

Tallinn Winter School of Cyber Diplomacy – 10 February 2021, 15h30-16-45 CET (online) – Panel:
“Capacity building in cyber issues: expectations, requirements and donor coordination challenges”

Capacity building on cybercrime – Some ingredients for impact

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www.coe.int/cybercrime

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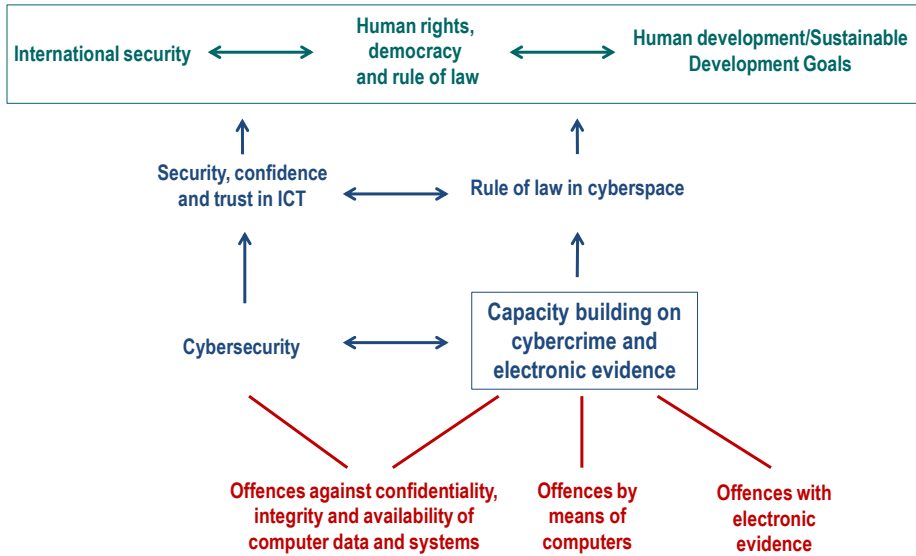
Points to retain

- ▶ 15+ years of experience show that capacity building on cybercrime works, responds to needs and makes an impact
- ▶ The mechanism (triangle) of the Budapest Convention on Cybercrime provides for a criminal justice response consistent with human rights and rule of law requirements
- ▶ A new 2nd Additional Protocol to the Budapest Convention on “enhanced cooperation and disclosure of electronic evidence” will provide added operational and policy benefits
- ▶ Any international initiative on cybercrime should
 - be based on consensus to permit more cooperation and avoid further divisions / polarisation
 - meet human rights and rule of law requirements to maintain a free and open internet
 - meet the needs of criminal justice practitioners
 - be consistent with existing standards

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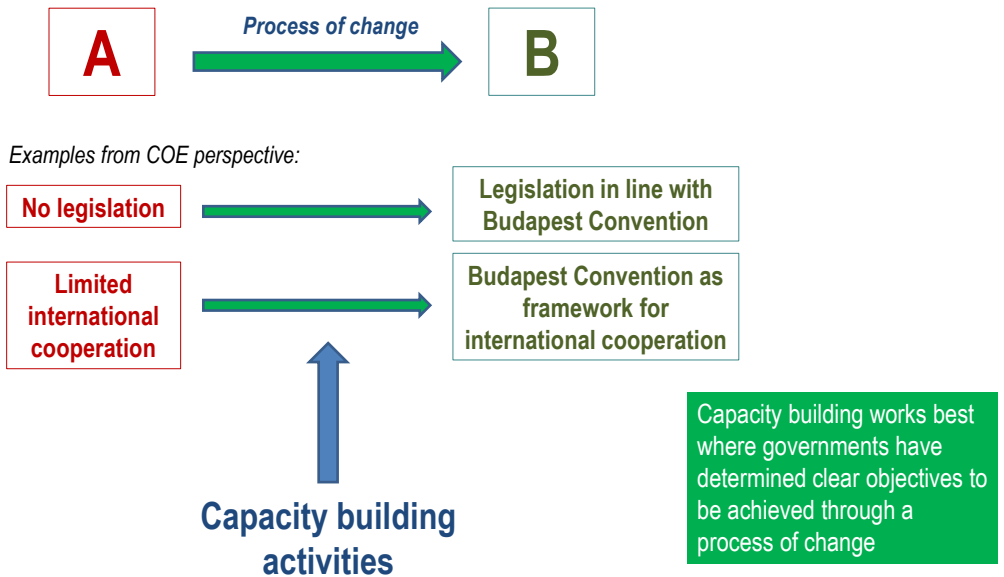
About capacity building on cybercrime: the rationale



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About capacity building: the rationale



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The mechanism of the Budapest Convention

Budapest Convention on Cybercrime (2001):

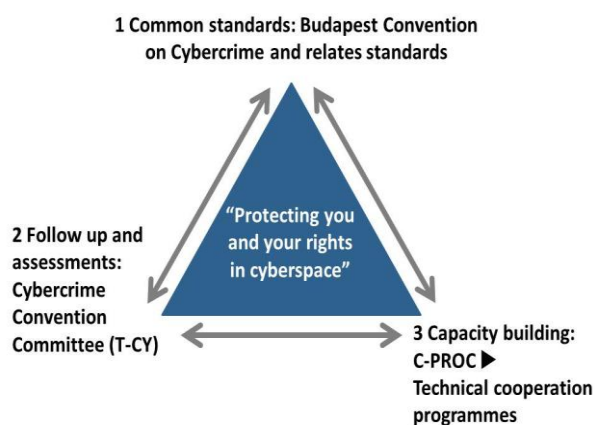
1. Specific offences against and by means of computer systems
2. Procedural powers with safeguards to investigate cybercrime and collect electronic evidence in relation to any crime
3. International cooperation on cybercrime and e-evidence

+ Guidance Notes

+ Protocol on Xenophobia and Racism via Computer Systems (2003)

+ 2nd Protocol in preparation

By February 2021: 65 Parties and 12 Observer States



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Towards a new Protocol

Benefits of the future 2nd Additional Protocol on enhanced cooperation and disclosure of electronic evidence

Operational value:

- Basis for direct cooperation with service providers in other Parties for subscriber information (“direct disclosure”)
- Effective means to obtain subscriber information and traffic data (“giving effect”)
- Legal basis for disclosure of WHOIS information
- Cooperation in emergencies (“expedited disclosure” + “emergency MLA”)
- Mutual assistance tools (“video-conferencing”, “JITs”)
- Data protection safeguards to permit the flow of personal data under the Protocol.

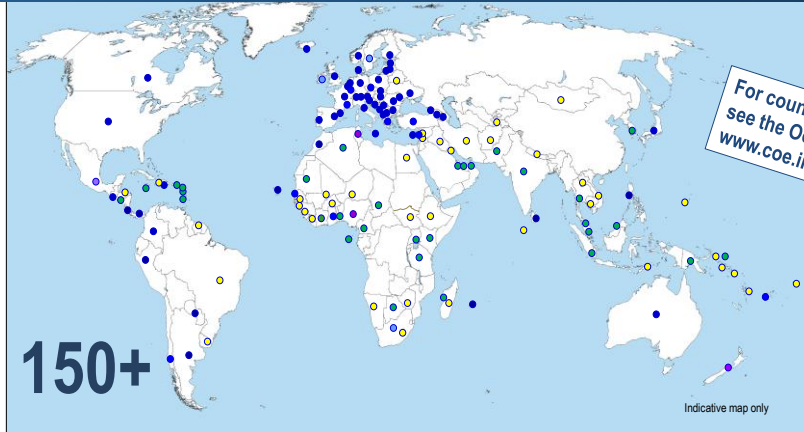
Policy value:

- Convention on Cybercrime will remain relevant and effective
- Respect for free Internet with limited restrictions in case of criminal misuse (specific criminal investigations, specified data)

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Reach of the Budapest Convention/ Reach of capacity building



- | | | | | |
|--------------------|----|---------------------------------------|---|---------------------------------------|
| Parties: | 65 | ● | Other States with laws largely in line with Budapest Convention = 20+ | ● |
| Signed: | 3 | ● | Further States drawing on Budapest Convention for legislation = 50+ | ● |
| Invited to accede: | 9 | ● | | |
| = | 77 | | | |

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Cybercrime Programme Office of the Council of Europe (C-PROC) in Romania

<u>Octopus</u> Project	Jan 2021 – Dec 2024	EUR 5 million	Voluntary contributions
<u>GLACY+</u> project on Global Action on Cybercrime Extended	Mar 2016 – Feb 2024	EUR 19 million	EU/CoE JP
<u>iPROCEEDS</u> II project targeting proceeds from crime on the Internet in South-eastern Europe and Turkey	Jan 2020 – Jun 2023	EUR 5 million	EU/CoE JP
<u>EndOCSEA@EUROPE</u> project against Online Child Sexual Exploitation and Abuse	July 2018 – June 2021	EUR 0.95 million	End Violence against Children Fund
<u>CyberSouth</u> on capacity-building in the Southern Neighbourhood	July 2017 – Dec 2021	EUR 5 million	EU/CoE JP
<u>CyberEast</u> Project on Action on Cybercrime for Cyber Resilience in the Eastern Partnership region	June 2019 – June 2022	EUR 4.22 million	EU/CoE JP

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Impact of capacity building

- ▶ **Works, responds to needs and makes an impact**
 - **Legislation with safeguards**
 - **Investigations and criminal proceedings**
 - **Public/private, interagency and international cooperation**
 - **Sustainable training**
- ▶ **Facilitates multi-stakeholder cooperation, partnerships and synergies**
- ▶ **Has human development benefits and feeds into Sustainable Development Goals**
- ▶ **Helps reduce the digital divide**
- ▶ **Is based on broad international agreement and may help overcome political divisions**