



IJCSL NEWSLETTER

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CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

ARMENIA—FREEDOM OF INFORMATION LAW THREATENED

In [Amendments Threaten To Undermine FOI Law](#), a February 2004 statement, the [Freedom of Information Civic Initiative \(FICI\)](#) called for the withdrawal of proposed amendments to the Freedom of Information law (adopted in September 2003) that threaten to undermine the right of access to information. The statement says that the amendments advanced by the Ministry of Justice would reduce the information state bodies must make available automatically, and they would increase exemptions from the disclosure rules. The amendments would also significantly broaden the law's application, because even the smallest entities would be required to appoint information officers and comply with detailed rules requiring the adoption of procedures for "receiving the public." FICI called for the amendments to be withdrawn and for the government to renew its commitment to implementing the existing FOI law.

CANADA—GUIDE RELEASED FOR VOLUNTARY SECTOR PARTICIPATION IN PUBLIC POLICY

The [Capacity Joint Table Advisory Committee](#) has announced the release of [Participating in Federal Public Policy: A Guide for the Voluntary Sector](#), a resource to help voluntary organizations participate in the federal public policy development process. The guide also gives federal government departments insight into how to involve their voluntary sector counterparts more effectively. The government of Canada, through the Capacity Joint Table of the [Voluntary Sector Initiative](#), funded the development of this resource.

CHINA—BEIJING CITY GOVERNMENT INTRODUCES FREEDOM OF INFORMATION REGULATION

According to [Beijing Today](#), the Beijing city government has recently issued a regulation that will open 15 kinds of government information to the public. For example, in an obvious response to the SARS and bird flu epidemics, the regulation states that information related to the forecasting, processing, and management of epidemic and disaster situations must be made available to citizens and various types of organizations upon request. It also stipulates that various agencies should make more information available on their websites, through hotlines, and in other easily accessible ways.

EL SALVADOR—FREEDOM OF INFORMATION LAW PROPOSED BY NPOS

In a joint statement available on the website of [Probidad](#), an anti-corruption monitoring organization, directors of Probidad, the [Journalists Association of El Salvador \(APES\)](#), and the [Foundation for the Study and Application of Rights \(FESPAD\)](#) have released a proposal for a new freedom of information law. At a recent meeting they noted that none of the candidates for the 21 March 2004 presidential election had a clear plan for access to information on government activities. Salvadoran reporters have complained that delays and denials of requests have created obstacles to gaining information about electoral candidates.



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MALAWI—ARTICLE 19 RELEASES ANALYSIS OF DRAFT ACCESS TO INFORMATION BILL

[Article 19](#) has published on its website a [Memorandum analyzing the draft Access to Information Bill \(draft bill\), prepared by MISA-Malawi](#). The report states that the draft bill is “extremely progressive in nature.” Nevertheless, although it addresses most of the key issues and elements needed in an effective freedom of information law, there are “some omissions and weaknesses” that Article 19 believes should be addressed. These include broadening the mandate for public disclosure. The Memorandum, which is written by [Toby Mendel](#), includes links to the [Model Freedom of Information Law](#) published by Article 19 in 2001.

ZAMBIA—PUBLIC SEMINAR ADDRESSES FREEDOM OF INFORMATION BILL

A 25 March 2004 article published in the [TIMES OF ZAMBIA](#) discusses the positions of the various political parties and media experts on the Freedom of Information bill proposed by the government. At “The Freedom of Information Bill versus National Security,” a public seminar, government representatives made it clear that, while they are committed to Freedom of Information, they are urging caution in bringing such a bill forward. Representatives of media organizations criticized this view.

FISCAL MATTERS

AUSTRALIA—GOVERNMENT TABLES NEW TAX LEGISLATION FOR NPOS

[Nonprofit News](#), a publication of the Treasury Department, reports that the government has tabled legislation in Parliament requiring NPOs to be endorsed by the Tax Commissioner in order to be granted certain tax benefits. This comes in response to the [June 2001 Report of the Inquiry into the Definition of Charities and Related Organisations](#). The bill is called the [Tax Laws Amendment \(2004 Measures No. 1\) Bill 2004](#). The amendments extend the endorsement procedures currently applied by the Tax Office to all tax benefits to which charities, public benevolent institutions, and health promotion charities are entitled. The bill also contains amendments permitting a tax deduction for eligible contributions to deductible gift recipients (DGRs) even though an associated minor benefit is received in return. The amendments will allow an individual to receive a deduction for an eligible contribution to a DGR where the value of the contribution is more than \$250, and the minor benefit received in return is no more than \$100 or 10 percent of the value of the contribution, whichever is the less. Previous analysis of the developments in Australia leading to this legislation can be found in the [October 2003 issue of IJCSL](#) at page 110.

BELARUS—TAX OFFICERS TO RE-AUDIT MAJOR NGO

According to a story published by the [BelaPAN News Service](#) on 30 March 2004, the tax authorities have ordered a new audit of the Belarusian Helsinki Committee (BKhK), a prominent human rights NGO. The district tax officials had issued an instruction requiring BKhK to pay the equivalent of \$36,000 in allegedly unpaid taxes and penalties. They accuse BKhK of failing to pay taxes on grants received under the EU TACIS program. BKhK maintains that, according to a Belarus-EU memorandum from 1994, it is not required to pay taxes or customs duties on



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TACIS grants. The tax inspectors insist, however, that the memorandum does not exempt grants from taxes.

CANADA—2004 BUDGET ACCEPTS PROPOSALS TO ENCOURAGE VOLUNTARY SECTOR

On 23 March 2004 the Ministry of Finance published the [2004 Budget](#), which contains provisions “proposing, for the regulation of registered charities, a new compliance regime, a more accessible appeal regime, and more transparency and accessibility of information.” It also proposes new tax rules to enhance charitable giving and to ensure that gifts made to charity are used for charitable purposes. In a 24 March 2004 press release, the [Voluntary Sector Forum](#), states that the decision to propose legislation adopting 72 of the 75 recommendations made by the Joint Regulatory Table (JRT) of the Voluntary Sector Initiative “represents tremendous recognition for the valuable work of the JRT.” [The recent special newsletter of the Miller Thomson law firm contains significant detail about the new proposals](#). Further information about and analysis of the budget proposals will be available in upcoming issues of IJCSL.

EUROPE—SEMINAR ON CROSS-BORDER CHARITABLE GIVING HELD IN BRUSSELS

On 22 March 2004 the [European Foundation Centre](#) (EFC) and the [King Baudouin Foundation](#) held a seminar on the tax treatment of foundations and philanthropy in Europe. The key issue addressed was how to promote cross-border giving at a time when there is an increase in the mobility of citizens as well as in the transnational activities and giving of European companies and foundations. The event was organized in cooperation with the [Charities Aid Foundation](#) and the [European Association for Planned Giving](#). Participants reviewed the state of play in the field and examined current tax barriers to cross-border giving in Europe, as well as practical solutions and longer-term perspectives for legal change. For further information on the event contact [Ludwig Forrest](#) at the King Baudouin Foundation.

UNITED STATES—ELECTRONIC FILING NOW AVAILABLE FOR TAX-EXEMPT ORGANIZATIONS

The [Internal Revenue Service \(IRS\)](#) has launched its long-awaited [electronic filing system for tax-exempt organizations](#), enabling public charities and other nonprofits to file their information returns using their computers. The [National Association of State Charity Officials \(NASCO\)](#) has partnered with the IRS to ensure that state requirements are considered. Thirty-seven states/local governments currently accept IRS Form 990/990EZ to satisfy their filing or registration requirements.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

KVETCHNYA—RESTRICTIONS PROPOSED FOR PUBLIC ASSEMBLIES

In response to massive street demonstrations in the capital Pashmina protesting discrimination against ethnic minorities in the region of [Lower Slobbovia](#), the Ministry of Ministries (MOM) of [Kvetchnya](#) has tabled legislation in Parliament that would require prior written approval from the [Special Modality for Emergency Rule and Stability Headquarters \(SMERSH\)](#) for any public gathering. Speaking from Khandibar, Kvetchnya’s second largest city, [Rosa Klebb](#), the



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President of the [Slobbovian Human Minorities Orientation Organization \(SHMOO\)](#), has called for international support to defeat the proposed legislation and “keep things under wraps in Pashmina.”

MYANMAR—UN SPECIAL RAPPORTEUR WANTS END TO RESTRICTION OF FREEDOMS

Paulo Sérgio Pinheiro, the UN Special Rapporteur on Human Rights in Myanmar, called for real progress in basic human rights in [a report released on 2 March 2004](#). Mr. Pinheiro noted that “the political transition to a civilian regime must be accompanied by real and tangible changes on the ground towards a genuinely free, transparent and inclusive process involving all political parties, ethnic nationalities and members of civil society.”

RUSSIA—BILL RESTRICTING DEMONSTRATIONS PASSES FIRST READING IN DUMA

[In a report published 1, April 2004, the NEW YORK TIMES](#) says that the Russian Duma has voted in favor of a bill that would restrict many public demonstrations. The bill passed the first of three readings by a vote of 294 to 137. Rights advocates are concerned that this represents the step toward greater repression of serious political opposition to the Putin regime.

VENEZUELA—HRW WANTS SECURITY FORCE REACTIONS TO PROTESTS INVESTIGATED

On 5 March 2004 [a report by José Miguel Vivanco](#), Executive Director of the Americas Division of [Human Rights Watch](#), called on the government of Venezuela to conduct an investigation into allegations of brutality against the anti-Chavez protestors. He said that the investigation should also examine the circumstances of killings that occurred during confrontations between protesters and police that took place during the first week in March 2004.

FREEDOM OF EXPRESSION

INTERNATIONAL—WORLD PRESS FREEDOM REPORT RELEASED

The Vienna-based [International Press Institute](#), which describes itself as a global network of editors, media executives, and leading journalists, says 2003 was one of the bloodiest years for war reporters, and one of the most hazardous for journalists of all kinds. In its [World Press Freedom Review 2003](#), which was released on 10 March 2004, IPI says 19 journalists were killed in Iraq and 45 others lost their lives in 19 countries last year. David Dudge, the editor of the World Press Freedom Review, said that just as terrorism dominated the 2002 press review, the war in Iraq overshadowed other press freedom issues in the latest report.

CENTRAL AFRICAN REPUBLIC—MEDIA LAW PROPOSED

A report in the [IRIN News Service](#) states that the Special Representative of the UN Secretary-General in the CAR presented a new draft media law to the Communications Minister on 25 March 2004. Experts in the Ministry of Communications drafted it with financial and logistical support from the UN Peace-building Support Office in the CAR (BONUCA). A national reconciliation forum held in September-October 2003 recommended revision of the media laws and their decriminalization. Under the revised law, no journalist can be imprisoned for defaming



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or slandering a third party in a published or broadcast story, but there is a right of reply so that the subjects of false reports can protect themselves. There is also an exception that would prohibit incitement to hatred or violence through a newspaper publication or a media broadcast.

CENTRAL AND EASTERN EUROPE—MEDIA RIGHTS ASSOCIATION FORMED

Following meetings of media lawyers in Tbilisi, Georgia (23–24 February 2004) and Belgrade, Serbia and Montenegro (5–6 March 2004), it was announced on 8 March 2004 by the [OSI Justice Initiative \(JI\)](#) that the new “International Media Lawyers’ Association” (IMLA) has been founded. Membership in the association is open to media lawyers from across Europe and internationally; founding members include lawyers and activists from South Eastern Europe, the Southern Caucasus, Russia, and Ukraine, as well as from the US and the UK. IMLA will target restrictive media laws and promote freedom of expression. It expects to pool information from its members and to nurture the professionalism of the region’s growing network of media lawyers.

ETHIOPIA—MEDIA LAW PUT FORWARD WITHOUT ADEQUATE PUBLIC INPUT

In a joint statement released on 8 March 2004, the [International Federation of Journalists](#) and the [International Press Institute](#) called for wider participation in drafting a new media law (being prepared by the government), stating that such participation is vital for a “democratic and open society.” The draft law was supposed to have been submitted to the Council of Ministers on 5 March 2004.

IRAQ—US SHUTS DOWN IRAQI NEWSPAPER

The US-led civil administration in Iraq closed the Baghdad newspaper Al Hawsa for 60 days, accusing its publishers of inciting violence against coalition troops. Several thousand Iraqis protested the closure of a newspaper on 28 March 2004, chanting anti-US slogans and burning American flags outside the newspaper's office in Baghdad. According to [CNN.com](#), the paper is published by followers of the prominent Shia cleric Muqtada al-Sadr. The [New York Times](#) [suggested in an editorial on 30 March 2004](#) that the US move to shut the paper down has made the goals of democracy in Iraq “much harder to achieve.”

KAZAKHSTAN—ALARM EXPRESSED ABOUT NEW MEDIA LAW

Evgeni Zhovtis, head of the [Kazakhstan International Bureau for Human Rights and Rule of Law](#) (KIBHRRL), told [IRIN News Service](#) on 25 March 2004 that media and rights groups are concerned about the possible consequences of a new Kazakh media law, which was adopted on 23 March 2004. He and other activists describe it as a step backward for freedom of expression. They are alarmed that the law purports to put all the media in Kazakhstan under the control of the state, which would have discretion to shut down publishers and broadcast outlets if they reported unfavorably about the government officials or programs. [The International Press Institute analysis of the law can be found on its website.](#)



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RUSSIA—INTERNET CASE RESTRICTS FREEDOM OF EXPRESSION

Megasoft, an Internet service provider in Russia, provided a chat room for Russian metal traders. In 2002 a visitor to the chat room published an unflattering message about a specific company. In a decision issued 9 March 2004, an appellate panel of the Moscow Federal District Court of Arbitration issued a judgment against Megasoft, holding it liable for damages resulting from any libelous messages posted in the chat room. According to [Radio Free Europe/Radio Liberty](#), commentators have expressed concern about the outcome in the case, which appears to impose strict liability on Internet providers, fearing that it will result in excessive self-censorship of Internet sites.

THAILAND—RECENT ATTEMPTS TO RESTRICT MEDIA FREEDOM CREATE CONCERN

In a report published on 10 March 2004, the [Thai Journalists Association](#) expressed its concern about recent incidents involving removal or censure of news editors who had written or published stories critical of Prime Minister Thaksin Shinawatra.

UKRAINE—EUROPEAN PARLIAMENT CRITICIZES LACK OF MEDIA FREEDOM

On 11 March 2004, in the lead-up to the presidential election in Ukraine, the [European Parliament](#) adopted a non-binding resolution that is highly critical of the lack of media freedom. The statement expresses concern about the impact of recent restrictions on media freedom and states that the gap between what the EU expects of Ukraine and President Leonid Kuchma's policies is steadily widening. Although members noted that Ukraine should have a place in Europe, many are unhappy with repressive policies adopted by the current government.

UGANDA—MEDIA RESTRICTIONS CRITICIZED

Media freedom continues to be constrained by authorities in Uganda, according to the [Committee for the Protection of Journalists \(CPJ\)](#). Although Uganda has enjoyed a relatively liberal media climate, CPJ's 2003 Survey states that journalists have reported that authorities show an increasing tendency to "harass the media when they become too critical or tackle sensitive subjects," including Uganda's involvement in the war in the Democratic Republic of the Congo, possible reform of the country's "no-party" system, government corruption, and, in particular, the war in the north. Journalists complain that the government used "outdated, colonial-era laws to silence the press on sensitive subjects" and contend that laws punishing sedition, criminal defamation, and publishing false news violate the 1995 constitution.

FREEDOM OF RELIGION AND BELIEF

BASHKORTOSTAN—FORUM FOCUSES ON STATE RELIGIOUS POLICY

[The Kazan Bureau of Radio Free Europe/Radio Liberty](#) reports that a roundtable on current confessional policy in Russia was held on 23 March 2004 in Ufa, the capital of the region. The Supreme Mufti and Central Muslim Religious Board Chairman criticized the state's taxation policy, which obliges religious organizations to pay the same land tax and registration fees as commercial organizations. He said that it is too expensive for those organizations that do not



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make a profit. In response, the head of the Bashkir government religious affairs council said the issue of taxation of religious institutions would be revised. He also said that studying religion will not continue to be obligatory in Bashkortostan's secondary schools.

EUROPE—BUILDING OF NEW MOSQUES RESISTED

According to a [report published by Radio Free Europe/Radio Liberty](#) on 11 March 2004, there has been resistance to the building of new mosques in many European countries. Opponents cite the dissolution of “traditional” European values by the greater acceptance of Islam, while the growing Muslim populations in many countries contend that this is making their assimilation more difficult.

INDIA—UK CHARITIES MISLED INTO FUNDING RELIGIOUS EXTREMISM

In a report entitled [In Bad Faith? British Charity and Hindu Extremism](#), [Awaaz South Asia Watch](#) asserts that charities registered in the UK have played a significant but unwitting role in supplying funds that have been responsible for sectarian violence in India. The report echoes findings in the US last year that tax-exempt organizations were responsible for sending money to groups that were involved in anti-Muslim activities in India. Awaaz says the UK-based groups include Sewa International UK, which is said to be a funding arm of a branch of Rashtriya Swayamsevak Sangh (National Organization of Volunteers), which is India's largest radical Hindu group. Money from the UK apparently was given to other RSS front organizations that are involved or implicated in serious violence or hate politics in India, and much of the money was spent on schools that promote hatred and fanaticism.

RUSSIA—JEHOVAH'S WITNESS ORGANIZATION DENIED REGISTRATION IN MOSCOW

According to a story published in the [NEW YORK TIMES](#) on 27 March 2004, a court concluded a six-year long civil action against the Jehovah's Witness organization in Moscow on 26 March 2004 by banning their activities in the city. Members of the group fear that this could be the first step in a nationwide ban against the organization, which was able to register as a national organization under the [1997 Law on Religion](#). The ruling may have increased the likelihood of violent attacks directed at Jehovah's Witnesses in Russia and other parts of the former Soviet Union. Statements condemning the decision have been issued by various religious freedom organizations, such as [Forum 18](#). IJCSL covered earlier aspects of this case and will continue to monitor developments.

TURKMENISTAN—DECREE ENDS REGISTRATION RULES FOR RELIGIOUS ORGANIZATIONS

On 11 March 2004 President Saparmurat Niyazov issued a decree that apparently will allow religious organizations to obtain registration without having a large number of members and without showing a faith affiliation with well-known religions. [Forum 18 News Service](#) reports that many religious believers of formerly illegal faiths—including Protestant, Armenian Apostolic, Shia Muslim, Jewish, Hare Krishna, Baha'i, and Jehovah's Witness communities—were taken by surprise by the decree. Some told Forum 18 News Service they are optimistic that conditions will improve, though others—especially those representing groups that have regularly



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suffered fines, beatings and threats—are skeptical. Under the country's harsh religion law that applied until March 2004, 10 communities needed five hundred adult citizen members to register (a requirement almost impossible for religious minorities to achieve), and unregistered religious activity was made a crime in November 2003. One problem is that the new decree makes no mention of decriminalizing unregistered religious activity.

[Editor's Note: In its 30 March 2004 article [Muslims Barred From Opening New Mosques](#), [Forum 18 News Service](#) reports that Muslims—Turkmenistan's largest religious community—appear to have been barred from benefiting under the new decree. The president has reportedly imposed a new ban on the building of more mosques.]

LEGAL FRAMEWORK

ARMENIA—DRAFT LAW FOR VOLUNTEERS AND VOLUNTEER ACTIVITIES DISCUSSED

The most recent issue of [Armenian NGO News in Brief](#) reports that the draft law on Volunteers and Volunteer Activities was discussed at a conference held in Tsakhkadzor in February; the conference was sponsored by the [World Learning NGO Strengthening Program](#) and the [Armenian Assembly of America \(AAA\) NGO Training and Resource Center](#). Participants emphasized the need for legal regulation of volunteer activities, and suggestions were made regarding content and technical structure of the draft law. A working group of lawyers and NGO leaders has been formed to further develop the draft legislation. Once the draft is completed, it will be presented to interested government agencies, such as the Ministry of Justice and the State Fund for Social Welfare, as well as to the wider public.

BANGLADESH—PROPOSED RESTRICTIONS ON NPO ACTIVITIES WITHDRAWN

A report published on 14 March 2004 in [News from Bangladesh](#) indicates that the government has withdrawn the proposed Foreign Donation (Voluntary Activities) Regulation (Amendment) Bill 2004, which was to have been tabled in Parliament in February. Under the proposals the government would have been empowered to cancel the registration of any NPO involved in “political activities,” and that term was defined very broadly. The proposed law also would have placed restrictions on the ways NPOs spend their money. For example, the legislation provided that an NPO would be barred from spending funds on a project that had not been approved by the [NGO Affairs Bureau](#), which is under the jurisdiction of the Prime Minister. If an organization failed to comply with the new restrictions on its activities, its executive and management board could have been penalized. Two key NPO apex organizations in Bangladesh objected to the proposal, and the government withdrew the bill, with a promise to consult more widely before bringing any new legislation forward.

CHINA—FOUNDATION REGULATIONS PROMULGATED

Last month IJCSL-N reported that the government had announced the passage by the State Council of the new “Foundation Regulations.” Over a month after the official Chinese media ([PEOPLE'S DAILY](#) for 12 February 2004) first reported this, the Chinese text of the [Regulations on](#)



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[the Management of Foundations](#) (the official English translation is not yet available) was released on China Court Net on 18 March 2004. The new regulations make some innovative changes in the formerly applicable rules, notably differentiating between private foundations and publicly supported ones and making it more difficult for foreign foundations to raise funds in China. Certain aspects of the regulations are already controversial, including the high minimum endowment requirements (8 million Yuan for national foundations; 4 million for regional ones; and 2 million for local ones). An official [English language briefing on the new regulations can be found on the website of the Ministry of Civil Affairs](#). The regulations go into effect on 1 June 2004. Further discussion of the contents of the regulations will be available in the April issue of IJCSL.

ETHIOPIA—COLLABORATIVE WORK ON DRAFT NGO LAW CONTINUES

According to reports published by the [Christian Relief and Development Association \(CRDA\)](#), the NGO Task Group (TG) and the drafting team within the Ministry of Justice have been meeting fairly often to discuss prospects for new legislation that will govern the registration and activities of the NGO/CSO community—the latest meeting was on 2 March 2004. The government has invited the TG to look at legislation with a broader scope of application, beyond the conventional NGO domain. This suggestion has been taken up by the NGOs, but there are continuing differences between the NGOs' version of good legislation and that offered by the government. [Regular updates](#) on developments are being made available on the CRDA website; also included is the [latest statement from the NGOs](#), which was submitted to the government in December 2003. Previous coverage of developments in Ethiopia with respect to the proposed legislation can be found in the [July 2003 issue of IJCSL](#) at page 192.

GHANA—NGO BLACKLISTING THREATENED

31 March 2004 is the day when a list of “blacklisted” NGOs was to be made available to potential donors, including Ghanaian government agencies and bilateral and multi-lateral donors, according to a story published on [BBC Africa Live!](#) The Ministry of Manpower Development and Employment says there are 3,000 NGOs in the country and only 150 have submitted their annual reports and statements of accounts to the Social Welfare Department, as required by law. The Ministry is worried that NGOs may be spending too much money on salaries and overhead and not enough to carry out their philanthropic purposes.

INDIA—GOVERNMENT TO AMEND FOREIGN CONTRIBUTIONS REGISTRATION ACT

According to a recent [AccountAid Capsule](#)—a publication of [AccountAid India](#), a private Indian consulting organization that works with government agencies and NGOs on accounting issues—the government of India is expected soon to amend the [Foreign Contributions Registration Act](#). The new law will be called the Foreign Contributions Management Act, and the final draft is awaiting cabinet approval. NGOs, the Home Minister, and the Law Minister have met to develop language for the new law that is acceptable to all stakeholders. Under the new law, district authorities will have a say in the kind of foreign assistance that is accepted. *See NGO ko*



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videshi madad aage rajya sarkar ke niyantran mein, [Rajasthan Patrika](#) (Jaipur edition), 2 March 2004, at 3.

JAPAN—REFORM OF LEGAL FRAMEWORK ADVANCES

The Japan Center for International Exchange (JCIE) reports that the government has re-launched advisory councils that will assist it in formulating proposals for reform of the legal and fiscal framework within which civil society organizations operate in Japan. The councils are charged with analyzing the reforms proposed by the government in July 2003 (and reported on in [1 INT. J. CIV. SOC. LAW 4](#), at 128). The councils are to report in autumn 2004 with recommendations that will form the basis of more concrete legislative proposals. The full text of the JCIE article (including links to the current legislation) will be included in the April 2004 issue of IJCSL.

NEW ZEALAND—CHARITIES BILL INTRODUCED IN PARLIAMENT

On [23 March 2004 the New Zealand Commerce Minister announced](#) that the [Charities Bill](#) was introduced in Parliament. It would establish a Charities Commission for the registration, reporting, and monitoring of charities. Registration with the Charities Commission would be voluntary, but charities seeking to be exempt from tax would need to register with the Charities Commission. The bill is likely to be referred to a Select Committee, which will give the public the opportunity to make submissions. The government intends to have the bill passed into law by the end of the year, and registrations will commence in mid-2005. The [Association of Non-Governmental Organisations of Aotearoa \(ANGOA\)](#), in partnership with local community trusts, is planning a series of briefings on the Bill in 22 locations. The bill has been posted to the [Charities Commission website](#); details about how to make submissions, dates of public meetings, and other relevant information will also be available there. Further details on the contents of the bill will be available in the April 2004 issue of IJCSL.

SOUTH AFRICA—TAX EXEMPTION GUIDE FOR PUBLIC BENEFIT ORGANIZATIONS PUBLISHED

On 15 March 2004 the [South Africa Revenue Service \(SARS\)](#) published a new edition of its [Tax Guide for Public Benefit Organizations](#). The new edition of the guide reflects new tax legislation enacted through the end of 2003. The guide, which the Law Administration Division of SARS prepared, discusses all aspects of the tax exemption regime for PBOs, including the criteria for obtaining and maintaining tax-exempt status. It also discusses in detail the criteria for tax deductibility of contributions under [Section 18A of the Income Tax Act](#).

UZBEKISTAN—GOVERNMENT EXTENDS REGISTRATION DEADLINE FOR FOREIGN NGOS

On 2 March 2004 [Radio Free Europe/Radio Liberty](#) reported that the Uzbek government has extended by one month the 1 March 2004 deadline for foreign NGOs in Uzbekistan to register with the Justice Ministry. A Foreign Ministry spokesman was quoted as stating that “the deadline for re-registration has been extended for one month because some organizations simply could not technically prepare some documents.”



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MISCELLANEOUS MATTERS

ARAB WORLD—CHANGES IN ARAB CHARTER ON HUMAN RIGHTS PROPOSED

A report published by the [Office of the UN High Commissioner for Human Rights \(OHCHR\)](#) in its [Newsletter for 15 March 2004](#) states that the Permanent Arab Human Rights Commission (PAHRC), based in Cairo, has embarked on a process of “modernization” of the [Arab Charter on Human Rights](#). In January 2004 PAHRC adopted most of the recommendations of an independent team of experts appointed by the OHCHR and the [League of Arab States \(LAS\)](#) to bring the Charter into conformity with internationally accepted human rights standards. The Council of the LAS endorsed the revised Charter on 4 March 2004 and was to have submitted it to the Arab Summit in Tunis for adoption at the 28–29 March 2004 meeting. The summit was [cancelled at the last moment by the Tunisian government](#).

IRAQ—CONSTITUTION FOR TRANSITIONAL PERIOD CONTAINS HUMAN RIGHTS PROTECTIONS

All members of the Iraqi Governing Council signed Iraq’s [new constitution](#)—known as the Transitional Administrative Law (TAL)—on 8 March 2004. It goes into effect on 1 July 2004. The TAL contains protections for freedoms fundamental to civil society in Article 7 (A) (freedom of religion); 13 (A) (freedom of expression); and 13 (B) (freedom of peaceable assembly and association). For information on other aspects of TAL, see [First Impressions of Iraq’s Interim Constitution](#), an article by John Stuart Blackton and published by the [Carnegie Endowment for International Peace](#).

MIDDLE EAST—PAPER ON DEMOCRACY AND CIVIL SOCIETY PUBLISHED

In [“Middle Eastern Democracy: Is Civil Society the Answer?”](#), a new paper published by the [Carnegie Endowment for International Peace](#), Amy Hawthorn asserts that the United States should be cautious in its approach to democracy in the Middle East. According to Ms. Hawthorn, an associate in the Democracy and Rule of Law Project at Carnegie and a specialist on Middle Eastern politics, “The reality is that Arab civil society on the whole been has not been a force for democratization....The bulk of Arab civil society is made up of organizations, associations, and movements that support the status quo, advocate conservative reforms, or are simply apolitical.”

RUSSIA AND NIS—CIVIL SOCIETY NEEDS GROWTH

In a recent article entitled “Civil Society: Ten Years After; Ten Years Before,” published in the Eurasia Foundation’s newsletter [Eurasia Outlook](#), Andrei Kortunev, Regional Vice President for Russia, asserts that there is an interesting new challenge facing civil society in the region: the growth of the state sector is outpacing the growth of civil society. This contributes to a need to change emphasis in programming as it affects the legal framework for civil society. Mr. Kortunev asserts that “it’s not about developing new legal and regulatory frameworks, even though we still have some problems here (for instance, the almost nonexistent tax incentives for NGOs). It’s about how to use these frameworks in the most efficient way.”



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SAUDI ARABIA—TWO HUMAN RIGHTS DEVELOPMENTS REPORTED

- **HUMAN RIGHTS AGENCY ESTABLISHED**—The National Human Rights Association, with 41 members, including three women on its executive committee, has been established, according to an [official Saudi press release on 9 March 2004](#). It is headed by Abdullah-bin Saleh al-Obeid, a member of the kingdom's appointed Consultative Council, and is part of a controlled reform process to respond to internal and external pressures. King Fahd has given his approval to the establishment of the agency, which will soon begin work, according to a story published in [ARAB NEWS](#) on 6 March 2004.
- **CITIZENS PETITION CROWN PRINCE**—According to an article in [THE FINANCIAL TIMES](#) for 6/7 March 2004 (page 5), Sunni and Shia citizens have jointly signed petitions to Crown Prince Abdullah. Some of the petitions urge the creation of a constitutional monarchy, with an elected Shura Council and separation of powers. Others deal specifically with the need to condemn the recent attacks aimed at Shia worshippers in Iraq. For additional analysis of political trends in this regard in Saudi Arabia, see Roger Hardy, “Saudi Arabia, Between Violence and Reform,” in [Middle East International Online](#).

UNITED KINGDOM—CASE DISMISSED AGAINST MEMBERS OF ORGANIZATION NOT ON GOVERNMENT’S PROSCRIBED ORGANIZATIONS LIST

The Devrimci Halk Kurtulus Partisi Cephesi (DHKP-C) was proscribed under the Terrorism Act 2000 (Proscribed Organizations) (Amendment) [Order 2001](#). Members of a separate organization, the Devrimci Halk Kurtulus Cephesi (DHKC or Revolutionary People's Liberation Front), were later detained, and it was alleged that DHKC was merely a front for the DHKP-C. Members of DHKC were said to be members of a proscribed organization that was raising funds to finance terrorism in Turkey. According to [THE GUARDIAN](#), the case against the DHKC members was dismissed on 1 March 2004, because they had checked with the Home Office after DHKP-C was listed and had been told that their activities and those of DHKC were perfectly legal.



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ANNOUNCEMENTS

IJCSL-N [APRIL FOOL'S DAY](#) ISSUE—Published on 1 April 2004, this issue contains one (but only one) story that is intended to “pull your leg.” Although this does not rank in the [“Top Ten”](#) of past journalistic and other hoaxes published on April 1, we hope that you enjoyed it!

MICHAEL EDWARDS' NEW BOOK “CIVIL SOCIETY” is now available from [Polity Press](#). Michael Edwards is the Director of the [Governance and Civil Society Program](#) at the [Ford Foundation](#).

NEW EDITION OF [OSI GUIDELINES FOR LAWS AFFECTING CIVIC ORGANIZATIONS](#) is available on the Internet. Authored by Leon Irish and Karla Simon, ICCSL founders, and Robert Kushen, Director of International Programs at [Open Society Institute](#), the new edition provides guidance for creating or amending domestic laws that protect and regulate civic organizations. It establishes the framework for such laws in internationally recognized rights to freedom of expression, association, and peaceful assembly. The book is intended as a resource for the expanding global civic sector, which includes everything from advocacy groups for the environment to associations of opera aficionados, from women's rights groups to gardening clubs.

UN—NEW HIGH COMMISSIONER FOR HUMAN RIGHTS APPOINTED

Louise Arbour, the Canadian Supreme Court Justice and ex-prosecutor of ICTR and ICTY, has been appointed the [UN's new High Commissioner for Human Rights](#)

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