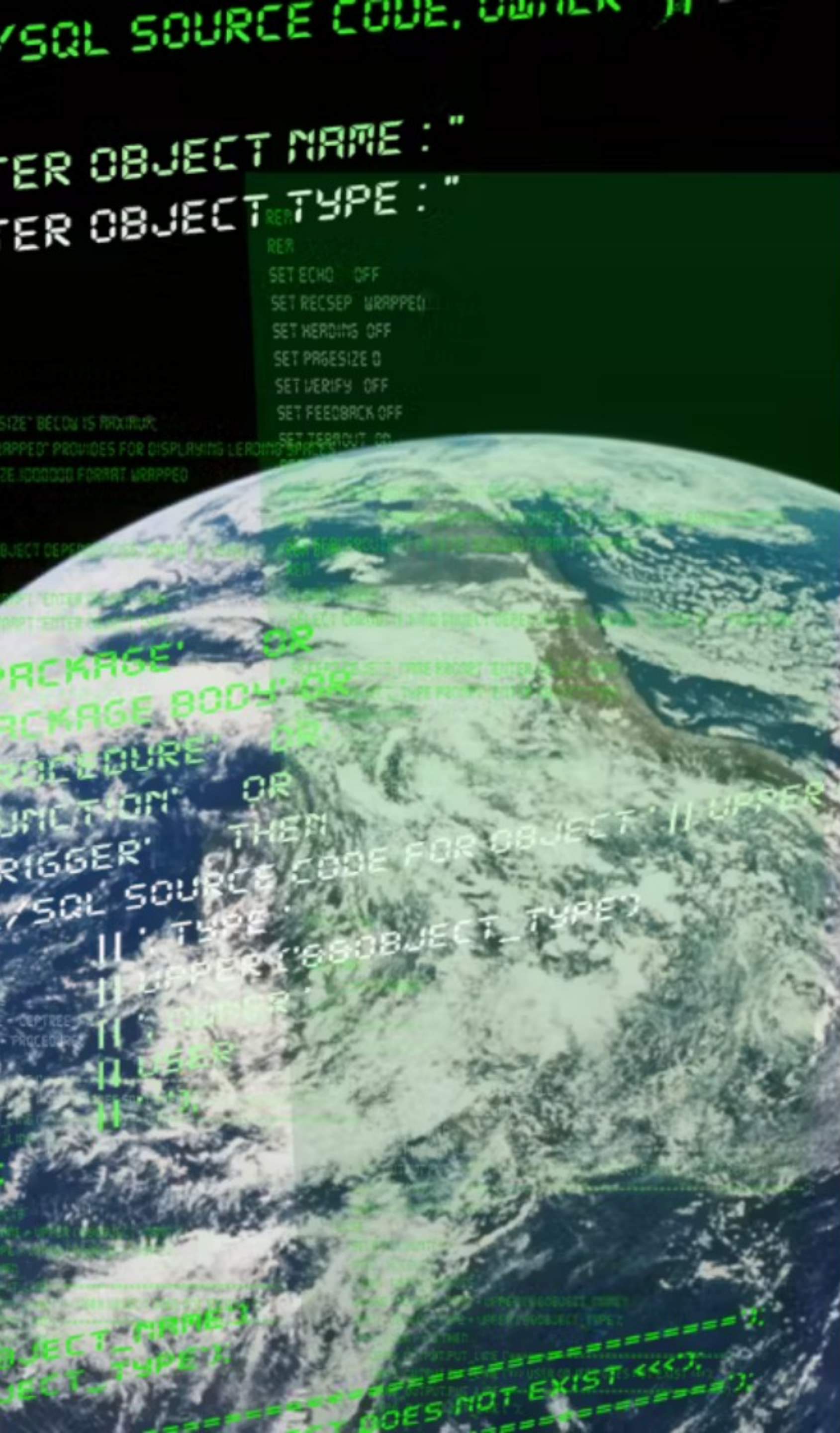


Octopus Conference 2023 on Cooperation Against Cybercrime

Workshop 1:
The Global State of Cybercrime Legislation
progress, challenges and lessons learnt



The global state of cybercrime legislation 2013 – 2023

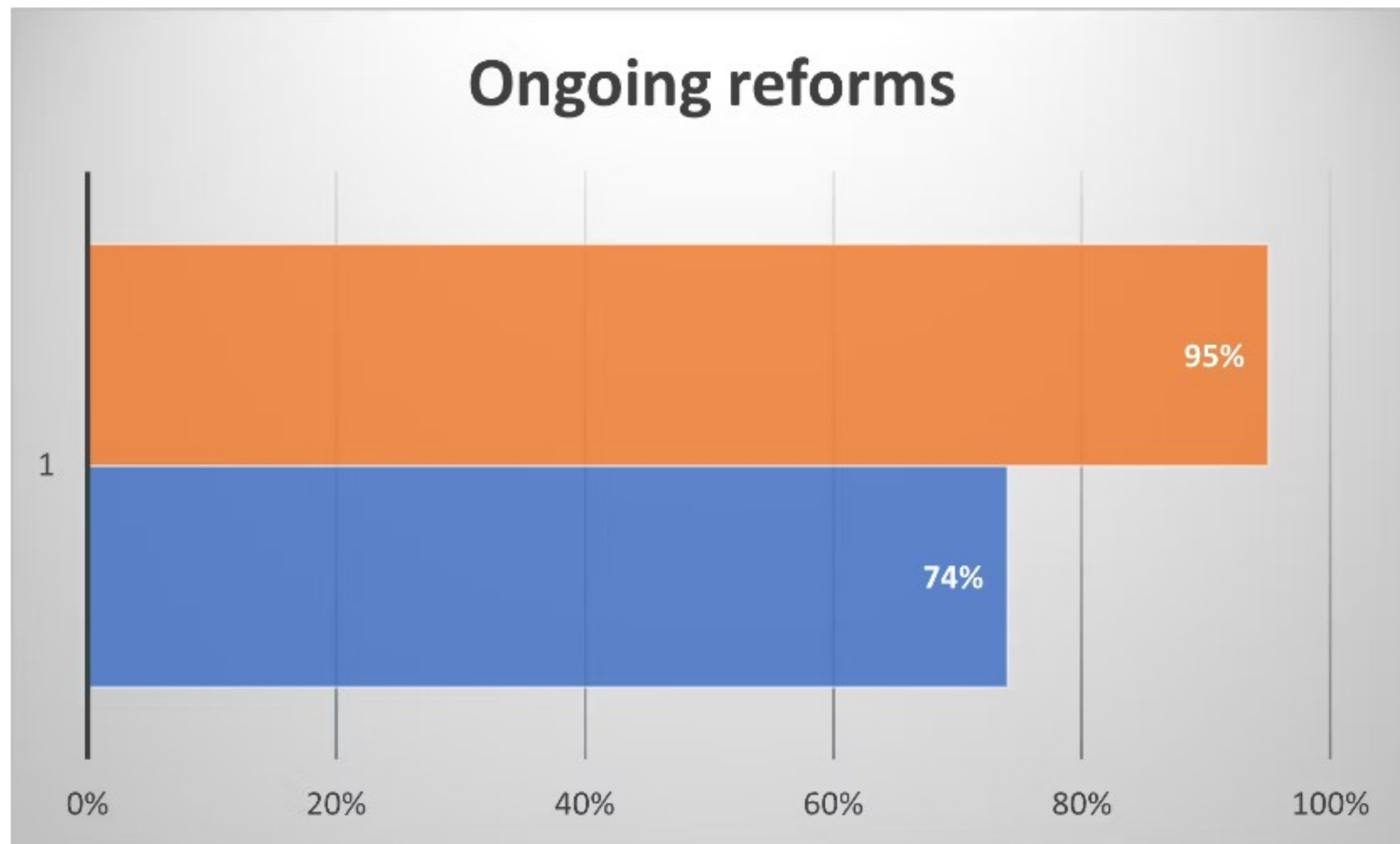
A cursory overview prepared by the Cybercrime Programme Office of the Council of Europe



Main features of the study

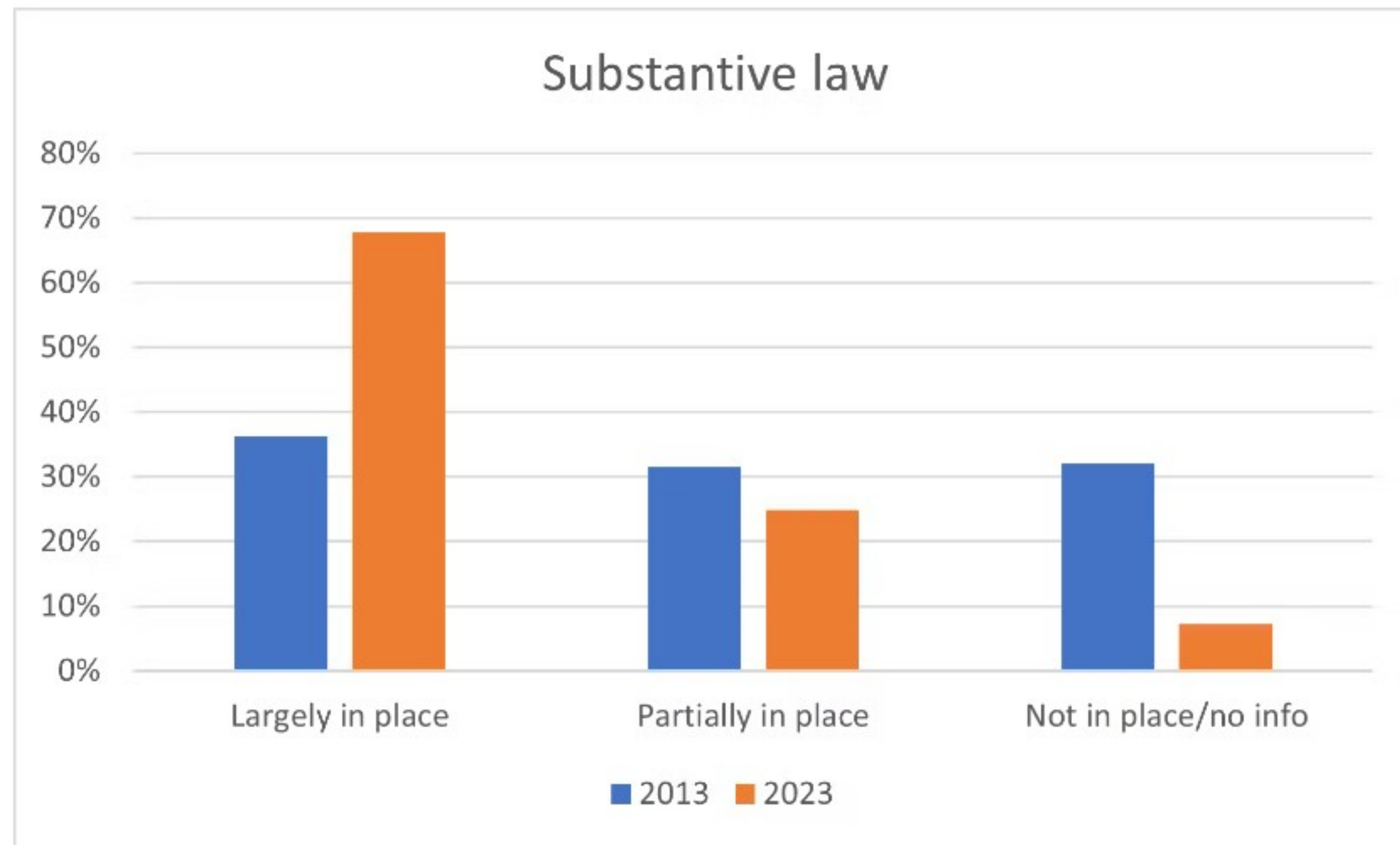
- Several iterations since 2013
- Sources: primarily [Octopus Community](#), but also project documents, and open source information
- Ongoing reforms: evidence and impact
- Substantive law: elements of offences
- Procedural powers: presence of alternatives
- Links to the Budapest Convention: membership, guidance for laws, and capacity building action
- A [public version](#) of the study can be downloaded





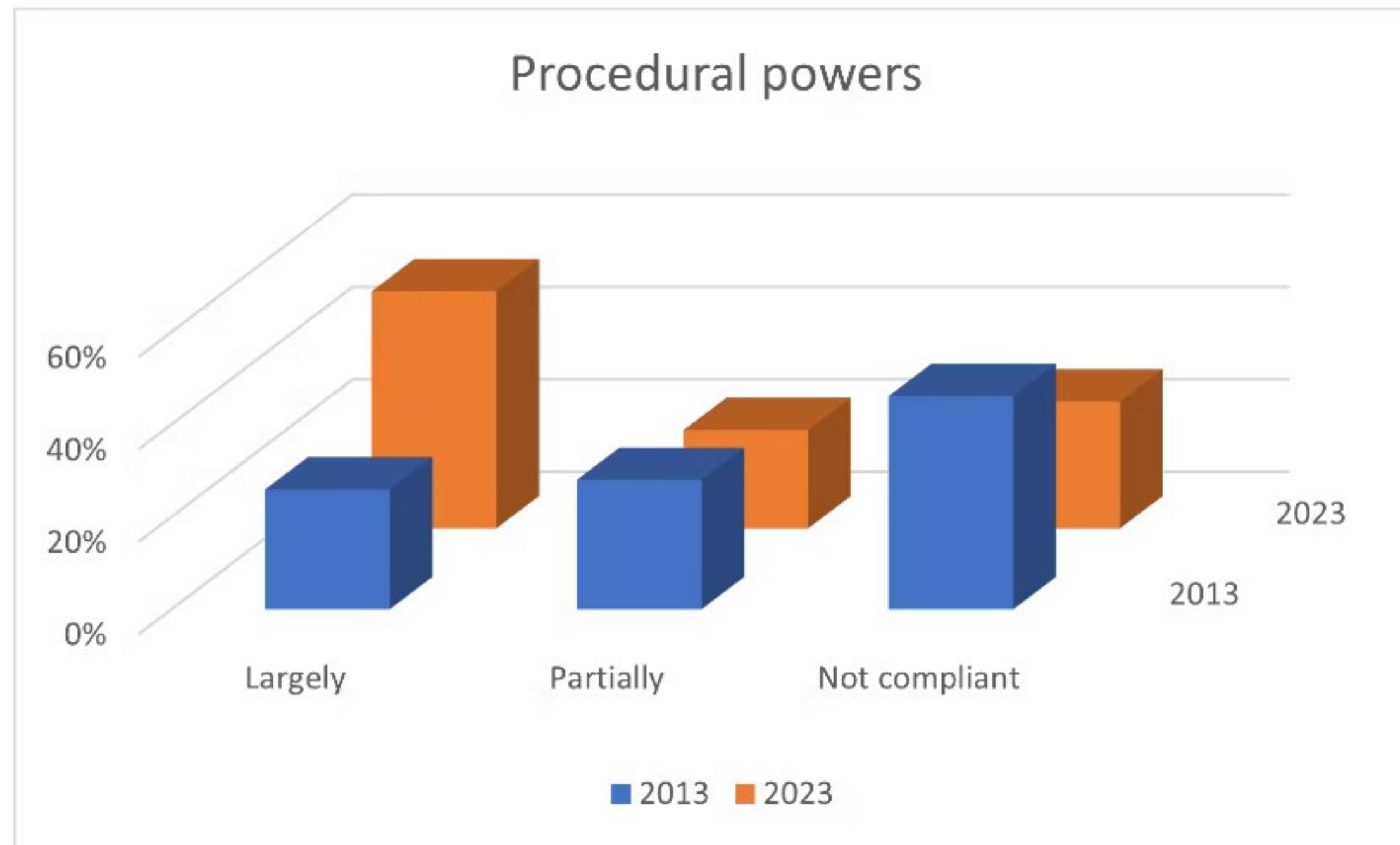
Reforms of legislation on cybercrime and electronic evidence

- Some reforms as early as 1990's
- By December 2021, **95%** of UN Member States had such reforms ongoing or completed
- Worrying trend re freedom of expression
- Reforms are initiated but not carried through
- Adopting laws without capacities to apply them



Substantive criminal law provisions

- Very good progress in the eight years between January 2013 and December 2023
- **68%** substantive legislation largely compliant with the requirements of the Budapest Convention
- **25%** substantive laws partially in place
- Only **7%** do not have laws in place or information is not found

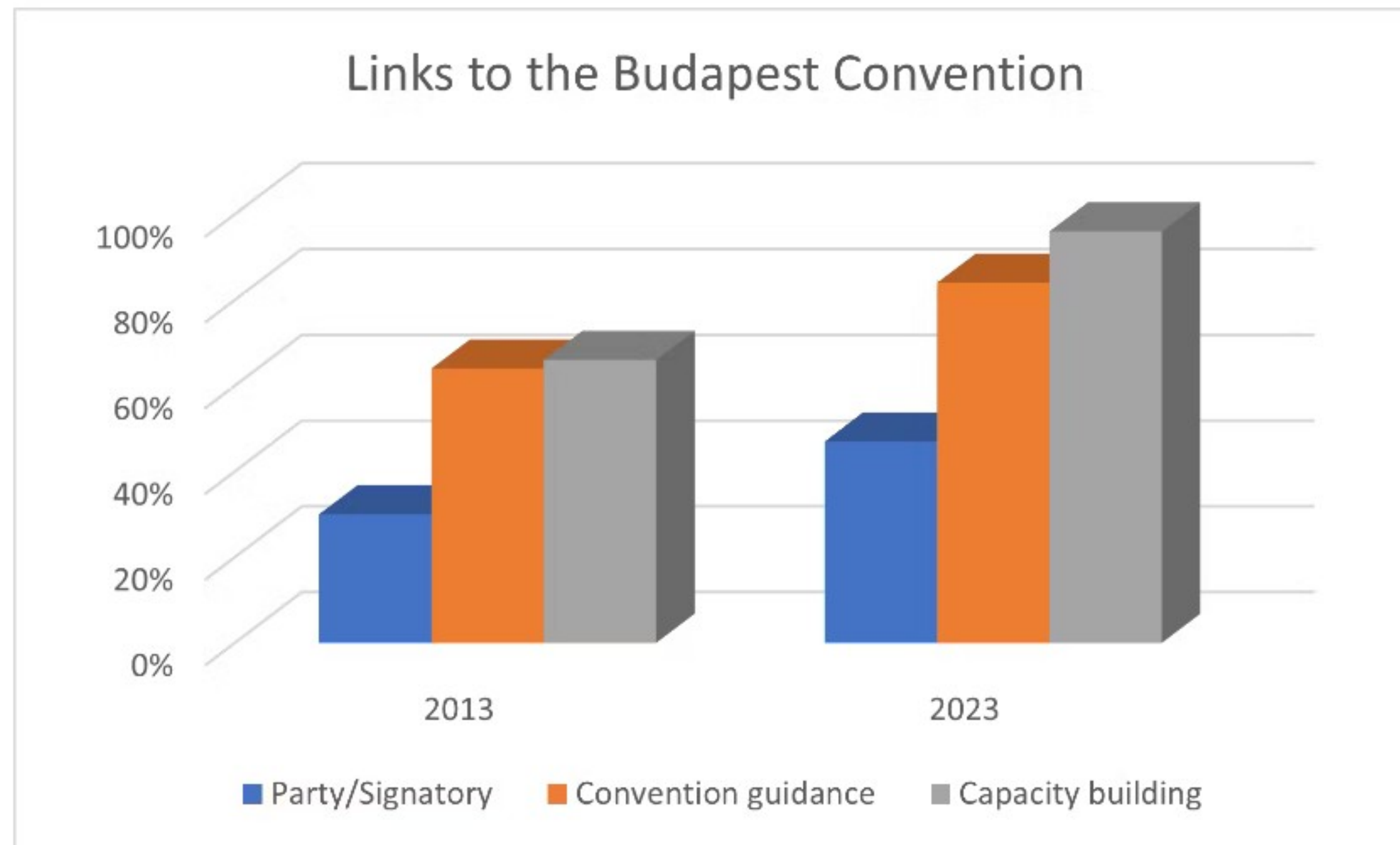


Specific procedural powers to secure e-evidence

- By December 2023, some 51% of States had specific powers "largely in place"
- Many States still rely on general procedural law provisions (e.g. search/seizure) for cybercrime and electronic evidence
- Governments reluctant to adopt specific procedural powers without the capacities to apply them in practice
- Article 15 (safeguards and guarantees) not covered in the study due to complexity

Links to the Budapest Convention on Cybercrime

- By December 2023, **47%** of UN Member States were either Parties or Signatories to the Convention or invited to accede
- Budapest Convention appears to serve **84%** of States worldwide as guideline or as source of inspiration for law reform
- By December 2023, **96%** of States took part in Council of Europe activities on cybercrime and e-evidence





Some conclusions

- Despite good progress, cybercrime legislation remains work in progress, especially procedural powers
- Balance between suppressing cybercrime and freedom of expression (and other rights) need to be kept
- Legislation without capacities to implement remains a limitation
- The need for more capacity building is steadily increasing since 2013
- There is an obvious correlation between states participating in capacity building action and success in improving legislation



Thank you for your attention!

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