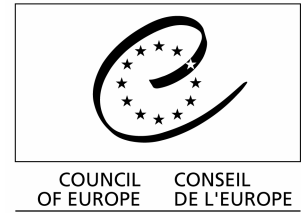


Web site: www.coe.int/economiccrime



Strasbourg, 20 March 2006

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THE CYBERCRIME CONVENTION COMMITTEE (T-CY)

LETTER OF SUPPORT FROM THE CHAIR OF THE TELECOMMUNICATIONS AND INFORMATION WORKING GROUP (APEC)

Letter submitted by the Asia – Pacific Co-operation (APEC)

ASIA-PACIFIC ECONOMIC COOPERATION
Telecommunications and Information Working Group

March 17, 2006

Ms. Margaret Killerby
Head of the Department of Crime Problems
Secretariat General
Council of Europe

Dear Ms. Killerby:

On behalf of the Asia Pacific Economic Cooperation (“APEC”), I would like to take this opportunity to applaud the Council of Europe’s path-breaking work in developing the *Convention on Cybercrime* and its continuing efforts to build global cooperation to combat cybercrime. I would also like to highlight some of the extensive work that APEC has undertaken to address the cybercrime threat.

APEC Leaders have repeatedly emphasized the importance of assuring the security of information networks and of fighting cybercrime. In addition to directly improving the lives of the people of APEC Member Economies,¹ such efforts promote the trust in the Internet that is critical to realizing the full benefits of e-commerce and the Information Society.

As recently as last November, APEC Ministers approved the *APEC Strategy to Ensure a Trusted, Secure, and Sustainable Online Environment*.² Among other things, the *Strategy* urges member economies to:

Address the threat posed by the misuse, malicious use and criminal use of the online environment by ensuring that legal and policy frameworks;
Address substantive, procedural and mutual legal assistance arrangements.

¹ The 21 APEC Member Economies are Australia; Brunei Darussalam; Canada; Chile; People's Republic of China; Hong Kong, China; Indonesia; Japan; Republic of Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; Philippines; Russia; Singapore; Chinese Taipei; Thailand; United States; Viet Nam.

² This Strategy can be downloaded at www.google.com/url?sa=U&start=1&q=http://203.127.220.112/content/apec/apec_groups/working_groups/telecommunications_and_information.downloadlinks.0004.LinkURL.Download.ver5.1.9&e=9797

In addition, information about APEC is available at www.apec.org, and information about the Telecommunications and Information Working Group can be found at www.apectelwg.org. For APEC resources on cybercrime and cybersecurity, see www.apectelwg.org/e-securityTG/index.htm.

Dr. Inuk Chung, Chair APEC Telecommunications and Information Working Group (TEL)

APEC has also repeatedly recognized the Convention on Cybercrime as an important international benchmark for the development of cybercrime laws. In 2002, APEC Leaders issued a Statement on Fighting Terrorism and Promoting Growth.³ Though this statement, each Member Economy committed to

Endeavor to enact a comprehensive set of laws relating to cybersecurity and cybercrime that are consistent with the provisions of international legal instruments, including United Nations General Assembly Resolution 55/63 (2000) and the Convention on Cybercrime (2001), by October 2003.

This understanding of the importance of the Convention on Cybercrime is also reflected in the APEC Cybersecurity Strategy,⁴ which was approved by Ministers in 2002. That strategy recognized that

Member economies should, as soon as possible, adopt comprehensive substantive, procedural, and mutual assistance laws and policies, noting the work of other international organizations in this area, in particular the Cybercrime Convention of the Council of Europe.

Last year, Ministers again renewed this commitment in the Lima Declaration,⁵ in which they

encourage[ed] all economies to study the Convention on Cybercrime (2001) and endeavour to enact a comprehensive set of laws relating to cybersecurity and cybercrime that are consistent with international legal instruments, including United Nations General Assembly Resolution 55/63 (2000) and the Convention on Cybercrime (2001).

APEC undertook an ambitious program to carry out the Leaders' instructions and to support the efforts of Member Economies to modernize their laws. First, the e-Security⁶ Task Group conducted a survey based on the articles of the Convention on Cybercrime. This survey provided models for legislative drafting and revealed that many Member Economies already had comprehensive cybercrime laws.

³ See www.apectelwg.org/apec/atwg/LeadersTerrorismGrowth.doc.

⁴ See www.apectelwg.org/apec/atwg/Cybersec%20Strategy%20TEL%20final.doc.

⁵ See http://www.apec.org/apec/ministerial_statements/sectoral_ministerial/telecommunications/2005.html. Dr. Inuk Chung, Chair APEC Telecommunications and Information Working Group (TEL) Vice President Korea Information Strategy Development Institute 1-1 Juam-Dong, Kwachun, Kyunggi-Do, 427-710 Republic of Korea 2

⁶ For the results of that survey, see www.apectelwg.org/e-securityTG/index.htm.

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More importantly, APEC Member Economies provided direct assistance to other Members on the drafting of cybercrime laws through a project overseen by the United States and funded by APEC and the United States. In the course of this project, teams of experts provided direct training and advice to policy makers in six Member Economies (the Philippines, Indonesia, Thailand, Peru, Chinese Taipei, and Viet Nam). These efforts resulted in the drafting and introduction of new cybercrime legislation. Indeed, Member Economies continue to assist other Members by reviewing and providing comments on draft legislation, using the Convention on Cybercrime as a model.

Finally, for the past 4 years APEC has also sponsored an annual cybercrime conference of experts to discuss legislative issues and to improve cooperation between law enforcement agencies responsible for the investigation and prosecution of cybercrime. Organized and chaired by the United States, these meetings have provided an invaluable forum for the exchange of information, and have even, on occasion, included presentations by experts of the Council of Europe.⁷

I hope that this overview of APEC's work will enable you to understand APEC's commitment to fighting cybercrime. We hope that you will continue to promote the acceptance of comprehensive cybercrime laws around the world, and we look forward to further opportunities to the exchange information between our organizations.

With warm regards,

Dr. Inuk Chung
TEL Chair

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For agendas and presentations made at these conferences, see www.apectelwg.org/e-securityTG/index.htm.