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**Expert Group to Conduct a
Comprehensive Study on
Cybercrime**

Vienna, 10-13 April 2017

**Capacity-building on cybercrime and e-evidence.
The experience of EU/Council of Europe joint
projects 2013-2017****Non-paper submitted by the European Union *****I. Rationale**

1. The **United Nations Congress on Crime Prevention and Criminal Justice** (Salvador, Brazil, April 2010) underlined the need for technical assistance aimed at strengthening the capacities of States to counter the threat of cybercrime. The 2nd meeting of the United Nations Intergovernmental Expert Group on Cybercrime (February 2013) confirmed “broad support to capacity-building and technical assistance”.
2. This broad international agreement added immediate impetus to the policies and programmes of organizations such as the European Union and the Council of Europe. For example:
 - The **Cybersecurity Strategy of the European Union** of February 2013 calls for global capacity-building to prevent and counter cyber threats, including cybercrime and cyber terrorism
 - The Council of Europe decided in October 2013 to establish a dedicated **Cybercrime Programme Office (C-PROC)** in Romania responsible for worldwide capacity-building. It became operational in April 2014
 - In November 2013, the EU and the Council of Europe launched their joint project on **Global Action on Cybercrime (GLACY)**. Other projects with regional focus have followed.
3. Agreements, tools and good practices to meet the challenge of cybercrime are available and can be applied by any country. These include in particular the Budapest Convention on Cybercrime, but also other treaties on child protection, data protection or the United Nations Convention on Transnational Organized Crime. Tools for law enforcement and judicial training, for public/private cooperation and for international cooperation (such as 24/7 contact points for urgent cooperation) have been developed.

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4. Capacity-building programmes are designed to help countries make use of such tools and treaties.

II. Case study: GLACY

5. The GLACY joint project of the European Union and Council of Europe on Global Action on Cybercrime was carried out from November 2013 to October 2016 with a budget of 3.35 million euros. The seven GLACY priority countries were Mauritius, Morocco, Philippines, Senegal, South Africa, Sri Lanka and Tonga. They were selected based on their political commitment to implement the common standards of the Budapest Convention, in that they had signed or requested accession to this treaty.

6. As a result of some 165 activities over three years, the capacities of criminal justice authorities in the seven priority countries to address cybercrime and electronic evidence were strengthened considerably.

7. All seven countries now have **laws in force or draft laws** in parliament bringing their criminal law regarding cybercrime and electronic evidence in line with international standards, that is, the Budapest Convention on Cybercrime. Mauritius, Senegal and Sri Lanka have become Parties and Morocco, Philippines and Tonga are expected to become Parties to this treaty in 2017.

8. **Modules on cybercrime and electronic evidence** have been mainstreamed into the curricula of judicial training academies. Training materials have been developed and adapted, and pilot introductory and advanced courses have been delivered to more than 900 judges and prosecutors, with the train-the-trainer methodology having a multiplier effect. Judicial training academies should now be able to offer training for judges and prosecutors in a sustainable manner.

9. **Cybercrime units** in priority countries have been strengthened through training (for example, delivery of first responders and live data forensic courses), access to training materials (such as those developed by the European Cybercrime Training and Education Group, EGTEG), as well as tools (such as an updated Electronic Evidence Guide and a guide on Standard Operating Procedures). Tools and materials are also available at the Octopus Community. Some 600 officers participated in training activities, including the training of trainers. In Sri Lanka, for example, 15 trainers trained by GLACY subsequently trained 630 officers throughout the country without GLACY support.

10. The seven priority countries are now in a better position to **cooperate internationally** on cybercrime and electronic evidence. For example, their cybercrime units, prosecution services and 24/7 points of contact have been linked up with counterparts in other jurisdictions as well as EUROPOL and INTERPOL. This facilitated **operational cooperation on actual cases**. Criminal justice authorities of the seven countries share experiences as members or observers in the Cybercrime Convention Committee. GLACY furthermore supported regional events, including in South-East Asia (ASEAN), South Asia and West Africa (ECOWAS), to facilitate regional exchanges and cooperation.

11. Progress was made in the seven countries with regard to **information-sharing, interagency and public/private cooperation**. As a spin-off, GLACY supported the creation of a Computer Emergency Response Team in Tonga and the strengthening of the CERT of South Africa.

12. Governments have improved their **ability to assess progress** made in the investigation, prosecution and adjudication of cybercrime and other cases involving electronic evidence even if reliable criminal justice statistics on cybercrime and electronic evidence remain a challenge. This was facilitated by GLACY which started with analyses of the situation at the outset and ended with progress reviews.

13. **Engaging decision-makers** was essential for the success of GLACY and will remain essential for the prevention and control of cybercrime. The results of progress reviews was fed back in the policy process and representatives of priority countries adopted a “Declaration on Strategic Priorities for Cooperation on Cybercrime and Electronic Evidence” at the GLACY Closing Conference (October 2016). These “Strategic Priorities” may serve as a blueprint to any country for comprehensive policies on cybercrime and e-evidence.

14. GLACY generated interest in a wide range of countries. In addition to the seven priority countries, legislative advice was provided to a further eight countries and some 35 other countries participated in regional and international activities. Interest in accession to the Budapest Convention increased significantly.

15. GLACY ended in October 2016, but the commitment to step up capacity-building efforts is demonstrated in the follow up: the GLACY+ project extends the experience to additional priority countries, including in Latin America, and serves as a global facility to assist any country develop its cybercrime legislation, while some of the previous GLACY priority countries function as hubs reaching out to other countries in their respective regions. GLACY+ has a four-year duration (2016-2020) and a budget of 10 million euros. INTERPOL is an implementing partner for law enforcement training.

III. Lessons learned

16. GLACY and other projects such as the Cybercrime@EAP projects in Eastern Europe, the iPROCEEDS project targeting proceeds from crime online in South-Eastern Europe, the Cybercrime@Octopus project or the new GLACY+ are evidence that meaningful follow-up has been given to declarations and resolutions adopted by the United Nations Congresses and Commissions on Crime Prevention and Criminal Justice.

17. Capacity-building based on proven tools and instruments brings most direct benefit to countries and has the most direct impact on the capability of countries to protect their societies against cybercrime.

18. Experience since 2013 confirms that capacity-building (a) responds to needs and produce immediate impact, (b) favours multi-stakeholder cooperation, (c) contributes to human development, the rule of law and democratic governance, and (d) helps reduce the digital divide.

19. The Council of Europe and the European Union are ready to cooperate with UNODC and other public and private sector institutions to provide further support to countries worldwide.

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