reach of the Budapest Convention



Parties:	65	●	Other States with laws largely in line with Budapest Convention = 20+	●
Signed:	3	●	Further States drawing on Budapest Convention for legislation = 50+	●
Invited to accede:	8	●		
=	76			

**The Council of Europe (through C-PROC) follows developments on legislation worldwide since 2013.**

**The latest update covers the Global State of Legislation as at February 2020**

**▶ Here is a summary of results!**

# Global state of cybercrime legislation

## Reforms of legislation on cybercrime and electronic evidence

		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%

- By February 2020, 177 UN Member States (or 92%) were in the process of undertaking reforms of legislation on cybercrime and electronic evidence or had undertaken such reforms in recent years.

# Global state of cybercrime legislation

## Substantive criminal (offences against and by means of computer systems corresponding to Articles 2 to 10 Budapest Convention)

	States	Largely in place by January 2013		Largely in place by February 2020	
All Africa	54	6	11%	22	41%
All Americas	35	10	29%	17	49%
All Asia	42	13	31%	18	43%
All Europe	48	38	79%	44	92%
All Oceania	14	3	21%	5	36%
All	193	70	36%	106	55%

- By February 2020, 106 UN Member States (or 55%) had legislation in place with provisions criminalising offences against and by means of computers similar to those of the Budapest Convention.
- Most progress in Africa



# Global state of cybercrime legislation

## Links to the Budapest Convention

		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%

- Global impact of the Budapest Convention in terms of legislation
  - ▶ a guideline or source of inspiration for domestic legislation in 153 States (or 79%)

# Global state of cybercrime legislation: Conclusions

- ▶ **Almost all countries worldwide have undertaken or are undertaking reforms of their domestic legislation on cybercrime and e-evidence.**
- ▶ **Budapest Convention on Cybercrime as a guideline or source by the majority of countries.**
- ▶ **Capacity building needed to enable criminal justice authorities to apply legislation in practice.**
- ▶ **Protocol to the Budapest Convention will address additional needs of countries for more efficient international cooperation, cooperation in emergency situations and cooperation with service providers.**
- ▶ **Any future international agreement needs to take into account reforms already undertaken and be consistent with the Budapest Convention.**