



IJCSL NEWSLETTER

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CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

ARGENTINA—ARTICLE 19 RELEASES ANALYSIS OF DRAFTS OF LAW ON ACCESS TO PUBLIC INFORMATION

Article 19 has released its [Memorandum on Two Drafts of the Law on Access to Public Information of Argentina](#). The Memorandum, which was released in July 2005, contains an analysis of two drafts of the Argentine Access to Public Information Law, one prepared by the Senate (Senate Law) and one by the Deputies Chamber (Deputies Law). While hailing the positive features, the legal analysis by Article 19 notes a number of weaknesses in the draft law, including the lack of provision for appeals to an independent administrative body, an unduly broad regime of exceptions, lack of proactive disclosure provisions, and the lack of an independent oversight body.

AZERBAIJAN—MEDIA RIGHTS GROUPS URGE PARLIAMENT TO ACCELERATE THE PASSAGE OF FOIA

With elections due in November in Azerbaijan, the media rights groups have urged the government to speed up the process to bring the new Freedom of Information Law on the statute books this year. According to the news article published by [CASCFEN](#) on 6 July 2005, the media rights groups praised the efforts of the Parliamentary Working Group to improve the draft law (which includes the [recommendations of Article 19](#)) however, expressed concern that “despite promises by the Parliamentary Working Group to pass the official draft law to the Milli Mejlis for the second reading by the end of June before the two-month summer recess, the draft failed to be included in the agenda of the last parliamentary session.”

CANADA—CNA RELEASES FINAL REPORT ON NATIONAL FREEDOM OF INFORMATION AUDIT

The final report outlining the results of the ground-breaking [National Freedom of Information Audit](#) conducted by the [CANADIAN NEWSPAPER ASSOCIATION](#) (CNA) is now available online at the CNA website. This Freedom of Information audit is the result of a collaboration among newspapers across Canada, under the umbrella of the Canadian Newspaper Association. In total, 89 reporters from 45 newspapers requested information from government offices in an effort to determine how well officials were following the laws that give the public the right to know. The findings of the report suggest that the public’s right to know does not enjoy the respect that it requires to be truly functional in a democratic society (for previous coverage of this news item see the [July 2005](#) issue of IJCSL-N).

CHILE—INTER-AMERICAN COURT WILL HEAR FIRST FREEDOM OF INFORMATION CASE

The [Inter-American Court of Human Rights](#) will consider a case involving the right to access public information, according to a [news update](#) published by Open Society Justice Initiative on 14 July 2005. The case was referred to the Court by the [Inter-American Commission on Human Rights](#), following the Commission’s April 2004



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finding that Chile had violated the [American Convention on Human Rights](#). The case is the first of its kind to be heard by the Inter-American Court in its 26-year history.

GERMANY—UPPER HOUSE OF PARLIAMENT PASSES FOIA

The [Federal Freedom of Information Act \(Gesetz zur Regelung des Zugangs zu Informationen des Bundes\)](#) passed by the [Lower House](#) of the German Parliament on 3 June has now been passed by the [Upper House](#) in a meeting held on 8 July 2005, according to a news article published by [HEISE ONLINE](#). The Federal Freedom of Information Act creates a general right to access to information held by federal authorities but creates certain exceptions, such as information that could have possible adverse effects on international relations or affects the fiscal interests of the federal government, reported [Index on Censorship, UK](#). (For previous coverage of this news item, see the [July 2005 issue of IJCSL-N](#))

MACEDONIA—FOSIM HOLDS TRAININGS SESSIONS ON FREE ACCESS TO INFORMATION AT LOCAL LEVEL

A series of training programs was held on raising awareness among municipality civil servants and citizens with regards to the rights and obligations related to the development of unified policy for [free access to public information](#) on the local level. The programs were organized from June to July in several municipalities of Macedonia. Representatives from municipalities and NPOs attended the training sessions. The trainings were organized under the auspices of the 'Free access to public information on local level Project' implemented by the [Foundation Open Society Institute Macedonia](#) (FOSIM) and the [Local Self-government Association](#).

MALTA—GOVERNMENT BEGINS TO DEVELOP FOIA

The Prime Minister of Malta has given instructions to the authorities to evaluate the viability of having a Freedom of Information Act, according to a news article published by [MALTA TODAY](#) on 17 July 2005. One of the considerations for the government in developing a FOIA is to what extent it should seek to consolidate already existing legal provisions such as the Press Act, the regulations on Freedom of Access to Information on the Environment, the Local Councils Act, and the Data Protection Act - measures that serve to release certain types of information. Currently, however, access to information regarding matters that interest the public is given as a concession on the part of the government and not as a right.

SLOVAKIA—MINISTRY RECOMMENDS CHANGES TO LAW ON ACCESS TO INFORMATION

The Interior Ministry has proposed to amend the existing free access to information law. According to a news article published by [THE SLOVAK SPECTATOR](#) on 22 July 2005, under the proposed amendments a public official who withholds information will no longer be committing an offence. Currently, failure to provide the requested information may incur a fine up to Sk 50000 (approx. US \$1544) and suspension from the job for up to two years.

UNITED KINGDOM—



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- **DCA RELEASES REVIEW OF STATUTORY PROHIBITIONS ON DISCLOSURE**
The [Department for Constitutional Affairs](#) (DCA) of the British Government has released a report entitled “[Review of statutory prohibitions on disclosure](#),” according to a news article published in [LEGALBRIEF TODAY](#) on 8 July 2005. The report reviews the provisions contained in legislation (Acts, rules, regulations, orders etc.) that prohibit the disclosure of information. It sets out all the enactments which have been reviewed and indicates whether the government intends to repeal or amend using powers in the Freedom of Information Act 2000.
- **ICO ISSUES TIPS ON FREEDOM OF INFORMATION**
The [Information Commissioner's Office](#) (ICO) has issued new [guidelines](#) for the public sector on how to deal with the Freedom of Information (FOI) Act and data protection requirements, according to the news article published by [THE REGISTER](#) on 15 July 2005. The guidelines encourage authorities to disclose information wherever possible and to use publication schemes proactively. They are issued simultaneously with the launch of The Information Commissioner’s Office [Annual Report 2004-2005](#). The Annual Report is the first issued since the FOIA came fully into force. It looks at the impact of the new legislation, sets out the approach of the Commissioner’s Office, and highlights some of the areas where progress has been made.

UNITED STATES—GOVERNMENT REFUSING TO FOLLOW FEDERAL JUDGE’S ORDER IN FOIA CASE

In a Freedom of Information Act lawsuit filed by the American Civil Liberties Union (ACLU) to determine the extent of abuse at American military prisons in Iraq and Afghanistan and at Guantánamo Bay, a Federal District Court in Manhattan ordered the Defense Department in early June to release secret photographs and videotapes related to the Abu Ghraib prison abuse scandal, according to a news article published by [THE NEW YORK TIMES](#) on 23 July 2005. The government has released thousands of images under the court order, but there are 87 photographs and 4 videos that the ACLU claims have not been released. The ACLU has accused the government of continuing to block requested information “of critical public interest.” The court considered the information ordered released to be the “best evidence” in the debate about the treatment of Abu Ghraib prisoners.

FISCAL MATTERS

CANADA—

- **DOF RELEASES REVISED LEGISLATIVE PROPOSALS**
On 18 July 2005, the Department of Finance, Canada released revised [legislative proposals](#) (along with [explanatory notes](#)) to amend the [Income Tax Act](#), according to the Department of Finance [press release](#). The [proposed legislation](#) and technical amendments, in part, affect charitable organizations.



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Public comments on the proposals can be submitted to the [Tax Legislation Division](#) of the Department of Finance by September 15, 2005.

- **COMPARISON OF THE THREE CATEGORIES OF REGISTERED CHARITIES**
The July issue of the [Charity Law Bulletin](#) of Carter & Associates provides an overview of the differences between charitable organizations, public foundation, and private foundations and the requirements of each under the Income Tax Act, Canada. The paper concludes that in light of recently proposed amendments concerning the definitions of charitable organizations and public foundations, and the recently amended disbursement quota rules, there will be little functional difference between charitable organizations and public foundations. The Bulletin can be read at the Carter & Associates website.

CHINA—DRAFT “LAW ON CORPORATE SOCIAL RESPONSIBILITIES OF MULTINATIONAL CORPORATIONS OPERATING IN CHINA” PROPOSED

A Draft Law on Corporate Social Responsibilities of Multinational Corporations Operating in China has recently been proposed. According to Volume 1 Issue 4 of [CHINA LAW DIGEST](#) “the proposed draft of the Law on Corporate Social Responsibilities of Multinational Corporations Operating in China suggests that multinational corporations operating in China should resist corrupt practices and bribes and should acknowledge appropriate business ethics and conduct. When circumstances permit, they should provide aid during natural disasters; contribute to the alleviation of poverty; provide care to the handicapped; and sponsor activities in education, technology, culture and health, sports, environmental protection, public infrastructure projects, and other philanthropic and social welfare efforts.”

CZECH REPUBLIC—NPOS DEMAND INCOME TAX DESIGNATION SCHEME

NPOs have demanded that the government allow part of the income tax of individuals and corporations to be sent to them. According to a [news article](#) published by [PRAGUE DAILY MONITOR](#) on 20 July 2005, the passage of a bill under which people could send one percent of paid income taxes to an NPO of their choice has been under discussion for some time. [Such tax designation scheme](#) is already common in neighboring countries such as Hungary, Poland, and Slovakia.

INDIA—UNION CABINET APPROVES FOREIGN CONTRIBUTION (MANAGEMENT AND CONTROL) BILL, 2005

The Union Cabinet has approved [The Foreign Contribution \(Management and Control\) Bill, 2005](#) seeking replacement of the [Foreign Contributions Regulation Act, 1976](#) (FCRA), reported [REDIFF.COM](#) on 6 July 2005. Under the draft bill government can require certain entities obtain prior permission of the Central Government before accepting any foreign funding. The proposed amendments include registration, reviews of licenses, audits, and monitoring of NPOs by government authorities (For previous coverage see the [June 2005](#) issue of [IJCSL-N](#)). The legislation is analyzed



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in a paper by the AccountAid Team, which is published in the volume 3, issue 3 of [IJCSL](#).

RUSSIA—LEGISLATION TO MONITOR FLOW OF FOREIGN GRANTS TO NGOS WILL BE DEVELOPED

“New legislation might soon be drafted that would force parties and NGOs to open their books and pay prohibitive taxes on any foreign grants used for political activities,” reported [THE MOSCOW TIMES](#) in a news article on 21 July 2005, quoting Alexei Mukhin director of the Center for Political Information. Under the planned legislation, officials would have authority to charge parties and NGOs with tax evasion or money laundering if they use foreign grants for non-designated activities (For previous coverage see the [June 2005](#) issue of [IJCSL-N](#))

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

THAILAND—GOVERNMENT INVOKES EMERGENCY RULE

The Thai government declared emergency rule across the Muslim-majority southern provinces amid growing local and international criticism. According to a news article published by [VOA](#) on 15 July 2005, the measure was taken in response to rising violence in the far south. The law replaces local martial laws already in place in the three southern provinces. The new law allows censorship and banning of publications deemed to be “threatening to national security or causing public anxiety,” according to a draft analyzed by [REUTERS](#). The measure further allows tapping of phones, search and arrest without warrant, imposition of curfews, and banning of public gatherings.

FREEDOM OF EXPRESSION

EUROPE—REPORT EXAMINING MEDIA SELF-REGULATION RELEASED

IFJ and Article 19 launched a joint publication “[Freedom and Accountability – Safeguarding Free Expression through Media Self Regulation](#)” at a meeting in Sarajevo on 28-29 June 2005. According to a news article published by [IJNET](#) on 25 July 2005, the report looks at the efforts to build self-regulatory bodies for media in South East Europe and reviews different models that exist throughout Europe. The key findings and recommendations of the research reveal there is no single “one size fits all” model of media self-regulation that can be easily transferred from one country to another, but there are fundamental principles and lessons to be observed and learned.

GLOBAL—POPE DISAPPROVES HARRY POTTER NOVELS

Two letters sent by the Pope Benedict to a German critic of the Harry Potter novels suggest that he opposes Harry Potter novels and believes that the books subtly seduce young readers and “distort Christianity in the soul” before it can develop



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properly, according to a news article published by the [REUTERS](#) on 13 July 2005. [LifeSiteNews.com](#) has published the copies of the letters (in German) written by the Pope Benedict in [March](#) and [May](#) 2003. It has also posted the [English translation](#) of the letters in an article on 13 July 2005.

MACEDONIA—

- **PARLIAMENT APPROVES NEW LAW ON DISPLAY OF NATIONAL SYMBOLS**

On 15 July, the Macedonian parliament passed a measure that would allow any ethnic minority to display its flag alongside the Macedonian flag in areas where that minority constitutes more than 50 percent of the population, according to a news article published by [RFE/RL](#). The law enables minorities to fly their flag on holidays of ethnic or religious communities, official occasions such as national holidays, and during the visits of high-ranking state representatives such as the president or prime minister.

- **GOVERNMENT ADOPTS DRAFT LAW ON BROADCASTING ACTIVITY**

To bring its national broadcasting legislation in line with the European standards, the Republic of Macedonia has reviewed and adopted the Draft-Law on Broadcasting Activity. According to a government [press release](#) on 22 June 2005, the law is based upon the basic principles of respect of the freedom of information, thought, establishing means for public information, access to information, and the right to an answer and correct as constitutional categories. The draft law sets forth the obligations, their extent, and the functions of the public broadcasting service, establishes a legal framework, defines the overseeing of the law enforcement, and introduces measures against violators.

NEPAL—IFEX MEMBERS CONCLUDE INTERNATIONAL MISSION ON PRESS FREEDOM

As part of an international mission to highlight concerns with the deteriorating state of free expression in the country and to strengthen links between media and free expression advocates, [IFEX](#) members visited Nepal from 10 to 16 July 2005, according to IFEX [news update](#). The organization met with government officials, media and civil society representatives. While praising the continued efforts of media community in defending press freedom and freedom of expression, the [concluding statement](#) of the IFEX members made valuable observations and recommendations to the government, royal police and media community in relation to guaranteeing and promoting press freedom and freedom of expression in the country.

SIERRA LEONE—IPI AND WAN CALL FOR REPEAL OF SEDITIOUS LIBEL LAW

[International Press Institute](#) (IPI) and [World Association of Newspapers](#) (WAN) have called for the repeal of Sierra Leone's seditious libel law. According to a protest [letter](#) by IPI and WAN on 4 July 2005, the prosecution for seditious libel under the 1965 Public Order Act, is inconsistent with the constitution of the republic which provides for freedom of expression. The legislation in question, contained in the Public Order Act of 1965, criminalizes the publication, distribution and even possession of material



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that may cause public disaffection against the president and other officials. Breach of the act is punishable by imprisonment of up to seven years and, in the case of newspaper owners and publishers, a possible ban on their publications.

SUDAN—NEW CONSTITUTION AND REPEAL OF EMERGENCY BRING PRESS FREEDOM

Sudan's new Constitution was signed on 9 July 2005, followed by a presidential decree lifting the 16 year old state of emergency in Sudan. According to a news article published by [XINHUANET](#) on 10 July 2005, the emergency is lifted in all parts except for three unsettled areas of Darfur. [REPORTERS WITHOUT BORDERS](#) and [other press freedom advocates](#) hailed the steps taken by the Sudanese government and called for quick, real and significant improvements in press freedom. The new constitution is less restrictive and lays out freedoms of religion and expression as human rights, reports [SUDAN TRIBUNE](#). It also removes a requirement that the president be Muslim.

FREEDOM OF RELIGION AND BELIEF

BELGIUM—CHURCH OF SCIENTOLOGY NOT A RELIGION

The [Church of Scientology](#) will not be officially recognized as a religion in Belgium, and consequently the Church will not receive any subsidies, according to a news article published by the [ISLAMIC REPUBLIC NEWS AGENCY](#) (IRNA) on 21 July 2005. The Belgian Government accords “recognized” status to six religions: Roman Catholicism, Judaism, Islam, Anglicanism, Protestantism, and Greek Orthodoxy. The lack of recognized status does not prevent a religious group from practicing its faith freely and openly, but non-recognized groups do not qualify for government subsidies. They may, however, qualify for tax exempt status as not-for-profit organizations.

CHINA—VATICAN AND BEIJING MOVE TOWARD FORMAL TIES

The Vatican is working to establish official links with China. According to a news article published by [EASTTODAY.COM](#) on 2 July 2005, [China has spelled out rules for Vatican ties](#) stating that the Holy See must first sever its “diplomatic ties” with Taiwan and recognize the People's Republic of China as the sole government of the Chinese people. The agreement would also state that the Vatican must also agree not to interfere in China's internal affairs. Roman Catholics in China were ordered in 1951 to break off relations with the Pope, and Communist leaders allow worship only in churches run by the official Chinese Patriotic Catholic Association, which appoints its own priests and bishops. It recognizes the pope as a spiritual leader but rejects a Vatican role in church affairs. Pope Benedict XVI called for diplomatic ties with China, Saudi Arabia, and Vietnam without specifically mentioning the names of the countries, according to a report published by [ADNKRONOSINTERNATIONAL](#) on 12 May 2005, quoting an Italian television's news website.



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ENGLAND AND WALES—CHURCH OF ENGLAND MOVES TOWARD ALLOWING WOMEN BISHOPS

The General Synod (governing body) of the [Church of England](#) has voted to move toward ordaining women bishops. According to a news article published in [THE DAILY TELEGRAPH](#) on 12 July 2005, a synod meeting in the city of York voted to “remove legal obstacles” in Church law to women bishops. This is a process that Church officials say could take years to complete. Fourteen of the world's 38 Anglican Churches already allow women bishops, reported [BBC NEWS](#). The Church of England has had women priests for more than a decade and women now make up half of those training as Anglican clergy.

INDIA—MADHYA PRADESH GOVERNMENT CONSIDERS CHANGES IN RELIGIOUS FREEDOM ACT

The BJP government in Madhya Pradesh is considering amendments to the Religious Freedom Act of 1968, following an official probe committee report that claimed a substantial increase in religious conversions in the tribal-dominated Jhabua district, according to a news update published by [DECCAN HERALD](#) on 10 July 2005. The report claimed the Religious Freedom Act of 1968, which makes it mandatory to inform the collector within a week after a conversion has taken place, was ignored and not a single conversion has been reported to the administration for the last thirty years.

KAZAKHSTAN—NATIONAL SECURITY AMENDMENTS BRING NEW RESTRICTIONS ON RELIGIOUS ACTIVITIES

President Nursultan Nazarbayev signed new national security amendments on 8 July 2005, amending a range of laws and codes, including the laws on freedom of religion and of religious associations, the media, and non-commercial organizations and political parties. According to a report published by [FORUM 18 NEWS SERVICE](#), the amended religion law forbids the activity of unregistered religious organizations and introduces fines for leaders and participants in such activity. The law requires all citizens and foreigners engaged in missionary activity to register before they conduct such activity. Literature for use by missionaries requires prior censorship. Those who violate the restrictions will face fines and deportation in case of foreign nationals. In a related story published by [RFE/RL](#) on 14 July 2005, the amendments will bring more restrictions on NGOs and the media will be held accountable for disclosing information about security operations and disseminating what authorities consider to be “propaganda” (for previous coverage see the [May](#), [June](#), and [July](#) 2005 issues of [IJCSL-N](#))

SOUTHERN AFRICA—POLICE DETAIN CHURCH LEADERS

Harare police detained several South African and Zimbabwean church leaders, who have been probing the government’s controversial urban clean-up campaign in recent weeks. To read the full story see the news article published in [INDEPENDENT ONLINE \(IOL\)](#) on 22 July 2005. Previous coverage of the situation in Zimbabwe can be found in the past issue of [IJCSL-N](#).



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UNITED KINGDOM—ICM CONDUCTS POLL ON NEW LAW TO BAN INCITEMENT TO RELIGIOUS HATRED

ICM conducted a recent poll on the new law banning incitement to religious hatred. According to a news article published by [BBC NEWS](#) on 18 July 2005, the poll found 51% in favor and 44% against the proposed new law. The proposed new law is meant to protect people of all faiths from abuse but critics say it curbs free speech. Discussion of the law itself can be found in the [July](#) 2005 issue of **IJCSL-N**.

UZBEKISTAN—COURT RULING FURTHER REPRESSES RELIGIOUS FREEDOM

All Protestant activities in north-west Uzbekistan are now banned after a Nukus court rejected the Emmanuel Full Gospel Church's appeal against the Karakalpakstan Justice Ministry's decision to close it down, according to a news article published by [FORUM 18 NEWS SERVICE](#) on 11 July 2005. The government had closed the church on the grounds that Christians from this church have promoted their views outside the premises occupied by the religious organization. The meeting of church members was held in a private house in Kungrad.

LEGAL FRAMEWORK

AFGHANISTAN—NEW NGO LAW SIGNED

President Hamid Karzai has signed the new NGO law on 15 June 2005, according to the news update of [ICNL](#). The new law is designed to regulate the activities of domestic as well as foreign NGOs in Afghanistan. It defines the term NGO and provides regulatory provisions for the establishment, registration, administration, activities, internal supervision, dissolution, liquidation of NGOs. The text of the [Law on Non-Governmental Organizations](#) is available at the [Agency Coordinating Body for Afghan Relief](#) (ACBAR) and the [ICCSL](#) websites.

BANGLADESH—FOLLOW-UP TO ICCSL NGO LAW STUDY ANNOUNCED

On 28 June the Local Consultative Group (LCG) of Donors NGO subgroup organized a meeting with representatives of ADAB and FNB. The organizations expressed support for the main recommendations of the [ICCSL NGO law study](#) and decided to develop a common strategy to discuss internally with their board and member organizations, to form a “common advocacy group” to develop a “common advocacy strategy” as a follow up of the report, and to organize a seminar including representatives of Government of Bangladesh to disseminate the main recommendations.

CHINA—

- **WORLD BANK PUBLISHES ANALYSIS OF PSU REFORM**

The World Bank Office in Beijing has published its analysis of *Shiye Danwei* (referred to by the Bank as Public Service Units or PSUs) Reform in China. Entitled “[China: Deepening Public Service Unit Reform to Improve Service Delivery](#),” the report concludes that the PSU sector must be reorganized, by



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creating two categories of organizational forms for existing PSUs, and by establishing a “legal and regulatory framework to allow for a broader variety of [service] providers.” Analysis of moving some of the *shiye danwei* into the NPO sector can be found in Karla Simon’s June 2005 article in the Journal of Chinese Law, which is linked from the electronic version of [Volume III, Issue III \(July 2005\) IJCSL](#).

- **CHINA DEVELOPMENT BRIEF PUBLISHES ANALYSIS OF VOLUNTEERING IN CHINA**

An article entitled “[Models of civic virtue](#)” was published by [China Development Brief](#) in its July/August 2005 issue. The article, authored by Tina Qian, refers to both informal and more formally mandated volunteering as two current models in China.

EGYPT—CRITICAL REPORTS ON NGO LAW RELEASED

On 4 July 2005, Human Rights Watch (HRW) and the Egyptian Organization for Human Rights (EOHR) launched two separate new reports analyzing the Associations' Law 84 [2002], according to [EOHR press release](#). The HRW report, entitled “[Margins of Repression: State Limits on Nongovernmental Organization Activism](#),” discusses the impact of the law and concludes that the most serious restriction to freedom of association in Egypt is the extra-legal role of the security services. The report recommends the law be amended to minimize the bureaucratic burden, and to remove the government’s wide powers to control, censor, and dissolve civil society groups. In its report, the [EOHR](#) also analyzes the NGO legislation, highlights its restrictive provisions, and documents the incidents where NGOs were refused registration and their funds were frozen.

MALTA—CABINET APPROVES WHITE PAPER CONTAINING LEGISLATIVE PROPOSALS FOR VOLUNTARY SECTOR

On 21 July 2005, the Maltese Cabinet approved a White Paper – “[Strengthening the Voluntary Sector](#)” containing legislative proposals for the voluntary sector. According to a news article published by [THE TIMES OF MALTA](#), the White Paper was launched on 29 July and will remain open for public consultation until October 2005. The paper gives the voluntary sector, civil society and other stakeholders the opportunity to share their views before the Bill is debated in Parliament. It incorporates many of the thoughts and ideas of groups and individuals who had presented their suggestions and concerns to the [Ministry for the Family and Social Solidarity](#). Until now there has been no regulatory framework for voluntary organizations in Malta. The proposed legislation would ensure better accountability and transparency in the sector. Legal status (which shall remain optional) under the law would enable NPOs to enjoy various benefits including access to participation in international and EU projects. The sector, however, will be under a new supervisory system.

SWAZILAND—CSOS DEMAND NGO LAW FOR OPERATIONAL GUIDELINES



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"We have no guidelines, no definition even, of what exactly an NGO is," says the official of the Coordinating Assembly of Non-Governmental Organisations (CANGO). According to a news article published by [IRIN](#) on 21 July 2005, Swazi NGOs have demanded a national policy to guide their operations, including a code of ethics as part of the broader guidelines. Civil society groups in Swaziland have been lobbying the government for a draft NGO bill for the last several years, albeit unsuccessfully.

ZIMBABWE—

- **GOVERNMENT PLANS TO FOCUS ON TOUGH NGO BILL SOON**

Zimbabwe government will soon focus on tough NGOs Bill after it passes into law a proposed constitutional amendment Bill, reported [ZIMONLINE](#) in an article published on 26 July 2005. As reported in our previous [Newsletters](#) the NGO Bill, sailed through the Parliament in December 2004, effectively outlaw foreign, foreign-supported, human rights and other non-governmental groups from operating in Zimbabwe. In April 2005, President Mugabe refused to sign the bill into law and referred it back for further consultations. No official reason was given for this referral. Though there is no such indication from the official quarters, the civil society groups hope the revised legislation will be a more tolerable Bill.

- **ACCSL DRAFTING ALTERNATIVE LEGISLATION FOR ZIM NPOS**

[ACCSL](#) Research Associate Tamuka Muzondo is leading an effort to draft an alternative NPO Bill for Zimbabwe, to be introduced in Parliament as a member's bill. He is being assisted by Research Assistant Tapera Kapuya and Prof. Leon Irish, President of ACCSL.

MISCELLANEOUS MATTERS

PAKISTAN—PROVINCIAL LEGISLATURE PASSES LAW ENFORCING ISLAMIZATION THROUGH POLICING

The assembly of the North West Frontier Province (NWFP), dominated by the hard line religious groups passed the Hisba (Accountability) Bill, according to a news article published by [BBC NEWS](#) on 15 July 2005. The Hisba law imposes a social order not in line with the country's guaranteed civil liberties. The bill calls for a new accountability department "Mohtasib" (Ombudsman) to control entertainment shows and other activities in public places. Under the bill, an Islamic cleric will head the department to ensure that Islamic moral values are followed in public places. The Federal Government has asked the Supreme Court to declare the new law unconstitutional and a breach of people's fundamental rights. The Court will hear the case on 1 August 2005.

SOUTH AFRICA—COSATU TO LAUNCH NEW TRADE UNIONS REPRESENTING STREET VENDORS



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The [Congress of South African Trade Unions](#) (COSATU) hopes to launch a new trade union for workers. According to a news article published by the [MAIL & GUARDIAN](#) on 15 July 2005, the new union will represent street vendors and home-based industries. The campaigns planned by the new union include the right to trade, banking services and credit, and the right to government services, and less stringent municipal by-laws.

SWAZILAND—KING DISAPPROVES DRAFT CONSTITUTION

King Mswati III disapproved the new draft constitution adopted by the Parliament of the Swaziland in June 2005. According to a news article published by [BBC News](#) on 12 July 2005, the Constitution as adopted has a detailed Bill of Rights, including the right to life, liberty, equality before the law, freedom of conscience and religion, and equal treatment for women. Freedom of expression and assembly also are guaranteed, but political parties are barred from contesting elections. King has ordered Parliament to reconsider sections including religion.

UNITED STATES—

- **GEORGETOWN UNIVERSITY HOLDS PANEL DISCUSSION ON “SAFEGUARDING CHARITY IN THE WAR ON TERROR”**

The [Center for Public & Nonprofit Leadership](#), of Georgetown University in Washington, DC, held a [panel discussion](#) on “[Safeguarding Charity in the War on Terror](#)” on 14 June 2005. The panelists addressed the challenges facing US foundations and nonprofit organizations in the changing environment of anti-terrorist financing policies, procedures and regulations and provided an overview of the historical lessons and legal issues involved, the impact of the [Treasury Guidelines](#) and related policy developments, as well as the cost and effectiveness of these policies.

- **HOUSE VOTES TO EXTEND USA PATRIOT ACT**

The US House of Representatives voted to extend indefinitely the anti-terrorist USA Patriot Act. The House voted to make permanent 14 of the Patriot Act's 16 sections that are scheduled to expire in December. The other two provisions -- Section 215, which gives the FBI secret access to people's business, medical, library, bookstore and other shopping records, and Section 206, which authorizes roving wiretaps -- would be renewed for 10 years as part of the vote. The records provision authorizes federal officials to obtain "tangible items" such as business, library and medical records. The roving wiretap provision allows investigators to obtain warrants to intercept a suspect's phone conversations or Internet traffic without limiting it to a specific phone or identifying the suspect. According to a news article published in [CBS NEWS](#) on 22 July 2005, hours earlier a Senate committee approved its own general extension of the law that would renew expiring provisions of the anti-terrorism USA Patriot Act while placing new limitations on the government's secret search and surveillance powers.

UZBEKISTAN—IHF RELEASES REPORT ON THE HUMAN RIGHTS SITUATION



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The [International Helsinki Federation for Human Rights](#) (IHF) released its report on the human rights situation in Uzbekistan, “One can't keep silent”-- The Persecution of Human Rights Defenders in Uzbekistan in the Aftermath of Andijan, according to IHF [press release](#) on 15 July 2005. The Russian and English version of the full [report](#) can be viewed on the IHF website.

VENEZUELA—NGO FACES TRIAL FOR TREASON

On 7 July 2005, a Venezuela court ordered the trial of four civil society leaders on charges of treason. According to a news article published by [VENEZUELA.COM](#), the conspiracy charge stems from a grant the NPO Súmate received from the U.S. government funded National Endowment for Democracy (NED), which state prosecutors allege they used for political activity. Under Venezuelan law, political parties are prohibited from accepting financial donations from abroad. However, the organization leaders claim Súmate is a non-partisan civil association and not a political party. If the prosecution charges are proved, the four members of the Venezuelan Súmate could receive up to 16 years jail term. The US government and human [rights groups](#) criticized the legal action, saying the court order is without merit and foundation. An article published in [VENEZUELA.COM](#) on 11 July 2005 gives another side of the background.

ANNOUNCEMENTS

ARAB WORLD AND THE MIDDLE EAST—

- **REGIONAL ADVOCACY GROUPS LAUNCH FEDERATION OF HUMAN RIGHTS CENTERS**

Representatives of the human rights regional advocacy groups resolved to establish the Federation of Human Rights Centers in The Arab World. The decision to launch the Federation was taken in a meeting held in Fez, Morocco on 1 July 2005. According to [Amman Center for Human Rights Studies](#), the federation would help in dissemination of human rights culture and the principles of democracy in the Arab world.

- **UN CONFERENCE UNDERSCORES THE IMPORTANCE OF CIVIL SOCIETY TO ACHIEVE MIDDLE EAST PEACE**

The support of civil society is indispensable in all efforts to achieve peace in the Middle East, UN Secretary-General Kofi Annan told a two-day [UN International Conference of Civil Society in Support of Middle East Peace](#) held at UNESCO headquarters from 12 -13 July 2005, according to a news article published by [I-NEWSWIRE](#). The conference provided civil society organizations from all regions of the world with an opportunity to discuss and develop action-oriented proposals in support of Middle East peace. At the conclusion of the conference the civil society organizations adopted an [Action-Plan](#) entitled, “Peace in the Middle East: Mobilizing to End the Israeli Occupation” and committed themselves to internationalism and the belief that the United Nations remained central to ending



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the occupation. The Action-Plan highlights issues of focus requiring the urgent attention of the international community and enlists detailed plans that should guide civil society organizations in their strategy planning.

NEW PUBLICATIONS—

- **“DEVELOPMENT NGOS AND LABOR UNIONS: TERMS OF ENGAGEMENT”**

A new book entitled [DEVELOPMENT NGOS AND LABOR UNIONS: TERMS OF ENGAGEMENT](#) was published by Kumarian Press in July 2005. The book underscores the importance of the neglected issue of the relationship between trade unions and NGOs. While analyzing the differences in ideology, organization and mode of operation between the two, it also evaluates the shared goals, common interests and cooperation between them and illustrates the scope for constructive and respectful dialogue and potential partnership between these two key forces of global society.

- **IFJ CAMPAIGN RESOURCE FOR DEFEATING CRIMINAL DEFAMATION**

As a part of its campaign against defamation, the [International Federation of Journalists](#) (IFJ) has launched a campaign resource on ousting criminal defamation and promoting appropriate alternatives, according to the IFJ [news update](#) on 7 July 2005. The report entitled “[Decriminalising Defamation](#)” documents synopsis of recent international defamation cases illustrating how criminal codes across the world can be used to limit freedom of speech and prevent freedom of expression.

- **“COUNTRIES AT THE CROSSROADS 2005”**

Freedom House has released a study assessing the state of democracy in [30 countries](#), using Accountability and Public Voice, Civil Liberties, Rule of Law, and Anticorruption and Transparency as indicators. The report entitled “[Countries at the Crossroads 2005](#),” also contains a set of recommendations identifying the specific areas that require immediate attention of the governments.

- **“DECADE OF ROMA” INFORMATION BOOKLET**

The first issue of "Decade of Roma" information booklet published by [Minority Rights Center](#) is now available, according to [ONE WORLD](#) news update on 21 July 2005. Published quarterly, the booklet documents the work of nongovernmental organizations, international activities, as well as other pieces of information in connection to Roma status in Serbia.

- **FOI GUIDANCE FOR ACCOUNTANTS**

The [Institute of Chartered Accountants in England and Wales](#) (ICAEW) has published a new guidance for members on the implications of the Freedom of Information Act 2000 in relation to public authorities. According to ICAEW [news update](#) on 15 July 2005, the guidance outlines the implications of the Act where they currently carry out work for public authorities, or where reports issued by Institute members on private sector bodies are held by a public authority.



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- **REDISCOVERING VULGAR CHARITY: A HISTORICAL ANALYSIS OF AMERICA'S TANGLED NONPROFIT LAW**

[Thomas A. Kelley](#) (North Carolina) has published a new report “[Rediscovering Vulgar Charity: A Historical Analysis of America's Tangled Nonprofit Law](#).” The paper argues that increasing confusion in the contemporary American law of charity stems from the fact that our society has moved and is continuing to move toward a results-oriented, quasi-commercial, social engineer’s conception of charity, while our law has continued to encourage, and often insist upon, a compassionate brand of “vulgar” charity. The paper describes the origins of Anglo-American charity, shows where and how the definitional split began and evolved to the point that it confuses us today, discusses how those early concepts of charity were transplanted to the United States adding to current legal confusion, focuses on the law of charity in the United States, and offers a broad suggestion for adapting our laws to better fit our society’s evolving conception of charity.

TUNISIA—NEW WEBSITE ON SITUATION OF FREE EXPRESSION IN TUNISIA LAUNCHED

International free expression groups launched a [new website](#) detailing the state of free expression in Tunisia and challenged the government to end Internet blocking in the lead-up to the November 2005 World Summit on the Information Society (WSIS), according to [IFEX](#) press release on 14 July 2005. According to the website the Tunisian government censors routinely block access to at least 20 websites that provide independent news and analysis about human rights and political issues in Tunisia.

TURKEY—ICNL TO ORGANIZE GLOBAL FORUM ON CIVIL SOCIETY LAW

The [International Center for Not-for-Profit Law](#) (ICNL) is organizing a “[Global Forum on Civil Society Law](#),” according to ICNL monthly highlight. The forum will be held from 17 – 19 November 2005 in Istanbul, Turkey. Representatives of civil society sector, government, legislature, academia, and the donor community will participate in the event. The forum will provide the participants an opportunity to discuss several topics including Reform and Advocacy, Contemporary Issues and CSO Law, CSO Sustainability and the Law, and CSO-Government Relations. The conference will also focus on CSO Accountability, Transparency, and Regulation.

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