

## **Cybercrime legislation**

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# Legal general scenario (LATAM)

- ▶ **Most of the countries**
  - ▶ **Penal Code – traditional infringements (no cyber)**
  - ▶ **Penal Procedure Code – traditional measures (no digital evidence)**
  - ▶ **In some cases, International Cooperation Law**
- ▶ **Budapest Convention**
  - ▶ **Substantive**
  - ▶ **Proceedings**
  - ▶ **International Cooperation**

# What did countries did?

- ▶ **Option A – to amend all the legal sources**
  - ▶ **Penal Code – adding cybercrimes**
  - ▶ **Penal Procedure Code – adding procedural rules of the Convention**
  - ▶ **The International Cooperation Law – specific rules on e-evidence**
  
- ▶ **Option B – a single new legal instrument: a comprehensive law on cybercrime crime and digital evidence**
  - ▶ **Substantive provisions**
  - ▶ **Procedural provisions**
  - ▶ **Provisions on international cooperation**

# Specific issues

- ▶ **Applicability of general rules**
  - ▶ (both substantive and procedural)
  
- ▶ **The questions of international cooperation specific rules**
  - ▶ **Direct applicability of the Convention?**
  
- ▶ **A regional approach?**
  - ▶ **Other instruments?**
  - ▶ **OAS – OEA's view**

# Examples

▶ Guatemala

▶ Peru

▶ Paraguay

▶ Ecuador