



## What is the Budapest Convention?

The Budapest Convention is the only binding international treaty on cybercrime. Sixty-five countries have ratified the convention.

The Budapest Convention aligns member countries' laws on cybercrime, making it easier for them to cooperate on criminal investigations.

As well as pure cybercrime, the Convention's provisions apply to criminal evidence which is stored electronically, fostering better international collaboration on a wide range of serious offending.

The Budapest Convention also facilitates international dialogue on cybercrime.

**The European Convention on Cybercrime (Budapest Convention) is the world's only binding international treaty on cybercrime. It aims to prevent, deter and detect crimes committed via the internet and other computer networks. The Convention is also known by its formal name – the Council of Europe Convention on Cybercrime.**

## How does the Budapest Convention improve cooperation on criminal investigations?

The Budapest Convention sets out a consistent international framework for defining computer crimes, for enabling lawful access to evidence, and for placing expectations on relevant international agencies to assist each other.

The Budapest Convention aligns member countries' laws covering acts that are considered computer crimes, and the powers that can be used to secure electronic evidence of serious crimes. This makes it easier for countries to cooperate on criminal investigations on cybercrime and wider crimes involving electronic evidence. The Convention sets out basic policies, and it is up to each country to determine for itself how to implement them to enable an effective response in the context of its own constitutional arrangements, privacy settings and security policies. The Convention requires member countries to have domestic laws that protect human rights and liberties, and to have judicial or other independent supervision over the use of procedures and powers.

Cooperation on specific investigations takes place through the long-established system of mutual legal assistance, using the aligned powers and procedures set out in the Budapest Convention. Member countries

commit to cooperating to the widest extent possible on investigations, and to providing a 24/7 point of contact for urgent cooperation requests.

### WHAT OFFENDING DOES THE BUDAPEST CONVENTION ADDRESS?

The Budapest Convention is a cybercrime convention in name, but its benefits extend wider. It fosters better international co-operation for all offending, addressing:

- pure cybercrime: a criminal act committed through the use of information and communication technologies or the internet, where the computer or network is the target of the offence. An example of pure cybercrime is deploying malicious software like a virus; and
- cyber-enabled crime: any criminal act that could be committed without technology or the internet, but is assisted, facilitated or escalated in scale by the use of technology. This includes a range of serious and organised crime, such as cyber enabled fraud, the distribution of child exploitation material, and terrorism.

The Convention also aligns the legal powers that member states use to secure electronic evidence of serious crimes including homicides, child exploitation, sexual assaults and all other serious crimes. This makes it easier for countries to cooperate on criminal investigations on serious crimes involving electronic evidence. Lawful access to electronic information, such as telecommunications data, is important for enforcing the law and assisting investigations. It often contains evidence that can be vital for criminal investigations and prosecutions, and that cannot be obtained from other sources.

## **HOW ELSE DOES THE BUDAPEST CONVENTION IMPROVE INTERNATIONAL DIALOGUE ON CYBERCRIME?**

Budapest Convention member states meet regularly to discuss the latest cybercrime trends, share best practice techniques for cybercrime investigations, and negotiate changes to future international cybercrime law.

## **WHO ELSE IS PART OF THE BUDAPEST CONVENTION?**

The Budapest Convention came into force in 2004. It was drawn up by the Council of Europe in Strasbourg, France, with the active participation of the Council of Europe's observer states Canada, Japan, Philippines, South Africa and the United States.

Sixty-five countries have ratified the convention, while a further four countries have signed the convention but not ratified it. Along with Council of Europe members, there are members from Asia, North and South America, and the Pacific.