



# IJCSL NEWSLETTER

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## CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

### AUSTRALIA—NEW ANTI-TERROR BILL RESTRICTS FOI REQUESTS

The new anti-terror bill introduced recently in the State Parliament in Victoria restricts freedom of information requests. According to a news article published by [THE AGE](#) on 9 April 2006, the bill exempts some documents from the existing 30-year limit, allowing the Government to withhold them indefinitely. Under the new legislation, any documents created by the Counter-terrorism Co-ordination and Emergency Management Department of the Victoria Police would be exempt from freedom of information requests. The Minister will have authority to determine that a document “ceases to be, or is not to be, available for public inspection either indefinitely or for the specified period.” The Civil and Administrative Appeals Tribunal of Victoria would be able to rule on any security-related freedom of information requests. The bill will be debated in State Parliament on 2 May 2006.

### BOLIVIA—CONGRESS TO CONSIDER ACCESS TO INFORMATION LAW DECLASSIFYING MILITARY ARCHIVES

The National Congress (NC) will soon consider a draft Information Law declassifying military archives, according to a news article published by [LOS TIEMPOS](#) on 17 April 2006. The draft, sponsored by the government is currently in the Commission of Human Rights of the House of Representatives and expected to be debated in the NC in June 2006.

### CANADA—FEDERAL ACCOUNTABILITY ACT INTRODUCED

On 11 April 2006, the [Government of Canada](#) introduced the Federal Accountability Act and Action Plan. According to the Government of Canada [press release](#), the Federal Accountability Act and Action Plan will bring forward specific measures to help strengthen accountability and increase transparency in and oversight of government operations. The [Action Plan](#) includes a proposed [Federal Accountability Act](#), supporting policy and other non-legislative measures, and a [draft bill to amend the Access to Information Act](#).

### CHILE—INTER-AMERICAN COURT OF HUMAN RIGHTS TO RULE ON RIGHT OF ACCESS TO GOVERNMENT HELD INFORMATION

International civil society organizations have filed an *amicus curiae* [brief](#) with the Inter-American Court of Human Rights, urging it to rule that the American Convention on Human Rights guarantees the right to access information held by public bodies, according to a news article published by [OPEN SOCIETY JUSTICE INITIATIVE](#) on 30 March 2006. The Court is holding a hearing in Buenos Aires, Argentina, on the case [Marcel Claude Reyes and Others v. Chile](#) in which the petitioners alleged that the Government of Chile violated the right to freedom of expression and free access to state-held information, when the Chilean Committee on Foreign Investment omitted to release information about a deforestation project the petitioners wanted to evaluate. The case marks the Inter-American Court’s first opportunity in its 27-year history to rule on the right of access to government-held



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information. If the court rules in favor of Mr. Reyes, Chile will have to change its laws to reflect that right. The decision will also affect other countries in the region that have signed the Convention. Ruling on the case is expected in three to four months.

## **CHINA—TV BROADCASTERS ORDERED TO STOP USING INTERNATIONAL NEWS FOOTAGE**

China's top media body has issued new regulations requiring television broadcasters to stop using international news footage. According to a news article published by [THE CHINA POST](#) on 14 April 2006, the new regulations ban the use of non-approved video and reports supplied directly by foreign news services or satellite broadcasters. The new rules require all stations must only use the international news reports of China Central Television and China Radio International. The new regulations can be found at the website of [State Administration of Radio, Film and Television](#).

## **GLOBAL—NGOS URGE IMPROVED ACCESS AND PARTICIPATION AT THE UN**

In a letter submitted to the President of UN General Assembly, a group of NGOs has urged the United Nations must strengthen and deepen its relations with NGOs in order to create a stronger, more effective and more legitimate organization. According to the [GLOBAL POLICY FORUM](#) news article on 28 March 2006, the recommendations in the letter include NGOs access to the new Human Rights Council, Peacebuilding Commission, and the General Assembly. It also calls for better support for the UN's NGO Liaison Service (NGLS), and the appointment of a high-level person on NGO affairs in the Executive Office of the Secretary General.

## **SIERRA LEONE—FOI BILL PRAISED IN PARLIAMENT**

Sierra Leone Parliamentarians have expressed full support to the proposed Freedom of Information Bill. According to the news article published by [AWARENESS TIMES](#) on 18 April 2006, the House of Parliament, through the Deputy Speaker of the Sierra Leone Peoples Party (SLPP) dominated Parliament urged the civil society groups like the FOI coalition to help Parliamentarians do their job better. The minority leader also expressed support, pointing out that if the FOI bill is passed into law it will serve as a deterrent to corrupt individuals and officials.

## **UGANDA—ACCESS TO INFORMATION ACT COMES INTO FORCE**

The Access to Information Act signed by the President Yoweri Museveni last year came into force on 20 April 2006, according to a news article published by [NEW VISION ONLINE](#).

## **ZIMBABWE—NEW LAW RESTRICTING FREE FLOW OF INFORMATION PROPOSED**

The government has proposed a new law that will empower the government to intercept and monitor internet communications. According to a news article published by [ZIMONLINE](#) on 14 April 2006, the draft law would be another blow to free flow of information in Zimbabwe in addition to imposing severe restrictions on journalists and newspapers in the country. Under the proposed law, the state will be empowered to monitor telephone and internet communications among citizens and



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organizations while internet service providers will be asked to spy on their clients and report to the police anyone caught receiving or sending out information deemed detrimental to the national interest. Although media stakeholders and rights groups are currently lobbying parliamentarians to block the passage of the bill, they have vowed to fight in court if it is eventually passed into law. Zimbabwe already has worst form of media laws calling for journalists to be detained for up to two-year jail terms if they practice without a license from the state's Media and Information Commission.

## FISCAL MATTERS

### **BAHRAIN—PROPOSAL TO EXEMPT CHARITY FUNDS TRANSFER FEE GOES TO THE CABINET**

Money transferred from the accounts of charitable funds and societies could soon be exempted from bank transfer fees, according to a news article published by [GULF DAILY NEWS](#) on 26 April 2006. Members of the Parliament have voted in favor of the proposal, which will be now taken to Cabinet for a final decision.

### **CANADA—CRA REVIEWS LEGAL TERMINOLOGY USEFUL FOR CHARITIES**

[Canada Revenue Agency](#) (CRA) has reviewed several legal terms charities may need to understand in their daily work and in their relations with the tax agency, according to a news article published by [CANADIAN FUND RAISER eNEWS](#) on 15 April 2006. According to CRA, terms sometimes have more specific meanings within the Income Tax Act than in common usage. "Legalese for Charities" [Part-I](#) and [Part-II](#) discuss such terms.

### **SRI LANKA—GOVERNMENT SET TO DRAFT NEW LAWS TO REGULATE NGOS GIVING MICRO-FINANCE**

The Sri Lanka government is in the process of drafting a new law to regulate micro-credit organizations in the county. According to a news article published by [LANKA BUSINESS ONLINE](#) on 20 April 2006, the legislation will cover thrift units operated by co-operative societies, thrift associations in the Samurdhi income support program of the government and other NGOs in the sector. The proposed law will also impose audit requirements and bring better corporate governance in the sector.

### **TRANSNISTRIA—**

- **NGOS BARRED FROM RECEIVING FOREIGN FUNDING**

Transnistrian leader Igor Smirnov has signed a decree prohibiting NGOs from receiving any funding from abroad. According to a news article published by [MOLDOVA AZI](#) on 9 March 2006, the decree prohibits money and property from international or foreign organizations, countries, citizens, and anonymous sources. The foreign entities are also barred from becoming founders and participants in establishing non-commercial organizations. The State Tax Inspection will have



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control over NGO/NCO incomes. Any NCO found in violation of the new law will be suspended.

- **STUDY ON CIVIL SOCIETY PUBLISHED**

A study entitled “[The Third Sector in Transnistria: Public Opinion and Cross-Sector Cooperation](#)” has been published within the [Peace Building Framework \(PBF\) Project](#). The report sheds light on current state of civil society in Transnistria. According to the report, there are more than 750 registered nongovernmental associations in Transnistria, functioning as social organizations, foundations, movements, institutions, nonprofit partnerships and autonomous nonprofit organizations, foundations, institutions, associations and unions. [Transnistria](#) is a region of the Republic of Moldova in Eastern Europe. The unrecognized state has been de facto independent since 2 September 1990, when it made a declaration of independence from Moldova.

## **UNITED KINGDOM—PROPOSED CHANGES TO BUSINESS TAX LAW MAY AFFECT SOME CHARITIES**

The Budget 2006 (for previous coverage see [April 2006 issue of IJCSL-Newsletter](#)) proposed some changes to the Business Tax law that may affect some charities. According to a news article published by [DIRECTORY OF SOCIAL CHANGE](#) (DSC), the Budget has announced a new relief that will formalize a prior revenue concession to help some charities. It will be possible to treat the charity as carrying on two separate trades -- one that qualifies for exemption in full, and the other does not. This will apply for all chargeable periods starting on or after 22 March 2006.

## **FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY**

### **EGYPT—**

- **EMERGENCY LAWS EXTENDED**

[The New York Times](#) reported on its website that Egypt’s parliament agreed on 30 April 2006 to a two-year extension of emergency law requested by the government while it prepares replacement anti-terrorism laws. The Muslim Brotherhood, the strongest opposition force, said there was no justification for extending the law, which President [Hosni Mubarak](#) last year promised to substitute with anti-terrorism legislation.

- **CLAMPDOWN ON PROTESTS**

An article published by the [New York Times](#) on 28 April 2006 states that on the previous day thousands of riot police officers sealed off access to the High Court, beating and arresting protesters who had turned out to support two judges facing a disciplinary panel because they had accused the government of election fraud. The huge show of force, appearing larger even than what was deployed in the Sinai after four bombings there, seemed to signal that President [Hosni Mubarak's](#) government had reached a breaking point over shows of dissent.



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## **MALAWI—CIVIL SOCIETY LEADERS MEET WITH GOVERNMENT; AGREE NOT TO DEMONSTRATE DURING PLANNED VISIT OF ROBERT MUGABE**

A story circulated on the Civil Society Net for Malawi reports that the leaders of civil society organizations who met President Bingu wa Mutharika Monday at New State House backtracked on their position to oppose and demonstrate against Zimbabwean President Robert Mugabe's visit to Malawi, describing their earlier stance as a product of lack of information. The group's spokesperson, who is also Programme Manager for Church of Central African Presbyterian (CCAP) Blantyre Synod, Billy Mayaya, described the conclusion of the group to the media after meeting with Mutharika for over four hours.

## **NIGERIA—ANTI-GAY LEGISLATION PROPOSED**

The government has proposed anti-gay legislation, according to a news article published by [GCN](#) on 27 April 2006. The proposed legislation not only criminalizes same-sex marriage, but also advocacy groups and/or public demonstrations focused on gay couples. The planned new legislation also prohibits gay organizations, churches, advocacy and sympathetic advice and welfare support for lesbians and gay.

## **PHILIPPINES—CALIBRATED PREEMPTIVE RESPONSE (CPR) TOWARDS STREET PROTESTS NULLIFIED**

The Supreme Court of Philippines has declared the Arroyo administration's "calibrated preemptive response," (CPR) towards street protests unconstitutional on the grounds that it violates the freedom of peaceful assembly, according to a news article published by [PHILSTAR](#) on 26 April 2006. While declaring CPR unconstitutional, the court upheld a 21-year-old law on public assemblies that requires organizers to secure a permit for rallies in public places. It also gave local governments 30 days to designate "freedom parks" where demonstrations can be held without a permit under the same 1985 law.

## **UAE—GOVERNMENT VOWS TO GIVE WORKERS RIGHT TO FORM TRADE UNIONS AND BARGAIN COLLECTIVELY**

The country's labor minister has vowed to adopt a law that will give laborers the right to form trade unions and bargain collectively, according to the news article published by [THE MERCURY NEWS](#) on 30 March 2006. The new law is expected to be in place by the end of this year.

## **FREEDOM OF EXPRESSION**

### **AUSTRALIA—2006 PRESS FREEDOM REPORT RELEASED**

The 2006 Australian Press Freedom Report has been released. According to a news article published by [THE AUSTRALIAN](#), the report documents the ways in which the media is muzzled in 2006 and says new sedition law, pushed through parliament as part of the Anti-Terrorism Act and being reviewed by the Australian Law Reform



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Commission, is a backward step that compromises democratic freedom in the name of national security. The report also highlights the freedom of information test case to come before the High Court on 18 May.

## **CAMBODIA—PM VOWS TO ABOLISH IMPRISONMENT FOR DEFAMATION**

Prime Minister Hun Sen has vowed to abolish imprisonment for defamation in Cambodia and urged other countries in Southeast Asia to follow suit in the interest of real and lasting press freedom, according to the news article published by [IFEX](#) on 25 April 2006. Announcing the proposed reform at a news conference the PM, nevertheless, warned journalists to “draft their articles well” in order to avoid lawsuits.

## **GLOBAL—MUSLIM STATES CAMPAIGN FOR LINKAGE OF FREE EXPRESSION WITH RESPECT FOR RELIGIOUS VALUES**

In the wake of Mohammed cartoon controversy, the Islamic states are calling the international organizations to take appropriate steps, including legal measures and tie freedom of expression to “respect for cultural diversity, religious beliefs and religious symbols,” according to a news article published by [TOWNHALL](#) on 23 April 2006. The Saudi-based Organisation of Islamic Conferences (OIC) secretariat is spearheading the international campaign promoting the issue at the United Nations and European Union. The Islamic campaign has won sympathetic responses from some senior UN and EU figures.

## **INDIA—BAN ON DANCE BARS LIFTED**

The Mumbai High Court has struck down a state ordinance banning dance bars in the state. According to the news article published by [EXPRESS INDIA](#) on 12 April 2006, dance bars were banned on 15 August 2005 by an amendment introduced by the State Legislature in the Mumbai Police Act. While declaring the ban unconstitutional, the Bombay High Court granted eight weeks’ time to the state government to file an appeal in the apex court. Bar-owners associations, bar dancers, women activists, and NGOs filed the petitions challenging the ban.

## **MEXICO—**

### **• CONGRESS ENACTS LAW PRESERVING SOURCE SHIELD LAW**

A new legislation to safeguard the professional secrets and to preserve the information of the journalists has been approved by the congress, according to a news article published by [STAR TELEGRAM](#) on 20 April 2006. The new law, called the Professional Secrecy Act, will allow Mexican journalists to protect their sources of information. The move is part of a series of laws supporting press freedom that have been introduced since Mexico restored multiparty democracy in 2000.

### **• BILL TO AMEND DEFAMATION LAWS GOES TO THE SENATE**

A bill seeking amendment in the penal and civil code to decriminalize libel and defamation now goes to the Senate for ratification, according to a news article



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published by [IFEX](#) on 21 April 2006. The amendments seek to repeal existing provisions that permit prison sentences for reporters who commit libel or defamation. Articles 350 to 363 of the federal penal code would be repealed, and journalists would no longer face prison sentences. The legislation makes defamation, libel, and slander civil offenses under articles 1916 and 1916b of the civil code, and thus they would be subject to monetary damages only.

## **MONGOLIA—POLITICIANS USE DEFAMATION LAWS TO SILENCE JOURNALISTS**

Punitive defamation laws continue to be frequently used by Mongolian politicians to silence journalists reporting on government corruption. According to a news article published by [GLOBE INTERNATIONAL](#) on 30 March 2006, a survey on libel and defamation suits in the six district courts of Mongolia's capital Ulaanbaatar reveals that a total of 121 civil defamation charges were brought against journalists and media organizations between 2001 and 2004. Out of these 33 were initiated by politicians and another 13 by public officials and organizations. Mongolia's strict defamation legislation and secrecy laws make it dangerous for journalists even to make simple references to anything concerning topics such as state corruption.

## **FREEDOM OF RELIGION AND BELIEF**

### **ALGERIA—CONVERSION OF MUSLIMS TO OTHER RELIGIONS BANNED**

A law forbidding non-Muslims from seeking to convert Muslims to another religion has been passed, according to the news article published by [REUTERS](#) on 6 April 2006. The new law stipulates five years imprisonment and a fine of between 5,000 and (USD 68) and 10,000 Algeria dinars (USD 137) for non-Muslims who try to convert Muslims to another religion. Before this measure was adopted, there was no legislation prohibiting the conversion of Muslims to other religions.

### **CHILE—GOVERNMENT PREPARES TO SET UP RELIGIOUS AFFAIRS OFFICE**

The Chilean government of President Michelle Bachelet is preparing to set up a Religious Affairs office, according to a news article published by [ACL NEWS](#) on 19 April 2006. The Religious Affairs Office is aimed at developing relationships among different creeds and religions and to help narrow the existing distance between the Catholic Church and minority religious groups in Chile.

### **EGYPT—COURT RECOGNIZES EGYPTIAN BAHÁ'IS**

The Administrative Court has recognized the right of Egyptian Baha'is to have their religion acknowledged on official documents, according to a news article published by [REUTERS ALERT NET](#) on 6 April 2006. A 1960 law officially dissolved Baha'i institutions in Egypt. However, the right of Baha'is to identify themselves as such on formal records and certificates was recognized by a court decision in 1983. In 2004 the Civil Status Department of the Interior Ministry reinstated the policy of forcing Baha'is to identify as Muslim or Christian. After the current ruling of the



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Administrative Court, the Baha'is who constitutes a tiny minority in Egypt, will again be able to identify themselves as such on formal records and certificates.

## GLOBAL—

- **RELIGIOUS LEADERS WILL MEET TO DISCUSS FREEDOM OF RELIGION AND INTERNATIONAL SECURITY**

2nd Congress of the Leaders of World and Traditional Religions will be held in Astana in September 2006. According to a news article published by [INTERFAX](#), the leaders will discuss freedom of religion and the role of religious leaders in strengthening international security.

- **U.N. SPECIAL RAPPORTEUR FOR RELIGIOUS FREEDOM CALLS FOR GREATER SUPPORT FROM CIVIL SOCIETY**

Asma Jahangir, the UN special rapporteur for Freedom of Religion or Belief has called for greater support and involvement from civil society to advance religious freedom. According to a news article published by [ADVENTISTISCHER PRESSEDIENST](#), Ms. Jahangir was speaking at a meeting with non-governmental organizations held in Geneva Switzerland on 6 April 2006.

## INDIA—

- **RAJASTHAN PASSES ANTI-CONVERSION BILL**

On 7 April 2006, the Rajasthan Assembly passed the “Rajasthan Dharma Swatantraya Bill, 2006” (Religious Freedom Bill). A news article published by [THE HINDU](#) states that the Anti-conversion Bill has a provision for re-conversion to Hinduism. The critics of the bill argue the bill is an attack on freedom to profess, practice, and propagate religion, and that the legislation can be misused against Sikhs, Muslims, Christians, Buddhists, Jains, and others. The new law [contains stringent provisions](#). Engaging in conversion activities by means prohibited by the new law will be a non-bailable offense. Anyone found engaged in such activities will face imprisonment for up to five years and stiff fines. Rajasthan is the sixth state after Madhya Pradesh, Orissa, Tamil Nadu, Gujarat and Chhattisgarh to prevent “forceful religious conversion.”

- **COURT DENIES TRIBAL POSTS TO CHRISTIAN CONVERTS**

The Supreme Court of India has upheld a law that excludes Christians from running for the office of headman in Elaka Jowai, Meghalaya state, according to a news article published by [WORTHY NEWS](#) on 5 April 2006. The ground for exclusion of Christians is that a Christian cannot perform the religious functions attached to the office. The headman, leader of a cluster of villages known as an *elaka*, performs certain ritual functions and therefore has normally been a follower of the local traditional religion. Before the current ruling there have been several instances where a *niam* (who works alongside the headman) performs the rituals of a religious nature.



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## **INDONESIA—DECREE OBSTRUCTING RELIGIOUS FREEDOMS CHALLENGED**

The Joint Ministerial Decree on building places of worship issued during the month of March 2006 (for previous coverage see [April 2006 issue of IJCSL-Newsletter](#)) has been challenged in an appeal to the country's Supreme Court alleging that the decree violates the constitution. According to a news article published by [ADNKRONOSINTERNATIONAL](#) on 30 March 2006, the new decree stipulates that any attempt to set up a house of worship must take into account the religious composition of the district where it is expected to stand. If authorities find a request fits the composition, applicants need to show at least 90 people in the area will use the facility and that at least 60 other residents from other religions approve of having it in their neighborhood.

## **ROMANIA—DRAFT LAW ON RELIGIOUS FREEDOM FINALIZED**

A [draft law](#) on religious freedom has been finalized, according to the news article published by [BUCHAREST DAILY NEWS](#) on 12 April 2006. The deputies will soon adopt the draft law. Some provisions that hinder religious freedom still need to be modified such as the requirement that religious association must have 300 members to function. Most of the religious communities, however, are reported to be content with the draft law. The Greek Catholic denomination, however, has expressed concerns mainly because the draft does not resolve the issue of the restitution of land properties that belonged to them prior to the Communist era. According to the news sources, this issue will be addressed under a separate legislation.

## **SERBIA—**

- **NATIONAL ASSEMBLY PASSES LAW ON CHURCHES AND RELIGIOUS COMMUNITIES**

On 20 April 2006, the National Assembly of Serbia passed the long awaited Law on Churches and Religious Communities, according to a news article published by [FORUM 18 NEWS SERVICE](#). The draft law remained extremely controversial and the official law as passed was not publicly available until 21 April. According to unconfirmed reports, the new law requires new religious communities to have 8,000 signatures to obtain registration. The law will come into force after being signed by the President and formally published in the official gazette.

- **SERBIA AND MONTENEGRO—OSCE CONCERNED OVER NEW RELIGIOUS LAW**

The Mission to Serbia and Montenegro of the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe (CoE) Office in Belgrade have expressed grave concern over certain provisions of the recently adopted Serbian Law on Churches and Religious Communities, according to an OSCE [press release](#) on 25 April 2006. The Mission claims the newly adopted law is in violation of European Convention on Human Rights of which Serbia and Montenegro is a signatory. It is also concerned over other provisions in the law including the discretionary powers provided to state and religious authorities, and the effect of “non-registration” on some basic guarantees of freedom of religion.



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The OSCE has offered its advice and assistance in future efforts to improve the legislation. (for previous coverage on the religion law see [April 2006 issue of IJCSL-N](#)).

## **UNITED STATES—EAST POINT'S ZONING ORDINANCE CHALLENGED IN FEDERAL COURT**

The zoning and planning commission for the city of [East Point](#) has prohibited the Tabernacle Community Baptist Church from occupying structures that had previously been used for commercial purposes. According to a news article published by [MACON](#) on 19 April 2006, the church has filed a federal lawsuit in the US District Court for the Northern District of Georgia seeking a court order to strike down the city of East Point's zoning ordinance that prohibit churches from occupying buildings that were not originally built as churches. The church chose the disputed property a year ago because of its availability, price, and central location in the heart of East Point.

## **VIET NAM—GOVERNMENT HIGHLIGHTS POLICY ON RELIGIOUS FREEDOM**

Highlighting the government's policy on religion, the head of the Government's Committee for Religious Affairs Ngo Yen Thi told a press conference on 24 April 2006 that Vietnam would continue to guarantee its citizens' rights to freedom of belief and religion. A news article published by [NHAN DAN](#), reported that Thi highlighted the main provisions of the Ordinance on Belief and Religion that came into effect in November 2004 and assured listeners that the State's policy on religion was to respect and ensure freedom of belief and religion for all Vietnamese citizens according to the country's constitution. There are, however, several religious sects still un-recognized in Viet Nam, including Missionary Christian Protestantism, Renaissance Christians, and Baptists. The activities of these sects, nevertheless, have been carried out in a normal manner. The Government has plans to develop a register for religious activities and will consider recognition of new religious organizations according to the Ordinance on Belief and Religion.

## **LEGAL FRAMEWORK**

### **HONDURAS—ICNL AND FOPRIDEH CO-HOST NPO LAW FORUM**

On 22 and 23 March 2006 [ICNL and its local partner in Honduras, FOPRIDEH](#), co-hosted Honduras' first-ever Forum on Not-for-Profit Law. In all, over 175 civil society, government, private sector, and university representatives attended the event. On the first day of the forum, experts from Chile (Felipe Viveros), Costa Rica (Tanya Lockwood), El Salvador (Victor Hugo Mata), and Venezuela (Antonio Itriago) participated in a question and answer plenary sessions that enabled them to provide an introduction to key issues including the role of CSOs in their respective countries and the legal framework governing their activities. More information on the forum and the topics discussed can be found on the ICNL website.



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## **JAPAN—BILL ON REFORM OF PUBLIC BENEFIT CORPORATION SYSTEM PASSES LOWER HOUSE OF DIET (PARLIAMENT)**

According to information received from the [Japanese Association of Charitable Organizations \(JACO\)](#) on 20 April 2006) three bills on reform of the NPO legislation have passed through the House of Representatives (the Lower House) and will be delivered to the House of Councilors (the Upper House) immediately. There they will also be discussed at a Special Committee as was done in the Lower House.

- (1) Bill of the “ general incorporated association and foundation law;”
- (2) Bill of the “ charitable status recognition law;” and
- (3) Bill of the “ relative transition, modification and repeal law.”

In his testimony before the Special Committee, Mr. Tatsuo Ohta, President of JACO, emphasized the importance of civilian-oriented composition of the Charitable Status Recognition Committee (i.e. Charity Commission) and its staff as well as the necessity of intensive involvement by the Civil Sector in drafting the relative regulations and/or by-laws, which will follow the enactment of these Bills. The points raised by him are reflected in the supplementary resolution not only of the Special Committee but also of the plenary session of the Lower House.

## **KENYA—GOVERNMENT PUBLISHES PAPER TO REGULATE NGOS**

The government has published a paper seeking a comprehensive review of the legal framework regulating non governmental organizations (NGOs) in the country, the Minister of State for National Heritage in the Office of the Vice President Suleiman Shakombo is reported to have said, according to the news article published by [KENYA TIMES](#) on 5 April 2006. The paper will soon be presented in the Parliament for debate. It seeks to replace the NGOs Coordination Act of 1990 and will help promote stability within the National Council of NGOs. In serious cases of breach of the code of conduct, the Council’s regulatory committee could recommend deregistration of an NGO.

## **NEW ZEALAND—NEW ADVICE MADE AVAILABLE ON CHARITIES COMMISSION WEBSITE**

The Charities Commission’s “Update” for April discusses new advice available for charities regarding registration and other matters. The new [Guidance](#) pages include a registration checklist; a glossary of terms; guidance on financial reporting; and a section on more Frequently Asked Questions.

## **SCOTLAND—THE CHARITIES AND TRUSTEE INVESTMENT (SCOTLAND) ACT 2005 COMES INTO FORCE**

[The Charities and Trustee Investment \(Scotland\) Act 2005](#) came into force on 24 April 2006. A news article published by [SCOTLAND TODAY](#) stated that the charities in Scotland must now meet a two-part test – describing the purpose of the organization and how it will benefit the public. All charities must be on the official register and inform the new regulator if they are making any changes such as operating under a



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different name. The Office of the Scottish Charity Regulator (OSCR) has issued [initial guidance](#) for charities and charity trustees on the new test introduced through the Act. The Scottish Parliament passed the Act setting up this system on 9 June 2005.

## **SRI LANKA—GOVERNMENT TO REGULATE VOLUNTEERISM**

UNDP and the Ministry of Social Services and Social Welfare have entered an agreement to promote volunteerism (VOICE) in Sri Lanka. A news article published by [ASIAN TRIBUNE](#) on 27 April 2006 says that the VOICE project consists of three stages. The UN Volunteers (UNV) execution phase of the project will involve facilitating the legislative process that will lead to the establishment of VOICE as a statutory body where the Government of Sri Lanka through the NGO Secretariat in the Ministry of Social Services commits itself to sustain support for VOICE as the premier volunteer promotion agency in Sri Lanka.

## **UGANDA—**

- **NGO REGISTRATION AMENDMENT BILL PASSED**

The Non-Governmental Organizations (NGO) Registration Amendment Bill 2001 requiring NGOs and evangelical churches to renew their registration permits annually has been passed by the Parliament, according to a news article posted by [RELIEF WEB](#) on 11 April 2006. The Bill also gives security (ISO and ESO) representation on the NGO board. The bill was first submitted to Parliament in December 2000.

- **TOUGHER GUIDELINES ON THE OPERATIONS OF I/NGOS ISSUED**

Following the passage of NGO Registration (Amendment) Bill on 7 April 2006 in the parliament of Uganda, the government has issued tough guidelines on the operation of local and international non- governmental organizations (NGOs) in the country. The government accused the NGOs of undermining the country's national interests, advancing external gains, and operating outside their licensed activities, according to the news article published by [RELIEFWEB](#) on 13 April 2006. The major government complaint seems to be with the way in which NGOs are reporting the war in the northern part of Uganda.

## **UNITED STATES—**

- **CHARITY LEADERS PUT ADDITIONAL RECOMMENDATIONS TO CONGRESS TO STRENGTHEN THE ACCOUNTABILITY OF CHARITABLE ORGANIZATIONS**

[The Panel on the Nonprofit Sector](#) has put together a report recommending how to curb excessive trustee compensation, stop fraudulent charitable solicitations, and prevent other abuses in the nonprofit world, according to a news article published by [CHRONICLE OF PHILANTHROPY](#) on 26 April 2006. The report proposes changes in several key areas including clear definition of self-dealing rules for private foundations, revision of federal tax forms filed by nonprofit groups, establishment of electronic system to register fund raisers, and strengthening consumer-



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protection laws to prevent abuses by nonprofit credit-counseling groups. The report is available at the Panel on the Nonprofit Sector's Website at <http://www.nonprofitpanel.org/supplement>

- **ALI MEETING TO DISCUSS CHARITY GOVERNANCE**

The meeting of the American Law Institute that will be held in early May 2006 will discuss the draft Principles of Law – Charities – Governance. Reporter Evelyn Brody's draft is available for free for ALI members and to order for others on the [ALI's website](#).

## MISCELLANEOUS MATTERS

### **CROATIA—OSCE HOLDS CONFERENCE ON CIVIL SOCIETY**

During a conference supported by the OSCE Mission to Croatia and held in Zagreb, the representatives of the Office for Associations and the Council for Civil Society Development of the Croatian Government, the National Foundation for Civil Society Development, local self-government, regional and local associations, NGOs, as well as independent experts pointed out the critically low level of social cohesion and discussed ways to develop civil society in Croatia, according to an OSCE [press release](#) on 12 April 2006. The participants also voiced the need to enhance partnership between local authorities, public, business and civil sector in Croatia.

### **GEORGIA -- NGO IMEDI STRIVES FOR DEVELOPMENT OF CIVIL SOCIETY IN TSKHINVALI REGION**

The Tskhinvali-based Center for the Protection of Citizen's Right (IMEDI) was founded with the support of the OSCE mission in Tbilisi. The goal of the organization is supporting the development of civil society in the Tskhinvali region and providing the local population with full information about the ongoing processes and decision-making. The priorities of the Center include ethno-political, legislative, socio-economic, and other local problems. The aim of the Center is raising public awareness of the issues of human rights and implementing the program of training and educating local populations to promote their professional development. Those interested in knowing more about IMEDI please contact the Center at: Kurta Village, Tskhinvali, Georgia tel: 983 48 20; 36 33 71 E-mail: [keti54@rambler.ru](mailto:keti54@rambler.ru).

### **KUWAIT—WOMEN CAST VOTE FOR THE FIRST TIME**

On 4 April 2006, the Kuwaiti women cast their first ever vote in by-election for a municipal council seat in the district of Salmiya, according to the news article published by [BBC](#). The district has 28,000 eligible voters, 60% of whom are women. Women were granted full political rights in a historic vote in parliament in only May 2005. Kuwaiti women will also be able to vote in the general election scheduled for 2007.



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## **RUSSIA—DISTRICT COURT REJECTS GOVERNMENT PLEA TO CLOSE HUMAN RIGHTS NGO**

The Basmanny District Court has rejected the government's request to close the [Russian Human Rights Research Center](#), according to the news article published by [THE MOSCOW TIMES](#) on 11 April 2006. Claiming it had not filed required reports on its activity for more than five years, the Russian Justice Ministry had requested the court liquidate the Center. The Center is a major human rights umbrella group and the rights advocates in Russia are viewing the court decision important for NGOs facing increased pressure since Russian President Vladimir Putin signed a controversial law earlier this year.

## **TURKEY—ANTI-TERROR BILL SAID TO RESTRICT CIVIL RIGHTS AND FREEDOMS**

On 17 April 2006, the Cabinet [approved](#) a new draft law on combating terrorism. The draft is soon to be presented in the Parliament for debate, according to a news article published by [SOUTHEAST EUROPEAN TIMES](#). The Turkish media have [criticized](#) the government's proposal for a revised anti-terror law, saying the draft defined too many actions as terror and could easily be misused. Rights groups are also [skeptical](#) about the proposed draft. The Association for Human Rights and Solidarity with the Oppressed (MAZLUMDER) executive board member lawyer Nesip Yıldırım is reported to have said "With this draft, the peaceful activities and legitimate criticism of non government organisations and civilian initiatives can be silenced under the excuse of activities of armed groups and the very right for civil willpower to exist, may be blocked," according to the news article published by [BIA NEWS CENTER](#) on 24 April 2006.

## **UZBEKISTAN—CLOSURE OF ABA/CEELI EXPECTED**

Uzbekistan's authorities have decided to close the local office of the American Bar Association Central European and Eurasian Law Initiative (ABA/CEELI), according to the news article published by [ITAR-TASS NEWS AGENCY](#) on 23 April 2006. The organization is alleged to have operated in violation of its charter, supported and set up local NGOs, provided legal assistance to them and concealed financial documents. According to a news article published by [RUSSIAN NEWS & INFORMATION AGENCY RIA NOVOSTI](#), the court in the capital of Uzbekistan ruled on 27 April 2006 to close the representation of the ABA/CEELI.

## **ANNOUNCEMENTS**

### **GLOBAL—**

- **5TH MEDIA LAW ADVOCATES TRAINING PROGRAM TO BE HELD AT THE UNIVERSITY OF OXFORD**

In collaboration with the Open Society Justice Initiative and other organizations, Programme in Comparative Media Law and Policy (PCMLP) will hold [5th Media Law Advocates Training Program](#) in human rights and media law. This three weeks training program to be held at the University of Oxford from 9 - 28 July



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2006 is designed for lawyers who are interested in deepening their understanding of the various regional and international human rights systems, focusing on the protection and promotion of the exercise of the rights to freedom of expression and information. Further information on the training program is available at [Programme in Comparative Media Law & Policy \(PCMLP\) Centre for Socio-Legal Studies, University of Oxford](#) web site.

- **DIHR TO HOLD SEMINAR ON HUMAN RIGHTS AND RELIGION**

The Danish Institute for Human Rights will conduct a seminar on “[Human rights and religion: the right to freedom of religion and the right to freedom of speech](#)” on 2 May 2006. Tim Jensen, Head of the Department of the Study of Religions, and a lecturer at the Institute of Philosophy, Education, and the Study of Religions at the University of Southern Denmark will deliver a lecture. The seminar is part of the Human Rights Seminar Series hosted by the Danish Institute for Human Rights.

- **FIRST INTERNATIONAL RECRUITMENT SERVICE LAUNCHED FOR THE NON-PROFIT SECTOR**

CR Search and Selection and Daryl Upsall Consulting International have launched a new website that offers charity job seekers the chance to review job opportunities in the global non-profit community. According to its press release, the new website “[Global Charity Jobs](#)” launched on 30 March 2006, will help those searching for senior posts within the sector in mind. It also allows NGOs to advertise job vacancies to a larger audience, while providing information for job seekers on applications and preparing for interviews.

## NEW PUBLICATIONS AND REPORTS—

- **CENTRAL AND EASTERN EUROPE –USAID RELEASES FAVORABLE EVALUATION OF ICNL’S WORK INITIATED IN 1994**

In 1994 ICNL, which was founded by the founders of ICCSL in 1992, was awarded a regional project to develop the legal frameworks for the Demnet Project of USAID, working throughout Central and Eastern Europe (CEE) and later Southeastern Europe (SEE). Under the first cooperative agreement as well as subsequent ones, ICNL developed a methodology of operations that has received a [very favorable evaluation by USAID both in terms of its sensitivity and its effectiveness](#). One of the particular areas of work in which its founders are still active in CEE is teaching the [Comparative Civil Society Law course at Central European University](#), which was singled out for praise by the evaluators – “As reported by several A and B list respondents, the most successful [education] program is the Central and East European University NPO law course and clinic.”

- **GLOBAL--ARTICLE 19 RELEASES LEGAL ANALYSIS**

During the month of April, [ARTICLE 19](#) released new legal analysis on draft and newly enacted legislation in several countries including the draft [Audiovisual](#)



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[Code \(Broadcasting Law\) of Moldova](#), and newly enacted [Sedition Laws of Australia](#). Commenting on Broadcasting Law of Moldova, ARTICLE 19's Memorandum concludes that the Code is a serious effort to comply with international standards, but still requires further work to guarantee a truly democratic broadcasting system.

- **SCOTLAND--CIVIL SOCIETY INDEX DRAFT REPORT RELEASED**

The [Scottish Civil Society Index Draft Report 2006](#) has been released. The Civil Society Index is an initiative to develop a preliminary assessment of the state of Scottish civil society from four perspectives: its structure; the legal, regulatory, statutory and policy environment; the values; and the impact. This document presents the results of the CIVICUS Civil Society Index (CSI) in Scotland, carried out from December 2003 to December 2005 as part of the international CSI project coordinated by CIVICUS: World Alliance for Citizen Participation and currently implemented in more than 50 countries. The Scottish Civil Society Index Report will be showcased at the [CIVICUS World Assembly](#) in June 2006.

- **UNITED KINGDOM--YEAR OF THE VOLUNTEER REVIEW – 2005 RELEASED**

The Home Office has published its official "[Year of the volunteer review – 2005](#)," commissioned from GfK NOP Social Research. The report released on 4 April 2006 was a year-long national campaign across the UK. The objectives of YV05 were: to create awareness and interest among the public about the year; to celebrate the contribution that volunteers make and to promote the benefits of volunteering to individuals and to society; and to increase the opportunities to volunteer and encourage more people to find out about volunteering and get involved.

- **UNITED STATES--REPORT ON VALUE OF RELATIONSHIPS BETWEEN STATE CHARITY REGULATORS & PHILANTHROPY PUBLISHED**

The Council on Foundations (CoF) and the Forum of Regional Associations of Grantmakers has released a new report entitled "[The Value of Relationships Between State Charity Regulators & Philanthropy](#)." According to a CoF [press release](#) on 5 April 2006, the report shows how state charity regulators and philanthropy can work together to strengthen the philanthropic sector. The report also contains individual case studies from four states highlighting how charity regulators and the charitable sector have developed ongoing, productive and mutually beneficial relationships.

## **UNITED KINGDOM—BRITISH VERSION OF GUIDESTAR LAUNCHED**

After a decade of successful operation in the United States, the GuideStar model has now been launched in the United Kingdom. A GuideStar UK [press release](#) on 17 April 2006 made the announcement. GuideStar UK has completed its development phase and successfully launched its free public website to the UK public. The [GuideStar UK](#) website was started in December 2005. It presents information on the activities, organization, and finances of all 167,000 registered charities in England and Wales.



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