



GLACY+

Global Action on Cybercrime Extended
Action globale sur la cybercriminalité élargie

Funded
by the European Union
and the Council of Europe



Implemented
by the Council of Europe

The international legal framework on Cybercrime and Electronic Evidence

The Budapest Convention and the GLACY+ Project

Manuel DE ALMEIDA PEREIRA

Project Manager at the Cybercrime Programme Office
of the Council of Europe (C-PROC) in Bucharest, Romania

manuel.pereira@coe.int

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Use of the Convention as a guideline

- **Use as a checklist**
- **Compare provisions**
- **Use wording**

Provision of Convention	Provision in national law
Art 4 System interference	?
Art 6 Misuse of devices	?
Art 9 Child pornography	?
Art 16 Expedited preservation	?
Art 18 Production order	?



Use of the Convention as a guideline: Substantive Law

Article	Budapest Convention	Laws of the respective countries?
Art. 1	Definitions	
Art. 2	Illegal access	
Art. 3	Illegal interception	
Art. 4	Data interference	
Art. 5	System interference	
Art. 6	Misuse of devices	



Use of the Convention as a guideline: Substantive Law

Article	Budapest Convention	Laws of the respective countries?
Art. 7	Computer-related forgery	
Art. 8	Computer-related fraud	
Art. 9	Child pornography	
Art. 10	IPR offences	
Art. 11	Attempt, aiding, abetting	
Art. 12	Corporate liability	



Use of the Convention as a guideline : Procedural Law

Article	Budapest Convention	Laws of the respective countries?
Art. 15	Conditions and safeguards	
Art. 16	Expedited preservation	
Art. 17	Expedited preservation and partial disclosure of traffic data	
Art. 18	Production order	
Art. 19	Search and seizure	
Art. 20	Real-time collection traffic data	
Art. 21	Interception of content data	
Art. 22	Jurisdiction	



Budapest Convention: The role of the Cybercrime Convention Committee (T-CY)

(Committee of Parties to the Budapest Convention)

Established under Article 46 Budapest Convention

Membership (May 2017):

- **55 Members (State Parties)**
- **13 Observer States**
- **13 organisations (African Union Commission, ECOWAS, Commonwealth Secretariat, ENISA, European Union, Eurojust, Europol, INTERPOL, ITU, OAS, OECD, OSCE, UNODC)**

Functions:

- **Assessments of the implementation of the Convention by the Parties**
- **Guidance Notes**
- **Draft legal instruments**

Two plenaries/year as well as Bureau and working group meetings

- ▶ **An effective follow up mechanism**
- ▶ **The T-CY appears to be the main inter-governmental body on cybercrime matters internationally**



Acceding to the Budapest Convention

Treaty open for accession by any State (article 37)

Phase 1:

- If a country has legislation in place: Letter from Government to CoE expressing interest in accession
- Consultations (CoE/Parties) in view of decision to invite
- Invitation to accede

Phase 2:

- Domestic procedure (e.g. decision by national Parliament)
 - Deposit the instrument of accession at the Council of Europe
- ▶ Acceded: Australia, Chile, Dominican Republic, Mauritius, Panama, Senegal, Tonga
 - ▶ Invited: Argentina, Colombia, Costa Rica, Israel, Mexico, Morocco, Philippines, Nigeria, Cape Verde



Capacity building: Cybercrime Programme Office of the Council of Europe (C-PROC) in Romania

- **Committee of Ministers decision October 2013**
- **Operational as from April 2014**
- **Currently 21 staff**
- **Task: Support to countries worldwide to strengthen criminal justice capacities on cybercrime and electronic evidence**

Current capacity building programmes (Status September 2017)

GLACY+ EU/COE Joint Project on Global Action on Cybercrime Extended

Cybercrime@EAP II EU/COE Eastern Partnership on international cooperation

Cybercrime@EAP III EU/COE Eastern Partnership on public/private cooperation

iPROCEEDS Cooperation on Cybercrime: targeting proceeds from online crime

Cybercrime@Octopus (voluntary contribution funded

CyberSouth

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EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Benefits of joining Budapest

- ✓ **Trusted and efficient cooperation with other Parties**
- ✓ **Participation in the Cybercrime Convention Committee (T-CY)**
- ✓ **Participation in future standard setting (Guidance Notes, Protocols and other additions to Budapest Convention)**
- ✓ **Enhanced trust by private sector**
- ✓ **Technical assistance and capacity building**

“Cost”: Commitment to cooperate

Disadvantages?

GLACY+

Global Action on Cybercrime Extended

GLACY+

EU/COE Joint Project on Global Action on Cybercrime Extended



To strengthen the capacities of States worldwide to apply legislation on cybercrime and electronic evidence and enhance their abilities for effective international cooperation in this area.

GLACY+ is intended **to extend the experience of the GLACY project**, which supports seven priority countries in Africa and the Asia-Pacific region. These **countries may serve as hubs to share their experience within their respective regions**. Moreover, countries of Latin America and the Caribbean may now also benefit from project support.

Duration	48 months (Mar 2016 – Feb 2021)
Budget	EUR 11 million
Funding	European Union (Instrument Contributing to Peace and Stability) and Council of Europe
GLACY+ countries	<ul style="list-style-type: none">• Dom. Republic• Morocco• Sri Lanka• Ghana• Philippines• Tonga• Mauritius• Senegal

CYBERCRIME POLICIES AND STRATEGIES

- To promote consistent cybercrime policies and strategies as stand-alone and as part of broader cybersecurity

POLICE AUTHORITIES AND INVESTIGATIONS

- To strengthen the capacity of police authorities to investigate cybercrime and engage in effective police-to-police cooperation with each other as well as with cybercrime units in Europe and other regions.

CRIMINAL JUSTICE AND INTERNATIONAL COOPERATION

- To enable criminal justice authorities to apply legislation and prosecute and adjudicate cases of cybercrime and electronic evidence and engage in international cooperation.



GLACY+

Partnerships and collaborations

**European Commission
European Union
Delegations**

INTERPOL

GLACY+ Partners

USA (USDoJ and USDoS)
(Singapore, Tonga/PILON)
Europol EC3 (ECTEG, Philippines)
France (Study visit MO)
NCA UK (Ghana)
Estonia and Romania

International/Regional Organizations

ECOWAS	UNODC
PILON	GFCE
GPEN	ECTEG
OAS	



How to take part in GLACY + or to receive technical assistance from CoE

Pre-conditions / Conditions préliminaires

- Legislation on Cybercrime has to be enacted in the country;
- La législation sur la cybercriminalité doit être adopté dans le pays ;

- If not enacted then a request can be done for technical assistance to support in the drafting of the legislation
- Si ce n'est pas le cas, une demande peut être faite pour avoir assistance technique à l'appui de l'élaboration de la législation

Once legislation is enacted or for the purpose of doing a request to support the draft of legislation, a **Letter signed by the respective national authority, should be sent, requesting**

Une fois que la Loi est adoptée, ou pour le but de faire une demande à appuyer le projet de loi, une **lettre signée par l'autorité nationale respective, doit être envoyée, demandant:**

- Technical support for drafting the legislation; or
- Support technique pour l'élaboration de la législation ; ou

- Access to the GLACY+ Project (if legislation is already enacted)
- Accès au projet GLACY+ (si la Loi est déjà adoptée)

Addressed to: Adressée à:

Mr. Alexander SEGER
Executive Secretary Cybercrime Convention Committee (T-CY)
Head of Cybercrime Division
Council of Europe
alexander.seger@coe.int

Copy to:

manuel.pereira@coe.int



Accession to the Budapest Convention Adhésion à la Convention de Budapest

- As a minimum the instrument for accession must include the **competent authorities for extradition** (Article 24), **MLA** (Article 27) and **24/7 POC** (Article 35).
- L'instrument de adhésion doit comprendre, au minimum, **les autorités compétentes d'extradition** (Article 24), Entraide Judiciaire (Article 27) et 24/7 Points de contact (Article 35).
- **Reservations and declarations** can be made according to the domestic legislation.
- Réserves et déclarations peuvent être faites selon la législation nationale.
- For a reference on what other Parties did:
- Pour une référence à ce que les autres Parties ont fait:
http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185/declarations?p_auth=Du8xp12S
- Once the internal procedures have been completed and all the signatures and approvals have been obtained, the accession instrument could be mailed to the Council of Europe or an authorized person (someone coming from the applying Country or the Ambassador in Paris) could go to Strasbourg and hand it over to the Secretary General.
- Une fois que les procédures internes ont été réalisées et toutes les signatures et les approbations ont été obtenues, l'instrument d'adhésion pourrait être envoyé par la poste au Conseil de l'Europe ou une personne autorisée (quelqu'un qui vient du pays appliquant ou l'ambassadeur à Paris) pourrait aller à Strasbourg et le remettre au Secrétaire-Général.

Thank you Merci Obrigado!

Manuel de ALMEIDA PEREIRA

Programme Manager of GLACY+

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

Bucharest, Romania

manuel.pereira@coe.int