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Eighth Meeting of the Working Group on Cyber-Crime
February 27-28, 2014
Washington, D.C.

RECOMMENDATIONS

The Working Group on Cyber-Crime of the REMJA (the Working Group) held its Eighth Meeting at OAS headquarters in Washington, D.C., United States of America, on February 27 and 28, 2014, pursuant to the Document of Washington (document REMJA-VII/doc.6/08 rev. 2), the Conclusions and Recommendations of REMJA-IX (document REMJA-IX/doc.2/12 rev. 1), and Resolution AG/RES. 2783 (XLIII-O/13) of the OAS General Assembly.

Based on the mandate that was assigned to it by REMJA-IX, the Working Group concluded its deliberations at this meeting with agreement on the following recommendations to strengthen and consolidate hemispheric cooperation in the prevention and fight against cybercrime:

1. That the States that have not yet done so establish, as soon as possible, specific units or bodies charged with managing and conducting the investigation and prosecution of cybercrimes, and that these units or bodies be provided with the necessary human, financial, and technical resources to carry out their functions in an efficient, effective, and expeditious manner.

2. That the REMJA Technical Secretariat (Department of Legal Cooperation of the OAS Secretariat for Legal Affairs) continue consolidating and keeping up to date the directory of the criminal prosecution and police authorities that serve as points of contact for international cooperation in the area of cybercrime and electronic evidence and, to this end, the States that have not yet done so provide the REMJA Technical Secretariat, as soon as possible, with such updated information.

3. That the States that have not yet done so proceed, as soon as possible, to examine their legal systems and adopt the legislation and procedural measures that are specifically required to criminalize the different forms of cybercrime and that ensure the efficient, effective, and timely investigation and prosecution of cybercrimes and enable States to cooperate with one another in the investigation and prosecution of those crimes.

4. That the States that have not yet done so adopt, as soon as possible, legislation and procedural measures necessary to ensure the collection and safe custody of all forms of electronic evidence and their admissibility in criminal proceedings and trials and to enable States to assist one another in matters involving electronic evidence, including the development of rules or regulations for service providers to guarantee the preservation and recovery of information that is stored or in transit.

5. That the States that have not yet done so, develop and implement national strategies that include efforts to deter, investigate, and prosecute cybercrime, as part of a broader and more coordinated effort to protect the information systems and networks of their citizens, businesses, and governments.

6. To continue promoting the coordination and cooperation relationships among the REMJA Working Group on Cyber-Crime, the Inter-American Telecommunication Commission (CITEL) and the Inter-American Committee against Terrorism (CICTE), in order to make further progress in implementing the mandates that, within the framework of their respective competences, the Comprehensive Inter-American Strategy adopted by the OAS General Assembly pursuant Resolution AG/RES. 2004 (XXXIV-O/04) assignees to each of these instances.

7. That the States that have not yet done so take the necessary measures, as soon as possible, to join the G-8 “24/7 Network of High-Tech Crime Points of Contact”.

8. That the REMJA Technical Secretariat continue to consolidate and update the Inter-American Cooperation Portal on Cyber-Crime (hereinafter, “the Portal”), via the OAS Web page and. To this end:

- a. To request the REMJA Technical Secretariat to continue completing and updating the information on the Portal with regard to its public and private components, in coordination with the Working Group.
- b. To request the OAS General Secretariat, in line with available resources, to continue advancing on the development of new virtual spaces with restricted access for the exchange of information, experiences and good practices among the governmental experts with responsibilities in cyber-crime and in the area of international legal cooperation for investigation and prosecution of cyber-crime.
- c. To ask the States to respond to requests from the REMJA Technical Secretariat to complete or update the information disseminated on the Portal.
- d. To give due consideration to the use of other technological tools in order to facilitate the exchange of information between governmental experts on cybercrime and in the area of international legal cooperation in investigating and prosecuting it.
- e. To ask the REMJA Technical Secretariat to continue establishing reciprocal links between the Portal and the Internet pages that the units or bodies that the States have established or establish in the future for the investigation and prosecution of cybercrimes, and that any manuals or other information that is considered useful for facilitating cooperation in the areas of their responsibility be published thereon.

9. To continue promoting the exchange of information, coordination and cooperation between the REMJA working groups on Cyber-crime and Legal Cooperation Criminal Matters (mutual assistance and extradition), as well as between the national authorities with responsibilities in this area, in order to strengthen the cooperation in this field and avoid duplication of efforts.

10. That any units or bodies the States have established or will establish to handle and conduct the investigation and prosecution of cybercrimes, set up and maintain Internet pages to provide citizens with information on how to avoid falling prey to cyber-crimes and on how to detect and report such crimes to the competent authorities when they do occur. Similarly, that the REMJA Technical Secretariat make the necessary arrangements in order to establish reciprocal Internet links between those pages and the Portal.

11. That the REMJA Technical Secretariat, in line with available resources, continue supporting the legislative developments in the area of cyber-crime, among others, through the systematization of the legislation of the OAS Member States in this field and their dissemination via the Portal, as well as proposals for legal cooperation for the drafting and consideration of model legislation in this area.

12. To recognize the consideration that certain OAS Member States have given to applying the principles of the Council of Europe's Convention on Cybercrime, acceding thereto, and adopting the legal and other measures required for its implementation, and recommend to those States that have not yet done so, to give due consideration thereto, bearing in mind the recommendations adopted by this Working Group and by the REMJA at previous meetings. Similarly, to this end, that technical cooperation activities be continued under the auspices of the REMJA Technical Secretariat and the Council of Europe.

13. That mechanisms for information exchange and cooperation continue to be strengthened with other international organizations and agencies in the area of cybercrime, such as the United Nations, the Council of Europe, the European Union, Asia-Pacific Economic Cooperation (APEC), the Organization for Economic Co-operation and Development (OECD), the G-8, the Commonwealth, and INTERPOL, to enable OAS Member States to benefit from developments in those areas.

14. That, as part of the efforts designed to facilitate and consolidate cooperation to prevent, investigate, and punish cybercrimes, States jointly continue developing partnerships among the officials responsible for preventing, investigating and prosecuting such crimes and the private sector, especially with those companies that provide information and communications technology, in particular Internet service, in order to streamline and improve the obtainment of information in the context of mutual assistance proceedings.

15. Express its satisfaction with the results of the training workshops to increase and strengthen international cooperation in the investigation and prosecution of cybercrimes, held in Guatemala City, Guatemala; Montevideo, Uruguay; Miami, United States; and Lima, Peru, in 2012 and 2013, under the leadership of the United States as Chair of the Working Group and with the financial support of the United States, the support of the States in which they took place and the cooperation of the REMJA Technical Secretariat.

16. That the cyber-crime training program financed with external contributions, continue to be executed within the framework of the REMJA. As part of this program, accept the offer of the United States Government to carry out training workshops in this field, in coordination with the Technical Secretariat of the REMJA, oriented primarily to judges and magistrates of the OAS Member States, considering the suggestions and specific interests expressed by those States.

17. To ask the REMJA Technical Secretariat to continue disseminating the progress achieved in the framework of the OAS and by the States in the area of cooperation in the fight against cyber-crime through the “Legal Cooperation Bulletin” prepared and distributed electronically by the REMJA Technical Secretariat. Similarly, to request the States to contribute information on their developments in this field to be disseminated in the bulletin.

18. That the Working Group meet prior to REMJA-XI to consider, among other topics, the progress made in the implementation of these recommendations.