**Lesson 2.1 Mechanisms under the Budapest Convention to Facilitate International Cooperation (online version)**

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| Lesson 2.1 Mechanisms under the Budapest Convention to Facilitate International Cooperation (online version) | | Duration: 120 minutes |
| **Resources Required:**   * PC/Laptop loaded with software versions compatible with the prepared materials * Internet access * PowerPoint or other presentation software * Video conferencing software * Copy of the Budapest Convention for participants | | |
| **Session Aim:**  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.  The aim of this session is also to provide the participants with a comprehensive understanding of the elements of the international cooperation and mutual assistance provisions of the Budapest Convention and the provisions being considered for the Additional Protocol. The session covers, in detail, each element of Article 23 (general principles related to international cooperation), Article 24 (extradition), Article 25 (general principles related to mutual assistance), Article 26 (spontaneous information, Article 27 (mutual assistance procedures in the absence of applicable arrangements), Article 28 (confidentiality and limitation of use), Article 29 (expedited preservation of stored computer data), Article 30 (partial disclosure of preserved traffic data), Article 31 (mutual assistance regarding accessing of stored computer data), Article 32 (transborder access to stored computer data with consent or where publicly available), Article 33 (mutual assistance regarding the real-time collection of traffic data), Article 34 (mutual assistance regarding the interception of content data) and Article 35 (24/7 Networks) of the Budapest Convention.  It will also look in detail at the templates for cooperation and current proposals under discussion in regards the Second Additional Protocol to the Budapest Convention. | | |
| **Objectives:**  By the end of this session delegates will be able to:   * Understanding substantive and procedural law provisions of the Budapest Convention * Reviewing the general provisions of international cooperation and mutual assistance under the Budapest Convention * Reviewing the specific provisions of international cooperation and mutual assistance under the Budapest Convention * Understanding how to use different mechanisms under the Budapest Convention to seek cooperation * Introduction to templates for international cooperation requests * Discussing provisions of Second Additional Protocol to the Budapest Convention | | |
| **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 240 – 302 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. | |
| 5 to 14  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. | |
| 15 to 36  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 slides provide a summary of the main elements of substantive law provisions. 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 could be covered instead of the detailed explanation of elements. | |
| 37 to 53  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.  This set of slides provides a summary of the main elements of procedural law provisions. 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 could be covered instead of the detailed explanation of 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. | |
| 54 to 67  Mandatory Slides | These slides provide a detailed overview of the general international cooperation and mutual assistance provisions of the Budapest Convention from Article 23 – 28. This covers each element of Article 23 (general principles related to international cooperation), Article 24 (extradition), Article 25 (general principles related to mutual assistance), Article 26 (spontaneous information, Article 27 (mutual assistance procedures in the absence of applicable arrangements), Article 28 (confidentiality and limitation of use). The 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 these general provisions. This part includes several poll questions.  This is essentially the central and most important part of the course in terms of practical takeaways, so all of the possible questions must be exhausted before moving on. | |
| 68 to 81  Mandatory Slides | These slides provide a detailed overview of the special international cooperation and mutual assistance provisions of the Budapest Convention from Article 29 – 35. This covers each element of Article 29 (expedited preservation of stored computer data), Article 30 (partial disclosure of preserved traffic data), Article 31 (mutual assistance regarding accessing of stored computer data), Article 32 (transborder access to stored computer data with consent or where publicly available), Article 33 (mutual assistance regarding the real-time collection of traffic data), Article 34 (mutual assistance regarding the interception of content data) and Article 35 (24/7 Networks). The 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 these special provisions. This part includes several poll questions.  This is essentially the central and most important part of the course in terms of practical takeaways, so all of the possible questions must be exhausted before moving on. | |
| 82 to 95  Mandatory Slides | These set of slides provide some examples of different mutual assistance request forms created by certain jurisdictions such as Hong Kong and the United Kingdom. These slides also go through the Council of Europe templates for requesting mutual assistance in accordance with Article 29/30 and Article 31 of the Budapest Convention. The purpose is to provide the participants with a practical understanding of how the Budapest Convention provisions are implemented when a party makes a request. The trainer can give examples of the kind of information that would be filled into each part of the Council of Europe template.  Proper use of templates is essential for practical exercise at the end of the course, thus all of the possible questions must be exhausted before moving on. | |
| 96 to 103  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. | |
| 104 to 106  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. | | |