

Council of Europe
The Secretary General

Strasbourg, 27 April 2018

Dear Ms Fernández Perez,

I welcome the interest of your organisation and other signatories to your letter in the additional Protocol to the Budapest Convention on Cybercrime.

As you pointed out, this treaty is successful beyond the membership of the Council of Europe. It is a global benchmark reconciling rule of law and human rights requirements with effective criminal justice in cyberspace.

In recent years, the Council of Europe – through the Cybercrime Convention Committee (T-CY), Octopus Conferences and other events – has held numerous consultations with civil society, data protection and industry organisations on rules for access to electronic evidence for criminal justice purposes. These exchanges and your inputs have helped shape the terms of reference for the drafting of the Protocol.

In September 2017, you submitted to the T-CY detailed “comments and suggestions” regarding these terms of reference, which are being taken into account by the T-CY.

The initial focus of the process so far has been on provisions rendering mutual legal assistance more efficient, such as “language of requests” or “audio/video hearings” (which you consider “outside the scope” of your work) or “emergency MLA” where your comments have been helpful.

By the time of the Octopus Conference (11 to 13 July 2018), work on some of the more complex provisions should have sufficiently advanced to permit a discussion on specific questions with you and other stakeholders.

.1.

Ms Maryant Fernández Perez
Senior Policy Advisor
European Digital Rights
12 Rue Belliard
1040 Brussels
Belgium
maryant.fernandez-perez@edri.org

F - 67075 Strasbourg Cedex
France

Tel. + 33 (0)3 88 41 20 51
+ 33 (0)3 88 41 20 00

Fax: + 33 (0)3 88 41 27 99
+ 33 (0)3 88 41 27 40

The T-CY intends to publish a discussion paper to structure deliberations around one month prior to the Octopus Conference in which I hope that you and other civil society organisations will participate.

Consultations with specific groups of stakeholders are then anticipated to take place more frequently from September or October onwards.

I hope that you and other signatories will be ready to further assist the T-CY in reaching agreement on effective responses to complicated challenges facing societies worldwide.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of connected loops and lines, representing the name Thorbjørn Jagland.

Thorbjørn Jagland