

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)
- 2018: Federal Criminal Procedure Code

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
- 2019-2020: New Criminal Code under consideration in Congress
- 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 2nd 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.