

Building Trust - National Legal Approaches and International Legal Coordination for Global Cybersecurity

by

Judge Stein Schjolberg
www.cybercrimelaw.net

ITU Geneva, May 15-16, 2006

The Global Legal Framework on Cybercrime

- The Council of Europe
- United Nations
- Commonwealth Model Legislation
- Organization of American States (OAS)
- European Union
- APEC
- ASEAN Group
- G-8 Group

The Council of Europe

- The Convention on Cybercrime (2001)
 - Signed by 30 States
 - Ratifications / Accessions by 13 States
 - Additional Protocol

United Nations

- General Assembly Resolutions
- World Summit on the Information Society
- ITU Standards and Working Groups
- United Nations Crime Congresses
- Other United Nations Efforts

Commonwealth Model Legislation

- A Model Law at the Conference of Ministers in 2002
- Computer and Computer Related Crimes Act
- Adapt framework legislation compatible with other Commonwealth countries

The Organization of American States (OAS)

- Group of Experts on Cybercrime 1999
- Meeting of Ministers of Justice, April 2004: *“That Member States evaluate the advisability of implementing the principles of the Council of Europe Convention on Cybercrime (2001), and consider the possibility of acceding to that convention”*
- The Madrid Meeting, December 2005
- Expert Group Meeting, February 2006

The European Union

- A Proposal from the Commission of 2003, for a Council Framework Decision on attacks against information systems, adopted by the Council in 2005:
 - Art. 2: Illegal access to Information Systems
 - Art. 3: Illegal Systems Interference
 - Art. 4: Illegal Data Interference

The Asia Pacific Economic Cooperation (APEC)

- Meeting in Mexico , October 2002
- Ministerial Meeting, Chile, November 2004:
 - *“Strengthen the respective economies ability to combat cybercrime by enacting domestic legislation consistent with the provisions of international legal instruments, including the Convention on Cybercrime (2001) and relevant UN General Assembly Resolutions.”*
- Working Group Meeting, Seoul, Korea, 2005

ASEAN Group

- The Association of Southeast Asian Nations (ASEAN)
- ASEAN-China Strategic Partnership for Peace (2003)
- The Bangkok Meeting, 2004

The G8 Countries

- The Subgroup of High-Tech Crime, 1997
- 24/7 Network
- Meeting in Washington D.C. May 2004:
 - *“With The Council of Europe’s Convention on Cybercrime coming into force on July 2004, we should take steps to encourage the adoption of the legal standards it contains on a broad basis”*

Courts Case Laws

- Standardization of Supreme or High Courts decisions published on the Internet
- Integration – Retrieval Systems
- Search Technology Solutions