**GLOBAL CIVIL SOCIETY LETTER
TO THE COUNCIL OF EUROPE**

Cybercrime negotiations and transparency

Re: Cybercrime negotiations and transparency

Dear Secretary-General Jagland,

The Council of Europe has a very strong and exemplary history of transparency. Your Committees are open to observers from civil society, an openness which is frequently availed of, to the benefit of the Council itself and the benefit of the human rights of people both in Europe and globally.

Convention 185 of the Council of Europe (the "Cybercrime Convention") has also been remarkably successful in terms of signatories – having been ratified not only by a large number of CoE Member States, but also by large and small states from around the globe.

In the context of the need to build on these successes, the current negotiation of a second "additional protocol" to the Cybercrime Convention raises multiple challenges for transparency, participation, inclusion and accountability. This is firstly due to the far broader geographic range of the countries likely to be impacted by the final agreement and, secondly, by the current arrangements for access to documents and consultation. Accountability, transparency, participation, and inclusion represent vital embodiments of the Council of Europe's work.

As an example of the important documents that have not been released, we are concerned that we, the public, do not have access to Document T-CY(2017)19, the initial inventory of provisions to be prepared. All documents should be published, by default, and this should be insisted upon by the Council of Europe, to uphold its exemplary tradition of transparency and inclusion. Exceptions should be individually justified and internally reviewed.

We welcome the intention of the Council of Europe, as described in Document T-CY(2017)20 for "close interaction with civil society". We do not see the need, however, to restrict this to the Octopus Conferences. Transparency and opportunities for input are needed continuously throughout the process. This ensures that civil society can listen to Member States, and provide targeted advice to the specific discussions taking place. Our opinions can build upon the richness of the discussion among States and experts, a discussion that civil society will miss if we are not invited to participate throughout the process. States and civil society need to fully engage with each other to achieve meaningful and mutually beneficial transparency and accountability in governance. This cannot exist without civil society participation from the initial steps of the process.

As a result, we call upon the Council of Europe's Cybercrime Committee (T-CY) to develop a detailed plan for online debriefing sessions after each drafting meeting, both plenary and drafting, and to invite civil society as experts in the meetings, as is customary in all other Council of Europe Committee sessions.

With a diligent approach to making all possible documents public and proactively engaging with global civil society, the Council of Europe can both build on its exemplary approach to transparency and ensure that the outcome of this process is of the highest quality and achieves the widest possible support.

With best regards,

European Digital Rights (EDRi) - Europe
Electronic Frontier Foundation (EFF) - International

7amleh - Palestine
Access Now - International
Adil Soz - Kyrgystan
Afghanistan Journalists Center - Afghanistan
Albanian Media Institute - Albania
Africa Freedom of Information Centre - Africa
Americans for Democracy and Human Rights in Bahrain - USA
Apertura Radical - Ecuador
ARTICLE 19
Asociación para una ciudadanía participativa (ACI-Participa) - Honduras
Asociación por los Derechos Civiles (ADC) - Argentina
Association for Progressive Communications (APC) - International
Association for Technology and Internet (ApTI) - Romania
Asuntos del Sur - Argentina
Bytes for All - Pakistan
Canadian Journalists for Free Expression (CJFE) - Canada
Cartoonist Rights Network International - International
Center for Democracy & Technology (CDT) - USA
Center for Independent Journalism - Romania
Center for Media Freedom & Responsibility (CMFR) - Philippines
Chaos Computer Club (CCC) - Germany
Coding Rights - Brazil
Columbia Global Freedom of Expession - USA
Committee to Project Journalists - International
Cooperativa Sulá Batsú R.L. - Costa Rica

Child Rights International Network - International

Datysoc - Uruguay

Derechos.Online - Ecuador

Derechos Digitales - América Latina

Digital Rights Foundation (DRF) - Pakistan

Digital Rights Watch - Australia

Digitalcourage - Germany

East European Development Institute - Ukraine

Electronic Frontiers Australia - Australia

Electronic Privacy Information Center (EPIC) - United States

Enjambre Digital - México

Eticas Foundation - Spain

FAImaison - France

Foundation for Media Alternatives - Philippines

Free Media Movement - Sri Lanka

Free Software Foundation Europe (FSFE) - European Union

Frënn vun der Ënn (FVDE) - Luxembourg

Fundación Acceso - Central America

Fundación Datos Protegidos - Chile

Fundacion Huaira - Ecuador

Fundación Karisma - Colombia

Fundación Vía Libre - Argentina

Hermes Center for Transparency and Digital Human Rights - Italy

Hiperderecho - Peru

Horizontal - Mexico

Human Rights Online - Philippines

Hungarian Civil Liberties Union - Hungary

Ilico - France

ILOTH - France

International Modern Media Institute (IMMI) - Iceland

International Press Center - Nigeria

Internet Society, Philippines Chapter - Phillippines

Intervozes - Brazil

IPANDETEC - Central America

IP Justice - USA

IT-Political Association of Denmark (IT-Pol Denmark) - Denmark

Jonction - Sénégal

La Quadrature du Net (LQDN) - France
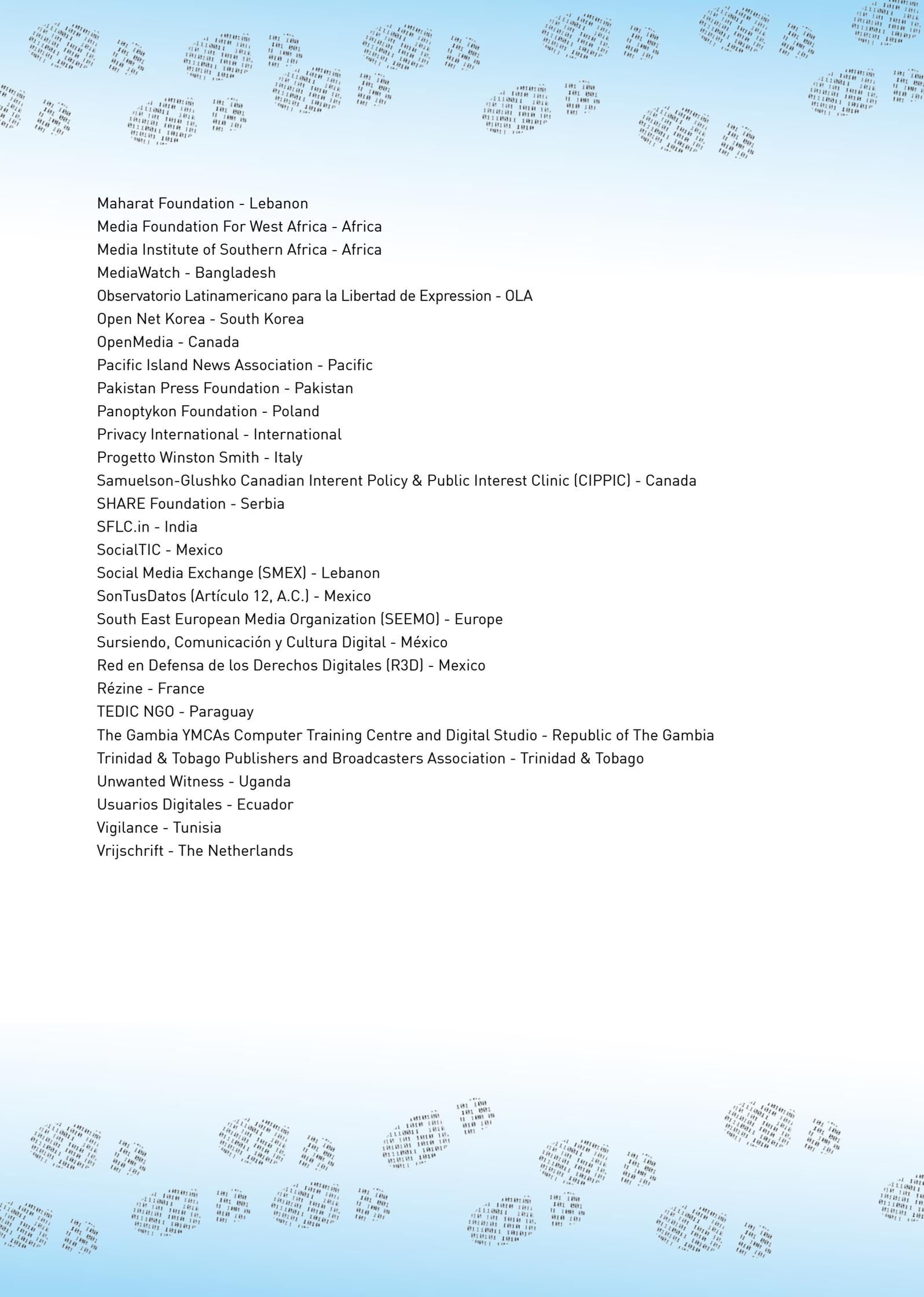
Maharat Foundation - Lebanon

Media Foundation For West Africa - Africa

Media Institute of Southern Africa - Africa

MediaWatch - Bangladesh

Observatorio Latinamericano para la Libertad de Expression - OLA

Open Net Korea - South Korea

OpenMedia - Canada

Pacific Island News Association - Pacific

Pakistan Press Foundation - Pakistan

Panoptykon Foundation - Poland

Privacy International - International

Progetto Winston Smith - Italy

Samuelson-Glushko Canadian Interent Policy & Public Interest Clinic (CIPPIC) - Canada

SHARE Foundation - Serbia

SFLC.in - India

SocialTIC - Mexico

Social Media Exchange (SMEX) - Lebanon

SonTusDatos (Artículo 12, A.C.) - Mexico

South East European Media Organization (SEEMO) - Europe

Sursiendo, Comunicación y Cultura Digital - México

Red en Defensa de los Derechos Digitales (R3D) - Mexico

Rézine - France

TEDIC NGO - Paraguay

The Gambia YMCAs Computer Training Centre and Digital Studio - Republic of The Gambia

Trinidad & Tobago Publishers and Broadcasters Association - Trinidad & Tobago

Unwanted Witness - Uganda

Usuarios Digitales - Ecuador

Vigilance - Tunisia

Vrijschrift - The Netherlands