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CARIN 2018 Annual General Meeting Warsaw Recommendations

Camden Asset Recovery Inter-agency Network





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The CARIN 2018 AGM Warsaw Recommendations



CARIN contact points participating in the CARIN 2018 Annual General Meeting in Warsaw

RECALLING:

(1) The following Strategic goals, identified as a result of the 2017 AGM in Stockholm, namely to:

1. Strengthen cooperation between CARIN contact points and international partners;
2. Enhance effective information exchange between CARIN contact points ;
3. Develop CARIN as a centre of excellence; and
4. Influence policy related to criminal asset recovery.

(2) Paragraph 2.2 of the CARIN manual which stipulates that one of the CARIN key objectives is to make recommendations to bodies such as the European Commission and the Council of the European Union, relating to all aspects of tackling the proceeds of crime as well as act as an advisory group to other appropriate authorities.

(3) Paragraph 3.3 of the CARIN manual which explains that a commitment to CARIN means to facilitating the exchange of information; advising on and facilitating mutual legal assistance; sharing good practice, knowledge and experiences; and raising awareness on the importance of tackling the proceeds of crime.

(4) The outcomes of the workshops on the 187 previous CARIN recommendations, which were delivered by CARIN between 2005 and 2017, were presented to the audience of the AGM in Warsaw.

ACKNOWLEDGE that:

(5) Work undertaken so far in the area of asset recovery at national, EU and global level through the introduction of previous CARIN recommendations has already produced significant results. However, there is still a need for improvement in several policy areas as well as for progress in closer cooperation and with Asia jurisdictions, China in particular.

(6) The effective information exchange between CARIN contact points is the highest value of the network which makes efforts of practitioners in depriving criminals their illicit gain more fruitful. From the survey "Securing the exchange of CARIN information", an exercise run by the Irish and Guernsey Contact Points before the 2018 AGM, it is clear that jurisdictions wish to ensure secure, fast and reliable communication. Bearing in mind that various well established legally grounded exchange platforms already exist and CARIN has no wish to become legally responsible for storing information, and maintaining and monitoring CARIN's own secure system, CARIN will therefore use previously existing secure channels of communication.

(7) CARIN contact points, Steering Group and its Secretariat carried out several undertakings in order to meet CARIN's aim and key objectives. However, in order to make CARIN's impact stronger there is a need to collect and widely disseminate information on CARIN's members, observers and associates actions.

(8) CALL ON CARIN CONTACT POINTS TO:

1. complete a CARIN questionnaire by each new jurisdiction when joining CARIN;
2. update the CARIN questionnaire when contact points change;
3. use existing secure communication channels;
4. collect statistics on an annual basis, and when requested provide these to the Secretariat;
5. provide best practices related to CARIN's key objectives to the CARIN Secretariat;
6. provide training material they hold to the CARIN Secretariat;
7. provide a short summary of the AMO regime;
8. provide details on what is currently available on Beneficial Ownership in their jurisdictions and what criteria was used to determine this Beneficial Ownership;
9. advice to practitioners in their jurisdictions prior to sending an official MLA which touches on Asset Recovery contact with CARIN contact points; and
10. continue to work in raising awareness between national LEA and prosecutor's authorities on CARIN activities.

(9) CALL ON CARIN STEERING GROUP AND CARIN SECRETARIAT TO:

1. continue efforts to create a CARIN - style contact point in China, Hong Kong and Macau;
2. continue efforts to create a CARIN-style contact point in other white-spot areas, and in particular Gulf region;
3. draft and publish an Annual Report with information on statistics, activities, trainings, success stories, case studies, etc. for wider dissemination among CARIN contact points and other interested parties;
4. draft and disseminate between CARIN contact points practical guidelines for users of FCIC;
5. create and circulate to members "a step by step manual on how to encrypt documents";
6. create and disseminate between CARIN contact points a guideline on available secure information exchange facilities offered by Interpol, Europol and Eurojust;
7. create and disseminate a standardised CARIN request form, based on the Swedish Initiative;
8. collect and disseminate between CARIN contact points manuals and good practice regarding crypto currency investigations;
9. develop the CARIN website, which should include e.g. short case examples, list of a judicial terms and definitions, list of open-source databases;
10. create a CARIN's trainers list of volunteers who are willing to provide trainings, workshops or lectures on behalf of CARIN; and
11. develop a CARIN matrix similar to the ARO matrix and make jurisdictions update regularly.

(10) INVITE THE CARIN JURISDICTIONS TO:

1. sign bilateral Mutual Legal Assistance treaties, financial intelligence exchange agreements and agreements on sharing and return of forfeited assets with China;
2. continue to develop legislation on asset management;
3. introduce legislation guaranteeing efficient disclosure of STRs, based on FATF standards;
4. create and implement mechanisms to fulfil the obligation to report STRs by professionals;
5. implement measures which enable use of seized or confiscated assets by LEA;
6. fund investigative authorities with funds gained from asset forfeiture as an incentive;
7. jurisdictions which do not have NCB system are invited to provide mechanism to execute requests and provide evidence to other jurisdictions with NCB system.
8. support requests to trace, seize and repatriate assets in furtherance of victim compensation in criminal matters, to the same extent that they can for the purposes of criminal confiscation;
9. repatriate confiscated assets from another jurisdiction with the aim of victim compensation; and
10. introduce provisions in relation to value based confiscation into their national legislation in order to execute domestic and international court orders.

(11) INVITE THE EUROPEAN COMMISSION AND THE COUNCIL OF EUROPEAN UNION TO:

1. develop better cooperation with Asia, with particular focus on China;
2. use diplomatic channels in order to encourage China to introduce Mutual Legal Assistance to its legal system;
3. draft and propose to China an agreement on mutual execution of freezing and confiscation orders;
4. introduce legislation with coercive measures against professionals who do not fulfil the obligation to report STRs;
5. introduce legislation which obliges financial institutions to disclose relevant information in a timely manner;
6. provide a mechanism which obliges jurisdictions which do not have NCB system to execute requests and provide evidence to other jurisdictions with NCB system;
7. consider legislation for the creation of multiagency investigations;
8. introduce legislation and provide appropriate tools for international cooperation enabling seizure and confiscation of virtual assets
9. continue working on common EU legislation on the compensation rights of victims, which should give victim's priority, in every criminal case; and
10. encourage MS to provide LEAs access to social media information without the necessity for judicial orders.

(12) INVITE CARIN OBSERVERS AND ASSOCIATES ORGANISATIONS TO:

1. disseminate to international forums information on CARIN activities and recommendations delivered in previous years;
2. support CARIN's efforts to implement delivered recommendations into international asset recovery standards; and
3. continue to financially support all ARINs networks.



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