Octopus Conference 2015

Cooperation against Cybercrime

17 – 19 June 2015

Palais de l'Europe, Council of Europe, Strasbourg, France

Version 15 June 2015

Draft

Conference Programme

The Octopus Conference is part of the Cybercrime@Octopus project which is funded by voluntary contributions from Estonia, Japan, Monaco, Romania, United Kingdom, USA and Microsoft.

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Programme overview

WED, 17 JUNE			
Plenary session	*Hemicycle*		
9h00	**Opening session**		
10h15	**Update:** ► Cybercrime in 2015: What about the rule of law in cyberspace? ► International policies on cybercrime: where do we stand?		
Workshop sessions	*Room1*	*Room 2*	*Room 3*
14h00	**Workshop 1:** ► Capacity building on cybercrime: good practices and lessons	**Workshop 2:** ► Evidence in the cloud: criminal justice access to data	**Workshop 3:** ► Victims of cybercrime: who cares?
THU, 18 JUNE			
Workshop sessions	*Room1*	*Room 2*	*Room 3*
9h00	**Workshop 4:** ► Cybercrime legislation and implementation of the Budapest Convention	**Workshop 5:** ► International cooperation: workshop for 24/7 points of contact and MLA authorities	*Side-meeting of the East-West Institute*
Workshop sessions	*Room1*	*Room 2*	*Room 3*
14h00	**Workshop 7:** ► Policies, activities and initiatives on cybercrime of international and private sector organisations	**Workshop 8:** ► Radicalisation on the Internet: the criminal justice perspective	**Workshop 6:** ► SOP working group on standard operating procedures *Room 9* **Workshop 9:** ► Protecting children against online sexual violence
FRI, 19 JUNE			
Plenary session	*Room 1*		
9h00	**Plenary:** ► Results of workshops ► Panel: Security, privacy and the rule of law in the cloud ► Conclusions		
13h00	*End of conference*		

Detailed programme

WED, 17 JUNE	
Plenary session	*Hemicycle (Languages: English, French, Russian, Spanish) – Live webcast*
9h00	**Opening session: Setting the scene** – Thorbjørn Jagland (Secretary General, Council of Europe) – Almir Šahović (Ambassador, Permanent Representation Bosnia and Herzegovina) – Jean-Yves Latournerie (Préfet chargé de la lutte contre les cybermenaces, Conseiller du gouvernement, France) – Marta Santos Pais (Special Representative of the UN Secretary-General on Violence against Children) – Kamalina De Silva (Secretary of Justice, Sri Lanka) – Uri Rosenthal (Special Envoy for the Global Conference on Cyberspace 2015, former Minister of Foreign Affairs, The Netherlands)
10h00	Coffee break
10h15	**Cybercrime in 2015: What about the rule of law in cyberspace?** *In the light of the growing threat of cybercrime, participants are to discuss whether Governments are able to ensure the rule of law in cyberspace, to protect individuals against crime and to defend the rights of victims.* Moderator: Albert Antwi-Boasiako (E-Crime Bureau, Ghana) ► Panel: Threats in cyberspace – Simon Mullis (FireEye, United Kingdom) – Noboru Nakatani (Executive Director of the INTERPOL Global Complex for Innovation (IGCI), Singapore) – Heiko Löhr (German Federal Criminal Police (BKA), Wiesbaden, Germany) **Survey 1 (APP): Your experience, your opinion regarding the rule of law in cyberspace** – **Question 1: To what extent are governments able to protect individuals/societies against crime and to defend their rights in cyberspace? (from 0 [no ability to protect] to 10 [cyberspace is basically safe; crime and violation of rights are the exception; offenders are brought to justice])** – **Question 2: What are currently the key threats in cyberspace? (List in order of priority)** – **Question 3: What are the main obstacles to ensuring the rule of law in cyberspace?**
11h30	**International policies on cybercrime: where do we stand?** *International policy making in all things cyberspace is difficult given strong, multiple and often contradictory interests. The aim of this panel is to identify common ground on which to build with regard to cybercrime and criminal justice in cyberspace.* Moderator: Michèle Ramis (Ambassadrice chargée de la lutte contre la criminalité organisée, Ministère des Affaires Etrangères, France) ► Panel – Heli Tiirmaa-Klaar (Head of Cyber Policy Coordination, European External Action Service, European Union) – David Tait (Rule of Law Division, Commonwealth Secretariat, London) – Thomas Dukes (Deputy Coordinator for Cyber Issues, U.S. State Department and Chair of the G7 High-tech Crime Sub-group) ► Discussion
12h30	Lunch break

WED, 17 JUNE

WED, 17 JUNE	
Workshop sessions	
14h00 – 18h00 Coffee break 15h45 – 16h00	*Room 1 (Languages: English, French, Russian, Spanish – Live webcast)* **Workshop 1: Capacity building on cybercrime: good practices, success stories, lessons learnt and upcoming programmes** *Capacity building has become the privileged international approach to address the challenges of cybercrime and electronic evidence. This is reflected, among other things, in the establishment of the Cybercrime Programme Office of the Council of Europe (C-PROC) in Romania (April 2014), the outcome of the UN Congress on Crime Prevention and Criminal Justice (Qatar, April 2015) or the Global Cyber Space Conference (The Hague, Netherlands, April 2015). The aim of this workshop is to demonstrate how policies agreed upon by the international community are translated into action.* Moderators: Geronimo Sy (Assistant Secretary of Justice, Philippines) Cécile Barayre (Economic Affairs Officer in charge of the E-Commerce and Law Reform Programme, UNCTAD, Geneva) Rapporteur: Bojana Paunovic (Judge, Court of Appeal, Serbia) Secretariat: Victoria Catliff (Cybercrime Programme Office of the Council of Europe, C-PROC) ► Brain storming: What capacities are to be built? (14h00 – 15h00) **Survey 2 (APP): What needs should a capacity building project on cybercrime and electronic evidence address? (List in order of priority)** ► Panel 1: Capacity building as an international policy (15h00-15h45) – European Union (Panagiota-Nayia Barmpaliou, Programme Manager, Fight against Global, Transnational and Emerging Threats, Directorate General for International Cooperation and Development, European Commission, Brussels) – United Nations Office on Drugs and Crime (Tania Banuelos, Crime Prevention and Criminal Justice Officer, UNODC) – Global Forum for Cyber Expertise (David van Duren, Head of the GFCE Secretariat, The Netherlands) – Discussion ► Panel 2: Capacity building in action: ingredients and lessons learnt (16h00 – 16h45) – Capacity building by the Organisation of American States (Belisario Contreras, Programme Manager, OAS) – Cybercrime capacity building at the World Bank (Jinyong Chung, Senior Counsel, World Bank) – GLACY, Cybercrime@EAP II and Cybercrime@Octopus: projects of the Cybercrime Programme Office of the Council of Europe (C-PROC) in Romania (Steven Brown, Project Manager, Council of Europe) – Discussion

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	► Panel 3: Capacity building for judges and prosecutors: Judicial training – lessons learnt (16h45 – 17h45) – The concept of judicial training (Adel Jomni, Lecturer, University of Montpellier) – Judicial training in action (Mamadou Diakhate, Director, Centre de Formation Judiciaire, Senegal) – Bojana Paunovic (Judge, Court of Appeal, Serbia) – Discussion: Lessons learnt ► Conclusions

WED, 17 JUNE	
14h00 – 18h00	*Room 2 (Language: English) - Note: Chatham House rules apply* **Workshop 2: Evidence in the cloud: criminal justice access to data** *The aim of this workshop is to help identify solutions to challenges faced by criminal justice authorities to obtaining electronic evidence in the context of:* – *Scale and scope of cybercrime and electronic evidence* – *Political challenges (including reports on mass surveillance)* – *Legal challenges (including cloud computing and questions related to location, territoriality and jurisdiction)* – *Technical challenges (Peer-to-peer/VPN, encryption, anonymisers, IPv4 to IPv6 transition and Carrier-grade NATs)* – *Challenges related to the mutual legal assistance process.* *The workshop is to inform the "Cloud Evidence Group" established by the Cybercrime Convention Committee (T-CY) in December 2014.* Moderators: Erik Planken (Chair of the Cybercrime Convention Committee, Ministry of Justice, Netherlands) John Lyons (Chief Executive, International Cyber Security Protection Alliance, UK) Rapporteur: Mary Jane Lau Yuk Poon (Assistant Solicitor General, Mauritius) Secretariat: Alexandru Frunza (Cybercrime Division, Council of Europe) ► Panel 1: Challenges faced by criminal justice authorities (14h00-14h45) – Summary report of the Cloud Evidence Group (Member of the CEG) – Technolgoy and the law (Marc Zoetekouw, Legal Advisor Operations - Cybercrime and Digital Technology / Rob Meijer, Dutch Police, Netherlands) – Comments by representatives of criminal justice authorities Coffee break 15h45 – 16h00 ► Panel 2: Legal issues, options, solutions (14h45-15h45, 16h00 – 16h30) – Introductory presentations (7 minutes each): - Bert-Jaap Koops (Professor, Tillburg Institute for Law, Technology and Society, Netherlands) - Joseph Schwerha (Professor, California University of Pennsylvania California, USA) - Ian Walden (Professor of Information and Communications Law and head of the Institute of Computer and Communications Law (ICCL) in the Centre for Commercial Law Studies, Queen Mary University of London, UK) - David Aylor (Attorney at Law, Charleston, USA) – Discussion ► The views of industry and data protection authorities (16h30 – 17h45) – Comments and discussions ► Conclusions (17h45 – 18h00)

WED, 17 JUNE	
14h00 – 18h00 Coffee break 15h45 – 16h00	*Room 3 (Language: English)* **Workshop 3: Victims of cybercrime – Who cares?** *Policies, strategies, public discussions and practical measures on cybercrime tend to ignore the impact of cybercrime on victims and that cybercrime affects the fundamental rights of individuals. The aim of the workshop to stake out the issues involved in view of bringing the question of victims to the forefront and document good practices to build upon.* Moderators: Betsy Broder (Counsel for International Consumer Protection, Federal Trade Commission, USA) Rapporteur: Frederico Moyano Marques (Portuguese Association for Victim Support) Secretariat: Emma Bishop (Intern, Cybercrime Division, Council of Europe) ► Introduction (Betsy Broder and Frederico Moyano Marques) ► Victims of cybercrime: who are they and what are the issues (Marianne Junger, Professor, University of Twente, Netherlands) ► Working with youth (Janice Richardson, ENABLE) ► Romance scams as an example of serious harm (Fleur Van Eck, Fraudhelpdesk, Netherlands) ► Victims assistance (Frederico Moyano Marques and Raffaele Zallone, Lawyer, Bar of Milano, Italy) ► Multi-media consumer messaging (Betsy Broder) ► Conclusions: The impact of cybercrime on victims and their rights – challenges and solutions (Group discussion)

THU, 18 JUNE	
Workshop sessions	
9h00 – 12h30 Coffee break 10h45-11h00	*Room 1 (Languages: English, French, Spanish – Live webcast)* **Workshop 4: Cybercrime legislation and implementation of the Budapest Convention** *In 2014/2015 reforms of legislation on cybercrime and electronic evidence appears to accelerate with the Budapest Convention serving many countries as a guideline to ensure compatibility with international standards. The aim of this workshop is to contribute to this process of global harmonisation of legislation by sharing good practices but also information on problems encountered.* Moderators: Zahid Jamil (Pakistan) Irene Kabua (Kenya Law Reform Commission) Rapporteur: Francisco Salas Ruiz (Informatic Law Prosecutor and Director of the Law in Effect System, Procuraduría General de la República, Costa Rica) Secretariat: Marie Agha-Wevelsiep (Cybercrime Division, Council of Europe) ► Tour de table/brain storming session: recent relevant legislative developments (substantive and procedural laws on cybercrime) around the world **Survey 3 (APP): What legislative developments have taken place in your country in 2014/2015? (Please list)** ► What makes a comprehensive legal framework on cybercrime and electronic evidence? Is your legislation sufficient? Good practices? ► The process: How to go about preparing cybercrime legislation? Who decides, who is involved, who takes the lead, what is the procedure? ► How to determine the effectiveness of legislation? ► Conclusions

THU, 18 JUNE	
9h00 – 12h30	*Room 2 (Language: English, Russian)* *Note: Open to criminal justice authorities only* **Workshop 5: International cooperation: workshop for 24/7 points of contact and MLA authorities** *Efficient international cooperation is essential for the investigation and prosecution of cybercrime and other offences involving electronic evidence. This includes police-to-police cooperation, mutual legal assistance, and expedited measures to preserve electronic evidence. The Cybercrime Convention Committee (T-CY) in December 2014 completed a detailed assessment of the functioning of the mutual legal assistance provisions and adopted a set of recommendations to make MLA more efficient, strengthen the role of 24/7 points of contact and provide for direct cooperation across borders. The aim of this workshop is to promote follow up to these recommendations.* Moderators: Betty Shave (Assistant Deputy Chief for International Computer Crime, Computer Crime and Intellectual Property Section, Department of Justice, USA) Cristina Schulman (Vice-chair Cybercrime Convention Committee, Ministry of Justice, Romania) Rapporteur: Claudio Peguero (National Police, Dominican Republic) Secretariat: Alexandru Frunza, Cybercrime Division, Council of Europe
Coffee break 10h45-11h00	► Recap: the challenge of international cooperation on cybercrime and electronic evidence and the conclusions and recommendation of the T-CY assessment (9h00 – 9h45) – Overview (Betty Shave and Cristina Schulman) – Discussion ► Strengthening the role of 24/7 points of contact (Recommendation 5 a. – f.) of the T-CY assessment) (9h45 – 10h45) – Introductory presentations: examples of implementation (TBC) – Practical experience: tour de table ► Cooperation in practice: obtaining subscriber information (see Recommendation 19 and the T-CY Report on Rules on Obtaining Subscriber Information) (11h00 – 12h00) – Introductory presentation (Pedro Verdelho, Prosecutor, Portugal) – Practical experience in obtaining subscriber information internationally (tour de table) ► Additional international solutions (Recommendations 20 to 24 of the T-CY assessment) - overview (12h00 – 12h20) – Overview (Cristina Schulman) – Discussion ► Conclusions (12h20 – 12h30)

THU, 18 JUNE	
14h00 – 18h00 Coffee break 15h45 – 16h00	*Room 3 (Language: English)* *Note: Open to criminal justice authorities only* **Workshop 6: SOP working group on standard operating procedures for electronic evidence** *The aim of this workshop is to contribute to the development of generic Standard Operating Procedures for electronic evidence. Members of this working group will use this workshop to arrive at a common understanding of the scope of and process leading to the preparation and adoption of robust and resilient SOPs.* Moderator: Nigel Jones (United Kingdom) Rapporteur: Steve Brown (Project Manager, Cybercrime Programme Office of the Council of Europe (C-PROC), Bucharest) Secretariat: Zlatka Mitrova (Cybercrime Programme Office of the Council of Europe, C-PROC) ► EESOP introductions and objectives ► Mapping the process and preparing procedures: approaches and content ► What should EESOPs describe? Scope and Direction ► Stakeholders: Identification and Collaboration ► Recommendations and next steps for the EESOP working group

THU, 18 JUNE	
14h00 – 18h00	*Room1 (Languages: English, French, Spanish – Live webcast)*
	Workshop 7: Policies, activities and initiatives on cybercrime of international and private sector organisations
Coffee break 15h45 – 16h00	*This workshop offers a platform for organisations to present their initiatives. The aim is to favour synergies and multi-stakeholder interaction.*
	Moderators: Jean-Christophe Le Toquin (SOCOGI, France) Aminiasi Kefu (Acting Attorney General and Director of Public Prosecutions, Tonga)
	Rapporteur: Norberto Frontini (Ministry of Justice, Argentina)
	Secretariat: Alexandru Frunza (Cybercrime Division, Council of Europe)
	► Cross-border cooperation – information sharing – prosecution: a case study (Betsy Broder (Counsel for International Consumer Protection, Federal Trade Commission, USA) and Abdul Chukkol (Economic and Financial Fraud Commission, Nigeria)
	► Global Cooperation in Cyberspace Initiative of the EastWest Institute (Bruce W. McConnell, Senior Vice President, EWI)
	► International association of trusted experts on cybersecurity and against cybercrime (Monika Josi and Christian Aghroum)
	► Collaborative Security: An approach to tackling Internet Security issues (Christine Runnegar, Director, Public Policy, Internet Society)
	► UNCTAD initiatives (Cécile Barayre, Economic Affairs Officer in charge of the E-Commerce and Law Reform Programme, UNCTAD, Geneva)
	► Commonwealth initiatives on cybercrime (David Tait Rule of Law Division, Commonwealth Secretariat, London)
	► Global Prosecutors E-Crime Network (Esther George, Consultant, International Association of Prosecutors, United Kingdom)
	► The EVIDENCE Project (Maria Angela Biasiotti, Institute for Legal Information Theory and Techniques of the National Research Council of Italy, Florence)
	► Conclusions

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14h00 – 18h00

Room 2 (Language: English, Russian)

Workshop 8: Radicalisation on the Internet: the criminal justice perspective

Coffee break
15h45 – 16h00

The aim of this workshop is to promote implementation of the Additional Protocol to the Convention on Cybercrime concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems (ETS 189) of 2003. While information and communication technologies (ICT) offer an unprecedented means of facilitating freedom of expression worldwide, such technologies may also be misused for the dissemination of racist and xenophobic materials, racist and xenophobic motivated threats and insult or the denial, gross minimisation, approval or justification of genocide or crimes against humanity. They may play an important role in the radicalisation of individuals and their joining of terrorist groups or participation in terrorist offences.

Moderator/s: Andrea Candrian (Ministry of Justice, Switzerland)

Rapporteur: Ehab Elsonbaty (Judge, Egypt/Qatar)

Secretariat: Marie Agha-Wevelsiep (Cybercrime Division, Council of Europe)

- ICT and radicalisation: what is the connection? (14h00 – 14h20)
  - Tour de table/discussion
- Council of Europe standards (14h20 – 15h00)
  - About the Protocol on Xenophobia and Racism committed through Computer Systems (ETS 189) (Alexander Seger, Head of Cybercrime Division, Council of Europe)
    - Purpose and scope
    - State of implementation
  - Convention on the Prevention of Terrorism and related Protocols
    - Council of Europe standards and practical cases
- Freedom of expression versus xenophobia, racism and incitement to crime and terrorism: where are the boundaries? (15h00 – 15h45)
  - Ana Salinas de Frías (University of Malaga, Spain)
  - Tarlach McGonagle (Institute for Information Law (IViR), Faculty of Law, University of Amsterdam)
- Criminal justice measures against radicalisation on the Internet (16h00 – 17h30)
  - Analysis of terrorism motivated by religion (Robert Hauschild, Federal Criminal Police (BKA), Germany)
  - The experience of France (Valérie Maldonado, Head of the French National Cybercrime Office, OCLCTIC, France)
  - The experience of Norway (Eirik Trønnes Hansen, prosecutor, NCIS, Norway)
- Conclusions (17h30 – 18h00)

THU, 18 JUNE	
14h30 – 18h00 Coffee break 15h45 – 16h00	*Room 9 (Languages: English, French)* **Workshop 9: Protecting children against online sexual violence** *The special Representative of the UN Secretary General on Violence against Children (SRSG) is convening a High Level Cross-Regional Meeting on the Protection of Children from Sexual Violence on 18 and 19 June at the Council of Europe in Strasbourg. Participants in the Octopus Conference are invited to join Thematic Session II of this meeting on the "Protection of children from sexual abuse through information and communication technologies". This session will cover issues such as grooming, securing of electronic evidence related to online sexual violence, and criminal justice action against online child abuse.* ► High-level Cross-regional Meeting (programme)

FRI, 19 JUNE	
Plenary	*Room 1 (Languages: English, French, Russian, Spanish)*
9h00	**Plenary** ► Results of workshops (9h00 – 10h00) *Rapporteurs and moderators will present the key findings of workshops* – Workshop 1: Capacity building – Workshop 2: Evidence in the cloud – Workshop 3: Victims of cybercrime – Workshop 4: Cybercrime legislation – Workshop 5: International cooperation – Workshop 6: Standard Operating Procedures – Workshop 7: Cybercrime initiatives – Workshop 8: Radicalisation – Workshop 9: Protecting children against online sexual violence ► Again: What about the rule of law in cyberspace (10h00 – 10h45) – Results of Survey 1 (APP) – Discussion
Coffee break 10h45-11h00	► Security, privacy and the rule of law in the cloud: What needs to be done? (11h00 – 12h00) *The Octopus Conference 2010 focused on law enforcement and privacy challenges related to cloud computing. This panel is to discuss progress, regression, new risks and opportunities that have emerged over the past five years, and in particular what needs to be done to reconcile security, privacy and the rule of law in the cloud.* Panel: – Jean-Philippe Walter (Président du Comité consultative Convention 108 (T-PD), Préposé fédéral suppléant, Switzerland) – Papa Assane Touré (Secrétaire général adjoint du Gouvernement, Primature du Sénégal) – Christine Runnegar (Internet Society, Switzerland) – Eric Freyssinet (Advisor to the Prefect in charge of cyberthreats, Ministry of Interior, France) ► Octopus takeaways (12h00 – 13h00) Moderator: Ms Gabriella Battaini-Dragoni Deputy Secretary General (Council of Europe) **Survey 4 (APP): What are for you the three key takeaways from the Octopus conference?** Panel: – Howard Schmidt (Former Cyber Security Advisor for Presidents Bush and Obama, Co-Founder Ridge Schmidt Cyber, Executive Director SAFECode, USA) – Yvonne Atakora Obuobisa (Ag. Director of Public Prosecutions, Ministry of Justice & Attorney-General's Department, Ghana) TBC – Anisul Huq (Minister of Law, Justice Parliamentary Affairs, Bangladesh) TBC – Sakeus Shanghala (Attorney General, Namibia) TBC – Jayantha Fernando (Director/Legal Advisor, ICTA, Sri Lanka) ► Conclusions
13h00	*End of conference*