

Way forward on Cybercrime Legislation

THE GOVERNMENT HAS TAKEN STEPS for the development of a cybercrime legislation that accords with international standards and enables Vanuatu to accede to the Budapest Convention.

Minister of Justice and community Services, Ronald Warsal, reflected on this in his closing remarks at the recent 5-day Council of Europe Advisory Meeting on Cybercrime Legislation.

"I believe that the five days you've had together has both been enlightening and rewarding," he said.

"As Vanuatu becomes increasingly connected to the rest of the world through high speed communication cables and satellites, we face incredible opportunities to make gains for Vanuatu in terms of business and economic opportunities, social and cultural exposure, or simply convenient and speedy communication."

However, when these happen, Vanuatu also becomes increasingly exposed to online threats like cybercrime and its many similar undesirable equivalent.

"Vanuatu acknowledges that we need to protect ourselves. If we fail to address these emerging threats, they have a potential to have significant negative impact on our economy, safety and security and social cohesion," he said.

"You have all worked together to develop initial drafting instructions for the cybercrime bill with the assistance of experts from the Council of Europe and the Attorney General's Department of Australia.

"As participants in this mission and awareness sessions, I imagine that



you have all become more aware of the critical issues associated with the subject of cybercrime and have become more familiar with the elements of the Budapest Convention."

The minister said he believes that the discourse with the visiting experts had adequately equipped the participants to undertake further work that is required to complete the task of drafting a suitable legislation within the timeline prescribed by the Prime Minister.

"The PM and I look forward to the convening of the first meeting of the working Committee comprised of key stakeholders like yourselves, something that has already been agreed to by the Council of Minister's in its recent meeting," said the Justice minister.

"That committee will be primarily

responsible for developing the drafting instructions as well as the explanatory notes of the cybercrime bill."

He proposed that the Committee should develop a work plan that will ensure that the necessary tasks are competed well before the November session of Parliament.

"We understand that the standards in the Budapest Convention are the minimum acceptable standards and that we are free to go beyond them if that is appropriate. In some areas, we may adapt the requirements of the provisions to our own context (e.g. making a provision for cyberbullying).

"The plus about the Budapest Convention is that it does not prescribe what our law should look like, rather what impact our law should have."

Vanuatu notes the additional

benefits of our cybercrime legislation that is to be in accordance with the Budapest Convention. These include:

- An established legislative framework for Vanuatu to effectively detect, deter, investigate and prosecute cybercrime;

- Enhanced existing mutual assistance and extradition processes to ensure that Vanuatu can effectively obtain evidence from overseas;

- Eligibility of the Vanuatu Government to sign and accede as a State party to the Budapest Convention which in turn opens up opportunities for government agencies that have administrative, regulatory and enforcement functions under the Cybercrime legislation can access the benefits of cyber capacity building opportunities, and international cooperation including extradition and mutual legal

assistance.

The minister added: "We look forward to the continued support from the Council of Europe to scrutinize our draft bill in accordance with the Budapest Convention before it goes to Parliament and to offer us further opportunities for capacity building in the area of cybercrime.

"I encourage all participants to recognise that with any law reform, it is extremely important to understand the policy decisions and implications to people in real life and the need to protect individual rights".

Minister Warsal thanked all the participants, especially Manuel De Almeida Pereira, Programme Manager of GLACY+, Council of Europe; Marie Wynter, Senior Legal Officer, Pacific Section of the International Cooperation Unit of the Australian Attorney General's Department, Canberra, Australia; Ian WALDEN, Professor of Information and Communications Law from the Center for Commercial Law Studies of the Queen Mary University of London, UK; and José Luís Lopes Da Mota, Judge of the Supreme Court of Portugal and former President of the College of Eurojust in The Hague, Netherlands.

"You have all travelled a long way to assist Vanuatu with its cybercrime legislation project," he concluded.

"We offer our sincere gratitude and thank you for your commitment to this cause.

"We wish you safe travel back home to your countries, but we know that you all are an email away because we will still need your support as we progress and strive to complete our cybercrime legislation."