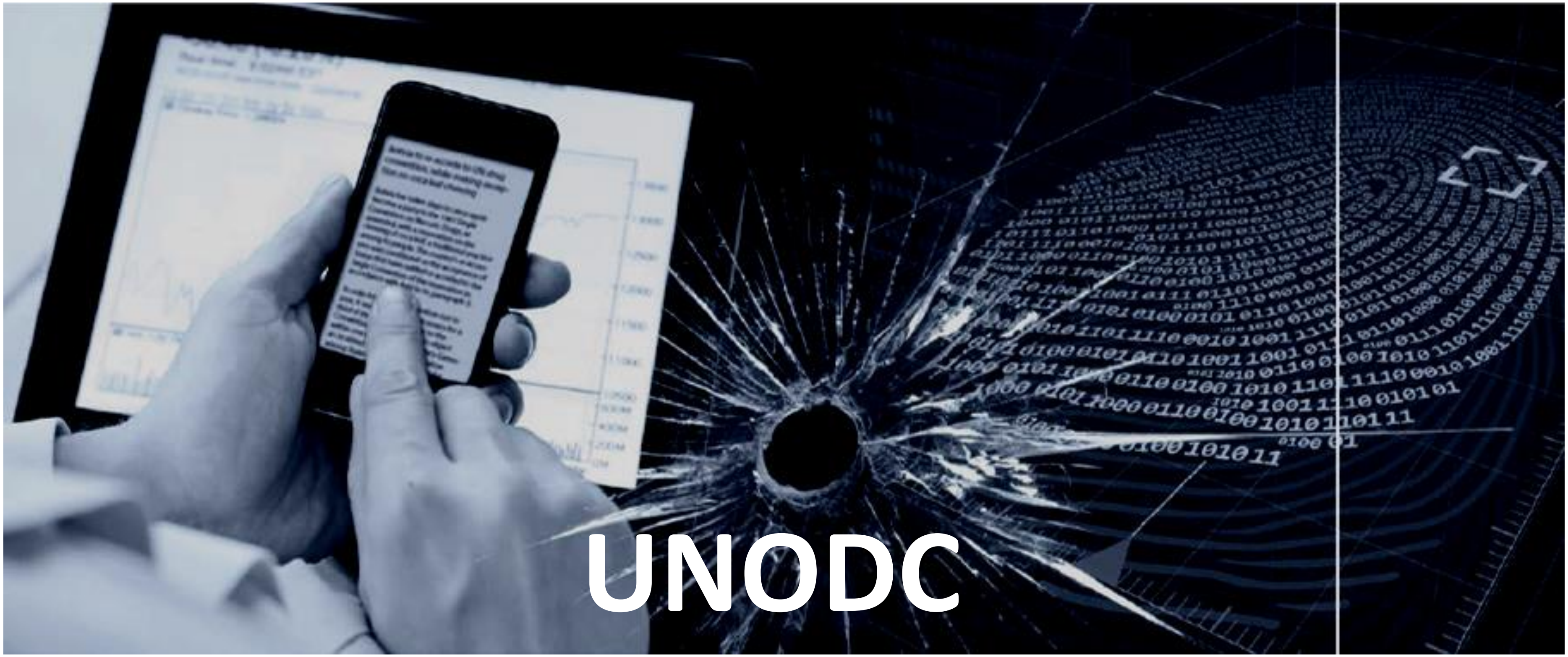

# UNODC

# Cybercrime – the Global Challenge

## Standards for the prevention and elimination of cybercrime

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# UNODC Cybercrime Mandates

**2009**: **General Assembly Resolution 64/179**

Explore ways and means of addressing cybercrime

**2010**: **General Assembly Resolution 67/189**

Comprehensive study on cybercrime

**2011**: **Commission on Crime Prevention and Criminal Justice Resolution 20/7**

**General Assembly Resolution 65/230**

Provide cybercrime technical assistance and training

**2011: ECOSOC Resolution 2011/33**

Produce a study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children

Assess the needs of States for training in investigation of these offences

Design a technical assistance programme to meet those needs

**2013**: Continued work on the study and strengthened partnerships

# The Global Challenge

Compared to the investigation, prosecution and adjudication of ‘conventional’ crimes (such as homicide or robbery), the involvement of a computer, mobile phone, or computer data in a crime event, presents at least three key challenges:

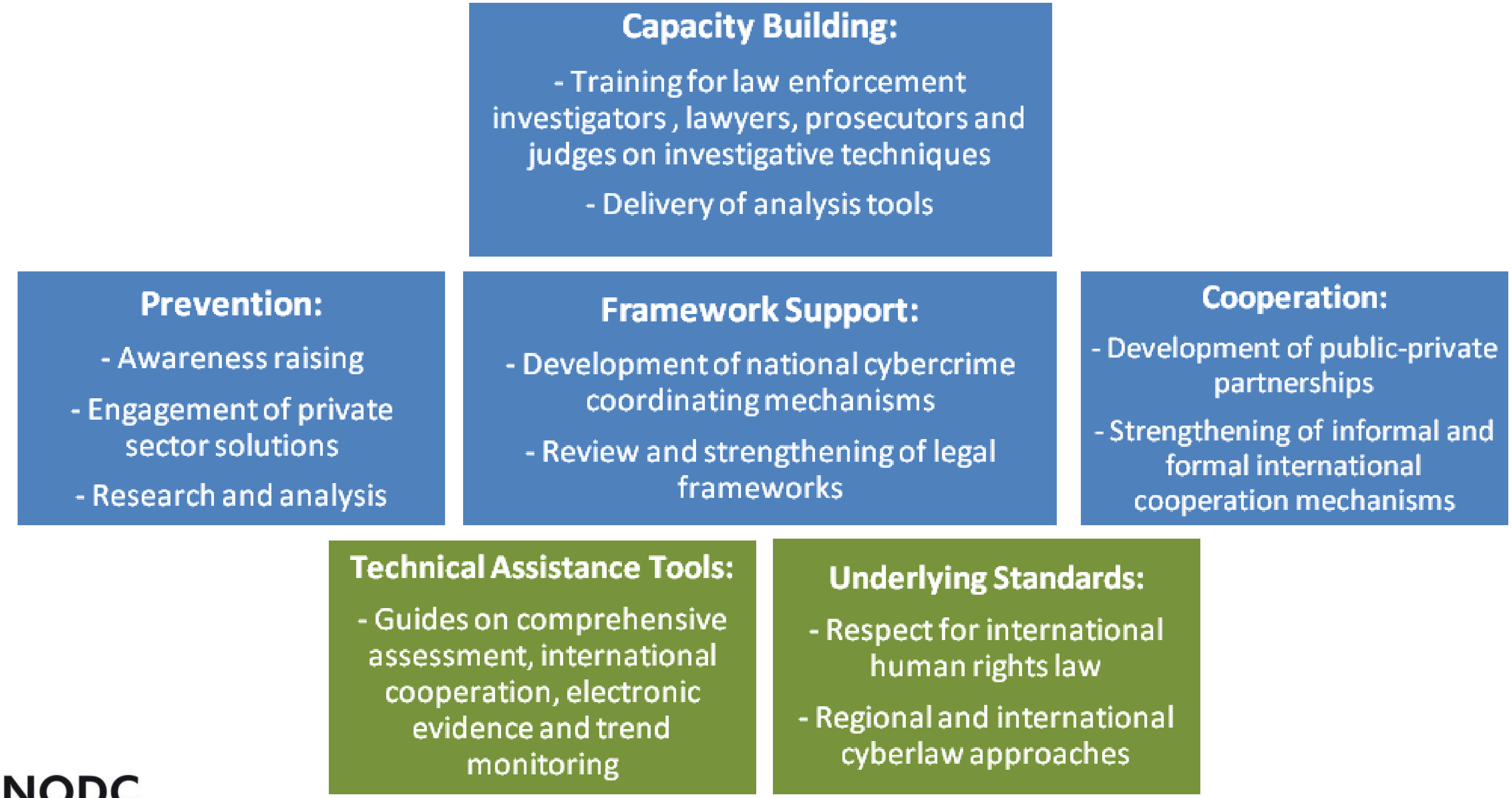
*Access to evidence* – Evidence of cybercrime exists in electronic form.
The lifetime of such evidence varies enormously
The physical location of evidence also varies.
Relevant evidence may be contained within vast quantities of non-relevant data, and that electronic evidence can be subject to encryption.

*Handling evidence* – Electronic evidence requires careful handling in order to ensure that it meets the necessary standards for use in court.

*Identifying the perpetrator* – The Identification of the perpetrator(s) can represent a significant challenge.

# UNODC Approach: The Global Programme on Cybercrime

**UNODC Global Programme on Cybercrime Objective:** to assist developing countries to prevent and combat cybercrime through a global, sustainable and holistic approach



**Capacity Building:**

- Training for law enforcement investigators , lawyers, prosecutors and judges on investigative techniques
- Delivery of analysis tools

**Prevention:**

- Awareness raising
- Engagement of private sector solutions
- Research and analysis

**Framework Support:**

- Development of national cybercrime coordinating mechanisms
- Review and strengthening of legal frameworks

**Cooperation:**

- Development of public-private partnerships
- Strengthening of informal and formal international cooperation mechanisms

**Technical Assistance Tools:**

- Guides on comprehensive assessment, international cooperation, electronic evidence and trend monitoring

**Underlying Standards:**

- Respect for international human rights law
- Regional and international cyberlaw approaches

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# Combatting the problem

- **International and regional instruments**

International law increasingly recognizes that children deserve special protection.

- **National laws and policies**

States vary considerably in approaches to addressing forms of child abuse and exploitation. While many States criminalize acts such as production of child sexual abuse material, they may differ with respect to elements of the crime and definitions of “child”.

- **International cooperation**

Tools and mechanisms for international cooperation include mutual legal assistance treaties, direct law enforcement cooperation, multi-agency partnerships, forums for information-sharing and informal direct law enforcement cooperation.

# Combatting the problem

- **Investigation of offences**

Specific tools can be employed for detection and investigation: digital forensic techniques, automated search, image analysis and image databases, data mining and analytics.

- **Private sector responses**

Electronic service providers may engage in this respect through varying degrees of self-regulation, including by internet service providers, self-monitoring by travel and tourism companies and the creation of financial coalitions.

- **Civil society responses**

Parents, guardians, child educators and civil society are a further vital component in combating the problem, including in supporting children in understanding and handling online risks, the “flagging” of certain material online, the creation of telephone hotlines for reporting, and contributions towards education and psycho-social methods of prevention.

# International Instruments to combating ICT-Facilitated sexual abuse and exploitation of children

1. United Nations Convention on the Rights of the Child (CRC)
2. The Optional Protocol to the CRC on the Sale of Children, Chilf Prostitution, and Child Pornogrphy
3. United Nations Convention Against Transnational Organized Crime
4. The Protocol to Prevent, Suppress, and Punich Trafficking in persons, Espcially Women and Children
5. Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime

Prevention, invetigation and prosecution of any “serious crime”- includes the the use of ICTs to abuse ir exploit children. Develop training fo combatting crimes through the use of computers…

It renders irrelevant the consent of any child victim of the practice of trafficking in persons

# Regional Instruments to combating ICT-Facilitated sexual abuse and exploitation of children

1. Council fo Europe Convention on Cybercrime ⇨ Aims to provide a common criminal policy. Art.9 deals with offences realted to child pornography.
2. Council of Europe Convention on the Protection of Children against sexual exploitation and sexual abuse ⇨ Aims to prevent and combat sexual exploitation and sexual abuse of children…
3. African Charter on the rigths and walfare of the Child ⇨ Protect children from all forms of sexual exploitation and sexual abuse

# Regional Instruments to combating ICT-Facilitated sexual abuse and exploitation of children (Child pornography)

1. Commonwealth Model Law (art.10)

2. EU Dierctive on Child Explotoitation (art.15)

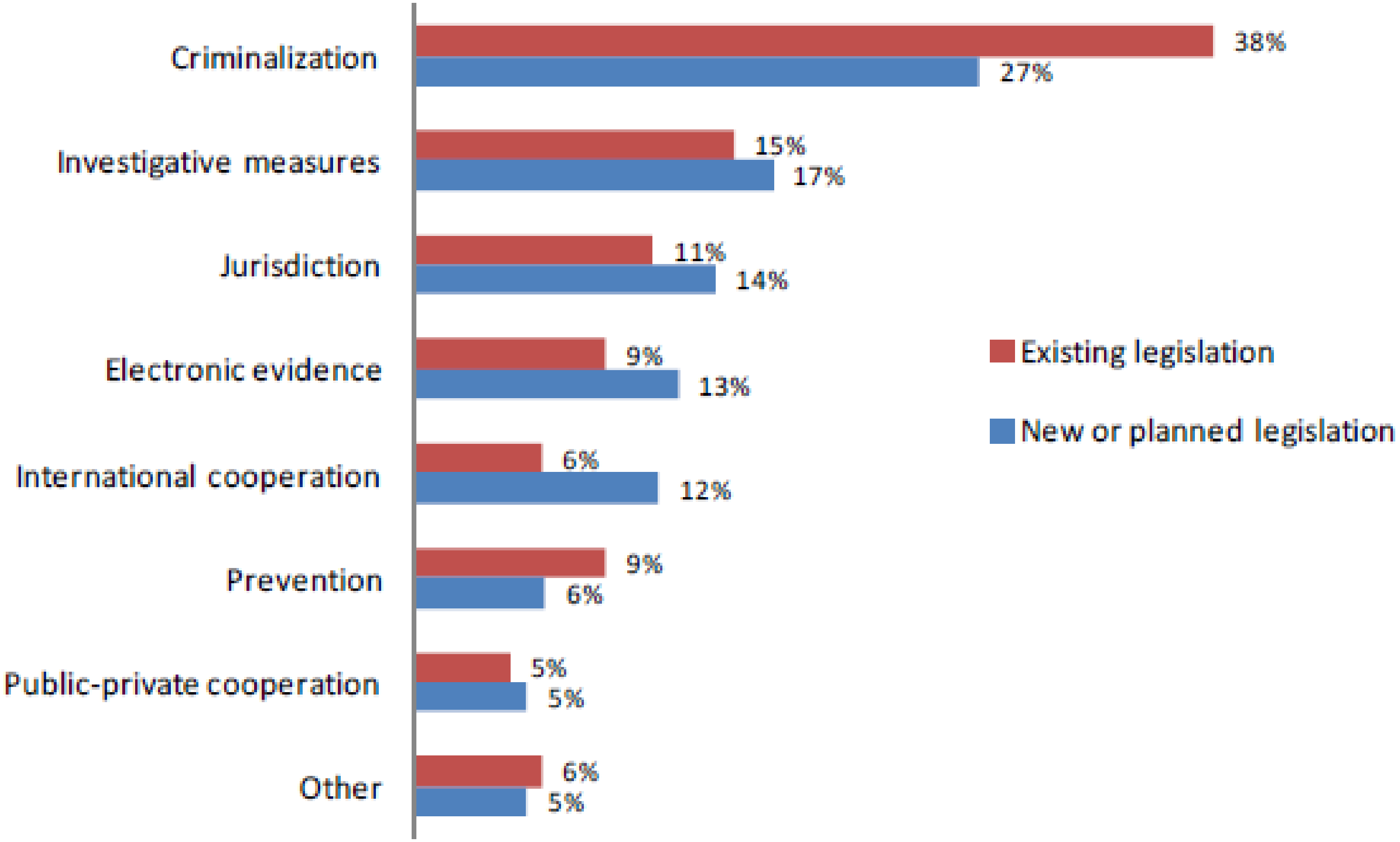
3. ITU/CARICOM/CTU Model Legislative (art.13)}

4. League of Arab States Convention (Art.12)

5.Draft African Union Conventio (art.9)

# National Law

## Figure 3.1: Cybercrime legislation areas



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

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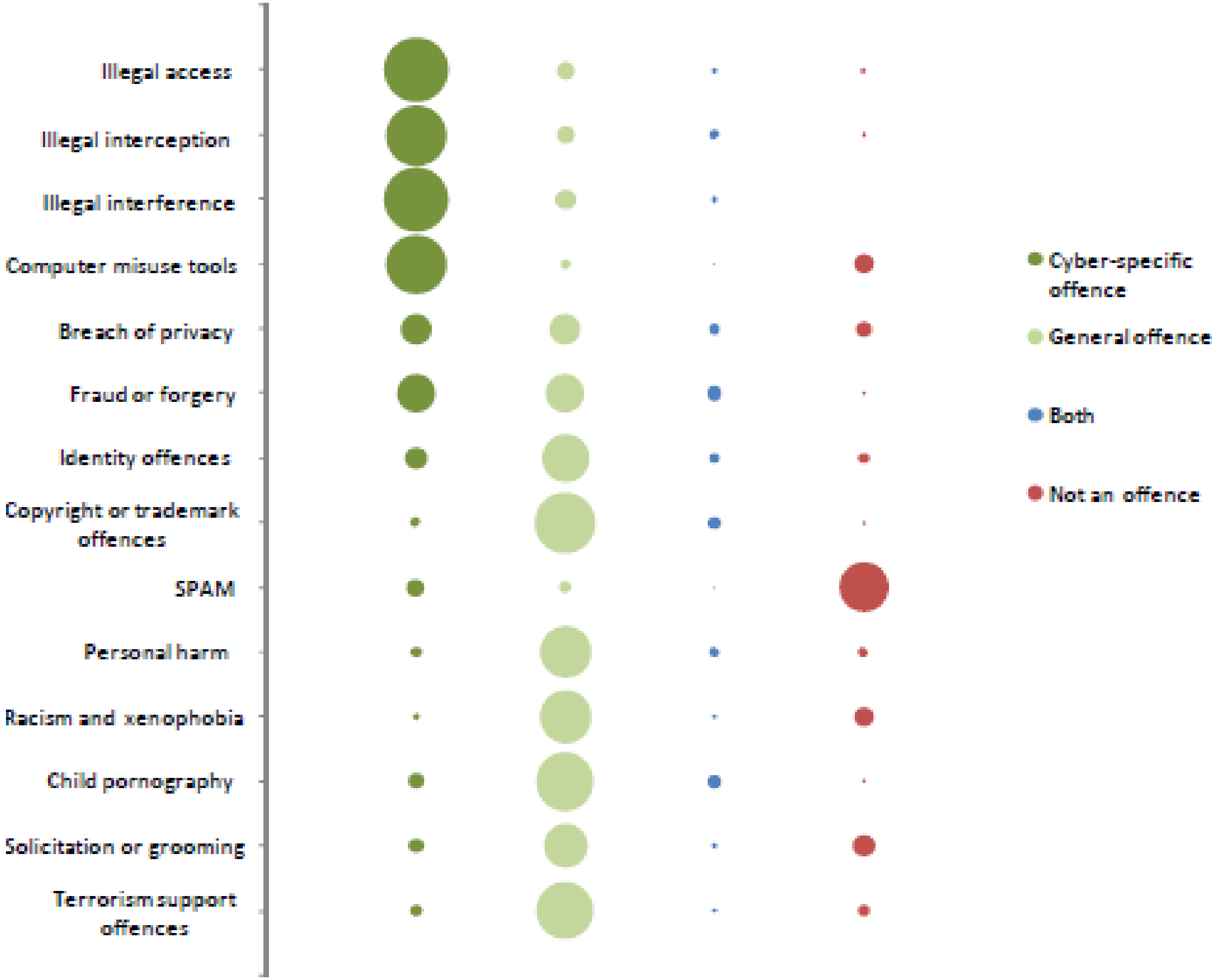
# National Law

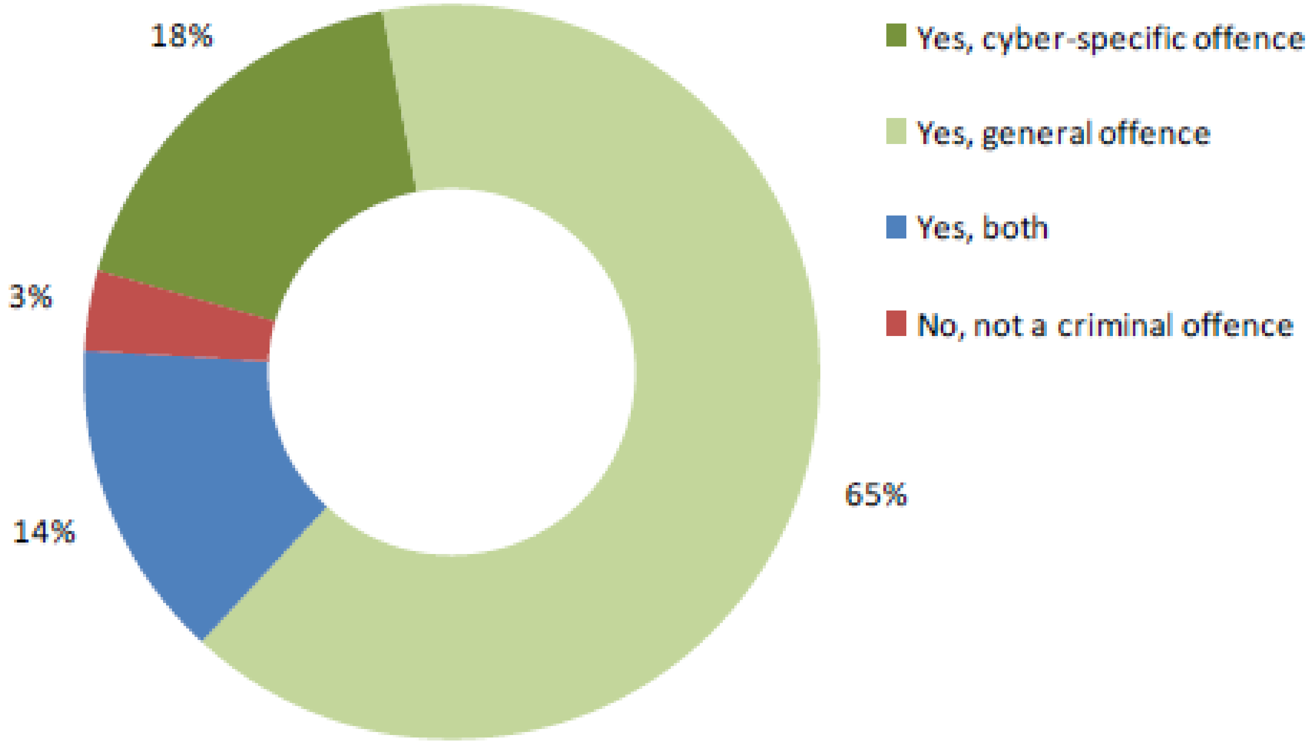
Figure 4.1: National approaches to criminalization of cybercrime acts



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

# National Law

**Figure 4.23: Criminalization of computer-related production, distribution or possession of child pornography**



Source: Study cybercrime questionnaire. Q36. (n=57)

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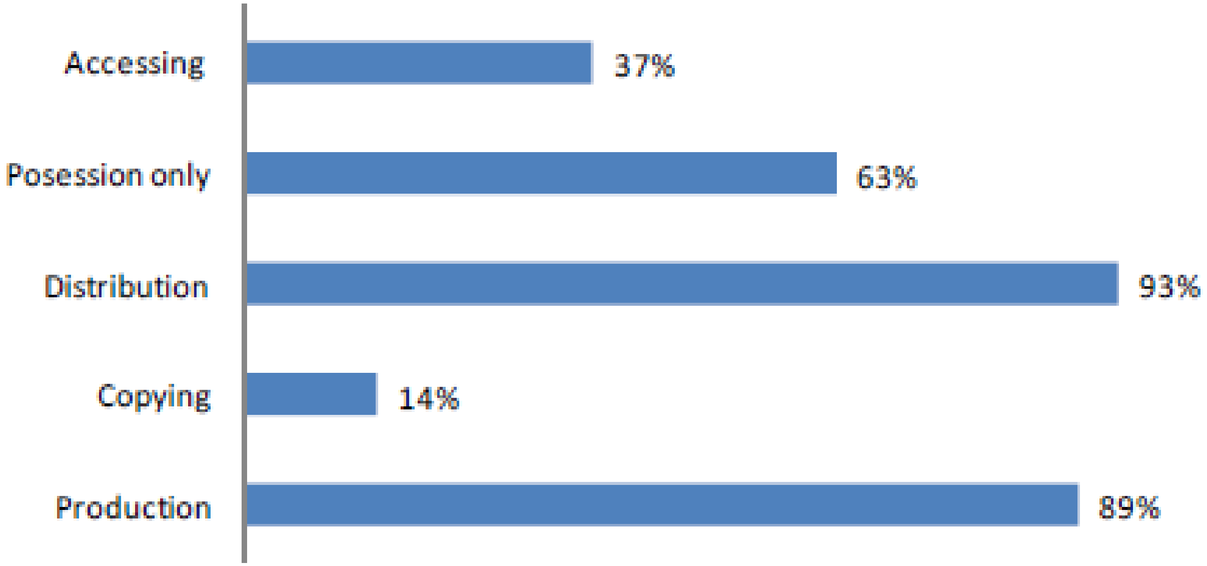
# National Law

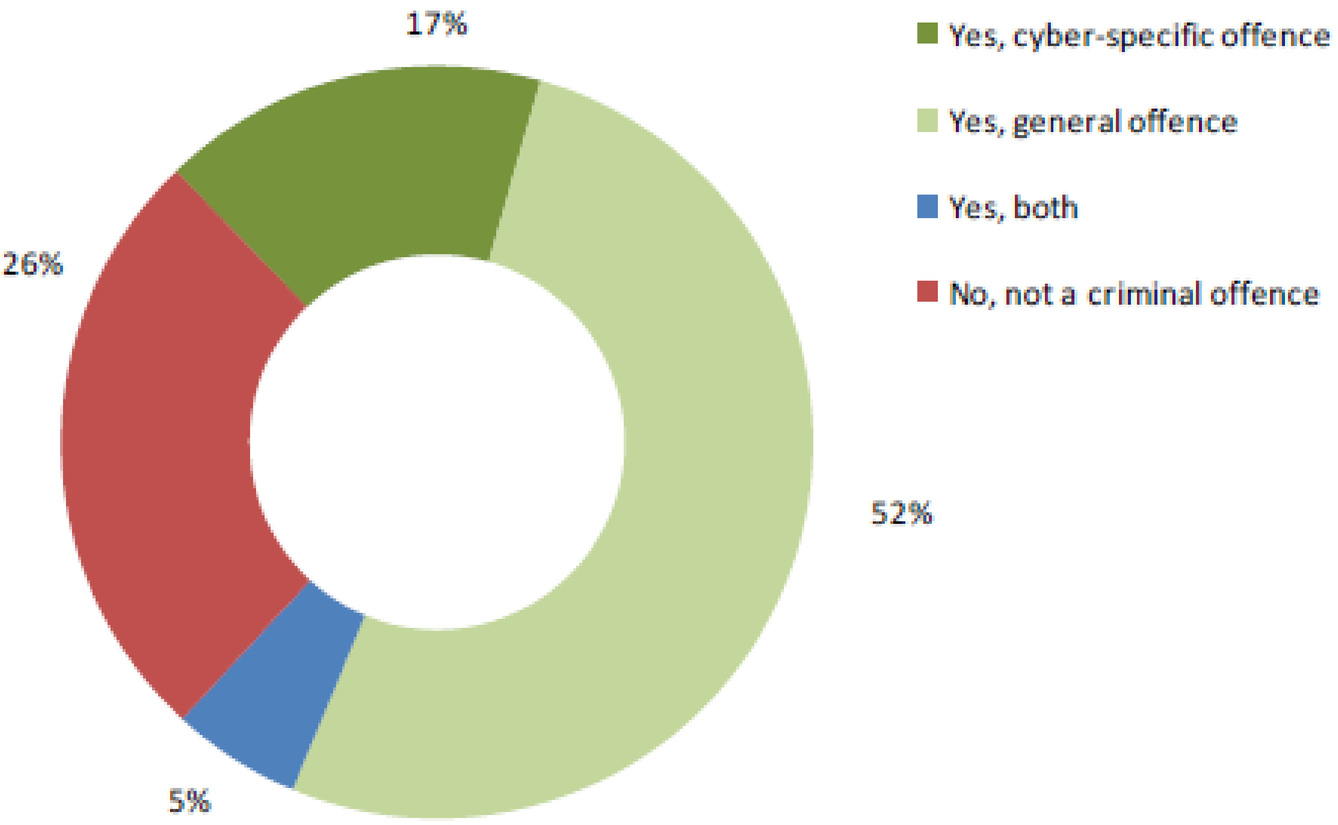
Figure 4.27: Acts constituting child pornography offences



Source: UNODC legislation review. (n=70)

# National Law

Figure 4.28: Criminalization of computer-related solicitation or 'grooming' of children



Source: Study cybercrime questionnaire. Q37. (n=54)

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# Assessment of the training needs of States

## ➢Identification of crimes

- Lack of dedicated staff trained in all aspects of ICT- Facilitated child abuse and exploitation cases.

-Training for personnes may best take place on a inter-agency basis

-The investigation of ICT- F child abus tended to be reactive in nature, rather than proactive.

-States requiere a clear legal framework taht regulates undercover operations.

Less 1% of all polices are specialists in cybercrime.

El Salvador have only one forensic examiner

# Assessment of the training needs of States

## ➢Investigative capabilities and electronic evidence

- Lack of ability to obtain stores or real- tiem data on traffic content.

-Service providers require due legal process for disclosure of customer data.

-Lack basic sufficient material resources, hardware, software and internet.

-Specialized training for prosecutors and judges in handling digital evidence is a need.

In El Salvador the Internet Services Providers only stores datas for maximun of 3 months (they said don not have enough space)

## ➢International cooperation

- Lack of standard operating procedures for requests involving digital evidence

- Lack of contacts in requested countries (some use the diplomatic via)

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# Assessment of the training needs of States

## ➢Victim assistance and awareness raising

- Absence of standard protocols for supporting victimis through the investigative process, techniques for interviewing victims and collection and preservation of victim-related evidence

-Lack of awarnes among children, families and sociaty in respect of whether– cyberbullying, sexual harassment- constitus a criminal offence or not.

-Need to promote awarness

## ➢ Policy and coordination

-The development of an overarching national law, policy or strategy against ICT-facilitated child abuse and axploitations with clear priorities and targets can greatly contribute to a sustainable, coordinated effort against such offences.

-Urgent need for senior officials in the criminal justice field to be aware of such problems and the importance of digital evidence in investigations.

# UNODC technical assistance programme to prevent and combat technology-facilitated child abuse and exploitation

## ➢ Law enforcement training

-Training on specialized methods for investigatin online crimes (types of crimes, offender and victim profile, international image chcking, assistence to victimsl, and rights of the children.

-Support the authorities in establishing the necessary structures for the effective operation of police.

-Support to strenghthening cooperation with internet service providers.

-training on human rights aspects of law enforcement investigations

## ➢ International cooperation

-Support to authorities responsible for preparing and sending and receiving and implemting mutual legal assistance requests

## ➢ Training for prosecutors and judges

-Training for prosecutors and judges on protection considerations where child victims are required to testify

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# UNODC technical assistance programme to prevent and combat technology-facilitated child abuse and exploitation

## ➢ Awareness raising

-Public awareness-raising campaigns.
Develope an awarness raising toolkit.

## ➢ Sustainability

Mecahnism to ensure the sustainability of support may include the accreditation fo training courses with national police academies and other relevant institutions.

# Thank you

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