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The Budapest's Convention as a guarantee limit against cybercrime

Eleni D. Chrysopoulou

Abstract:

The revolution in information technologies has had a direct impact on all sections of modern society. One of more the noticeable features of this ongoing phenomenon is its powerful effect on the evolution of ICTs, including the exchange of vast amounts of data within human and computer consisting networks.

The dark side of the ease of accessibility and searchability of information, the practically unlimited possibilities for its exchange and dissemination and the explosive growth of the amount of knowledge that can be drawn from this information is the emergence of new types of crime as well as the commission of traditional crimes by means of new technologies, as all the above achievements may also be a subject of misuse. Moreover, the abolition of borders regarding the information flow due to use of the internet results in criminal behaviours that are not restricted by geographical limitations.

The above challenges resulted in the Budapest's Convention, which with respect to human rights aims at the adoption of appropriate and adequate international legal measures by the contracting countries.

The Convention, which consists of the chapters referring to use of terms, measures to be taken at domestic level (substantive law and procedural law), International co-operation, final clauses has been adopted by the Committee of Ministers of the Council of Europe at its 109th Session and the Convention has been opened for signature in Budapest, on 23 November 2001.

This paper aims at presenting the elements of the convention that contribute to the fight against cybercrime in accordance to the convention's objectives, as they were stated by its drafters in its explanatory report.