

## Background

In November 2021, the long-awaited Second Additional Protocol to the Convention on Cybercrime on enhanced co-operation and disclosure of electronic evidence (Protocol) was approved by the Committee of Ministers. The Protocol provides the legal basis for mutual legal assistance in cross-border cases and direct co-operation of law enforcement with service providers for receiving subscriber information and traffic data. On the one hand cybercrime is a serious threat to human rights: election interference, online sexual abuse and exploitation. Effective and fast exchange of information among law enforcement agencies is quintessential for combatting cybercrime. In 2016, the Cloud Evidence Group of the Council of Europe stated that “the vast majority of victims of cybercrime cannot expect that justice will be served.” On the other hand, substantive and procedural conditions for accessing personal data in the EU will be affected by the enhanced powers of law enforcement during their cyber-investigations. How does the new Protocol address human rights issues such as the protection of personal data, and the protection private life and correspondence? How does the Protocol interact with relevant EU legislation on electronic evidence, and protection of fundamental rights? How is the confidentiality of content data ensured?

## Program

12:00-12:30: Walk-in lunch

12:30-12:40: Welcome

12:40-13:00: Keynote speech - Mr. Jan Kleijssen (Council of Europe)

13:00-13:20: Discussant of Keynote - prof. dr. Bert-Jaap Koops (Tilburg University)

13:20-14:10 Panel discussion 1: Looking through the magnifying glass: why a new Additional Protocol? The panel discussion will highlight different perspectives from criminal justice, law enforcement, policy and academia and reflect on the upcoming legal and operational changes, following the ratification of the Protocol.

14:10-14:20: coffee break

14:20: 15:10 Panel discussion 2: Friends or foes: The Second Additional Protocol and the EU fundamental rights framework. The panel discussion will explore whether there are conflicts of the Protocol provisions with the EU law and reflect on how to strike a balance between human rights and law enforcement needs.

15:10-16:00: Panel discussion 3: The day after: the impact of the Second Additional Protocol on the obtaining of electronic evidence in third countries.

16:00-16:10: Conclusions (organisers)

16:10-17:00: Networking drinks & bites

### Organisers:

dr. Irene Kamara (Tilburg University)

prof. dr. Eleni Kosta (Tilburg University)

dr. Els de Busser (Leiden University)