

Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

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(Please use this reference in your reply)

18 August 2025

Dear President Elisa de Anda Madrazo,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 58/14, 50/17 and 52/4.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention concerns we have regarding **the Financial Action Task Force (FATF)'s procedure, adopted in June 2025, to address unintended consequences of national implementation of FATF's recommendations on non-profit organizations (NPOs).**

Context

For some time, FATF has been increasingly concerned to address the unintended consequences on civil society and NPOs of the FATF Recommendations: International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation. This followed well-documented concerns about over-regulation, the failure of some States to take a proportionate, risk-based approach to

assessing terrorist financing among NPOs, financial de-risking, and the deliberate abuse of FATF standards by some States to suppress civil society,¹ with adverse consequences for the human rights to freedom of association and freedom of expression and opinion, and the legitimate work of human rights defenders.

Positive steps taken by FATF include the revision of Recommendation 8 on NPOs in November 2023 to emphasize a risk-based approach;² new Best Practices on the implementation of revised recommendation 8;³ new Guidance on Financial Inclusion and Anti-Money Laundering and Terrorist Financing Measures;⁴ and shorter lead times for Mutual Evaluations (potentially 5-6 years instead of 10-11 years). FATF has also become more open to engaging with civil society, with NPOs able to provide input to the assessment team ahead of a country's Mutual Evaluation, and to sometimes also meet with the assessors.

Procedure to address unintended consequences on NPOs

Most recently, in June 2025, the FATF plenary adopted a dedicated procedure to identify, assess and address unintended consequences of national implementation of the FATF Standards on NPOs,⁵ such as the illegitimate targeting and suppression of legitimate NPOs. The new procedure aims to reflect FATF's "commitment to proportionality and responsiveness", ensure that its "Standards protect both people and principles – targeting terrorist financing without disrupting the crucial, often life-saving work, of NPOs", and to "enhanc[e] transparency, accountability and trust in global efforts to combat illicit finance."

The procedure thus allows scrutiny of countries in the potentially long period between FATF Mutual Evaluations (a decade or more), during the follow-up process or when a country is grey- or black-listed for non-compliance. Empirical evidence demonstrates that much of the harm to civil society occurs during this period when countries are putting in place laws and regulations to comply with the FATF technical/effectiveness ratings.

The new procedure requires concerns about unintended consequences to be raised by two parties – one FATF member and either another FATF member, a FATF-Style Regional Bodies (FSRB) member, the International Monetary Fund (IMF) or the World Bank. The process applies to all FATF and FSRB members unless an FSRB opts out and establishes its own procedure. NPOs themselves are not among the parties who can trigger the procedure, but information received from NPOs, as well as "any other credible or reliable information (e.g. from international institutions or major authoritative publications)", can be considered by the Evaluations and Compliance Group (ECG) when reviewing whether the information from the two parties meets the

¹ See e.g. Global Study on the Impact of Counter-Terrorism on Civil Society and Civic Space to foster the meaningful participation of civil society in the design, development, and implementation of all counter-terrorism measures ([A/78/520](https://defendcivicspace.com); <https://defendcivicspace.com>); and the work of the Global NPO Coalition on FATF, <https://fatfplatform.org/>, and the International Center for Not-for-Profit Law, <https://www.icnl.org/>, among others.

² <https://www.fatf-gafi.org/en/publications/Fatfrecommendations/protecting-non-profits-abuse-implementation-R8.html>.

³ <https://www.fatf-gafi.org/en/publications/Financialinclusionandnpoissues/Bpp-combating-abuse-npo.html>.

⁴ <https://www.fatf-gafi.org/en/publications/Financialinclusionandnpoissues/guidance-financial-inclusion-aml-tf-measures.html>.

⁵ <https://www.fatf-gafi.org/en/publications/Financialinclusionandnpoissues/new-procedure-unintended-consequences-npos-2025.html>.

threshold.

An earlier proposal considered at the February 2025 FATF plenary had similarly proposed that two parties must initiate the procedure, one of whom must be a FATF member; but that the other party could include “international organisations with competencies related to NPOs”, with the examples given of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Venice Commission. Due to reported opposition by certain States, the proposal was diluted for and at the June plenary, eliminating the possibility for other independent actors to contribute to triggering the procedure.

During the drafting of the procedure, no formal consultations appear to have been conducted by FATF with civil society or independent entities (including the entities mentioned in the February draft, namely the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Venice Commission, or other human rights bodies such as the Office of the High Commissioner for Human Rights (OHCHR) or the mandate of the Special Rapporteur on the rights to freedom of assembly and of association); the documents containing the draft proposals were strictly confidential; and the plenary meetings were closed to external actors.

While we welcome FATF’s establishment of a procedure to address unintended consequences, we are concerned that the limitations of that procedure are likely to reduce its effectiveness and its ability to identify and rectify unjustified interferences in legitimate NPO activities, including violations of freedoms of association and expression and the suppression of the legitimate work of human rights defenders, including human rights advocacy and protection activities. In particular, we regret that the more progressive procedure proposed at the February 2025 plenary, which included affected parties (NPOs) and relevant expertise (civil society and expert international entities) was replaced with a weaker, more exclusive procedure limited to members of FATF bodies and certain international financial institutions.

FATF Member States may have limited incentives to trigger a procedure critical of other States when the unintended consequences on NPOs do not affect that Member State’s own interests, or there is concern that triggering the procedure could invite unwelcome reciprocal scrutiny. Under the adopted procedure, the actors most affected by unintended consequences, NPOs, are not able to trigger the procedure, and their only recourse would be to informally lobby FATF Member States, without any established procedures or mechanisms for alerting States to their concerns or any obligation on FATF Member States to respond to their entreaties. Likewise, other civil society organizations that expertly monitor unintended consequences are excluded from the trigger procedure, thus lessening the responsiveness of FATF to potentially well-founded concerns.

While it is welcome that the IMF and World Bank can refer situations, neither of these bodies has an explicit human rights-based mandate and they accordingly may not be expertly focused on or may not sufficiently prioritize unintended consequences of concern to NPOs. In contrast, potentially better placed entities, including independent international, regional or national human rights mechanisms, such as UN independent experts, OHCHR, regional human rights bodies and national human rights

institutions, have no competence to trigger the procedure, despite potentially being expert, independent and impartial, and potentially being even better placed than FATF Member States to identify unintended consequences.

Although information from NPOs and other reliable sources (including international institutions) may be considered once the procedure is triggered, the narrow scope of the parties eligible to trigger the procedure is likely to significantly limit referrals and the effectiveness of the procedure. A principled and effective procedure for identifying unintended consequences, which often include violations of international human rights law, should include the most relevant and expert stakeholders, including NPOs, civil society and international, regional and national human rights entities.

We note with concern the lack of consultation with affected actors, principally civil society including NPOs, the independent entities mentioned in the proposal at the February plenary (the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Venice Commission), and other relevant actors (such as OHCHR). Formulating new procedures that vitally affect civil society, and that are squarely within the human rights protection mandate and concern of certain international actors, without any meaningful consultation with them is not consistent with best practice international standards on consultation and inclusion relating to counter-terrorism and human rights.

We remind FATF Member States that, by consensus, the Member States of the United Nations General Assembly, in the Eighth Review of the Global Counter-Terrorism Strategy, encouraged States to engage with civil society to support the role of civil society actors in the design, implementation and monitoring of counter-terrorism activities, and “to create and maintain an enabling environment for civil society, including a legal framework that protects and promotes human rights, in accordance with international human rights law” (A/RES/77/298, para. 10; para. 104 also notes the first High-Level International Conference on Human Rights, Civil Society and Counter-Terrorism, in Malaga, Spain, in 2022).

We further recall the recommendation to States of the Global Study on the Impact of Counter-Terrorism on Civil Society and Civic Space to foster the meaningful participation of civil society in the design, development, and implementation of all counter-terrorism measures ([A/78/520](#)),⁶ including in relation to regional organizations other networks such as FATF (see also [A/HRC/58/47](#)). The Global Counter-Terrorism Forum’s Brussels Memorandum on Good Practices for Oversight and Accountability Mechanisms in Counterterrorism 2024 additionally recommends as good practice transparency in oversight and accountability mechanisms (which would include the new FATF procedure), specifically by “consulting widely and meaningfully with the public – including with diverse civil society actors in law and policy making related to oversight and accountability” (good practice 11). Finally, we refer to the recent independent research supporting civil society engagement.⁷

⁶ Global Study on the Impact of Counter-Terrorism on Civil Society and Civic Space, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, June 2023, https://defendcivicspace.com/wp-content/uploads/2024/01/SRCT_GlobalStudy-1.pdf

⁷ Global Center on Cooperative Security and Rights & Security International, Independent Civil Society-UN Counter-terrorism Engagement, Scoping Report, May 2024, https://globalcenter.org/wp-content/uploads/GCCS_Scoping-Report_2024.pdf.

We underscore that the credibility of the unintended consequences procedure may be undermined where civil society and human rights experts are unable to have trust and confidence that the procedure will adequately identify all relevant cases of concern.

In view of the above, we urge FATF Member States to evolve the welcome new procedure into one that is more inclusive and effective and that would accordingly be considered more legitimate.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned observations.
2. Please indicate the reasons why NPOs, civil society and expert, independent international human rights entities were not considered as parties that could trigger the unintended consequences procedure.
3. Please explain why civil society or other relevant actors, including the international entities proposed as parties in the February 2025 plenary, were not consulted on a procedure of direct relevance to them, including human rights relating to legitimate NPO work and the established human rights monitoring functions of international entities.
4. Please explain whether and when the procedure will be reviewed with a view to including NPOs, civil society and independent expert national, regional and international human rights mechanisms amongst the parties eligible to trigger the procedure.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from you will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Madam President, the assurances of our highest consideration.

Ben Saul

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