Argentina: Law enforcement and investigations

Expert Group to Conduct a Comprehensive Study on Cybercrime
Vienna, 27–29 March 2019
1. Background & timeline

- Argentina: Federal country – 25 different judicial systems: 1 Federal + 24 provincial systems

- 2008: Criminal code amendment: Cybercrime Law (Law 26.388)
  - Closely follows Budapest Convention Framework

- 2016: Special Investigative Techniques
  - New tools for Law enforcement and Criminal investigations

- 2018: Argentina joins Budapest Convention (Law 27.411)

2. Challenges for Law enforcement and Investigations

- Argentina’s legislation needs to incorporate new tools and legislation to improve the response of its judicial system for a more efficient prosecution of cybercrime and processing of e-evidence.

- National Cyber-crime Program – Ministry of Justice and Human Rights
  - Capacity building for Judges and Prosecutors
  - Capacity building for Law enforcement officers
  - Specialized Prosecution Offices
  - Legislative reform
  - International Cooperation
  - Public – Private cooperation

- 2020-2021: Amendment to Federal Criminal Procedure Code
3. New tools for Law enforcement and investigations

- Efforts to update Federal and Local Legislation
  - Data preservation order
  - Presentation order
  - Search and Seizure of electronic data
  - Trans-border access
  - Real time traffic and content interception order

- Efforts to strengthen Federal and Local investigations
4. Future challenges

- Evolving criminal landscape, new technologies vs. need to include safeguards to protect constitutional rights

- Undercover agent
- Remote forensics
5. Conclusion

- Budapest Convention provides a clear framework to address these issues
  - Work on the 2\textsuperscript{nd} Additional Protocol will provide law enforcement and the judicial system with updated tools to meet the constant challenges that the permanent advance of technology pose
  - Provides framework for international cooperation
  - Enhances investigations by implementing expedited cooperation in emergency situations
  - High standard for privacy and human rights protection and implementation of safeguards

- Strong need for more capacity building, sharing information and good practices

- The work being done by the UNIEG is beneficial to help address these issues.