



An Bille um Fháiltais ó Choireacht (Móρθreascairtí ar Chearta an Duine), 2020
Proceeds of Crime (Gross Human Rights Abuses) Bill 2020

Mar a tionscnaíodh

As initiated



**AN BILLE UM FHÁLTAIS Ó CHOIREACHT (MÓRTHREASCAIRTÍ AR CHEARTA
AN DUINE), 2020
PROCEEDS OF CRIME (GROSS HUMAN RIGHTS ABUSES) BILL 2020**

*Mar a tionscnaíodh
As initiated*

CONTENTS

Section

1. Meaning of “criminal conduct”: gross human rights abuses
2. Short title, collective citation and construction

ACTS REFERRED TO

Proceeds of Crime Act 1996 (No. 30)

Proceeds of Crime Acts 1996 to 2016



AN BILLE UM FHÁLTAIS Ó CHOIREACHT (MÓRTHREASCAIRTÍ AR CHEARTA
AN DUINE), 2020
PROCEEDS OF CRIME (GROSS HUMAN RIGHTS ABUSES) BILL 2020

Bill

entitled

5

An Act to provide, in connection with the proceeds of crime, that certain conduct occurring outside the State is criminal conduct notwithstanding that it does not constitute an offence under the law of the state or territory concerned if the conduct constitutes or is connected with a gross human rights abuse, for that purpose to amend the Proceeds of Crime Acts 1996 to 2016, and to provide for related matters.

10

Be it enacted by the Oireachtas as follows:

Meaning of “criminal conduct”: gross human rights abuses

1. (1) Section 1 of the Proceeds of Crime Act 1996 is amended by the insertion of the following subsection after subsection (1A):

“(1B) (a) Conduct which occurs outside the State and which would constitute an offence or more than one offence if it occurred within the State is criminal conduct, notwithstanding that it does not constitute an offence under the law of the state or territory concerned, if—

15

(i) it constitutes, or is connected with, a gross human rights abuse, and

20

(ii) at the time when an application is made for an interim order or interlocutory order, property obtained or received at any time (whether before or after the passing of this Act or the *Proceeds of Crime (Gross Human Rights Abuses) Act 2020*) by or as a result of or in connection with the conduct is situated within the State.

25

(b) Conduct constitutes a gross human rights abuse if—

(i) it is carried out by, or at the instigation or with the consent or acquiescence of, a public official, being a person employed by, or acting on behalf or under the direct or indirect control of, the national, regional or local government or public administration of a state other than the State (including of any territory for whose external relations a state other than the State or its government is wholly or partly responsible), in the performance

30

or purported performance of official duties,

(ii) it involves the intentional infliction of severe pain or suffering, whether physical or mental, on, or the cruel, inhuman or degrading treatment or punishment of, a person who has sought— 5

(I) to expose illegal activity carried out by a public official (within the meaning of subparagraph (i)), or

(II) to obtain, exercise, defend or promote human rights and fundamental freedoms,

and 10

(iii) it is carried out in consequence of that person having sought to do anything falling within subparagraph (ii)(I) or (II).

(c) Conduct is connected with a gross human rights abuse if it involves—

(i) acting as an agent for another in connection with a gross human rights abuse, 15

(ii) directing or sponsoring such an activity,

(iii) profiting from such an activity, or

(iv) providing material assistance in support of or in connection with the carrying out of such an activity, including by providing goods or services or financial or technological assistance.”. 20

(2) The amendment effected by *subsection (1)* applies in relation to conduct, and in relation to property obtained through such conduct, whether the conduct occurs or the property is obtained before or after the passing of this Act.

Short title, collective citation and construction 25

2. (1) This Act may be cited as the Proceeds of Crime (Gross Human Rights Abuses) Act 2020.

(2) This Act and the Proceeds of Crime Acts 1996 to 2016 may be cited together as the Proceeds of Crime Acts 1996 to 2020 and shall be construed together as one Act.

An Bille um Fháltais ó Choireacht
(Mórtreascairtí ar Chearta an Duine), 2020

BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht chun socrú a dhéanamh, i dtaca le fáltais ó choireacht, gur iompar coiriúil iompar áirithe a tharlaíonn lasmuigh den Stát d'ainneoin nach cion é faoi dhlí an stáit nó na críche lena mbaineann más rud é, maidir leis an iompar, gur mórtreascairtí ar chearta an duine é nó go bhfuil sé bainteach le mórtreascairtí ar chearta an duine, chun na críche sin do leasú na nAchtanna um Fháltais ó Choireacht, 1996 go 2016, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Teachta Breandán Ó Húilín a thug isteach,
1 Nollaig, 2020

Proceeds of Crime (Gross Human Rights
Abuses) Bill 2020

BILL

(*as initiated*)

entitled

An Act to provide, in connection with the proceeds of crime, that certain conduct occurring outside the State is criminal conduct notwithstanding that it does not constitute an offence under the law of the state or territory concerned if the conduct constitutes or is connected with a gross human rights abuse, for that purpose to amend the Proceeds of Crime Acts 1996 to 2016, and to provide for related matters.

Introduced by Deputy Brendan Howlin,
1st December, 2020

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27

ISBN 978-1-4468-6829-4



9 781446 868294