



**Version 9 March 2011**

## **CyberCrime@IPA**

### **Regional workshop on legislation**

**Hotel Europe**

Vladislava Skarića 5, 71000

**Sarajevo, Bosnia and Herzegovina, 24-25 March 2011**

### **Activity outline [draft]**

#### **Background**

The joint regional project of the European Union and the Council of Europe on cooperation against cybercrime under the Instrument of Pre-Accession (IPA) started on 1 November 2010 and its launching conference took place on 17-18 February 2011 in Istanbul, Turkey. Countries and areas participating in CyberCrime@IPA are: Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia", Turkey and Kosovo\*<sup>1</sup>. The project has a duration of two years and a budget of Euro 2.78 million. The project is implemented by the Council of Europe. It comprises eight expected results.

Expected Result 2 is related to legislation:

Harmonisation of legislation. Amendments are drafted to bring relevant legislation fully in line with the EU acquis, in particular the Convention on Cybercrime (CETS 185) and its Protocol on Xenophobia and Racism (CETS 189), and thus ensure harmonisation of legislation within Western Balkans and Turkey

Under this result, the project will support the regional review of legislation against the Convention on Cybercrime (CETS 185), the Protocol on Xenophobia and Racism committed through Computer Systems (CETS 189) and of relevant provisions of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201).

During the inception phase of the project a Situation Report was drafted based on the responses to a questionnaire sent to all the project teams. The aim of the report was to provide an overview on the existing measures undertaken by the countries/areas covered by the project and make recommendations for improvement, which can be implemented individually by countries/areas as well as at the regional level. In addition, for the purpose of the result 2 of the project the legislative profiles were updated.

The regional workshop on legislation scheduled for 24-25 March 2011 in Sarajevo, Bosnia and Herzegovina is aimed at discussing the findings of the Situation Report and the action to be taken to implement the recommendations with regard to legislation.

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<sup>1</sup> \*All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

## Objective

The workshop is aimed at the following:

- To provide advice to project countries/areas on the strengthening of legislation and follow up to the recommendations on legislation from the situation report;
- To discuss challenges in the implementation of the provisions of the Budapest Convention Cybercrime (e.g. procedural safeguards and conditions, preservation orders etc.)
- To assess the effectiveness of the legislation by sharing experience in prosecuting and adjudicating cybercrime cases.

It is expected that by the end of the workshop participants will have prepared a set of recommended measures that could be taken in their respective country/area.

## Participants

From each project area with the exception of Bosnia and Herzegovina, three participants will be funded from the project budget:

- One representative from the Ministries of Justice involved in drafting legislation on cybercrime
- One representative from a prosecution unit (department specialised in high-tech crime)
- One judge dealing with cybercrime cases.

A number of experts will be invited to contribute to the event.

The working languages of the conference will be English, Albanian, Croatian, Bosnian, Macedonian, Montenegrin, Serbian and Turkish.

The workshop is organised in co-cooperation with the Ministry of Security and Ministry of Justice of Bosnia and Herzegovina.

## CONTACT

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## Draft Agenda

<b>Thursday, 24 March 2011</b>	
8h30 – 9h00	Registration
<b>Session 1: Opening session</b>	
9h00	<ul style="list-style-type: none"> <li>▪ Opening statements and introduction to the meeting                             <ul style="list-style-type: none"> <li>- Ministry of Security</li> <li>- Ministry of Justice</li> <li>- Delegation of the European Union to Bosnia and Herzegovina</li> <li>- Council of Europe</li> </ul> </li> </ul>
<b>Session 2: Situation Report Recommendations - Substantive Law</b>	
9h30	<ul style="list-style-type: none"> <li>▪ Overview of the recommendations followed by interventions/discussions by participants:</li> </ul>
10h45-11h00 <i>Coffee break</i>	<ul style="list-style-type: none"> <li>- Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia", Turkey and Kosovo*</li> </ul>
13h00	<i>Lunch break</i>
<b>Session 2: Situation Report Recommendations – Procedural Law</b>	
14h30	<ul style="list-style-type: none"> <li>▪ Overview of the recommendations followed by interventions/discussions by participants:</li> </ul>
16h00-16h15 <i>Coffee break</i>	<ul style="list-style-type: none"> <li>- Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia", Turkey and Kosovo*</li> </ul>
<b>Session 3: Interim conclusions on the way ahead</b>	
17h15	<ul style="list-style-type: none"> <li>▪ Existing or planned reforms to amend legislation                             <ul style="list-style-type: none"> <li>- Tour de table (Note: participants are requested to formulate written proposals before the end of the meeting)</li> </ul> </li> </ul>
<b>17h45</b>	<b>End of day 1</b>

<b>Friday, 25 March 2011</b>	
<b>Session 4: Challenges in implementing the provisions of the Budapest Convention</b>	
9h00  <i>Coffee break</i> <i>10h45-11h00</i>	<ul style="list-style-type: none"> <li>▪ Discussion of specific provisions: <ul style="list-style-type: none"> <li>- Overview of Article 15 and conditions and safeguards in relation to Articles 16-21. The example of Netherlands</li> <li>- System interference: Estonia experience</li> <li>- Preservation, data retention or both?</li> </ul> </li> <li>▪ Interventions from: Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia", Turkey and Kosovo*</li> </ul>
13h00	<i>Lunch break</i>
<b>Session 5: Challenges in prosecuting and adjudicating of cybercrime cases</b>	
14h30	<ul style="list-style-type: none"> <li>▪ Specific challenges: <ul style="list-style-type: none"> <li>- Collecting electronic evidence in cybercrime investigations and importance of public-private cooperation</li> <li>- What challenges for judges?</li> </ul> </li> <li>▪ Case studies presented from judges and prosecutors from the participating countries</li> </ul>
<i>Coffee break</i> <i>16h00-16h30</i>	Note: During the coffee break each delegation should finalise their written recommendations on strengthening the legislation in line with the Budapest Convention (day 1) as well as on additional measures to face the challenges in prosecuting and adjudicating cybercrime cases (day 2)
<b>Session 6: Concluding session</b>	
16h30	<ul style="list-style-type: none"> <li>▪ Recommendations and conclusions <ul style="list-style-type: none"> <li>- Each delegation will present its recommendations on measures and steps to be taken at the domestic level</li> </ul> </li> <li>▪ Conclusions</li> </ul>
17h30	<b>End of the meeting</b>