



Statement by

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on behalf of

**The Caribbean Community
(CARICOM)**

**at the First Session of the Ad Hoc Committee to Elaborate a
Comprehensive International Convention on Countering the Use
of Information and Communications Technologies for Criminal
Purposes on**

Agenda Item 5: Structure of the Convention

Conference Room 4, UNHQ

March 3, 2022

Madame Chair,

CARICOM generally supports the Chair's proposals on the structure of the Convention and considers them to be a good basis for our discussions. However, we wish to offer recommendations regarding other critical aspects which should be included in the structure of the Convention.

Firstly, the structure of the Convention ought to reflect a sequence of provisions which flows in a coherent and seamless manner which will aid in the interpretation and understanding of the salient provisions of the convention.

Madame Chair, CARICOM wishes to propose the inclusion of a chapter on asset recovery. Cybercrime siphons critical and limited resources of states, including countries within the CARICOM region and other small developing states. The loss of these resources can cause immediate and far-reaching consequences for states in their pursuit of development. As such, a specific anti-money laundering regime should be inserted within the instrument. The global community must send a strong signal to cybercriminals that they will not be permitted to enjoy the fruits of their ill-gotten gains.

CARICOM recommends that this chapter should cover, among other things, tracing proceeds of cybercrime and the confiscation of the benefit from such criminal activity. The Convention must develop advanced asset recovery methods that respect sovereignty and engenders confidence. Disrupting all forms of

funding of cybercriminals should be captured in the Convention. This will undermine their capacity to commit these offences. On this basis, asset recovery is a core element of prevention and international cooperation.

Madame Chair, CARICOM approaches our contribution to the structure, bearing in mind paragraph 2 of Resolution 74/247, which prescribes that the Ad Hoc Committee should take in to full consideration existing international instruments and efforts of the National, regional and international levels.

As such, we examined the UNTOC and the UNCAC and looked carefully at those structures and have made the following observations:

1. The UNTOC which treats with Trafficking in Persons, the Smuggling of Migrants and the Trafficking in Firearms includes a Chapter on Asset Recovery – Articles 12 and 13. It addresses Confiscation and Seizure and then treats with International Co-operation for the purposes of Confiscation and Asset Recovery.
2. The UNCAC which deals with Corruption also includes in Chapter 5, comprehensive treatment of Asset Recovery and International Co-operation for the purposes of asset recovery.

These observations serve to reinforce CARICOM's recommendation that the new instrument should include a Chapter on Asset Recovery.

CARICOM also believes that the Chapter which treats with "Technical Assistance including exchange of experience" should be amended to read "Technical Assistance and Capacity Building".

CARICOM also wishes to be advised of the import and meaning of the proposal made by the Chair as regards a Chapter titled "Preventative Measures" and precisely what was envisioned by this Chapter.

Thank you, Madame Chair.