

Global Harmonization of Cybercrime Legislation

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The Global Legal Framework

- United Nations
- International Telecommunication Union (ITU)
- Council of Europe
- G-8 Group of States
- European Union
- Asian Pacific Economic Cooperation (APEC)
- Organization of American States (OAS)
- Commonwealth Model Legislation
- Association of Southeast Asian Nations (ASEAN)

United Nations

- General Assembly Resolutions
- United Nations Crime Congresses
- World Summit on the Information Society (WSIS) 2005
- International Telecommunication Union (ITU)
- www.itu.int/cybersecurity/

A Role for ITU

- Global assistance on capacity-building
- Global "umbrella" on cybersecurity
- Guidance on amending existing crime laws
- Guidance on new laws based on basic international standards and principles
- ITU Recommendation on cybersecurity?
- Global conferences
- Regional conferences

Council of Europe

- The Convention on Cybercrime (2001)
- Signed not followed by ratifications: 22
- Ratifications/accessions: 21 States
- Additional protocol
- www.coe.int

G-8 Group of States

- Subgroup of High-Tech Crime (1997)
- Meeting in Washington D.C. (2004)
- Meeting in Sheffield (2005)
- Meeting in Moscow (2006)
- Meeting in Munich (May 23-25, 2007)
- www.g7.utoronto.ca

European Union

- Council Framework Decision on attacks against information systems (2005)
- Article 2: Illegal access to Information Systems
- Article 3: Illegal systems interference
- Article 4: Illegal data interference
- Law initiative on identity theft in 2007
- www.europa.eu

Asia Pacific Economic Cooperation (APEC)

- Ministerial Meeting (2002)
- Ministerial Meeting (2004)
- Working Group Meeting (2005)
- Ministerial Meeting (2005)
- APEC TEL e-Security Task Group (2005)
- www.apectelwg.org

Organization of American States (OAS)

- Group of experts on cybercrime (1999)
- Meeting of Ministers of Justice (2004)
- The Madrid Meeting, (2005)
- Expert Group Meeting, February 2006
- Meeting of Ministers of Justice, June 2006
- www.oas.org./juridico/english/cyber.htm

Commonwealth Model Legislation

- A Model Law at the Conference of Ministers (2002)
- Computer and Computer Related Crimes Act
- Adapt framework legislation compatible with other Commonwealth countries
- www.thecommonwealth.org

Association of Southeast Asian Nations (ASEAN)

- ASEAN-China Strategic Partnership (2003)
- The Bangkok Meeting (2004)
- ASEAN Regional Forum Statement (2006)
- Minister Conference, Jakarta (May 2007)
- www.aseansec.org

2001 Convention on Cybercrime

- Ratification
- Accession
- Guideline

Substantive Criminal Law

- Illegal access
- Illegal interception
- Data interference
- System interference
- Misuse of devices
- Computer-related forgery
- Computer-related fraud

Procedural law

- General principles
- Expedited preservation
- Production order
- Search and seizure
- Real-time collection and interception
- Jurisdiction

.....And beyond

- Botnets
- Spam
- Phishing
- Pharming
- Identity Theft
- Preparatory conducts

Preparatory conducts

The production, possession, sale, or otherwise making available computer data or systems, especially suitable as a remedy for criminal conducts in a computer system or network, when committed intentionally, shall be punished as a preparatory conduct to criminal offences.

Protection of Individual Rights

- Universal Declaration on Human Rights
- International Covenant on Civil and Political Rights
- Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms
- Convention on Cybercrime Article 15

Court Case Laws

- Standardization of Supreme Court decisions
- Integration – Retrieval Systems
- Search Technology Solutions

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- Global Legal Framework
- Global National Law Survey
- Harmonizing National Legal Approaches on Cybercrime
- Supreme Court decisions around the world
- Terrorism in Cyberspace – Myth or reality (June 2007)
- Global Harmonization of Cybercrime Legislation (September 2007)

Conclusion

”Those who fail to anticipate the future are in for a rude shock when it arrives”

Professor Peter Grabosky

Australia