



**GLACY+**

**Global action on Cybercrime Extended  
Action Globale sur la Cybercriminalité Elargie**



Version 08 September 2017

# Harmonization of legislation on Cybercrime and Electronic Evidence with rule of law and human rights safeguards

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**Joint ECOWAS-Council of Europe regional conference  
with the participation of ECOWAS Member States  
11-13 September 2017, Abuja, Nigeria  
Supported by the GLACY+ project (activity 3.2.3)**

## Outline

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### Background and justification

As societies rely increasingly on the use of information technology, cybercrime and electronic evidence become challenges for criminal justice authorities and to the rule of law. While offences involving computers are evolving rapidly both in number and in sophistication, effective countermeasures and aligning legislation, strategies and policies in a consistent and harmonized manner are not keeping pace. This is also true for ECOWAS Member States.

In October 2016, the ECOWAS Commission and the Council of Europe – through an exchange of letters – agreed to assist ECOWAS member States in the strengthening of their domestic legislation on the basis of the “Budapest Convention on Cybercrime” and “Data Protection Convention 108” of the Council of Europe and “ECOWAS Directive C/DIR. 1/08/11 on Fighting Cyber Crime within ECOWAS” and related texts, namely “Supplementary Act A/SA.1/01/10 on Personal Data Protection within ECOWAS” and “Supplementary Act A/SA.2/01/10 on Electronic Transactions within ECOWAS” and also in the preparation of cybercrime policies and strategies.

The previous GLACY project showed a continuous need in enabling States to have adequate and efficient legislation on Cybercrime and Electronic evidence in a way to allow proper prosecution and adjudication of cases in this matter. This will provide criminal justice authorities with a clear understanding of their performance regarding cybercrime and electronic evidence and, by using the Budapest Convention as a guideline, it will serve as a framework of reference and provision

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Funded  
by the European Union  
and the Council of Europe



EUROPEAN UNION

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Implemented  
by the Council of Europe

for substantive criminal law issues (conduct that constitutes a criminal offence) and procedural law issues (measures for more effective investigations of any offence committed by means of a computer system or evidence of which is in electronic form).

In order to establish a harmonised legal framework to regulate electronic transactions within the Member States, ECOWAS developed two Supplementary Acts on e-transactions A/SA.2/01/10 and on personal data protection A/SA.1/01/10, as well as the Directive C/DIR/1/08/11 of 19 August 2011 on fighting cybercrime. The majority of the Member States have taken steps towards the implementation of these community Acts.

Also, to enhance Cybersecurity in the ECOWAS Region, the ECOWAS Commission is implementing its ECOWAS Cybersecurity Agenda that aims at supporting Member States in strengthening their cybersecurity capabilities to better respond to cyber threats to ensure enhanced protection of their national infrastructure, including the critical information infrastructure, thereby making the Internet safer and protecting Internet users, to serve national priorities and maximise socio-economic benefits of the internet.

The Council of Europe will support this Conference through the Global Action on Cybercrime Extended (GLACY+) a joint project of the Council of Europe and the European Union.

In order to provide for effective discussions, the Council of Europe and the ECOWAS Commission circulated a questionnaire requesting ECOWAS Member States to provide information on the status of their domestic legislation on cybercrime and e-evidence.

This will allow for a draft study that should serve as basis for discussion during the Conference.

## **Expected outcome**

By the end of this three-day conference it is expected that:

1. ECOWAS Member States have provided information on the status of their legislation on Cybercrime and Electronic Evidence vis-à-vis the Budapest Convention. This will be documented in a final comparative study;
2. ECOWAS Member States have the necessary guidance and skills to harmonize their domestic legislation on cybercrime and electronic evidence in line with the Budapest Convention and ECOWAS standards;
3. ECOWAS Member States have provided information on the status of their Cybercrime/cybersecurity national strategies and policies, and are provided with guidelines on how to elaborate a national strategy on cybercrime and cybersecurity;
4. ECOWAS Member States exchanged experiences and best practices in investigating, prosecuting and adjudicating cases on Cybercrime and created links for international judicial cooperation in cybercrime matters.
5. Council of Europe and ECOWAS Commission will present the results of the desk study carried out in the aftermath of the collection of all comparative tables.
6. All ECOWAS Member States have garnered adequate skills to domesticate further legislations on cybercrime.

## Participants

Each ECOWAS member State should nominate 3 participants who should be Officials involved in the elaboration and reform of legislation, such as Law Reform advisers, other advisers to relevant Ministries, Parliamentarians, Data Protection Officers, representatives of the Prosecution and Judicature as well as the Law BAR associations and any other officials considered relevant to the scope of the conference.

Both ECOWAS and the Council of Europe will provide international experts to moderate and to share their expertise in the sector.

## Location

The workshop will take place at the BON Hotel Grand Pela in Durumi, Abuja, Nigeria (<https://www.bonhotels.com/grandpela>).

## Programme

Monday, 11 September 2017	
09h00	<p><b>Opening</b></p> <ul style="list-style-type: none"> <li>- Manuel ALMEIDA PEREIRA, Project Manager of GLACY+, Council of Europe, Bucharest, (RO)</li> <li>- Richard YOUNG, Deputy Head of the European Union Delegation to Abuja (NG)</li> <li>- Moctar YEDALY, Head of Information Society Division, African Union Commission, Addis-Ababa (ET)</li> <li>- Isaias BARRETO DA ROSA, Commissioner for Telecommunications and IT, ECOWAS Commission, Abuja (NG)</li> </ul>
09h30	<p><b>Tour de table</b></p> <p>All delegations should introduce themselves and to inform on the expectations of this conference as well as on major threats each country is facing in what concerns cybercrime and electronic evidence (<b>5 minutes each</b>)</p>
10h45	<b>Press conference</b>
10h45	Coffee break
11h15	<p><b>SESSION Nr 1: The state of cybercrime legislation in the ECOWAS region</b></p> <p>Presentation of the conclusions of the draft desk study on the status of legislation on Cybercrime and Electronic Evidence in ECOWAS Member States</p> <p>Speaker: Ms Yuliya MORENETS, Expert on Cybercrime and Cybersecurity, International Consultant for the Council of Europe, Kiev (UA)</p> <p>Discussion: (<b>10 minutes</b>)</p>
12h00	<p><b>SESSION Nr 2: International guidelines for legislation on cybercrime and electronic evidence</b></p> <ul style="list-style-type: none"> <li>- Budapest Convention;</li> <li>- ECOWAS Directive and related texts;</li> </ul> <p>Speakers: Adel JOMNI, Research Professor at the University of Montpellier, expert in Cybercrime and International Consultant for the Council of Europe, Montpellier (FR) ECOWAS expert</p>

	Discussion: <b>(10 minutes)</b>
13h00	Lunch break
14h30	<p><b>SESSION Nr 3: International cooperation on cybercrime and e-evidence under the Budapest Convention</b></p> <p>Speakers: Papa ASSANE TOURÉ, Magistrate and Deputy Secretary General of the Government, Dakar (SN)</p> <p>Adel JOMNI, Council of Europe</p> <p>Discussion: <b>(10 minutes)</b></p>
15h15	<p><b>SESSION Nr 4: International Law Enforcement Cooperation on Cybercrime investigations: the role of INTERPOL</b></p> <p>Speaker: Olusola OGUNTUNDE, Digital Crime Officer, INTERPOL Global Complex for Innovation, Singapore (SG)</p> <p>Discussion: <b>(10 minutes)</b></p>
16h00	Coffee break
16h15	<p><b>SESSION Nr 5: Mutual Assistance Requests: Procedures for requesting electronic evidence from international partners</b></p> <p>Speaker: Zahid Jamil, Barrister specialized in Cybercrime and International Consultant for the Council of Europe, Islamabad (PK)</p> <p>Discussion: <b>(10 minutes)</b></p>
16h50	<p><b>SESSION Nr 6: Cooperation with the Private Sector in the fight against cybercrime</b></p> <p>Speaker: George-Maria TYENDEZWA, Head, Cybercrime Prosecution Unit of Nigeria, Abuja (NG)</p> <p>Discussion: <b>(5 minutes)</b></p>
17h30	End of day 1
<b>20h00</b>	<b>Social dinner at the Hotel (all participants to attend)</b>
<b>Tuesday, 12 September 2017</b>	
09h00	<p><b>SESSION Nr 7: Legislation on cybercrime: Substantive criminal law</b></p> <p>In this session, participants are invited to discuss cybercrime offences in their domestic law against Articles 2 to 10 of the Budapest Convention.</p> <p>Speaker: Zahid JAMIL, Council of Europe</p> <p>Discussion: <b>(Throughout the session )</b></p>
10h30	Coffee break
11h00	<p><b>SESSION Nr 8: Legislation on cybercrime and e-evidence: procedural law</b></p> <p>In this session, participants are invited to discuss procedural law powers in their domestic law against Articles 16 to 21 of the Budapest Convention.</p> <p>Speaker: Zahid JAMIL, Council of Europe</p>

	Discussion: ( <b>Throughout the session</b> )
13h00	Lunch break
14h30	<p><b>SESSION Nr 9: Rule of law safeguards limiting investigative powers</b></p> <p>In this session, participants are invited to discuss the rule of law conditions and safeguards needed to limit law enforcement powers in line with Article 15 Budapest Convention.</p> <p>Moderator: Adel JOMNI, Council of Europe Speaker: Papa ASSANE TOURÉ, Senegal</p> <p>Discussion: (<b>Throughout the session</b>)</p>
16h00	Coffee break
16h15	<p><b>SESSION Nr 10: Guidelines to draft a Cybercrime and Cybersecurity Strategy: Good practice from Senegal and Niger</b></p> <p>Speakers: Adel JOMNI, Council of Europe Papa ASSANE TOURÉ, Senegal Adamou IRO, Expert in ICT infrastructure and Nigerien legislation, Niamey (NE)</p> <p><b>Discussion not foreseen</b></p>
17h30	End of day 2
<b>Wednesday, 13 September 2017</b>	
09h00	<p><b>SESSION Nr 11: Harmonization of legislation: Good practices</b></p> <p>Moderators: Zahid JAMIL, Council of Europe Adel JOMNI, Council of Europe Adamou IRO, Niger Yuliya MORENETS, Council of Europe</p> <p><b>General discussion among all participants</b></p>
10h30	Coffee break
11h00	<p><b>SESSION Nr 12: Wrap-up and results; way forward</b></p> <p>Moderator: ECOWAS</p> <p>All delegations should present their conclusions from the conference and express what their respective countries expect in the near future from the CoE and from ECOWAS for the purpose of aligning/drafting their legislation in full compliance with international standards.</p>
12h30	<p><b>Closing session</b></p> <ul style="list-style-type: none"> <li>• Manuel ALMEIDA PEREIRA, Council of Europe;</li> <li>• Moctar YEDALY, African Union Commission;</li> <li>• Isaias BARRETO DA ROSA, ECOWAS Commission;</li> </ul>
13h00	Lunch break and end of Conference

## Contacts

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