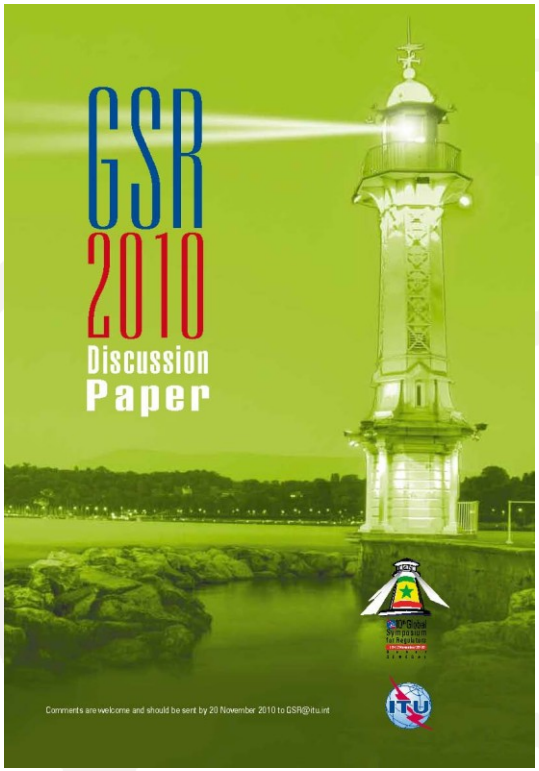

The Role of ICT Regulation in Addressing Offences in Cyberspace

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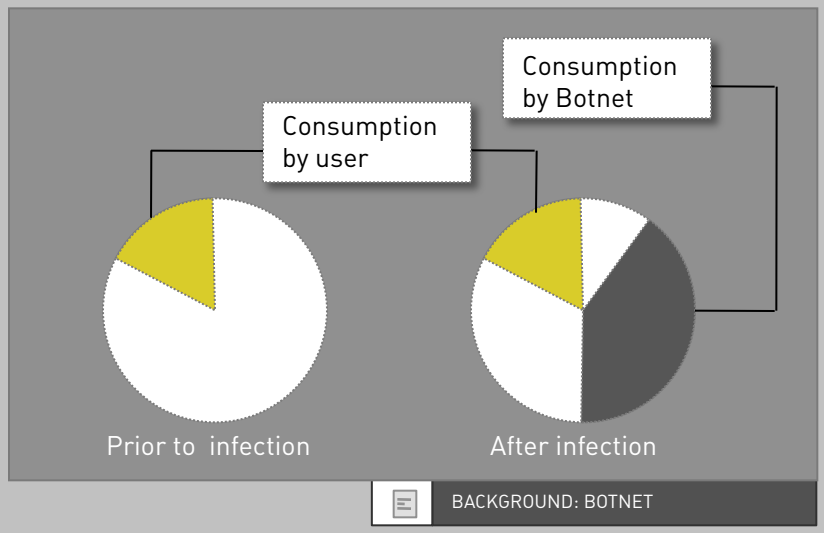
SETTING THE SCENE

- Offences in Cyberspace are a growing concern
- They affect private businesses, users and governments
- Relevant for developing as well as developed countries
- Methods and strategies have constantly changed in the last decades
- Changes require a high level of flexibility in the response



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ADDRESSING CYBERCRIME

- An effective strategy against offences in Cyberspace requires activities in various fields
- In addition to legislation soft measures as well as awareness raising campaigns are example for necessary components
- There is currently an intensive debate about the role of regulators in the fight against offences in Cyberspace
- Regulators already play an important role

GLOBAL POLICY STRATEGIES

- Advising with regard to global policy strategies is one role for regulators
- With regard to the industry expertise and existing communication channels regulators play an important role in advising in the development of ICT policies and legislation in general
- The criminal abuse of ICT is one of the threats that need to be addressed within such strategy

In Finland the government set up an Advisory Committee for Information Security (ACIS) under the Finnish Communications Regulatory Authority (FICORA) for developing their national information strategy. The proposal released by ACIS in 2002 identifies goals and measures to promote the information security strategy.

Example

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LEGISLATION

- Work of the regulator needs to be separated from the work of legislators
- However, regulators can assist in the drafting process by advising the legislator
- They very often have an in-depth knowledge about current trends as well as possibilities and limitations of technical and industry lead approaches

The Ugandan Communications Commission was for example involved as advisor in the process of drafting cybercrime legislation.
In Zambia the Communications Authority was reported to have assisted in drafting new cybercrime-related legislation.
Another example is Belgium where in 2006 the Belgian ICT regulator (BIPT) was involved in assisting in the process of drafting Cybercrime legislation.

Example

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DETECTING CRIMES

- Regulators can play an important role in the investigation of ICT-related crimes
- In some countries ICT regulators are responsible for creating and running national CIRTs (Computer Incident Response Teams
- CIRTs play an important role in monitoring, detecting, analysing and investigating cyber-threats and cyber-incidents

One of the first CIRTs established as an initiative under the ICT regulator is the Finnish national Computer Emergency Response Team, launched in January 2002 within the Finnish Communications Regulatory Authority (FICORA). Other examples come from Sweden, UAE and Qatar.

Example

INVESTIGATION

- Carrying out investigations requires an explicit mandate
- Some countries authorised ICT regulators to act as law enforcement agency in cybercrime related areas such as anti-spam, content regulation or enforcing co-regulatory measures

With regard to SPAM some European ICT regulators are already part of a contact network of anti-spam enforcement authorities established by the European Commission in 2004 to fight spam on a pan-European level. The OECD Task Force on spam also lists ICT regulators as contact points for enforcement agencies.

Example

STRATEGIES

- Taking into account the advantages regulators can add to the fight against criminal abuse of ICT two approaches are discussed to strenghten an involvement of regulators: Extensive interpretation of existing mandate and the creation of new mandates

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FURTHER INFORMATION

- Further information about the role of regulators in addressing offences in Cyberspace can be found in the discussion paper presented in the context of GSR 10 as well as in the 2nd edition of the ITU publication "Understanding Cybercrime: A Guide for Developing Countries"

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