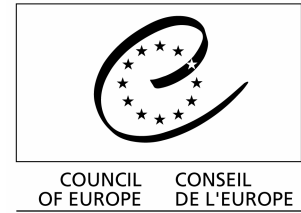


Web site: [www.coe.int/cybercrime](http://www.coe.int/cybercrime)



Strasbourg, 3 September 2007

T-CY (2007) 04

## **THE CYBERCRIME CONVENTION COMMITTEE (T-CY)**

### **QUESTIONNAIRE FOR THE PARTIES CONCERNING THE PRACTICAL IMPLEMENTATION OF THE CONVENTION ON CYBERCRIME BY THE PARTIES**

Secretariat Memorandum  
prepared by  
the Directorate General of Human Rights and Legal Affairs (DG-HL)

1. The appended questionnaire (Appendix I) has been prepared by the Secretariat (see paragraph 43b of T-CY(2007)03) in consultation with the Chair of the T-CY.
2. For more information concerning the T-CY and the work of the Council of Europe on cybercrime see [www.coe.int/cybercrime](http://www.coe.int/cybercrime)
3. Parties to the Convention are invited to send their replies to this questionnaire (which concerns the practical implementation of the Convention and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems). This information will enable other Parties and States interested in becoming Parties or in the implementation of the Convention and its Additional Protocol to benefit from the experience of the Parties.
4. Parties are invited to return their replies (in English or in French) to this questionnaire before 15 October 2007 to [david.dolidze@coe.int](mailto:david.dolidze@coe.int) The replies will be published on the T-CY website but will not, at this stage, be translated. Therefore the information provided will be available for all persons who work in the field of cybercrime.
5. The Secretariat may contact Parties after this date for additional information to be included in their replies if such information is likely to be helpful for other States.
6. The Parties to the Convention [ETS No 185] and its additional Protocol [ETS No 189] are indicated in the attached state of signatures and ratifications (Appendix II).

# APPENDIX I

## QUESTIONNAIRE

### General information

1. a. Before becoming a Party to the Convention on cybercrime what steps were taken by your State to carry out a general assessment of its cybercrime legislation and procedures (e.g. by setting up a Special Commission, technical co-operation with the Council of Europe or with others)?

b. Were any gaps found in the legislation or procedures requiring further action in order to enable your State to become a Party to the Convention (e.g. did the provisions of the Convention lead to the amendment of the existing law or was new legislation necessary to cover certain issues such as misuse of devices: Article 6; child pornography: Article 9; interception of content data: Article 21)?

2. a. Please provide a short assessment of the effectiveness of your cybercrime legislation, procedures and mutual assistance (e.g. provisions and procedures working well, problems encountered including electronic evidence, gaps identified)?

b. If your State is a Party to the Additional Protocol please provide an assessment of your legislation, procedures and mutual assistance.

c. If there are problems which further steps could be taken by your State or other States to remedy these difficulties?

d. To what extent does your legislation, procedures and mutual assistance go further than the provisions of the Convention and its Additional Protocol?

3. a. Which types of cybercrime are currently considered particularly serious by your State? Why?

b. Which cybercrimes have been identified as areas of growth and a likely future threat?

c. How does your State propose to deal with this growth of offences (e.g. setting-up a specialised body, additional training and equipment)?

4. a. How often has the 24/7 network been used since your State became a Party, in which types of cases and has it been successful?

b. Please indicate if there have been any difficulties in obtaining mutual legal assistance in urgent cases.

c. Please indicate whether the Convention has been used as a basis for expedited mutual assistance (e.g. including with States which have used the Convention as a model but which are not Parties).

### Case studies and best practices

5. Please give details of the steps taken in cases which have arisen since your State became a Party and which could be usefully be included in the collection of **case studies and best practices** to be considered by the T-CY. For each case please follow the indications given below:

#### I. General Information

a. type of offence (e.g. child pornography, terrorist issues)

b. why expedited assistance was needed (e.g. number of victims or potential victims, risk to life, very large financial issues)

c. number of States involved

d. if this is the case please indicate the extent to which the case was successful (e.g. websites removed, persons punished, persons or money recovered). Please also indicate, where appropriate, why the case was not successful.

## **II. Steps taken**

Please indicate briefly and in chronological order the different steps which were taken and which led to the successful outcome or, in the case of an unsuccessful outcome, the problems which arose and whether steps can be taken in the future to avoid a recurrence of such problems.

## **III. Best practices**

Please give details of any procedure which was used and which could be used by other States in order to fight cybercrime more efficiently (e.g. investigative manuals, standard formalized procedures).

## **IV. Other suggestions**

Please make any other suggestions or remarks that may be helpful for the future work of the T-CY.

## APPENDIX II

### **Convention on Cybercrime CETS No.: 185**

Treaty open for signature by the member States and the non-member States which have participated in its elaboration and for accession by other non-member States

#### **Opening for signature**

Place: Budapest  
Date : 23/11/2001

#### **Entry into force**

Conditions: 5 Ratifications including at least 3  
member States of the Council of Europe  
Date : 1/7/2004

**Status as of: 14/8/2007**

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	23/11/2001	20/6/2002	1/7/2004				X			
Andorra										
Armenia	23/11/2001	12/10/2006	1/2/2007							
Austria	23/11/2001									
Azerbaijan										
Belgium	23/11/2001									
Bosnia and Herzegovina	9/2/2005	19/5/2006	1/9/2006				X			
Bulgaria	23/11/2001	7/4/2005	1/8/2005		X	X				
Croatia	23/11/2001	17/10/2002	1/7/2004							
Cyprus	23/11/2001	19/1/2005	1/5/2005							
Czech Republic	9/2/2005									
Denmark	22/4/2003	21/6/2005	1/10/2005		X		X	X		
Estonia	23/11/2001	12/5/2003	1/7/2004				X			
Finland	23/11/2001	24/5/2007	1/9/2007		X	X	X			
France	23/11/2001	10/1/2006	1/5/2006		X	X	X			
Georgia										
Germany	23/11/2001									
Greece	23/11/2001									
Hungary	23/11/2001	4/12/2003	1/7/2004		X	X	X			
Iceland	30/11/2001	29/1/2007	1/5/2007		X		X			

Ireland	28/2/2002										
Italy	23/11/2001										
Latvia	5/5/2004	14/2/2007	1/6/2007		X		X				
Liechtenstein											
Lithuania	23/6/2003	18/3/2004	1/7/2004		X	X	X				
Luxembourg	28/1/2003										
Malta	17/1/2002										
Moldova	23/11/2001										
Monaco											
Montenegro	7/4/2005			55							
Netherlands	23/11/2001	16/11/2006	1/3/2007				X	X			
Norway	23/11/2001	30/6/2006	1/10/2006		X	X	X				
Poland	23/11/2001										
Portugal	23/11/2001										
Romania	23/11/2001	12/5/2004	1/9/2004				X				
Russia											
San Marino											
Serbia	7/4/2005			55							
Slovakia	4/2/2005										
Slovenia	24/7/2002	8/9/2004	1/1/2005				X				
Spain	23/11/2001										
Sweden	23/11/2001										
Switzerland	23/11/2001										
the former Yugoslav Republic of Macedonia	23/11/2001	15/9/2004	1/1/2005				X				
Turkey											
Ukraine	23/11/2001	10/3/2006	1/7/2006		X		X				
United Kingdom	23/11/2001										

#### Non-member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada	23/11/2001									
Costa Rica										
Japan	23/11/2001									
Mexico										

South Africa	23/11/2001									
United States	23/11/2001	29/9/2006	1/1/2007		X	X	X			

Total number of signatures not followed by ratifications:	22
Total number of ratifications/accessions:	21

**Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems**  
**CETS No.: 189**

Treaty open for signature by the States which have signed the Treaty ETS 185.

**Opening for signature**

Place: Strasbourg  
Date : 28/1/2003

**Entry into force**

Conditions: 5 Ratifications.  
Date : 1/3/2006

**Status as of: 14/8/2007**

Member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	26/5/2003	26/11/2004	1/3/2006							
Andorra										
Armenia	28/1/2003	12/10/2006	1/2/2007							
Austria	30/1/2003									
Azerbaijan										
Belgium	28/1/2003									
Bosnia and Herzegovina	9/2/2005	19/5/2006	1/9/2006							
Bulgaria										
Croatia	26/3/2003									
Cyprus	19/1/2005	23/6/2005	1/3/2006							
Czech Republic										
Denmark	11/2/2004	21/6/2005	1/3/2006		X			X		
Estonia	28/1/2003									
Finland	28/1/2003									
France	28/1/2003	10/1/2006	1/5/2006			X				
Georgia										
Germany	28/1/2003									
Greece	28/1/2003									
Hungary										
Iceland	9/10/2003									

Ireland										
Italy										
Latvia	5/5/2004	14/2/2007	1/6/2007							
Liechtenstein										
Lithuania	7/4/2005	12/10/2006	1/2/2007		X					
Luxembourg	28/1/2003									
Malta	28/1/2003									
Moldova	25/4/2003									
Monaco										
Montenegro	7/4/2005			55						
Netherlands	28/1/2003									
Norway										
Poland	21/7/2003									
Portugal	17/3/2003									
Romania	9/10/2003									
Russia										
San Marino										
Serbia	7/4/2005			55						
Slovakia										
Slovenia	26/2/2004	8/9/2004	1/3/2006							
Spain										
Sweden	28/1/2003									
Switzerland	9/10/2003									
the former Yugoslav Republic of Macedonia	14/11/2005	14/11/2005	1/3/2006							
Turkey										
Ukraine	8/4/2005	21/12/2006	1/4/2007		X					
United Kingdom										

#### Non-member States of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Canada	8/7/2005									
Japan										
South Africa										
United States										

Total number of signatures not followed by ratifications:	20
Total number of ratifications/accessions:	11