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APEC TEL's activities on Cyber Crime

Deputy Convenor of Security and Prosperity Steering Group

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Background

- *APEC Leaders Statement on Counter-terrorism*
  (Shanghai, October 2001)
  - Counter Terrorism Cooperation
  - Critical Sector Protection (Telecommunications)
- *APEC Leaders Statement on Terrorism and Growth*
  (Los Cabos, 2002)- Promoting Cyber Security
  - · 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 Convention on Cybercrime (2001), by October 2003.
  - · Identify national cybercrime units and international high-technology assistance points of contact and create such capabilities to the extent they do not already exist, by October 2003.
- *APEC Counter-Terrorism Action Plan*

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CALL FOR ACTIONS from Ministers

- *Statement on the Security of Information and Communications Infrastructures*

  (TELMIN5, Shanghai, May 2002)
  - Instruct the TEL to give special priority to and facilitate within APEC work on the protection of information and communications infrastructures
- *Lima Declaration*

  (TELMIN6, Lima, June 2005)
  - Commending : promoting the development of, and cooperation among CSIRTS
  - Recognizing : the assistance to economies in drafting legislation on cybercrime and conducting regional and bilateral meetings
  - Encouraging : Studying and Enacting comprehensive set of laws relating to cybersecurity and cybercrime

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APEC Strategy on Cyber Security and Cyber Crime

- *APEC Cyber Security Strategy*

  (TELMIN5, Shanghai, May 2002)
  - Legal Developments(Adopt, Develop, and Report)
  - Information Sharing & Cooperation Initiative(CERT, 24/7 PoC)
  - Public Awareness, Training and Education, and Wireless Security
- *APEC Strategy to Ensure Trusted, Secure and Sustainable Online Environment*
  - Develop cohesive domestic strategies
  - Address the threat by ensuring legal and policy frameworks
  - Develop watch, warning and incident response and recovery capabilities
  - Etc

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TEL PROJECTs on Cyber Crime

- Cybercrime Legislation and Enforcement Capacity Building Project(USA)
  - Expert's conference and training course
- Judge and Prosecutor Capacity Building Project(USA)
  - Create and Deliver a training course

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TEL Workshops on Cyber Security

- APEC-ASEAN Joint Workshop on Network Security
  - TEL 35, Manila, The Philippines, 24 April 2007
  - Program
    - Cyber crime Legislation: Policy and Regulatory
    - Enforcement Capacity Building
    - The Way Forward
- To stocktake current cybercrime legislation (if any) within ASEAN, against other models of cybercrime legislation eg COE Cybercrime Convention, starting in July 2007

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Member Economies Response to APEC Counter-Terrorism Action Plan

- Australia
  - Member of the14 nation International Watch and Warning Network(PoC Network of Policy, Operational and LE, Conducting Regular Communication Check)
  - Legislative developments in the area of cyber crime

    (offences under Divisions 474, 477& 478 of the Criminal Code Act 1995)
  - Covering cyber crimes such as hacking, denial of service attacks, virus propagation and website defacements
  - The Australian Government is currently considering whether to ratify this Convention.

Source : http://www.apecsec.org.sg/apec/apec_groups/som_special_task_groups/counter_terrorism/counter_terrorism_action_plans.html

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Member Economies Response to APEC Counter-Terrorism Action Plan

- Brunei Darussalam
  - comprehensive set of laws(Computer Misuse Order 2000)
  - international high-technology PoC
    - the Commercial Crime Unit of the Royal Brunei Police Force.
- CANADA
  - International high-technology PoC
    - The Royal Canadian Police (RCMP) National Operations Centre
    - a founding member of 24/7 Network for International High-Tech Crime
  - Reviewing the proposal
    - lawfully intercept communications by LE and national security agencies
    - amendments to the Criminal Code and other federal statues for the Council of Europe Convention on Cybercrime

Member Economies Response to APEC Counter-Terrorism Action Plan

- CHILE
  - comprehensive set of laws
    (A multidisciplinary, interministerial working group)
    - exploring the possibility of adhering to the Council of Europe Convention on Cybercrime
- Hong Kong, China
  - International high-technology PoC(Joined)
  - comprehensive set of laws
    - already covering the fundamental legislative, enforcement and prevention aspects of computer crime
    - keeping with the spirit of the Cybercrime Convention of the Council of Europe

Member Economies Response to APEC Counter-Terrorism Action Plan

- Indonesia
  - International high-technology PoC
    - the Police Trans-national Crime Task Force (Strengthening Int'l Co.)
  - comprehensive set of laws
    - Law on On-Line Transaction (submitted to the Parliament)
    - the Law on Freedom to Access Public Information
      Drafted by the Parliament and needs the approval from the executive
      a more comprehensive basis on information privacy protection (compliment)
- JAPAN
  - International high-technology PoC
    - NISC(National Information Security Center)
    - The National Police Agency(24/7 Network)

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- MALAYSIA
  - comprehensive set of laws
    - the Computer Crimes Act 1997
    - the Digital Signature Act 1997
    - the Communications and Multimedia Act 1998.
- MEXICO
  - International high-technology PoC
    - the unit of cyber police of the Federal Preventive Police (PFP)
- NEW ZEALAND
  - International high-technology PoC
    - The New Zealand Police (Electronic Crime Lab)
    - The Centre for Critical Infrastructure Protection

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- Papua New Guinea
  - International high-technology PoC
    - considering membership in future.
  - comprehensive set of laws
    - Not in place
- PERU
  - comprehensive set of laws
    - The Peruvian Commission on Cybercrime

      in charge of proposing actions to implement measures of the UN Assembly Resolution 55/63 to prevent the criminal use of information technologies

      currently working on a complementary law proposal on the subject in Peru

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- PHILIPPINES
  - comprehensive set of laws
    - Cybercrime Prevention Act of 2005(Need approval from the Senate).
- RUSSIA
  - comprehensive set of laws
    - CRIMINAL LAW

      Chapter 28 of the Penal Code of the Russian Federation

      allowing to undertake investigations of crimes indicated in the European Convention on Cybercrime

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- SINGAPORE
  - comprehensive set of laws
    - The Computer Misuse Act (consistent with the Convention on Cybercrime)
    - Evidence Act

      comprehensive set of substantive and procedural laws to fight cybercrime
  - International high-technology PoC
    - Member of G8's 24/7 Contact Points framework
- Chinese Taipei
  - comprehensive set of laws
    - Enact Criminal Law against cyber crime in 2003
  - International high-technology PoC
    - Joined the 24/7 Computer Crime Network by G8,

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Member Economies Response to APEC Counter-Terrorism Action Plan

- THAILAND
  - comprehensive set of laws
    - Computer Crime Bill in place
    - still not as comprehensive as all the provisions agreed in the UN and Convention on Cybercrime
- VIETNAM
  - comprehensive set of laws
    - Considering the possibilities of promulgating Law on cybercrime or to bind cyber crime under the Criminal Law
  - International high-technology PoC
    - considering joining the International 24/7 cyber crime information exchange arrangement.

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Thank You