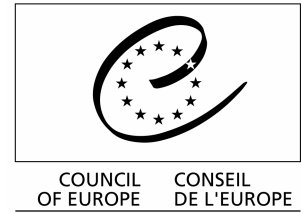


Web site: www.coe.int/economiccrime



Strasbourg, 20 March 2006

T-CY (2006) 10
English only

THE CYBERCRIME CONVENTION COMMITTEE (T-CY)

REPLIES TO

THE REQUEST FOR FURTHER INFORMATION T-CY (2006) 02

Sweden



REGERINGSKANSLIET

17 March 2006

**Ministry of Justice
Sweden**

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Request for further information T-CY (2006) 02

Question no 1 Implementation of the Convention on Cyber Crime

Sweden has signed the Convention on Cyber Crime but yet not ratified it. Sweden has a long legal tradition in the field of IT-related crimes. Thus the Penal law already is in compliance with most of the requirements of the Convention, but some modifications will be necessary. The Procedural law and laws concerning i.a. legal co-operation also needs amendments to meet the requirements of the Convention.

A report on Crime and Criminal investigation in IT-environment was issued last year, together with a report on Attacks on Information systems. Both reports have been circulated for consideration. The reports provided proposals for the necessary amendments to fulfil the requirements both of the Convention and the framework decision of the European Union on Attacks on Information systems.

The work on implementation is on-going and will hopefully be finished in 2007.

Question no 2

The following answers of this question are based on information from the National Board of the Police.

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a) Internationally significant legal, policy or technical developments in the field of cyber crime

- i. An increase has been observed in the following spheres: E-trade (fraud), botnets, phishing, child pornography and trafficking in human beings.
- ii. The National Criminal Police and the Information Technology Crime Squad since 1999 constitute the Swedish contact point within the frame of the G8 24/7 High Tech Crime arrangement. The squad is also the contact point as regards the Interpol National Reference Point System, NCRP. Through the participation in these arrangements Sweden fulfils the recommendation of the Council of the European Communities about contact points. Direct incoming 24/7 contacts have occurred on about 10 occasions until now. Swedish requests using 24/7 contact points have been made on a couple of occasions. These rather few contacts can possibly be explained by the existing obstacles regarding to international co-operation that are accounted for under item iii. However, a rather extensive international police co-operation exists through other channels like e.g. workings groups within Interpol and Europol.
- iii. A significant problem in international co-operation is the varying legal prerequisites of the different countries for delivering traffic data. The investigation of crimes such as computer intrusion, botnets and phishing often makes it necessary to get access to both historical traffic data and subscriber information. The minimum penalty for some of the crimes does not always fulfil the legal requirements for law enforcement to get access to all the desired information from the operators. Furthermore, the extent to which information is saved varies significantly from one country to another. Within the European Union the Parliament has adopted a proposal concerning traffic data. Such an instrument will no doubt facilitate the future co-operation between member states. Addresses and identities often exist to separate links in the chain of computers that are involved. In botnets thousands of computers can be involved, which gives an idea of how complicated the investigation can be. What also makes the investigations difficult is the fact that in many cases the computers involved are situated in countries where no effective police co-operation is available. Another problem is that the procedures for legal assistance is a rather slow and circumstantial procedure, related to a sphere where electronic evidence like e.g. historical traffic data often are saved only for a very short period.
- iv. For the purpose of investigating cyber crime, training of cyber crime experts from the whole country is carried out

under the direction of the above mentioned highly specialized Information Technology Crime Squad. Cyber crime experts exist both on central and local level. Other authorities also play a role as regards the crime prevention activities, e.g. the Swedish Consumer Agency and the National Post and Telecom Agency.

- v. Swedish law enforcement authorities work together with representatives of the private sector to improve co-operation. The police participate in different co-operation groups, often under the direction the Swedish Emergency Management Agency, between authorities and the private sector, above all as regards information security issues. Within the National Criminal Police there is also a new function, S-BIT, that cooperates with the Security Service on crimes related to Information Technology incidents. This function has many contacts with the private sector and often participates in different conferences and in different networks within the private sector.
- vi. Most of the training is held in the Swedish language. This makes it possible only for persons from the Nordic countries to participate. Participants from these countries have been present to a very limited extent. Conferences in English are occasionally arranged. However, Swedish police officers give lectures in different international courses, for instance within the scope of Interpol, Europol and certain European Union projects.

b) Any problems with specific articles of the Convention and any proposals to extend or amend the Convention

There is nothing to report so far.