Cybercrime@EAP III

Արևելյան Գործընկերություն
Східне партнерство Eastern
Partnership აღმოსავლეთ
პარტნიორობა Parteneriatul Estic
Şərq tərəfdaşlığı Partenariat
Oriental Усходняе Партнёрства

30 July 2017

3608_31 Follow-up mission to Azerbaijan on various matters of public-private cooperation

12-13 October 2017, Baku, Azerbaijan
Provided under the Cybercrime@EAP III project

Outline

Background and justification

Cooperation between criminal justice authorities and private sector entities, including in particular service providers, is essential to protect society against crime. Such cooperation concerns primarily access by police and prosecution services to data held by service providers for criminal justice purposes, but also the sharing of information and experience, as well as training.

In recent years, issues of public/private cooperation and specifically criminal justice access to data have become more complex. This is also true for countries participating in the Eastern Partnership. Often, local and multinational service providers are reluctant to cooperate, criminal justice measures and national security measures are not clearly separated, and public trust is limited. Moreover, law enforcement powers such as those foreseen in the Budapest Convention on Cybercrime are not always clearly defined in criminal procedure law, and this adversely affects law enforcement/service provider cooperation as well as human rights and the rule of law.

The question of safeguards and guarantees in the application of procedural powers in criminal investigations, as required by Article 15 of the Budapest Convention, is one of the key issues contributing to trust - or lack thereof – between the law enforcement and the Internet service providers. The study on Article 15 safeguards in EAP countries, completed in October 2013 under the Cybercrime@EAP project, thus needs to review the current conditions and safeguards in law and practice of the EAP states as of 2017, and to prepare an update of the above-mentioned study to be published by the project.

The memoranda/agreements on cooperation between the law enforcement and the Internet service providers, respecting the principles laid down in the Council of Europe "Guidelines for the cooperation between law enforcement and internet service providers in the investigation of cybercrime", still have scarce presence and scope in the EAP. Existing agreements need to be supported, and the cases for concluding these documents in the EAP countries that do not have them - need to be explored.

In 2016, the Cybercrime@EAP III project conduced study visits to all EAP states to establish necessary partnerships, launch dialogue with country counterparts and study opportunities for cooperation, as well as to identify the issues that are necessary for public-private partnerships to generally work; the findings of these

visits have been since reflected in the [Mapping Report](#) on public-private cooperation in the Eastern Partnership. There is thus a need to update the report with up-to-date information by the end of 2017, focusing on the producing the inventory of ongoing projects and initiatives related to public-private cooperation, and to establish the feasibility of transforming this process into a more permanent platform in order to sustain the process of such cooperation.

Expected outcome

Carried out under all Result/Immediate Outcome 1 of the Cybercrime@EAP III project (*Analysis of current initiatives, challenges and opportunities regarding public/private cooperation in the Eastern Partnership region available*), the series of meetings in project countries aim to achieve the following:

- Gather up-to-date information on application of safeguards and guarantees under Article 15 BCC;
- Support, where necessary, the conclusion or extension of memoranda of cooperation between the law enforcement and Internet industry;
- Collect information about ongoing initiatives and activities in the EAP on the topic of public-private cooperation;
- Establish the feasibility of transforming public-private cooperation process under the CEAP III project into a more permanent platform.

As a result of these visits and information collected, by the end of November 2017:

- Updated version of the Study on Article 15 safeguards in the Eastern Partnership region is produced;
- Updated Mapping Report on strengths, weaknesses, threats and opportunities for public-private cooperation in the Eastern Partnership is produced.

Participants

The following persons/organizations are expected to be met by the team of Council of Europe experts and C-PROC staff:

- Project country team members;
- Authorities tasked with legislative reform (Ministry of Justice);
- Officers from cybercrime investigative units (including operative/detective units) of the Ministry of the Interior;
- State Security Service (unit specialized with cybercrime);
- Prosecutor General's Office (prosecutors tasked with cybercrime and electronic evidence);
- Representatives of the Ministry of Communications and High Technologies (issues of cyber-security/CERT, data protection, data retention, ISP obligations);
- Representatives of individual ISPs.

Administrative arrangements and location

The meetings will take place at the premises of the authorities or organizations visited during the mission and at the Council of Europe local office.

Programme (draft)

Thursday, 12 October 2017

9h30	*Transfer to the Ministry of Justice*
10h00	Meeting with the Ministry of Justice, Legislative Department • Discussion on Convention Article 15 standards and legal amendments led by Council of Europe experts
11h30	*Transfer to the State Security Service*
12h00	Meeting with the State Security Service, cybercrime unit • Discussion on legal reforms, update of studies and inventory of initiatives - led by Council of Europe experts
13h30	*Lunch*
14h30	*Transfer to the Ministry of Internal Affairs*
15h00	Meeting with the cybercrime unit/officers of the Police • Discussion on legal and institutional reforms, update of studies and inventory of initiatives - led by Council of Europe experts
17h00	*End of day 1*

Friday, 13 October 2017

9h30	*Transfer to the Prosecutor General's Office*
10h00	Meeting with prosecutors tasked with cybercrime • Discussion on legal reforms, update of studies and inventory of initiatives - led by Council of Europe experts
11h30	*Transfer to the Ministry of Communications and High Technologies*
12h00	Meeting with the Ministry staff and individual ISPs • Discussion on legal reforms, cooperation arrangements, update of studies and inventory of initiatives - led by Council of Europe experts
14h00	*Lunch*
15h00	*Transfer to the Council of Europe Office in Baku (**alt**: hotel venue)*
15h30	Consultative meeting with the country team: results of the mission and project situation update • Discussion led by C-PROC and experts and attended by the country team, on capacity building efforts, initiatives and projects related to the subject
17h30	*End of mission*

Contacts

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