**Lesson 1.4 Overview of the Legal Basis of International Cooperation**

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| Lesson 1.4 Overview of the Legal Basis of International Cooperation | | Duration: 90 minutes |
| **Resources Required:**   * PC/Laptop loaded with software versions compatible with the prepared materials * Internet access (if available) * PowerPoint or other presentation software * Copy of the Budapest Convention for participants | | |
| **Session Aim:**  This session aims to provide a refresher on what is a cybercrime and the substantive law and procedural law provisions of the Budapest Convention, different legal frameworks that enable international cooperation, an overview of the Budapest Convention and its international cooperation provisions and an overview of the Second Additional Protocol to the Budapest Convention. | | |
| **Objectives:**  By the end of this session delegates will be able to:   * Refresh concepts regarding cybercrime and electronic evidence and the relevant provisions of the Budapest Convention * Understand the different channels and mechanisms for formal international cooperation * Discuss an overview of the Budapest Convention as a leading tool for cooperation in the area of cybercrime and electronic evidence * Identify similarities across different channels and mechanisms for international cooperation * Discuss an overview of the Second Additional Protocol as a mechanism to enable international cooperation | | |
| **Trainer Guidance**  This session intends to provide foundational information on the Budapest Convention and on international frameworks that enable international cooperation to the participants. The session has been prepared to provide delegates with a comprehensive refresher of the definitions under Chapter I of the Budapest Convention, substantive law provisions outlined in Chapter II Section 1 of the Budapest Convention, and the procedural law provisions outlined in Chapter II Section 2 of the Budapest Convention. This session has been divided into four parts, in addition to an introduction and a conclusion.  Prior to delivery of this session, it is recommended that the trainer review Paragraph 22 – 231 of the [Explanatory Report to the Convention on Cybercrime](https://rm.coe.int/16800cce5b). | | |
| **Lesson Content** | | |
| **Slide Numbers** | **Content** | |
| 1 to 3  Mandatory Slides | The opening slides are the introduction to the session and include the agenda and the session aims and objectives. | |
| 4 to 7  Mandatory Slides | These slides provide a refresher on what constitutes a cybercrime. The key message that the trainer is required to convey through these slides is that not everything is a cybercrime. The trainer may take examples on various traditional crimes (for instance, murder, theft, etc) and ask the participants whether the mere involvement of a computer system or computer data in the commission of an offence would make it into a cybercrime. | |
| 8 to 16  Mandatory Slides | These slides provide a refresher on the definitions in Article 1 of the Budapest Convention (computer system, computer data, service provider and traffic data). This part also contains two poll questions, which the trainer can use to assess the knowledge level of the participants. | |
| 17 to 86  Mandatory Slides | These slides provide a refresher on the substantive law provisions from Article 2 till Article 12 of the Budapest Convention (illegal access, illegal interception, data interference, system interference, misuse of devices, computer-related forgery, computer-related fraud, child pornography, offences related to the infringement of copyright and related rights, attempt and aiding or abetting, corporate liability). This part also contains several poll questions, which the trainer can use to assess the knowledge level of the participants.  The first set of slides provides a summary of the main elements of substantive law provisions. The remaining slides have been divided into two columns. The column on the left-hand side replicates the text of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of the substantive law provisions. However, if the trainer feels the participants have sufficient knowledge about these provisions of the Budapest Convention, the summary slides at the beginning of each article may be covered instead of the detailed slides with elements. | |
| 87 to 152  Mandatory Slides | These slides provide a refresher on the procedural law provisions from Article 14 till Article 21 of the Budapest Convention (scope of procedural provisions, conditions and safeguards, expedited preservation of computer data, expedited preservation and partial disclosure of traffic data, production order, search and seizure of stored computer data, real-time collection of traffic data and interception of content data). This part also contains several poll questions, which the trainer can use to assess the knowledge level of the participants.  The first set of slides provides a summary of the main elements of procedural law provisions. The remaining slides have been divided into two columns. The column on the left-hand side replicates the text of the Budapest Convention with a specific element highlighted, while the column on the right-hand side provides an explanation of the highlighted element. The trainer is expected to go through each element, to provide the delegates with a comprehensive understanding of the procedural law provisions. However, if the trainer feels the participants have sufficient knowledge about these provisions of the Budapest Convention, the summary slides at the beginning of each article may be covered instead of the detailed slides with elements.  The trainer should constantly remind the participants that it is essential to understand the procedural law provisions for the purposes of this course since these are used to implement measures that need to be undertaken pursuant to mutual assistance requests. | |
| 153 to 166  Mandatory Slides | These slides provide an overview of the international landscape with respect to formal international cooperation. It covers the UNODC Conventions (UNTOC and UNCAC), the Council of Europe Conventions (Budapest Convention and Council of Europe Convention on Mutual Assistance in Criminal Matters) before looking at other regional instruments. This part ends with a poll question. | |
| 167 to 175  Mandatory Slides | These slides provide an insight into the scope and reach of the Budapest Convention. These slides show the “three legs” of the Budapest Convention (i.e. criminalising conduct, procedural tools and international cooperation). The trainer can explain that the first two legs were covered in the previous part of this session, while the most relevant leg for this course, international cooperation, will be covered on the next day. This part concludes with a slide summarizing the international cooperation provisions of the Budapest Convention. | |
| 176 to 184  Mandatory Slides | These slides provide an overview of the Second Additional Protocol to the Budapest Convention. They include a brief historical context to the Protocol, about the Transborder Working Group and the Cloud Evidence Group before elaborating the work of the Protocol Drafting Group. While this is supposed to provide participants with an indication of the scope of the Second Additional Protocol, it will be important to update these slides prior to each delivery to ensure that the work-in-progress condition of the Second Additional Protocol is accurately reflected. This part ends with a simple poll question. | |
| 185 – 187  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. | | |