



Octopus Project

to support implementation of the
Budapest Convention on Cybercrime and its Protocols

Outline

Version 31 August 2020

Project title:	Octopus Project (DG1/2542) to support implementation of the Budapest Convention on Cybercrime and its Protocols
Project area:	Parties and observers to the Budapest Convention on Cybercrime Other States prepared to implement the Budapest Convention
Duration:	48 months (1 January 2021 – 31 December 2024)
Budget:	Up to EURO 5 million
Funding:	Voluntary contributions from State Parties and Observers to the Convention on Cybercrime and other public and private sector organisations
Implementation:	Cybercrime Programme Office (C-PROC) of the Council of Europe

BACKGROUND AND JUSTIFICATION

While the threat of cybercrime continues to increase, progress has been made in international cooperation on cybercrime and electronic evidence. The Budapest Convention on Cybercrime is considered to play an important role not only with respect to strengthening legislation and criminal justice action but in promoting broad commitment by governments, international organisations and public as well as private sector stakeholders to cooperation against cybercrime. A 2nd Additional Protocol to this treaty on enhanced international cooperation and access to evidence in the cloud is currently under negotiation which is expected to be available in the course of 2021.

From 2006 to 2013, this process was supported by the [Global Project on Cybercrime \(Phases 1 – 3\)](#) and from 2014 through the project [Cybercrime@Octopus](#). The latter is scheduled to end in December 2020. These and other projects implemented by the Council of Europe have contributed significantly to increased membership in the Budapest Convention and a stronger criminal justice response to cybercrime with rule of law safeguards in more than 100 countries.

Given the impact of these projects, it is proposed to follow up from January 2021 through the new Octopus Project.

However, In the course of 2020, additional challenges came to the forefront and that need to be addressed through this new project:

- The COVID-19 pandemic was accompanied by cybercrime on a massive scale, which underlined the importance of an effective response to cybercrime. Furthermore, the pandemic also has an impact on the mode of delivery of technical assistance for capacity building in that activities will need to be carried out by virtual means on online platforms.



- The United Nations General Assembly decided to launch a process to negotiate a new treaty on "[Countering the use of information and communications technologies for criminal purposes](#)". Parties to the Budapest Convention will have an interest in ensuring consistency of a future treaty with the Budapest Convention and with human rights and rule of law requirements, and some Parties may need support to be able to participate in this process.

The new Octopus Project is therefore not only aimed at supporting implementation of the Budapest Convention and its additional Protocols, but will also take into account these challenges:

1. Assistance to countries in the implementation of the Convention and 1st Additional Protocol on Xenophobia and Racism, and its 2nd Additional Protocol, including in terms of data protection and other safeguards through support to reforms of legislation, training and other capacity building measures.
2. Support to the Cybercrime Convention Committee (T-CY) which is representing the Parties to the Budapest Convention and is the primary body overseeing its implementation. It is preparing [Guidance Notes](#), [assessing implementation](#) of the Convention by the Parties, and identifying solutions to new challenges. Already in June 2013, the T-CY had decided that the Committee should be co-funded by voluntary contributions to projects. The Octopus Project will also support the participation in the United Nations treaty process by Parties and States that have signed or been invited to accede to the Budapest Convention, if requested.
3. Organisation of Octopus Conferences. The [Octopus Conference](#) is the flagship event of the Council of Europe on cybercrime since 2004. It involves multiple public and private sector stakeholders from around the world and serves as a laboratory of ideas for the criminal justice response to cybercrime, permits sharing of experience and includes capacity building workshops. In the Octopus Conference 2019, some 450 experts from more than 115 countries participated.
4. Implementation of online resources and tools for the online delivery of capacity building activities on cybercrime and electronic evidence. The Cybercrime Programme Office (C-PROC) is responsible for all capacity building activities of the Council of Europe on cybercrime, and will also be implementing the new Octopus Project. C-PROC responded to the COVID-19 pandemic by offering a portal on "[Cybercrime and COVID-19](#)", launching a [series of webinars](#), and by beginning to reform the [Octopus Community](#) on cybercrime. Under the new Octopus Project, these resources will be further improved and maintained but also additional tools will be developed to facilitate the virtual sharing of experience and the delivery of training activities.

OBJECTIVE, EXPECTED OUTPUTS AND ACTIVITIES

Project objective	<p>To support implementation of the Budapest Convention on Cybercrime (CETS 185) and its Protocols worldwide</p> <p>End of project targets:</p> <ul style="list-style-type: none"> ▪ 75 Parties and 10 Observers to the Convention. ▪ 40 Parties and 10 Observers to the 1st Protocol. ▪ 5 Parties to the 2nd Additional Protocol and entry into force. ▪ 120 States with substantive and 90 States with procedural powers in line with Budapest Convention.
Output 1	<p>Countries assisted in the implementation of the Budapest Convention and its First Protocol on Xenophobia and Racism and its 2nd Protocol on enhanced international cooperation and access to evidence in the cloud</p> <p>End of project targets:</p> <ul style="list-style-type: none"> ▪ Up to 70 in-country or regional workshops held

	<ul style="list-style-type: none"> ▪ Contribution to up to 80 events of other organisations ▪ Legislative advice (criminal law and data protection safeguards) to at least 30 countries <p>Assumption:</p> <ul style="list-style-type: none"> ▪ States make use of advice and other support to join the Budapest Convention and its Protocols ▪ 2nd Additional Protocol adopted.
Activity	Support the organisation of up to 30 in-country or regional workshops
Activity	Contribute to up to 70 events organised by other organisations
Activity	Provide legislative and other advice to countries worldwide
Output 2	<p>Cybercrime Convention Committee (T-CY) supported</p> <p>End of project targets:</p> <ul style="list-style-type: none"> ▪ 2nd Additional Protocol opened for signature. ▪ 4th round of assessments completed. ▪ At least 2 Guidance Notes adopted. ▪ 2 Plenary, 4 Bureau and 4 working group meetings per year. <p>Assumptions:</p> <ul style="list-style-type: none"> ▪ A fully functioning T-CY is necessary to ensure implementation of the Budapest Convention and encourage accessions by additional States
Activity	Support the participation of T-CY members and observers in the meetings of the Committee
Activity	Support the assessments and other activities of the T-CY through research and analyses
Activity	Provide logistical support to T-CY meetings as well as funding for translation and interpretation
Activity	Support outreach by the T-CY to States in view of accession and implementation of the Budapest Convention
Activity	Support the participation of T-CY members in relevant fora, including in the United Nations treaty process
Output 3	<p>Octopus conferences on cooperation against cybercrime held</p> <p>End of project targets:</p> <ul style="list-style-type: none"> ▪ 3 Octopus conferences with more than 350 experts from at least different 100 countries <p>Assumption:</p> <ul style="list-style-type: none"> ▪ Octopus conferences mobilise broad support to the Budapest Convention
Activity	Organise 3 Octopus conferences
Output 4	<p>Online tools for the delivery of capacity building activities on cybercrime and electronic evidence available and applied</p> <p>End of project targets:</p> <ul style="list-style-type: none"> ▪ 150 activities per year by virtual means. ▪ Tools of the Octopus Community updated with reliable data and access facilitated. ▪ Cyberviolence resource populated. <p>Assumption:</p>

	<ul style="list-style-type: none"> An increasing number of activities will need to be carried out virtually even after the current COVID-19 pandemic.
Activity	Enhance the ability of C-PROC to deliver capacity building activities by virtual means, including online training and event platforms
Activity	Further improve the Octopus Community in terms of contents and functionalities as a resource for legislation, training and cooperation
Activity	Populate and maintain the online tool on cyberviolence

CONTACT

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

Alexander.seger@coe.int

www.coe.int/cybercrime

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