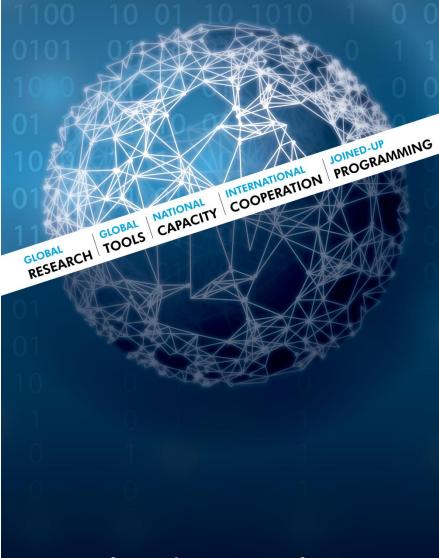


Approaches in national cybercrime legislation and the UNODC Cybercrime Repository

Organized Crime Branch UNODC



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UNODC Global Programme on Cybercrime



International Cooperation

Strengthening informal and formal cooperation mechanisms

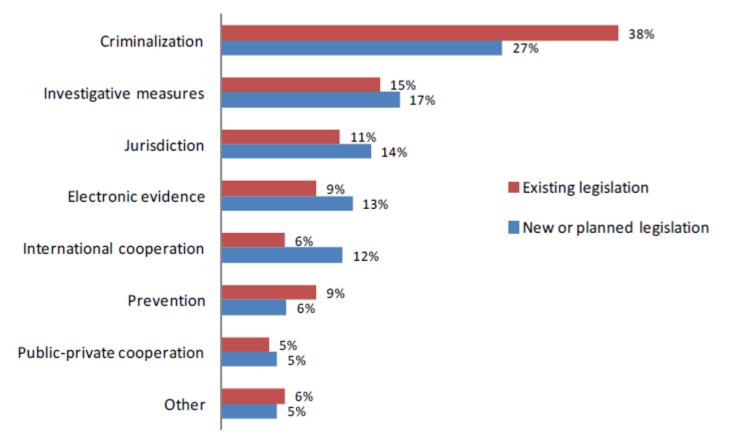
National Capacity

Training law enforcement, prosecutors and judiciary in cybercrime investigation, digital forensics and evidence



Cybercrime Legislation

Figure 3.1: Cybercrime legislation areas



Source: Study cybercrime questionnaire. Q12 and Q14. (n=55,36; r=262,111)



Cybercrime Offences

Cybercrime

Acts against the confidentiality, integrity and availability of computer data and systems

- Illegal access to a computer system
- Illegal access of computer data
- Interception of computer data
- Acquisition of computer data
- Illegal data/system interference
- Production/distribution/ possession of computer misuse tools
- Breach of privacy/data protection measures

Computer-related acts for personal or financial gain

- Fraud
- Forgery
- Identity offences
- Copyright/trademark violations
- Sending/controlling sending of SPAM

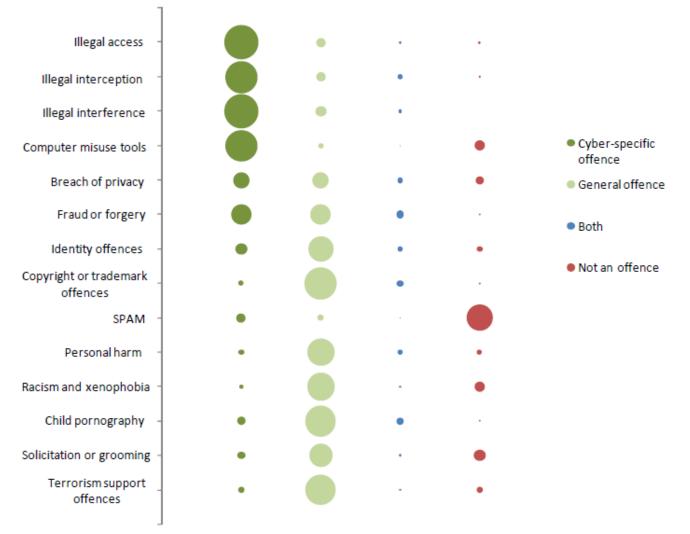
Computer-related specific acts

- Acts causing personal harm
- Acts involving Racism/xenophobia
- Production/distribution/ possession of child pornography
- Solicitation/'grooming' of children
- Financing/planning of terrorism
- Incitement to terrorism
- Incitement to genocide
- Incitement to discrimination/hostility/violence
- Propaganda to war



Cybercrime Criminalization

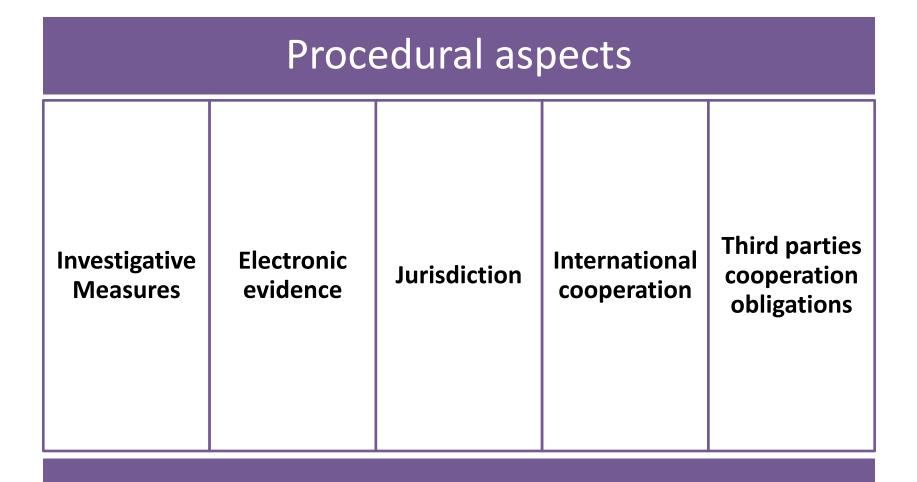
Figure 4.1: National approaches to criminalization of cybercrime acts



Source: Study cybercrime questionnaire. Q25-38. (n=61)



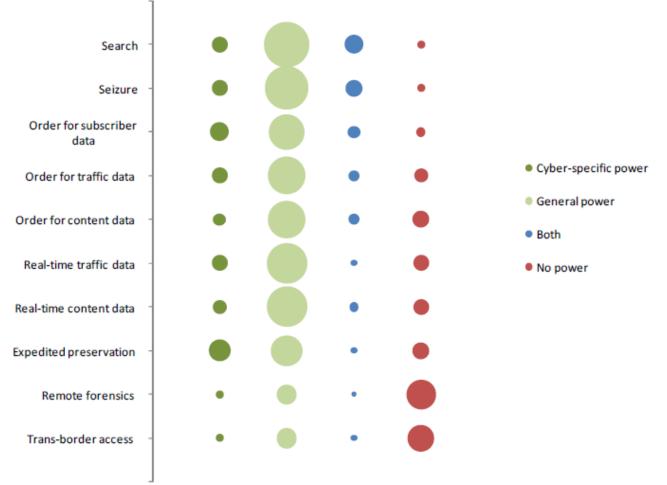
Cybercrime Procedural Aspects





Procedural Investigative Powers

Figure 5.3: National approaches to investigative measures for cybercrime



Source: Study cybercrime questionnaire. Q42-51. (n=55)

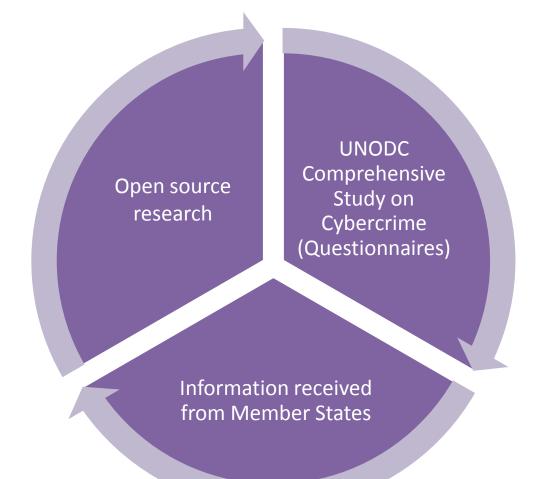


Cybercrime Repository

Commission on Crime Prevention and Criminal Justice (CCPCJ) 2013 **Resolution 22/8** Promoting technical assistance and capacity-building to strengthen national measures and international cooperation against cybercrime 5. Further requests the United Nations Office on Drugs and Crime to serve as a central data repository of cybercrime laws and lessons learned with a view to facilitating the continued assessment of needs and criminal justice capabilities and the delivery and coordination of technical assistance;



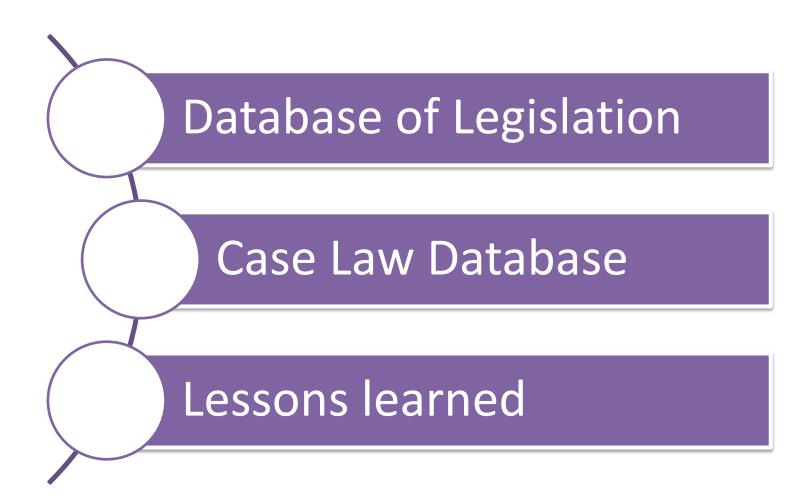
Cybercrime Repository - Sources





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Cybercrime Repository





SHERLOC Knowledge Management Portal



SHaring Electronic Resources and Laws On Crime

The SHERLOC portal is an initiative to facilitate the dissemination of information regarding the implementation of the UN Convention against Transnational Organized Crime and its three Protocols.



Case Law Database

A comprehensive case law database that allows you to see how Member States are tackling organized crime cases in their courts.



Database of Legislation

Bibliographic Database

An annotated bibliography providing a synopsis of

research methods and keywords. The database

key articles that are search-able by countries.

is under development and currently includes

research on migrant smuggling.

An electronic repository of laws relevant to the requirements of the Organized Crime Convention and the Protocols thereto. Most of the legislation included in this database has been enacted specifically to counter the relevant crime type. For more information click here.



CNA Directory

Directory of competent national authorities that have been designated to receive, respond and process requests pertaining to mutual legal assistance, extradition and transfer of sentenced prisoners, smuggling of migrants and trafficking in firearms.

(Account needed to access the Directory. For more information click here.)

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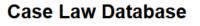






The cybercrime repository is a central data repository of cybercrime laws and lessons learned for the purposes of facilitating the continued assessment of needs and criminal justice capabilities and the delivery and coordination of technical assistance.





Database of cybercrime case law.



Database of Legislation

Database of legislative provisions on cybercrime and electronic evidence.



Lessons Learned

Database of lessons learned, containing national practices and strategies in preventing and combating cybercrime.

Acknowledgements

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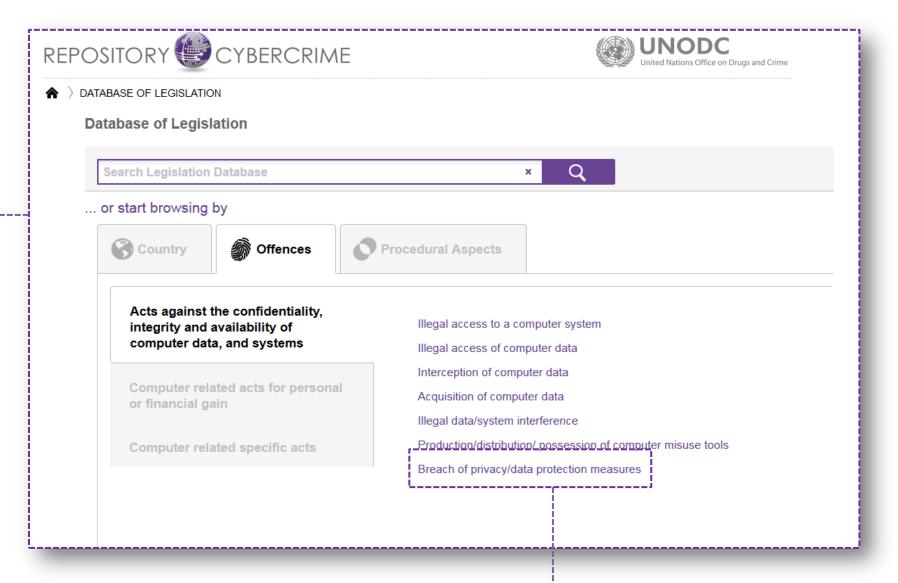
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Database of Legislation		
Search Legislation Database	×Q	
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Country Offences	Procedural Aspects	
Investigation Procedure	Investigative Measures	
Computer Specific Procedural Aspects	Search for computer hardware or data Seizure of computer hardware or data	
Jurisdiction	Order for subscriber information Order for stored traffic data Order for stored content data	
International Cooperation	Real-time collection of traffic data Real-time collection of content data	
Regulatory Provisions	Expedited preservation of computer data	
Witnesses & Victims	Use of remote forensic tools Trans-border access to a computer system or data	
	Informal approaches to obtain data from third parties Procedural Aspects	
	Electronic Evidence Admissibility of Electronic Evidence	Cybercrime

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▲ > DATABASE OF LEGISLATION > SEARCH

- Country (105)
- National Law Title (87)
- Chapter (116)
- Article (163)
- Paragraph (1) unknown (71)
- Subparagraph (1) unknown (44)
- Acts against the confidentiality, integrity and availability of computer data and systems (7)
- Computer related acts for personal or financial gain (3)
 - Forgery (4)
 - Fraud (3)
 - Identity offences (6)
- Computer-related specific acts

(3)

- Acts causing personal harm (11) Acts involving Racism/xenophobia (1) Incitement to
- discrimination/hostility/violence (1)
- Investigative Measures (6)
- Electronic Evidence (1)
 Admissibility of Electronic
 Evidence (1)
- Search Legislation Database O× Additional criteria: Acts against the confidentiality, integrity and availability of computer data and systems: Breach of privacy /data protection measures X Clear all search criteria × Found 168 pieces of legislation Finland The Criminal Code of Finland 1 Chapter 38: Data and communications offences (578/1995) Sections 1-2-9: Secrecy offence, Secrecy violation, Data protection offence i Ri Chapter 38: Data and communications offences (578/1995) Sections 8 - 8a: Computer break-in. Aggravated computer break-in France Code Pénal Gambia Information and Communications Act Georgia Criminal Code of Georgia **UNODC Global Programme on Cybercrime** cybercrime@unodc.org



👱 Cybercrime

Acts against the

Data and Systems • Breach of

measures

Confidentiality, Integrity and Availability of Computer,

privacy/data protection

📥 Finland

The Criminal Code of Finland

Chapter 38

Sections 1-2-9

Original Text

Section 1 - Secrecy offence (578/1995)

A person who in violation of a secrecy duty provided by an Act or Decree or specifically ordered by an authority pursuant to an Act

 discloses information which should be kept secret and which he or she has learnt by virtue of his or her position or task or in the performance of a duty, or

(2) makes use of such a secret for the gain of himself or herself or another shall be sentenced, unless the act is punishable under chapter 40, section 5, for a secrecy offence to a fine or to imprisonment for at most one year.

Section 2 - Secrecy violation (578/1995)

(1) If the secrecy offence, in view of the significance of the act as concerns the protection of privacy or confidentiality, or the other relevant circumstances, is petty when assessed as a whole, the offender shall be sentenced for a secrecy violation to a fine.

(2) Also a person who has violated a secrecy duty referred to in section 1 and it is specifically provided that such violation is punishable as a secrecy violation, shall also be sentenced for a secrecy violation.

Section 9 - Data protection offence (525/1999)

A person who intentionally or grossly negligently

(1) processes personal data in violation of the provisions of the Personal Data Act (523/1999) on the exclusivity of purpose, the general prerequisites for processing, the necessity and integrity of data, sensitive data, identification codes or the processing of personal data for specific purposes, or violates a specific provision on the processing of personal data, (480/2001)

(2) by giving false or misleading information prevents or attempts to prevent a data subject from using his or her right of inspection, or

(3) conveys personal data to states outside the European Union or the European Economic Area in <u>violation of chapter 5</u> of the Personal Data Act, and thereby violates the privacy of the data subject or causes him or her other damage or significant inconvenience, shall be sentenced for a data protection offence to a fine or to imprisonment for at most one year.

Details

Attachments



http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf



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Criminal Code of Finland as of 2012

★ Page: 2 of 212	- + 90% ÷	
	vessel or aircraft or a member of its crew.	
	Section 3 - Offence directed at Finland	
	(1) Finnish law applies to an offence committed outside of Finland that has been directed at Finland.	
	(2) An offence is deemed to have been directed at Finland	
	(1) if it is an offence of treason or high treason,	
	(2) if the act has otherwise seriously violated or endangered the national,	
	military or economic rights or interests of Finland, or	
	(3) if it has been directed at a Finnish authority.	
	Section 4 – Offence in public office and military offence]
	(1) Finnish law applies to an offence referred to in chapter 40 of this Code that	
	has been committed outside of Finland by a person referred to in chapter 40, section 11, paragraphs (1), (2), (3) and (5) (604 (2002)).	
	section 11, paragraphs (1), (2), (3) and (5) (604/2002).	
	(2) Finnish law also applies to an offence referred to in chapter 45 that has been committed outside of Finland by a person subject to the provisions of that	
	chapter.	
		L
	Section 5 - Offence directed at a Finn	
	Finnish law applies to an offence committed outside of Finland that has been	
	directed at a Finnish citizen, a Finnish corporation, foundation or other legal	i –
	entity, or a foreigner permanently resident in Finland if, under Finnish law, the	
	act may be punishable by imprisonment for more than six months.	ļ





The cybercrime repository is a central data repository of cybercrime laws and lessons learned for the purposes of facilitating the continued assessment of needs and criminal justice capabilities and the delivery and coordination of technical assistance.



Case Law Database

Database of cybercrime case law.



Database of Legislation

Database of legislative provisions on cybercrime and electronic evidence.



Lessons Learned

Database of lessons learned, containing national practices and strategies in preventing and combating cybercrime.

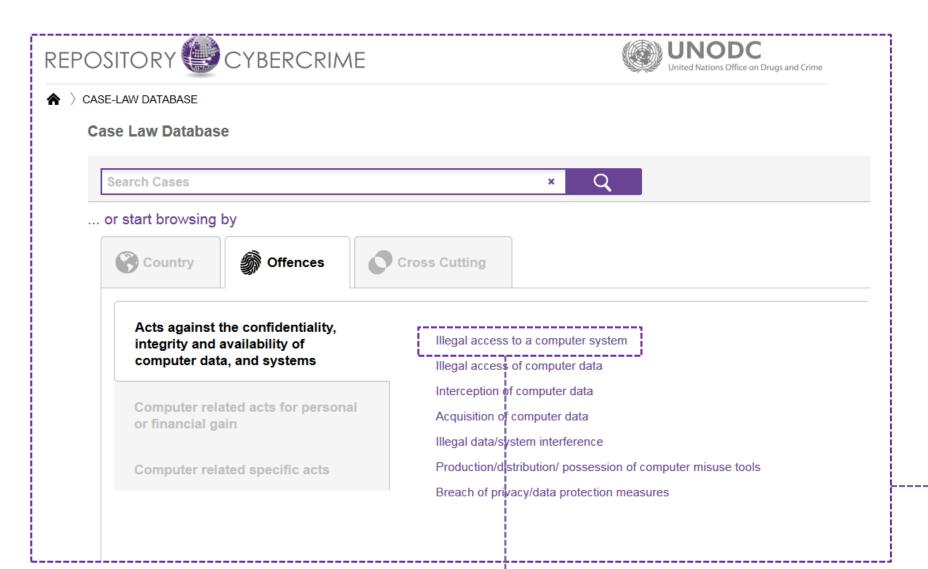
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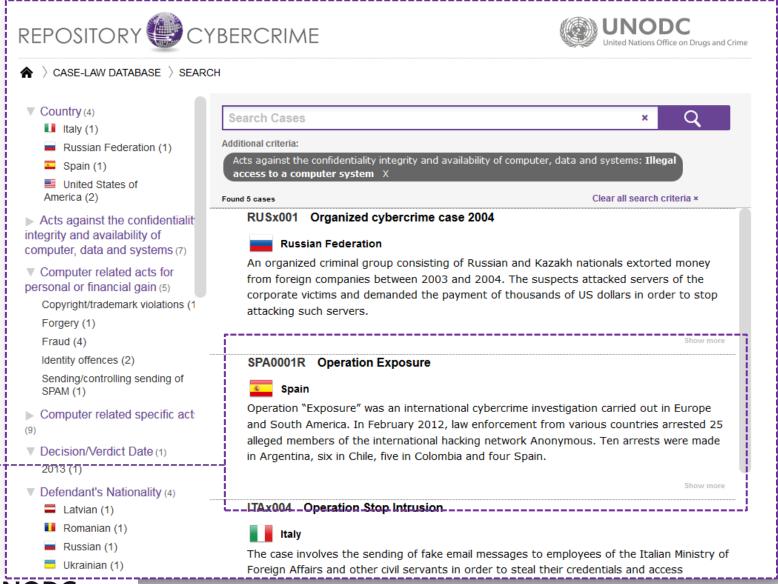


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	Application of the Conventi	on		
	Involved Countries			
	Argentina	Chile	Colombia	
	spain	Bulgaria	Czech Republic	
	Investigation			
	Involved Agencies			
	INTERPOL Europel			
DC			UNODC Global Progra	amme on Cybercrime
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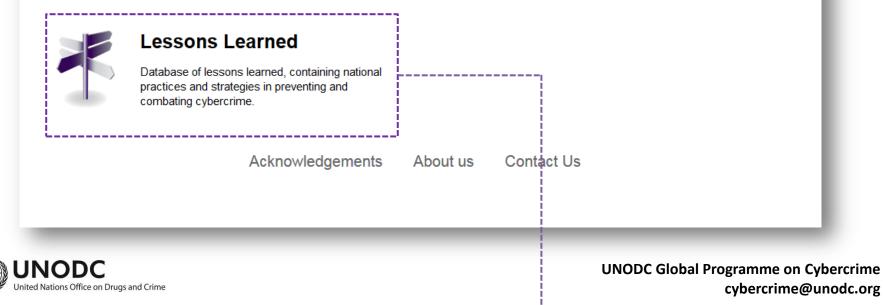
Case Law Database

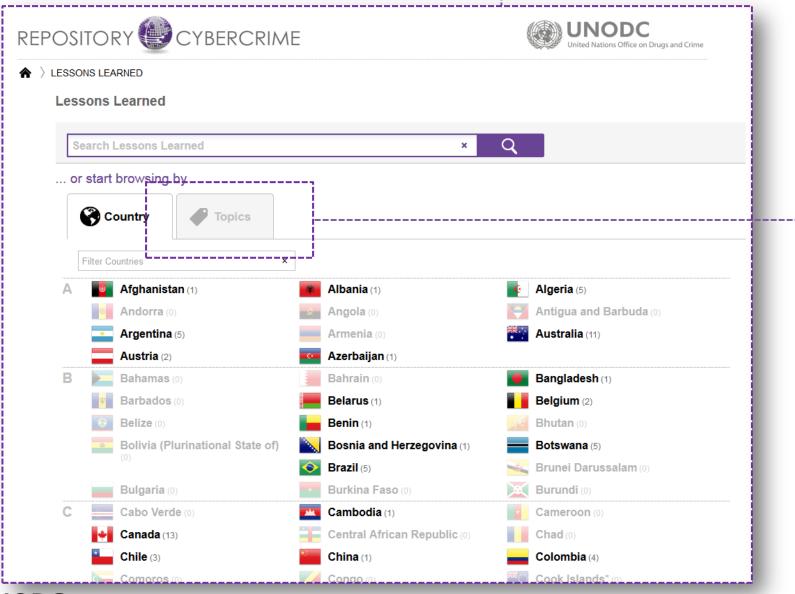
Database of cybercrime case law.



Database of Legislation

Database of legislative provisions on cybercrime and electronic evidence.







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Country Topics	
Prevention	_ Lovestigative_powers
Investigation	Obtaining data from service providers
Evidence and Procedure	
International Cooperation	
Technical Assistance	
Prosecution	



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	Communications Act. Thus, we have	lata for 1 year in accordance with the Electronic no problems in receiving the necessary data from the IP addresses, an inquiry is sufficient and the provider
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	Approaches to expeditious prese providers	rvation of computer data involving multiple service
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	which were involved with the commo order, be identified. (Finnish Govern 153/2006 page 72). However, prese	be ordered so that they are addressed to all operators inication, even if they can not yet, at the moment of the ments proposal for implementing the data preservation ervation orders must be issued CSP by CSP. The rmation from one identified CSP to enable the Show more
	Good practice for obtaining infor service provider	nation relevant to a cybercrime investigation from a
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	An order is sent to a service provide	er for the purpose of identifying the possible suspect. obtained in digital format, and in most cases it is the
		vestigation. Information is collected during the

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The cybercrime repository can assist countries in the fight against cybercrime

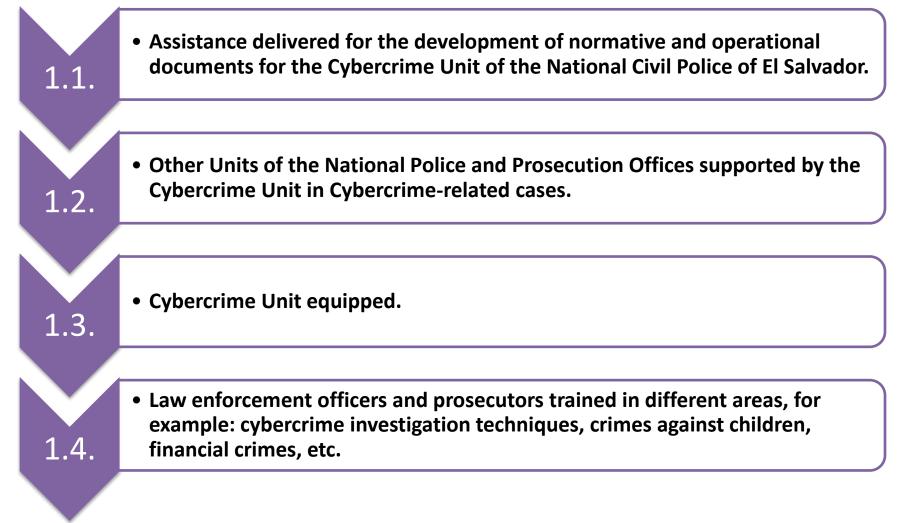
- Legislative drafting
- Policy response to cybercrime
- Good practices & lessons learned in investigation, prosecution and prevention of cybercrime
- Cooperation with third parties
- Formal and informal international cooperation



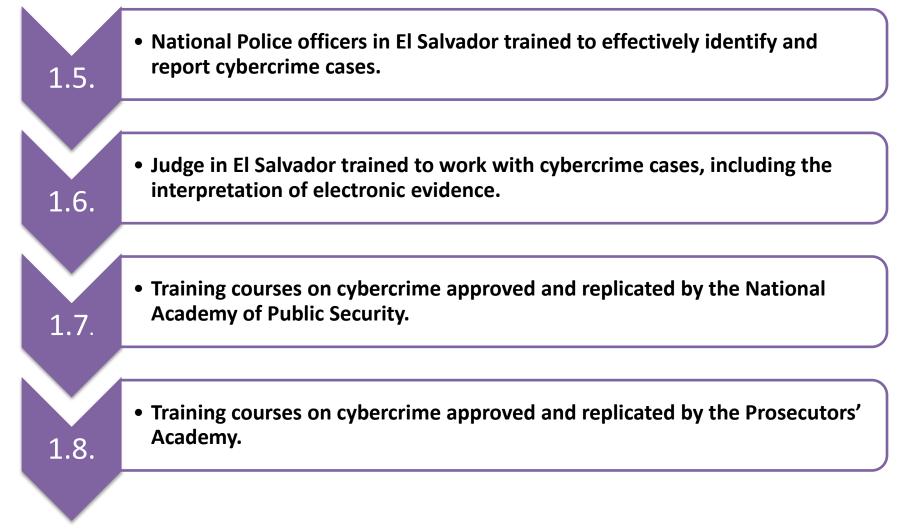
Strengthening of the capacities of El Salvador National Police to effectively identify and investigate cybercrime cases.

Objective: to strengthen El Salvador's national capacities to prevent and fight against cybercrime through tailor-made technical assistance services focused on crime prevention and criminal justice and based on UNODC's assessment, protocols and tools.

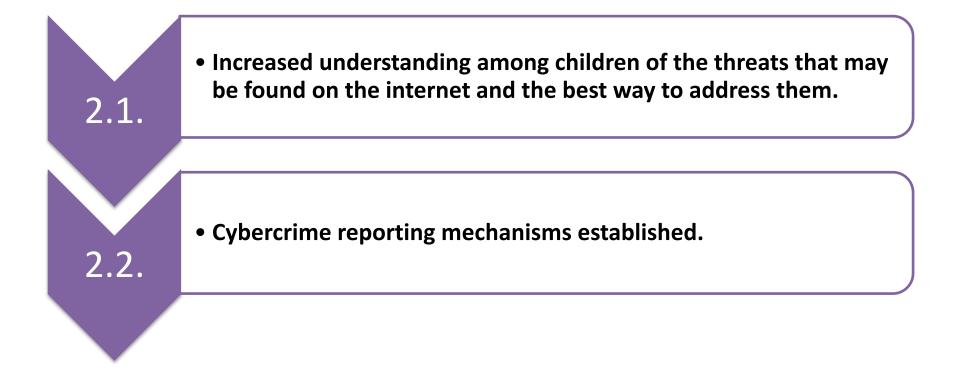
Outcome 1: Effective investigation, prosecution and adjudication of cyber crime cases in El Salvador.



Outcome 1: Effective investigation, prosecution and adjudication of cyber crime cases in El Salvador.



Outcome 2: Citizens in El Salvador are aware of the threats posed by cybercrime and take steps to prevent and fight against it.



Outcome 3: Government institutions works jointly with the private sector and other countries in the region to effectively address cybercrime.

3.1.

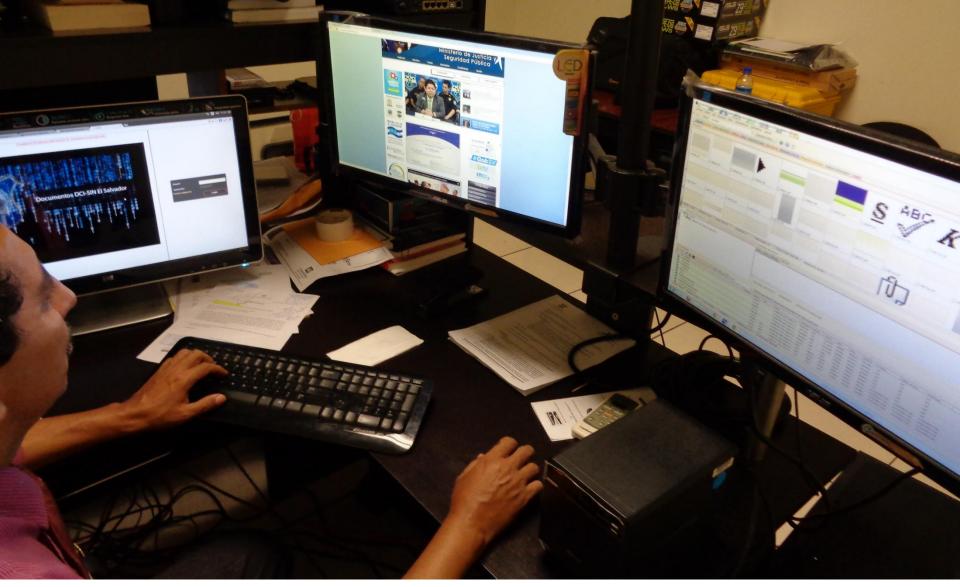
3.2.

3.3.

 National Police and prosecutors supported by internet services providers in the prevention and fight against cybercrime.

 Law enforcement officials have a better understanding of the corporate procedures, jurisdiction, legal process requirements and cooperation channels with International Private Companies.

• Cooperation networks with other countries in the region established.



On September, 2015 the Cybercrime Unit was created by the Subdirection of Investigations with intermediation of UNODC.



In order to deliver effective tools for preventing and countering cybercrime, UNODC has provided 6 external hard drives, 2 multifunctional printers, 1 mobile printer, 2 UFED Ruggedized Kits (to National Civil Police's Cybercrime Unit and Attorney General's Office Criminal Analysis Unit), 1 laptop for on site forensic examination, 16 desks and 16 chairs.



In order to strengthen El Salvador's national capacities to prevent and fight against cybercrime a training workshop on «*Investigation and Digital Forensic Techniques*. *Child Pornography Cases*» (May 18-22), a workshop on «*Cybercrime General Perspective and Comprehensive Care for Children and Adolescents*» (September, 16) and a «*Basic Course on Cybercrime Investigation*»(September, 7-October, 5) have been delivered.



Up to now, 485 children and adolescents, as well as 79 parents and teachers, have been sensitized through workshops focused on threats that may be found by children on the internet



On May 10-13, 2015, a study visit to Mexico took place. The objective was that the Salvadoran delegation -six investigators and two prosecutors- obtained first-hand knowledge about the organization of Mexico Federal Police Cyber Coordination and Mexico City Cybercrime Police organization, working procedures and the challenges they face when investigating cybercrime.

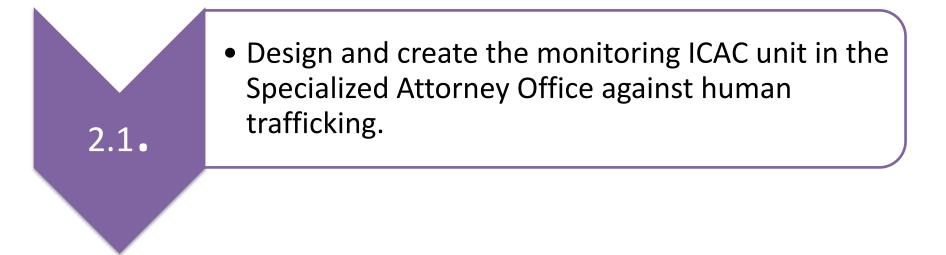
Guatemala Cybercrime Project

This programme is intended to support the law enforcement and criminal justice community to combat the abuse of Internet technology services against children. This will be accomplished by improving local law enforcement capacity and making the investigation and prosecution of cybercrime against children a local responsibility that is confidently undertaken. Direct Effect 1: Strengthening of the Anti-Organized Crime Department at National Civil Police, Specialized Division on Criminal Investigation, through the implementation of the Criminal Investigation Management Model in the Cybercrime Section.

- Analysis and revision of legal and operation framework of the Cybercrime Section and development of protocols and operational guides.
 - Design and implementation of the Criminal Investigation Management Model in the Cybercrime Section

1.2.

Direct Effect 2: Strengthening the strategic criminal prosecution of human trafficking crimes in the Specialized Office of the General Attorney's Office.



Direct Effect 3: Increased efficiency and effectiveness in the investigation, prosecution and adjudication of cybercrime acts against children, leading to greater deterrence and just outcomes for suspected persons, in line with international human rights standards

3.1.
Provide skills and knowledge to investigators and prosecutors to combat the abuse of Internet technology services against children.
Provide instruction on considerations for judges in handling child victims in ICAC cases.

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Thank you!