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Dear Special Rapporteur:

Thank-you very much for providing Canada with an opportunity to submit input for your study of the integration of human rights norms and standards into the work of the Financial Action Task Force (FATF) and the Global Counterterrorism Forum (GCTF), in which Canada is an active member. As you know, Canada emphasizes the importance of respect for the rule of law and human rights as an over-arching principle of its foreign policy and advocacy efforts in international fora. This emphasis is very much reflected in our engagement in counter-terrorism work in the FATF and the GCTF.

**Financial Action Task Force (FATF)**

Global standards to combat terrorist financing and money laundering, and FATF R8  in particular, are aimed at protecting Non-Profit Organizations (NPOs) from terrorist financing abuse and are a critical component in the global fight against terrorism. The revision~~s~~ of R8, its *Interpretative Note* and the issuance of best practices and guidance take into account the need to strike a balance between ensuring NPOs are not abused for terrorist financing purposes, and also ensuring that any measures implemented respect international human rights law and still allow NPOs to carry out their important humanitarian and development assistance functions. In this regard, Canada is confident that its respect for the rule of law, transparent legal boundaries, extensive engagement with its NPO sector and reporting entities, and a risk-based approach have helped protect NPOs from terrorist financing abuse, while ensuring that they are able to fulfill their mandates.

At the same time, we recognize that the FATF methodology and guidance in the application of R8 has not always been applied equally – either by regulators, reporting entities, or both – and has sometimes resulted in a detrimental impact on the operation of NPOs. Canada acknowledges that greater efforts could be made in some jurisdictions to address the lack of understanding, capacity, skills and resources required to undertake a proportionate and risk-based approach in the oversight of their NPO sector. NPOs and charities could be further assisted to protect themselves by providing guidance on risk management in relation to terrorist financing (TF). As well, sensitizing reporting entities to the nuances of the TF risks facing NPOs and encouraging them to understand NPOs as clients – i.e., to avoid unsubstantiated de-risking – could also prove helpful. Canada has provided considerable technical assistance/capacity building support in these areas, including in partnership with the UN, and would be open to consider doing more to ensure countries are taking a risk-based and balanced approach in the application of R8.

**Global Counterterrorism Forum (GCTF)**

We are concerned that paragraph 32 on the GCTF in your [report](https://www.ohchr.org/Documents/Issues/Terrorism/SR/A_HRC_40_52_EN.pdf) A/HRC/40/52 of earlier this year does not accurately reflect the GCTF’s consistent efforts to be transparent, to involve civil society or to uphold respect for human rights and international law in its work. As a founding member of the GCTF since 2011, Canada can attest that it has not observed any reflection in the GCTF of “the broad pattern” of civil society exclusion alleged in the report, nor do we see evidence of “downstream targeting, marginalization and discrimination experienced by civil society actors and human rights defenders” arising from GCTF efforts. Indeed, just the opposite.

The [Joint UN-GCTF Ministerial Statement](https://www.thegctf.org/Portals/1/Documents/Links/Meetings/2018/14th%20Coordinating%20Committee/GCTF%20Ministerial%20Plenary%20Meeting_Joint%20UN-GCTF%20Ministerial%20Statement.pdf?ver=2018-09-26-184858-417) of last September underlined “compliance with all our obligations under international law, in particular international human rights law, international refugee law, and international humanitarian law“ and committed the GCTF “to support the UN in strengthening and enhancing the engagement of Civil Society Organizations (CSOs) in efforts to counter terrorism and violent extremism.” Of course, the GCTF itself also makes considerable efforts to be accessible and to involve meaningfully a wide range of actors, including civil society and non-members, in its work. As its [website](https://www.thegctf.org/) says, “the GCTF brings together experts and practitioners from countries and regions around the world to share experiences and expertise, and develop tools and strategies on how to counter the evolving terrorist threat.” The GCTF consistently invites CSOs, other local level partners and practitioners, and the best available technical experts to meetings on its various thematic areas of work.

This is true also for GCTF-inspired institutions: Hedayah, the Global Community Engagement and Resilience Fund (GCERF) and the International Institute for Justice and the Rule of Law (IIJ). To cite a recent example, on June 25-27, 2019, the IIJ convened a West Africa Workshop on Evidence in Dakar, Senegal, co-hosted with Senegal, and supported by Canada and Switzerland. The workshop brought together 66 practitioners and experts, among them representatives of 16 different countries from across West Africa and nearby — including Algeria, Benin, Burkina Faso, Cameroon, Chad, Côte d’Ivoire, Ghana, Guinea, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

Indeed, the GCTF remains open to the participation of any CSO requested or suggested by members, and its working groups and sessions are generally open to participation by any country, upon request.

The GCTF website has extensive information on the Forum’s consistent efforts to include non-member countries and a wide variety of civil society organizations and NGOs in its work, including a [video](https://youtu.be/UZyA-M-b2MM) featuring civil society participants.

The GCTF itself is an informal organization structuring its work around three themes (though open to other initiatives) including: [Countering Violent Extremism (CVE)](https://www.thegctf.org/Working-Groups/Countering-Violent-Extremism); [Criminal Justice and Rule of Law](https://www.thegctf.org/Working-Groups/Criminal-Justice-and-Rule-of-Law); [Foreign Terrorist Fighters (FTF)](https://www.thegctf.org/Working-Groups/Foreign-Terrorist-Fighters), and two regional capacity-building groups in [East](https://www.thegctf.org/Working-Groups/Horn-of-Africa-Capacity-Building) and [West](https://www.thegctf.org/Working-Groups/Sahel-Region-Capacity-Building) Africa. Work undertaken in these five groups involves many non-member countries of the GCTF (e.g., *all* West African Countries are invited to participate in WAWG sessions).

Canada considers the GCTF open and transparent in its work to counter terrorism and violent extremism and in engaging civil society in these efforts. All the good practices, tools and strategies developed by the GCTF are publicly available on its website. Moreover, they are non-binding, voluntary guidelines respecting human rights and international law and are generally made available for states or practitioners to adapt as necessary to address their own particular challenges.

Canada recognizes being able to respond to terrorism while protecting rights and freedoms is a highly complex issue, and itself values the work of the GCTF in informing its own policy-making process. Of course, Canada also values the engagement of civil society as active partners in finding an appropriate balance between security and rights and in helping the Government develop more effective approaches in this complex area. Notably, the Canada Centre for Community Engagement and Prevention of Violence has a mandate for engagement with civil society, non-government organizations and communities, and brings these perspectives to its engagement as an active participant in GCTF work.

In summary, Canada welcomes efforts of the SR to improve the process of developing international good practices for counter terrorism efforts, and in ensuring it remains an inclusive one. Canada is a strong supporter of the GCTF’s work and can attest to its openness, transparency and willingness to consider constructive criticism to improve its counter-terrorism efforts, in full compliance with international law human rights.