



IAP

International Association of Prosecutors



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Second Additional Protocol to the Budapest Convention on Cybercrime – practical implications for prosecutors

A series of webinars jointly organised by
the Council of Europe and
the International Association of Prosecutors

May - November 2024, online

Outline

Background and justification

Cybercrime is a threat to human rights, democracy and the rule of law. Criminal justice authorities are confronted with a continuous increase in the scale and quantity of cybercrime and other offences involving electronic evidence, with associated technical challenges, with issues related to cloud computing and jurisdiction, including links to organised crime, and with challenges facing the system of mutual legal assistance. The COVID-19 pandemic is accompanied by further proliferation of cybercrime.

This underlines the need for effective criminal justice action, making use of frameworks such as the [Budapest Convention on Cybercrime](#) and additional solutions, including those being developed for the [2nd Additional Protocol](#) to permit instant cooperation in urgent and emergency situations subject to human rights and rule of law safeguards.

The aim of the Protocol is to enhance cooperation on cybercrime and electronic evidence in specific criminal investigations and proceedings through:

- Tools for more efficient mutual assistance;
- Provisions for direct cooperation with private sector entities (with service providers for subscriber information and with registrars for domain name registration information) in other Parties;
- Expedited cooperation in emergency situations;
- Joint investigation teams and joint investigations on cybercrime and electronic evidence;
- Data protection safeguards ensuring that personal data received under this Protocol will be protected.

The provisions of the 2nd Additional Protocol will offer much added value, from both operational and policy perspectives shaping international criminal justice action on cybercrime and electronic evidence for many years to come. Adoption of the Protocol will keep the Convention on Cybercrime highly relevant and effective, standing for a vision of a free Internet, where restrictions are narrowly defined to counter misuse, and where only specific criminal offences are investigated and prosecuted.

The [International Association of Prosecutors](#), and the [GLACY+](#) and [Octopus projects](#) of the Council of Europe successfully co-organized a series of five thematic webinars to exchange views and share experiences on the existing and new forms of cooperation for effective access to electronic evidence, as well as legal tools proposed by the 2nd Additional Protocol to the Budapest Convention.

Based on the outcomes of this series, [International Association of Prosecutors](#), and the [GLACY-e](#) and [Octopus projects](#) of the Council of Europe will continue to provide a dialogue platform for prosecutors on the possible practical implementation of the Second Additional Protocol. This will be done in the form of a new series of webinars, focusing on the implications for prosecutors on three main themes:

- Direct cooperation with providers and entities in other Parties;
- Judicial international cooperation tools ;
- Co-operation in absence of applicable international agreements.

The series is carried out under *Objective 3 Result 3.3.5* of the GLACY-e Project (Organise regional meetings to share experience and provide advice to neighbouring countries), and *Objective 1 Result 1.1.2* of the OCTOPUS Project.

The expected calendar of implementation:

Month	Topic
30 May 2024	Direct cooperation with providers and entities in other Parties
September 2024, dates TBC	Judicial international cooperation tools
November 2024, dates TBC	Co-operation in absence of applicable international agreements

Expected outcomes

It is expected that the webinars will identify:

- Implementation options and challenges of the provisions of the Second Additional Protocol;
- further capacity building needs in view of supporting criminal justice authorities in the use and implementation of the Protocol.

A list of the outcomes will be included in a report at the end of the third webinar.

Participants

The event is open for participation for criminal justice authorities and members of the International Association of Prosecutors.

Administrative arrangements

The webinars will take place online via Zoom platform. The webinar will be held in English, the discussion will be recorded.

Contacts

At the Council of Europe:

Catalina STROE
Project Manager
GLACY-e project
Cybercrime Programme Office of the
Council of Europe (C-PROC)
Bucharest, ROMANIA
Catalina.STROE@coe.int

Nina LICHTNER
Project Manager
OCTOPUS Project
Cybercrime Programme Office of the
Council of Europe (C-PROC)
Strasbourg, FRANCE
Nina.LICHTNER@coe.int

At the International Association of Prosecutors:

Shenaz Muzaffer
General Counsel
International Association of
Prosecutors
The Hague, The Netherlands
Email: gc@iap-association.org

Draft Agenda

30 May 2024

TIME (CET)	Direct cooperation with providers and entities in other Parties – implementing the Second Additional Protocol to the Convention on Cybercrime
15h00	Introductory remarks <ul style="list-style-type: none">- International Association of Prosecutors- Council of Europe
15h15	Request for domain name registration information: Article 6 <p><i>Panel discussion on possible implementation mechanisms: understanding the challenges and exploring potential approaches and strategies for implementing Article 6 of the 2nd Additional Protocol in the national contexts, including capacity building needs</i></p> <p><i>Q&A and open discussions with participants</i></p>
15h50	Disclosure of subscriber information: Articles 7 and 8 <p><i>Panel discussion on possible implementation mechanisms: understanding the challenges and exploring potential approaches and strategies for implementing Article 7 of the 2nd Additional Protocol in the national contexts, including capacity building needs. Article 8 will be considered in conjunction, given it outlines a more streamlined than MLA mechanism for one Party to request another to compel a service provider within its jurisdiction to disclose subscriber information or traffic data.</i></p> <p><i>Q&A and open discussions with participants</i></p>
16h45	Key take aways and concluding remarks <ul style="list-style-type: none">- Moderator- International Association of Prosecutors- Council of Europe
17h00	End of the webinar