**Lesson Plan**

Lessons 1.2.4 (National Legislation)

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| Lesson 1.2.4 (National Legislation) | | Duration: 120 minutes |
| **Resources Required:**   * PC/Laptop loaded with software versions compatible with the prepared materials * Projector and display screen. * Internet access (if available). * Student notepaper and pens. | | |
| **Session Aim:**  The objective of this session is to provide all the necessary information and background to judges and prosecutors to enable them to effectively use the procedural provisions in the local legislation to prosecute and adjudicate cases of cybercrime. | | |
| **Objectives:**  By the end of the session the participants will be able to identify and explain :   * List the substantive criminal law provisions, and identify some of the key factors used to describe the crimes, based on the existing national law. * Explain the importance of conditions and safeguards under the national law * Explain the existing procedural provisions under the national law * Analyse the needs and the advantages of the harmonisation between national legislation and the international instruments, in particular the Convention of Budapest. | | |
| **Trainer Guidance**  This session has to be completed by the national trainer and it has to cover the current legislative framework covering matters related to cybercrime and electronic evidence. It is suggested that the session be divided into two parts, in addition to an introduction and a conclusion. The first part of the session could deal with substantive offences, i.e. those offences that are criminalized under the national legislation. The second part of the session covers procedural powers under domestic legislation. | | |
| **Lesson Content** | | |
| **Slide Numbers** | **Content** | |
| 1 to 4 | The first slides lay out the structure and objectives of this session. Delegates will be given an opportunity to ask any preliminary questions that they may have regarding the structure and objectives of the session. | |
| 5 to 16 | This section covers the substantive offences provisions under National Legislation. It is suggested that the trainer addresses the relevant offences following the approach given in the Budapest Convention, i.e. according to the following list:  a. Illegal access  b. Illegal interception  c. Data interference  d. System interference  e. Misuse of devices  f. Computer-related forgery  g. Computer-related fraud  h. Offences related to child pornography  i. Offences related to infringements of copyright and related rights  Delegates must be taken through the important elements of these substantive law provisions. The trainer may consider highlighting key elements of the provisions of domestic law to enable more effective delivery of these slides. The trainer may opt to adopt a different categorization of offences, but it is important that each offence be explained in sufficient detail. | |
| 17 to 27 | This section covers the procedural powers provided under the National Legislation. It is suggested that the trainer addresses the relevant provisions following the approach given in the Budapest Convention, i.e. according to the following list:  a. The scope of the procedural rules  b. Expedited preservation and disclosure of computer data  c. Production orders  d. Search and seizure  e. Real-time Collection of Traffic Data  f. Interception of content data  g. Conditions and safeguards.  Delegates must be taken through the important elements of these procedural law provisions. The trainer may consider highlighting key elements of the provisions of domestic law to enable more effective delivery of these slides. The trainer may opt to adopt a different categorization of procedural powers, but it is important that each of them be explained in sufficient detail. | |
| 28 to 30 | 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**  No practical exercises are envisaged in this lesson. | | |
| **Assessment/Knowledge Check**  No formal assessment has been prepared for this session. The trainer is encouraged to check knowledge and understanding by asking relevant questions throughout the session. The trainer should also use the case studies to gauge whether the objectives of the session were met. | | |