

Engaging civil society in the fight against cybercrime

Session One – The cybercrime landscape: definitions and approaches

Monday 22 February 2021 | 1130-1300 GMT | 1230-1400 CET

Panelists

Joyce Hakmeh, Senior Research Fellow, International Security Programme, Chatham House

Deborah Brown, Senior Researcher and Advocate, Digital Rights, Human Rights Watch

Tatiana Tropina, Assistant Professor, Cybersecurity Governance, Institute of Security and Global Affairs, Leiden University

Co-chair: Joyce Hakmeh, Senior Research Fellow, International Security Programme, Chatham House

Co-chair: Patryk Pawlak, Brussels Executive Officer at the European Union for Security Studies

Overview

Cybercrime commonly refers to criminal activities where computers and information systems are involved either as a primary tool or as a primary target. However, there is no universally accepted definition of criminal activities in cyberspace. By the same token, in most national legislations, cybercrime is not strictly defined, and is often referred to as ‘computer crime’, ‘electronic communications’, ‘information technologies’, or ‘high-tech’ crime.

Faced with the new complexity of the digital environment, states have started developing different – sometimes diverging – approaches to criminalisation of online activities, resulting in further fragmentation of the legal and institutional landscape. At the same time, several countries have developed and enacted a number of measures, including cybercrime legislation, that raise serious human rights concerns due to their use in the criminalization of online content, the restriction of Internet access and the violation of civil liberties and citizens’ privacy. This has amplified the necessity of developing and implementing anti-cybercrime measures that are in line with international human rights law and that respect the principles of legality, proportionality, and necessity.

Running Order

- 1130-1145 Opening and introductory remarks – Joyce Hakmeh
- 1145-1155 Presentation 1 – Tatiana Tropina
Defining cybercrime at the UN – where should states take inspiration from?
- 1155-1205 Presentation 2 – Deborah Brown

Human rights in the cybercrime arena

1205-1210	Intervention from Pedro Janices
1210-1220	Q&A session moderated by Joyce Hakmeh
1220-1255	Interactive exercise chaired by Patryk Pawlak
1255-1300	Closing Remarks

Exercise

During the exercise part of the session, excerpts from cybercrime legislative frameworks will be shared with the participant on the meeting's screen. These excerpts have been adapted from existing national and international frameworks, and procedural law but, critically, none are without problems or contentions.

This exercise will ask the participants to take stock of the excerpts and consider the following:

- What are the implications of these excerpts and how might they impact your field of work?
- What areas could these excerpts encourage infringement of?
- Where could they fall short, and what requires further clarification?

Suggested reading list and materials

UNODC, Comprehensive Study on Cybercrime Draft, February 2013, <https://www.unodc.org/documents/organized-crime/UNODC_CCPCJ_EG.4_2013/CYBERCRIME_STUDY_210213.pdf>.

Hakmeh, J., 'Cybercrime Legislation in the GCC Countries', Chatham House Research Paper, July 2018, <<https://www.chathamhouse.org/2018/07/cybercrime-legislation-gcc-countries>>.

Cybercrime Programme Office of the Council of Europe(C-PROC), 'The global state of cybercrime legislation 2013 –2020', March 2020, <<https://rm.coe.int/3148-1-3-4-cyberleg-global-state-feb2020-v1-public/16809cf9a9>>.

'Asia Pacific', *Cybercrime and Criminal Justice in Cyberspace: A series of online seminars hosted by the European Union and the Council of Europe*, June 2020, available in [English](#).

'Latin America and the Caribbean', *Cybercrime and Criminal Justice in Cyberspace: A series of online seminars hosted by the European Union and the Council of Europe*, July 2020, available in [English](#) and [Spanish](#).

'Africa', *Cybercrime and Criminal Justice in Cyberspace: A series of online seminars hosted by the European Union and the Council of Europe*, July 2020, available in [English](#) and [French](#).

Hakmeh, J., and Horton, B., 'Who Rules Cyberspace? The State of Play', Chatham House podcast, November 2020, <<https://www.chathamhouse.org/2020/11/who-rules-cyberspace-state-play>>.