



Home Office

The UK's approach to transparency in asset recovery & returns

Mapping international asset recovery in practice: publishing data, the UK's policy on asset returns, and the importance of transparency

Presented by: Flavia Munteanu, Head of International Asset Recovery, Home Office

Publication of the UK's 1st Framework for Transparent Asset Returns

Policy paper

Framework for transparent and accountable asset return

Published 13 January 2022

Contents

Introduction

Scope

Determining whether funds should be returned

UNCAC

Returns under Article 57(3)(c) of UNCAC

International Engagement

Recovery of reasonable expenses

Reasonable expenses following MLA requests

Decision making

Mechanism for return

Decision making

Introduction

The proceeds of crimes covered by the UN Convention Against Corruption ([UNCAC](#))—that is, bribery, embezzlement of public funds, money laundering and trading in influence and other abuses of official functions—must be returned to the requesting state in accordance with Article 57(3)(a) and (b) should the conditions therein be satisfied.

In cases which involve overseas requests for the return of such proceeds where there has been no conviction of any person, Article 57(3)(c) makes asset return discretionary, mandating only that “priority consideration” be given to returning the assets to the requesting State Party, to its prior legitimate owners or compensating the victims of crime.

The UK, as a signatory to UNCAC, is obligated to return funds where the conditions for mandatory return are met; however, the UK also exercises its discretion to return funds in appropriate cases when it is not otherwise mandated to do so (i.e. in line with Article

The purpose of this Framework – published in January 2022 - is to drive transparency, and accountability in the UK’s process of returning funds to other countries. It sets out HMG’s process for asset return, the deduction of reasonable expenses, the stakeholders to be engaged throughout the return process and the mechanisms for return.



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[Framework for transparent and accountable asset return - GOV.UK \(www.gov.uk\)](#)

Publication of the Asset Recovery Statistical Bulletin

Official Statistics

Asset recovery statistical bulletin: financial years ending 2017 to 2022

Published 8 September 2022

Applies to England, Northern Ireland and Wales

Contents

1. [The Proceeds of Crime Act 2002](#)
2. [About this release](#)
3. [Main headlines](#)
4. [Background information](#)
5. [The proceeds of crime restrained, imposed and recovered through Criminal Confiscation Powers and Civil Powers](#)
6. [Proceeds of crime seized, frozen and recovered through Civil Forfeiture Powers](#)
7. [Civil Recovery](#)

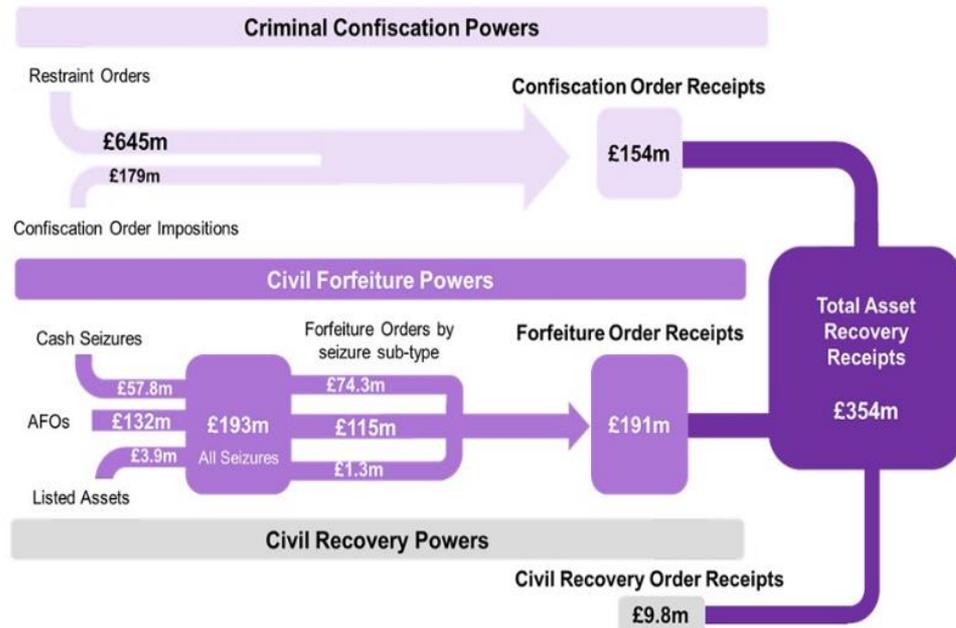
1. The Proceeds of Crime Act 2002

The Proceeds of Crime Act (POCA) 2002 provides the statutory framework used to enable the investigation and prosecution of crimes relating to benefit from criminal conduct; or crimes relating to property obtained through unlawful conduct or which is intended to be used in unlawful conduct. It is also used to deprive criminals of their money or other property connected to criminal activity. POCA can be applied through the following powers: Criminal Confiscation, Civil Forfeiture, Civil Recovery and Taxation. Links to further information on POCA can be found in the Background Information Note.

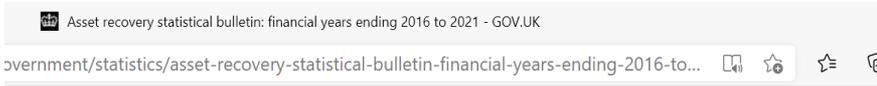
2. About this release



International asset returns in published statistics



Overview of the asset recovery system and the corresponding statistics for each stage of the process, 2021-2022



Main Additions and Changes to the Bulletin

There have been some changes in the methodology for this statistical release which concern the values and volumes of proceeds of crime. It means there will be differences in figures reported in this release to those previously released. Further details of these changes can be found in the Methodology and Quality Report.

Experimental statistics on Civil Recovery Order receipts covering the financial years from 2016 to 2017 until 2020 to 2021 have also been included in this release for the first time. There has also been the inclusion of Experimental Statistics on the proceeds of crime recovered through International Asset Recovery.

Further information on Experimental Statistics can be found in the Methodology and Quality Report.

Main Headlines

Figure 1: The value of proceeds of crime recovered from Confiscation Orders, Forfeiture Orders and Civil Recovery Orders receipts from financial year 2015 to 2016 until financial year 2020 to 2021 in England and Wales, Northern Ireland

Since 2021, we have started including annual stats on the proceeds of crime recovered through International Asset Recovery

This section sets out, for the financial year 2021 to 2022, the value of (a) assets due to be returned and (b) assets returned based on nominal values. This section also includes the value of assets restrained, seized or frozen up until the financial year ending 2022, based on nominal values.

Financial year	Total value of proceeds of crime recovered but not returned	Total value of proceeds of crime returned to foreign government
2021 to 2022	£18,000,000	£456,068

Asset recovery statistical bulletin: financial years ending 2016 to 2021 - GOV.UK

.../statistics/asset-recovery-statistical-bulletin-financial-years-ending-2016-to...

Crown Prosecution Service. The offences committed by the associates include money laundering, forgery and obtaining property by deception.

This return case was processed under the Article 57(3)(c) of the UN Convention Against Corruption. Conditions of this case were underpinned by the [Memorandum of Understanding](#) signed by the UK and the Federal Republic of Nigeria in 2016. Details on the return of the proceeds of crime for this case, including how the funds will be spent, are set out in an [Annex](#) to that Memorandum of Understanding.

For asset return cases where the proceeds of crime have been agreed to be returned in principle but are yet to be transferred, see the following cases:

- £456,068 will be returned to Moldova following the recovery of proceeds of crime by the National Crime Agency in the financial year 2020 to 2021, however the process to return the funds, including the agreement of a memorandum of understanding between the UK and Moldovan Governments, is still underway
- £65,622 will be returned to Kuwait following the recovery of proceeds of crime by the Metropolitan Police Service in the financial year 2020 to 2021, however the process for returning these funds did not commence before the end of the financial year
- Serious Fraud Office have recovered a further £1,198,425 in the financial year 2020 to 2021 which still need to be returned however the process for returning these funds did not commence before the end of the financial year due to issues determining where funds should be returned

Users should note figures presented for proceeds of crime restrained, seized and frozen

At the time of publication, the returns above were not reflected in the total value of assets returned. Since this publication, £456,068 has been returned to Moldova.

Case Study: Return of funds to Nigeria

Publication of Memorandum of Understanding (MoU)

The UK will generally seek to agree transparency measures through the use of a Memorandum of Understanding with countries to which we return assets.

A section of the MoU will include an agreement between civil society organisations and government on the monitoring arrangements for the use of funds, in line with principle 10 of the GFAR principles.



[↑ Contents](#)

[Print this page](#)

MoU between UK and Nigeria on the modalities for return of stolen assets confiscated by the UK: annex 1 - GOV.UK

://www.gov.uk/government/publications/return-of-stolen-assets-confiscated-by-the-uk-agreeme...

Monitoring of the projects

The monitoring team

16. The Federal Government of Nigeria will establish a Monitoring Team (the "MT") for the purpose of monitoring the implementation of the Projects.

17. The members of the MT will include representatives of the following:

- (i) the Nigerian Federal Ministry of Justice
- (ii) the Nigerian Federal Ministry of Finance
- (iii) the Nigerian Accountant General of the Federation; and
- (iv) Civil Society Organisation(s) as described in Schedule 5

18. Each Participant will be represented by a Competent Authority, as identified in paragraphs 19 and 20 below, for the purpose of ensuring that the provisions of this Annex are maintained throughout its operation.

19. The Competent Authority for the Federal Government of Nigeria will be the Honourable Attorney-General of the Federation and Minister of Justice or a person designated by the Attorney-General of the Federation and Minister of Justice for such purpose.

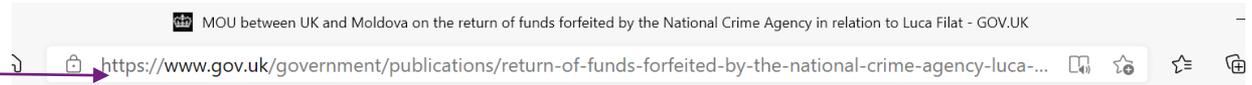
20. The Competent Authority for the Government of United Kingdom will be the Home Office.

21. The role of the MT will include the following:

Case Study: Return of funds to Moldova

Publication of Memorandum of Understanding (MoU)

Published on gov.uk, public domain



Policy paper

MOU between UK and Moldova on the return of funds forfeited by the National Crime Agency in relation to Luca Filat

Published 22 September 2021

Contents section breaks down the MoU and allows viewer to navigate the document

- Contents
- [Use of returned funds](#)
- [Transparency and accountability](#)
- [Anti-corruption statement](#)
- [Commencement of operation and signature](#)

[Print this page](#)

This Memorandum of Understanding relates to the return of funds (“the Returned Funds”) forfeited by order of the magistrates court dated 14 November 2019 from Luca Filat.

1. This Memorandum of Understanding does not constitute an international treaty under the international public law and Vienna Convention on the Law of the Treaties (1969) and does not produce legally-binding commitments for the parties.

2. The Returned Funds total £456,068.38, the full amount which will be returned to the Republic of Moldova to fund social assistance that will benefit vulnerable people in

The role of civil society in monitoring the use of returned funds

 MOU between UK and Moldova on the return of funds forfeited by the National Crime Agency in relation to Luca Filat - GOV.UK

www.gov.uk/government/publications/return-of-funds-forfeited-by-the-national-crime-agency-luca-...

Transparency and accountability

7. The Government of the Republic of Moldova has appointed Keystone Moldova, a civil society organisation, which will monitor and evaluate the expenditure of the Returned Funds and will ensure that the Returned Funds are fully put towards the intended use of the Service.

8. Keystone Moldova will monitor and evaluate the use of the Returned Funds and, the process of delivering the Service, including the applications for personal assistants to ensure that the most urgent needs are met, and that assistants are allocated in a transparent way.

9. Keystone Moldova will provide three intermediate monitoring reports (“Monitoring Reports”) during the period of the Service (from the MOU being signed until 31 May 2022). These Monitoring Reports will be provided to the Governments of Moldova and the United Kingdom within one month of completion.

10. The costs of monitoring the project will not be provided by the Moldovan National Agency for Social Assistance.

11. Within one month of the conclusion of the project (31 March 2022), a final report (“the Final Report”) will be provided by the Government of the Republic of Moldova to

page

Examples of projects underway from returned funds

