



Project Cybercrime@EAP II

Արևելյան Գործընկերության
Східне партнерство Eastern
Partnership აღმოსავლეთ
პარტნიორობა Parteneriatul Estic
Şaqı tərəfdaşlığı Partenariat
Oriental Усходняе Партнёрства

Summary and workplan

Update

Project title / number:	Cybercrime@EAP II (2015/DGI/JP/3271)
Project area:	Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, Ukraine
Duration:	32 months (1 May 2015 – 31 December 2017)
Budget:	EURO 800,000
Funding:	European Union and Council of Europe Partnership for Good Governance (formerly Programmatic Cooperation Framework for Eastern Partnership countries)
Implementation:	Cybercrime Programme Office (C-PROC) of the Council of Europe

BACKGROUND AND JUSTIFICATION

Efficient international cooperation, including expeditious mutual legal assistance (MLA) is one of the most important conditions for effective measures against cybercrime and other offences involving electronic evidence given the transnational and volatile nature of electronic evidence. In practice, however, procedures are considered too complex, lengthy and resource intensive, and thus too inefficient. This is also true for the countries participating in the Eastern Partnership.

According to information available, police and judicial authorities in the six EaP countries:

- Typically request traffic and subscriber data via 24/7 points of contact, police-to-police co-operation, and mutual legal assistance or directly from multi-national service providers. Content is rarely requested given the complexity of the procedures;
- Mostly send requests but increasingly also receive requests from abroad;
- Send/receive requests primarily related to fraud as well as organised crime. Increasingly they also cover offences against computer data and systems.

The six EaP countries are considered important sources and targets of cybercrime (and thus are of major concern for member states of the European Union and the Council of Europe), but the level of international co-operation on cybercrime and electronic evidence is extremely limited and very few requests for mutual legal assistance related to electronic evidence are sent or received.

Problems identified include:

- Complex and time-consuming procedures for mutual legal assistance;
- Absence of mechanisms for expedited mutual legal assistance in the sense of Article 31 of the Budapest Convention;
- Limited role of 24/7 points of contact;
- Delays in replies and often no replies from foreign countries to requests for police and judicial cooperation;

Partnership for Good Governance



- Limited cooperation with multi-national service providers;
- Limited trust in cooperation with and between the six EaP countries.

Five of the six EaP countries (the exception is Belarus) are parties to the Budapest Convention on Cybercrime. All six have established 24/7 points of contact for urgent international co-operation.

The Cybercrime Convention Committee (T-CY) – that is the Parties to the Budapest Convention on Cybercrime – in December 2014 completed an [assessment of the functioning of the international cooperation provisions](#) of this treaty and adopted a set of recommendations. The present project will support EaP countries in the follow up to these recommendations.

CyberCrime@EAP II follows a [first phase from 2011 to 2014](#).

OBJECTIVE, EXPECTED OUTPUTS AND ACTIVITIES

Project objective	To enable efficient regional and international co-operation on cybercrime and electronic evidence.	
	Outcome indicators:	
	<ul style="list-style-type: none"> - The number of mutual legal assistance requests on cybercrime and electronic evidence sent/received will have increased in the six countries by month 30. - The number of requests sent/received by 24/7 points of contact will have increased in the six countries by month 30. - Draft amendments to procedures and rules on mutual legal assistance on cybercrime and electronic evidence are available by month 24 in the six countries. 	
Result 1	The authorities responsible for mutual legal assistance in the six EaP countries will have better skills and tools (manual, online resources) for international co-operation on cybercrime and electronic evidence.	
	It is assumed that this will lead to a measurable increase in MLA requests already by the end of the project.	
Activities		
1.1	Establish a working group of representatives of MLA authorities of the six EaP countries and of 2-3 other countries (resource persons).	June 2015
1.2	Organise 3 meetings of the MLA working group to review the functioning of mutual legal assistance on cybercrime and electronic evidence, to define roles and responsibilities and to identify strengths and weakness and to prepare and adopt a set of recommendations.	
1.2.1	First meeting on Improving international cooperation on cybercrime in the Eastern Partnership region and launch of the project (MLA and 24/7 working groups)	9-11 September 2015 – Bucharest, Romania.
1.2.2	Second meeting on Improving international cooperation on cybercrime in the Eastern Partnership region (MLA and 24/7 working groups)	14-16 December – Tbilisi, Georgia
1.2.3	Third meeting on Improving international cooperation on cybercrime in	4-5 April 2016 –

	the Eastern Partnership region (MLA and 24/7 working groups)	Kiev, Ukraine
1.3	Support implementation of the recommendations resulting from the above activities.	
1.3.1	Participation in Cybercrime Convention Committee (T-CY) and Octopus conference for sharing experience and reinforcing cooperation with the authorities of other States.	June 2015 December 2015 May 2016 November 2016 June 2017 November 2017
1.3.2	Participation in the 3rd Meeting of the UN Intergovernmental Expert Group on Cybercrime	10-13 April 2017, Vienna, Austria
1.3.3	Develop a template for MLA requests for stored computer data (at regional meetings).	Dec 2015 – March 2016
1.3.4	Organise in-country workshops to address the recommendations prepared	November 2015 – July 2017
	1.3.4.1 Contribution to CoE conference on Internet governance/Freedom of expression	Georgia, 15-16 December 2015
	1.3.4.2 Contribution to GLACY training on 24/7 points of contact	Sri Lanka, 25-27 April 2016
	1.3.4.3 Workshop on the online resource for international cooperation, with participation of all stakeholders	Armenia, 15-17 June 2016
	1.3.4.4 Ukraine: Seminar on EU Models for International Cooperation	November 2016
	1.3.4.4 Adaptation of judicial training materials for the High School of Justice (in collaboration with the High School of Justice and CoE Tbilisi Office)	Georgia, January-March 2017
	1.3.4.5 Armenia: Training Programme on International Cooperation	March 2017
	1.3.4.6 Azerbaijan: Training Programme on International Cooperation	March 2017
	1.3.4.7 Belarus: Training Programme on International Cooperation	May 2017
	1.3.4.8 Georgia: Training Programme on International Cooperation	March 2017
	1.3.4.9 Moldova: Training Programme on International Cooperation	April 2017
	1.3.4.10 Ukraine: Training Programme on International Cooperation	April 2017
	1.3.4.12 Contribution to IAP Regional Meeting on virtual currencies and Darknet investigations	Georgia, June 2017
	1.3.4.13 Support to drafting of the Law on International Cooperation	Armenia, September 2017
	1.3.4.14 Support to G-PEN Cybercrime and Money Laundering Conference	Azerbaijan, October 2017
Result 2	The role of 24/7 points of contact will have been strengthened in the six EaP countries. It is assumed that this will lead to a measurable increase in the number of requests sent/received by 24/7 points of contact.	
Activities		
2.1	Establish a working group of representatives of 24/7 contact points of the six EaP countries and of 2-3 contact points of other countries (resource persons).	June 2015

2.2	Organise 3 meetings of the working group to review the functioning of 24/7 contact points, to define roles and responsibilities, and to identify strengths and weaknesses and to prepare and adopt a set of recommendations. (Note: In order to strengthen links between MLA authorities and 24/7 contact points, these meetings are held jointly by the two working groups)	(See Result 1)
2.3	Support implementation of the recommendations resulting from the above activities.	
2.3.1	Participation in Cybercrime Convention Committee (T-CY) and Octopus conference for sharing experience and reinforcing cooperation with the authorities of other States.	June 2015 December 2015 May 2016 November 2016 June 2017 November 2017
2.3.2	Participation in Europol-INTERPOL Cybercrime Conference, The Hague or Singapore (locations alternating every year).	30 September – 2 October 2015 28-20 September 2016 September 2017
2.3.3	Develop a template for requests for data preservation (at regional meetings).	December 2015 – March 2016
2.3.4	Organise in-country workshops to address the recommendations prepared.	November 2015 – July 2017
	2.3.4.1 Workshop on cooperation and relations between 24/7 points of contact with relevant stakeholders, particularly Prosecutor's Office, and evaluation of the regulations for the 24/7 points of contact	Georgia, July 2016
	2.3.4.2 Ukraine: Workshop on procedural powers of the law enforcement and security agencies, including execution of requests received via 24/7	5-7 September 2016
	2.3.4.3 Participation in GLACY+ International workshop for cybercrime units and law enforcement training institutions on training strategies (technical level) and access to ECTEG training materials	Brussels, 14-16 June 2017
	2.3.4.4 Georgia: Advisory mission on 24/7 operations and regulations	July 2017
	2.3.4.5 Participation in international training of the 24/7 points of contact	The Hague, September 2017
Result 3	Recommendations for amendments to procedures and rules on mutual legal assistance on cybercrime and electronic evidence are available for the six EaP countries. It is assumed that adoption and implementation of these recommendations will enhance the effectiveness of international co-operation in these matters in the longer term.	
Activities		
3.1	Prepare a detailed analysis of the rules and procedures for mutual legal assistance on cybercrime and electronic evidence.	September 2015 – June 2016

3.2	Organise in-country workshops to develop recommendations for amendments to rules and procedures (in conjunction with workshops under results 1 and 2)	(See Results 1 and 2 above)
3.2.1	Workshop on harmonising the criminal law of Belarus with the Budapest Convention on Cybercrime (organized separately on the request of Belarusian authorities)	November 2015
3.2.2	Expert support to review draft Cyber Security Strategy of Moldova (organized separately on the request of Moldovan authorities).	November 2015
3.2.3	Expert support to review draft Cyber Security Strategy of Moldova (organized separately on the request of Moldovan authorities).	November 2015
3.2.4	Belarus: Workshop on development of legal instruments on cybercrime and amendments to existing legislation	12-14 September 2016
3.2.5	Moldova: Workshop on legal admissibility of electronic communications and evidence	October 2016
3.2.6	Azerbaijan: Workshop on reform of legislation to ensure compliance with Art. 16 and Art. 17 of the Budapest Convention	February 2017

CONTACT

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