Strengthening Effective and Inclusive Cybercrime Policymaking
Europe Regional Consultation –Agenda
Weds, 10 Nov (1300-1600 CET) / Zoom

Chatham House and the EU Cyber Direct project are organizing a virtual regional consultation, intended for civil society, the private sector and other non-state stakeholders from the wider European region. The consultation aims to provide a platform where European stakeholders can share their perspectives on developing a new international convention on cybercrime, to be drafted pursuant to United Nations General Assembly resolution 74/247.

As the United Nations prepares to negotiate a new convention on cybercrime starting in January 2022, it is vital that non-state stakeholders (such as civil society, the private sector, academia, and the technical community) have the opportunity to meaningfully share their opinions and concerns.

To this end, Chatham House's International Security Programme is facilitating a series of virtual regional consultations to engage with non-state stakeholders from different regions during the negotiations on cybercrime, providing a platform for sharing knowledge, information and positions on different issues.

This meeting welcomes stakeholders from Europe to share their perspectives about key elements of the future draft international convention on cybercrime. Through plenary sessions, breakout rooms, and a post-consultation briefing paper, this consultation will encourage all participants to contribute to the discussion. Interpretation into Russian will be provided.
Registration: Strengthening inclusive cybercrime policymaking: Europe regional consultation (chathamhouse.org).

<p style="text-align: center;">**Agenda overview**</p>

1300-1330	**Session 1: Welcome and Scene Setting (Plenary)**

Chair: Joyce Hakmeh, Senior Research Fellow, Chatham House

How can European non-governmental actors shape the cybercrime process and why does it matter?
Speaker: Patryk Pawlak, Brussels Executive Officer, EU Institute for Security Studies

Overview on UN Cybercrime Convention Process: state of play and overview on states' submissions
Speaker: Isabella Wilkinson, Research Associate, Chatham House

1330-1430   **Session 2: Consultation in Breakout Rooms**
Participants will be divided into three parallel breakout rooms. Each room will discuss a different topic based on pre-shared questions. Each room will be moderated by a chair and supported by a rapporteur. After a *tour de table*, a speaker will be invited to set the scene after which the group will engage in a structured conversation around the topic.

Room 1. Scope and Criminalisation
Chair: Tatiana Tropina, Assistant Professor, Leiden University
Rapporteur: Isabella Wilkinson, Chatham House

Room 2. Procedural measures and Safeguards for Human Rights
Chair: Patryk Pawlak, EU Institute for Security Studies
Rapporteur: Amrit Swali, Chatham House

Room 3. International Cooperation, and Issues of Harmonization and Fragmentation
Chair: Joyce Hakmeh, Chatham House
Rapporteur: Nils Berglund, EU Institute for Security Studies

1430-1440   **Break**

1440-1540   **Session 3: Sharing Insights and Discussion (Plenary)**
Chairs and rapporteurs sharing with audience the key findings from their breakout rooms followed by Q&A.

1540-1600   **Closing and Next Steps**

<u>**Discussion questions:**</u>

The following draft questions are intended to guide the discussions in each of the breakout rooms. They are, however, not exhaustive. Participants are encouraged to bring their ideas about a broad range of topics related to the new convention on cybercrime within these areas.

<u>**Room 1. Scope and Criminalisation**</u>
Discussion Questions
1. What are the offences that should be included in the new treaty? What should be avoided and why? What are the red lines?
2. How do we ensure compatibility with existing widely accepted international standards, such as the Budapest Convention?
3. How do we ensure that the language of the new treaty is technology-neutral?

<u>**Room 2. Procedural measures and Safeguards for Human Rights**</u>
Discussion Questions
1. What are the adequate domestic procedural measures and criminal procedural provisions regarding mechanisms for cooperation between the parties to the proposed convention, in particular with regard to cooperation in investigations and other judicial proceedings and in obtaining electronic evidence?
2. What elements does a new convention on cybercrime need to have in order to ensure compatibility with human rights and fundamental freedoms, limiting any interference to what is necessary and proportionate for the purpose of specific criminal investigations.
3. Should the new treaty also address minimum standards, including fundamental safeguards, for forensic tools used for the seizure of electronic evidence? What about obligations on non-governmental organisations, such as internet service providers, based in the territory of another state?

<u>**Room 3. International Cooperation, and Issues of Harmonisation and Fragmentation**</u>
Discussion Questions
1. How can the new convention improve international cooperation against cybercrime? What are some of the practical measures it can include to empower national law enforcement authorities?
2. In which ways can a future convention on cybercrime complement the Council of Europe's Budapest Convention and other existing instruments?
3. Conversely, in which ways could a future convention undermine existing instruments? What impact will this have on State parties to those instruments and on the fight against cybercrime more generally?