



13/12/05

CYB (2005) Conclusions

**“Cybercrime: A Global Challenge, A Global Response”**  
Casa de América, Madrid, Spain  
12-13 December 2005

The Council of Europe, in co-operation with the Organisation of American States and the Spanish authorities (Ministry of Justice), organised a Conference on “Cybercrime: A Global Challenge, A Global Response” at the *Casa de América*, Madrid on 12 and 13 December 2005.

The Conference was opened by the Minister of Justice of Spain, Juan Fernando Lopez Aguilar, the Director General of Legal Affairs of the Council of Europe, Guy De Vel, and the Director of the Office of Legal Co-operation of the Organisation of American States, Jorge García-González.

It brought together representatives of the member States of the Council of Europe and the Organisation of American States as well as parliamentarians, academics and representatives of the private sector.

The purpose of the Conference was to promote accession to the Convention on cybercrime (ETS 185) by facilitating the understanding of the challenges of this illegal activity and by enabling countries to become familiar with the necessary legal and technical tools to be created or developed in order to implement the provisions of the Convention.

The participants discussed the following themes:

- Legislation against cybercrime: what does the Convention on cybercrime require?
- Investigative tools to combat cybercrime
- Private-Public partnership: the key to success
- The increasing and evolving threat of cybercrime
- Becoming a Party to the Convention

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At the close of proceedings, they adopted the following conclusions :

## CONCLUSIONS

The participants at the international Conference on “Cybercrime: A Global Challenge, A Global Response” held in Madrid, Spain, on 12 and 13 December 2005;

*Bearing in mind* United Nations General Assembly Resolution 55/63 (2000);

*Having regard to* the Convention on Cybercrime (2001) and its additional Protocol concerning the acts of a racist and xenophobic nature committed through computer systems (2003);

*Having regard to* the Declaration of Warsaw adopted at the Third Summit of Heads of State and Government of the Council of Europe, held in Warsaw, on 16 and 17 May 2005;

*Bearing in mind* the results of the 5th Conference of Ministers of Justice and Attorneys General of the Organisation of American States held in Washington D.C., from 28 to 30 April 2004, which recommended « 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 »;

*Bearing in mind* the Bangkok Declaration « Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice » adopted at the 11<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice held in Bangkok, from 18 to 25 April 2005;

*Bearing in mind* the Resolution adopted at the 6<sup>th</sup> International INTERPOL Conference on Cyber Crime held in Cairo, from 13 to 15 April 2005, which recommended « that the Convention on Cyber Crime of the Council of Europe shall be recommended as providing a minimal international legal and procedural standard for fighting cyber crime. Countries shall be encouraged to consider joining it »;

*Having regard to* the Declaration of Salamanca adopted at the XV Ibero-American Summit of Heads of State and Government held in Salamanca, on 14 and 15 October 2005;

*Stressing* the importance of ensuring a proper balance between the need to fight cybercrime and the respect of fundamental human rights such as the freedom of expression, as enshrined in the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1966 United Nations International Covenant on Civil and Political Rights and the 1969 American Convention on Human Rights, as well as other international human rights treaties;

EXPRESS CONCERN about the rapidly growing dangers and serious social and economic consequences of cybercrime including terrorist activity on the Internet;

NOTE that most cybercrime is international cybercrime;

RECOGNISE the need for effective and compatible laws and tools to enable States to co-operate efficiently in the fight against this scourge;

WELCOME the steps already taken by States, International Organisations and the private sector to co-operate in the fight against high-technology and computer-related crime;

CALL UPON States, International Organisations and the private sector to strengthen their co-operation in order to raise awareness of the need for appropriate legislation, based on existing international standards, as well as for appropriate training to combat cybercrime;

ACKNOWLEDGE the importance of the only international treaty in this field: the Convention on Cybercrime which is open to all States as well as the importance of strengthening the international legal framework;

STRONGLY ENCOURAGE States to consider the possibility of becoming Parties to this Convention in order to make use of effective and compatible laws and tools to fight cybercrime, at domestic level and on behalf of international co-operation;

RECOGNISE the need of pursuing co-operation, providing technical assistance and organising similar events in other regions of the world;

WELCOME the holding of the first meeting of the Cybercrime Convention Committee which will take place in Strasbourg on 20 and 21 March 2006 and encourage States to participate;

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The participants thanked the Council of Europe and the Spanish authorities (Ministry of Justice) for organising the Conference. They expressed their gratitude to the Casa de America for hosting the event and called upon the participating institutions to hold similar events in the future.