



Second Additional Protocol on enhanced cooperation and disclosure of electronic evidence

**A series of multistakeholders webinars and roundtables
in Latin American countries organised under
Octopus Project and GLACY+ of the Council of Europe**

October 2021 – February 2022

[DRAFT] 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.

Investigators are limited to their own territory and traditional ways to obtain evidence from other jurisdictions are often not effective. This means that only a fraction of criminals are caught and that victims rarely obtain justice.

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 Second Additional Protocol to permit instant cooperation in urgent and emergency situations subject to human rights and rule of law safeguards.

The aim of the Second Additional Protocol is to enhance cooperation on cybercrime and electronic evidence in specific criminal investigations and proceedings, whilst ensuring that every action is subject to a strong system of human rights and rule of law safeguards, especially when it comes to protecting personal data.

It is expected that the new Protocol will be adopted in November 2021 and opened for signature in March 2022.

In that context, the [Octopus project](#) of the Council of Europe in cooperation with the Joint EU/CoE [GLACY+ project](#) are organising a series of multistakeholder webinars / roundtables in the Latin America region with the aim to raise awareness about the benefits of the Second Additional Protocol, and explain its provisions to civil society, data protection experts amongst other stakeholders. This is envisaged to support acceptance of the Protocol in the region and will facilitate internal accession procedures in respective countries with a view of using the toolkit offered by the Second Additional protocol to the Budapest Convention once it is adopted and opened for signature.

The multistakeholder roundtables will be organised in October 2021, November 2021 and January 2022, February 2022 (dates TBC).

Objective

The purpose of this series of events is to bring together different stakeholders from the Latin American countries and introduce to them the provisions and tools offered by the Second Additional Protocol to the Budapest Convention.

Moreover, the benefit of the new tools to be introduced by the Protocol will be explained, as well as how this mechanism can be applied for effective access to electronic evidence and protection of victims.

Expected outcome

The series of webinars is expected to:

- Create awareness among the participants over current challenges in cross border investigations and the triggers and necessity of introducing the new tools and procedures under the Second Additional Protocol;
- enable various stakeholders in the Latin American countries to be acquainted with the provisions and tools offered by the Second Additional Protocol to the Budapest Convention on Cybercrime and the impact that the Protocol is expected to have in terms of international cooperation on cybercrime and electronic evidence;
- discuss possible ways and facilitate future harmonising of the domestic legislation with the new tools for an enhanced cooperation on cybercrime and electronic evidence.

Participants

The series is addressing participants from criminal justice authorities, legislators, authorities of the executive power with functions related to international cooperation in criminal matters, civil society, data protection experts amongst other stakeholders in the LATAM countries invited to take part in these activities:

Webinar 1: Argentina, Brazil, Chile, Paraguay, Uruguay

Webinar 2: Colombia, Ecuador, Mexico, Peru

Webinar 3: Costa Rica, El Salvador, Dominican Republic, Guatemala, Panama

The roundtable envisaged to take place in the end of the series is addressed to selected participants among the representatives of the different countries of the region that participated

in the roundtable expressing interest in acquiring more in-depth knowledge of the tools of the Second Additional Protocol

Participants will be representatives of the criminal justice authorities (prosecutors, judges, law enforcement); legislators, authorities of the executive power with functions related to international cooperation in criminal matters, the prosecution of cybercrime; agencies responsible for the protection of personal data; NGOs involved in the protection of personal data and the assistance to victims of cybercrime; industry.

Administrative arrangements

Due to the COVID-19 pandemic and restrictions to travels and physical meetings, the event will take place online via video-conferencing platform. The roundtables will be held in English. Spanish interpretation will be available and the discussions of the webinars will be recorded. Prior registration to the webinars is required.

[TBC] CALENDAR OF ACTIVITIES

Date	Time	Activity
28 October 2021	09:00 UTC-3	1 st Webinar: Introduction of the Second Additional Protocol to the Budapest Convention on enhanced cooperation and disclosure of electronic evidence Participant countries: Argentina, Brazil, Chile, Paraguay, Uruguay
26 November 2021 (date TBC)	09:00 UTC-5	2 nd Webinar: Introduction of the Second Additional Protocol to the Budapest Convention on enhanced cooperation and disclosure of electronic evidence Participant countries: Colombia, Ecuador, Mexico, Peru
January 2022 (date TBC)	09:00 UTC-6	3 rd Webinar: Introduction of the Second Additional Protocol to the Budapest Convention on enhanced cooperation and disclosure of electronic evidence Participant countries: Costa Rica, Dominican Republic, El Salvador, Guatemala, Panama
February 2022 (date TBC)	09:00 UTC-6	Final Roundtable: In depth discussions on the tools of the Second Additional Protocol Interested representatives of the participant countries of Webinars 1, 2, and 3

Agenda of the First Webinar

28 October 2021 / Argentina, Brazil, Chile, Paraguay, Uruguay

TIME (UTC-3)	Introduction of the Second Additional Protocol to the Convention on Cybercrime
09h00	<p>Introductory remarks and goals of the webinar</p> <ul style="list-style-type: none"> • Alexander SEGER, Head of the Cybercrime Division of the Council of Europe and Executive Secretary of the Cybercrime Convention Committee (T-CY) • Dr. Marcos SALT, Senior Legal Adviser, actively involved in negotiation of the Second Additional Protocol to the Budapest Convention
09h20	<p>Cross-border access to data in criminal investigations as a challenge to the current criminal justice system</p> <ul style="list-style-type: none"> • Representative of the Protocol Drafting Group involved in negotiation of the Second Additional Protocol (TBC) <p>Rationale and the process of negotiation of the Second Additional Protocol</p> <ul style="list-style-type: none"> • Representative of the Protocol Drafting Group involved in negotiation of the Second Additional Protocol (TBC) <p>Q&A session [10 min]</p>
10h00	<p>Procedures enhancing direct cooperation with providers and domain name registration entities in other Parties</p> <ul style="list-style-type: none"> • Representative of the Protocol Drafting Group involved in negotiation of the Second Additional Protocol (TBC) <p>Obtaining subscriber information and traffic data through accelerated production orders as a mechanism to improve international cooperation</p> <ul style="list-style-type: none"> • Representative of the Protocol Drafting Group involved in negotiation of the Second Additional Protocol (TBC) <p>Q&A session [20 min]</p>
11h00	<p>Health break</p>
11h15	<p>New forms of cooperation: Assistance in emergency situations</p> <p>New Procedures: videoconferencing, joint investigation teams</p> <ul style="list-style-type: none"> • Representative of the Protocol Drafting Group involved in negotiation of the Second Additional Protocol (TBC) <p>Q&A session [20 min]</p>

12h15	<p>General data protection principles in the Second Additional Protocol</p> <ul style="list-style-type: none"> • <i>Representative involved in negotiation of the Second Additional Protocol (TBC)</i> <p>Q&A session [20 min]</p>
12h45	<p>Concluding remarks</p> <ul style="list-style-type: none"> • <i>Council of Europe</i>
13:00	End of the meeting

Contacts

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