

# **The concept of cybercrime as a matter of criminal justice**

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**Federal Prosecution Service - MPF**  
***CYBERCRIME SUPPORTING GROUP***

- **Support** : legal and technical
- **Training**: prosecutors, judges, police
- **Expert advice**

## ***MOST COMMON CYBERCRIMES IN BRAZIL***

- **Computer-related forgery and fraud:**  
Online Bank Fraud, e-commerce, Social security
- **Content-related offenses:**  
Child Pornography online, Revenge Porn, Sextortion  
all forms of Discrimination online
- **Illegal access**
- **Incitement of hate and other crimes:**  
Deepweb hate forums

# DIGITAL EVIDENCE

Almost all crime investigations nowadays depend on digital evidence which is volatile and has to be fast preserved and adequately collected (homicide, human trafficking, money laundering, corruption etc)

## HOW TO RETRIEVE DIGITAL EVIDENCE

- Digital Evidence stored on computer systems and devices
- Digital Evidence stored within ISPs

**When ISPs are *not* under the State's jurisdiction, international cooperation is required**

More and more crimes are being committed through foreign ISPs as a way to avoid being caught by local authorities.

## **Budapest Convention – Benefits**

- **Harmonisation of legislation and International Cooperation;**
- **Participation in the discussions of the TCY (Cybercrime Conventions Committee) updates on the interpretation of BC // 2<sup>nd</sup> PROTOCOL;**
- **Efficient and reliable cooperation and availability of the network 24x7;**
- **Pre-negotiated standard framework for international cooperation, even those without a bilateral agreement**
- **Sharing experiences in training programs (C-Proc).**

## Brazilian Legislation

- Brazilian Internet Civil Rights Framework (Marco Civil da Internet)
- Criminal Law: specific and non-specific cybercrime provisions at the Criminal Code, general procedure rules at the Criminal Procedure Code, other provisions
- New Criminal Code Proposal : cybercrime chapter

# Capacity Building

Budapest Convention Capacity building program – CPROC

Brazil needs basic+ advanced training

Prosecutors: average of 10.663 prosecutors in 2012

[https://www.cnmp.mp.br/portal/images/stories/Destaques/Publicacoes/MP\\_Um\\_Retrato\\_2013.pdf](https://www.cnmp.mp.br/portal/images/stories/Destaques/Publicacoes/MP_Um_Retrato_2013.pdf)

Magistrates: average of 18.141 in 2019

[https://www.cnj.jus.br/wp-content/uploads/conteudo/arquivo/2019/08/justica\\_em\\_numeros20190919.pdf](https://www.cnj.jus.br/wp-content/uploads/conteudo/arquivo/2019/08/justica_em_numeros20190919.pdf)

Police Officers (state, federal, military)

## **CONTACT**

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