Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15697
30 January 2023

Misuse of the anti-money laundering measures and countering the financing of terrorism regulations as a tool of transnational repression

Motion for a resolution
tabled by Mr Stefan SCHENNACH and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Abuse of process in legal assistance co-operation is a matter of great concern. Certain member States have shared sensitive data concerning rights defenders, opposition activists, their organisations and individuals associated with them with States violating human rights such as Turkey, Russia, Belarus, Kazakhstan, the Palestinian Authority and Poland which misuse the information against their critics.

Amongst mechanisms which are frequently abused are international, European and bilateral anti-money laundering and countering the financing of terrorism instruments. Based on the principle of mutual trust, these instruments facilitate the flow of information between States but do not provide sufficient protection when it comes to politically motivated persecution.

Dangerous practice of disclosing personal information and banking data to oppressive governments allows them to further target their opponents with smear campaigns, fabrication of criminal charges and different forms of harassment. One of the consequences of this abuse is financial exclusion and deprivation of property achieved by the means of terminating bank accounts and asset freezing. European financial institutions generally take such steps as part of their compliance and risk mitigation policies on an automatic basis without remedies. Similar problems were mentioned in the Parliamentary Assembly's motion Doc. 15593.

Faced with this problem, activists have resorted to raising and storing funds in crypto-assets, such as bitcoin and stabelcoins, whose role, also as a humanitarian aid delivery tool, should be reflected in relevant regulations.

The Assembly should analyse and report how transnational legal co-operation can be improved to ensure both protection against transnational crime and safeguarding of privacy and human rights. The Assembly affirms its belief in civil liberties, the presumption of innocence and asylum. To fully upheld them, the mechanisms of transnational legal co-operation, particularly disclosure of information to authoritarian and hybrid regimes, including their proxies, should be reviewed.

Signed (see overleaf)

Signed[1]:

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1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group