



Input for the UNSR's call on the Protection of Human Rights by Regional Organizations when Countering Terrorism

The role of the FATF-Style Regional Bodies

Part 1

In the sphere of countering the financing of terrorism (CFT), the Financial Action Task Force is the global standard setter. However, only 39 countries are part of the global policy-making table: all other jurisdictions are part of FATF-Style Regional Bodies (FSRBs), of which there are nine: GAFILAT for Latin America, CFATF for the Caribbean region, GIABA for West Africa, GABAC for Central Africa, ESAAMLG for Eastern and Southern Africa, MONEYVAL for Europe, MENAFATF for the Middle East and North African region, EAG for Eurasia, and APG for the Asia Pacific region. A set of [high-level principles and objectives](#) governs the relationship between FATF and the FSRBs. The first principle set out is this: *'The FATF is the only standard-setting body and the guardian and arbiter of the application of its standard...'*, thus making it clear that the FSRB mandate extends in the main to implementation of the 'standard'.

The FATF states multiple times in its standard that CFT rules and regulations should be implemented 'in compliance with international law, including human rights, humanitarian and refugee law'. **However, there is no guidance on how this should be done.** One of the four main findings of the Unintended Consequences workstream that the FATF initiated in 2021 was that its standards are being misused to justify laws that violate wider fundamental human-rights provisions, especially due process and procedural rights.

Additionally, the revised Best Practice Paper on the implementation of Recommendation 8 (published in November 2023) states that:

'Complying with the FATF Recommendations should not contravene a country's obligations under the Charter of the United Nations, and international law, in particular, international human-rights law, international refugee law and international humanitarian law. ... Implementation of R.8 should respect and observe fundamental human rights and freedoms, such as freedom of opinion, expression, religion or belief, and freedom of peaceful assembly and of association.'

As the [Global NPO Coalition on FATF](#) has demonstrated repeatedly, FATF and FSRB assessors on Mutual Evaluation teams do not take into account these other policy imperatives and obligations while assessing a country on its financial integrity frameworks. And given that the FSRBs follow the FATF's lead on matters of implementation, it is incumbent on the FATF to provide more details on what implementing its standards with reference to existing international-law obligations would look like and, also, **what legal avenues of accountability there are.** The FATF could, e.g., in and through its publications, provide an overview of the different avenues (courts and treaty bodies) for accountability for affected stakeholders. Concrete examples of case law on human rights violations in the context of CFT policies generated through those avenues could be set out.



We understand that there is a UN CTED and UN OHCHR draft guidance on ‘Ensuring respect for human rights while taking measures to counter the financing of terrorism’, due to be published soon. We hope this will be operationalised throughout the FATF system, including through the training of assessors. But we are also aware that for any meaningful change to take place, any such guidance needs to be hardwired within the FATF methodology and process, thereby also trickling down to the FSRB level.

Part 2

Regional human rights mechanisms are currently largely disconnected from FSRB functioning. These regional mechanisms are well-developed in Europe (European Court of Human Rights/Commissioner of Human Rights) and Latin America (Inter-American Commission on Human Rights: <https://www.cidh.org/Terrorism/Eng/part.a.htm>), for example, but are not engaged in helping FSRBs implement CFT rules in accordance with human rights. In turn, it is also incumbent on the FSRBs to engage with these regional mechanisms to ensure that the FATF standards are being implemented in a way that is human-rights and fundamental-freedom compliant.

From all accounts, the regional human rights mechanisms in Africa need consolidation, the mechanisms in the Arab region are still emergent, and the Asian region does not have a mechanism as such (though there are sub-regional political, economic or cultural organizations that focus on human rights, e.g. the ASEAN Intergovernmental Commission on Human Rights). How these mechanisms can be shored up, and how they can then interface with the FSRBs is as much a matter of resources and capacity as it is of political will.

There are also national human rights institutions – and the question of how they interface with regional human rights mechanisms as well as with FSRBs (in terms of country Mutual Evaluations).

Human rights NGOs and human rights defenders should also target and engage with the FSRBs to ensure that assessments of countries are taking into account the fact that CFT rules and regulations are human rights compliant. A strategic engagement between human rights NGOs and FSRBs on what implementing CFT rules and regulations in light of jurisdictions’ human rights obligations looks like is an important way forward.

Part 3

Dilemma: Human Rights is increasingly seen in many parts of the world as a western liberal agenda: with civil and political rights aligned with the Western liberal order prioritised over economic and social rights that also matter to the vast majority of the world’s population (but are inconvenient for the neoliberal Western agenda).

There is thus a need to reimagine human rights for the future. As [Biraj Patnaik so eloquently puts it](#): ‘*What is needed... is to rescue this normative framework by reimagining it—to pull it away from the overly legalistic form into which it has been cast and to relocate it within Indigenous*



traditions where the universal yearnings for truth, justice, and dignity find resonance, albeit in different forms.

This is not a call to particularize rights or to roll them back—it is to realize rights within a framework that does not depend on the dominance of a regional bloc, that is not yoked to a failed economic system, and that is not contingent on an abstract and rarely enforced legal framework. It is a call to nurture humanity’s core values in ways that find meaning in people’s daily lives.’