An International Treaty on Cybercrime? Current Status

September 2011
Cybercrime

- Due to single technical standards Internet services are globally available
- Unlike the technical standardisation the legal frameworks that address Cybercrime can differ significantly
Legislation

- Legislation plays an important role, including as part of prevention strategies
- States will refer to means of criminal law to enable investigation of acts of cybercrime
- Without adequate criminalization, law enforcement agencies will not be able to carry out investigations and identify those who put security at risk
Legal Frameworks

- To date, Cybercrime primarily addressed through national legislation and regional frameworks (binding and non-binding)

Legal Frameworks

- The instrument with the broadest reach to date is the Council of Europe Convention on Cybercrime
- Ratified by 30 European countries and the US
Within the preparatory meetings, several Member States called for an UN Convention on Cybercrime. Topic was discussed during the Congress. Member states decided not to initiate such a process.
12th Crime Congress Salvador 2010

- All four regional preparatory meetings called for the development of an international instrument on Cybercrime
- Member States decided to strengthen capacity building and to undertake a comprehensive study of the problem of cybercrime and responses to it
CCPCJ requested to conduct comprehensive study:

“…consider convening an open-ended intergovernmental expert group prior to the twentieth session of the Commission. This expert group should conduct a comprehensive study of the problem of cybercrime and responses to it by member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime.”

Resolution was adopted by the General Assembly (December 2010 session) on the recommendation of the Economic and Social Council
The first meeting of this group was held from 17-21 January 2011

Topics for the study were agreed:

- Phenomenon of cybercrime
- Statistical information
- Challenges of cybercrime
- Common approaches to legislation
- Criminalization
- Procedural powers
- International cooperation
- Electronic evidence
- Roles and responsibilities of service providers and the private sector
- Crime prevention and criminal justice capabilities and other responses to cybercrime
- International organizations
- Technical assistance

First draft questionnaire has been prepared by the Secretariat
Next Steps

- Circulation of draft questionnaire to all Member States for comment
- Incorporation of comments received and finalization of the questionnaire
- Dissemination to Member States and private sector - filling in of questionnaire
- Receipt of responses and data analysis
- CCPCJ to be updated on progress in April 2012
- Full draft study prepared for CCPCJ April 2013
- Based on results of study, Member States to discuss options to strengthen existing and to propose new national and international legal or other responses to cybercrime
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THANK YOU