



BEST PRACTICES
最佳實務

**COMBATING THE
ABUSE OF NON-PROFIT
ORGANISATIONS
(RECOMMENDATION 8)**
防制非營利組織遭濫用
(建議 8)

JUNE 2015
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FINANCIAL ACTION TASK FORCE
防制洗錢金融行動工作組織

The Financial Action Task Force (FATF) is an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. The FATF Recommendations are recognised as the global anti-money laundering (AML) and counter-terrorist financing (CFT) standard.

防制洗錢金融行動工作組織（FATF）是一個獨立的跨政府組織，旨在發展與提升政策，負責制定並執行政策，維護全球金融體系，以對抗洗錢、資恐以及資助武擴。FATF 所提建議已被認定為是全球性防制洗錢（AML）與打擊資恐（CFT）的公認標準。

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TABLE OF ACRONYMS

縮寫對照表

AML	Anti-money laundering 防制洗錢
CRA	Canada Revenue Agency 加拿大國稅局
CFT	Countering the financing of terrorism 打擊資助恐怖主義
DNFBP	Designated non-financial businesses and professions 指定之非金融事業或人員
FIU	Financial intelligence unit 金融情報中心
ML	Money laundering 洗錢
NGO	Non-government organization 非政府組織
NPO	Non-profit organization 非營利組織
RBA	Risk-based approach 風險基礎方法
TF	Terrorist financing 資恐
UNSCR	United Nations Security Council Resolution 聯合國安全理事會決議

BEST PRACTICES PAPER ON COMBATING THE ABUSE OF NON-PROFIT ORGANISATIONS (RECOMMENDATION 8) 防制非營利組織遭濫用的最佳實務（建議 8）

This guidance paper should be read in conjunction with:

此指引文件應參照下列事項：

- the FATF *Recommendations*, especially Recommendation 8 and its Interpretive Note, and Recommendation 1 and its Interpretive Note, and
- 防制洗錢金融行動工作組織建議，特別是建議第 8 項及建議第 1 項之註釋，以及
- the FATF typologies report on the Risk of Terrorist Abuse in Non-Profit Organisations.
- 防制洗錢金融行動工作組織針對恐怖分子濫用非營利組織的風險態樣報告。

Other relevant FATF documents include:

其他相關的防制洗錢金融行動工作組織文件包括：

- the guidance on National Money Laundering and Terrorist Financing Risk Assessment
- 各國防制洗錢指引與打擊資恐風險評估
- the typologies report on Terrorist Financing
- 資恐態樣報告
- the Risk-Based Approach Guidance for the Banking Sector, and
- 銀行業風險基礎方法指引，以及
- the Revised Guidance on AML/CFT and Financial Inclusion.
- 修正後之防制洗錢/打擊資恐及金融指引

I. INTRODUCTION AND BACKGROUND

I. 簡介與背景

1. The Financial Action Task Force (FATF) *Best Practices Paper on Combating the Abuse of Non-Profit Organisations* was first written in 2002 at a time when the FATF had just introduced standards to address specific terrorist financing (TF) vulnerabilities and threats in the wake of the 11 September 2001 terrorist attacks. Since then, the threat environment has evolved, government experience implementing Recommendation 8 has advanced, and the non-profit organisation (NPO) sector and self-regulatory mechanisms have also continued to evolve. A limited update of the best practices paper was conducted in 2013 with specific input from the NPO sector to reflect the revised FATF Recommendations and the need to protect the legitimate activities of NPOs. The FATF published a typologies report on the *Risk of Terrorist Abuse in Non-Profit Organisations* (the typologies report) in June 2014, and the best practices paper has now been further revised to reflect some of the findings of that report along with additional input and examples of good practice from governments and the private sector.

1. 防制洗錢金融行動工作組織（FATF）在 2002 年間是第一個撰寫有關防制非營利組織遭濫用之最佳實務的組織，當時防制洗錢金融行動工作組織在 2001 年 911 恐怖攻擊事件後引入相關標準，說明資恐（TF）的弱點與威脅。自此，隨著環境威脅演變，各國政府在執行建議第 8 項方面有了更多經驗，非營利組織（NPO）部門之自律機制也持續進步。2013 年因應修正後的防制洗錢金融行動工作組織建議涵蓋了特定非營利組織部門，且為確保非營利組織合法活動的需求，更新了部分最佳實務。防制洗錢金融行動工作組織在 2014 年 6 月針對恐怖分子濫用非營利組織之風險發佈了態樣報告（以下稱「態樣報告」），而所謂最佳實務也就來自政府與私部門發現之新案例及做法，並加以修訂。

2. The FATF recognises the vital importance of the NPO community in providing charitable services around the world, as well as the difficulty of providing assistance to those in need, often in remote regions, and applauds the efforts of the NPO community to meet such needs. One of the main objectives of this best practices paper is to facilitate NPO efforts and protect the integrity of the NPO sector by providing examples of additional ways that governments and the NPO sector can work towards protecting the global NPO sector from terrorist abuse. These good practices are not mandatory elements of the FATF Standards¹, and are included as examples only.

2. 防制洗錢金融行動工作組織指出非營利組織在世界各地提供慈善服務之重要性，同時也體認到在協助需要幫助的人所遇到的困難，如需赴偏遠地區行善，因此肯認非營利組織在這方面所做的努力。此份最佳實務主要目的之一，在於提供非營利組織免受恐怖組織濫用的相關實例，幫助非營利組織長期在慈善事業的努力及付出，並保護非營利組織的廉潔性。這些最佳實務並非防制洗錢金融行動工作組織標準的強制義務¹，僅為案例參考。

3. The FATF is committed to maintaining a close and constructive dialogue with the private sector, including the NPO sector, as important partners in ensuring the integrity of the financial system.

3. 防制洗錢金融行動工作組織致力於和私部門（包括非營利組織）維持密切關係，並透過具有建設性的溝通，確保非營利組織的廉潔性及完整的財務體系。

¹ The FATF Standards comprise the FATF Recommendations and their Interpretive Notes.

¹ 防制洗錢金融行動工作組織標準包含了防制洗錢金融行動工作組織建議及其各項註釋。

4. The FATF recognises the intent and efforts to date of the NPO community to promote transparency within their operations and to prevent misuse of the sector by those wishing to support terrorist financing and terrorist organisations. The NPO sector in many countries has representational and self-regulatory organisations that have developed standards and initiatives to help individual organisations ensure accountability and transparency in their operations, including strengthened internal controls and risk mitigation measures. A sampling of representational and self-regulatory organisations can be found in **Annex 3**.

4. 防制洗錢金融行動工作組織肯認非營利組織提升其內部運作之透明性以及預防該部門遭受恐怖分子或恐怖組織之濫用的用心與努力。許多國家的非營利組織都具有其代表性並具有自律機制，已發展出一套標準或計畫，協助個別組織確保其作業的公開透明及可責性，包括強化內部控管與風險降低措施等。相關具代表性及具有自律機制的組織清單可參見**附錄 3**。

5. However, more than a decade after the abuse of NPOs by terrorists and terrorist organisations was formally recognised as a concern, some NPOs in the sector continue to be misused and exploited by terrorists through a variety of means. In fact, terrorist actors will often employ deception to mask their activities, particularly those in conflict regions. Well-planned deceptions by terrorists abusing the NPO sector are difficult to penetrate with the resources available to non-governmental actors, making state-based oversight and its capabilities a necessary element to detecting the most sophisticated terrorist threats to the NPO sector.

5. 然而，經過 10 年後，非營利組織遭受恐怖分子與恐怖組織濫用雖已被視為重要關切議題，恐怖分子仍透過各種方式濫用與利用部分非營利組織。事實上，恐怖主義分子常利用障眼法掩飾其非法活動，特別是位於對立衝突的地區內。藉由事前充分規劃，恐怖主義分子在濫用非營利組織時，非政府組織已難以滲透並掌握其資源，因此必須透過政府監督、善用其公權力，才能及時發現規劃縝密之恐怖分子如何對非營利組織造成威脅。

II. PURPOSE AND CONTEXT

II. 目的與內容

6. The purpose of this best practices paper is to set out specific examples of good practice which:
6. 此份最佳實務旨在列示特定範例與優良做法：
- a) Primarily assist countries² in their implementation of Recommendation 8 on non-profit organisations, in line with Recommendation 1 and the risk-based approach, and consistent with countries' obligations to respect freedom of association, assembly, expression, religion or belief, and international humanitarian law;³
 - a) 各國² 協助非營利組織執行建議第 8 項事項時，須遵照建議第 1 項以風險基礎方法評估風險，並在不違反各國對於結社、集會、言論、宗教與信仰自由的尊重義務，且亦不得違反國際人權法案；³
 - b) May assist NPOs which fall within the scope of the FATF definition of a *non-profit organisation* to help meet the objectives of Recommendation 8 and mitigate TF threats they may face; and
 - b) 符合防制洗錢金融行動工作組織定義之非營利組織範圍才是需要協助的非營利組織，協助該非營利組織達到建議第 8 項所要求之客觀事項並減少其可能面臨的資恐威脅；
 - c) May assist financial institutions in the proper implementation of a risk-based approach when providing financial services to NPOs, and guide donors who are providing funding to NPOs.
 - c) 協助金融機構在提供非營利組織金融服務時能夠適當地以風險基礎方法評估風險，並讓資助非營利組織的捐贈者有所依循。

² All references to *country* or *countries* apply equally to territories or jurisdictions.

² 文中提到的「國家」或「各國」一詞，同樣適用領土或管轄。

³ See also the United Nations Global Counter-Terrorism Strategy adopted in September 2006, which includes section IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism. The Preamble of the UN Security Council Resolution 2129(2013) states that the Council recognises “the need for Member States to prevent the abuse of non-governmental, non-profit and charitable organisations by and for terrorists, and calling upon non-governmental, non-profit, and charitable organisations to prevent and oppose, as appropriate, attempts by terrorists to abuse their status, while recalling the importance of fully respecting the rights to freedom of expression and association of individuals in civil society and freedom of religion or belief, and noting the relevant recommendation and guidance documents of the Financial Action Task Force”.

³ 併請參考 2006 年 9 月聯合國全球反恐戰略所採用之第四章：「確保尊重人權並以法治作為對抗恐怖主義之基礎防制措施」相關內容。聯合國安理會第 2129 號決議（2013 年）前言部份即已聲明：安理會體認到「其成員國，為預防非政府、非營利與慈善組織遭受恐怖分子濫用或贊助恐怖分子活動，呼籲非政府、非營利與慈善組織需有防制作為並適時對抗遭恐怖分子濫用以阻斷其企圖，同時再次呼籲須尊重個人言論、結社、宗教或信仰等自由之重要性，另揭示防制洗錢金融行動工作組織所發佈之建議與指引文件相關性。

RECOMMENDATION 8

建議 8

7. The following context is particularly important to keep in mind when implementing the requirements of Recommendation 8 and its Interpretive Note, and when considering the examples of good practice set out in this paper:

7. 下列內容，於踐行建議第 8 項之內容及其相關註釋時，尤屬重要，需謹記於心，以下列舉各種典範供參：

- a) Recommendation 8 does not apply to the NPO sector as a whole. Countries should take a targeted approach to implementing the measures called for in Recommendation 8, including oversight and regulatory mechanisms, based on an understanding of the diversity of the NPO sector and the terrorism risks faced by the domestic NPO sector. Given the variety of legal forms that NPOs can have, depending on the country, the FATF has adopted a functional definition of NPO. This definition is based on those activities and characteristics of an organisation which put it at risk of terrorist abuse, rather than on the simple fact that it is operating on a non-profit basis. Recommendation 8 only applies to those NPOs which fall within the FATF definition of a *non-profit organisation*.
- a) 建議第 8 項並非整體適用所有非營利組織。各國在執行建議第 8 項時，應採取特定目標做法（包括監督與規範機制）以瞭解非營利組織之多樣性及國內非營利組織可能面臨之恐怖主義風險。視各國情形，非營利組織合法存在的方式可能各式各樣，有鑑於此，防制洗錢金融行動工作組織以非營利組織之功能做為定義標準。該定義係以非營利組織活動及特性，有可能面臨或受到恐怖主義分子濫用之風險為依據，並非單純根據非營利組織運作之功能。建議第 8 項僅適用符合防制洗錢金融行動工作組織定義之非營利組織。

FATF definition of a non-profit organization
防制洗錢金融行動工作組織定義之非營利組織

A legal person or arrangement or organisation that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, or for the carrying out of other types of “good works”.
意指法人或法律協議或組織主要從事募集或分配資金，而以慈善、宗教、文化、教育、社交或友愛為目的，或為執行其他型態之「善事」。

Throughout this report, unless otherwise specified, the term NPO refers only to those NPOs falling within the FATF definition. The term does not apply to the entire universe of NPOs. Within the FATF definition of NPO, Recommendation 8 is intended to apply only to those NPOs that pose the greatest risk of terrorist financing abuse. In some jurisdictions, this may mean those NPOs that control a significant portion of the financial resources of the sector and those NPOs that have a substantial share of the sector’s international activities. In other jurisdictions, a domestic NPO sector review combined with an understanding of the TF risks in the sector may indicate that the risk of terrorist abuse is greater for NPOs with

different characteristics. In some jurisdictions, the TF risk in the sector may be low based on the context of the country.⁴

在本報告中，除非另有指明，否則所提及之非營利組織僅指符合上述防制洗錢金融行動工作組織定義之非營利組織。該用詞並非意旨所有非營利組織。在防制洗錢金融行動工作組織定義的非營利組織範圍內，建議第 8 項僅適用於存有遭恐怖組織濫用風險較高的非營利組織。在部分地區，非營利組織在國際活動中佔有一定之實質份量，且該部門有可能是控制大量的金融資源。在其他地區，針對國內非營利組織瞭解其資恐風險並歸類出特徵，有助於防止非營利組織遭受恐怖分子濫用之風險。然而，在部份地區，由於國情及環境的關係，有些非營利組織被濫用於資恐風險可能很低。⁴

- b) Not all NPOs are high risk, and some may represent little or no risk at all. It may be possible that existing measures are sufficient to address the current TF risk to the NPO sector identified in a country, although periodic reviews may identify new or evolved TF risks over time. This has important implications for both countries and financial institutions in their implementation of a risk-based approach, in line with Recommendation 1. In particular, it means that a “one size fits all” approach to all NPOs is not appropriate, either in terms of how countries supervise and monitor the sector, or how financial institutions manage business relationships with customers who are NPOs. It is also an important consideration for donors who are providing funding to NPOs.
- b) 並非所有非營利組織均具備高風險，可能有些風險很低，甚至完全沒有風險。既有的措施可能足以處理一個國家境內非營利組織目前面臨的資恐風險，但是定期檢視相關措施，係有助於找出新的或與時俱進的資恐風險。實施與建議第 1 項相符之風險基礎方法，無論是對於國家或金融機構均具重要意涵。特別要強調的是，對於所有非營利組織以「放諸四海皆準」的做法並不適合，如同各國如何監督與管理該非營利組織，或者金融機構如何管理非營利組織客戶關係。對於捐贈者而言有一個很重要的考量因素，就是提供資金給非營利組織的來源。
- c) When applying measures to mitigate the risks that have been identified in their domestic NPO sector, it is important for countries to take into account the objectives of Recommendation 8 which are set out in paragraph 3 of its Interpretive Note as follows:
- c) 當針對其國內非營利組織，要適用降低風險的措施時，各國需以建議第 8 項為目標，並將註釋第 3 項列入考量的重點：

The objective of Recommendation 8 is to ensure that NPOs are not misused by terrorist organisations: (i) to pose as legitimate entities; (ii) to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; or (iii) to conceal or obscure the clandestine diversion of funds intended for legitimate purposes, but diverted for terrorist purposes. In this Interpretive Note, the approach taken to achieve this objective is based on the following general principles:

建議第 8 項的目標在於確保非營利組織不會受到恐怖組織濫用：(i) 偽裝成合法組織存在；(ii) 利用合法組織，藉以資助恐怖分子，包含規避將受凍結

⁴ See paragraph 16 on the findings of the typologies report (FATF, 2014a).

⁴ 有關態樣報告，請見第 16 項（防制洗錢金融行動工作組織，2014a）。

之資產等目的；或 (iii) 隱瞞或模糊化原本用於正常管道之資金移轉，反而將資金秘密轉用於恐怖活動。依照此註釋，達到此一目標所採取的做法係以下列一般原則為依據：

- a) *Past and ongoing abuse of the NPO sector by terrorists and terrorist organisations requires countries to adopt measures both: (i) to protect the sector against such abuse, and (ii) to identify and take effective action against those NPOs that either are exploited by, or actively support, terrorists or terrorist organisations.*
- a) 非營利組織過去和至今仍持續受到恐怖分子以及恐怖組織濫用，因此各國需要採取措施，以：(i) 協助並預防該組織遭濫用並 (ii) 找出及採取有效行動對抗受到恐怖分子或恐怖組織利用或積極贊助恐怖分子或恐怖組織的非營利組織。
- b) *Measures adopted by countries to protect the NPO sector from terrorist abuse should not disrupt or discourage legitimate charitable activities. Rather, such measures should promote transparency and engender greater confidence in the sector, across the donor community and with the general public, that charitable funds and services reach intended legitimate beneficiaries. Systems that promote achieving a high degree of transparency, integrity and public confidence in the management and functioning of all NPOs are integral to ensuring the sector cannot be misused for terrorist financing.*
- b) 各國用以預防非營利組織受恐怖分子濫用的措施，不應影響或阻礙合法的慈善活動。相反地，此類措施應以提升非營利組織透明度並增加捐贈者以及社會大眾對於非營利組織的信心，讓他們相信其所捐助之慈善資金與服務，有順利用於合法受益人。在確保非營利組織不受到資助恐怖分子濫用，協助提升透明度、完整性以及大眾對於所有非營利組織管理與運作的信心之制度是不可或缺的。
- c) *Measures adopted by countries to identify and take effective action against NPOs that either are exploited by, or actively support, terrorists or terrorist organisations should aim to prevent and prosecute, as appropriate, terrorist financing and other forms of terrorist support. Where NPOs suspected of, or implicated in, terrorist financing or other forms of terrorist support are identified, the first priority of countries must be to investigate and halt such terrorist financing or support. Actions taken for this purpose should, to the extent reasonably possible, avoid negative impact on innocent and legitimate beneficiaries of charitable activity. However, this interest cannot excuse the need to undertake immediate and effective actions to advance the immediate interest of halting terrorist financing or other forms of terrorist support provided by NPOs.*
- c) 各國應預防並以適當起訴資助或以其他形式資助恐怖分子，

並採取有效行動對抗受恐怖分子或恐怖組織利用或積極資助恐怖分子或恐怖組織的非營利組織。當發現可疑或以暗中、其他形式資助恐怖分子的非營利組織時，各國應以調查為首要任務並停止此類資助恐怖活動之行為。應在合理程度及目的範圍內採取行動，避免對合法之慈善活動、受益人造成負面衝擊。但是，上述善意措施不得作為藉口，用以阻礙立即有效停止非營利組織持續提供或以其他形式資助恐怖分子。

- d) *Developing cooperative relationships among the public, private and NPO sector is critical to raising awareness and fostering capabilities to combat terrorist abuse within the sector. Countries should encourage the development of academic research on, and information sharing in, the NPO sector to address terrorist financing related issues.*
 d) 公部門、私部門以及非營利組織之間發展合作關係並提升或增加其等防制恐怖分子濫用非營利組織等認知尤屬重要。各國應鼓勵非營利組織間進行學術交流並分享資訊，及處理資恐等問題。
- e) *A targeted approach in dealing with the terrorist threat to the NPO sector is essential given the diversity within individual national sectors, the differing degrees to which parts of each sector may be vulnerable to misuse by terrorists, the need for legitimate charitable activity to continue to flourish, and the limited resources and authorities available to combat terrorist financing in each country.*
 e) 因應各國內部產業別彼此各異，是故可能遭到恐怖分子濫用的程度亦各異、為使合法慈善活動繼續發展以及考量各國對抗資助恐怖分子時可用的資源和權力皆有限，故處理非營利組織面臨恐怖分子威脅有一套標準做法是很重要的。
- f) *Flexibility in developing a national response to terrorist financing in the NPO sector is also essential, in order to allow it to evolve over time as it faces the changing nature of the terrorist financing threat*
 f) 針對非營利組織被資恐濫用，建立一套具有彈性的國內反應機制是很重要的，如此才能與時俱進，處理本質多變的資恐威脅。
- d) The FATF Recommendation 8 Best Practices Paper, like all FATF best practices papers, is not mandatory for assessing compliance with the FATF Standards, but countries and the NPO sector may find it valuable to consider it when determining how best to prevent and mitigate terrorist abuse in the NPO sector. The specific examples of good practice in this paper should not be used as a checklist of requirements to be applied to or by all NPOs, and are included as examples only. The good practices are not intended to be comprehensive. Rather, they are illustrative of the types of measures that, depending on the circumstances, are good steps towards meeting the objectives of Recommendation 8. Although these good

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practices are considered to be helpful indicators, they may not be relevant in all circumstances.

- d) 防制洗錢金融行動工作組織建議第 8 項最佳實務和所有防制洗錢金融行動工作組織最佳實務一樣，並未強制列入是否遵照防制洗錢金融行動工作組織標準之評估，但是各國和非營利組織可發現在決定預防並降低恐怖分子對非營利組織遭濫用的最佳方法，該實例有納入考量的價值。此最佳實務，僅作為參考，不應當作適用所有非營利組織的檢視清單，僅為用途說明，瞭解在達到建議第 8 項時，需適用良好的措施或步驟。雖然這些最佳實務被認為是有幫助達成建議指標，但仍可能無法適用所有情況。
- e) As noted in the Interpretive Note to Recommendation 8, terrorists and terrorist organisations may exploit some NPOs in the sector to raise and move funds, provide logistical support, encourage terrorist recruitment, or otherwise support terrorist organisations and operations. This misuse not only facilitates terrorist activity, but also undermines donor confidence and jeopardises the very integrity of NPOs. Therefore, protecting the NPO sector from terrorist abuse is both a critical component of the global fight against terrorism and a necessary step to preserve the integrity of the NPO sector and donor community.
- e) 如建議第 8 項註釋所示，恐怖分子與恐怖組織可能會利用非營利組織，令其籌措並移動資金、提供物流支援、協助恐怖分子招募新兵活動或贊助恐怖組織與運作。如此的濫用非營利組織，不僅助長恐怖活動，也削弱捐助者對非營利組織的信心並且危害非營利組織的誠信。因此，保護非營利組織，使其不受恐怖分子濫用，不僅對於全球反恐作戰至關重要，也是維護非營利組織以及慈善界誠信的必要步驟。

III. GUIDANCE AND EXAMPLES OF GOOD PRACTICE FOR COUNTRIES

III. 各國優良做法指引與實務

Specific examples of good practice for countries can be found in **Annex 1**.
有關各國優良做法的特定實務，請見**附錄 1**。

8. Recommendation 8 does not operate in isolation. Its implementation should be consistent with the over-arching requirements of Recommendation 1 on the risk-based approach.

8. 建議第 8 項無法獨立運作。執行時應與風險基礎方法的建議第 1 項架構相稱。

A. UNDERSTANDING THE RISK

A. 瞭解風險

9. As stated in Recommendation 1, countries should identify, assess, and understand the money laundering and terrorist financing risks for the country, and should take action, including designating an authority or mechanism to coordinate actions to assess risks, and apply resources, aimed at ensuring the risks are mitigated effectively. Based on that assessment, countries should apply a risk-based approach (RBA) to ensure that measures to prevent or mitigate money laundering and terrorist financing are commensurate with the risks identified. This risk-based approach should be an essential foundation to efficient allocation of resources across the anti-money laundering and countering the financing of terrorism (AML/CFT) regime and the implementation of measures throughout the *FATF Recommendations*. Where countries identify higher risks, they should ensure that their AML/CFT regime adequately addresses such risks. Where countries identify lower risks, they may decide to allow simplified measures for some of the *FATF Recommendations* under certain conditions.

9. 正如第 1 項建議所述，各國應明確辨識、評估及瞭解本國有關洗錢及資恐風險，並且採取必要之措施和投入所需之資源（包括指定權責機關或建立機制、良好協調及風險評估工作），以有效降低此風險。各國應根據風險基礎方法(RBA)進行評估，以確保採取降低洗錢與資恐活動之措施與發現的風險相符。此類以風險為基礎之方法，係為有效配置防制洗錢與打擊資恐（AML/CFT）資源以及做為實施防制洗錢金融行動工作組織建議中各項措施的重要評估基礎。當各國發現較高風險時，應確保其防制洗錢/打擊資恐體制有適足之能力處理此風險。當各國發現較低風險時，得在防制洗錢金融行動工作組織建議之特定情況下採用簡化措施。

10. Risk can be defined as the ability of a threat to exploit a vulnerability. For there to be a risk, both a threat and a vulnerability must be present.

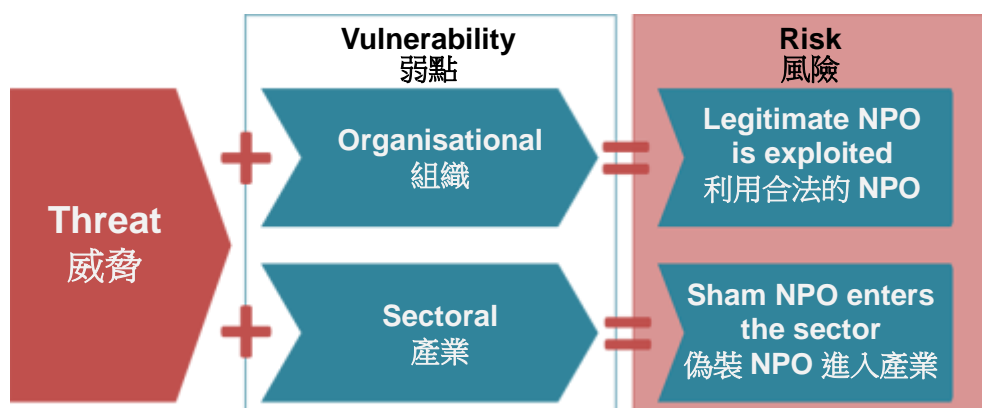
10. 風險可被定義為某個威脅利用弱點所在的能力。風險要存在，必須同時具備威脅和弱點等兩個要素。

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Figure 1. Threat+Vulnerability=Risk

圖 1：威脅 + 弱點 = 風險



11. A domestic sector review has always been an element of Recommendation 8. However, understanding TF risk and responding appropriately using a risk-based approach to effectively implement Recommendation 8 has become more critical following the adoption of the revised *FATF Recommendations* which emphasize the risk-based approach. Recommendation 8 requires countries to undertake a domestic review of their entire NPO sector, or have the capacity to obtain timely information on its activities, size and other relevant features, and review the adequacy of laws and regulations that relate to the portion of the NPO sector that can be abused for the financing of terrorism. In undertaking this review, countries should use all available sources of information in order to identify features and types of NPOs which, by virtue of their activities or characteristics, are at risk of being misused for terrorist financing⁵. In other words, a review of the entire sector would identify which subset of organisations fall within the FATF definition of NPO and then identify which NPOs in the subset would be considered higher risk for TF abuse. Countries should also periodically reassess the NPO sector by reviewing new information on the sector's potential vulnerabilities to terrorist financing activities, trends related to terrorist abuse, and risk mitigation measures.

11. 檢視國內非營利組織一向是建議第 8 項的一個要素。採用防制洗錢金融行動工作組織修正強調以風險基礎方法有效實施第 8 項建議，透過該方法瞭解資恐風險所在，並有能力做出回應，尤為重要。建議第 8 項要求各國需針對國內整體非營利組織進行檢視，具備及時獲得其活動、規模以及其他相關運作等資訊之能力，並檢視法規對於非營利組織中可能受到資恐濫用的規範是否適足。執行此類檢視時，各國應使用所有可得的資訊來源，根據其活動或特徵，找出非營利組織被資恐濫用風險的功能與類型⁵。換言之，檢視整個部門並找出符合防制洗錢金融行動工作組織的非營利組織，並辨識哪些非營利組織被認為存有較高資恐濫用的風險。各國亦應定期透過檢視該部門在打擊資恐活動方面，可能會面臨的弱點、遭到恐怖分子濫用的相關新趨勢，以及可適用風險降低措施等新資訊重新評估。

12. While it is possible that NPOs, like their for-profit counterparts, may face numerous other risks relating to money laundering, fraud, corruption, and tax evasion, Recommendation 8 is only intended to

⁵ Paragraph 4 of the Interpretive Note to Recommendation 8 (FATF, 2012).

⁵ 建議 8 註釋第 4 項（防制洗錢金融行動工作組織，2012）。

address the particular vulnerability of NPOs to terrorist abuse. Yet risk mitigation measures to protect against other illicit finance threats, including money laundering, can be useful in mitigating terrorist financing risk.

12. 雖然非營利組織與營利組織類似，都可能會面臨其他和洗錢、詐騙、貪污以及逃稅等眾多風險，但建議第 8 項旨在特別處理非營利組織遭到恐怖分子濫用的弱點。另外，防制其他非法金融威脅（含洗錢）的措施，在降低資恐風險方面仍有其幫助性。

13. An understanding of the domestic NPO sector and the terrorist financing risks it faces are critical to complying with Recommendation 8 in the 4th round of Mutual Evaluations. The risk-based approach is the foundation for countries to determine how best to mitigate terrorist financing risks, including how to implement the comprehensive approach called for by Recommendation 8 and which elements of the NPO sector should be subject to oversight mechanisms.

13. 瞭解國內非營利組織及其所面臨之資恐風險，與第 4 輪相互評鑑評估是否符合建議第 8 項內容息息相關。風險基礎方法是各國決定用以降低資恐風險的最佳做法（包括如何實行建議第 8 項的全面呼籲性做法），及決定非營利組織的哪些要素應受到監督之依據基礎。

14. In practice, conducting a domestic review of the entire NPO sector is a fundamental and necessary starting point for the proper implementation of Recommendation 8, because it enables countries to:

14. 實務上，各國針對其國內整體非營利組織進行檢視是正確履行建議第 8 項的一個基本必備起點：

- a) determine which NPOs in their country fall within the scope of the FATF definition of a *non-profit* organisation and to which NPOs the country's TF mitigation measures should apply;
- a) 判定其國內哪些非營利組織屬於防制洗錢金融行動工作組織定義的*非營利組織*以及該國資恐降低措施應適用哪些非營利組織；
- b) better understand the domestic NPO sector, including size, type, locations and activities of NPOs;
- b) 進一步瞭解國內非營利組織，包括其規模、類型、地點以及非營利組織的活動等；
- c) understand the terrorist financing risks facing their specific NPO sector, and determine which laws, regulations, and other measures are already in place which might help to mitigate those risks, in line with Recommendation 8;
- c) 瞭解其特定非營利組織在面臨資恐風險時，判定哪些既有的法律、規範與其他措施可能有助於降低此類風險，以符合建議第 8 項規定；
- d) take the results of the domestic review into account in the context of their national risk assessment, as appropriate⁶; and
- d) 在檢視國內相關結果是否適足時⁶，應將其國家風險評估列入考量；以及

⁶ For additional information on conducting a national risk assessment, see the FATF guidance document [National Money Laundering and Terrorist Financing Risk Assessment](#) (FATF, 2013).

⁶ 如需額外有關執行國家風險評估的資訊，請見 FATF 指引文件 [國家洗錢與資恐風險評估](#)（防制洗錢金融行動工作組織，2013）。

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- e) ascertain whether the laws, regulations, and other measures already in place are commensurate with the risks identified, in line with Recommendation 1⁷, and whether additional measures are needed to mitigate the risk or if the current measures are sufficient.
- e) 確定哪些既有的法律、規範與其他措施與辨識風險相當，以符合建議第 1 項⁷ 的規定，另是否需要其他措施以降低風險，或是否目前的措施即已足夠。

15. Elements of a country's domestic sector review could include: the size, type, and scope of NPOs, their activities, their donor base, cross-border activity and financing, movement of funds, means of payments, type and location of activities engaged in, services provided, and the level of risk associated with these elements.

15. 各國檢視其國內非營利組織要素可包含：規模、類型、非營利組織範疇、其活動、其捐贈基礎、跨國活動、資助、資金的移動、支付方式、從事活動之類型與地點、提供的服務，或者與這些要素相關的風險等。

Box 1. Example of a sector review

實例 1、部門檢視實例

The national regulator of registered charities in Canada, the Canada Revenue Agency (CRA), conducted a domestic review of the entire NPO sector in Canada in order to identify which organisations, by virtue of their activities and characteristics, were at greater risk of being abused for terrorist support.

加拿大負責慈善機構註冊的主管機關為加拿大國稅局（CRA），已針對加拿大境內整個非營利組織進行檢視，並辨識出哪些組織，根據其活動與特徵，在遭資恐濫用方面面臨較大風險。

Specifically, Canada aimed to ensure that:

具體而言，加拿大旨在確保：

- It is not taking an overly broad interpretation of the FATF definition of NPO;
- 不要過度解讀防制洗錢金融行動工作組織對於非營利組織的定義；
- It focuses on those organisations that are at greatest risk; and
- 重點放在有面臨較大風險的組織，並且
- It does not burden organisations not at risk with onerous reporting requirements for TF purposes.¹
- 不要因為防制資恐目的及通報義務，讓組織或團體有過度的負擔。¹

The CRA reviewed existing publications and research by governmental, academic, and non-profit organisations related to the non-profit sector, including reports by Statistics Canada

⁷ Paragraph 1 of the Interpretive Note to Recommendation 1 (FATF, 2012).

⁷ 建議 1 註釋第 1 項（防制洗錢金融行動工作組織，2012）。

on non-profit institutes, consultations on regulations affecting the sector, and studies on trends in charitable giving and volunteering. In addition, the CRA looked at existing laws and reporting requirements affecting non-profit organisations.

CRA 檢視了政府、學術界以及非營利組織所出版和非營利組織有關的刊物以及研究，包括加拿大統計局針對非營利組織做成的報告，參考可能影響該部門的法規，並針對慈善捐助與志工活動等趨勢做研究。此外，CRA 也檢視了有關非營利組織既有法律與通報要求。

To determine where there is risk, NPOs were categorised based on shared characteristics such as purpose, activities, size and location of operation. The CRA compared those characteristics with the elements of the FATF definition of NPO. It also took into consideration the findings of the FATF typologies report *Risk of Terrorist Abuse in Non-Profit Organisations*² to identify features that put organisations a greater risk.

為了判定風險之所在，根據非營利組織共同特徵進行分類，如：目的、活動、規模以及營運地點等。CRA 將這些特徵和防制洗錢金融行動工作組織的非營利組織定義要素進行比較。也將防制洗錢金融行動工作組織針對恐怖分子濫用非營利組織的風險²做成的態樣報告納入考慮，藉以找出組織有面臨較大風險的特徵。

The CRA found that, in Canada, the organisations at greatest risk of terrorist abuse because of the nature of their activities and characteristics are charities. This means that in the Canadian context, charities are the organisations that fall within the FATF definition of NPO. While organisations at greatest risk are charities, not all charities are at risk. The insight obtained from the sector review allowed Canada to focus on charities as the starting point for its national risk assessment.

CRA 發現加拿大境內就其活動性質和特徵而言，遭到恐怖分子濫用方面有較大風險的組織為慈善團體。這意味著加拿大的慈善團體是符合防制洗錢金融行動工作組織定義的非營利組織。雖然慈善團體具有較高的風險，但並非所有慈善團體都有風險。從國家風險評估作為起點，可使加拿大將較多重點放在慈善團體。

1. See paragraphs 23 and 24.

1. 請見第 23 與第 24 項。

2. FATF (2014a).

2. 防制洗錢金融行動工作組織 (2014a)。

16. The FATF has conducted its own research into the terrorist financing risks⁸ facing NPOs. In June 2014, the FATF published a typologies report on [*Risk of Terrorist Abuse in Non-Profit Organisations*](#)⁹

⁸ The typologies report defines risk as the potential for harm as a result of a threat (in this case, individuals or groups who support terrorism) exploiting a vulnerability/vulnerabilities (in this case, of an NPO).

⁸ 態樣報告將風險定義為潛在可能造成傷害的威脅（以這個例子而言是指資助恐怖主義的個人或團體）利用了弱點（以這個例子而言是指非營利組織的弱點而造成傷害的可能性）。

⁹ FATF (2014a).

⁹ 防制洗錢金融行動工作組織 (2014a)。

which analysed 102 case studies submitted by 14 countries from across the globe. The typologies report found that more than a decade after the abuse of NPOs by terrorist entities was formally recognised as a concern, the threat remains. While the abuse of the NPO sector by terrorist entities is, in the context of the global NPO sector, a low-probability risk, the impact of such abuse on the NPO sector goes beyond the narrow consideration of monetary value. Donors trust that resources provided to NPOs, either financial or material, will be used for good works; this trust is the foundation for the NPO sector. The diversion of these resources to benefit entities whose principal goal is to harm, undermines the public's trust in the NPO sector, which will have a disproportionate impact on NPO operations. That report found a correlation between the types of activities an NPO is engaged in and the risk of terrorist abuse. The report concluded that:

16. 防制洗錢金融行動工作組織針對非營利組織面臨資恐風險⁸ 本身已有進行相關研究。2014年6月，防制洗錢金融行動工作組織針對恐怖分子濫用非營利組織的風險⁹ 公佈了一份態樣報告，分析了全球14個國家提交的102件個案研究。該態樣報告發現，雖然非營利組織遭到恐怖組織濫用的議題已被正視10多年，然而威脅依舊存在。儘管在全球非營利組織內遭到恐怖分子濫用的風險可能性很低，但是這類濫用對於非營利組織造成的衝擊，早已超出狹隘金融價值的考量。捐贈者信任並提供資源給非營利組織，不論是貨幣或物資，都是期待將之做為良善用途；這樣的信任其實是非營利組織的基石。若將這樣的資源轉而用於其他主要目的在於造成傷害或破壞大眾對非營利組織的信任，將對非營利組織的運作造成難以回復的衝擊。該報告指出非營利組織從事的活動類型與其遭到恐怖分子濫用的風險具相關性。報告結論是：

- a) The NPOs most at risk of abuse for terrorist financing are engaged in “service activities”, meaning programmes focused on providing housing, social services, education, or health care. This is consistent with the FATF definition of *non-profit organisation*. Indeed, none of the NPOs in the case studies analysed were engaging in “expressive activities”, meaning programmes focused on sports and recreation, arts and culture, interest representation or advocacy such as political parties, think tanks and advocacy groups.
- a) 非營利組織遭資恐濫用最大的風險是從事「服務活動」的類型，亦即：像是提供住宿、社會服務、教育或醫療照護等計畫。這與防制洗錢金融行動工作組織定義的非營利組織相符。的確，分析非營利組織的研究個案顯示，並無從事「表現活動」（亦即：重點放在運動與娛樂、藝文、利益表述或倡導〔諸如：政黨、智庫團與倡導團體〕等計畫）。
- b) The risks facing NPOs engaged in service activities are not equal. There is a stronger risk of abuse for NPOs providing service activities “in close proximity to an active terrorist threat”. This may refer to an NPO operating: i) in an area of conflict where there is an active terrorist threat; or ii) domestically in a country where there is no conflict, but within a population that is actively targeted by a terrorist movement for support and cover. In both cases the key variable of risk is not geographic, but the proximity to an active terrorist threat. Importantly, this does not always correspond to geographic areas of conflict or low-governance. In areas of conflict or low-governance where terrorist movements do not or cannot operate, NPOs may face risks associated with corruption or criminality, but not necessarily terrorist financing. Conversely, terrorist movements may actively target populations within relatively stable environments for support. Ultimately, the principal considerations for determining which NPOs are at a higher risk of abuse are the value of their resources or activities to terrorist entities, and the proximity to an active terrorist threat

that has the capability and intent to abuse NPOs¹⁰. In general, there are five categories of abuse or risk facing NPOs:

- b) 從事服務活動的非營利組織面臨的風險彼此並非相同。提供的服務活動如係「接近恐怖威脅活躍的地區」時，非營利組織面臨濫用的風險則較大。具體來說是指非營利組織的營運：i)地點位於存在恐怖威脅活躍的衝突區；或 ii)位於無衝突的國家境內，但存有恐怖活動活絡且有群族積極尋求資助與掩護。不管是哪一種情況，風險的關鍵變數與地理位置並無關係，而是以接近恐怖威脅活躍的地區作為判斷程度。重要的是，這也並非總是與衝突區或受到低度管理地域有關。在衝突區或受到低度管理之恐怖活動無運作或無法運作的地區而言，非營利組織可能會面臨腐敗或犯罪等相關風險，但未必是資恐風險。相反地，恐怖活動可能主動鎖定相對穩定環境內的族群，尋求其資助。在判定哪些非營利組織可能面臨較大被濫用風險時，主要考量的因素，最終還是以其擁有的資源或從事的活動對於恐怖組織而言是否具有價值，以及是否具備能力或意圖濫用非營利組織的恐怖威脅活躍程度¹⁰。一般而言，非營利組織面臨的被濫用的風險可分為五類：
 - i. The *diversion of funds* is a significant method of abuse, with actors inside the NPO or external actors (such as foreign partners or third-party fundraisers) being responsible for the diversion to support terrorist entities at some point through the NPO's operational or financial processes;
 - i. 資金轉移是重大濫用的手法，行為者往往為非營利組織內部或外部人（如：國外合作夥伴或第三方資金籌措單位）操作，旨在透過非營利組織的運作或財務過程於事後資助恐怖組織；
 - ii. NPOs or their directing officials knowingly or unknowingly maintaining an *affiliation with a terrorist entity* which may result in the NPO being abused for multiple purposes, including general logistical support to the terrorist entity;
 - ii. 非營利組織或其主管故意或在未知的情況下與恐怖組織建立關係，導致該非營利組織可能因此被濫用於多種用途，包括提供恐怖組織一般物流支援；
 - iii. Abuse to support recruitment efforts by terrorist entities;
 - iii. 濫用於贊助恐怖組織的招募活動；
 - iv. The *abuse of programming* in which the flow of resources is legitimate, but NPO programmes are abused at the point of delivery; and
 - iv. 濫用計畫，亦即資源流向雖為合法，然而在非營利組織計畫交付過程中遭到濫用；以及
 - v. Abuse through *false representation* in which terrorist entities start “sham” NPOs or falsely represent themselves as the agents of “good works” in order to deceive donors into providing support. Well-planned deceptions are difficult to penetrate with the resources available to non-governmental actors, making state-based oversight and its

¹⁰ Page 6 of the FATF Report on Risk of Terrorist Abuse in Non-Profit Organisations (FATF, 2014a).

¹⁰ 防制洗錢金融行動工作組織針對恐怖分子濫用非營利組織的風險所做的報告第 6 頁（防制洗錢金融行動工作組織，2014a）。

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capabilities a necessary element to detecting the most sophisticated threats to the sector's activities.¹¹

- v. 以錯誤資訊進行濫用，亦即：恐怖組織發起「假的」非營利組織或是將自己偽裝成「善行」代理人，藉以矇騙捐贈者，使其提供資助。利用規劃完善的障眼法，進行滲透難以由非政府單位利用之資源，因此必須透過政府監督，善用其公權力，才能儘早辨識非營利組織所面臨到最縝密的恐怖威脅。¹¹

17. The typologies report also describes useful:

17. 該態樣報告也提及實用的：

- a) *risk indicators*: indicators which are ultimately leads requiring further investigation to assess the nature or risk of abuse, but which do not necessarily point to terrorism as the only possible explanation; and
- a) 風險指標：指標需要進一步調查最終線索，用以評估被濫用的本質或風險，但恐怖主義未必是其唯一可能的答案；以及
- b) *terrorist abuse indicators*: a smaller subset of indicators.
- b) 恐怖分子濫用指標：更小的分組指標。

B. MITIGATING THE RISK

B. 降低風險

18. There is no “one size fits all” approach to mitigating the terrorist financing risks faced by NPOs. On the contrary, Recommendation 8 expressly acknowledges that there is a diverse range of approaches in identifying, preventing and combating terrorist misuse of NPOs. The Interpretive Note to Recommendation 8 states that a successful approach in identifying, preventing and combating terrorist abuse in the NPO sector involves a flexible, multi-faceted four-pronged approach.

18. 在降低非營利組織面臨資恐風險方面並無「放諸四海皆準」的做法。相反地，建議第 8 項明確表示辨識、預防以及防制非營利組織遭到恐怖分子濫用的做法係多元且廣泛。建議第 8 項的註釋述及：能成功辨識、預防以及防制非營利組織遭到恐怖分子濫用的做法必須是具備彈性、多面向且多管齊下的做法。

19. In cases where terrorist abuse in the NPO sector is detected, a variety of measures could be implemented depending on the severity of the case, including regulatory, administrative actions or targeted financial sanctions, criminal investigation or other actions. However, countries should work to ensure a proportionate response to the TF risk and specific threats they face. The existing regulation(s) and/or other measures, including those adopted to mitigate other risks and illicit activities,¹² may sufficiently address the current TF risk to the sector, while additional or different measures may need to be considered when

¹¹ Page 5 of the *FATF Report on Risk of Terrorist Abuse in Non-Profit Organisations* (FATF, 2014a).

¹¹ 防制洗錢金融行動工作組織針對恐怖分子濫用非營利組織的風險所做的報告第 5 頁（防制洗錢金融行動工作組織，2014a）。

¹² Such as money laundering, fraud, corruption and tax evasion. See paragraph 12.

¹² 如：洗錢、詐欺、貪污與逃稅。見第 12 項。

existing measures are found inappropriate to mitigate the risk, or as the TF risk to the sector evolves and changes over time.

19. 在察覺非營利組織內有遭恐怖分子濫用情形時，可視個案嚴重程度，實施各種不同的措施，包括法規、行政作為或目標性金融制裁(意旨凍結資產及禁止資金和其他資產直接或間接惠於聯合國安理會決議指定制裁之個人或團體)、犯罪調查或其他行動。但是，各國應努力確保對資恐風險及其面臨的特定威脅，需做出合比例性的回應。既有規範和/或其他措施，包括用以降低其他風險和非法活動者，¹² 也許即足以處理該部門目前面臨之資恐風險，然而若發現既有措施，無法適當地降低風險或是部門面臨的資恐風險已隨時間演進或改變時，可能須考慮採用額外或不同的措施。

20. An effective approach to protecting the NPO sector from abuse as conveyed in Recommendation 8 involves all four of the following elements implemented using a proportionate, risk-based approach:

20. 如建議第 8 項所述，預防非營利組織遭濫用的有效做法，與合比例性及風險基礎方法相關聯，涉及到下列四個要素：

Box 2. Effective approach to protecting the NPO sector

實例 2、保護非營利組織的一個有效做法

An effective approach to protecting the NPO sector involves the following four elements:

保護非營利組織的一個有效做法牽涉到下列四個要素：

- 1) Ongoing outreach to the sector;
- 1) 持續與該部門保持良好聯繫或協助；
- 2) Proportionate, risk-based supervision or monitoring;
- 2) 提供合乎比例及以風險為基礎之監管或監督；
- 3) Effective investigation and information gathering; and
- 3) 有效調查與資訊蒐集；以及
- 4) Effective mechanisms for international cooperation.¹
- 4) 有效的國際合作機制。¹

1. Paragraph 5 of the Interpretive Note to Recommendation 8 (FATF, 2012).

1. 建議 8 註釋第 5 項（防制洗錢金融行動工作組織，2012）。

21. This does not mean that all NPOs should be made subject to the same measures. This is consistent with Recommendation 1 which requires countries to ensure that measures to prevent or mitigate money laundering and terrorist financing are commensurate with the risks identified. This means that enhanced measures should be applied where risks are higher and, correspondingly, lower, simplified measures may be permitted where risks are lower.

21. 並非表示所有的非營利組織均應採用相同的措施。然而須與建議第 1 項一致；後者要求各國確保其用以預防或降低洗錢與資恐風險的措施，應與所發現的風險相當。也就是說：風險較高時應運用強化措施以之相對應；風險較低時，得採用較低標準的簡化措施。

22. Recommendation 8 expressly acknowledges another important consideration when applying risk mitigation measures to the NPO sector. While it is vital to protect NPOs from terrorist abuse, it is also important that the measures taken to protect them do not disrupt or discourage legitimate charitable

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activities, and should not unduly or inadvertently restrict NPO's ability to access resources, including financial resources, to carry out their legitimate activities. Rather, such measures should promote transparency and engender greater confidence in the sector, across the donor community and with the general public that charitable funds and services are reaching their intended legitimate beneficiaries¹³. Also, as a matter of principle, complying with the *FATF Recommendations* should not contravene a country's obligations under the *Charter of the United Nations* and international human rights law to promote universal respect for, and observance of, fundamental human rights and freedoms, such as freedom of expression, religion or belief, and freedom of peaceful assembly and of association.¹⁴

22. 建議第 8 項明確表示，運用風險降低措施於非營利組織時，須考量另一重要因素。雖然保護非營利組織使其免受恐怖分子濫用很重要，但同樣重要的是，用以保護它們的措施不能中斷或影響其合法的慈善活動，且不應不當或在無意間限制非營利組織取得其從事合法活動所需資源的能力，包括財務資源。相反地，此類措施應提升其透明度，並增加捐贈者以及社會大眾對於該部門的信心，讓他們相信慈善資金與服務係有順利用於合法受益人¹³。此外，須遵守防制洗錢金融行動工作組織建議所揭示的一個原則，即不應違背一國根據聯合國憲章以及國際人權法案規定，尊重並遵守應盡的基本人權與自由（如言論表達、宗教或信仰、和平集會與結社等自由）義務。¹⁴

23. In practice, it is important for countries to implement mitigation measures that are commensurate (i.e. proportionate) with the risks identified through a domestic review of the NPO sector and understanding of the TF risks in the sector, avoiding CFT regulatory measures that disproportionately affect or burden NPOs with little to no TF risk, and that are in line with proper implementation of a risk-based approach. This is important because:

23. 實務上很重要的一點是，各國必須透過檢視國內非營利組織，並在瞭解該部門存在的資恐風險後，實施與發現風險相當（亦即：合比例性）的降低措施，對於幾乎沒有或不存在資恐風險的非營利組織應避免採用打擊資恐規範措施，造成其負擔。亦即正確實施與風險基礎方法相當是很重要的，因為：

- a) not all NPOs face high terrorist financing risks and many NPOs face little or no such risk;
- a) 並非所有的非營利組織都會面臨高資恐風險，且很多的非營利組織面臨此類風險機率極低，甚至無此類風險存在。
- b) the sector is comprised of an extremely large number of very diverse entities which means that, in practice, countries need to focus their limited resources on those NPOs which have been identified as higher risk; and
- b) 因非營利組織數量龐大、種類繁多，亦即：實務上，各國需要將其有限的資源集中在發現具有較高風險的非營利組織上；並且，
- c) a “one size fits all” approach is not an effective way to combat terrorist abuse of NPOs and is more likely to disrupt or discourage legitimate charitable activities.

¹³ Paragraph 3 of the Interpretive Note to Recommendation 8 (FATF, 2012).

¹³ 建議 8 註釋第 3 項（FATF，2012）。

¹⁴ See also, for example, the *Universal Declaration of Human Rights* (Articles 18, 19 and 20) and *International Covenant on Civil and Political Rights* (Articles 18, 19, 21 and 22).

¹⁴ 也請見（例）世界人權宣言（第 18、19 與 20 條）以及公民權利和政治權利國際公約（第 18、19、21 與 22 條）。

- c) 「放諸四海皆準」的做法，並非為唯一有效防制非營利組織遭恐怖分子濫用的方式，且可能因此會中斷或影響合法的慈善團體活動。

24. Detailed registration procedures for NPOs, additional reporting requirements, requirement of appointing a designated staff responsible for counter-terrorism compliance, and an external audit of the organisation, may not be appropriate for CFT purposes for those NPOs facing little to no TF risk. Any of these or other TF risk mitigation measures should be proportionate to the TF risk they face.

24. 對於面臨極低，甚至沒有資恐風險的非營利組織而言，要求詳細的非營利組織註冊程序、額外的通報要求、指定專人負責反恐之法令遵循等必要性，以及由外部單位稽核該組織等做法，可能不適用於打擊資恐目的。任何此類或其他資恐風險降低措施均應與其面臨的資恐風險成比例。

A. OUTREACH TO THE SECTOR

A. 與非營利組織溝通

25. The Interpretive Note to Recommendation 8 requires countries to undertake outreach to the NPO sector concerning terrorist financing issues¹⁵. Regular dialogue with the NPO sector leads to and helps establish collaborative relationship with the sector. In practice, while there are various forms of outreach, it could focus on the subset of organisations that fall within the FATF definition of NPO and which are at higher risk of abuse. This can nevertheless be challenging if there is a large number of diverse entities that comprise the sector. Engaging with NPO associations, coalitions, umbrella organisations, self-regulatory organisations and donor organisations can also be a useful way of effectively reaching out to a large number of NPOs.

25. 建議第 8 項的註釋，要求各國就資恐相關議題須與非營利組織溝通或提供協助¹⁵。定期與非營利組織溝通有助於和該部門建立合作關係。實務上，雖然協助或溝通的形式有很多種方式，但可將重點放在符合防制洗錢金融行動工作組織定義的非營利組織且有面臨較大被濫用風險者。但如果構成該部門的實體非常多元，且數量龐大，則將是艱鉅的一大挑戰。參與非營利組織社團、聯盟、保護組織、自律規範組織以及捐贈組織等也是有效接觸大量非營利組織的一個實用方法。

26. Another issue is identifying which part of the government should be the focal point for such engagement. All stakeholders, including governmental and non-governmental actors, law enforcement and NPO regulators, can be involved in the development of outreach and education about the specific terrorist risks facing a domestic NPO sector and provide examples of risk mitigation good practices. For countries with a single charities regulator, this could be a logical choice of focal point for outreach. However, in many countries, NPOs and CFT authorities fall under the jurisdiction of numerous government ministries and departments. In some countries, the tax authorities have proven to be a good focal point for engagement since, as is often the case, a large number of NPOs have regular engagement with the tax authorities in the context of qualifying for and maintaining preferential tax treatment.

26. 另一個議題是，政府需由哪個單位負責作為聯繫窗口。所有利害相關人，包括政府與非政府部門、執法部門與非營利組織主管機關等均應參與聯繫國內非營利組織面臨特定資恐風險之教育活動，並提供風險降低之優良做法或實例以資參考。針對有專責監管慈善團體之主管機關的國家，理所當然可由其負責聯繫。但在很多國家，非營利組織與打擊資恐機關分屬不同政府部會管轄。有

¹⁵ Paragraph 5(a) of the Interpretive Note to Recommendation 8 (FATF, 2012).

¹⁵ 建議 8 註釋第 5 (a) 項 (FATF, 2012)。

些國家以其稅務機關做為接觸非營利組織的聯繫窗口，因為很多非營利組織往往會定期與稅務機關接洽有關較有利之稅務資格待遇或維持其資格的相關事宜。

27. Ideally, outreach should involve a two-way, ongoing dialogue between governments and NPOs. It can include guidance to NPOs and consultation with NPOs to seek their input or feedback. Outreach to the sector could occur during the country's domestic sector review; during the development and implementation of risk mitigation measures and guidance; during the FATF mutual evaluation process; and when specific issues are raised. The following are some of the advantages of such an approach:

27. 理想的聯繫與溝通有兩種方式，其一為政府與非營利組織之間應持續進行雙方會談。另可以提供非營利組織指引，也可以藉由諮詢非營利組織，尋求其意見或反饋。在進行國內非營利組織檢視時；可以提供實施風險降低之措施與指引；或者進行防制洗錢金融行動工作組織相互評鑑過程；以及有特定問題產生時。以下是此做法的一些優點：

- a) Countries may obtain useful information from NPOs in their country about their specific needs, concerns, vulnerabilities, risks and challenges. This information can be used to direct the development of more effective policies, guidance and risk mitigation measures for NPOs.
- a) 各國能獲得其境內非營利組織特定需求、疑慮、弱點、風險以及挑戰等相關的實用資訊。此資訊可用以協助發展更有效率的政策、指引以及降低非營利組織風險等措施。
- b) Issues and concerns flagged by NPOs may help countries prevent or disrupt high-risk activities before they escalate to instances of terrorist abuse or lead to earlier detection of such abuse.
- b) 非營利組織提出的問題與疑慮，有助於各國在預防或在防止恐怖分子濫用事實升溫前，中斷相關高風險活動或促成及早發現此類資恐濫用的類型。
- c) Risk mitigation measures may be implemented more effectively because NPOs will have a better understanding of their terrorist financing risks and how to best to mitigate them.
- c) 當非營利組織充分瞭解其資恐風險以及適用降低風險的最佳方法時，降低風險措施能夠更有效地實行。
- d) Countries may learn how to conduct more effective outreach to NPOs on terrorist financing and related issues and engage in more constructive, ongoing dialogue with the sector on protecting NPOs from terrorist abuse.
- d) 各國能更有效地就資恐及相關問題與非營利組織溝通，並持續與該部門會談，避免非營利組織遭到恐怖分子濫用。

B. SUPERVISION OR MONITORING OF NPOS

B. 監管或監督非營利組織

28. The Interpretive Note to Recommendation 8 requires countries to take steps to promote effective supervision or monitoring of their “NPO sector”, meaning those organisations that fall within the scope of the FATF definition of NPOs and ultimately those NPOs that are the subset of NPOs deemed to be at higher risk of TF abuse.

28. 建議第 8 項的註釋要求各國須採取有效提升對其非營利組織（亦即：在防制洗錢金融行動工作組織定義範疇內的非營利組織以及被認為具高資恐濫用風險或附屬在非營利組織之下的非營

利組織）進行之監管與監督步驟。

29. Recommendation 8 does not require the same measures to be applied to all NPOs. Indeed, a “one size fits all” approach would not be consistent with Recommendation 1 and proper implementation of a risk-based approach. Countries should implement measures that are commensurate with the risks identified through their domestic review of the NPO sector and their understanding of the TF risks facing the sector, and should apply enhanced measures where the TF risks are higher. It is also possible that existing regulatory or other measures may already sufficiently address the current TF risk to the NPOs in a jurisdiction, although TF risks to the sector should be periodically reviewed.

29. 建議第 8 項不要求所有非營利組織均採用相同措施。的確，「放諸四海皆準」做法與建議第 1 項所揭示風險基礎方法並不相符。各國應透過檢視其國內非營利組織發現風險，瞭解該部門面臨的資恐風險是否相當，且在資恐風險較高時是否有採用強化的措施。雖然某國內既有的規範或其他措施已足以處理非營利組織目前面臨的資恐風險，但仍應定期重新檢視該部門面臨資恐的風險。

30. In practice, this means that countries should apply the specific measures set out in subparagraphs 5(b)(i) to 5(b)(vii) of the Interpretive Note to Recommendation 8 to address the NPOs falling within the FATF definition of NPOs and at greatest risk of TF abuse. In some jurisdictions, this may mean 1) those NPOs that control a significant portion of the financial resources of the sector and 2) those NPOs that have a substantial share of the sector’s international activities. However, in other jurisdictions, input from the domestic sector review and an understanding of the TF risks facing the NPO sector, may indicate that the risk is greater for NPOs with different characteristics. For example, a major finding of the typologies report was that NPOs most at high risk were those engaged in ‘service’ activities and operating in a close proximity to an active terrorist threat, whether domestically or internationally.

30. 實務上這意味著：各國應採用建議第 8 項註釋的第 5(b)(i) 至第 5(b)(vii) 款所列特定措施，以處理符合防制洗錢金融行動工作組織定義的非營利組織，且該非營利組織有面臨最大資恐濫用風險。在部份地區，這可能是指 1) 該控制大量財務資源的非營利組織以及 2) 這些非營利組織在國際活動中佔有實質份量。但是，在其他地區，依據國內檢視所獲得的意見及瞭解非營利組織所面臨的資恐風險，可能顯示出面臨較大風險非營利組織的不同特徵。舉例而言，該態樣報告發現大部份面臨高風險的非營利組織是從事「服務」活動並且在靠近恐怖威脅活躍的地區內運作，不分國內外。

31. The specific measures that could be applied to those NPOs deemed at greater TF risk include requirements for those organisations to:

31. 這些被視為有較高資恐風險的組織，可以適用特定措施，包括要求下列作為：

- a) be licensed or registered. However, countries are not required to impose specific licensing or registration requirements for counter-terrorist financing purposes. For example, in some countries NPOs are already registered with tax authorities and monitored in the context of qualifying for favourable tax treatment such as tax credits or tax exemptions¹⁶;
- a) 需取得執照或完成註冊。但是，並未要求各國基於打擊資恐為目的，實施特定的執照申請或註冊規定。舉例而言，在部份國家，非營利組織已經和稅務機關完成註冊並且有接受有利之稅務待遇（如：退稅或免稅¹⁶）等資格監督。

¹⁶ Footnote 23 of the Interpretive Note to Recommendation 8 (FATF, 2012).

¹⁶ 建議 8 註釋的附註 23 (FATF, 2012)。

- b) maintain information on their activities and those who own, control or direct their activities;
 - b) 保存其活動以及擁有、控制或主導其活動者等相關資訊；
 - c) issue annual financial statements;
 - c) 出具年度財務報表；
 - d) have controls in place to ensure that funds are fully accounted for and spent in a manner consistent with the NPO's stated activities;
 - d) 進行相關控管，確保資金充分透明，且相關資金支出與非營利組織提報活動具一致性。
 - e) follow a “know your beneficiaries and associate NPOs” rule;
 - e) 遵守「瞭解實質受益人與相關的非營利組織」規定。
 - f) keep records; and
 - f) 紀錄保留；並
 - g) be subject to monitoring by the appropriate authorities, including the application of effective, proportionate and dissuasive sanctions¹⁷ for violating these requirements.
 - g) 受適宜機關監督，包括在違反這些規定時，能接受有效及合乎比例的勸阻性制裁(處罰)¹⁷。
32. There are some important advantages to properly implementing these aspects of the supervision and monitoring requirements:
32. 正確實施這些方面的監管與監督規定有幾個重要的優點：
- a) Applying measures that are commensurate to the risks identified (rather than applying a “one size fits all” approach) avoids over-regulation of the sector which may place a disproportionate burden on NPOs that have not been identified as being at risk and/or may inadvertently disrupt or discourage legitimate charitable activities.
 - a) 應用與發現風險相當的措施（而非採取一個「放諸四海皆準」的做法）可避免過度規範該部門，亦可避免造成未存有風險的非營利組織有不成比例的負擔，和/或無意間中斷或影響其合法的慈善活動。
 - b) Those NPOs at risk of TF abuse may change over time and therefore warrant a change in government regulatory, investigative or outreach response.
 - b) 這些面臨資恐濫用的非營利組織風險可能隨時間改變，因此政府的法規、調查或溝通也須隨之改變，以為因應。

¹⁷ Sanctions for violations should be effective, proportionate and dissuasive, and in line with or at least not surpassing sanctions for violations in other industries or sectors.

¹⁷ 針對違規事項給予的制裁應為有效、符合比例且具勸阻作用，並且應與其他產業或部門違規時採取之制裁一致或至少不高於該制裁。

- c) Countries may be able to help mitigate the terrorist financing risks by leveraging off of transparency, good governance and/or self-regulatory initiatives that are already being implemented by NPOs.
- c) 各國應透過提升非營利組織透明度、優良監理，和／或非營利組織已實施的自律規範計畫等，協助其降低資恐風險。
- d) Countries can better allocate their limited supervisory resources by taking steps that are commensurate (i.e. proportionate) to the specific risks that have been identified, rather than applying the full range of measures set out in sub-paragraphs 5(b)(i) to 5(b)(vii) to the numerous and diverse NPOs.
- d) 各國對於已發現的特定風險，得採取相當（亦即：合比例）步驟，將其有限的監管資源做更有效的配置，而不是採用第 5(b)(i) 至 5(b)(vii) 款中，針對數量眾多且多樣的非營利組織進行各項監管措施。
- e) Different countries have adopted different approaches to the supervision and monitoring of NPOs based on a range of factors, including their domestic legal frameworks, investigative expertise, assessment of domestic terrorist financing risks, and other considerations. There is not a single correct approach to ensuring effective oversight of the sector and appropriate transparency within NPOs, as long as the relevant sections of the NPO sector most at risk for TF abuse are appropriately monitored and have appropriate controls in place to mitigate such risks. Government authorities should have the ability to take action when TF threats are identified.
- e) 不同國家根據各項因素，包括其國內法規架構、專業之調查、評估國內資恐風險及其他因素等，可針對非營利組織採用不同的方式進行監管與監督。對於有效監督非營利組織，使其具備正當性及透明度，目前並無一套單一正確的方式，但前提是遭資恐濫用風險最大的非營利組織，其須接受相當的監督及控管措施，以降低此類風險。另政府機關應有能力在發現資恐威脅時，採取相對應之行動能力。

C. EFFECTIVE INVESTIGATION AND INFORMATION GATHERING

C. 有效調查與資訊蒐集

33. In the context of information gathering, countries should ensure effective cooperation, coordination and information sharing to the extent possible among all levels of appropriate authorities (meaning competent authorities, including law enforcement, intelligence and regulatory agencies, accrediting institutions and self-regulatory organisations) or organisations that hold relevant information on NPOs¹⁸. In practice, this may include, to the extent possible and where appropriate, non-governmental authorities such as NPO associations, coalitions, umbrella organisations or NPO self-regulatory organisations. Such bodies may hold relevant information on NPOs operating in the country and the specific terrorist financing risks that they are facing.

33. 在資訊蒐集方面，各國應確保各層級之適宜機關（亦即：權責機關，包含執法單位、情報與法制機關、評鑑機構以及自律規範組織等）或持有非營利組織相關資訊的組織之間能有效進行合

¹⁸ Paragraph 5(c)(i) of the Interpretive Note to Recommendation 8 (FATF, 2012).

¹⁸ 建議 8 註釋第 5(c)(i) 項（FATF，2012）。

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作、協調及分享資訊¹⁸。實務上，包含（在可能(行)的情況下）非政府機構，如非營利組織協會、同盟、保護組織或非營利組織自律規範組織。此類機關可能持有國內運作的非營利組織相關資訊及其所面臨的特定資恐風險。

34. Countries should have investigative expertise and capability to examine those NPOs which are suspected of being exploited by, or actively supporting, terrorist organisations. Countries should also ensure that full access to information on the administration and management of a particular NPO (including financial and programmatic information) may be obtained during the course of an investigation¹⁹. In practice, this means that countries should ensure that designated law enforcement authorities have responsibility for terrorist financing investigations within the framework of national AML/CFT policies and have sufficient powers to do so, in line with Recommendations 29, 30 and 31. Additionally, countries should ensure that all NPOs falling within the FATF definition and deemed at higher risk of TF abuse as part of the subset of NPOs are required to maintain, at a minimum, some financial and programmatic information, so that such information may be obtained should an investigation into possible terrorist abuse arise. Such requirements could be imposed through AML/CFT legislation or may already be in place in other types of legislation. For example, NPOs may be required by law or regulation to maintain some financial and programmatic information for the purpose of establishing that they qualify for favourable tax treatment.

34. 各國應具備調查的專業能力，能夠檢視疑似遭到恐怖組織利用或主動資助恐怖組織的非營利組織。各國亦應確保在調查過程中能夠完全取得特定非營利組織之行政與管理等相關資訊（包含財務與計畫資訊）¹⁹。實務上，各國應確保執法機關有權力與責任，可在國內防制洗錢/打擊資恐政策框架內調查資恐，且須與建議第 29、30 以及 31 項相符。此外，各國應確保所有符合防制洗錢金融行動工作組織定義且被視為有較高資恐濫用風險的非營利組織或其附屬之非營利組織，至少應保存部分的財務與計畫資訊，如此才能在調查有關恐怖組織濫用之過程，適時取得此類資訊。應透過防制洗錢／打擊資恐立法或既存之其他類型的法律實施此類規定。舉例而言，得根據法律或規範要求非營利組織保存部分的財務與計畫資訊，以便確定其符合優惠稅務待遇資格。

35. Countries should establish appropriate mechanisms to ensure that, when there is suspicion that a particular NPO is being abused by terrorists, this information and any other relevant information are promptly shared with relevant competent authorities, in order to take preventive or investigative action²⁰. This does not mean that the *FATF Recommendations* require countries to impose a suspicious transaction reporting obligation on NPOs, along the lines of Recommendation 20. NPOs are not considered designated non-financial businesses and professions (DNFBPs) and should therefore not be subject to the FATF requirements for DNFBPs.

35. 各國應建立相關機制，確保涉嫌之特定非營利組織遭到恐怖分子濫用時，能迅速提供相關資訊與權責機關分享，俾利其採取預防或調查行動²⁰。然而，這並非表示防制洗錢金融行動工作組織建議要求各國對非營利組織實施疑似洗錢或資恐交易報告，期與建議第 20 項相符。非營利組織不被認為是指定之非金融事業或人員（DNFBP），因此，不應受防制洗錢金融行動工作組織針對指定之非金融事業或人員所制定的要求申報疑似洗錢或資恐交易報告。

¹⁹ Paragraph 5(c)(ii) and 5(c)(iii) of the Interpretive Note to Recommendation 8 (FATF, 2012).

¹⁹ 建議 8 註釋第 5(c)(ii) 與 5(c)(iii) 項（FATF，2012）。

²⁰ Paragraph 5(c)(iv) of the Interpretive Note to Recommendation 8 (FATF, 2012).

²⁰ 建議 8 註釋第 5(c)(iv) 項（FATF，2012）。

36. Some practices which have been found to enhance countries' ability to identify and take action against terrorist abuse of NPOs include:

36. 部份實例顯示能夠提升各國發現恐怖分子濫用非營利組織，並對之採取抗衡行動的做法包括：

- a) effective interagency collaboration or a “whole-of-government” approach;
a) 機構間有效合作或「全政府」的做法；
- b) considering multiple types of information from different sources which facilitates the detection of abuse (including taking into account NPO regulatory information, opensource information, financial intelligence unit and other financial information, national security information, law enforcement information and information from foreign authorities); and
b) 考慮不同來源的多種資訊類型，以利察覺濫用之情事（包含考慮非營利組織的規範資訊、開放來源的資訊、金融情報中心以及其他財務資訊、國家安全資訊、執法資訊及；
- c) fostering an environment of trust in which information on particular NPOs of concern for TF or related issues is made available to government authorities from the public and from the NPO sector itself.
c) 促成一個信任的環境，讓政府能夠透過公開的管道或向非營利組織本身取得有資恐疑慮或特定相關問題的非營利組織資訊。

37. Information provided by NPOs to regulatory agencies who have, as part of their mandate, the oversight of the NPO sector, is very important to promoting transparency in the NPO sector. However, in cases where complicit organisations relied on deception to mislead donors and other NPOs for terrorist financing purposes, the use of national security or intelligence-gathered information to breach this deception is important in protecting the sector from specific terrorist financing threats. National security intelligence derives from varying sources and reports on a widerange of subject matters. As demonstrated in the FATF typologies report, national security intelligence provides context to the risk environment in which NPOs operate. This includes information on individuals and organisations with relevant links to TF and other support for terrorist activities.

37. 非營利組織提供資訊予監管非營利組織之權責機關，對於提升非營利組織內的透明度極其重要。但是，若非營利組織靠著欺騙誤導捐贈者和其他非營利組織，藉以達成資恐目的，則國家安全情報單位如能蒐集到相關的資訊，以揭開這類欺騙手腕的非營利組織，使非營利組織免受資恐威脅，則具有其重要性。國家安全情報具有多元的來源，通報的內容包含各類議題。防制洗錢金融行動工作組織態樣報告所示，國家安全情報有提供非營利組織運作的風險環境相關資訊。這包含了與資恐有關聯的個人、組織以及其他給予恐怖活動支援之相關資訊。

38. Information deriving from law enforcement activity and intelligence services can also be helpful in identifying terrorist abuse in the NPO sector. Information from criminal investigations can help provide competent authorities with a better understanding of the TF risk environment in which NPOs are operating, and context surrounding instances of abuse and circumstances of risk. It can provide insight on individuals and organisations supporting illicit activities and linked to NPOs, and their relevant links to TF.

38. 來自執法活動和情報服務的資訊，可能也有助於發現非營利組織遭受恐怖分子濫用的問題。從犯罪調查過程中取得的資訊，也有助於權責機關更進一步認識非營利組織運作的資恐風險環境及遭濫用的實例或與風險相關的資訊。另可瞭解資助非法活動與非營利組織有關聯的個人、組織及其與資恐的關聯性。

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39. The case studies in the FATF typologies report showed that, following the detection of abuse or substantial risk in the NPO sector, and depending on the severity of the case, a variety of means resulted in disruption or mitigation. In instances where a criminal threshold had already been crossed, criminal prosecutions were relied on to halt TF abuse.

39. 防制洗錢金融行動工作組織態樣報告內的個案研究，證明若已察覺非營利組織有被濫用之具體風險後，可視個案嚴重程度，採取各種方法降低風險。若已達犯罪門檻，則必須仰賴起訴犯罪嫌疑人及其行為才能中止資恐濫用的行為。

40. The use of administrative means and targeted financial sanctions to protect the NPO sector from terrorist abuse are also available, including applying sanctions against individuals associated with misuse of NPOs or entire NPOs for supporting terrorist organisations or terrorist activity. FATF Recommendation 6 supports the use of targeted sanctions to prevent TF, which are also internationally anchored in United Nations Security Council Resolutions, particularly Resolutions 1267/1989, 1988, and 1373 and their successor resolutions.

40. 可透過行政做法和進行目標性金融制裁保護非營利組織使其免受恐怖分子濫用，包括針對與有關的個人或整個非營利組織就其資助恐怖組織或恐怖活動等情事進行制裁。防制洗錢金融行動工作組織建議第 6 項利用目標性金融制裁方式預防資恐，也是聯合國安全理事會特別決議事項之一，1267/1989、1988 和 1373 及其後續決議皆須遵守。

41. There may be other measures that could be implemented for specific organisations identified as potentially a concern for TF without affecting the larger operations of the NPO sector. Such examples are provided in **Annex 1**.

41. 在不影響整體非營利組織運作下，還有其他可針對已被發現可能存有資恐疑慮的特定組織實施其他措施。相關實例請見**附錄 1**。

42. A collaborative, inter-agency approach to the detection of abuse and risk ensures that investigative actions being carried out by one body don't conflict with or jeopardize actions being carried out by another.

42. 以具跨機構的合作方式偵測非營利組織遭資恐濫用之情事及風險，確保集中在一個機構所採取的調查行動，不會與另一個機構所採取的調查行動衝突或造成危害。

D. EFFECTIVE CAPACITY TO RESPOND TO INTERNATIONAL REQUESTS FOR INFORMATION ABOUT AN NPO OF CONCERN

D. 能夠有效回應國際請求提供有疑慮的非營利組織相關資訊之能力

43. Countries should identify appropriate points of contact and procedures to respond to international requests for information regarding particular NPOs suspected of terrorist financing or other forms of terrorist support²¹.

43. 各國應確定其相關聯絡窗口與程序，以利回應國際針對疑似從事資助恐怖活動或以其他形式支持恐怖分子之特定非營利組織相關資訊²¹。

²¹ Paragraph 5(d) of the Interpretive Note to Recommendation 8 (FATF, 2012).

²¹ 建議 8 註釋第 5 (d) 項 (FATF, 2012)。

44. International cooperation is important in protecting NPOs from terrorist abuse given that their work is often global in nature and may span several jurisdictions. This global presence provides a framework for national and international operations and financial transactions, often within or near those areas that are most exposed to terrorist activity.

44. 國際合作之所以非常重要，主要是在保護非營利組織免受恐怖分子濫用，因為非營利組織工作的性質具全球性且通常有跨越數個地域的屬性。以全球現況來看，恐怖活動往往在國內外金融交易頻繁之地域或其附近。

45. Information from foreign counterparts can also be helpful in identifying and taking action against TF threats because of the transnational nature of many NPO operations. Such information may be obtained from NPOs' foreign partners as well as information from foreign partner (government) agencies.

45. 國外對等單位提供的資訊可能有助於發現資恐威脅並對之採取行動，因為很多非營利組織運作都具有跨國性質。如此可從國外合作方取得或是向國外合作（政府）機構取得非營利組織相關資訊。

IV. ACTIONS NPOS CAN TAKE TO PROTECT AGAINST TF ABUSE

IV. 預防非營利組織遭濫用之可採取作為

Specific examples of good practice for NPOs to prevent TF abuse, especially if they operate in higher risk areas, can be found in **Annex 2**.

有關非營利組織在預防資恐濫用的最佳實務（特別是在風險較高區域運作時），請見**附錄 2**。

46. The FATF recognises the intent and efforts to date of the NPO community to promote transparency within their operations and to prevent misuse of the sector, including preventing TF. The NPO sector in many countries has representational and self-regulatory organisations that have developed standards and initiatives to help individual organisations ensure accountability and transparency in their operations. Self-regulatory initiatives to enhance transparency and good governance have the positive consequence of also mitigating some TF risks even though they may not have been specifically developed for that purpose.

46. 防制洗錢金融行動工作組織肯認非營利組織為防止該部門遭到濫用（包括預防資恐）所提升其運作透明度之企圖及努力。許多國家境內的非營利組織有其代表性、且能夠自我規範，並已發展成一套標準與計畫，協助個別成員確保其作業公開透明。即使目前尚未針對該目標發展出相關細節規範，然而提升非營利組織透明度及配合良好之監理制度，將有助於降低資恐風險。

A. RISK ANALYSIS AND RISK-BASED APPROACH

A. 風險分析與風險基礎方法

47. Most NPOs have good relations with their donors, partner organisations and beneficiaries who give to or work with the organisation in good faith. However, practical risks do exist and NPOs can be abused for terrorist financing purposes.

47. 大部份的非營利組織都有與其捐贈者、合作組織以及善意奉獻於該組織工作者維持良好的關係。然而，非營利組織實際上仍存有被資恐濫用的風險。

48. The nature of the risk in the particular circumstances, the activities that the NPO carries out, and how and where the activities are undertaken, are all reasons why it is important for NPOs to understand the TF risks they face and take appropriate measures to mitigate these risk. Many NPOs already undertake their own risk analysis before working in a new environment or with new partners, as several examples in **Annex 2** demonstrate. Such internal NPO risk assessments can help mitigate a wide variety of potential risks faced by the NPO, including terrorist abuse.

48. 瞭解非營利組織在哪裡及如何執行特定活動的風險本質，對於非營利組織認識其所面臨的資恐風險很重要，因為可採取相對應的措施降低此類風險。很多非營利組織在展開新的工作環境或

與新的夥伴合作前都會先行進行風險分析，**附錄 2** 中有許多的實務可資證明。此類內部非營利組織的風險評估有助於降低非營利組織面臨的各種潛在的風險，包含遭恐怖分子濫用。

B. MITIGATING THE RISK

B. 降低風險

49. The best approach for NPOs to ensure that they are not abused for terrorist purposes is to put in place good governance and strong financial management, including having robust internal and financial controls and risk management procedures. In addition, carrying out proper due diligence on those individuals and organisations that give money to, receive money from or work closely with the NPO is also important. Proper due diligence is dependent upon the circumstances and context of each organisation and the environment in which it operates.

49. 確保非營利組織不會被濫用於恐怖用途的最佳做法，須採取優良的監理制度與健全的金融管理，包括擁有健全的內控與財務機制及風險管理程序。此外，針對提供金錢給非營利組織、非營利組織捐助對象或與非營利組織有密切合作的個人或團體進行適當的審查也是很重要的。對於各組織及其運作情形進行適當的審查，將決定該組織或團體係如何運作。

50. Due diligence is the range of practical steps that need to be taken by NPOs so that they are reasonably assured of the provenance of the funds given to the NPO; confident that they know the people and organisations the NPO works with; and able to identify and manage associated risks. NPOs may also undertake their own internal risk analysis to help better understand the risks they face in their operations and design appropriate risk mitigation and due diligence measures.

50. 非營利組織需要實際採取的步驟是盡職調查，以便對其接獲的資金感到合理且安心；對於與他們合作的個人與組織有充分的認識與瞭解；並且能夠分辨且管理相關風險。非營利組織能夠自行進行內部分析，進一步瞭解其運作時面臨的風險並設計相關的降低風險之盡職調查措施。

51. For those NPOs deemed at higher risk of TF abuse, the risk mitigation measures that an individual NPO should implement depend on a range of factors, including various aspects of the NPO's work and the associated risks, existing due diligence and risk mitigation measures, whether the NPO works with partners and whether those partners operate in a close proximity to an active terrorist threat.

51. 對於被認為具較高資恐濫用風險的非營利組織，個別非營利組織實施降低風險措施須視情況而異，包括非營利組織工作的各個層面以及相關連結之風險，不管該非營利組織與夥伴配合的地點或搭配的夥伴運作地點是否靠近活躍的恐怖威脅地區，仍應實施既有的盡職調查與降低風險措施。

Box 3. Example of a risk analysis by an NPO

實例 3、非營利組織風險分析實例

An international humanitarian aid organisation, which provides emergency relief in times of crisis as well as long-term recovery assistance, assesses the context and risks in each geographical area where it operates or plans to operate. As part of this analysis, the organisation conducts a review of the security context and an analysis of political authorities and informal power structures in the area. It then determines the potential risks to programme staff or resources, including the risk of resource diversion. In areas without a formal

government structure in place, the organisation assesses the role of local clan structures in the area's administration, whether they are distinct from any extremist elements, and whether they can guarantee non-interference by extremist elements and prohibited parties in beneficiary selection, aid distribution, and related programme implementation. The organisation does not work in areas where clan or government structures cannot provide this type of assurance, or where the security environment or risk of aid diversion is unmanageable. The security situation and local dynamics make some areas of the world inaccessible for the organisation.

有一個在危機時提供急難救助及長期協助復原的國際人道援助組織，針對其所運作或計畫運作的地理區域，都會評估相關資訊與風險。執行這類評估時，該組織會檢視相關安全資訊，並分析該地區內的政權與非政府的權力結構，並評估人員或資源規劃可能會發生的風險，如資源轉移風險。如是在非政府地區，該組織也會評估當地氏族結構在該區所扮演的行政角色，如是否和任何激進分子有所區分？在選擇受益人及分配協助和實施相關計畫時，會考量是否能夠保證不會受到激進分子干涉。該組織不會在氏族或政府無法提供此類保證下，或在非安全環境，或協助轉移風險超出控管範圍的地區內運作。有時候基於安全情勢與當地動盪，會讓該組織無法前進世界的某些地區。

C. SELF-REGULATION

C. 自律規範

52. The growing complexity in the global environment has placed new demands on all legitimate international actors to safeguard the integrity and accountability of their operations. The NPO sector has responded considerably to these demands by developing several different standards and initiatives to help individual organisations ensure accountability and transparency in their operations (See **Annex 3**).

52. 趨於複雜的全球環境對於所有合法的國際行動者產生了新的需求，後者必須捍衛其運作的完整性與透明性。非營利組織對於這些大量回應的需求，制定了幾個不同的標準與計畫，協助個別組織確保其運作的公開透明（見**附錄 3**）。

53. The non-profit sector in many countries has representational and self-regulatory organisations, which are a unique resource that can play a role in the protection of the sector against a range of abuses, including terrorist abuse. Such umbrella organisations are directly interested in preserving the legitimacy and reputation of the NPOs and have long been engaged in the development and promulgation of good practices for these organisations in a wide array of functions. The NPO sector in various jurisdictions can further work to disseminate their experience in their self-regulatory measures, provide training and build capacity in the sector (and in different jurisdictions) to adopt such measures, and monitor and evaluate effectiveness and relevance of such measures. As self-regulatory mechanisms in the NPO sector have continued to evolve in various jurisdictions, NPOs without such mechanisms could also consider the development of their own or additional self-regulatory mechanisms to strengthen internal controls and procedures, due diligence and other measures to improve transparency of their operations and funding and to prevent terrorist and other abuses.

53. 許多國家境內都有其具代表性、能夠自律規範的非營利組織，這些獨特的資源在保護其等免受各種濫用（包括遭到恐怖分子濫用），能夠發揮其作用。該等非營利組織之所以長期以來在各方面皆能維持著優良的做法，主要是為了維護非營利組織的合法與聲望。不同國家內的非營利組織可進一步配合其自律規範\措施方面的經驗、提供訓練，累積（不同國家內）該產業的實力，以便採用相應之措施，並監督及評估此類措施之有效性與相關性。非營利組織的自律規範機制，將隨著

各轄區特性與時俱進，所以沒有此類機制的非營利組織也可考慮制定本身或額外的自律規範機制，以強化內部控管程序、盡職調查及其他做法，藉以改善其運作與資金透明度，並預防遭到恐怖分子或其他的濫用。

54. Measures to strengthen effective NPO self-regulation should be encouraged as a significant component of decreasing the risk of misuse by terrorist groups in addition to promoting greater transparency and good governance within the larger NPO sector.

54. 非營利組織有效率的自律規範措施，是確保其減少遭到恐怖組織濫用風險的一個要素，除應予以鼓勵外，另外在大規模的非營利組織應加強提升其透明度和監理制度。

Box 4. Example of NPO self-regulation

實例 4、非營利組織自律規範實例

The following are examples of initiatives by representational and self-regulatory organisations that can help NPOs ensure accountability and transparency.

以下例子為具有代表性自律規範組織所採用的計畫，有助於非營利組織確保公開透明。

- An independent monitoring organisation, whose aim is to increase public confidence in the country's NPOs and help donors take responsible decisions, developed a report on *Standards of Transparency and Best Practices*. The report took into account domestic legislation, the specific characteristics of the non-profit sector, and responses to a survey of representatives of the nonprofit sector. The Standards, which are used to assess compliance by the NPO sector, are structured in blocks, most of which are relevant to countering terrorist abuse of NPOs, including:
 - 一個旨在增加大眾對於該國境內非營利組織信心並對捐贈者做出負責任的獨立監督組織就透明度標準與最佳做法做成了一份報告。該報告將國內立法、非營利部門的特徵以及對非營利組織代表所做的調查等納入考慮。構成這些用以評估非營利組織遵從標準的基石，大部分與對抗恐怖分子濫用非營利組織有關，包括：
 - The running and regulation of the governing board;
 - 理事會的運作與規範；
 - The clarity and publicity of the organisation's mission;
 - 組織任務的聲明與公開；
 - The planning and monitoring of activities;
 - 活動規劃與監督；
 - Communication and truthfulness of the information provided;
 - 提供資訊溝通及其真實性；
 - Transparency of funding;
 - 資金透明度；
 - Plurality of funding;
 - 資金多元性；
 - Control over spending of the funds;

- 資金花費控管；
 - Annual reporting and compliance with legal requirements; and
 - 年度報告及遵守法律規定；以及
 - Promotion of volunteering.
 - 提升志工。
- An umbrella organisation has implemented a program which awards accreditation to NPOs that implement policies and procedures which uphold the standards relating to governing bodies, financial accountability and transparency, fundraising, staff management and volunteer involvement. The process of applying for and maintaining good standing in the program encourages NPOs to regularly review and improve the systems and policies that they have in place.¹
 - 有一個保護組織已針對非營利組織實施了一項評鑑計畫，包含評鑑其管理方式、財務公開透明、募款方式、人員管理及志工參與的相關標準，是否符合相關的政策與程序。在評鑑計畫中，良好的排名，有助於鼓勵非營利組織定期檢視並提升其既有制度與政策。¹
 - An international umbrella organisation has taken steps to protect the NPO sector against abuses such as fraud, by setting standards and responsibilities for member NPOs related to governing bodies, public benefit goals, finances, fundraising practices and transparency to the public. These are enforced through an independent monitoring process that awards accreditation to member NPOs that meet the standards and blacklists those deemed to lack transparency.
 - 有一個國際保護組織已採取相關步驟藉以保護非營利組織免受諸如詐欺等濫用，透過制定標準及管理方式、公益目標、財務、募款方式，還有對大眾公開有關成員及非營利組織應盡的責任，並透過一個獨立的監督過程予以強化。這個監督過程除肯認符合相關標準之非營利組織的成員，並將那些被視為缺乏透明度的非營利組織納入黑名單。
 - Several leading international NPOs have developed and committed to abide by a charter that promotes transparency and accountability in the areas of political and financial independence, responsible advocacy, participatory and effective programmes, transparency in reporting, accuracy of information, good governance and professional and ethical fundraising. Member NPOs commit themselves to applying the provisions of the charter to all their programmes, conducting annual independent fiscal audits, and submitting annual compliance reports, which are reviewed by an independent panel whose assessment is made publicly available.²
 - 有幾家居於國際主導地位的非營利組織已制定一套提升透明度與負責性的章節制度，在財務獨立、宣導、有效參與計畫、通報透明度、資訊準確性、優良監理以及專業符合道德標準的募款活動規範並決心遵守之。成員內的非營利組織承諾會把章節的條款運用在其所有

的計畫，每年並會執行獨立的會計稽核並送交年度遵循報告，由獨立小組進行審核，評估結果將公諸於大眾²²。

Notes:

1. Imagine Canada, “Standards Program” (www.imaginecanada.ca/our-programs/standardsprogram).
2. INGO Accountability Charter (2014) (www.ingoaccountabilitycharter.org/home/what-is-thecharter/).

附註：

1. 夢想加拿大，「標準計畫」(www.imaginecanada.ca/our-programs/standardsprogram)。
2. INGO 責任憲章（2014）(www.ingoaccountabilitycharter.org/home/what-is-thecharter/)。

D. HOW GOOD GOVERNANCE PRACTICES BY NPOS HELP MEET R.8 OBJECTIVES

D. 非營利組織的優良監理做法及如何有效達成建議第 8 項

55. Many NPOs already implement a wide variety of good governance and risk mitigation measures, which can also help mitigate terrorist abuse. The case studies analysed in support of the typologies report demonstrated that terrorist abuse of the NPO sector was commonly the result of a lack of robust internal governance and/or appropriate external oversight.

55. 許多非營利組織為降低遭恐怖分子濫用，已實施各種優良監理與降低風險等措施。在態樣報告所分析的個案，證明非營利組織之所以遭到恐怖分子濫用，往往是因為缺乏健全的內部監理和/或相關外部監督機制所導致。

56. For the subset of NPOs that fall within the FATF definition of NPO and are deemed at higher risk of TF abuse, an effective approach for NPOs to protect themselves from terrorist abuse is the by-product of having robust internal good governance practices in place. For example, while not specifically designed with terrorist financing issues in mind, Transparency International has developed a handbook of good practices on *Preventing Corruption in Humanitarian Operations*. Many of the good practices in the handbook may be helpful in the context of safeguarding organisations against terrorist abuse.²²

56. 對於符合防制洗錢金融行動工作組織定義的非營利組織，且被認為具有較高資恐濫用風險之非營利組織而言，使其免受恐怖分子濫用的一個有效方法是建構健全內部監理制度。舉例而言，雖然制定當時並未特別想到資恐問題，但是國際已經制定了一套有關預防人道貪瀆運作優良做法之手冊。手冊內很多的優良做法，都是有助於保護組織，使其免受恐怖分子濫用²²。

57. Good governance can be grouped into four categories.

57. 優良監理可分成四類。

²² Transparency International (2015).

²² 國際透明（2015）。

Box 5. Good governance for NPOs

實例 5、非營利組織的優良監理

Robust internal governance practices for NPOs can be grouped into the following four categories:

非營利組織穩健的內控監理做法可分成下列四類：

- 1) Organisational integrity;
- 1) 組織完整性；
- 2) Partner relationships;
- 2) 合作關係；
- 3) Financial transparency and accountability; and
- 3) 財務公開透明；以及
- 4) Programme planning and monitoring.
- 4) 計畫規劃與監督。

58. Some characteristics of a good governance system for NPOs are described below. Many of these controls to promote good governance, which are often initially implemented for other purposes or to prevent other illicit activity, can also have an important role in preventing TF abuse.

58. 有關非營利組織優良監理制度的一些特徵，說明如下：這些用以促進優良監理的控管方式（往往一開始都是基於其他用途或為了預防其他非法活動而實施），很多在預防資恐濫用方面可能也扮演重要角色。

1) *Organisational integrity*

1) 組織完整性

59. NPOs are established and operate in accordance with a governing document, for example, articles of incorporation, a constitution, or bylaws that outline purposes, structure, reporting practices, and guidelines for complying with local laws. Members of the governing board understand and act in the interest of the organisation. The governing board maintains oversight over the organisation by establishing strong financial and human resource polices, meeting on a regular basis, and actively monitoring activities.

59. 非營利組織的成立與運作有其一套形諸於文字的管理流程（如：公司章程、架構、詳列目的、組織、通報做法的章程以及遵守當地法律的指導方針等）可供遵循。理事會的成員需瞭解相關章程，並以符合組織利益的方式行事。理事會負責監督各個組織並能建立有力的財務與人事，且能定期開會並主動監督相關組織的活動。

2) *Partner relationships*

2) 合作關係

60. To prevent the abuse of funds by partners, NPOs carry out appropriate due diligence on those individuals and organisations that the NPO receives donations from, gives money to or works with closely before entering into relationships or agreements. NPOs verify partner reputations through the use of selection criteria and searches of publicly available information, including domestic and UN sanctions lists. Written agreements can also be used to outline the expectations and responsibilities of both parties, which include detailed information as to the application of funds and requirements for regular reporting, audits and on-site visits.

60. 為了預防資金遭到合作夥伴濫用，非營利組織會在建立關係或簽訂協議前，針對提供非營利組織捐贈、接獲非營利組織提供的金錢或與之密切合作的個人和組織執行適當的盡職調查。非營利組織可搜尋相關公開資訊（包括國內與 UN 制裁名單）確認合作夥伴的聲譽。也可利用書面協議列出雙方的期望與責任，包含有關資金運用以及定期通報、稽核以及現場查核等要求的詳細資訊。

3) *Financial accountability and transparency*

3) 財務公開透明

61. NPOs prevent financial abuse and misuse of resources and funds by establishing strong financial controls and procedures. For example, the governing board approves an annual budget and have a process in place to monitor the use of funds. NPOs keep adequate and complete financial records of income, expenses, and financial transactions throughout their operations, including the end use of the funds. NPOs clearly state programme goals when collecting funds, and ensure that funds are applied as intended. Information about the activities carried out is made publicly available. NPOs are informed as to the sources of their income and establish criteria to determine whether donations should be accepted or refused.

61. 非營利組織可透過建立有力的財務控管做法與程序，預防財務和資源遭濫用。舉例而言，理事會可批准年度預算並且有一套監督資金用途的流程。非營利組織對於收入、支出以及運作內的財務交易（包括資金的最終用途）等需保存適當完整的財務紀錄。非營利組織在募款時，須清楚陳述計畫目標並確保資金係按所述用途應用。另須將執行活動的有關資訊全數公開。非營利組織對其收入來源需建立標準，據以判定是否應該接受或拒絕特定捐贈。

4) *Programme planning and monitoring*

4) 計畫規劃與監督

62. NPOs establish internal controls and monitoring systems to ensure that funds and services are being used as intended. For example, NPOs clearly define the purpose and scope of their activities, identify beneficiary groups, and consider the risks of terrorist financing and risk mitigation measures before undertaking projects. They maintain detailed budgets for each project and generate regular reports on related purchases and expenses. NPOs establish procedures to trace funds, services, and equipment, and carry out transactions through the banking system when possible to maintain transparency of funds and mitigate the risk of terrorist financing. Project performance is monitored on a regular basis by verifying the existence of beneficiaries and ensuring the receipt of funds. NPOs take appropriate measures, based on the risks, to account for funds and services delivered.

62. 非營利組織需建立內部控管與監督機制，確保資金與服務係按所述用途進行使用。舉例而言，非營利組織在承接專案前，會清楚定義其活動目的與範疇、找出受益團體並考慮資恐風險與相

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關降低風險等措施。他們針對各項專案都會有詳細的預算紀錄，並且會定期針對相關採購與支出做成報告。非營利組織會建立追蹤資金、服務與設備的程序，並透過銀行體系執行交易，以維持資金透明性並降低資恐風險。定期透過確認受益人的存在及確保接獲資金等作業監督專案的執行進度。非營利組織會根據風險採取相關措施，追蹤交付的資金與服務流向。

63. Although many of the measures noted above may primarily be aimed at combatting fraud, tax evasion, embezzlement, money laundering, and other financial crimes in the NPO sector, they can also help mitigate terrorist abuse by enhancing the transparency and integrity of the NPO sector in its operations and flow of funds. The same can be said of government initiatives to enhance transparency and integrity of the NPO sector, even if they are not primarily aimed at combatting terrorist abuse of the NPOs.

63. 雖然上述很多措施可能主要目的是在對抗詐欺、逃稅、侵占、洗錢以及非營利組織內其他金融犯罪行為，但也有助於提升非營利組織運作與資金流向之透明度與完整性，進而降低非營利組織受到恐怖分子濫用的可能。同理可證，旨在提升非營利組織透明度與完整性的政府計畫亦如此，即使其主要目的並非在於防制非營利組織遭到恐怖分子濫用。

V. ACCESS OF NPOS TO FINANCIAL SERVICES

V. 非營利組織使用金融服務的權限

64. The FATF recognises the importance of ensuring that implementation of its Recommendations does not adversely and disproportionately affect NPOs. NPOs rely on banking facilities and other financial services to carry out important humanitarian and charitable services. However, in recent years, there have been some reports of financial institutions terminating or restricting the access of legitimate NPOs to financial services, or taking longer to process transactions of NPOs. The wholesale termination of individual customers or entire classes of customer, without taking into account their level of risk or risk mitigation measures is not a proper implementation of a risk-based approach and is not consistent with the FATF Standards. Such practice has the potential to drive financial flows underground, thus reducing financial transparency and the ability to identify and take action against TF abuses. Termination and closing of NPO's bank account also inhibits the delivery of aid to developing countries and crisis zones where humanitarian needs are acute and where charitable work contributes positively to the fight against regional and global terrorism. Financial institutions should terminate or not establish customer relationships, on a case-by-case basis, where the money laundering and terrorist financing risks cannot be mitigated²³.

64. 防制洗錢金融行動工作組織體認到確保其建議的實施不會對非營利組織產生負面或不成比例的影響，非營利組織在提供重要的人道與慈善服務時，仍需仰賴銀行或其他金融服務。但是，近年有部分報告指出金融機構有終止或限制合法的非營利組織使用金融服務或在處理非營利組織交易時花費較久的時間等，在不考慮其風險等級或降低風險等措施，全數終止個別客戶或整個客戶，並非風險基礎方法之本意，且與防制洗錢金融行動工作組織標準亦不相符。此類做法可能會導致地下金融猖獗，因而降低金融透明度以及找出資恐濫用的情事，且亦阻斷採取及時行動的能力。終止與關閉非營利組織銀行帳號，將使協助無法送到開發中國家的危難區域，而這些都是最迫切需要人道支援及慈善工作的區域。金融機構應以專案為基礎，在無法降低洗錢與資恐風險時，可中止既有的客戶關係或不與新客戶建立合作關係²³。

65. This section of the paper is aimed at clarifying:

65. 本書面文件旨在釐清：

- a) how proper application of a risk-based approach by countries and financial institutions may facilitate access of legitimate NPOs to financial services; and
- a) 各國與金融機構如何正確地應用風險基礎方法，提供非營利組織合法及便利之金融服務；及
- b) what steps NPOs may take to facilitate their own access to financial services.
- b) 非營利組織可採取哪些步驟，發展其本身使用之金融服務。

66. NPOs that handle funds should maintain registered bank accounts, keep their funds in them, and utilise regulated channels for transferring funds, especially overseas transactions. Where feasible, NPOs should use regulated systems to conduct their financial transactions. This brings the accounts of non-profit

²³ Recommendation 10 (FATF, 2012).

²³ 建議 10 (FATF, 2012)。

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organisations, by and large, within the regulated banking system and under the relevant controls or regulations of that system.

66. 非營利組織在處理資金時應保有註冊的銀行帳戶、將其資金存入，並利用受法律控管的管道移轉資金，特別是移轉至國外。若可行，非營利組織應利用受法律控管的體系進行金融交易。如此非營利組織的帳戶才能位於受法律控管的銀行體系內，接受該體系的相關控管或規範。

67. There may be circumstances in which cash may be the only means possible for the NPO to operate, for example, to provide assistance to a particularly remote region where financial services are not available. While cash is inherently more risky to terrorist abuse, when cash is used, it should be used appropriately in line with international and national laws and regulations, including cash declaration and/or cash disclosure requirements to promote greater transparency and accountability of the funds.

67. 有時候非營利組織運作的唯一形式可能是現金，如：提供協助至沒有金融服務的偏僻地區時。因為現金本身遭受恐怖分子濫用的風險更高，所以使用時，應妥善遵照國際法與國內法律規範，包括現金申報和/或現金揭露要求，以提升資金公開透明度。

68. Financial institutions should also not view all NPOs as high risk. Most NPOs (using that term in the broader sense, beyond the subset of NPOs as that term is defined by FATF) may face little, if any, risk of terrorist financing abuse. For example, financial institutions should not view NPOs (as that term is defined by FATF) as high risk simply because they may operate in cash-intensive environments or in countries of great humanitarian need.

68. 金融機構不應將所有非營利組織都當作高風險對待。大部分的非營利組織（廣義的非營利組織，不是防制洗錢金融行動工作組織定義的非營利組織）可能都會面臨到部分資恐濫用的風險。舉例而言，金融機構不應只因為非營利組織（依防制洗錢金融行動工作組織的定義）在現金密集的環境內運作或在有大量人道需求的國家內運作，而將之視為高風險。

69. When considering the potential risks posed by any customer (including one which is an NPO), financial institutions should take appropriate steps to identify and assess their money laundering, terrorist financing risks (for customers, countries or geographic areas; and products, services, transactions or delivery channels), and risk mitigation measures being applied by the NPO. Financial institutions should also be required to have policies, controls and procedures that enable them to effectively manage and mitigate the risks that have been identified (either by the country or by the financial institution)²⁴. In practice, when assessing the potential risk of a particular NPO, financial institutions should take into account:

69. 考慮任何客戶（包括非營利組織）可能帶來的風險時，金融機構應採取相關步驟，辨識並評估其洗錢、資恐風險（針對客戶、國家或地理區域以及產品、服務、交易或交付管道）以及該非營利組織採用的降低風險措施等。金融機構亦應被要求，有足夠能力有效管理並降低已經發現（不管是國家發現或是金融機構發現）的風險政策、控管方式與程序²⁴。實務上，評估特定非營利組織的潛在風險時，金融機構應考慮：

- a) any measures that the NPO itself may have in place to mitigate risk; and
- a) 任何非營利組織本身可能已經採用降低風險的措施；以及

²⁴ Paragraphs 8 and 9 of the Interpretive Note to Recommendation 1 (FATF, 2012).

²⁴ 建議 1 註釋第 8 和第 9 項（FATF，2012）。

- b) any regulatory requirements that may apply to the NPO, including those which are not specifically aimed at AML/CFT, but which nevertheless help to mitigate terrorist financing risk, such as good governance, due diligence measures and reporting requirements on its activities for tax or other purposes.
- b) 任何可能適用非營利組織的法規要求，包括雖非特別針對防制洗錢/打擊資恐的但卻有助於降低資恐風險要求（如：優良監理、盡職調查措施以及基於稅務或其他目的通報活動要求等）。

70. In practice, if after conducting a risk assessment, a specific risk has been identified in relation to a particular NPO, the financial institution should first assess whether that risk can be sufficiently mitigated by proper safeguards and measures so as to allow legitimate charitable activities to continue. Such measures could include: the mandatory use of consent regimes for particular transactions; excluding certain types of transactions; agreeing to approved routes for transmission of transactions.

70. 實務上，如果執行風險評估後發現與特定非營利組織有關的特定風險，金融機構首先應評估是否可透過適當的防護機制和措施充份降低該風險，以便合法的慈善活動能夠繼續其活動。如此的措施可能包括：針對特定交易強制規定必須簽署同意書；排除特定類型的交易；同意透過批准的途徑傳輸交易等。

71. It is good practice for countries to work with their financial sector and supervisory authorities to foster a mutual understanding of what constitutes appropriate implementation of a risk-based approach and work towards facilitating financial inclusion objectives. When doing so, countries should have regard to the FATF *Risk-Based Approach Guidance for the Banking Sector* and the FATF *Revised Guidance on AML/CFT and Financial Inclusion*. Additionally, the financial sector could consider greater engagement with the NPO sector and/or its specific NPO customers to help exchange views on the risks and work towards more effective risk mitigation measures acceptable to all parties.

71. 各國若能與其金融業和監管機關合作，提升彼此對於實施風險基礎方法構成要素，瞭解並努力促成普惠金融（意即基於照顧金融弱勢，擴大法定金融系統範圍）目標，即為優良做法。各國應考慮防制洗錢金融行動工作組織針對銀行部門制定的以風險基礎方法指引以及防制洗錢金融行動工作組織針對防制洗錢/打擊資恐以及普惠金融進行修正的指南。此外，金融業應考慮和非營利組織和/或其特定非營利組織客戶進一步合作，以協助交流彼此對於風險的看法，並朝著各方均可接受的有效降低風險措施努力邁進。

Box 6. Example of collaboration between financial and NPO sectors

實例 6、金融機構與非營利組織合作實例

To ensure that aid being sent to civilians in need of assistance in and around Syria is used as intended and is in compliance with UK, EU and US sanctions, the British Bankers' Associations and the UK's Disasters Emergency Committee, an NPO umbrella organisation, collaborated to produce the following guidance for NPOs:

為確保送至敘利亞境內與其周圍亟需協助人民之支援，能依照原本用途進行使用，在不違背英國、歐盟與美國的制裁措施前提下，英國銀行協會與英國災難急救委員會（屬於非營利組織的一個保護組織）合作制定了下列非營利組織指南：

- Provide banks with a one-page briefing on proposed programmes in the sanctioned country. This should include intended beneficiaries, how they are selected, the programme to be delivered, who will

deliver the programme (e.g. the agency itself, or its partner in country), and the procurement procedures for purchases to be made in country.

- 提供銀行一頁有關提議在制裁國家境內的計畫簡介。內容應包含目標受益人、如何挑選、欲交付的計畫、誰將執行該計畫（如：機構本身或其在該國的配合單位）以及該國境內將進行的採購程序等。
- Explain how due diligence on local partners is conducted – including the frequency of screening, the sanctions lists used for screening, and the criteria to be met prior to the commencement of a relationship.
- 說明在開始建立關係前，如何配合當地單位執行盡職調查—包括監控的頻率、用於監控的制裁清單以及符合條件等關聯。
- Consider the currency in which payments are to be effected, as this will have an impact on the applicable sanctions legislation.
- 考慮欲用以付款的幣別，因為這將衝擊適用之制裁法規。
- Provide banks with a detailed explanation of the purpose of each transaction and include a contact number of a person at the agency who is familiar with the transaction and can assist in providing additional information if required.
- 提供銀行有關各項交易目的的詳細說明，並將機構聯絡人的電話納入，該聯絡人必須熟悉交易內容，並且能夠在需要時協助提供額外的資訊。
- Also provide the payment amount and currency, the name of the local bank where the account is held, the name the account is held in, the name of the local partner, a description of any links to the local government or a sanctioned party, and details of any specific or general licence which permits the transaction.
- 提供付款金額與幣別、當地開戶銀行名稱、戶名、當地配合單位名稱、與當地政府或受制裁方的任何關聯性敘述以及任何允許該交易的特定或一般執照詳細資料。
- Engage with regulators to ensure actions are, if necessary, covered by general or specific licences and make reference to any licences in payment instructions. This will assist the bank in ascertaining the legality of the payment and prevent potential delays in processing.
- 讓法遵人員參與，以確保採取的行動符合一般或特定執照範圍（如需要）並在付款說明中提及任何適用的執照。這將協助銀行確定付款的合法性並預防處理過程中可能面臨到的耽擱。
- Take responsibility for determining the legality of the payment. Banks can advise on the applicable legislation and the agency should then consult with its legal team prior to processing.
- 決定付款的合法性。銀行可建議適用的法規，而機構此時應在

處理前先諮詢其法律團隊的意見。

72. For donors it is good practice to undertake reasonable steps to research publicly available materials in order to ascertain how an NPO operates, how it is managed, the nature of its programmes and where they operate. This is especially true for NPOs that operate in areas where there is known risk of terrorist activity.

72. 對捐贈者若能採取合理的步驟，如研究公開取得的資料，並能確定非營利組織運作及管理的方式、計畫性質及運作地點等資訊，即為優良做法。這對於在已存有恐怖活動風險的地區內運作的非營利組織尤其如此。

73. In practice, the following may positively impact NPOs' ability to access to financial services both from financial institutions and from donors:

73. 實務上，以下為影響非營利組織獲得來自金融機構或捐贈者之金融機構服務情形。

- a) developing constructive working relationships with their financial institution;
- a) 與其金融機構建立具積極性的合作關係；
- b) engaging in proactive dialogue with the financial institution, including proactive provision of the relevant documentation to the financial institution;
- b) 與金融機構積極溝通，包括主動提供相關文件給金融機構；
- c) showing awareness of any terrorist financing risks to which the NPO might be reasonably perceived to be vulnerable;
- c) 展現對於有合理懷疑被證明較脆弱的非營利組織已有相關資恐風險的認識；
- d) demonstrating that the NPO has implemented measures to mitigate those TF risks, either to fulfil regulatory obligations, to fulfil the requirements imposed by their donors, or at their own initiative;
- d) 證明非營利組織已實施降低資恐風險的措施，例如已盡到法規義務、或自發性實施符合其捐贈者制定的要求。
- e) if potential problems arise, ascertaining whether financial institution's concerns stem from a particular individual involved with the NPO, or from transactions in a particular country or region, and considering and discussing with the financial institution whether the NPO could take additional actions or already has sufficient risk mitigation measures in place; and
- e) 當潛在問題出現時，金融機構應確定該非營利組織有關之特定個人或源自特定國家或地區內的交易是否有疑慮，並考量非營利組織是否能夠採取其他行動或已經採用充分的風險降低措施並和金融機構討論上述情形；以及
- f) involving their umbrella organisations, self-regulatory organisations and/or donors in this dialogue, as needed, to help clarify the risk situation and the risk mitigation measures that are in place.
- f) 視情形，讓其保護組織、自律規範組織和/或捐贈者加入會談，以協助釐清風險及已經採用的降低風險措施。

ANNEX 1

EXAMPLES OF MEASURES THAT COUNTRIES HAVE IMPLEMENTED AND WHICH MAY, DEPENDING ON THE CIRCUMSTANCES, HELP TO MITIGATE RISK

附錄 1

有關各國已實施且可能有助於降低風險（視情況而定）的措施實務

1. These are some examples of measures that have been implemented by countries and which may, depending on the circumstances, help to mitigate TF risk. In practice, the unique circumstances and context of each case will determine whether a particular measure is a good practice that is partially or fully mitigating the specific risk involved. The types of circumstances and context which are relevant to such a determination and unique to each jurisdiction include: the level and type of TF risk, the size and type of charitable funds or assets being distributed, the geographical context, and existing measures in place by government authorities, among other considerations.

1. 這些是已被各國採用且（視情況而定）可能有助於降低風險的實例。實務上，每個案例的獨特情況與相關資訊將決定特定措施是否能夠部分或完整降低牽涉到的特定風險。此類判定有關並且專屬各轄區的情況與相關資訊類型包括：資恐的等級與類型、分配的慈善資金或資產的規模與類型、地理環境以及政府機關已經採用的措施等各項考量因素。

2. These examples should not be used as a checklist or “gold standard” of measures to be applied in all circumstances. A “one size fits all” approach would not be consistent with proper implementation of a proportionate, risk-based approach, as called for by Recommendation 8.

2. 這些實例不應當作檢核表或適用各種情況的「黃金標準」措施使用。「放諸四海皆準」的做法與建議第 8 項呼籲，必須正確實施一套合比例、以風險為基礎之方法不符。

3. The examples are provided under the following four elements:

3. 這些實例提供下列四大要素：

Box 7. Effective approach to protecting the NPO sector

實例 7、一個有效保護非營利組織的做法

An effective approach to protecting the NPO sector involves varying degrees of the following four elements depending on the circumstances, TF risks, existing laws and domestic legal framework, and other considerations for each jurisdiction:

一套有效保護非營利組織的做法，牽涉到下列四大要素，因應程度各有不同，視情況、資恐風險、既有法律與國內法律架構以及各國其他考量因素而定。

- 1) Ongoing outreach to the sector;
- 1) 持續與非營利組織溝通；
- 2) Proportionate, risk-based supervision or monitoring;
- 2) 監管或監督需合比例且以風險為基礎；
- 3) Effective investigation and information gathering; and

- 3) 有效調查與資訊蒐集；以及
- 4) Effective mechanisms for international cooperation.
- 4) 有效的國際合作機制。

OUTREACH TO THE SECTOR

與非營利組織溝通

Box 8. Spain 實例 8、西班牙

Spain's Tesoro Publico (Treasury), under the Ministry of Economy and Competitiveness, led the development of a best practices and recommendations paper on *Combating money laundering and terrorist financing: Non-profit organisations sector*¹. The paper, which is published on the government's website, was developed in consultation with the authorities that have supervisory powers over NPOs, organisations representing the sector, and NPOs. It is meant to assist directing officials in meeting their obligations to ensure that NPOs are not used to channel funds and resources to persons or entities linked to terrorist groups or organisations. The paper recognises that the need to apply such measures is dependent on the risks faced by each NPO, and emphasises the need for NPOs to analyse and evaluate the risks inherent in various activities in order to determine which projects carry higher risks. The paper discusses how NPOs can strengthen overall oversight in the following three areas in order to protect both integrity and reputation:

西班牙的財政部（Tesoro Publico，隸屬於經濟與競爭力部）針對非營利組織¹有發展出一套防制洗錢與打擊資恐的建議書。這份已公佈在政府網站上的文件，是在諮詢過對監管非營利組織的機關以及代表該非營利組織的人員後所制定的。目標是為了協助指導官方善盡其義務，確保非營利組織未被使用作為與恐怖集團或組織有關聯的個人或實體之資金與資源流向的管道。此文件宣稱是否需採用降低風險措施，需視各非營利組織所面臨的風險而定，並強調需分析並評估非營利組織從事各類活動之固有風險，以判定是否存有較高風險情形。同時，此文件亦提及非營利組織若能在下列三大領域強化其整體監督，將有助於保護其廉潔性與聲譽：

- *Functioning of directing bodies.* The paper emphasises the need to implement measures that ensure the ethical and professional suitability of directing officials and key employees, and recommends that NPOs establish rules on the powers vested in directing bodies and clearly define duties and procedures by which resolutions are adopted. Ensuring that directing officials act in the best interest of the NPO and that directing bodies are accountable and transparent can help prevent the infiltration of individuals that may abuse NPOs for multiple purposes, including terrorism and terrorist financing.
- *領導機關的運作功能。* 此文件強調應確保領導者與員工道德及專業的適足性，並建議非營利組織建立和賦予領導者有關之權力，規定清楚採用之各項決議的責任與程序。確保領導者是以考量非營利組織最佳利益的方式行事，並指導非營利組織建立公開透明機制，將有助於預防基於多種可能之目的（包括恐怖主義與資恐）而濫用或

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- *Planning and technical monitoring of activities.* NPOs can use planning and monitoring to prevent the misappropriation of funds for terrorist financing or other criminal activities. The paper recommends that NPOs clearly define their purposes and beneficiaries, and refrain from carrying on any activity not designated to attain those purposes. Understanding where risks exist, setting clear guidelines for the delivery of activities and monitoring those activities on a regular basis can help NPOs ensure that resources are being used as intended.
- *活動之規劃與技術監督。* 非營利組織之活動可透過規劃與監督，預防資金濫用於資恐或其他犯罪活動。此文件建議非營利組織應清楚定義其宗旨與受益人，並避免從事與其宗旨不符之任何活動。對於實行活動應制定清楚的規範以及定期監督此類活動，充分瞭解風險所在，將有助於非營利組織確保資源係按原本規劃之用途進行使用。
- *Financial transparency.* NPOs should ensure financial transparency and accountability. Strong financial controls to track and monitor the source and use of funds can assist NPOs in preventing and mitigating the misuse of resources for terrorist activities.
- *財務透明。* 非營利組織應確保財務公開透明。基於追蹤與監督資金來源與用途，採取強而有力的財務控管做法，將有助於預防或降低非營利組織之資源遭濫用或誤用於恐怖活動的可能性。

1. While this document pertains to both money laundering and terrorist financing, it is referenced in this report for terrorist financing purposes.

1. 雖然此文件同時提到洗錢和資恐，但是在本報告中僅基於資恐用途進行引用。

Box 9. France

實例 9、法國

The French Treasury publishes on its website a guide of good conduct for the associations with regards to the terrorist financing risk to which they are exposed. This document intends, in particular with regard to Recommendation 8 of the FATF, to warn the associations and their managers to this specific risk, to improve their diligences measures, and to help them to put in place adequate internal policies, procedures and controls to this end. This guide explains the recommendation 8 of the FATF and the expected measures of the FATF (awareness, control and monitoring of the sector, effective collect of information and investigations, capacity to answer to foreign requests on NPOs). It also exposes the national and European regulation and devices on terrorist financing in particular on assets freezing; the risk assessment on the threat; legal requirements related to the financing including donations; expectations for good financial management; requirements for the nomination of the managers, and legal provisions concerning associations.

法國財政部在其網站上發佈了適用於各協會有關其面臨資恐風險的準則。此文件目的在於（特別和防制洗錢金融行動工作組織的建議第 8 項有關）用於提醒各協會及其經理人員針對特定的風險、改善其盡職調查措施並協助他們針對此一目的採用適當的內部政策、程序和控管。此指引說

明了防制洗錢金融行動工作組織建議第 8 項以及防制洗錢金融行動工作組織預期的措施（認識、控管與監督該部門、有效蒐集資訊並進行調查、回應國外有關非營利組織請求的能力）。也提到法國境內與歐洲有關的資恐規範與機制，特別是凍結資產、針對威脅所做的風險評估、和資助有關的法律規定，包括捐贈、對於優良財務管理的期待、經理人員提名規定以及和各協會有關的法律條款等。

The French financial intelligence unit (FIU) Tracfin published in its annual activity report and on the website of the Ministry of Finances a typology case and some warning criteria and indices focused on the misuse of associations for terrorist financing such as : association's bank account financed only by cash payments; use of the association's bank account as a transit account and absence of real activity of the association; credit flows to a personal's bank account from the association's bank account; environmentally "sensitive" around the association; relatively small financial flows, to link with the sensitive environment.

法國金融情報中心（FIU）Tracfin 公佈了年度活動報告並在財政部網站公佈了個案的態樣和一些警告標準與指數，都是強調濫用協會於資恐用途，如：協會的銀行帳戶僅接受現金款項、將協會的銀行帳戶當作過度帳戶使用並且沒有用於協會的實際活動、金流從協會的銀行帳戶流向個人銀行帳戶、協會的組織敏感性、相對很低的金融流量等。

Box 10. United Kingdom

實例 10、英國

The Charity Commission of England and Wales has established a small outreach team to raise awareness on issues such as fraud and abuse, including abuse by terrorist organisations, within several key charity sectors. The aim of the team is to provide effective and thorough engagement with stakeholders to enable charities (NPOs) to protect themselves from abuse. The outreach team focuses on charities working in areas of highest risk by running events for charities working in Syria, speaking at third party events, publicising existing guidance, and creating new guidance as issues develop.

英格蘭與威爾斯慈善委員會已成立一個小型的溝通聯繫團隊，負責促進與提升幾個重要慈善部門內對於諸如詐騙和濫用等議題（包括遭到恐怖組織濫用）的意識。該團隊旨在讓利害相關的各方有效參與，以便慈善機構（非營利組織）能夠保護自身，避免遭到濫用。該溝通聯繫團隊重點放在營運地點位於最高風險的慈善機構，就在敘利亞境內運作的慈善機構舉辦活動、在第三方舉辦的活動演講，公佈既有的指南以及隨著議題衍進新制定的指南等。

The outreach team also issues “alerts” on key issues such as due diligence on partner agencies, monitoring, sending funds internationally, counter terrorism legislation and requirements, aid convoys and sending staff and volunteers.

該溝通聯繫團隊也針對關鍵議題（如：對配合機關執行盡職調查、監督、寄送資金至國外、反恐法案與規定、援助隊伍以及派送人員與志工等）發出「警示」。

In addition, the Charity Commission has published literature and posted information on its website on giving safely to Syria. This includes advice to make donations to registered charities that have experience providing humanitarian assistance in high risk, insecure and dangerous environments and which have ongoing relief operations in Syria and/or surrounding countries.

此外，慈善委員會也在其網站上公佈安全地援助敘利亞等相關文獻與資訊。包括建議捐贈至有註

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冊的慈善機構，雖位於高風險、不安全且危險的環境內，該機構具備提供人道協助的經驗並且持續在敘利亞和／或周圍國家從事救濟作業。

The Charity Commission has also worked in collaboration with umbrella organisations and sector leaders to develop an online toolkit to help charities establish good standards of governance and accountability to safeguard themselves from terrorism, fraud and other forms of abuse. The toolkit includes guidance on how terrorism legislation applies to charities, how to deal with individuals and partners on designation lists, both domestically and internationally, and the impact of extremism and radicalisation abuse. It also includes practical examples and tools, such as template partnership agreements, checklists and case studies.

慈善委員會也以和保護組織以及部門領導人合作開發一套線上平臺，協助慈善機構建立優良治理與責任歸屬標準，保護自身免受恐怖主義、詐騙和其他形式的濫用。工具包含了將恐怖主義法規運用於慈善機構、如何處理指名名單上的個人與國內外的指名清單以及防止極端主義與激進份子濫用的指南。也包含了相關實例，如：合作協議書、檢核表與個案研究等。

Box 11. United States of America

實例 11、美國

The United States engages in sustained dialogue with the US NPO sector, including charities, donors, and specific communities, such as the Muslim-American community, Somalia-American community, and the Syrian American community, among others. The US participates in community outreach events around the country to meet with community leaders and members on a regular basis. The US also provides a number of guidance materials, such as the US Department of the Treasury's website related to protecting the charitable sector from terrorist abuse¹.

美國政府一直以來都和美國的非營利組織（包括慈善機構、捐贈者和特定社團，如：穆斯林-美國社團、索馬利亞-美國社團以及敘利亞美國社團等）保持聯繫。美國政府都會參與國內的社團推廣活動，定期和社團領導人以及成員會面。美國政府也會提供很多指引資料，如：美國財政部有關保護慈善部門免受恐怖分子濫用的網站資訊¹。

These existing publications include an Office of Foreign Assets Control (OFAC) risk matrix, voluntary Guidelines, charity FAQs, testimony related to protecting the charitable sector from abuse, domestic sanctions against charities, and international publications on the TF threat and risk mitigation best practices. Periodic review of these publications and consultation with the US charitable sector may also lead to updates to these documents over time.

這些既有的出版品包括海外資產控制辦公室（OFAC）風險矩陣表、志工規範、慈善機構常見問題、和保護慈善機構免遭濫用見證、國內給予慈善機構的制裁以及有關資恐威脅和最佳風險降低做法的國際刊物。另定期檢視這些刊物及諮詢美國慈善部門有助於在日後促成這些文件的更新。

The US Treasury's matrix of common risk factors² and Anti-Terrorist Financing Guidelines³, among other voluntary guidance for the US non-profit sector, were developed to assist US charities in identifying the level of risk for some of their activities and adopting an effective risk-based approach that can be used when disbursing funds or resources in high risk areas. The risk matrix and Guidelines were designed to provide NPOs with an understanding of the risks that they should consider in the course of conducting their due diligence and some examples of risk mitigation best practices. These guidance documents are intended to be helpful tools for charities to consider using when developing an

appropriate compliance program, particularly those charities that conduct overseas charitable activity in higher risk regions. The matrix is not a comprehensive list of risk factors indicating abuse or exploitation of a particular charity or its operations, nor is it meant to establish whether or not a charity or grantee/recipient is engaged in illicit activities. The Guidelines are voluntary recommendations for the charitable sector to consider in adopting practices that may better protect it from the risk of abuse or exploitation by terrorist organisations.

美國財政部常見的風險因子矩陣表²與防制資恐規範³等其他針對美國非營利部門的自發性指南之所以制定都是為了協助美國慈善機構辨識其部分活動的風險等級並採取一套有效、以風險為基礎、在高風險地區內分配資金或資源時可使用的做法。這個風險矩陣表和規範的設計用意是為了讓非營利組織瞭解其在執行盡職調查時，應考慮的風險以及提供部分降低風險的最佳做法。這些指引文件目的在慈善機構制定一套適當的遵從性計畫時可作為考量，特別是在較高風險地區從事海外慈善活動的慈善機構。這個矩陣表並未列出所有指向特定慈善機構或其運作遭到濫用或利用的風險因子，且用意也不在於確定是否某個慈善機構或受讓人/收受方有從事非法活動。該規範是對慈善部門提供自發性建議，以利慈善機構在採用可能進一步保護自身避免遭到恐怖組織濫用或利用的做法時，可納入考量。

Notes

1. www.treasury.gov/resource-center/terrorist-illicit-finance/Pages/protecting-index.aspx
2. www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/charity_risk_matrix.pdf
3. www.treasury.gov/resource-center/terrorist-illicit-finance/Pages/protecting-charities-intro.aspx

註記

1. www.treasury.gov/resource-center/terrorist-illicit-finance/Pages/protecting-index.aspx
2. www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/charity_risk_matrix.pdf
3. www.treasury.gov/resource-center/terrorist-illicit-finance/Pages/protecting-charities-intro.aspx

Box 12. Canada

實例 12、加拿大

The national regulator of registered charities in Canada, the Canada Revenue Agency (CRA), provides information on its website to assist charities in meeting the legislative and regulatory obligations. It advises charities to develop and implement sound internal governance and accountability procedures, financial controls, risk management systems, and transparent reporting, in order to protect themselves against actual or alleged abuse of any kind, including allegations of fraud, money laundering, or support for terrorism. The CRA has posted the following checklist to its website to help charities identify vulnerabilities to terrorist abuse.

加拿大境內負責註冊慈善機構的國家法規機關為加拿大國稅局（CRA）在其網站上提供了相關資訊，協助慈善機構善盡其立法與法規義務。CRA 建議慈善機構制定並實施健全的內部治理與責任歸屬程序、財務控管、風險管理系統並讓通報過程透明化，以期保護自身免受到任何類型的指控或濫用，包括有關詐騙、洗錢或資助恐怖主義的指控。CRA 已在其網站公佈了下列檢核表，協助慈善機構鑑定其遭受恐怖分子濫用的脆弱程度。

- Do you know about the individuals and entities associated with terrorism, which are listed in Canada under the United Nations Act and the Criminal Code? Are you aware of the Criminal Code and the Charities Registration (Security Information) Act provisions on

financing and supporting terrorism—and the consequences of breaching the provisions?

- 您知道有哪些與恐怖主義有關的個人和實體已根據聯合國法案與刑法被列在加拿大境內的黑名單上了嗎？您清楚刑法和慈善機構註冊（安全資訊）法有關禁止資助恐怖主義的條款以及違反該條款的後果嗎？
- Do you have a good understanding of the background and affiliations of your board members, employees, fundraisers, and volunteers?
- 您是否充份瞭解您組織的成員、員工、募款人員以及志工的背景與加入的原因？
- Have you read the CRA guidance about [keeping adequate books and records](#), [activities](#), [engaging in allowable activities](#), [operating outside Canada](#), and [charities in the international context](#)?
- 您有看過 CRA 有關[適當記載記錄](#)、[活動](#)、[從事允許的活動](#)、[在加拿大境外運作](#)以及[在國際上運作的慈善機構](#)等指引嗎？
- Do you have appropriate, sound, internal financial and other oversight and verification controls—for example, appropriate delegations and separations of authority over the collection, handling, and depositing of cash and the issuing of receipts?
- 您的組織是否有適當、健全的內部財務與其他監督和確認控管機制 – 舉例而言，針對現金的募集、處理與現金存款以及出具收據等有指派適當且獨立的代表人負責？
- Do you transfer money using normal banking mechanisms, wherever possible? When it is not, do you use reputable alternative systems, and have strong additional controls and audit trails to protect your charity's funds and show how and when they were used?
- 您是否有使用正常銀行管道辦理匯款等業務？如果沒有，您是否使用具有公信力的替代方案且有額外強有力的控管機制與稽核記錄，以保障您組織的資金並證明其使用的方式與時間。
- Do you know who uses your facilities and for what purpose—for example, your office or meeting space, name, bank account, credit cards, website, computer system, telephone or fax—what they are saying, and what materials they are distributing or leaving behind?
- 您知道有誰使用您的場所及作何用途（例：您的辦公室會議空間、名稱、銀行帳戶、信用卡、網站、電腦系統、電話或傳真）使用人的對話內容以及發放或遺留的資料內容嗎？
- Do you try to find out who else might be supporting a person or cause that you are endorsing in public statements, and who uses your name as a supporter?
- 您是否有試圖找出還有誰可能因為您公開聲明贊助而成為被支持的

個人，或者誰會以您的名義作為贊助者？

- Do you know where your donations and other support really come from?
- 您知道您收到的捐款和其他援助確切的來源嗎？
- Do you know who has ultimate control over the project that your charity's money and resources are benefiting, and what the money and resources are used for, including after the particular project is finished?
- 您知道誰對於您機構在慈善專案捐助的金錢和資源，擁有最終的掌控權嗎？
- Do you know your partners in delivering the work you are doing, and their affiliations to other organisations?
- 您認識您工作過程中的合作夥伴及其附屬的單位或組織嗎？
- Do you have clear written agreements with agents/contractors/other partners, in Canada and abroad, covering what activities will be undertaken and how they will be monitored and accounted for? Do you check that the agreements are being followed?
- 您是否有和加拿大境內與國外代理人/合約商/其他合作夥伴簽訂清楚的協議書，內容涵蓋活動如何進行以及如何監督與追蹤該活動的方式？您是否有確保遵照協議內容？

SUPERVISION OR MONITORING

監管或監督

Box 13. Norway

實例 13、挪威

Norwegian NPOs active in higher risk areas generally receive part of their funding from the Norwegian government. As a result, they are subject to a number of supervisory measures, including the requirement to register, report on the use of funds, provide statements of income and expenditure, and ensure that they know their beneficiaries and associated NPOs. These measures, which are aimed at uncovering fraud, corruption and terrorist financing, also apply to foreign NPOs receiving funds.

挪威非營利組織在較高風險領域活動時，一般會獲得挪威政府提供部分資金。因此，他們必須遵照很多監管措施，包括註冊、通報資金用途、提供收入與支出明細以及確保其認識受益人與相關非營利組織。這些措施旨在發現詐欺、貪污與資恐等情事，同樣也適用接受國外資金的非營利組織。

The Norwegian Agency for Development Cooperation (Norad) and the Ministry of Foreign Affairs' Foreign Service Control Unit (FSCU) monitor the use of international development assistance to prevent and detect irregularities and crime, including terrorist financing. This is done through various means, including audit reports and spot-checks of projects and funding recipients. The FSCU and Norad conduct investigations when required and may share information with the financial intelligence

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unit (FIU) and the Police Security Service, where appropriate.

挪威開發合作局 (Norad) 以及外交部的國外服務控管單位 (FSCU) 負責監督國際發展協助情形，旨在預防並察覺異常之犯罪活動，包括資恐。其執行方式多元，包含稽核報告以及針對專案與資金接收方進行抽查。FSCU 與 Norad 會在需要時進行調查並且可能和金融情報中心 (FIU) 以及警察等單位適當地分享資訊。

NPOs are also required to register in order to open a bank account. In addition, Norway encourages voluntary registration of NPOs by providing incentives such as preferential taxation treatment.

非營利組織必須註冊才能開立銀行帳戶。此外，挪威鼓勵非營利組織自發性註冊，會提供他們獎勵措施，像是優惠稅務待遇等。

Box 14. Isle of Man

實例 14、馬恩島

The Isle of Man had previously made several attempts to implement a registration and oversight regime for AML/CFT compliance across the entire NPO sector. Through consultations with the sector, it was able to propose an approach that would narrow the focus of the regime to only those NPOs considered to be at greatest risk of terrorist financing, rather than the NPO sector in its entirety.

馬恩島之前曾做過幾項針對整個非營利組織就其防制洗錢／打擊資恐遵從性實施監督制度的測試。與部門諮詢後，提出一項把制度的重點放在被認為面臨最大資恐風險的非營利組織（而非整個非營利組織）的做法。

The Isle of Man developed the Specified Non-Profit Organisation (SNPO) designation for NPOs that would be subject to the registration and oversight regime. Criteria for the designation were based on the FATF definition of NPO and several factors related to the risk of terrorist financing.¹ By narrowing its focus to the areas of the sector that are of greatest concern, the Isle of Man will be able to make efficient use of its efforts and resources while protecting low risk NPOs from the unnecessary burden associated with meeting the requirements of the registration and oversight regime.

馬恩島針對非營利組織制定了專屬非營利組織 (SNPO) 的規範，要求非營利組織必須註冊並接受監督。該規範的條件是以防制洗錢金融行動工作組織針對非營利組織所做的定義以及幾項和資恐風險有關的因素為基礎¹。將其重點縮小至存有疑慮最大的部門，馬恩島能將其努力和資源做有效的運用，同時又能保障低風險的非營利組織，讓註冊與監督等要求不造成過度地負擔。

¹ A Specified Non-Profit Organisation (“SNPO”) is defined as: “a body corporate or other legal person, trustees of a trust, partnership, other association or organisation and any equivalent or similar structure or arrangement, established solely or primarily to raise or distribute funds for charitable, religious, cultural, educational, political, social or fraternal purposes with the intention of benefiting the public or a section of the public and which has-

¹ 專屬非營利組織 (SNPO) 是指：「社團法人或其他法人、信託的受託人、合作關係、其他協會或組織以及任何同等或類似的結構或協議，其成立目的僅為或主要是為了籌措或分配慈善、宗教、文化、教育、政治、社會或友愛等目的的資金，旨在造福大眾或一部分的大眾並且

- i. an annual or anticipated annual income of GBP 5 000 or more; and
- i. 年收入或預期年收入達 5,000 英鎊以上者；且
- ii. remitted, or is anticipated to remit, at least 30% of its income in any one year to one or more ultimate recipients in or from one or more higher risk jurisdictions;”

- ii. 已匯出或預期每年將匯出其至少 30% 的收入至位於或來自較高風險國家的一個或多個最終收受者。」

The concept of “other good works” as referenced in the FATF’s definition of NPO is not included in the definition of the designation on the basis that it is too vague to be realistically enforceable in primary legislation. It should be noted this draft has not entered law at the time of writing and may be subject to minor amendment.

在防制洗錢金融行動工作組織針對非營利組織所下的定義中提及的「其他善行」概念並未包含在該規範的定義內，因為太過模糊，實際上在主要國家均無法執行。應注意的一點是：此草案在本報告撰寫當時尚未納入法條，因可能還會進行小幅度修正。

Box 15. Canada

實例 15、加拿大

Many registered charities in Canada fall within the scope of the FATF’s definition of NPO and are considered to be particularly vulnerable to terrorist abuse. In recognition of these inherent vulnerabilities, the national regulator of charities in Canada, the Canada Revenue Agency, has established a specialised division to support the government’s anti-terrorism legislation, and to mitigate and manage the risks of terrorism as it pertains to registered charities. This includes preventing organisations with connections to terrorism from obtaining charitable registration, which provides charities with preferential tax treatment, and detecting and revoking the registration when connections exist.

許多加拿大境內註冊的慈善機構都符合防制洗錢金融行動工作組織針對非營利組織所下的定義並且被認為特別容易受到恐怖分子濫用。體認到這些固有的弱點，加拿大負責慈善機構的國家監理機關 – 加拿大國稅局 – 已經建立一個專屬的部門，協助政府制定反恐怖主義法案並以註冊機制降低慈善機構管理資恐的風險。這包含了預防與恐怖主義有所關聯的組織取得慈善機構註冊，及享有慈善機構優惠的稅務待遇，如發現慈善機構存有與資恐關聯時，則撤銷其註冊資格。

The division uses a risk based approach in reviewing the activities of applicant and registered charities, and takes into consideration factors such as the location of operation and connections to entities with links to terrorism or terrorist financing. Reviews are conducted by senior intelligence analysts, researchers and auditors with specialised training in terrorist financing, using open source information, classified intelligence from security partners, and information submitted by organisations themselves. If an applicant charity does not meet the requirements of registration for any reason, including connections to terrorism, its application will be denied. If a charity that is already registered does not comply with the requirements of registration, for any reason including connections to terrorism, the division can apply a range of regulatory interventions, including education letters, compliance agreements, monetary penalties and, in the most serious cases, revocation of registration. If the division encounters information that is relevant to a terrorism investigation when carrying out these regulatory duties, it has the authority to share that information with national security partners and law enforcement agencies.

該部門在檢視申請者從事的活動與註冊的慈善機構時，係採用以風險基礎方法，例如將運作地點及其和恐怖主義或資恐有所關聯的團體等因素納入考慮。由資深情報分析師、研究人員以及接受過資恐專業訓練的稽核人員利用開放的資訊、分類情報以及該組織本身提交的資訊執行全盤檢視。若申請的慈善機構因故不符註冊要求，包括和恐怖主義有所關聯，就會退回其註冊申請。若

已經完成註冊的慈善機構因故不符註冊要求，包括和恐怖主義有關聯，則該部門可進行各類法規干預，包括發出輔導函、遵從協議書、罰款以及最嚴重時得撤銷註冊資格等。若該部門在執行上述法規職責時發現與恐怖主義調查作業有關的資訊，有權力將該資訊提供給國家安全單位以及執法機關。

Monitoring applicant and registered charities in order to prevent and disrupt organisations with ties to terrorism assists the government in preventing the exploitation of charitable resources to support terrorism.

為了防制與恐怖主義有所關聯，監督新申請之慈善機構以及已經註冊的慈善機構，將有助於政府預防慈善資源遭到恐部分子利用並用於資助恐怖主義。

EFFECTIVE INVESTIGATION AND INFORMATION GATHERING

有效調查與資訊蒐集

Box 16. Portugal

實例 16、葡萄牙

Portugal introduced legislation creating the Permanent Liaison Group (PLG), which constitutes a forum for information sharing between the Tax Authority and the financial intelligence unit (FIU). The Tax Authority, which also collaborates with law enforcement on tax crimes and related money laundering, may share a wide range of information with AML/CFT authorities through the PLG. This includes sharing relevant information, for TF prevention purposes, including information concerning NPOs for potential terrorist abuse, such as donations received by NPOs, donations made by individuals to NPOs, and declarations concerning crossborder transfers made through the financial system to beneficiaries in tax havens.

葡萄牙引進了成立永久聯絡小組（PLG）的立法。該小組是稅務機關與金融情報中心（FIU）之間共用資訊的機制。稅務機關也和執法機關就稅務犯罪以及相關的洗錢事宜進行配合，可以透過 PLG 和防制洗錢/打擊資恐機關分享眾多資訊。這包括基於資恐預防目的相關資訊分享，包含了和非營利組織可能遭到恐怖分子濫用的疑慮有關的資訊，如：非營利組織接獲的捐贈、個人為非營利組織進行的捐贈以及透過金融體系從事跨國境轉帳至位於避稅天堂的受益人之聲明等。

Box 17. United States of America

實例 17、美國

The United States Government takes an interagency approach to detect, deter and disrupt cases of terrorist abuse within the NPO sector. Several agencies, each operating within the parameters of its own authorities, work together to analyse available data, threats and trends, and to determine an appropriate government response.

美國政府在偵測、阻止以及杜絕非營利組織內遭到恐怖分子濫用的事例時採取跨部門的做法。許多在其本身權限參數內運作的機關會彼此合作分析可得的數據、威脅與趨勢並決定政府應該做出的相關回應。

The Department of Justice (DOJ), the principal government entity responsible for overseeing the investigation and prosecution of TF offenses at the federal level, uses its authorities to investigate and dismantle terrorist financiers and thus deter future supporters. To advance this mission and in recognition of the importance of tracking the financial underpinnings of terrorist activity, FBI-TFOS (Terrorist Financing Operations Section) was established immediately after 11 September 2001 to identify and disrupt all TF activities. FBI-TFOS is charged with managing FBI's investigative efforts into TF facilitators and ensuring financial investigative techniques are used, where appropriate, in FBI counter-terrorism (CT) investigations. FBI-TFOS works in close coordination with the National Joint Terrorism Task Force (JTTF), which coordinates CT efforts of federal, state and local law enforcement agencies through local JTTFs. In addition to FBI-TFOS, other DOJ components play a key role in TF investigations. When an investigation produces sufficient evidence for a criminal prosecution, the US Attorneys' Offices, working closely with the DOJ's National Security, Criminal and Tax Divisions, leverage multiple federal criminal statutes to prosecute cases involving TF, including cases of charities that have been misused to support terrorist organisations.

司法部（DOJ）是聯邦政府層級負責監督資恐違規調查與起訴過程的主要政府機構，會利用其權限調查並瓦解恐怖分子的金主，並遏止日後的贊助者。為了達成這項使命且體認到追蹤恐怖活動財務基礎的重要性，FBI-TFOS（資恐運作部門）在 2001 年 911 事件後立即成立，負責發現並杜絕所有的資恐活動。FBI-TFOS 負責針對資恐進行調查並確保在 FBI 的反恐（CT）調查中採用適當的金融調查技巧。FBI-TFOS 與國家聯合恐怖主義任務小組（JTTF）有密切協調機制，後者負責聯邦政府、州政府以及地方執法機關透過 JTTF 在 CT 方面做出的努力。除了 FBI-TFOS，其他的 DOJ 部門也都在資恐調查中扮演關鍵角色。在調查發現充分的犯罪證據後，和 DOJ 國家安全、犯罪與稅務部門密切配合的美國檢察官辦公室就會引用多項聯邦政府法條（包括濫用以資助恐怖組織的慈善機構）起訴涉及資恐的案例。

Agencies working closely with the Department of Justice and the law enforcement community to identify and take action against TF threats in the NPO sector are the Internal Revenue Service (IRS), as the NPO regulator, as well as several offices of the Department of the Treasury, including the Office of Intelligence and Analysis (OIA), the Financial Crimes Enforcement Network or FinCEN (the financial intelligence unit or FIU of the United States), the Office of Foreign Assets Control (OFAC), and a policy office. In addition to identifying and responding to terrorist threats to the NPO sector, the various offices of the Treasury are also involved in and conducting outreach and international engagement on this issue.

和司法部以及執法界密切合作、找出非營利組織內資恐威脅並對之採取行動的機關，有非營利組織主管機關的國稅局（IRS）以及隸屬於財政部的多個辦公室，包含情報分析辦公室（OIA）、金融犯罪執法網或 FinCEN（金融情報單位或美國的金融情報中心）、國外資產控制辦公室（OFAC）和政策辦公室等。除了找出非營利組織面臨的恐怖威脅並做出回應外，這些財政部辦公室也參與並執行此議題相關的推廣與國際活動。

The IRS, a bureau within Treasury that administers and enforces US tax laws, can also play a supportive role in the US Government's counter terrorist financing (CFT) efforts, in particular through the work of IRS Criminal Investigation (CI) division, which investigates criminal violations of US tax law, as well as money laundering and other financial crimes, and IRS Tax-Exempt/Government Entities (TE/GE) division, which administers IRS laws and regulations related to tax-exempt organisations. When authorised to assist in a TF investigation, these IRS components can provide unique expertise and authorities to support US Government CFT efforts. The IRS analyses financial reporting violations as they pertain to filing requirements and tax compliance. This can lead to further investigations, which provide additional insight into underlying illicit actions, including terrorist financing.

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隸屬於財政部的國稅局負責實施、執行美國稅法，在美國政府打擊資恐（CFT）方面也扮演著協助的角色，特別是負責調查違反美國稅法的犯罪行為以及洗錢與其他金融犯罪的 IRS 犯罪調查（CI）部門，以及實施和免稅組織有關的 IRS 法律與規範的 IRS 免稅/政府實體（TE/GE）部門。於接獲協助資恐調查的授權時，這些 IRS 部門具備特有的專業與權力，可輔助美國政府在打擊資恐方面的努力。IRS 就通報的金融違規事項與申報要求以及稅務遵從性會進行分析，這可能導致進一步的調查，深入分析潛在的違法行動，包括資恐。

FinCEN establishes the United States AML/CFT regulatory requirements. FinCEN collects financial intelligence through suspicious transaction reporting, cash transaction reports, and other threshold-based declarations/disclosures from financial institutions and persons. This financial intelligence can be used in conjunction with data obtained from the law enforcement and intelligence communities, and publicly available information to help identify individuals and entities involved in illicit actions, including terrorist financing. FinCEN's information can also contribute to the development of economic sanctions against those involved in terrorist financing and can support law enforcement criminal investigations. FinCEN also may pursue enforcement actions against entities or individuals that substantially violate their obligations.

FinCEN 負責制定美國防制洗錢／打擊資恐法規要求。FinCEN 透過疑似洗錢或資恐交易報告、現金交易報告以及其他由金融機構與個人進行的有門檻的申報／揭露事項蒐集金融情報。如此的金融情報可和來自執法與情報界的數據以及可公開取得的資訊聯合使用，藉以協助發現涉及非法行動（包括資恐）的個人與實體。FinCEN 的資訊也有助於對涉及資恐的當事人研擬經濟制裁並且能夠輔助執法機關所做的犯罪調查。FinCEN 也可能會對具體違反其義務的實體或個人採取強制行動。

OIA works with the US intelligence community to identify specific illicit finance threats, including terrorist threats within the NPO sector, that then initiate broader interagency discussion about responses to these threats, particularly administrative sanctions actions.

OIA 與美國情報界合作找出特定的非法金融威脅，包括非營利組織內的恐怖威脅，然後發起更廣泛的跨部門討論，針對這些威脅研擬應做出的回應，特別是行政制裁行動。

OFAC administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats. OFAC acts under Presidential national emergency powers, as well as authority granted by specific legislation, to impose controls on transactions and freeze assets under US jurisdiction, including the imposition of sanctions against charities for supporting terrorist organisations. Many of the sanctions are based on United Nations and other international mandates, are multilateral in scope, and involve close cooperation with allied governments.

OFAC 根據美國外交政策與國家安全目標對鎖定的國外國家與體制、恐怖分子、國際販毒者、從事大規模毀滅性武器擴散相關活動者以及其他威脅，實施並執行經濟與貿易制裁。OFAC 依據總統的國家安全權力以及特定法律賦予的權力行事，負責在美國管制交易並凍結資產，包括對贊助恐怖組織的慈善機構進行制裁。大部分此類制裁是以聯合國以及其他國際命令為依據，通常為具多邊性質並且牽涉到聯盟政府之間的密切合作。

Box 18. Canada

實例 18、加拿大

The national regulator of registered charities in Canada, the Canada Revenue Agency (CRA), has statutory authority to share information with relevant national security and law enforcement partners where there are concerns that a charity is engaged in providing support to terrorism. To facilitate the sharing of information, a secondment program between the CRA and its partners has been instituted: CRA employees are seconded to the partner agencies and employees from the partner agencies are seconded to the CRA. Employees participating in this program are fully integrated into their host agencies, bringing with them the experience and expertise required to identify risks pertaining specifically to the NPO sector. The program further assists partners in understanding each other's roles in the whole-of-government approach to countering terrorism financing. This has enabled the CRA and its partner agencies to alert one another of situations involving NPOs that support terrorism and to take appropriate measures to protect the NPO sector.

法律賦予加拿大負責註冊慈善機構的國家法規單位，加拿大國稅局（CRA）在慈善機構有參與贊助恐怖主義的疑慮時，有與相關國家安全以及執法單位分享資訊的權力。為了方便分享資訊，CRA 與其配合單位之間制定了一個借調計畫。CRA 的員工可借調至配合的機關而配合的機關員工可借調至 CRA。參與這項計畫的員工完全融入其所屬機關，善用所需的經驗與專業，找出專屬於非營利組織的風險。該計畫進一步協助配合的單位瞭解彼此在全政府做法下在反資恐方面所扮演的角色。這讓 CRA 與其配合的機關能夠彼此警覺牽涉到資助恐怖主義的非營利組織之情況並採取相關措施保護非營利組織。

EFFECTIVE MECHANISMS FOR INTERNATIONAL COOPERATION

有效國際合作機制

Box 19. Canada, New Zealand, and United Kingdom

實例 19、加拿大、紐西蘭與英國

Several countries, including Canada, New Zealand and the United Kingdom, have independently developed online tools to make certain information about NPOs publicly available.

有幾個國家，包括加拿大、紐西蘭與英國等都已经各自制定了線上平臺，確保非營利組織相關資訊可公開取得。

These countries provide access to online databases that allow the general public to search for and access information related to the status, activities, finances and governing boards of NPOs. Some of these tools allow users to display information graphically in charts and tables, make connections between NPOs, and to access copies of governing documents, by-laws and financial statements.

這些國家提供線上資料庫的使用權限，讓一般大眾能夠搜尋並存取和非營利組織現況、活動、財務以及理事會有關的資訊。部分此類工具讓使用者能夠以圖表的方式呈現資訊，讓非營利組織彼此間產生連結並且能夠取得管理文件、章程以及財務報表等副本。

These tools help promote transparency and maintain public trust in the NPO sector. They also provide a means through which information can be shared internationally. Because the databases are public, international partners can access them to find information on NPOs that operate outside of their

jurisdiction.

這些工具有助於提升透明度，維持大眾對非營利組織的信賴。也提供了國際分享資訊的管道。因為資料庫公開，所以國際合作單位也能存取，找尋在其轄區外運作的非營利組織相關資訊。

Box 20.

實例 20

UN Security Council Resolutions 1267 and 1373 have helped foster international cooperation in identifying and taking sanctions action against NPOs and their officials involved in terrorist financing. UNSCR 1267 provides for a global sanctions regime against al Qaida and affiliated groups. UNSCR 1373 allows for countries to take domestic and coordinated bilateral and/or multilateral sanctions against terrorist threats.

聯合國安理會決議案第 1267 號與第 1373 號已經協助提升國際在找出參與資恐的非營利組織及其主管機關並對之採取制裁行動方面的合作。聯合國安理會第 1267 號決議是全球對蓋達及其附屬團體採取制裁的基礎。聯合國安理會第 1373 號決議允許各國針對恐怖分子造成的威脅採取國內與協調國的雙邊和/或多邊制裁。

A recent group of UN 1267 listings includes the Indonesian organisation HILAL AHMAR SOCIETY INDONESIA (HASI), designated by the UN on March 13, 2015, pursuant to paragraphs 2 and 4 of resolution 2161 (2014) as being associated with Al-Qaida for “participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of”, “recruiting for” and “otherwise supporting acts or activities of” Jemaah Islamiyah.

UN 1267 最近的清單包含了印尼組織 HILAL AHMAR SOCIETY INDONESIA (HASI)，後者在 2015 年 3 月 13 日遭聯合國根據決議案 2161 (2014) 第 2 與第 4 項基於下列認定和蓋達有關聯：「參與回教祈禱團發起、與之相關、以其名義、代其或支援回教祈禱團的行動或活動之贊助、規劃、推進、準備或滲透作業」、「替回教祈禱團進行招募作業」以及「協助回教祈禱團的行動或活動」。

Hilal Ahmar Society Indonesia (HASI) is the ostensibly humanitarian wing of Jemaah Islamiyah (JI). Since 2011, HASI has operated as a non-governmental organisation in Indonesia. While not indicative of the activities of the charitable sector as a whole, the activities of HASI demonstrate how terrorist groups, such as JI, continue to abuse charitable giving to raise and use funds to support violent acts and provide cover for logistical requirements for their terrorist organisation. JI is responsible for numerous acts of terrorism including the Bali bombing in 2002, which killed over 200 people from 27 countries. 印尼慈善機構希拉亞邁協會 (HASI) 表面上是回教祈禱團的人道分支。自 2011 年起，HASI 即在印尼境內以非政府組織形式運作。雖然無法代表整個慈善部門的活動，但是 HASI 的活動證明了恐怖團體（如：JI）如何繼續濫用慈善奉獻的性質籌措並利用資金資助暴力行為，並掩護其恐怖組織物流需求。JI 和很多的恐怖活動有關，包括 2002 年峇里島爆炸案，當時造成來自 27 個國家超過 200 人死亡。

www.un.org/sc/committees/1267/NSQDe147E.shtml

ANNEX 2

EXAMPLES OF MEASURES THAT NPOS HAVE IMPLEMENTED AND WHICH MAY, DEPENDING ON THE CIRCUMSTANCES, HELP TO MITIGATE RISK

附錄 2

有關非營利組織已實施且可能有助於降低風險（視情況而定）的措施實務

1. These are examples of measures that have been implemented by some NPOs and which may, depending on the circumstances, help to mitigate TF risk. In practice, the unique circumstances and context of each case will determine whether a particular measure is a good practice that is partially or fully mitigating the specific risk involved. The types of circumstances and context which are relevant to such a determination include: the level and type of TF risk, the type of charitable funds or assets being distributed, the geographical context, and other controls and due diligence measures in place, for example.

1. 這些是已被部分非營利組織採用且（視情況而定）可能有助於降低資恐風險的實例。實務上，每個案例的獨特情況與相關資訊將決定特定措施是否能夠部分或完整地降低牽涉到的特定風險。此類有關的情況和環境類型包括：資恐的等級與類型、分配的慈善資金或資產的類型、地理環境以及其他既有的控管與盡職調查措施。

2. These examples should not be used as a checklist or “gold standard” of measures to be applied to all NPOs. A “one size fits all” approach would not be consistent with proper implementation of a risk-based approach, as called for by Recommendation 8.

2. 這些實例不應當作檢核表或適用所有非營利組織的「黃金標準」措施使用。「放諸四海皆準」的做法與建議第 8 項所呼籲，必須正確實施一套以風險為基礎的方法不符。

3. The following examples, which were provided by NPOs, are presented under the following four categories:

3. 下列實例是非營利組織所提供，分成四個類別說明：

Box 21. Good governance for NPOs

實例 21、非營利組織的優良監理

Robust internal governance practices for NPOs can be grouped into the following four categories:
非營利組織健全的內部監理做法可分成下列四類：

- 1) Organisational integrity;
1) 組織完整性；
- 2) Partner relationships;
2) 合作關係；
- 3) Financial transparency and accountability; and
3) 財務公開透明及有責任性；以及
- 4) Programme planning and monitoring.
4) 計畫規劃與監督。

ORGANISATIONAL INTEGRITY

組織廉潔性

Box 22.

實例 22

An international NPO has provided key features of NPO accountability systems that address the concept of organisational integrity. These features are addressed in the following charts:

有一個國際非營利組織已提出有關組織廉潔性的概念在於責任分屬制度之關鍵特點。這些特點在下圖說明：

Essential NGO internal governance indicators**基本 NGO 內部監理指標****Clear governance structure, particularly role of the governing body (the Board).**

清楚的監理結構，特別是管理機構（委員會）所扮演的角色

- Name of body
- 機構名稱
- Description of relationship to other organisational entities (board functions must be separate from management)
- 與其他組織之間的關係說明（委員會的功能必須和管理階層分開描述）
- List of current Board members with occupations and cities/towns of residence
- 目前的委員會成員名單，含其職業與居住的城市/城鎮
- (where appropriate, the controller/beneficial owner of NGO should also be identified)
- （適用時，亦應提到 NGO 的審計單位/實質受益人等）

Governing body description to include: management structure, including:

管理機構的描述，包括：

- Basic responsibilities and powers
- 基本職責與權力
- Duties of individual board members
- 個別委員的義務
- Minimum number of board members
- 最低委員人數
- Membership rules (including eligibility, suspension and expulsion) and terms of office (length of terms, limits on re-election)
- 會員規定（包含資格、暫停與取消資格）及任期（在位時間長短、再選限制）
- Clear election procedure
- 清楚的選舉程序
- Minimum number of board meetings and method of convening meetings

	<ul style="list-style-type: none"> ■ 委員會會議所需最低出席人數以及召開會議的方式 ■ Decision-making procedures (number needed for quorum, how to vote and record decisions) with explicit indications that decisions are to be taken collectively ■ 決策程序（需要的法定人數、如何投票及記錄決定等），明確指出應集體做出的決定。 ■ Record of Board meeting minutes ■ 委員會會議紀錄 ■ Conflict-of-interest provisions (for the Board and organisation overall) ■ 利益衝突條款（針對委員會以及整體組織） ■ Board member remuneration (Board Members should <u>not</u> receive compensation beyond reimbursement of expenses) ■ 委員會成員之報酬（委員們不應接受超出費用補助以外的報酬）
Board competencies to include: 委員會的職能，包括：	<ul style="list-style-type: none"> ■ Annual review of CEO performance ■ 每年審核 CEO 績效 ■ Review of financial (management) performance / annual financial statements ■ 審核財務（管理）績效/年度財務報表 ■ Responsibility to recruit CEO ■ 負責招募 CEO ■ Responsibility to engage auditor ■ 負責找尋稽核人員
Essential financial management indicators 基本的財務管理指標	
Existence of basic accounting tools: 基本會計工具的存在：	<ul style="list-style-type: none"> ■ Books of accounts (general ledger, general journal etc.) ■ 會計帳簿（總分類帳簿、一般日誌等） ■ Cash receipts book ■ 現金收入帳簿 ■ Cash disbursements book ■ 現金支出帳簿 ■ Bank accounts records ■ 銀行帳戶紀錄

<p>Basic accounting practices: 基本會計做法：</p>	<ul style="list-style-type: none"> ■ Written policies and procedures that follow accepted principles of accounting and control ■ 遵照公認的會計與審計原則的書面政策與程序 ■ Division of functions: the approving officer for fund releases (e.g. CEO) is different from the bookkeeper and the cash custodian. ■ 功能區分：放行資金的批准主管（如：CEO）必須和記帳人員和現金監管人員分開。
<p>Financial reporting and record-keeping 財務報表與記錄保存</p>	<ul style="list-style-type: none"> ■ Annual audits commissioned by the Board (auditor must not have a relationship to anyone in the organisation) ■ 委員會每年派發的稽核（稽核人員必須和組織內任何人均無關係）
<p>Fraud prevention and anti-money laundering practices 預防詐欺與反洗錢做法</p>	<ul style="list-style-type: none"> ■ Existence of full and accurate audit trails of funds transferred outside NGO jurisdiction/country ■ 在 NGO 轄區/所在國家外移轉的資金有完整準確的稽核紀錄 ■ Use of registered bank accounts for money flows in case of every transaction (small amounts of cash for daily expenditure excepted) ■ 針對每次交易牽涉到的資金流動，使用已註冊的銀行帳戶進行交易（日常花費的小額現金除外） ■ Procedures to verify the identity, credentials and good faith of their beneficiaries, donors and associate NGOs ■ 需有程序用以確認其受益人、捐贈者以及相關 NGOs 身份的可信度與聲譽的程序 ■ Secure and confidential maintenance of the list of bank account numbers under the name of the NGO and any document on identifying information of persons ■ 以 NGO 名義安全保密地維持一份銀行帳號清單以及任何用以區分個人資訊的文件
<p>Advanced systems (for more developed organisations) 進階制度（針對較先進的組織）</p>	<ul style="list-style-type: none"> ■ Sound investment policies ■ 健全的投資政策 ■ Resource generation plan ■ 資源產生計畫

Box 23.

實例 23

An NPO developed a Code of Ethics¹, which encompasses a statement of principles of development as well as a code of conduct, and outlines the ethical principles that must be adhered to, and promoted, by the organisation and its members.

有一個非營利組織制定了倫理準則¹，內容涵蓋發展原則及進行準則，詳列組織及其成員必須遵照、宣傳的道德準則。

Below is an excerpt from the Code which relates to organisational integrity, as defined in the report:
以下是節錄自該準則和本報告所定義之組織誠信有關的內容：

Governance:

監理：

- *Each Organization shall be governed fairly and responsibly by an independent, active, and informed governing body (e.g. Board of Directors).*
- 各組織應受獨立、積極且資訊健全的管理機構（如：董事會）公平及負責地治理。
- *All voting members of the governing body shall serve without compensation, except for reasonable expenses incurred to fulfil their organizational duties.*
- 管理機構所有具有投票權的成員應為無給職，僅得接受執行其組織義務過程中產生的合理費用補助。
- *Each Organization shall establish and periodically review a governance framework suitable for fulfilling its mandate. The structure shall enable the Organization to make timely decisions and to meet its responsibilities. The framework shall include an appropriate governance structure and operations; relationship of senior staff and the governing body; and decision-making processes.*
- 各組織應建立並定期檢視實現適用其任務的監理制度。該內容應要能讓組織做出及時的決定，善盡其職責。該框架應包含適當的治理結構與運作方式；資深人員與管理機構之間的關係；以及決策過程等。
- *The Organization's governing body shall review and approve the Organization's annual budget, significant policies, key financial transactions, compensation practices, plans and programs and hold officers, committees and staff accountable for actions taken and results achieved under delegated authority.*
- 組織的管理機構應審查並批准組織的年度預算、重大政策、重要的金融交易、報酬做法、計畫及規劃並讓主管、各委員會以及所有人員對其在授權下所採取的行動及所獲致的結果負責。
- *The Organization shall adopt a policy preventing and effectively managing conflict of interest situations.*
- 組織應採用一套預防並且能夠有效管理利益衝突情況的政策。
- *The Organization shall have policies prohibiting discrimination and promoting gender equality and participation of disadvantaged groups at all levels of the Organization. This does not supersede the right of the Organization to self-define when it is done in compliance with the law.*
- 組織應有禁止各級組織歧視並促進性別平等與弱勢團體參與的政策。在遵照法律規

RECOMMENDATION 8

建議 8

定執行時，不應取代組織自我實現的權利。

- *The governing body shall periodically reassess the Organization's governing documents and objects, vision, mission, goals, priorities, alignment of resources and effectiveness through consultation and collaborative planning.*
- 管理機構應定期透過諮詢以及合作歸納，重新評估組織的管理文件、資源標的、願景、任務、目標、優先順序與整合及有效性。

Organizational Integrity:

組織誠信：

- *The affairs of the Organization shall be conducted with integrity and transparency. The Organization shall make full, open, and accurate disclosure to the public of relevant information concerning its goals, programs, finances, activities, results, effectiveness and governance. Exceptions are personnel matters, legal matters, proprietary information and ethical and legal requirements of personal privacy.*
- 組織事務執行應誠信透明。組織應就與其目標、計畫、財務、活動、結果、效果以及治理等有關的資訊，完整、公開、準確地向大眾揭露。個人事務、法律事務、專屬資訊以及個人隱私的倫理與法律規定等除外。
- *The Organization shall ensure that complaints are dealt with in a timely manner and impartially, respecting the rights of involved parties for confidentiality and disclosure.*
- 組織應確保及時公正地處理申訴，尊重相關各方的保密與揭露權利。
- *The Organization shall comply with all applicable federal laws and regulations as well as laws and regulations of provinces or municipalities in which it is based or operates. Each Organization conducting activities outside of Canada shall be aware of foreign laws and regulations governing its activities.*
- 組織應遵守所有適用的聯邦法規及其所在位置或運作之省分或直轄市之法規。在加拿大境外執行活動的各組織應清楚認識與其活動有關的國外主管法規。
- *The Organization shall oppose and shall not be a participant to any wrongdoing or financial impropriety. It shall take prompt and firm corrective action whenever and wherever wrong-doing of any kind has been committed by any member of its governing body, employee, or volunteer.*
- 組織應反對且不應參與任何錯誤行為或不正當的財務活動。應在其管理機構的任何成員、員工或志工出現任何錯誤的行為時，隨時隨地採取快速堅定的矯正行動。

1. Canadian Council for International Co-operation "Code of Ethics", www.ccic.ca/about/ethics_e.php,

1. 加拿大國際合作理事會「倫理準則」，www.ccic.ca/about/ethics_e.php,

Box 24.

實例 24

An NPO has produced a series of best practices to improve transparency and good governance. These best practices are designed to provide other organisations with a guide to develop internal guidelines. 有一個非營利組織為了提升透明度和優良監理制定了一系列的最佳做法。設計這些最佳做法的用意在於供給其他組織在發展其內部指導方針時有所依循。

Organisational integrity guidelines are included in the following chart:
組織誠信規範包含在下圖中：

General guidelines 一般規範	<ul style="list-style-type: none"> ■ Inclusion of ethical behaviour and equality policies ■ 包含符合倫理規範的行為與平等政策 ■ Non remuneration concept for board members ■ 委員會成員為無給職的概念
Description of the board 委員會的描述	<ul style="list-style-type: none"> ■ Basic responsibilities and powers ■ 基本職責與權力 ■ Obligations and responsibilities of individual board members ■ 個別委員的義務與責任 ■ Requirement of self-evaluation ■ 自我評估要求 ■ Right of board members to receive information on financial accounts and activities of the organisation ■ 委員接收組織財務帳戶與活動相關資訊的權利 ■ Conflict of interest provisions ■ 利益衝突條款
Description of the management team 管理團隊的描述	<ul style="list-style-type: none"> ■ Recruitment standards and definition of functions ■ 招募標準與運作機制 ■ Encouragement of professional development, equal opportunities and accessibility ■ 鼓勵專業能力的培養、機會平等與可取得性 ■ Requirement to evaluate management of employees of the organisation ■ 評估組織員工管理要求 ■ Conflict of interest provisions ■ 利益衝突條款

PARTNER RELATIONSHIPS

合作關係

Box 25.

實例 25

An independent monitoring organisation, whose aim is to increase public confidence in the country's NPOs and help donors make responsible decisions, developed a report on *Standards of Transparency and Best Practices*. The Standards, which are used to assess compliance by the NPO sector, are structured in blocks, most of which are relevant to countering the financing of terrorism, including some that address partner relationships:

一個旨在增加大眾對於該國境內非營利組織信心並協助捐贈者做出正確決定的獨立監督組織就透明度標準與最佳做法做成了一份報告。構成這些用以評估非營利組織遵從的標準基礎大部分都和對抗資恐有關，包括一些處理合作關係的標準：

- NPOs should have a documented procedure and criteria for the selection of counterpart organisations. This procedure should be approved by the governing body. Criteria could include the requirement that the counterpart organisation be linked to the organisation's mission, have demonstrated experience in similar projects, have received funds from its government or from international public organisations, comply with legal and tax obligations, and have sound financial structure.
- 非營利組織應有一套文件紀錄如何決定合作組織之程序與標準。程序應由管理機構批准。標準包括該合作組織與該組織的目標必須有所關聯、在類似專案中已有實證經驗、自其政府接獲資金或自國際公有組織接獲資金、遵照法律與稅務意旨以及擁有健全的財務結構等。
- NPOs should have written agreements with their partner organisations. A written agreement or understanding should be drafted and signed by the participants. This should include the funding organisation and the end user, whether it is an individual, organization or network. Such an agreement should outline what the funds are to be used for and how the user will report back for accountability purposes. The agreement should also include requirements regarding the management of local employees according to defined ethical standards.
- 非營利組織應與其合作組織簽定書面協議。應由參與的雙方起草並簽署書面協議或備忘錄。包含贊助組織與末端使用者，不管是個人、組織或及其網絡均適用。如此的協議應詳列資金的用途以及使用者基於職責分屬目的進行回報的方式。協議亦應根據定義的倫理標準，包含和當地員工管理有關的要求。

Box 26.

實例 26

An organisation working in areas of conflict has developed guidelines for screening donors and partners to prevent the abuse of funds. The organisation verifies that partners are not connected with terrorist organisations and that they do not receive donations, contract, partner or share services with any organisation found in violation of or accused of violating human rights. The organisation's accountants conduct background research on partner organisations and trends using open source information from Interpol, FATF and the equivalent of the Ministry of Finance in other jurisdictions, such as the US Department of Treasury OFAC Specially Designated Nationals (SDN) sanctions list. The organisation also coordinates with other international NPOs to learn about possible infractions by a potential donor from the perspective of another organisation.

有一個在衝突地區內運作的組織已經制定了過濾捐贈者與合作單位的規範，以防資金遭到濫用。該組織會確認其合作單位和恐怖組織無關聯，並且不接受違反或遭指控違反人權的任何組織之捐贈、不與其簽訂契約、不與其合作，不與其共用服務。該組織的會計師會針對合作組織與趨勢，利用從 Interpol、防制洗錢金融行動工作組織等開放來源取得的資訊以及其他國家財政部（如：美國財政部 OFAC 特別指定國民[SDN]制裁名單）類似的資訊進行背景研究。該組織也會和其他國際非營利組織協調，從另一個組織的觀點得知潛在捐贈者可能違法情事的資訊。

Box 27.

實例 27

An NPO that provides humanitarian assistance to high risk areas engages partner organisations to oversee the distribution of aid. Once due diligence checks are complete and a partner has been selected, the NPO enters into a written agreement with the partner organisation. In addition to outlining the partner's responsibilities related to distribution schedules, payment conditions, and the general expectations for the distribution of aid, the written agreement contains the following clauses related to the prevention and misuse of funds for terrorist financing purposes:

有一個提供高風險地區人道協助的非營利組織讓其合作組織共同監督援助的情況。完成盡職調查並在過濾合作組織後，該非營利組織會與該合作組織簽訂書面協議。除了詳列合作組織和排程有關的責任、付款條件以及針對援助的一般期望外，書面協議還包含了下列預防及濫用或誤用資金於資恐目的相關的條款：

- Standard certification by the partner organisation that they are in compliance with all laws that prohibit transactions or providing benefit to a terrorist group (the clause is based on the laws of NPOs home country) and will not provide any support or assistance to terrorist supporting persons or entities;
- 合作組織遵照禁止與恐怖組織交易或協助恐怖組織的所有法律（此條款是以非營利組織母國法律為準）並且不會提供資助恐怖分子的個人或團體任何支援或協助的標準證明；
- Standard certification that the partner and its principals are not a debarred, ineligible, voluntarily excluded or suspended party by any Federal department or agency;

RECOMMENDATION 8

建議 8

- 該合作組織與其主要成員並未受到聯邦部門或機構禁止行使權利、取消資格、自願排除或暫停權利。
- A specific clause prohibiting the partner from providing assistance to or allowing distribution, handling or allocation of assistance by military or combatant groups;
- 禁止該合作組織協助軍隊或作戰團體或受其分配、處理或配置協助的特定條款；
- A specific clause that the partner agrees that, under no circumstances will any funds provided to any or any other entity or individual named on the Specially Designated Nationals list promulgated by the Office of Foreign Assets Control, or any other ineligible party as defined by the United States Government, European Union or the United Nations; and
- 合作組織同意在任何情況下都不會提供資金給海外資產控制辦公室（OFAC）頒佈的特別指定國民[SDN]名單上的任何團體或個人或美國政府、歐盟或聯合國定義的任何其他不符資格的一方之特定條款。
- A clause that requires, among other things, that the local partner to report any instances of diversion or interference by any armed group, including any terrorist organisation.
- 規定當地合作組織就任何武力團體轉移或干涉情事（包括恐怖組織）之通報條款。

When possible, the signing of the written agreement is witnessed by community and partner stakeholders. This ensures that those involved are aware of and understand the provisions of the contract, and ensures that the entire community will safeguard its implementation.

若可能，應在同業以及合作的利害相關方見證下簽訂書面協議。如此可確保涉及的各方清楚並瞭解合約條款並確保整個業界都會保證此合約順利執行。

FINANCIAL ACCOUNTABILITY AND TRANSPARENCY

財務責任與透明性

Box 28.

實例 28

An independent monitoring organisation, whose aim is to increase public confidence in the country's NPOs and help donors make responsible decisions, developed a report on *Standards of Transparency and Best Practices*. The Standards, which are used to assess compliance by the NPO sector, are structured in blocks, most of which are relevant to countering the financing of terrorism, including some that address financial accountability and transparency:

一個旨在增加大眾對於該國境內非營利組織信心並協助捐贈者做出正確決定的獨立監督組織就透明度標準與最佳做法做成了一份報告。構成用以評估非營利組織遵從之基礎，大部分都和對抗資恐有關，包括一些處理金融責任分屬與透明度的標準：

- NPOs should have a documented policy for the procurement of goods or selection of suppliers and for the approval of expenses. It is recommended to request three quotes from different suppliers and, for high cost goods/services order, to create a call for proposals with specific criteria to ensure the best goods/services are obtained. It is also recommended to create a standard operating procedure to avoid possible conflict of interest between suppliers and the board/employee/partners of the organisation. Finally, it is recommended to conduct periodical monitoring of the suppliers to ensure that their on-going standards of efficiency, effectiveness, sustainability and quality meet organisation guidelines. All these criteria/procedures are required to be approved by the governing body. This policy should establish who has the power to authorize expenses in the organisation, depending for example on the amount.
- 非營利組織應有一套採購商品或挑選供應商以及批准費用的書面政策。建議取得不同供應商的三個報價並且針對高費用商品/服務訂單，建立制定一套特定標準，徵求建議書，以確保獲得最佳商品/服務。也建議建立一套標準的作業程序，避免供應商與組織的委員會/員工/合作組織間可能的利益衝突。最後，建議定期監督供應商，確保其現行效率、效果、永續性與品質標準符合組織規範。所有這些標準/程序均需獲得管理機構的批准。此政策應規定誰有權針對組織內部的支出進行授權，視金額而定。
- Sources of financing, including details regarding the main contributors, both public and private, as well as the amounts contributed, should be available to the public.
- 財務來源（包含有關主要公、私部門捐獻者以及捐獻的金額等詳細資料）均應對外公開。
- NPOs should prepare an annual budget for the next year with its corresponding Director's report and analytical review, including variances corresponding to the previous year's budget. The budget and the liquidation should be approved by the governing board and be available to the public.
- 非營利組織應根據其對應的主管報告以及分析，針對下年度準備一份年度預算書，內容涵蓋與前一年預算對應的差異處。該預算書與清算表應獲得理事會批准且應對外公開。
- NPOs should prepare follow-up and final reports on the projects and make them available to donors.
- 非營利組織應就各專案準備追蹤與結案報告並讓捐贈者可取得這些報告。
- NPOs should have a documented anti-corruption policy. Organisations should analyse and define the risks of corruption in the specific context they are working in (e.g. fraud, excessive pricing and kickbacks, double

payments, cumulated salaries or exchange rate manipulation.) NPOs should have adequate systems in place like accurate project planning, transparent financial reporting, regular project reporting and standards for procurements for goods and suppliers as well as double-checks and independent information sources. There should be a standardised process to be followed when cases of misuse of funds are discovered, including information flow, actions to be taken and sanctions to be imposed.

- 非營利組織應有一套防制貪污的書面政策。各組織均應分析並依其運作之特定環境內存在的貪污風險（如：詐欺、價格灌水或收取回扣、重複付款、重複薪資或匯率操弄等）。非營利組織應有適當的制度，如準確的專案規劃、透明的財務通報、定期的專案通報以及商品採購與供應商以及複查獨立資訊來源等標準。應有一套標準化的程序，以便在發現資金遭到濫用時有所遵循，包括資訊流量、應採取的行動以及應實施的制裁等。

Box 29.

實例 29

An NPO that provides humanitarian assistance to high risk areas uses a variety of internal controls to prevent, deter and detect fraudulent activities, including the diversion of resources to prohibited parties. 有一個在高風險地區提供人道協助的非營利組織採用了各種內部控管措施，預防、遏阻及偵測詐欺活動，包括轉移資源給遭到禁止的另一方。

Internal controls which are implemented to promote financial accountability and transparency include: 已實施用以提升財務責任歸屬與透明度的內部控管措施包括：

- Responsibilities in key financial, procurement and asset custody processes are separated among several employees rather than entrusted to one employee. When procuring a good, for example, the following are done by separate employees: originating the procurement request, collecting quotations, selecting the vendor, receipt of goods and payment.
- 各員工分別負責重要財務、採購以及資產保管過程等責任，而非託付給單一員工處理。舉例而言，採購一項商品時，不同的員工分別執行下列事項：提出採購申請、徵求報價單、挑選供應商、接收商品與付款。
- Signatures are required by the originator, approver and financial reviewer at several stages in any financial transaction process in order to avoid unauthorised transactions. Moreover, the organization maintains a document which outlines the key transactions and functions for which approval must be sought and who has the authority to approve the transaction and up to what level.
- 匯款人、批准者與財務審核單位必須在任何金融交易過程中各個階

段進行簽名，以免交易在未獲得授權下執行。此外，組織需維持一套必須取得批准重要交易的功能及何人有批准各項交易的權限及權限等級之文件。

- Regular checks are done to verify the existence of assets. These checks include regular and surprise cash counts and annual physical equipment inventories.
- 必須定期執行確認資產存在的查核。這些檢查包含定期和不定期的現金帳戶與年度實體設備庫存檢查。
- A system of double-checks or reviews with all financial transactions is used. Every financial transaction is approved by an employee other than the originator, and has a financial review by a separate employee. In addition, when used, checks require two signatures, and all bank transfers require dual signatures.
- 採用一套針對所有金融交易複查或審核的制度。各項金融交易都是由員工而非原始交易者批准並且由另一名員工執行財務審核。此外，執行時，檢查還需要兩人簽名並且所有的銀行匯款均須兩人簽名。
- Budget versus actual expenditure reports are prepared and reviewed with senior management on a monthly basis.
- 每個月和資深管理階層共同檢視預算與實際的支出報表。
- Manuals and guidelines which provide procedures for support functions in the areas of finance, procurement, administration and asset management are required to be followed by all of the organisation's field programs.
- 組織的所有執行計畫均需遵照用以協助財務、採購、行政以及資產管理等功能的程序與規範。

Box 30.

實例 30

An NPO that operates internationally and occasionally contracts UN Agencies and other humanitarian organisations to provide humanitarian relief implements several measures to maintain accountability and transparency over the use of funds. These measures include the:

有一個國際運作並且偶爾會和聯合國機構以及其他人道組織簽訂提供人道救援合約的非營利組織，為了維持資金使用方面的責任分屬與透明度實施了幾項措施。這些措施包括：

- Evaluation and review of program design, budget, feasibility, and assessment of the risks associated with prospective projects.
- 評估及審核計畫的設計、預算、可行性及評估與可能計畫相關的風險。

RECOMMENDATION 8

建議 8

- Implementation of contractual requirements for procurement processes, regular reporting on the program impact, and budgetary allocations with supporting documentation.
- 針對採購過程實施簽訂合約的要求、定期通報計畫的結果並提供文件證明有根據預算進行配置。
- Transfer of financial transactions through major financial institutions whenever possible to ensure that all funds can be traced to the delivery of services or humanitarian items to the beneficiary.
- 盡可能透過大型金融機構進行金融交易的移轉，以確保可追蹤所有資金的流向，方便交付服務或人道項目給受益人。
- Examination of partners' bookkeeping practices and confirmation that expenses reported are substantiated and match the allowed expenditures.
- 檢查合作組織的記帳做法並確認通報的支出均與允許的支出實際相符。
- Adherence to generally accepted accounting principles and undertaking of independent annual audits.
- 遵照公認的會計原則並由獨立之第三方執行每年的稽核。

Box 31.

實例 31

An NPO operating in high risk areas uses the following measures to enhance financial accountability and transparency:

有一個在高風險地區運作的非營利組織利用下列措施提升其金融責任分屬與透明度：

- Only makes transfers against performance milestones
- 僅針對特定里程碑事項進行轉移
- Ensures financial reporting expectations are clear
- 確保對財務通報有清楚明瞭
- Asks for copies of original source documents to substantiate expenditures
- 要求提供支出項目的原始憑證副本以資證明
- Asks for partners to use a separate bank account and/or ledger for your funds
- 要求合作組織針對其所提供的資金，另開立一個銀行帳戶和分類帳簿。

- Requires that partners seek permission for variances from project budgets
- 要求合作組織針對與專案預算差異處取得同意
- Puts a positive obligation to self report on non-compliance in the contract terms
- 在合約條款中納入針對未遵從自行通報的正面義務
- Has clear financial manuals and record keeping guides and manual of operations for overseas employees
- 針對海外員工有清楚的財務手冊與記錄指引及運作手冊
- Ensures overseas employees are trained on financial management practices
- 確保海外員工均接受財務管理做法訓練
- Insists that interest on project funds be reinvested into the project activities
- 堅持專案資金獲得的利息必須重新投資於專案活動
- Is clear on financial record keeping expectations
- 有清楚的財務紀錄
- Maintains and exercises audit rights
- 維持並行使稽核權

The NPO sets out the types of expenses it is willing to fund for each project. Any other expenses are not reimbursable. This mitigates the chances of potential misunderstandings with partners but also lowers the risk of funds being abused.

該非營利組織針對各項專案有設定願意贊助的費用類型。任何其他的費用均不獲補助。如此可降低合作組織誤解的可能性並且能夠降低資金遭到濫用的風險。

PROGRAMME PLANNING AND MONITORING

計畫之規劃與監督

Box 32.

實例 32

An independent monitoring organisation, whose aim is to increase public confidence in the country's NPOs and help donors make responsible decisions, developed a report on *Standards of Transparency and Best Practices*. The Standards, which are used to assess compliance by the NPO sector, are structured in blocks, most of which are relevant to countering the financing of terrorism, including some that address programme planning and monitoring:

一個旨在增加大眾對於該國境內非營利組織信心並協助捐贈者做出正確決定的獨立監督組織就透明度標準與最佳做法做成了一份報告。構成用以評估非營利組織遵循之基礎，大部分都和對抗資恐有關，包括一些處理計畫的規劃與監督的標準：

- NPOs should have a documented policy for planning, monitoring and evaluating their projects. This should include requirements regarding narrative and financial reporting by the implementing partner organisation(s), audits, on-site inspections, and frequency and scope of external or internal evaluations. It should also include periodic payments to partner organisations based on satisfactory reporting and the possibility to withhold money if reporting requirements are not met. The policy should specify how partner organisations and beneficiaries participate in the process of planning, implementing and evaluating of projects, and should be approved by the governing body.
- 非營利組織應有一套規劃、監督及評估其專案的書面政策。內容應包含和合作組織敘述的財務報表、稽核、現場查核以及外部或內部評估的頻率與範圍有關的要求。亦應包含在報表內容滿意時，定期支付給合作組織的款項以及在未達通報要求時可能扣押的款項。此政策應指明合作組織與受益人如何參與規劃、實施以及評估專案的過程，並且應獲得管理機構批准。
- NPOs should establish a multi-year strategy and/or annual plan, which is approved by governing body. The annual plan should clearly indicate the objectives, indicators, calendar and area responsible of the implementation of the project. Also, the plan should include all areas of the organisation, including activities such as fundraising. It is a good practice to include different stakeholders in the development of the plan, like beneficiaries, volunteers and employees. The governing body should also be involved in the development, discussion and approval of the plan.
- 非營利組織應建立一套多年策略和/或年度計畫，後者應由管理機構批准。該年度計畫應清楚指明目標、指標、作業年度以及負責執行該專案的地區等。此外，該計畫亦應包含組織的所有領域，如：募款活動等。一個優良做法是將各個利害相關方在計畫開發時均納入考慮，如：受益人、志工與員工等。管理機構亦應參與計畫的制定、

討論與批准。

- NPOs should establish a policy, which is approved by governing body, that calls for an assessment of the organisation's achievements, effectiveness and impact and that it take place at least every two years.
- 非營利組織應建立一套政策，由管理機構批准，內容呼籲針對組織的成就、效果與造成的衝擊進行評估並且應至少每 2 年執行一次。

Box 33.

實例 33

An NPO that provides humanitarian assistance to high risk areas employs a series of internal monitoring measures to ensure that funds and services are being used as intended. These include:
有一個提供高風險地區人道協助的非營利組織為確保資金與服務係按原本用途使用，採取了一系列的內部監督措施。包括：

- Identification of beneficiary groups through a consultative process involving local partners and often community representatives.
- 透過資深當地合作組織及資深業界代表的諮詢過程認識受益團體。
- Verification and screening of potential beneficiaries and local partners connections to “prohibited parties”¹.
- 確認並過濾可能的受益人與當地合作組織和「遭到禁止的各方」之間的關聯性¹。
- Regular and timely reporting of budget versus actual expenditure reports are prepared and reviewed by senior management on a monthly basis.
- 每個月和資深管理階層共同準備並檢視預算與實際的支出報表，進行定期、及時的通報。
- Delivery verification processes, such as beneficiary verification (including beneficiary signature or thumbprint to confirm receipt of goods, as well as the date, and commodities received), distribution monitoring (employing monitors who are based in the targeted communities to directly monitor distribution or via photos or videos of the distribution by local partners when direct monitoring isn't possible) and post distribution monitoring (visiting and surveying with a sample of beneficiaries).
- 確認交付過程，如：確認受益人（含受益人簽名或指印確認接受商品以及日期和所接收的商品內容等）、監督分配情形（聘用目標產業內的監督人員，直接監督分配情形或在無法直接監督時透過當地合作組織提供的資源分配照片或影片進行監督）以及監督分配後的情況（查訪並抽樣調查受益人）。

RECOMMENDATION 8

建議 8

- Regular physical checks to verify the existence of assets. These checks include regular and surprise cash counts and annual physical equipment inventories.
- 確認資產存在的定期實際查核。這些檢查包含定期和不定期的現金帳戶與年度實體設備庫存檢查。
- Multi-signature requirements by the originator, approver and financial reviewer at several stages in any financial transaction process.
- 匯款人、批准方與財務審查單位在任何金融交易過程中各階段的多重簽名要求。

¹ According to the policy of this NPO, prohibited parties are collectively described as any party believed to be supporting terrorism and/or one of the parties listed on a prohibited party list, or any party that is otherwise actively engaged in fighting or actively supporting armed groups in a high-risk country. It is also this NPO's policy to prohibit paying bribes to any party, or paying fees to any political authorities in a high risk-country, whether or not these persons or entities are included on any prohibited parties list. In this regard, political authorities in a high risk-country are also considered prohibited parties.

¹ 根據這個非營利組織的政策，遭到禁止的各方是一個集體名詞，是指任何被認為資助恐怖主義和／或出現在遭到禁止的各方清單上的任一方或主動參與對抗或主動贊助高風險國家境內武力團體的任一方。這個非營利組織的政策也旨在禁止賄賂任一方或支付費用給高風險國家境內任何政治機構，不管這些個人或團體是否出現在任何禁止的各方清單上。因此，就這方面而言，高風險國家境內的政治機構也被視為是遭到禁止的各方。

Box 34.
實例 34

An international NPO engaged in the provision of humanitarian relief through implementing partners takes the following measures when working in areas of conflict in which sanctioned or designated entities or individuals are engaged in territorial control.

有一個提供人道救助的國際非營利組織透過執行夥伴在受到制裁或指定的團體或個人控制領土的衝突地區內運作時採取下列措施。

- Ensures cultural competency and engages community leaders and stakeholders to help secure the delivery of humanitarian aid in a manner that reduces potential for diversion.
- 確保瞭解當地文化的業界領袖與利害關係方參與，以減少轉移可能性的方式，協助安全遞交人道援助。
- Actively monitors and ceases aid distribution if diversion occurs.
- 在轉移情事發生時主動監督並停止支援的發放。
- Delivers aid to areas bordering or in proximity to conflict zone in cases where a sanctioned or designated entities or individuals is exerting territorial control, to reduce the risk of resources being diverted.
- 在受到制裁或指定的團體或個人控制領土時，將支援送至鄰近衝突地區的區域，以減少資源遭到轉移的風險。

These measures were applied in the following case:

這些措施在下列情況下有實際採用：

A designated entity took control of a city where the NPO, operating through a domestic implementing partner, was delivering aid services to the beneficiary population. The designated entity attempted to take over the distribution of aid by 're-branding' resources as their own. The implementing partner informed the designated entity that it would cease the distribution of aid, and withdrew from the contested area. The implementing partner moved its resources back to a central warehouse until such time when distribution would be acceptable according to the NPO's terms. Eventually, the implementing partner was able to distribute aid in surrounding areas that were not under the control of the designated entity and where the beneficiary population had congregated.

有一個指定的團體控制了非營利組織，透過國內執行夥伴將救援服務交付給受益人的城市。該指定團體企圖透過「重新標示」資源，使其變成他們所有，接手支援的分配作業。執行夥伴告知指定團體其將停止分配支援，並自衝突區域撤離，執行夥伴將其資源移回中央倉儲，根據非營利組織的條款，直到分配再次回到可接受的水準時。最後，執行夥伴得以在未受指定團體控制並且是受益族群聚集的周圍地區分配援助資源。

ANNEX 3 A LIST OF REPRESENTATIONAL AND SELF-REGULATORY ORGANISATIONS

附錄 3 具代表性且具有自律機制的組織清單

1. The NPO sector in many countries has representational and self-regulatory organisations that have developed standards and initiatives to help individual organisations ensure accountability and transparency in their operations, including strengthened internal controls and risk mitigation measures.
 1. 許多國家境內的非營利組織都有其具備代表性、且具有自律機制的組織，已經發展一套標準與計畫，協助個別成員確保其作業的公開透明，包括強化內部控管與風險降低措施等。
2. One World Trust²⁵ has undertaken a project that provides an inventory of civil society selfregulatory initiatives worldwide. The project examines 309 initiatives currently in use and offers insights into patterns at national, regional and international levels.
 2. 單一世界信託²⁵ 承接了一個專案，針對世界各地公民社會組織自律機制計畫進行盤點。該專案檢視了目前使用中的 309 項計畫並深入分析各國、地區以及國際型態。
3. The following list, taken from the One World Trust's website, shows 83 examples of civil society organisations that undertake certification initiatives.
 3. 以下清單取自單一世界信託的網站，列出了 83 個有採取認證計畫的公民社會組織。
4. This list is not comprehensive and included only as examples of initiatives in the NPO sector. The FATF is not in a position to verify substance of each entry in this list.
 4. 該清單並未涵蓋全部僅為非營利組織內之計畫實例。防制洗錢金融行動工作組織尚未針對此清單各個項目進行實際的確認。

²⁵ The One World Trust is an independent charity that conducts research, develops recommendations and advocates for reform to make policy and decision-making processes in global governance more accountable to the people they affect now and in the future, and to ensure that international laws are strengthened and applied equally to all.

²⁵ 單一世界信託是一個從事研究、制定建議並提倡改革的獨立慈善機構，以期讓全球治理的政策與決策過程對於現在和未來受其影響的人而言，有更明確的責任歸屬並確保國際法律更強化並公平適用所有人。

Table 1. Examples of civil society organisations that undertake certification initiatives¹表 1、採取認證計畫的公民社會組織實例¹

Program name 計畫名稱	Certifying organization 認證組織	Location 地點
Committed to Excellence 致力於卓越	European Foundation for Quality Management 歐洲品質管理基金會	Europe 歐洲
EFA Certification EFA 認證	European Fundraising Association 歐洲募款協會	Europe 歐洲
COA Eighth Edition Standards COA 第八版標準	Council on Accreditation 評鑑理事會	International 國際
ForeignAid Certification 外援認證	Foreign Aid Ratings LLC 外援評比公司	International 國際
Global Accountability Report 全球責任分屬報告	One World Trust 單一世界信託	International 國際
HAP 2007 Standard in Humanitarian Accountability and Quality Management HAP 2007 年人道責任分屬與 品質管理標準	Humanitarian Accountability Partnership International 國際人道責任分屬合作	International 國際
ISO 14000: Environmental Management Systems ISO 14000：環境管理制度	International Organisation for Standardisation 國際標準化組織	International 國際
ISO 9000: Quality Management Standards ISO 9000：品質管理標準	International Organisation for Standardisation 國際標準化組織	International 國際
NGO Benchmarking Certification NGO 基準認證	Societe Generale de Surveillance 通用檢驗公證集團	International 國際
Principles and Standards for Fundraising Practice 募款做法原則與標準	Fundraising Institute of Australia 澳洲募款機構	Australia 澳洲
ACFID Code of Conduct ACFID 行為準則	Australian Council for International Development 澳洲國際開發理事會	Australia 澳洲

Table 1. Examples of civil society organisations that undertake certification initiatives¹表 1、採取認證計畫的公民社會組織實例¹

Program name 計畫名稱	Certifying organization 認證組織	Location 地點
Austrian Seal of Quality for Donations 澳洲捐贈品質標誌	Österreichischen Spendengütesiegels (Austrian Donors Label) 奧地利捐贈者標章	Austria 奧地利
Guia de Gestão Responsável para OSC (Guide of Responsible Management for Civil Society Organizations) 公民社會組織責任管理指南	Parceiros Voluntarios (Volunteer Partners) 志工夥伴	Brazil 巴西
NGO Governance and Professional Practice Code of Ethical Principles and Minimum Standard for NGOs in Cambodia and Voluntary Certification Scheme 柬埔寨以及志工認證計畫內 NGO 的 NGO 治理與專業倫理原則準則與最低標準	Cooperation Committee for Cambodia 柬埔寨合作委員會	Cambodia 柬埔寨
Code of Ethics and Operational Standards 倫理準則與運作標準	Canadian Council for International Co-operation 加拿大國際合作理事會	Canada 加拿大
Standards of Organizational Integrity and Accountability 組織誠信與責任歸屬標準	Canadian Council of Christian Charities 加拿大基督教慈善機構理事會	Canada 加拿大
Charte de Déontologie des organisations sociales et humanitaires faisant appel à la générosité du public (Charter of ethics and conduct for humanitarian and social services organisations seeking funds from the general public) 向社會大眾募款的人道與社會服務組織之倫理與行為憲章	Le Comité de la Charte	France 法國

Table 1. Examples of civil society organisations that undertake certification initiatives¹表 1、採取認證計畫的公民社會組織實例¹

Program name 計畫名稱	Certifying organization 認證組織	Location 地點
Label "Gouvernance et Gestion Responsable" des associations et des fondations ("Governance and Responsible Management" Label for Foundations and Associations) 基金會與協會的「治理與責任管理」標章	Association Française de Normalisation certification 法國標準化認證協會	France 法國
Code of Ethics 倫理準則	Citizens Advocate! Program // Civic Initiative Center 公民倡導！計畫 // 公民計畫中心	Georgia 喬治亞
DZI Spenden-Siegels (DZI Donation Seal) DZI 捐贈標章	Deutsches Zentralinstitut für soziale Fragen (German Central Institute for Social Issues) 德國社會問題中央協會	Germany 德國
Initiative Transparente Zivilgesellschaft	Transparency International Deutschland e. V 德國國際透明度協會	Germany 德國
Trademark of Trust 信賴商標	Civil Society Development Foundation Hungary 匈牙利公民社會開發基金會	Hungary 匈牙利
Charity Research Initiative 慈善研究計畫	Copal Partners	India 印度
GiveIndia Credibility Alliance GiveIndia 信用聯盟	GiveIndia	India 印度
Norms and Good Practices around Governance and Public Disclosure 治理與公開揭露規範與優良做法	Credibility Alliance 信用聯盟	India 印度
The Omega Rating Omega 評比	Indian Confederation of NGOs 印度 NGO 同盟會	India 印度

Table 1. Examples of civil society organisations that undertake certification initiatives¹表 1、採取認證計畫的公民社會組織實例¹

Program name 計畫名稱	Certifying organization 認證組織	Location 地點
Certification of Indonesian NGOs 印尼 NGO 認證	Satunama	Indonesia 印尼
Carta della donazione (Charter for donation) 捐贈章程	Istituto Italiano della Donazione (Italian Institute of Donation) 義大利捐贈協會	Italy 義大利
Partners in NGO Excellence NGO 卓越夥伴	Academy for Educational Development - Jordan Civil Society Program 教育開發學院 – 約旦公民社會計畫	Jordan 約旦
National HIV and AIDS Response Code of Conduct 國家 HIV 與 AIDS 反應行為準則	National AIDS Control Council 國家 AIDS 控管理事會	Kenya 肯亞
Indicadores de Institucionalidad y Transparencia (Governance and Transparency Indicators) 治理與透明度指標	Centro Mexicano para la Filantropia (Mexican Centre for Philanthropy) 墨西哥慈善中心	Mexico 墨西哥
Certificate for small charities 小型慈善機構證書	Centraal Bureau Fondsenwerving (The Central Bureau on Fundraising) 中央募款局	Netherlands 荷蘭
Certificate of No Objection 無異議證書	Centraal Bureau Fondsenwerving (The Central Bureau on Fundraising) 中央募款局	Netherlands 荷蘭
Seal of Approval 同意戳章	Centraal Bureau Fondsenwerving (The Central Bureau on Fundraising) 中央募款局	Netherlands 荷蘭
NPO Certification Model NPO 認證模式	Pakistan Center for Philanthropy 巴基斯坦慈善中心	Pakistan 巴基斯坦

Table 1. Examples of civil society organisations that undertake certification initiatives¹表 1、採取認證計畫的公民社會組織實例¹

Program name 計畫名稱	Certifying organization 認證組織	Location 地點
Certificate of Good Governance for Palestinian Non-Governmental Organizations (NGOs) - Nazaha Project 巴勒斯坦非政府組織（NGO）優良治理證書 – Nazaha 專案	AMAN Coalition AMAN 聯盟	Palestinian Territories 巴勒斯坦領土
Sistema de Evaluación de Desarrollo Organizacional- SEDO (Evaluation of Organizational Development System) 組織開發系統評估	Colegio de Organizaciones para el Desarrollo Social (School of Organisations for Social Development) 社會發展組織學院	Paraguay 巴拉圭
NGO Certification NGO 認證	Philippine Council for NGO Certification 菲律賓 NGO 認證理事會	Philippines 菲律賓
CSO rating agency CSO 評比機構	Humaneasy Consulting Humaneasy 顧問公司	Portugal 葡萄牙
Accountability Standards 責任歸屬標準	Accountability Alert- Sierra Leone 責任歸屬警告 - 塞拉利昂共和國	Sierra Leone 塞拉利昂共和國
Quality System for Slovenian NGOs 斯洛伐尼亞 NGO 品質系統	Pravno-informacijski center nevladnih organizacij (Legal Informational Centre for NGOs Slovenia) 斯洛伐尼亞 NGO 法律資訊中心	Slovenia 斯洛伐尼亞
Norma ONG con Calidad (Norms for NGO with quality) NGO 品質規範	Instituto para la Calidad ONG (Institute for NGO Quality) NGO 品質機構	Spain 西班牙
Principles for Transparency and Good Practice 透明度與優良做法原則	Fundación Lealtad	Spain 西班牙

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Table 1. Examples of civil society organisations that undertake certification initiatives¹表 1、採取認證計畫的公民社會組織實例¹

Program name 計畫名稱	Certifying organization 認證組織	Location 地點
Accountability and Transparency Report and Norms for Ethical Fundraising 責任歸屬與透明度報告及募款的倫理規範	Stiftelsen för Insamlingskontroll (Swedish Foundation for Fundraising Control) 瑞典募款控管基金會	Sweden
Label de qualité ZEWO (ZEWO Seal of Approval) ZEWO 批准戳章	Stiftung ZEWO (ZEWO Foundation) ZEWO 基金會	Switzerland 瑞士
Swiss NPO Code 瑞士 NPO 準則	Konferenz der Präsidentinnen und Präsidenten grosser Hilfswerke (Conference of the Presidents of Large Humanitarian and Relief Organisations) 大型人道與救濟組織總裁大會	Switzerland 瑞士
NGO Quality Assurance Mechanism (QuAM) NGO 品質保證機制 (QuAM)	Development Network of Indigenous Voluntary Association 本土自公開發網絡協會	Uganda 烏干達
Accountability Framework 責任歸屬框架	Disasters Emergency Committee 災難急救委員會	United Kingdom 英國
Approved Provider Standards 批准的提供方標準	Mentoring and Befriending Foundation 輔導與友誼基金會	United Kingdom 英國
Investing in Volunteers Standard 投資志工標準	Investing in Volunteers 投資志工	United Kingdom 英國
Investors in People Standards 投資人民標準	Investors in People 投資人民	United Kingdom 英國
Matrix Quality Standard for Information advice and guidance services 資訊建議與指引服務的矩陣品質標準	ENTO Ltd. ENTO 有限公司	United Kingdom 英國

Table 1. Examples of civil society organisations that undertake certification initiatives¹表 1、採取認證計畫的公民社會組織實例¹

Program name 計畫名稱	Certifying organization 認證組織	Location 地點
New Philanthropy Capital Charity Rating Database 新慈善資本慈善機構評比資料庫	New Philanthropy Capital 新慈善資本	United Kingdom 英國
NGOIndex Accountability Services NGO 指數責任歸屬服務	NGO Index NGO 指數	United Kingdom 英國
Practical Quality Assurance System for Small Organisations Quality Mark (PQASSO) 組織品質標誌實際品質保證系統 (PQASSO)	Charities Evaluation Services 慈善機構評估服務	United Kingdom 英國
Quality Accreditation 品質評鑑	Community Foundation Network 社區基金會網絡	United Kingdom 英國
Quality Performance Mark 品質績效標誌	Action 4 Advocacy 行動 4 宣傳	United Kingdom 英國
THA's Quality Standard for Helplines THA 幫助熱線品質標準	The Helplines Association 幫助熱線協會	United Kingdom 英國
Pennsylvania Standards for Excellence: An Ethics and Accountability Code for the Nonprofit Sector 賓州卓越標準：非營利部門的 倫理與責任歸屬準則	Pennsylvania Association for Nonprofit Organisations 賓州非營利組織協會	United States 美國
5 Star Rating System 5 星級評比制度	Ministry Watch 部會觀察	United States 美國
Best in America 美國最佳	Independent Charities of America 獨立的美國慈善機構	United States 美國
Charity Navigator Ratings 慈善機構導航者評比	Charity Navigator 慈善機構導航者	United States 美國

Table 1. Examples of civil society organisations that undertake certification initiatives¹表 1、採取認證計畫的公民社會組織實例¹

Program name 計畫名稱	Certifying organization 認證組織	Location 地點
Charity Rating Guide 慈善機構評比指南	American Institute of Philanthropy 美國慈善機構	United States 美國
Child Sponsorship Accreditation Project 兒童贊助評鑑計畫	InterAction – American Council for Voluntary International Action InterAction – 美國志工國際行動理事會	United States 美國
Code of Ethical Principles and Standards 倫理準則與標準	Association of Fundraising Professionals 募款專業人士協會	United States 美國
Criteria for membership in Global Impact 全球影響會員標準	Global Impact (formerly International Service Agencies) 全球影響（前身為國際服務機構）	United States 美國
ECFA Standards and Best Practices ECFA 標準與最佳做法	Evangelical Council for Financial Accountability 財務責任歸屬福音理事會	United States 美國
GiveWell	GiveWell (The Clear Fund) GiveWell（清楚的資金）	United States 美國
InterAction PVO (Private Voluntary Organisation) Standards: Self Certification Plus InterAction PVO（私人志工組織）標準：自我認證進階版	InterAction – American Council for Voluntary International Action InterAction – 美國志工國際行動理事會	United States 美國
International Declaration of Fundamental Principles of Standards of Excellence for Non-Profit Organizations 非營利組織卓越標準基本原則國際宣言	Non-Profit Evaluation & Resource Center (NPERCI) 非營利組織評估&資源中心（NPERCI）	United States 美國

Table 1. Examples of civil society organisations that undertake certification initiatives¹表 1、採取認證計畫的公民社會組織實例¹

Program name 計畫名稱	Certifying organization 認證組織	Location 地點
Louisiana Standards of Excellence Certification 路易西安那州卓越認證標準	Louisiana Association of Nonprofit Organizations 路易西安那州非營利組織協會	United States 美國
Ohio Standards: Guiding Principles 俄亥俄州標準：指導原則	Ohio Association of Non-profit Organisations 俄亥俄州非營利組織協會	United States 美國
Oklahoma Standards for Excellence 奧克拉荷馬州卓越標準	Oklahoma Center for Non Profits 奧克拉荷馬州非營利中心	United States 美國
Quality Check, Accreditation and Certification Programs 快速檢查、評鑑與認證計畫	Joint Commission on Accreditation of Healthcare Organizations 醫院認證聯合委員會	United States 美國
Shining Lights and Donor Alerts 照明光與捐贈者預警	Ministry Watch 部會觀察	United States 美國
Smart Givers Network Accountability Wizard 智慧捐贈者網絡責任歸屬精靈	Charities Review Council (Minnesota) 慈善機構審查理事會（明尼蘇達州）	United States 美國
Standards for Charity Accountability 慈善機構責任歸屬標準	Better Business Bureau Wise Giving Alliance 優良企業局智慧捐贈聯盟	United States 美國
Standards for Excellence 卓越標準	National Leadership Roundtable on Church Management 教會管理國家聯盟圓桌會議	United States 美國
Standards for excellence 卓越標準	Colorado Center for Nonprofit Excellence 科羅拉多州非營利組織卓越中心	United States 美國
Standards for Excellence 卓越標準	Delaware Associations for Nonprofit Agencies 德拉瓦州非營利機構協會	United States 美國

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Table 1. Examples of civil society organisations that undertake certification initiatives ¹ 表 1、採取認證計畫的公民社會組織實例 ¹		
Program name 計畫名稱	Certifying organization 認證組織	Location 地點
Standards for Excellence: An Ethics and Accountability Code for the Nonprofit Sector 卓越標準：非營利部門的倫理與責任歸屬準則	Maryland Association of Nonprofit Organizations / Standards for Excellence Institute 馬里蘭州非營利組織協會/卓越標準機構	United States 美國
Standards of Ethics for Nonprofit Organizations in Utah 猶他州非營利組織倫理標準	Utah Nonprofits Association 猶他州非營利協會	United States 美國
Transparency Grade 透明度等級	Ministry Watch 部會觀察	United States 美國
1. Published on www.oneworldtrust.org/csoproject/cso/initiatives/results/?type=Certification+scheme 1. 發佈於 www.oneworldtrust.org/csoproject/cso/initiatives/results/?type=Certification+scheme		

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RECOMMENDATION 8

建議 8

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