Lesson 1.6 The Budapest Convention: An Overview

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| Lesson 1.6 The Budapest Convention: An Overview | | Duration: 45 minutes |
| **Resources Required:**   * PC/Laptop loaded with software versions compatible with the prepared materials * Internet access (if available) * PowerPoint or other presentation * Audio system * Copy of the Budapest Convention | | |
| **Session Aim:**  The aim of this session is to provide the delegates with an overview of the Budapest Convention. The Budapest Convention is the only global treaty on cybercrime and electronic evidence which has 65 parties from all parts of the world. This session provides a high-level overview of the provisions in the Budapest Convention, including the substantive law, procedural law and international cooperation provisions. It explains how the Budapest Convention has all the fundamental elements that are necessary for any cybercrime treaty. It outlines the practical benefits that parties to the Budapest Convention have experienced, including improved domestic laws, enhanced domestic investigations, a legally binding international cooperation mechanism, capacity building program and access to a network for international practitioners. The session also dispels commonly held misconceptions about the Budapest Convention. | | |
| **Objectives:**  By the end of this session delegates will be able to:   * Understand the scope of the Budapest Convention * Learn how many members the Budapest Convention has * Recognise the fundamentals of a cybercrime treaty * Understand the benefits of the Budapest Convention and address common misconceptions about the Budapest Convention | | |
| **Trainer Guidance**  This session is a new addition to the Council of Europe’s introductory judicial training course.  It is recommended that in addition to this lesson plan and the slides, the trainer also study the T-CY report on [**The Budapest Convention on Cybercrime: benefits and impact in practice**](https://rm.coe.int/t-cy-2020-16-bc-benefits-rep-provisional/16809ef6ac), since this is an important part of this session. If there is additional interest in how countries have benefited from the Budapest Convention, the trainer can share any relevant part of the report with the delegates.  Since the main purpose of this session is to provide an overview of the Budapest Convention and address any misconceptions of the delegates about the Budapest Convention and its scope, the trainer may wish to start the session by asking the delegates what they know about the Budapest Convention. This will not only allow the trainer to conduct a pre-test assessment, but also assess at the end of the training whether the delegates have learned anything new about the Budapest Convention.  When introducing section 4 of this module, the trainer should encourage the delegates to engage in a discussion about possible misconceptions they have about the Budapest Convention. This will help ensure that the session remains interactive for the delegates and will also help the trainer assess which ‘myths’ should be addressed more comprehensively. | | |
| **Lesson Content** | | |
| **Slide Numbers** | **Content** | |
| 1 to 4  Mandatory Slides | The opening slides are the introduction to the session and include the agenda and the session aims and objectives. | |
| 5 to 12  Mandatory Slides | These slides provide an insight into the scope and reach of the Budapest Convention.  The first few slides show the “three legs” of the Budapest Convention (i.e. criminalising conduct, procedural tools and international cooperation), which the trainer should mention will be covered in detail in subsequent sessions.  The next set of slides look at the approach of the Council of Europe and various projects that have been initiated since when the Cybercrime Program Office (C-PROC) became operational in 2014. | |
| 13 to 21  Important Slides | These slides cover the fundamentals of a cybercrime treaty. The purpose of these slides to is to convey that the Budapest Convention is the only global cybercrime treaty that has all the fundamentals of a cybercrime treaty.  The first set of slides provide a high-level overview of the international landscape, which includes the UNODC conventions (UNCTOC and UNCAC), the Shanghai Cooperation Organisation (Agreement on Cooperation in the Field of Information Security), The Commonwealth (Computer and Computer-Related Crimes Model Law and The Commonwealth Scheme relating to Mutual Assistance in Criminal Matters within the Commonwealth – Harare Scheme), ITU Models (ICT4PAC/SADC/HIPCAR Model Laws), African Union (Malabo Convention of Cybersecurity & Personal Data Protection) and Arab League (Convention on Combatting Information Technology Offences). The slides then outline whether these instruments are comprehensive for the purposes of combatting cybercrime and electronic evidence. The trainer should run through the animated pie charts. If a slice lights up in yellow, that means the instrument adequately covers that element. If a slice lights up in dotted red, that means the instrument at least partially covers that element. If a slice does not light up, that means the element is not covered. Here it is important that the trainer emphasise that these instruments may bring value and complement the Budapest Convention. | |
| 22 to 32  Mandatory Slides | These slides outline the main benefits of the Budapest Convention. These slides have been based upon the report of the T-CY on the benefits and impacts of the Budapest Convention.  The first slide contains a brief video of the Council of Europe which summarises the key benefits and impacts that have been outlined in the report.  The next set of slides describe how the Budapest Convention has led to the improvement of domestic legislation, enhancement of domestic investigations, facilitation of international cooperation and has led to enhanced capacity building. These slides also highlight the reach of the Budapest Convention, providing information about the total number of states that have ratified the Budapest Convention  The trainer may wish to encourage a discussion among the delegates about how the Budapest Convention has benefited their country, asking the delegates to share specific examples of cases where the Budapest Convention has been used in relation to cybercrime and electronic evidence. | |
| 33 to 70  Mandatory Slides | These slides identify key “myths” or misconceptions about the Budapest s Convention and seek to dispel them. The slides address the myths that the Budapest Convention is regional and Eurocentric, that the Budapest Convention is outdated, that the Budapest Convention was drafted by a limited number of countries, that the Budapest Convention favours infrastructure countries, that the Budapest Convention provides other countries with unrestricted, automatic access to data, the Budapest Convention covers a limited scope of offences, and that the Budapest Convention is only a cybercrime treaty. When introducing section 4 of this module, the trainer should encourage the delegates to engage in a discussion about possible misconceptions they have about the Budapest Convention, as this will help guide the trainer on which specific misconceptions to focus on. | |
| 71 to 72  Important Slides | The trainer should recap the session objectives with the delegates and give them the opportunity to ask any questions relating to the materials covered in this module. | |
| **Practical Exercises**  There are no practical exercises associated with this lesson. | | |
| **Assessment/Knowledge Check**  No knowledge check or assessment has been requested for this session. | | |