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CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

ALBANIA—PROPOSED STATE SECRECY BILL UNDERMINES FREEDOM OF INFORMATION LAW

A new secrecy bill proposed by the government would weaken the existing Freedom of Information law, says the [OPEN SOCIETY JUSTICE INITIATIVE](#) (OSJI) in a [letter](#) addressed to the Speaker of the Assembly of Albania. The bill, which is currently before the Parliament, would amend the 1999 Classified Information Act, regulating “state secrets” and imposing new restrictions on the right to state-held information. The proposed bill creates a new category of classified information, called “restricted information,” which is defined as any information whose “unauthorized disclosure may cause harm to the normal activity of the state and the interests or effectiveness of state institutions.” According to OSJI, this new classification creates a limitless loophole for denying legitimate requests for information, thus rendering the right to information meaningless.

CAYMAN ISLANDS—LEGISLATURE TO DEBATE DRAFT FOI BILL IN JUNE

The draft [Freedom of Information Bill](#) will be ready for debate in the Legislative Assembly in June, according to the news article published by [RADIO CAYMAN](#) on 14 February 2006. The Cayman Islands government looked at the legislative models of New Zealand and the U.K., as well as at the Florida “Government-in-the-Sunshine” law in developing the draft legislation, reported [CAYMANIAN COMPASS](#). The government has launched a nationwide public awareness campaign to collect feedback on the draft bill. The government is calling on the public to take part in the consultation process and seems eager to have opinions, comments, and input. As part of the consultation process several district meetings are planned to ensure constructive dialogue with the community.

GLOBAL—

- **OVERVIEW OF WORLDWIDE FREEDOM OF INFORMATION LAWS**

With the help of the Freedom of Information Advocates Network, Roger Vleugels, an independent Netherlands-based legal consultant, has published a comprehensive overview of the situation of freedom of information laws all over the world. According to a news article published by [EUROPEAN DIGITAL RIGHTS](#) on 15 February 2006, the “[Overview of FOIA Countries Worldwide](#)” offers a complete image of the adoption of FOI laws in the world and is structured into 5 lists of countries based on the extent to which the freedom of information is respected.

- **NEW MANUAL ON ACCESS TO INFORMATION RELEASED**

The [Danish Institute For Human Rights](#) has released a new manual on access to information. The Institute’s [news update](#) of 14 February 2006, states that the new manual, entitled “[An Introduction to Openness and Access to Information](#)” is a general introduction prepared from an international human rights perspective. It elaborates on four important areas of access to information: the public



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administration, Ombudsman and National Human Rights Institutions, the judiciary and NGOs.

HONDURAS—TRANSPARENCY LAW AWAITS LAWMAKER APPROVAL

The Transparency Law, presented to Congress on 26 January 2006 awaits the approval of lawmakers, according to a news article published by [IFEX](#) on 8 February 2006. The Transparency Law that has been stalled for more than a year in the National Congress elaborates on a basic set of concerns relating to access to public information and the legal principle of *habeas data*. It is hoped that bill will be discussed in upcoming weeks.

MEXICO—STUDY ON THE DEVELOPMENT OF THE MEXICAN FREEDOM OF INFORMATION RELEASED

With the support of the Hewlett Foundation, the Project for Global Communications Studies (PGCS) at the Annenberg School for Communication of the University of Pennsylvania has prepared a study report on the development of the Mexican Freedom of Information Commission (IFAI). The report, entitled “[The Federal Institute for Access to Information in Mexico and a Culture of Transparency](#),” finds that IFAI is a public institution without precedent in the history of modern Mexico that can serve as an international model. The final report was [released](#) on 20 February 2006.

NIGERIA—SENATORS ACCUSED OF DELAYING PASSAGE OF FOI BILL

A news article published by the [DAILY INDEPENDENT](#) on 14 February 2006, the Lower House of the National Assembly has accused the Upper House of unnecessarily delaying the passage of the Freedom of Information Bill. The House called on the Senate to speed up the passage of the legislation, without which most officials do not feel obliged to give to the public information on government business.

ZAMBIA—DEBATE ON FREEDOM OF INFORMATION BILL DELAYED

Four years after the withdrawal of Freedom of Information (FOI) Bill from parliament, the government has no immediate intention to table it again. According to a news article published by [TMC NET NEWS](#) on 23 February 2006, the Information Ministry is reported to have currently been involved in extensive consultations with local and international constituents and will send its permanent secretary to attend a conference in London to discuss FOI and to learn how the UK is coping with administering its legislation.

FISCAL MATTERS

CANADA—NEW POLICY COMMENTARY ON PUBLISHING AS A “CHARITABLE PURPOSE”

Publishing a magazine can be considered a charitable activity, according to the [Canada Revenue Agency](#) (CRA) recently released [policy commentary](#) on charitable



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purpose. In the Commentary, released on 3 February 2006, the CRA accepts that registered charities can achieve the recognized charitable purpose of advancing education through the use, creation, publication and distribution of magazines. Nonetheless for such activities to be considered an acceptable charitable activity, the contents of that publication must be predominantly educational in the sense understood by charity law. Magazines that also contain some material that would not be considered educational - for example, games, entertainment, opinion, and advertising, would not be considered to be in accordance with charitable purpose requirements. Such content is allowable provided that it is highly limited and always remains ancillary and incidental to the main educational purpose of the organization.

INDIA—NGOs WORRIED OVER FCMC BILL 2005

Separate legislation for the [Foreign Contribution \(Management & Control\) Bill, 2005](#) to bring NGOs receiving contribution in foreign exchange under its ambit is not required, said the PHD Chambers of commerce and Industry (PHDCCI). All NGOs receiving contributions in foreign currency should come within the existing Foreign Exchange Management Act, 1999 by having necessary amendments made to the existing legislation. A news article published by [WEB INDIA 123](#) on 14 February 2006 quotes the PHDCCI Secretary General, Bibek Debroy, who highlights the drawbacks of the Foreign Contribution (Management & Control) Bill, 2005. He noted that the ceiling of 30 per cent on administrative expenses will not be possible to implement in cases where funds are received for earmarked expenditures. Under the Bill any association already registered with a Central Government under the FCRA will have to obtain a certificate of registration under the FCMC within two years of the commencement of the Act. The Chambers demand that FCMC registration be made automatic for the organizations with FCRA registration and no new registration should be asked for. They ask further the clause requiring re-registration every 5 years should be dropped.

UNITED STATES—

- **U.S. CHARITIES CALL FOR U.S. DEPARTMENT OF TREASURY WITHDRAW ANTI-TERRORIST FINANCING GUIDELINES**

A working group of more than 40 U.S. charitable sector organizations and advisors, [has called on the U.S. Treasury Department to withdraw](#) its revised “[Anti-terrorist Financing Guidelines: Voluntary Best Practices for U.S.-based Charities](#)” and endorse in their place the group's own “Principles of International Charity.” The Council on Foundations (CoF), one of the organizations lobbying against the Treasury Guidelines included the Working Group's position in a [press release](#) on 21 February 2006. The Working Group's [Principles of International Charity](#) document specifies eight fundamental principles, including the observance of all applicable U.S. and foreign legal requirements and the adoption of further practices, as deemed appropriate by individual charities, which may provide additional confidence that resources and services are provided for exclusively charitable purposes.



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- **UNITED STATES—IRS CALLS CHARITIES’ POLITICAL ACTIVITY IN THE 2004 ELECTION “DISTURBING”**

An IRS examination found that nearly 3 out of 4 churches, charities, and other civic groups suspected of having violated restraints on political activity in the 2004 election did so, according to an [IRS Press Release of 25 February 2006](#). The tax agency looked at charities, churches, and other tax-exempt organizations referred to the IRS for potentially violating the law that bars them from participating in or intervening in elections, including advocating for or against any candidate (Section 501 (c) (3) of the Internal Revenue Code. The IRS examined 110 organizations referred to it for potential violations. Among the 82 examinations concluded, the IRS found prohibited politicking and sent a written warning to 55 organizations and assessed a penalty tax against one group. Those organizations included 37 churches and 19 other organizations. Among the prohibited activities, it was found that charities and churches had distributed printed material supporting a preferred candidate and assembled improper voter guides or candidate ratings.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

AFGHANISTAN—GOVERNMENT DEREGISTERS 1600 NGOS

On 7 February 2006, the Afghan government revoked the operating licenses of more than 1600 non-governmental organizations (NGOS), according to a news article published by [RADIO FREE AFGHANISTAN](#). The de-registered NGOs are accused of economic fraud and corruption. Quoting the Afghan Minister for Economics, Mohammad Amin Farhang, the [CENTER OF EXCELLENCE](#) reports that most of the suspended NGOs had accepted international funds from donor countries, but failed to implement the funded projects. The revocation of licenses has received mixed reaction from the civil society sector. According to a news article published by [IRIN](#), the Agency Coordinating Body for Afghan Relief (ACBAR), an umbrella organization representing some 90 humanitarian NGOs said the government move would help NGOs make accountable and transparent. Some organizations, however, complained about insufficient time and lack of support to go through the registration process.

BELARUS—FOUR LEADERS OF NGO ARRESTED FOR VIOLATING LAW ON POLITICAL GATHERINGS

The Belarusian secret service, the KGB, has arrested four leaders of Citizens' Initiative Partnership (CIP) and may face jail term up to three to five years, according to the news article published by [RFE/RL](#) on 23 February 2006. CIP is a nongovernmental organization outlawed by the Belarusian government two years ago. The KGB claims its leaders continued to meet, thus violating the law on political gatherings. CIP is also alleged to have planned protests to coincide with the 19 March presidential election. The group is said to have financed by the Washington-based National Democratic Institute.



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KENYA—CSOS LAUNCH MASS DEMONSTRATIONS AGAINST GOVERNMENT CORRUPTION AND GOVERNMENT RESPONDS WITH PRESS CRACK-DOWN

Mass demonstrations by civil society aimed at forcing President Kibaki to act on alleged massive corruption in his government were kicked off during the week of 13 February 2006, according to the news article published by [THE STANDARD](#). The “Shame and Name Corruption Network” (Nascon), the umbrella organization of the 76 civil society groups wants President Kibaki sack three government officials involved in corruption scandals. The [13-point plan of action of Nascon](#) recommends that corrupt individuals and leaders be named and shamed on public places; stripped from official duties and barred from taking public office in the future. In addition Nascon has demanded that money lost in corrupt deals must be recovered and independent investigations of the wealth of public officers and fight against corruption throughout the year must be intensified. Subsequent to this report, both the [Kenya Television Network and offices of the Standard Group of newspapers were raided on 21 February 2005](#), and journalists were arrested on [27 February 2005 after publishing a story about an alleged meeting between President Mwai Kibaki and Mr. Klonozo Musiyoka](#).

PAKISTAN—PROTEST RALLIES BANNED

Following large and widespread protests across the country against the publication of cartoons of Prophet Mohammed in some Western media outlets, the government imposed a nationwide ban on protest rallies. A [news article](#) published by the [Center of Excellence DMHA](#) on 17 February 2006, stated however that despite the ban, the public continued to stage rallies and hundreds of people were [arrested](#) for violating the ban on rallies. Although protests in Pakistan have been largely peaceful, they turned unexpectedly violent in Lahore and Peshawar on 14 February 2005. At least five people were killed in Pakistan during violent demonstrations against the caricatures lampooning the Prophet, which have enraged Muslims across the world. First published in Denmark, the drawings have been reprinted by newspapers in European countries and elsewhere. Islamist parties in Pakistan have vowed to defy the government, [condemning such bans](#) as “repressive actions.”.

SAUDI ARABIA—HRW WRITES MEMORANDUM TO KINGDOM ON HUMAN RIGHTS PRIORITIES

The absence of legal guarantees is one of the main causes of Saudi Arabia’s serious human rights problems, says Human Rights Watch on 27 February 2006 in a [Memorandum to the Government of Saudi Arabia on Human Rights Priorities in the Kingdom](#). The Memorandum recommends that international standards -- including the right to freedom of peaceful assembly and association -- should be spelled out in domestic law.



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SUDAN—NEW NGO LAW BILL PASSED IN FINAL READING; FREEDOM OF ASSOCIATION CHALLENGE EXPECTED

See story under **Legal Framework**

FREEDOM OF EXPRESSION

CHINA—

- **CENSORED NEWSPAPER ALLOWED TO RESUME PUBLICATION**

A leading provocative news and opinion journal, “Freezing Point,” will resume publication on 1 March, according to a news article published by [THE NEWS YORK TIMES](#) on 16 February 2006. Freezing Point, that was closed last month by Chinese censors, is a weekly supplement of the official China Youth Daily newspaper. The renewed publication may not, however, contain Freezing Point’s once combative style of journalism as the journal’s top two editors and writers have been sidelined. China’s ruling Communist Party [suspended the Journal on 24 January](#) 2005, alleging that it had viciously attacked the socialist system and [criticized](#) the history textbooks used in Chinese middle schools.

- **FREEDOM HOUSE RELEASES SPECIAL REPORT ON CHINA CENSORSHIP MECHANISMS**

Freedom House released a special report highlighting the control tools used by the Chinese authorities to censor its media, according to a Freedom House [press release](#) on 9 February 2006. The report, “[Speak No Evil: Mass Media Control in Contemporary China](#),” documents the methods by which the Chinese government successfully limits freedom of speech. The report reveals how a system of control that originated under classic totalitarian conditions is being adjusted, refined and modernized to meet the current needs of the Chinese Communist Party’s (CCP) current leadership.

GUATEMALA—“DESACATO” (INSULT) LAWS ABOLISHED

On 1 February 2006, the Constitutional Court of Guatemala declared the “desacato” laws unconstitutional by repealing articles 411, 412, and 413 of the Guatemalan Penal Code. These articles regulated the “[Desacato](#)” or contempt laws which established prison sentences of six months to three years for an offensive expression directed at public officials. The court ruled on a petition filed in June 2005 by Mario Fuentes Destarac, president of the Guatemalan Chamber of Journalism, who challenged the constitutionality of the provisions. Freedom of expression advocates including the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) have hailed the court decision, according to the [Organization of American States](#) (OAS) [press release](#).



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KENYA—CSOs LAUNCH MASS DEMONSTRATIONS AGAINST GOVERNMENT CORRUPTION AND GOVERNMENT RESPONDS WITH PRESS CRACK-DOWN
See story under **Freedom of Association and Peaceful Assembly**

NEPAL—NEW ORDINANCE TO REGULATE MEDIA INDUSTRY EXPECTED SOON
The government is set to introduce the National Broadcasting Authority (NBA) Ordinance to regulate the media sector of the country, according to a news article published by [NEPAL NEWS](#) on 24 February 2006. The NBA Ordinance will regulate all TV, radio and cable TV networks, as well as the Internet sector and will bring all the electronic media of the country under new legal restrictions. The government has vowed to put forward the new ordinance after comprehensive discussion with stakeholders.

PANAMA—IAPA RECOMMENDS MEASURES TO DECRIMINALIZE LIBEL AND SLANDER
In a bid to strengthen reforms on press freedom, the [Inter American Press Association](#) (IAPA) has recommended measures to decriminalize libel and slander, according to IAPA [press release](#). During a discussion with legislators and media attorneys in Panama, the opposition party leader offered to introduce a bill on the decriminalization of defamation that would permit Panama to follow inter-American case law on these matters. The IAPA's proposal was submitted to the National Assembly on 14 February 2006 including recommendations on the Right to Reply, on the decriminalization of libel and slander, and on the Law on Access to Public Information.

RUSSIA—MEDIA MAY FACE CRIMINAL INVESTIGATION ON PUBLICATION OF MATERIAL INCITING RELIGIOUS HATRED
The Russian media supervisory body has advised the Russian media not to publish materials inciting religious animosities, according to a news article published by [RFE/RL](#) on 13 February 2006. Those who do not abide by the orders may face criminal investigation and cancellation of their registration. The warning came after a newspaper in the southern city of Volgograd published a cartoon of religious figures to illustrate an article on fighting nationalism and xenophobia.

ZIMBABWE—

- **AUTHORITIES INTENSIFIES CRIMINAL PROSECUTIONS AND ARRESTS AGAINST INDEPENDENT MEDIA**

A news article published by [INDEPENDENT ONLINE](#) on 10 February 2006 asserts that the Zimbabwean government is using criminal charges to muzzle independent reporting and criticism. In early February the government-appointed Media and Information Commission refused to renew the accreditation of 15 journalists working for the Zimbabwe Independent. Six trustees of Voice of the People (VOP), a privately owned radio station, appeared on 9 February in court on criminal charges, reported [REUTERS](#). The Zimbabwean authorities brought



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charges of broadcasting without a license against six of the station's trustees. The magistrate, however, relaxed the reporting conditions against Voice of the People (VOP) radio board members. The VOP executives will no longer be required to report to the police every Friday.

- **AMENDMENTS IN POSA TIGHTENS MEDIA**

The Media Institute in Southern Africa ([MISA](#)) reported that the General Laws Amendment Act amending several other Acts including the amendment of 22 sections of Public Order and Security Act (POSA) was signed into law, according to a notice published in the Government Gazette on 3 February 2006. The sections deal with the publication of false statements that will stimulate feelings of hostility, hatred, contempt or ridicule of the President or Acting President. The amendments also raise fines for those convicted under the law.

FREEDOM OF RELIGION AND BELIEF

BULGARIA—CHURCH OF SCIENTOLOGY MOVES TO SEEK LEGAL RECOGNITION

The Church of Scientology has moved to seek legal recognition in Bulgaria, according to a news article published by [SOFIA NEWS AGENCY](#) on 31 January 2006. Bulgaria had once turned down a request to register the Church of Scientology, in 1991. The legislation on religion has changed since that time, and the Church hopes to face no hurdle in the procedure.

CANADA—BILL PROHIBITING RELIGIOUS ARBITRATION PASSED

Ontario has formally passed legislation to prohibit the use of religious tribunals to settle family law disputes such as custody and divorce, according to a news article published by [THE GLOBE AND MAIL](#) on 14 February 2006. The passage of the legislation means there will be only one law for all Ontarians, regardless of their religion.

EGYPT—COURT DISALLOWS FORCED CONVERSION TO ISLAM

A news article published by [COMPASS DIRECT](#) on 3 February 2006 reports that in a landmark ruling, Cairo's District No. 1 Administrative Court has allowed two young Coptic Christian girls whose father had converted to Islam when they were infants to retain their official religious identity as Christians. The two sisters in Egypt were being forced to change their religious identity because their estranged father had converted to Islam and had covertly changed the religious designation for his daughters. The girls went to court to fight their forced designation as Muslims. Under the Egyptian law, Christian citizens are free to convert legally to Islam, but Muslims are prohibited from changing their religion. At least 10 percent of Egypt's population is Coptic Christian.



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GLOBAL—OIC URGES UN TO ADOPT RESOLUTION PROHIBITING DEFAMATION OF ALL PROPHETS AND FAITHS

The Organization of Islamic Conference (OIC) has proposed to include, in a text of draft resolution creating the UN's new human rights council, a clause referring to "actions against religions, prophets and beliefs," and state that "defamation of religions and prophets is inconsistent with the right to freedom of expression." According to a news article published by [CNSNEWS](#) on 21 February 2006, the OIC has also urged UN General Assembly adopts resolution outlawing the "defamation of all prophets and faiths," the passage of legislation in the European Parliament "against Islamophobia," the adoption of a "code of ethics" for European media; and the implementation of a UN media standard "which should cover a definition of freedom of speech in case of religious symbols."

INDIA—MUSLIM PERSONAL LAW BOARD SEEKS ABOLITION OF UNIFORM CIVIL CODE

The All-India Muslim Personal Law Board demanded that a provision for a uniform civil code in the Indian constitution be scrapped or the government must at least keep Muslims out of the purview of the uniform civil code, according to a news article published by [THE TELEGRAPH](#) on 31 January 2006. The Board views Article 44's "endeavour to secure for the citizens a uniform civil code throughout the territory of India" goes against the spirit of Article 25, which guarantees the Right to Freedom of Religion. The Board argues that the provision of the uniform civil code as enshrined in article 44 of the Indian Constitution is part of the directive principles of state policy that are not binding like the fundamental rights contained in Article 25.

KOSOVO—PROTESTANT COMMUNITY CONCERNED ABOUT NEW DRAFT RELIGION LAW

Members of Kosovo's minority Protestant community are concerned about a new draft religion law, initially drawn up in secret under the auspices of the Austrian Government, which they fear will privilege the Muslim community as well as the the Catholic and Serbian Orthodox Churches and will grant fewer rights to other communities. According to the news article published by [FORUM 18 NEWS SERVICE](#) on 15 February 2006, the secrecy and lack of openness in the drafting process has led to further criticism within Kosovo. The most controversial clause in the new draft demands communities must have "been legally established for at least 10 years." As there has been no functioning religion law and no legal religious communities in Kosova for the past decade, this in practice means that no new communities will be accorded special status for the next 10 years.

RUSSIA—DRAFT AMENDMENTS TO THE ACT ON FREEDOM OF WORSHIP AND RELIGIOUS ASSOCIATIONS UNDER CONSIDERATION

A new law that limits foreign NGOs may now reach all religious groups in Russia, according to a news article published by [MISSION NETWORK NEWS](#) (MNN) on 24 February 2006. Quoting Russia's [KOMMERSANT NEWS SERVICE](#), the article reports that draft amendments to the Act on Freedom of Worship and Religious Associations



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will sanction the Federal Registration Service to again inspect religious organizations, which have been registered before and are operating in Russia. Once any illegal or extremist actions are spotted, the Federal Registration Service may go to court seeking the ban on activities of inspected organizations. This has made many evangelical Christian organizations concerned

SWAZILAND—HEAD TEACHERS VOW TO DISALLOW FREEDOM OF RELIGION IN MISSIONARY SCHOOLS

The head teachers of the missionary schools in Swaziland have vowed to defy freedom of religion clause in the new constitution of Swaziland allowing all religions to be given fair and equal opportunities in the country. According to a news article published by [THE SWAZI OBSERVER](#) on 22 February 2006, the new clause in the constitution brought mixed reactions. Several schools expressed satisfaction over the freedom of religion clause, the missionary schools running under the African Evangelical Church, however, feel it will be difficult to put the freedom of religion into practice.

TAJIKISTAN—AUTHORITIES DEMOLISH CITY'S SOLE SYNAGOGUE

On 7 February 2006, the authorities in Tajikistan's capital Dushanbe began the demolition of the city's sole synagogue - the only functioning synagogue in the country, reports [FORUM 18 NEWS SERVICE](#). The synagogue serves the small, mainly Bukharan Jewish community in the city. No compensation has been offered so far, however, the authorities have promised to provide a plot of land for the community to build a new synagogue.

TURKEY—COURT DENIES PROMOTION TO A WOMEN TEACHER WEARING HEADSCARF

Turkey's high administrative court ruled that a teacher should be refused promotion because of her decision to wear a headscarf outside the class, according to a news article published by [ABC NEWS](#) online on 11 February 2006. Under Turkish law, women are not allowed to enter schools and other public buildings wearing headscarves. The ban on wearing headscarves in educational institutions has been a controversial one with the ruling Justice and Development Party (AKP) calling for the lifting of the ban on women wearing headscarves in schools and universities. The teacher has vowed to appeal the decision European Court of Human Rights. In an earlier appeal filed by another Turkish women in November 2005, the European Court of Human Rights ruled that the ban is justified to maintain order and avoid giving preference to any religion.

UNITED STATES—

- **CONGRESSMAN SEEKS BAN ON JUDICIAL REVIEW OF PRAYER CONTENT IN STATE LEGISLATURES**

Indiana Congressman Mike Sodrel has introduced a bill that would bar federal judges from ruling on the content of prayer in state legislatures, according to a news article published by [THE INDY CHANNEL](#) on 21 February 2006. The



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legislation would strip federal courts of jurisdiction over reviewing the content of speech in legislatures. The move by the southern Indiana Republican would prevent rulings like the one from a federal judge last year that banned prayers in the Indiana House that promote a specific religion, adds the article. The American Civil Liberties Union of Indiana has [termed](#) the bill a political ploy and an end run around the Constitution.

- **US AIR FORCE SOFTENS GUIDELINES ON RELIGIOUS EXPRESSION**

The [US Air Force](#) released [revised interim guidelines concerning free exercise of religion in the Air Force](#), according to [AIR FORCE PRINT NEWS](#) on 9 February 2006. The revised guidelines no longer caution top officers about discussing their personal religious views with subordinates and that chaplains will not be required to offer nonsectarian prayers, reports [THE WASHINGTON POST](#). The [original guidelines](#) first issued in August discouraged public prayers at routine events and warned superior officers that personal expressions of faith could be misunderstood as official statements.

LEGAL FRAMEWORK

MYANMAR—GOVERNMENT ISSUES OPERATIONAL GUIDELINES FOR UN AND CIVIL SOCIETY GROUPS

[THE FINANCIAL EXPRESS](#) reported on 13 February 2006 that under new guidelines for NGOs in Myanmar government officials must accompany UN and NGO staff when traveling in Myanmar. This is the first time such guidelines have been issued about the ways in which UN agencies and civil society groups must operate in the country. The report states that there are about 60 UN agencies and I/NGOs working in Myanmar, and they have already been limited in their activities. The international humanitarian community is expected to meet the government soon to clarify the regulations.

SUDAN—NEW NGO LAW BILL PASSED IN FINAL READING; FREEDOM OF ASSOCIATION CHALLENGE EXPECTED

The proposed new legislation entitled “[The Organization of Humanitarian and Voluntary Work Bill 2006](#)” (NGO Law Bill) regulating the activities of non-governmental and civil society organizations was passed in a final reading by the National Assembly on 21 February 2006. According to the news article published by [SUDAN TRIBUNE](#), the legislation will have an impact on all national and international non-governmental (NGOs) and other civil society organizations working in Sudan. In a [memorandum](#) addressed to the Sudan National Assembly, Amnesty International has analyzed the draft bill with particular reference to the provisions that can potentially undermine the operation and work of human rights non-governmental organizations (NGOs). According to the [United Nations Sudan Situation Report](#) of 23 February 2006, “the NGO Law remains controversial. Civil society alleges three main problems with the NGO Law. First, it gives excessive powers to the HAC



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(Humanitarian Aid Commission) Registrar, Commissioner, and Minister in terms of issuing and repealing NGO registrations; second, it does not provide for judicial review of appeals to the Minister; and three (sic) it requires fundraising to be approved by the HAC, which, according to NGOs, entrenches Government power over civil society programs. The civil society alliance has indicated they will challenge the validity of the new law before the Constitutional Court on the basis that it violates freedom of association.” According to the UN, civil society groups have vowed to challenge the act in the Constitutional Court, alleging that it violates the freedom of association.

MISCELLANEOUS MATTERS

CENTRAL ASIA—SECOND EDITION OF HANDBOOK ON OSCE HUMAN RIGHTS COMMITMENTS PUBLISHED

The latest edition of a handbook on OSCE human rights commitments has been published, according to the OSCE [press release](#) on 16 February 2006. The book is a joint publication of the OSCE Center in Tashkent and the National Human Rights Center of Uzbekistan. The handbook features fundamental OSCE human rights obligations and helps learn more about international human rights obligations.

CHINA—NGOs SELECTED TO SERVE AS PARTNERS IN STATE-FUNDED POVERTY WORK

An [ASIAN DEVELOPMENT BANK](#) (ADB) [news alert](#) released on 21 February 2006, disclosed that non-government organizations have been competitively selected to serve as partners in state-funded poverty work. Selected NGOs, ranging from those based in Jiangxi to internationally-associated NGOs, will shortly begin poverty alleviation work in six villages found in three poor counties in Jiangxi under Phase 1 of the pilot test under a technical assistance (TA) project on “NGO-Government Partnerships in Village-level Poverty Alleviation” announced in December 2005. This is the first time in the PRC that state funds for national programs have been channeled through NGOs on a significant scale. ICCSL partner Chinese Association of Non-governmental Organizations (CANGO) was among the NGOs selected in the competition.

GLOBAL—

- **BLUEPRINT FOR NEW UN HUMAN RIGHTS BODY UNVEILED**

At the informal consultations of the plenary on the human rights council, the President of the United Nations General Assembly, Jan Eliasson, in his [statement](#) on 23 February 2006 unveiled the draft blueprint for the new Human Rights Council with a higher status and greater accountability than the much-criticized Human Rights Commission. In September last year, the leaders in the United Nations resolved to create Human Rights Council. A vote on the proposal could come as early as next week, according to Mr. Eliasson. UN Secretary-General, Kofi Annan, has urged Member States to quickly approve the latest draft.



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- **INTERNATIONAL GAY ASSOCIATIONS BEING DENIED CONSULTATIVE STATUS WITH ECOSOC**

The UN Committee on Non-governmental Organizations has turned down the recommendation of consultative status with the Economic and Social Council (ECOSOC) for the International Lesbian and Gay Association (ILGA) and the Danish National Association for Gays and Lesbians, according to an ECOSOC [press release](#) of 23 January 2006. The Committee on Non-Governmental Organizations recommended eleven NGOs for consultative status with the ECOSOC, and decided, by recorded roll-call votes. Votes against recommending both NGOs for consultative status came from: Cameroon, China, Cuba, Iran, Pakistan, the Russian Federation, Senegal, Sudan, US, and Zimbabwe. Voices in favor came from: Chile, France, Germany, Peru, and Romania. Colombia, India and Turkey abstained. Organizations that have consultative status can attend meetings of the Council and circulate statements of a certain length.

RUSSIA—SITUATION IN RUSSIA IN AREAS OF CIVIL SOCIETY AND DEMOCRATIC GOVERNANCE IS IN DECLINE

In a testimony for the U.S. Commission on Security and Cooperation in Europe on 8 February 2006, Andrew Kuchins of the Carnegie Endowment for International Peace, speaking on the topic - "[Human Rights, Civil Society, and Democratic Governance in Russia: Current Situation and Prospects for the Future](#)" - said that although the new NGO law recently signed by the Russian President is an improved version and is principally better for foreign NGOs operating in Russia, as compared to the draft initially approved by the Duma, the real question is how the new NGO legislation will be implemented in Russia. "As with the selective application of law in the Yukos case, we can expect that the new NGO law will be very selectively applied to shut down NGOs considered against the interests of the Kremlin. The legislation will also likely push organizations to further self-censor their statements and activities," said Kuchins, who just completed his tenure as director of the Carnegie Moscow Center. He also opined that in the areas of civil society and democratic governance, the situation in Russia in the last few years has been in the wrong direction that does not seem to change in the near future.

UNITED ARAB EMIRATES—SOCIAL AFFAIRS MINISTRY GRANTS LICENSE TO FIRST HUMAN RIGHTS NGO

The United Arab Emirates has authorized its first non-governmental organization to begin work to enforce human rights in the state, according to a news article published by [THE PENINSULA](#) on 23 February 2006. The Emirates Human Rights Association (EHRA) aims to raise awareness among individuals and clarifying their rights and duties towards society. EHRA was granted a license to operate on 18 February 2006.

SWAZILAND—NEW CONSTITUTION COMES INTO EFFECT

The new constitution of Swaziland came into effect on 8 February 2006. According to a news article published by [IRIN](#), the new constitution did not specifically provide



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for political parties to function. A bill of rights, in the new constitution, guarantees Swazi people freedom of assembly and speech, but the king can suspend these rights if they are found in conflict with the public interest, which is not defined in the document. The new Constitution took 10 years to be drafted.

UNITED STATES—PENTAGON ORDERED TO RELEASE IDENTITIES OF GUANTANAMO BAY PRISONERS

US District Judge Jed S. Rakoff of the Southern District of New York on 23 February 2006, ordered the Department of Defense to release the identities of detainees being held at the US prison camp at Guantanamo Bay, Cuba, to the Associated Press. According to the news article published by [THE STANDARD](#), AP had taken the Government to court in 2004 reveal what is perceived as the most comprehensive list yet of the people being detained at Guantanamo Bay. This is a landmark ruling for human rights and press freedom everywhere around the globe. The media have never been allowed access to the prison camp and even UN investigators were denied access to the detainees, adds the article.

ANNOUNCEMENTS

UPCOMING ICCSL/ACCSL EVENTS—

- **3 APRIL 2006 – PANEL ON UN REFORM**

Together with UNA-USA and the Center for International Social Development of the Catholic University of America, ICCSL will be hosting a conference on UN Reform, including discussions of the Human Rights Council and the Peacemaking Commission. For further information consult the ICCSL website of contact [Prof. Karla W. Simon](#).

- **5 APRIL 2006 – TAMUKA MUZONDO SPEAKS ON “THE HUMAN RIGHTS CRISIS IN ZIMBABWE”**

On 5 April from 4-6 PM ACCSL Associate will be a featured speaker at the Catholic University of America School of Law speaking about the Human Rights Crisis in Zimbabwe. To receive an invitation to this event, please contact [Prof. Karla W. Simon](#).

- **7 APRIL 2006 – PANEL OF INTERNATIONAL NGOS AND NPOS ON CIVIL SOCIETY AND GOVERNANCE, ABA SECTION OF INTERNATIONAL LAW, NEW YORK**

The Committee on International NGOs and NPOs will host a special session at the ABA Section of International Law Meeting in New York, where speakers will discuss issues related to governance and civil society's role in holding governments accountable. Tamuka Muzondo, ACCSL Associate, will present a paper on the role of CSOs in the African Union and Nepad. Further information is available on the website of the Section of International Law.



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NEW AND FORTHCOMING PUBLICATIONS—

- **CPJ RELEASES ANNUAL PRESS FREEDOM REPORT**

The [Committee to Protect Journalists](#) (CPJ) has launched its annual press freedom report “[Attacks on the Press in 2005](#),” documenting hundreds of cases of media repression around the world. In addition to highlighting trends in press freedom, the report documents serious crackdowns launched against journalists in selected countries including Nepal, Uzbekistan, Ethiopia and Yemen.

- **FIRST EVER GUIDE TO GLOBAL MEDIA LAW PUBLISHED**

Charles Glasser's [International Libel and Privacy Handbook](#) is now available in bookstores. Published by [BLOOMBERG PRESS](#) in February 2006, the handbook explains the risks of international libel law offering a side-by-side comparison of laws and customs relating to libel and privacy in major countries worldwide.

- **VAUGHN REPORT ON THE WORLD BANK’S WHISTLEBLOWER PROCEDURES RELEASED**

The [Government Accountability Project](#) (GAP) has released the “[Vaughn Report](#),” (Report on the World Bank’s Whistleblower Procedures) commissioned by the World Bank as a blueprint to modernize its inadequate whistleblower protection policies, according to GAP [press release](#) of 10 February 2006. The Vaughn Report outlines 22 major recommendations to bring reforms most imperative to align the World Bank and other MDBs with international best practices. The full report is available for download on GAP website at http://www.whistleblower.org/content/press_detail.cfm?press_id=358

- **WAN RELEASES ANNUAL REVIEW OF PRESS FREEDOM SITUATION WORLDWIDE**

The [WORLD ASSOCIATION OF NEWSPAPERS](#) (WAN) has released its annual review of the state of press freedom worldwide, according to the news article published by world Association of Newspapers (WAN) on 30 January 2006. The review names Iraq and the Philippines as the most dangerous countries on the globe for journalists.

ENGLAND AND WALES—CONFERENCE ON CHARITIES AND PUBLIC SERVICE DELIVERY

The Charity Commission will hold a one-day conference for charities to share experiences and solutions and to explore the particular needs of charities delivering public services, according to the Charity Commissions’ [news](#) alert. The conference will focus on reasons for engaging in public service delivery and relevance to charities’ mission and values; the relationship between public service delivery and independence; and the role of grant giving charities. The conference will be held at the Connaught Rooms in Covent Garden, London on 21 March 2006.



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PAKISTAN—BULLETIN COVERING FREEDOM OF EXPRESSION ISSUES FOR RURAL JOURNALISTS LAUNCHED

With the technical assistance from UNESCO's International Programme for the Development of Communication (IPDC), the Nawa-i-Ahmedpur Sharqia newspaper has launched a bulletin that covers freedom of expression issues for rural Pakistani journalists, according to the [UNESCO Communication and Information Sector's daily news service](#). The newsletter entitled “Sadiq News” is published in the Urdu language. Its inaugural issue was printed in January 2006.

SCOTLAND—TRAINING SESSION ON NEW CHARITIES REGULATION

Scottish council for voluntary organizations will hold a training session on “[Charity Changes - An Introduction to the new legislation and regulator in Scotland](#),” at SCVO, Mansfield Traquair Centre, Edinburgh on 9 March 2006. This course will explain the basic implications of the Charities and Trustee Investment (Scotland) Act for charities in Scotland, including the role of the Office of the Scottish Charity Regulator (OSCR). More information on the training course is available at SVCO website.

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