

# Anti-Terrorist Legislation: How May It Affect Us?

## By Helen Close

In response to the terrorist attacks in the United States in September 2001, various legislation was prepared by the Canadian Government as a part of their Anti-Terrorism Plan. The stated purpose of the legislation is to “combat terrorism” by creating measures to “deter, disable, identify, prosecute, convict and punish terrorist groups; provide new investigative tools to law enforcement and national security agencies” and to ensure that the “Canadian values of respect and fairness are preserved...”

Many individuals, non-governmental organizations (NGOs), associations (including the legal profession), and religious organisations vigorously registered their opposition to the legislation, concerned that it would unnecessarily (and illegally) contract civil liberties, target certain groups for scrutiny, and create a “chill effect” on legitimate protest. The threat of labeling people, groups or organisations as “terrorists” is an effective way to discourage people from becoming involved in protest movements. This is not unique to Canada and should be seen as part of a global trend to discourage organized protest. Similar legislation exists in many countries including the United States, Britain, China, Singapore and Australia.

There are five pieces of Canadian legislation, which could have a great impact on Meetings, charities and individuals. The most important of these are:

**Bill C-35** amends the Foreign Missions and International Organisations Act, and was proclaimed into force as of 30th April 2002. It redefines a terrorist act as one that threatens to act or acts against ‘internationally protected persons’ (diplomats, foreign representatives etc.), “official premises” or “means of transport.” This could result in people protesting against the World Trade Organisation or G-8 being labelled terrorists.

**Bill C-17**, introduced on 31st October 2002, presents the idea of “controlled access zones” which restricts admittance to and movement around specific military areas. It is a modified version of Bill C-55 which died on the order paper in September 2002. Bill C-55 proposed “controlled access military zones” which would

include defence establishments, Canada Forces persons and property and property of visiting forces. Although presently withdrawn, this aspect of C-55 may be re-engineered and reintroduced at a later date.

**Bill C-36**, passed into law on 18th December 2001, amends the federal criminal code to include a definition of “terrorist activities” and “terrorist group” and defines a terrorist offence. Main concerns arise from the new criminalisation of “facilitating” and financing terrorist activity. An organisation or individual can be charged with facilitating or financing a terrorist organisation without knowingly doing so. Facilitating and financing includes donating money or supporting projects at home and abroad that have terrorist links. The following scenarios could be labelled as financing or facilitating terrorism:

- A hospital foundation raises funds for the general operations of a hospital that provides medical care to students. Some of these are protesters at an anti-globalisation march protest, and some erect a road block leading to an international economic summit.
- A religious denomination provides funding to a local church or meeting house that assists student protesters by providing sleeping facilities in its church basement. These protesters then block a road leading to an international economic summit.

The Canadian Council for International Cooperation (CCIC), of which CFSC is a member, has helped establish the International Civil Liberties Monitoring Group (ICIMG). They aim to:

- monitor the application of Canada’s security and “anti-terrorist laws” and their impact on civil society organisations and communities;
- disseminate information to interested and affected organisations and communities;
- make joint and concerted responses to ensure transparency and due process where specific organisations and/or vulnerable communities are affected;
- promote public awareness of the laws’ implications;
- ultimately, overturn these laws.

This is a brief overview of the anti-terrorism legislation. For a more detailed paper, which covers various Canadian bills, their implications and how they have already been used, please visit <http://www.cfsc.quaker.ca/new.html>

or contact the CFSC office by telephone at: (416) 920-5213 or by email at: <[cfsc-office@quaker.ca](mailto:cfsc-office@quaker.ca)>. □

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