Syllabus subtopic: Challenges to internal security through communication networks, role of media and social networking sites in internal security challenges, basics of cyber security; money-laundering and its prevention

News: A UN committee has passed a Russian-led resolution on a global cybercrime treaty, despite reservations that it could be used to justify shutting down civil society in repressive countries.

Prelims focus: About Budapest Convention on Cybercrime

Mains focus: Reasons for India not signing the convention.

Context:

- The proposed treaty has been framed to serve as an alternative to the US-led Budapest Convention.
- The resolution was sponsored by China, North Korea, Cuba, Nicaragua, Venezuela and Syria, among others, and will up an “Open Ended Working Group” to examine cybercrime.

About Budapest convention

- Convention means an agreement signed between countries of a particular matter. There are many conventions between many countries in the world out of which one is Budapest Convention.
- The Convention on Cybercrime, also known as the Budapest Convention on Cybercrime or the Budapest Convention, is the first international treaty seeking to address Internet and computer crime by harmonizing national laws, improving investigative techniques, and increasing cooperation among nations.
- It 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, South Africa and the United States.
- It is open for ratification even to states that are not members of the Council of Europe.
- As of September 2019, 64 states have ratified the convention.

Aim:

- The Budapest Convention provides for the criminalisation of conduct, ranging from illegal access, data and systems interference to computer-related fraud and child pornography, procedural law tools to make investigation of cybercrime and securing of e-evidence in relation to any crime more effective, and international police and judicial cooperation on cybercrime and e-evidence.
India’s concerns over signing of this agreement:

- India did not participate in the negotiation of the Convention and thus is worried about it.
- The Convention — through its Article 32b — allows for transborder access to data and thus infringes on national sovereignty.
- The regime of the Convention is not effective, “the promise of cooperation not firm enough,” or that there are grounds for refusal to cooperate.

Why India should join?

- India maintained its status as a non member of the Europe led Budapest Convention, even as it voted in favour of Russian-led UN resolution to set up a separate convention.

- The challenges currently being addressed by the parties to the Convention through the Cybercrime Convention Committee are highly relevant also for India;
- The Convention offers a legal basis and practical framework for police-to-police and judicial cooperation on cybercrime and e-evidence with an increasing number of other parties. This framework is constantly under review to make it more effective
- As the Convention evolves, India would be able to contribute to shaping future solutions if it were a party;
- India would become a priority country for capacity-building.