

OSCE Human Dimension Implementation meeting 2009

**Canadian Statement for the Working Session 4:
Rule of Law II**

Protection of human rights and fighting terrorism

Wednesday, 30 September 2009

Yves Beaulieu, Deputy Head of Mission

Thank you Chairperson,

We all agree that there is no excuse for terrorism. Acts of terrorism are violent, destructive and corrode the values and, indeed, the very fabric of the community of nations.

However, as we work to prevent or respond to terrorism, we must be sure that the balance is struck between security and respect for the human rights of all. This means working with counter-terrorism measures that fully comply with international humanitarian law and human rights precepts.

The defence of human rights and upholding the rule of law while countering terrorism should be at the heart of the OSCE counter-terrorism activities. In our view, it would be a victory for terrorists if we allow human rights and the rule of law to be sacrificed in the name of combating terrorism.

Recognizing that the nature of terrorism sets it apart from other crimes, the Government of Canada set out to craft a legislative response that was appropriate, proportionate and effective to the threat posed by terrorism. These goals were embodied in the *Anti-terrorism Act (ATA)* of 2001.

The ATA included numerous safeguards such as the following:

- Canadian courts are able to review the legislation for consistency with the *Canadian Charter of Rights and Freedoms*, which is part of the Constitution of Canada.
- Judicial reviews, appeals and oversight mechanisms were incorporated into the measures, using regular courts (not special or military courts).
- The consent of the Attorney General is required for prosecutions of the terrorism offences.
- The whole Act was made subject to a comprehensive Parliamentary review, which was completed in 2007.

To further engage Canadians and the Government of Canada in a long-term dialogue on matters related to national security, the Cross-Cultural Roundtable on Security (CCRS) was created in 2005. The Roundtable brings together up to 15 citizens who are leaders in their respective communities and who have extensive experience in social and cultural matters. The group provides advice and perspectives to the Minister of Public Safety and the Minister of Justice, concerning matters of national security.

Canada believes that engaging in outreach with communities, as the CCRS and the Government have done in Canada, is an important mechanism by which to foster trust within communities, some of whom may fear that they are being targeted by anti-terrorism legislation.

For our part, Canada is providing technical assistance – through our Counterterrorism Capacity Building Program – to countries willing to develop strategies and programs to combat terrorism. Brochures on the Programs can be found at the back of the room.

The OSCE has a special role to play in promoting these norms and standards that underpin sound, democratic governance. Oppression, injustice and violence feed the social dissatisfaction that may create a fertile recruiting ground for terrorists. All states have a role to play in creating environments that prevent terrorism from flourishing. That said, decades of research demonstrate that there is no established empirical or analytical evidence definitively linking a particular set of causal factors to the emergence or prolongation of violent movements, including terrorism.

It is critical that we take stock of where we stand in the fight against terrorism, and as participating States renew our commitment to strengthen our ability to counter terrorism and promote the rule of law, while protecting human rights.

Good governance, democracy, respect for human rights and the rule of law are a first line of defence against the spread of extremist ideology. A credible counter-terrorism strategy must be founded on these principles, and reflect our respect for diversity. To fail to do so would undermine the very values on which our societies are founded, and ultimately would defeat our efforts to counter terrorism.

Thank you – Merci.