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COUNCIL CONSEIL
OF EUROPE DE L'EUROPE

Strasbourg, 17 March 2006

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THE CYBERCRIME CONVENTION COMMITTEE (T-CY)

PROPOSAL FOR A PROJECT ON CYBERCRIME

Secretariat Memorandum
prepared by the Directorate General of Legal Affairs



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Department of Crime Problems
Directorate General I –Legal Affairs

Project against cybercrime

– project proposal –

Version 17 March 2006

Project title	Project against cybercrime
Project area	A global project to support European and non-European countries to accede and implement the Convention on Cybercrime (ETS 185) or its Protocol on Xenophobia and Racism (ETS 189)
Budget	EURO 300 000 (threshold) – EURO 1.7 million (total)
Funding	Voluntary contributions (by a consortium of public and private sector donors)
Implementation	Council of Europe (Department of Crime Problems/DGI - Legal Affairs)
Duration	30 months (1 July 2006 – 31 December 2008)

BACKGROUND AND JUSTIFICATION

Computer networks are turning the world into a global information society in which any kind of information is available to internet users almost anywhere and in which electronic commerce may soon exceed hundreds of billions of Euros. However, this process is accompanied by an increasing dependency on such networks and a growing vulnerability to criminal intrusion and misuse. Networks facilitate illegal access to information, attacks on private or public computer systems, distribution of illegal content as well as cyber-laundering and possibly cyber-terrorism.

Cybercrime thus poses new challenges to criminal justice and international cooperation. In order to counter cybercrime and protect computer networks, Governments must provide for:

- effective criminalisation of cyber-offences. Legislation of different countries should be as harmonized as possible to facilitate cooperation
- investigative and prosecutorial procedures and institutional capacities which allow criminal justice agencies to cope with high-tech crime
- conditions facilitating direct cooperation between State institutions, and between State institutions and the private sector
- efficient mutual legal assistance regimes, allowing direct cooperation among multiple countries and the establishment of inter-governmental emergency networks.

In November 2001, the Convention on Cybercrime (ETS 185) of the Council of Europe was opened for signature. Its implementation will help parties cope with these challenges. So far (as at 1 March 2006), the Convention has been ratified by 12 States and signed by a further 30 countries – including Canada, Japan, South Africa and the United States which are non-member States. The Additional Protocol on the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems (ETS 189) of January 2003 has been ratified by 6 and signed by another 24 States, including Canada. Efforts are urgently required to accelerate broad ratification and implementation of these important instruments.

During the past two years, the need for a global legal framework against cybercrime has been underlined on numerous occasions and support to the broadest possible implementation of the Convention of the Council of Europe has been expressed by many European and non-European countries, international organisations and the private sector.

Already at the Octopus Interface conference on the "challenge of cybercrime" (Strasbourg, 15 to 17 September 2004) it was stated that "the Council of Europe and other donors should provide

technical assistance to such countries to bring their legislation and institutions in line with the requirements of the Convention”.

The present project is designed to follow up on this. It is to serve as a resource allowing the Council of Europe to support European and non-European countries in a pragmatic and flexible manner.

OBJECTIVE, OUTPUTS AND ACTIVITIES

Project objective:	To promote broad implementation of the Convention on Cybercrime (ETS 185) and its Protocol on Xenophobia and Racism (ETS 189)
Output 1:	Draft laws permitting ratification of/accession to ETS 185 and 189 available in at least 10 European and 5 non-European countries
Indicator of success:	Number of ratifications/accessions by countries that have not been party to these treaties by the beginning of the project
Target groups:	Experts and working groups responsible for law drafting of countries willing to implement ETS 185 and/or 189
Activities:	<ul style="list-style-type: none"> ▪ Support to 6 regional seminars on legislation required to ratify ETS 185 and 189 (2 in Europe, 1 in Asia, 1 in North America, 1 in Central and South America, 1 in Africa) ▪ Up to 15 in-country law-drafting/review workshops in European and non-European countries ▪ Up to 15 legal opinions on compliance of draft legislation with ETS 185/189 ▪ Council of Europe support to activities organised by other public and private sector partners ▪ On-line advice on legislative questions ▪ Creation of a web-resource on cyber-crime legislation
Output 2:	Capacities of criminal justice systems strengthened to investigate, prosecute and adjudicate cybercrime
Indicator of success:	Number of persons trained Number of prosecutions and convictions for cybercrime
Target groups:	Judges, prosecutors and police officers of countries that have signed ETS 185 or 189
Activities:	<ul style="list-style-type: none"> ▪ Up to 5 regional training events on: <ul style="list-style-type: none"> – Cyber-offences (substantive criminal law provisions) – Content-related offences (child pornography, xenophobia and racism) – Specialised units – Expedited preservation of data, production orders, search and seizure, real-time collection – Public-private partnerships ▪ Up to 10 in-country training workshops on these topics on request
Output 3:	Capacities of criminal justice bodies to cooperate internationally reinforced
Indicator of success:	Number of persons trained Number of requests for assistance received/sent/processed Quality and dissemination of a cooperation manual
Activities:	<ul style="list-style-type: none"> ▪ Regional events on police and judicial cooperation for police, prosecutors, judges and Ministry of Justice officials responsible for international

- cooperation
- Preparation of a cooperation manual on international cooperation in cyber-crime matters and creation of a web-resource to facilitate international cooperation
- Support to the participation of officials in events carried out by other organisations

IMPLEMENTATION ARRANGEMENTS

The project will serve as a resource to support:

- activities carried out by the Council of Europe
- activities carried out by other partners through Council of Europe expertise
- the participation of officials from different countries in specific activities carried out by other organisations or partners.

The project will be implemented by the Department of Crime Problems of the Directorate General of Legal Affairs of the Council of Europe by making use of the expertise available in countries which are party or signatory to the convention. Close cooperation with public and private sector partners will be sought.

The level of implementation depends on the resources available. A minimum threshold of EURO 300 000 may be sufficient to carry out a certain number of activities and recruit 1 staff responsible for the management of project activities.

INPUTS

Budget estimate	EURO (Total)	EURO (Threshold)
Personnel		
▪ 1 Long-term adviser/project manager A2/3 (30 w/m)	250000	
▪ 1 Project assistant B4 (30 w/m)	130000	80000
▪ 1 Secretary (30 w/m)	90000	0
Training workshops and other events		
▪ Up to 13 regional training events	600000	100000
▪ Up to 25 in-country workshops and missions	280000	70000
▪ Up to 15 legal opinions	35000	15000
▪ Final evaluation conference	80000	0
Training and other materials	95000	15000
Other cost and overheads	140000	20000
Estimated budget (EURO)	1700000	300000

CONTACT

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