

Budapest Convention

July 2, 2020

What is it?

- **The Convention on Cybercrime of the Council of Europe (CETS No.185), known as the Budapest Convention, is the only binding international instrument on this issue.**
- **It is the 1st international treaty seeking to address Internet and computer crime (cybercrime) by harmonizing national laws, improving investigative techniques, and increasing cooperation among nations**
- **It serves as a guideline for any country developing comprehensive national legislation against Cybercrime and as a framework for international cooperation between State Parties to this treaty.**
- **The Budapest Convention is supplemented by a Protocol on Xenophobia and Racism committed through computer systems**
- **It is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography, hate crimes, and violations of network security.**
- **The convention 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.**
- **The Convention and its Explanatory Report was adopted by the Committee of Ministers of the Council of Europe at its 109th Session on 8 November 2001.**
- **The Convention was opened for signature in Budapest, on 23 November 2001 and it entered into force on 1 July 2004.**
- **As of September 2019, 64 states have ratified the convention, while a further four states had signed the convention but not ratified it**

- Since it entered into force, important countries like **Brazil and India have declined to adopt the Convention on the grounds that they did not participate in its drafting.**
- **Russia opposes the Convention,** stating that adoption would violate Russian sovereignty, and has usually refused to cooperate in law enforcement investigations relating to cybercrime