



IJCSL NEWSLETTER

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CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

AUSTRALIA—RIGHT TO INFORMATION TEST CASE GOES TO HIGH COURT

The Government's right to keep information secret in the public interest under freedom of information laws is being tested in the [High Court](#) by [THE AUSTRALIAN](#). According to a news [article](#) published on 19 May 2006, the case [McKinnon v Secretary, Department of Treasury](#) challenges Treasurer Peter Costello's use of freedom of information legislation to block access to information about bracket creep and its impact on taxpayers' higher tax burdens. The proceedings concern two applications made by the appellant, Michael McKinnon, the Freedom of Information ("FOI") Editor of THE AUSTRALIAN newspaper, for release of documents under the Freedom of Information Act 1982 (Cth) ("the FOI Act") concerning subjects of public interest. The judgment, expected by the end of the year, could affect public access to government information federally and in all states and territories.

CANADA—

ALBERTA'S FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY AMENDMENT ACT, 2006 COMES INTO FORCE

Alberta's [Freedom of Information and Protection of Privacy Amendment Act, 2006](#) (Bill 20) came into force on 24 May 2006, according to a legislative assembly of Alberta bill [status](#) update. The amendments will keep certain government information private for a longer period of time. A growing number of people are criticizing the legislation that will make the FOI law, which is already very restrictive, even more limiting.

PROPOSED AMENDMENTS TO B.C.'S FREEDOM OF INFORMATION LAW TRIGGER DEBATE

[Proposed amendments](#) to the British Columbia's [Freedom of Information and Protection of Privacy Act](#) (FOIPPA) are expected to trigger an intense debate when the [bill](#) comes forward to the committee stage and floor discussion. According to a news article published by the [STRAIGHT](#) on 4 May 2006, the proposal seeks to add a new section, 21(1) in FOIPPA. The proposed section allows the Government, by order, to limit access to certain information about designated joint solution projects, which could include certain public/private partnerships. Currently, under section 21 of FOIPPA, corporations and individuals who provide information to public bodies through a business or commercial relationship face a rigorous test in preventing disclosure of their information.

CAYMAN ISLANDS—CHRI PREPARES ANALYSIS OF PROPOSED FOI BILL

[CAYMAN NET NEWS](#) has reproduced a detailed analysis prepared by the [Commonwealth Human Rights Initiative](#) (CHRI) of the draft Cayman Islands Freedom of Information Bill 2005, according to the Cayman Net News [article](#) published on 15 May 2006. The analysis is represented in a ten-part series beginning in the 15 May 2006 issue of the Cayman Net News. The report has applauded the



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Government for its transparency and consultation with the people over the proposed draft legislation. Throughout the report the CHRI notes in detail the possible problems with the draft at present and makes careful and candid recommendations.

INDONESIA—DEBATE ON FOI BILL BEGINS

The House of Representatives and the government began deliberating the long-overdue Freedom of Information Bill on 15 May 2006, according to a news article published by [THE JAKARTA POST](#). A House-sanctioned draft of the legislation proposes that the three branches of the government along with state- and city-owned enterprises, political parties, charitable foundations and non-governmental organizations disclose their finances to the public. During the deliberations, the government proposed that the state- and city-owned companies covered by the bill should be exempted from disclosing financial information to the public.

IRELAND—MORE PUBLIC BODIES COME WITHIN SCOPE OF FOI ACT

Under a regulation approved by the [Oireachtas](#) (National Parliament/Legislature) Finance Committee, the Government has reportedly extended the [Freedom of Information Act](#) to cover 137 extra public bodies and groups, according to the news article published by [IRELAND ONLINE](#) on 24 May 2006. The Act now covers more than 500 bodies. Several public bodies, however, still stand outside the ambit of the FOI Act.

MALTA—GOVERNMENT VOWS TO PUBLISH FOI WHITE PAPER

The Maltese government is facing increasing pressure for implementation of a Freedom of Information Act, according to the news article published by [DI-VE NEWS](#) on 3 May 2006. Following the [setting up of a Journalists' Committee](#) to defend press freedoms, the government has vowed to publish a White Paper on freedom of information following a period of public consultation on the Government's proposals, according to the news article published by the [MALTA MEDIA NEWS](#) on 3 May 2006. The White Paper is expected to be published by the end of 2006.

PAKISTAN—PROVINCIAL ASSEMBLY VOWS TO ADOPT INFORMATION ACCESS BILL

To improve transparency and access to public records, the North West Frontier Province (NWFP) government will table the "Access to Information Bill" after the budget session of the provincial assembly, according to a news article published by the [DAILY TIMES](#) on 21 May 2006. The draft of the bill is being prepared by using the federal government's Freedom of Information Ordinance 2002. The province would be the first in the country to adopt such a bill; if enacted, it will make the provincial government more accountable to its citizens.

SWAZILAND—GOVERNMENT COMMISSION CONSULTANTS TO DRAFT FREEDOM OF INFORMATION ACT

The government has engaged consultants from the Commonwealth Secretariat in London to lead the process of drafting a "Freedom of Information Act." A news article published by [ANDNETWORK](#) on 3 May 2006 states that the government has vowed to include media stakeholders during the drafting process. Currently, there is



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no freedom of information legislation in Swaziland. The Official Secrets Act, 1963, prohibits access to government secrets.

UNITED STATES—FEDERAL COURT TO RULE ON CONSTITUTIONALITY OF “CITIZENS ONLY” DELAWARE FOI ACT

The United States Court of Appeals for the Third Circuit will rule on the constitutionality of Delaware’s Freedom of Information Act, reported [THE NEW YORK TIMES](#) in an article published on 12 May 2006. According to an [INNER CITY PRESS update](#), the hearing was held in INNER CITY PRESS’ ongoing case seeking documents from the Delaware Attorney General about the predatory lending settlement of Household International, now HSBC. Delaware had refused to provide any records, saying the Inner City Press request came from outside the state. Subsequently the Federal District Court in Wilmington declared Delaware’s “citizens-only” Freedom of Information Act unconstitutional; Delaware appealed, and the three judges heard the case on May 11. The [Delaware Freedom of Information Act](#) denies nonresidents access to public records in the state.

FISCAL MATTERS

CANADA—CAPITAL GAINS TAX ON GIFTS OF PUBLICLY TRADED STOCKS ELIMINATED

The Federal Budget, announced on 2 May 2006 includes complete capital gains relief for gifts of publicly listed securities to charitable organizations and public foundations. A similar measure was also included to provide complete capital gains relief for gifts of ecologically sensitive land to approved conservation charities. According to the news article published by [CNW TELBEC](#), the new measures will apply to donations made on or after 2 June 2006. It has been estimated that the new measure will increase charitable giving for an additional \$300 million in annual donations. For further information about these measures, see [Miller Thomson’s Charities & Not-for-Profit Newsletter for May 2006](#).

JAMAICA—NEW BILL REQUIRING POLITICAL PARTIES TO FILE DONATION REPORTS TO BE INTRODUCED IN PARLIAMENT

A new bill seeking provisions in the law requiring political parties to file accounts, donation reports, and other particulars in relation to their receipts and expenditures will be introduced in Parliament soon. The proposed legislation aims to ensure, as far as possible, that the funding of political parties and political activities is derived only from legitimate sources, according to a news article published by [THE JAMAICA](#) on 12 May 2006. The bill provides for public inspection of all donation reports, accounts, and other documents filed by the political parties with the proposed electoral commission.



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NORTHERN IRELAND—COMMITTEE URGES TIGHT CHARITY REGULATIONS

Following evidence that organized criminals in Northern Ireland are using charities to launder the proceeds of crime, the Northern Ireland Affairs Committee has urged that the charity regulations should be tightened, according to a news article published by the [BBC NEWS](#) on 4 May 2006. The paramilitaries are reportedly using charities to launder the proceeds of crime and a number of charities are currently facing tax probes.

TRANSNISTRIA—SUPREME COUNCIL PASSES NGO LAW FORBIDDING FOREIGN FUNDING

On 17 May 2006, a plenary session of Transdnestr ([Transnistria](#)) Supreme Council unanimously passed the law “On making changes and amendments into ‘On non-government organizations’ and ‘On political parties’ laws,” according to a news article published by [REGNUM](#) on 19 May 2006 (for previous coverage see [May 2006 issue of IJCSL-Newsletter](#)). Under the law, political parties and politically active NGOs may not receive money and other property from foreign citizens, foreign states, and organizations registered in the republican territory, if their foreign share of their capital exceeds 20%; in addition, no donations from anonymous sources and international organizations are allowed. According to the law, illegal receipts will be seized by state in accordance with a court decision.

UNITED KINGDOM—

- **NEW GUIDELINES ON IMPROVING FINANCIAL RELATIONSHIPS WITH THE THIRD SECTOR ISSUED**

HM Treasury has issued a new set of guidelines entitled “[Improving Financial Relationships with the Third Sector: Guidance for Funders and Purchasers.](#)” The aim of this publication is to set out best practices and provide advice on effective and efficient use of public funds in a way that is consistent with the principles of public accountability. The document follows a cross-cutting review of the [Role of the Voluntary and Community Sector in Service Delivery](#) published in 2002; it had recommended that HM Treasury publish guidelines to clarify what is and what is not permitted under government accounting requirements as they apply to the voluntary and community sector.

- **CHARITY COMMISSION AGREES BILATERAL PROTOCOL WITH CIPFA**

[The Charity Commission and the Chartered Institute of Public Finance and Accountancy \(CIPFA\)](#) have agreed to a ‘bilateral protocol,’ which enables the exchange of information and referral of poor practice between both organizations. The CIPFA press release on 3 May 2006 states that the agreement allows the Commission to refer cases of poor practice by CIPFA members back to CIPFA, which will take action in line with its disciplinary scheme, while CIPFA will have a “transparent mechanism” for determining cases that should be passed on to the Commission. A similar protocol exists between the Commission and the Institute of Chartered Accountants in England and Wales since September 2002.



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- **FREE OVERSEAS FUNDS TRANSFER SERVICE FOR QUALIFYING CHARITIES LAUNCHED**

One of the UK's leading currency transfer specialists, [Moneycorp](#), has launched a new service to save money for UK charities who regularly arrange overseas currency transfers for aid programs, according to [UK FUNDRAISING](#) news article published on 27 April 2006. The initiative means that charities will not incur receiving bank charges – these will be refunded by Moneycorp. Likewise, Charities will not be charged a transfer fee when sending their funds abroad.

UNITED STATES—

- **KEY CHARITY PROVISIONS DROPPED FROM TAX BILL**

Proposals aimed at increasing charitable giving and tightening the tax laws governing charities and foundations were dropped from the \$69 billion [Tax Reconciliation Bill](#) approved by House and Senate Republicans, according to the news article published by [THE NEW YORK TIMES](#) on 11 May 2006. Had they been adopted, the proposals would have increased excise taxes on private foundations, prohibited charitable deductions for contributions to certain kinds of donor-advised funds, and prohibited donor-advised funds and supporting organizations from making payments and distributions to donors and related parties, while encouraging charitable giving via tax-free distributions from IRAs, a charitable deduction for non-itemizers, and tax incentives for donations of property for conservation purposes, according to [PND News](#) article. The Bill became Public Law No: 109-222 after the President [signed](#) the Act on 17 May 2006. The charity provisions that have been dropped may be included in a separate bill.

- **IRS LAUNCHES NEW RESOURCE INFORMATION PACKET ON TAX-EXEMPT ORGANIZATIONS AND POLITICAL CAMPAIGN INTERVENTION**

IRS has launched a [new resource information](#) packet on “Tax-Exempt Organizations and Political Campaign Intervention,” according to IRS exempt Organizations Newsletter update 2006-10 released on 10 May 2006. The resource material discusses the federal tax rules that apply to political campaign intervention by tax-exempt organizations. It includes resources for charities, such as churches and educational organizations; social welfare organizations; labor and agricultural organizations; business leagues; and political organizations.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

BAHRAIN—AMENDMENTS TO GATHERINGS LAW HALTED UNTIL FURTHER DISCUSSIONS WITH SOCIETIES

The Shura Council's Foreign Affairs, Defense and National Security Committee has vowed that amendments to the Demonstrations, Rallies and Public Gatherings Law will not be submitted to the Shura Council without the input of political societies, according to a news article published by [GULF DAILY NEWS](#) on 22 May 2006. The amendments passed by the Parliament in early May were considered 'restrictive' by



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political parties, and they had asked the committee to block the law until further consultations with the societies. The amendments call for banning demonstrations, rallies, and public gatherings in areas near airports, hospitals and malls, and in or near security-classified places listed later by the Interior Minister. Under the current law, demonstrations, rallies, and public gatherings are banned from sunset to sunrise, unless with a permission from the Public Security authority.

KUWAIT—CONSTITUTIONAL COURT DECLARES LAW RESTRICTING PUBLIC GATHERINGS UNCONSTITUTIONAL

Kuwait's Constitutional Court revoked clauses of the Public Gatherings Law No. 65 of 1979, which restricted public gatherings without prior permission from the authorities. According to a news article published by the [ARAB TIMES](#) on 2 May 2006, the court ruled the law contradicted clause 44 of the constitution, which allows individuals to meet without the need to receive a permit. The striking down of the law means that Kuwaitis now need only to notify authorities of a public meeting or march, but no longer require a prior permit.

UNITED STATES—BILL PROHIBITING CERTAIN DEMONSTRATIONS AT NATIONAL CEMETERIES PASSED

The US Congress has passed legislation ([Bill H.R. 5037](#)) that bars demonstrators from protesting during military funerals at national cemeteries, according to the news article published by [BBC NEWS](#) on 25 May 2005. The "Respect for America's Fallen Heroes Act" bars protests within 300 feet of the entry to a cemetery and within 150 feet of a road into the cemetery from 60 minutes before to 60 minutes after the funeral. Those who violate the law will face up to \$100,000 fine and up to a year in prison.

FREEDOM OF EXPRESSION

AMERICAS—OAS REPORT RAISES MAJOR CHALLENGES DESPITE POSITIVE REFORMS IN FREEDOM OF EXPRESSION

"Despite major challenges to freedom of expression in the Americas, significant progress is being made," concluded experts at an Organization of American States (OAS) forum entitled "Freedom of Expression in the 21st Century in the Americas." The OAS [press release](#) on 19 May 2006 states that the experts noted positive developments, for instance more countries introducing access-to-information laws, but regretted that more journalists are being killed in connection with their duties and that challenges continue to threaten the consolidation of democracy in the Americas.

ANGOLA—NEW PRESS LAW PUBLISHED

The new Press Law recently passed by the Parliament and promulgated by the Angolan President was published in the State Official Gazette. According to a news article published by [ANDNETWORK](#) on 27 May 2006, the new Law 7/06 puts an end to the state monopoly on television broadcasting and changes the legal environment for journalists. It establishes principles of prohibition of censorship, freedom of the



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press, and access to information sources. It defines the National Council of Social Communication as the competent agency in charge of ensuring the independence, objectivity, and pluralism of information in Angola.

BRAZIL—PRESIDENT SIGNS PRESS FREEDOM DECLARATION

On 3 May 2006, Brazil's President Luiz Inácio Lula da Silva signed the [Declaration of Chapultepec](#). According to a news article published by the [REPORTERS WITHOUT BORDERS](#), the Inter-American Press Association (IAPA) launched the Declaration of Chapultepec on free expression on 11 March 1994. It is based on a broad interpretation of freedom of information and expression. Under the declaration, the right to inform and be informed, "is not something authorities grant, it is an inalienable right of the people." It upholds the right of access to public information, the confidentiality of sources, and the non-criminal nature of press offences. It emphasizes that membership of a professional association and possession of degree in journalism is not obligatory. Declaration of Chapultepec is not an international treaty. The governments are invited to sign it and almost all of the countries in the western hemisphere have done so.

GLOBAL—SELECTED WORLD PRESS FREEDOM DAY EVENTS

- **ASIA -- REPORT HOLDS THAT INTERNET FREEDOM IS LEAST ENJOYED IN ASIAN COUNTRIES**

Asian governments increasingly censor web sites and jail dissidents who publish their views online, says a report published by [REPORTERS WITHOUT BORDERS](#). According to a news article published by [VOA](#) on 2 May 2006, half of the countries Reporters Without Borders calls "enemies of the Internet" are in Asia, and China tops the list. The report also accuses Yahoo! of helping China jail several bloggers who have criticized the government.

- **GLOBAL -- 16TH WORLD PRESS FREEDOM DAY OBSERVED**

The [16th World Press Freedom Day](#) was observed in all parts of the world on 3 May 2006. The 3rd of May was proclaimed World Press Freedom Day in the UN General Assembly in 1993 following a Recommendation adopted at the twenty-sixth session of UNESCO's General Conference in 1991. The Day marks efforts around the world to uphold freedom of expression. Theme of this year's World Press Freedom Day was: "Media, Development and Poverty Eradication." In his [message](#) on the World Press Freedom Day, the UN Secretary-General, Kofi Annan, expressed his support for the universal right to freedom of expression. He appealed, however, that the right should be exercised responsibly.

- **GLOBAL--SPECIAL REPORT IDENTIFYING COUNTRIES HAVING NO FREEDOM OF THE PRESS RELEASED**

The New York-based Committee to Protect Journalists (CPJ) published a [special report](#) identifying countries having no freedom of the press. The countries are judged according to 17 benchmarks. The benchmarks include: absence of independent media; existence of formal censorship regulations; state control of all



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media; state-sponsored violence against journalists; jamming of foreign news broadcasts; restrictions on Internet access; limits on journalists' mobility; interference in the production and distribution of publications; and existence of laws forbidding criticism. The report identifies North Korea as the most censored country. According to a news article published by [RFE/RL](#) on 2 May 2006, the list also identifies Turkmenistan as one of the worst countries for press freedom.

- **GLOBAL -- REPORTERS WITHOUT BORDERS RELEASES ANNUAL REPORT ON PRESS FREEDOM**

On 3 May 2006, the Reporters Without Borders has released the [2006 Annual Report](#) on press freedom. The report documents freedom of the press in 105 countries worldwide.

- **SOUTH ASIA—IFJ LAUNCHES FOURTH ANNUAL SOUTH ASIA PRESS FREEDOM REPORT**

The [International Federation of Journalists \(IFJ\) Asia-Pacific](#) has released a new report on press freedom in the South Asia region. According to an IFJ [press release](#) on 3 May 2006, the fourth annual South Asia Press Freedom Report: "Journalism in troubled times: The struggle for press freedom in South Asia 2005-2006," maps major challenges to media freedom in South Asia and explains trends. A comprehensive list of cases of media freedom violations and attacks on journalists from May 2005 to April 2006 has also been documented. The report is released in cooperation with the South Asia Media Solidarity Network (SAMSAN), with support from UNESCO.

- **ZIMBABWE—U.S. AMBASSADOR SPEAKS ON RELATION BETWEEN FREE SPEECH AND ECONOMIC PROSPERITY**

Addressing the School of Journalism at the National University of Science and Technology, Bulawayo to mark World Press Freedom Day 3 May 2006, U.S. ambassador to Zimbabwe, Christopher W. Dell, spoke on the relationship between free speech and economic prosperity, according to a news article published by [NEW ZIMBABWE](#) on 4 May 2006. In his address, Dell noted that an environment fostering freedom of expression is an essential pillar to support the economic development of any people.

KAZAKHSTAN—STAKEHOLDERS DISCUSS PROPOSED MEDIA LAW

During a roundtable talk on the draft law, a group of lawyers, government officials, NGO representatives, and journalists recently discussed a proposed media law for Kazakhstan. According to an OSCE [news release](#) on 4 May 2006, a group of nongovernmental media organizations presented their proposed version of the law. The next roundtable will be held in June and the final set of recommendations from both roundtables will be forwarded to the relevant State authorities and deputies of Parliament. The Parliament of Kazakhstan is expected to pass a new media law later this year.



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MACEDONIA—AMENDMENT REPEALS CRIMINAL DEFAMATION LAWS

On 10 May 2006, the Macedonia's parliament passed an amendment to the criminal code repealing criminal defamation laws, according to the news article published by the [REPORTERS WITHOUT BORDERS](#). Now journalists in Macedonia cannot be jailed for defamation. Previously, journalists convicted of defamation faced up to three years in prison.

NEPAL—

• MEDIA ORDINANCE RESTRICTING PRESS FREEDOM ANNULLED

Nepal's new government has annulled the controversial media ordinance promulgated by King Gyanendra. According to a news article published by [OUTLOOK INDIA](#) on 10 May 2006, the ordinance had put severe restrictions on press freedom. Under the law, journalists could be jailed and fined for criticizing the Royal family or publishing news reports about terrorists. The ordinance also put restrictions on FM radios to broadcast news related programs.

• SUPREME COURT UPHOLDS FREEDOM OF EXPRESSION

On 18 May 2006, the Supreme Court declared unconstitutional the legal provisions (Article 8 of the 1992 National Broadcasting Act and article 15 (1) of the 1991 Publications and Newspapers Act) that authorized the government to seize the license of a broadcasting medium for transmitting news and restricting or censoring coverage of sensitive issues. According to the news article published by [NEPAL NEWS](#), the Supreme Court ruled that the provisions are incompatible with a constitutional provision guaranteeing press freedom.

SWAZILAND—GOVERNMENT AGREES TO REVIEW MEDIA LAWS

The government of Swaziland will begin reviewing its controversial media laws in June 2006. Legal experts from the Commonwealth secretariat will be hired to begin the review, reports [IFEX](#), quoting the [Media Institute of Southern Africa](#) (MISA). Currently, there are several restrictive laws including the 1973 Decree, which gives the King of Swaziland wide powers to restrict freedoms of expression, association and assembly, and the Secrecy Act, which forbids journalists from publishing information the government considers secret.

FREEDOM OF RELIGION AND BELIEF

CANADA—ALBERTA HUTTERITE COMMUNITY WINS RIGHT TO RELIGIOUS FREEDOM

A regulation requiring all drivers to have new style licenses featuring a digital photo goes against the religious freedom of the Alberta Hutterite community, ruled Court of Queen's Bench Justice Sal LoVecchio, according to the news article published by [CBC NEWS](#) on 10 May 2006. In 2003, Alberta started requiring that all new licenses include a photograph. The Hutterite community of Wilson Colony refused to have photos taken in deference to their religion because they believe the Second



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Commandment prohibits them from willingly having their picture taken. The government of Alberta has one month to appeal the decision.

EGYPT—SUPREME ADMINISTRATIVE COURT SUSPENDS RIGHT OF EGYPTIAN BAHAI'S TO HAVE RELIGION ACKNOWLEDGED ON OFFICIAL DOCUMENTS

Egypt's Supreme Administrative Court suspended the implementation of an earlier lower court ruling that allowed Bahais to have their religion recognized on official documents, according to the news article published by [IRIN](#) on 16 May 2006. The earlier ruling made in April 2006 was passed after a case was filed by a Baha'i couple whose official documentation – on which their affiliation to Baha'ism was stated – had been confiscated by the state (for previous coverage see [May 2006 issue of IJCSL-Newsletter](#)).

GLOBAL—USCIRF ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM RELEASED

On 3 May 2006, the [United States Commission on International Religious Freedom](#) (USCIRF) released its [2006 Annual Report](#), according to a USCIRF [press release](#). The report covers the period May 2005 through April 2006. The Commission also announced its 2006 recommendations on “countries of particular concern,” or CPCs (countries whose governments have engaged in or tolerated systematic and egregious violations of the universal right to freedom of religion or belief). The USCIRF was created by the International Religious Freedom Act of 1998 (IRFA) to monitor violations of the right to freedom of thought, conscience, and religion or belief abroad, as defined in IRFA and set forth in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the U.S. President, Secretary of State, and Congress.

INDIA—DEVELOPMENTS ON RELIGIOUS CONVERSION LAWS

• RAJASTHAN GOVERNOR RETURNS RELIGION BILL

Rajasthan Governor, Pratibha Patil, returned the Rajasthan Dharma Swatantrya (Freedom of Religion) Bill 2006 that was originally passed by the State Assembly on 7 April 2006. According to a news article published by [THE CHRISTIAN POST](#) on 24 May 2006, the bill prohibits conversion by “force,” “fraud” or “allurement” with punishment including immediate arrest of the offender even before the investigation of the offense; two to five years of imprisonment; and a fine of up to \$1,100. It is also feared that the vague definitions might easily be used to jeopardize a wide range of religious activities (For previous coverage see [May 2006 issue of IJCSL-Newsletter](#)). The Rajasthan State Cabinet is likely to resubmit the bill to the governor after receiving legal advice.

• TAMIL NADU STATE VOWS TO REPEAL ANTI-CONVERSION LAW

The new government of Tamil Nadu has announced its intention of scrapping the anti-conversion law, according to the news article published by [ASIANEWS.IT](#) on 25 May 2006. The document presented to the Assembly by the new governor



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seeks complete annulment of the law, and to undo many of the controversial policies of the earlier regime.

• POPE CRITICIZES BAN ON RELIGIOUS CONVERSIONS

Pope Benedict XVI criticized attempts to ban religious conversions in India, reflecting growing tension among major faiths about the role and nature of missionary work. According to a news article published by [HINDUSTAN TIMES](#) on 19 May 2006, the Pope conveyed New Delhi's ambassador to the Vatican that efforts in some states to outlaw conversions were unconstitutional and should be rejected.

INDONESIA—BILL IMPOSING SHARI'AH LAW IN ACEH INTRODUCED

A new bill seeking Shari'ah (Islamic) Law in the tsunami-ravaged Indonesian province of Aceh has been introduced in the Parliament. According to a news article published by [SACRAMENTO BEE](#) on 11 May 2006, the bill seeks the application of the Shari'ah Law to all residing in Aceh. Shari'ah took effect last year in Aceh – a predominantly Muslim region, but it had applied only to Muslims. Under the newly introduced bill, the Shari'ah law will be applied on non-Muslims as well. Shari'ah bans drinking, gambling, adultery and other behavior deemed immoral under Islam.

IRAN—MAJLIS APPROVES DRAFT LAW ON DRESS

On 14 May 2006, Majlis deputies approved the outlines of a bill setting out a dress code suitable for Iranian culture and society and a national fashion trend, according to a news article published by [ISLAMIC REPUBLIC NEWS AGENCY](#) (IRNA). The draft law had many concerned that the government plans to re-impose veils and head-to-toe overcoats on women. The Bill, however, rallies state agencies to only promote Islamic dress and “encourage the public to abstain from choosing clothes that aren't appropriate to the culture of Iran,” quotes [USA TODAY](#).

UNITED STATES—BILL PASSED ALLOWING CHAPLAINS TO PRAY IN THE NAME OF JESUS AT PUBLIC MILITARY CEREMONIES

The U.S. House of Representatives has passed a new defense authorization [bill](#) that includes [language](#) intended to allow chaplains to pray in the name of Jesus at public military ceremonies. This measure is in defiance of new Air Force and Navy guidelines on religion. According to a news article published by [THE WASHINGTON POST](#) on 12 May 2006, the Air Force and Navy rules issued in recent months allow chaplains to pray as they wish in voluntary worship services. But the rules call for nonsectarian prayers, or a moment of silence, at public meetings or ceremonies, especially when attendance is mandatory for service members of all faiths.

UZBEKISTAN—SURVEY DOCUMENTING VIOLATIONS OF RELIGIOUS FREEDOM RELEASED

On 10 May 2006, [FORUM 18 NEWS SERVICE](#) released its survey analysis of religious freedom in Uzbekistan, which documents serious violations of religious freedom and other key human rights. According to the survey, the violations include a ban on



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Protestant activity in north-west Uzbekistan; a bar against Muslim prisoners saying prayers; continuing police and NSS secret police raids on religious communities, especially Protestants and Jehovah's Witnesses; massive increases in fines for unregistered religious activity; use of interlocking laws and regulations to attack peaceful religious activity by all faiths; and the detention and deportation of Forum 18's Central Asia Correspondent.

LEGAL FRAMEWORK

AFGHANISTAN—SEMINAR ON NGO LAW AND CODE OF CONDUCT HELD

A group of NGOs held a one-day seminar titled “NGO's Law and Code of Conduct.” Participants of the seminar highlighted the role and laws on NGOs and appreciated the efforts and work of NGOs in the country. According to a news article published by [PAJHWOK AFGHAN NEWS](#) on 13 May 2006, common citizens believe NGOs are lavishly spending on hiring of houses and vehicles and payment of huge amounts in staff salaries.

BANGLADESH—WB REPORT ON NGOS PUBLISHED

The World Bank has suggested setting up an independent NGO Commission, making public disclosure of their audit reports and forming a uniform regulatory framework for them, according to the news article published by [VOA NEWS](#) on 16 May 2006. The World Bank suggested the commercial operations of NGOs be independent legal entities and subjected to tax payments on their for-profit business ventures, according to the news article published by [THE FINANCIAL EXPRESS](#) on 17 May 2006. The Bank made the suggestions in a report titled “Economics and Governance of NGOs in Bangladesh” that was released on 16 May 2006 in Dhaka. The Senior Economist of the World Bank, Hasan Zaman, told the reporters that regulatory framework for the NGO sector should focus on improving financial accountability rather than micro-managing foreign funds. It was also noted, however, that certain NGOs can be exempt from tax payments, provided their cases are assessed through what he called “quality seal” by independent certification bodies, as exist in the Philippines and Pakistan.

CHINA—STATISTICS ON FOUNDATION ANNUAL REPORTS PUBLISHED BY MINISTRY OF CIVIL AFFAIRS

Pursuant to regulations published in early 2006, which state the required form for and the methodology of approving annual reports of foundations (and which will soon be available on the ICCSL website in Chinese and German), the [Ministry of Civil Affairs](#) has now published statistics with regard to the annual reports filed nationally and in the various provinces and large cities (available only in Chinese). Perhaps reflective of the fact that the system is new, it appears that in many provinces (e.g., Guangdong) many reports have been filed though none have been accepted. The figures nationally are 975 and 210. On the other hand, Shanghai statistics indicate that 67 reports have been filed and 61 have been accepted.



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IRAQ—REGISTERED CHARITIES PROVIDING ASSISTANCE FOR WAR VICTIMS; FRAUDULENT ONES SHUT DOWN BY GOVERNMENT

A report published in the hard copy edition of the International Herald Tribune on 23 May 2006 (page 4) indicates that many NPOs are currently registered as charitable societies under Iraqi law, with up to 5000 currently operational in the country. On the other hand, the director of the government office that works with charities estimated that as many as 10% were involved with “guerilla activities and other crime.”

JAPAN—NEW LEGISLATION ON PUBLIC INTEREST BODIES PASSES UPPER HOUSE OF PARLIAMENT AND IS SET FOR IMPLEMENTATION

The debate in the Special Committee of the House of Councilors (the Upper House of the Diet) was closed on 25 May 2006 and the three bills that will radically change the legal framework for many charitable organizations in Japan was passed by the full Diet on 26 May 2006. The following bills will become effective as from the date to be designated in an order and within the next two-and-a-half-years:

- (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 & repeal law.”

Official discussion about the Reform of Taxation System on Charitable Organizations will start in the coming autumn, based on the above new legal framework.

UNITED KINGDOM—

• MODEL TRUST DEED FOR INDEPENDENT CHURCHES LAUNCHED

A new model trust deed designed specifically for independent churches that need to register with the Charity Commission was launched on 18 May 2006, according to Evangelical Alliance [press release](#). The document, which is the first of its kind, was produced by the Charity Commission in collaboration with the Evangelical Alliance and the African and Caribbean Evangelical Alliance (ACEA) together with Stewardship and Anthony Collins (solicitors). The [Model Trust Deed](#) offers independent churches with a non-voting membership a ready-made legal structure to help govern their charity. Its key aims are to manage any potential conflict of interests, make clear the difference between trusteeship and spiritual leadership and ensure that those leading the spiritual direction of a church can also hold appropriate responsibilities for charity governance.

• CO-OPERATIVE CIC MODEL DEVELOPED

In coalition with [CIC regulator](#), the [Co-operatives UK](#) have developed [model rules](#) for co-operatives to set up using the Community Interest Company (CIC) legal form, which was introduced in 2005. According to Co-operatives UK [press release](#) on 12 May 2006, until now there was no easy way to set a CIC up as a co-operative, but the new Co-operative CIC Model developed by Co-operatives UK will open up this option to social entrepreneurs.



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MISCELLANEOUS MATTERS

BAHRAIN—U.S. NGO ORDERED OUT OF BAHRAIN

The U.S. pro-democracy organization National Democratic Institute (NDI) has been ordered out of Bahrain, according to a news article published by [KHALEEJ TIMES](#) on 9 May 2006. NDI describes its goal in Bahrain as encouraging a more inclusive and viable democratic transition by fostering civil participation by individual citizens and accountable political societies. The Bahrain Institute for Political Development (BIPD), formed by the government last year, had demanded that NDI seek prior approval of contacts with Bahraini civic groups. Les Campbell, NDI's director for the MENA region is reported to have said that NDI has always complied with Bahraini law and Bahrain's demands to approve and restrict NDI's contacts are unacceptable. The organization's Manama representative has begun preparation to leave the country.

CHINA—EU NOTES PROGRESS IN HUMAN RIGHTS PROTECTION

At the 21st round of China-EU Human Rights Dialogue held on 26 May 2006, European Union (EU) officials noted China has made progress in human rights protection and promotion, according to a news article published by [XINHUA](#). During the two-day dialogue, both sides held lengthy discussions on the issues related to human rights including the management of non-governmental organizations, and education on human rights. The China-EU Human Rights Dialogue, which began in 1997, is held every half year.

EUROPE—ECRI RELEASES REPORT ON REPORTS ON RACISM IN FIVE EUROPEAN COUNTRIES

The European Commission against Racism and Intolerance (ECRI) released five new reports examining racism, xenophobia, anti-semitism and intolerance in [Cyprus](#), [Denmark](#), [Italy](#), [Luxembourg](#) and the [Russian Federation](#), according to a Council of Europe (CoE) [press release](#) on 16 May 2006. The reports note positive developments in all five of these CoE member countries. The reports also detail continuing grounds for concern by the Commission.

MOROCCO—FIRST GROUP OF WOMEN MUSLIM PREACHERS GRADUATED

The first group of female Muslim preachers has graduated from their one-year long studies with the aim of helping their male peers promote the tolerant and peaceful message of Islam and fight extremist drifts, according to a news article published by [WESTERN RESISTANCE](#) on 1 May 2006. The newly graduated preachers (Morchidat) would not lead prayers in mosques, which is reserved for men, but will be sent around the country to teach women and, occasionally, men about Islam. This first group of women completed a course in several subjects including Islamic law, philosophy and the history of religions qualifying them to be appointed as state preachers trained to give basic religious instructions in mosques and provide support in prisons, hospitals and schools.



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RUSSIA—ECHR DECIDES ON ADMISSIBILITY OF SUTYAJNIK V. RUSSIA

On 2 March 2006 the European Court of Human Rights delivered its judgment of admissibility on the case Sutyajnik v. Russia, according to the SUTYAZHNIK press release. “The complaint raises serious issues of fact and law under the Convention,” stated the Court and decided to examine the case on the merits separately. The case Sutyajnik v. Russia concerns not only violations of the requirement of legal certainty but also 1995 Law On NGOs, which forced all Russian NGOs to undergo re-registration process. The Law is similar to the new Law of 2006, concerning which the Council of Europe has expressed its concern. For more, see the press release on [ICCSL's website](#).

SUDAN—GOVERNMENT RESTRICTS PRESS ACCESS TO DARFUR

Sudan has tightened restrictions on foreign press traveling to Darfur by denying travel permits to this violent western region, according to the news article published by [ARAB ONLINE](#) on 18 May 2006. Underscoring the importance of journalist's access, the U.N. humanitarian chief, Jan Egeland, has called on the government to allow press access to Darfur so the journalists cover the humanitarian work and explain the urgent need for additional international support in the region.

UZBEKISTAN—ANOTHER U.S. CHARITY FACES CLOSURE

A Tashkent civil court has issued a judgment that called for the liquidation of Counterpart International's representative office in Uzbekistan. According to [REUTERS ALERTNET](#) on 4 May 2006, the Uzbek media reported that Counterpart was accused of conducting work outside its NGO mandate and not cooperating with state financial auditors. Counterpart is a U.S. based NGO that runs humanitarian projects. It is funded by the U.S. State Department and United States Agency for International Development (USAID), according to [RFE/RL](#).

ANNOUNCEMENTS

AMERICAS—BOOK ON MECHANISMS FOR PARTICIPATORY AND TRANSPARENT BUDGETING PUBLISHED

[PARTNERS OF THE AMERICAS](#) recently published a book entitled “[Involving Citizens in Public Budgets: Mechanisms for Participatory and Transparent Budgeting](#).”

According to the Partners of the Americas, the publication is a compilation of case studies from the “Transparency in the Americas” grant program, which worked with ten Latin American civil society organizations to implement new and innovative projects aimed at opening public budgeting processes to citizen participation and creating mechanisms for greater budget transparency. The book includes case studies and lessons learned, as well as a substantial introduction to participatory and transparent budgeting, a tool used to ensure that citizens are informed and involved in their local government's spending.



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ARAB WORLD—FORUM HIGHLIGHTING IMPORTANCE OF PARTNERSHIP BETWEEN GOVERNMENTS AND NGOS HELD

Egyptian academicians have stressed the need for legislation to regulate the activities of NGOs and called for passing new laws to remove unnecessary hindrances in the way of NGO activities. A news article published by the [GULF TIMES](#) on 23 May 2006, states that the call was made at a symposium held as part of the third “Forum on the Role of the NGOs in Sustainable Development,” which opened in Doha on 22 May 2006. Over 200 participants representing 90 organizations from around the Arab world attended the sessions. At the end of the three-day forum, the participants stressed the [need to form a federation of all NGOs](#) operating in the Arab countries.

IRAN—PAPER MAPPING THE PROGRESS OF CSOs PUBLISHED

The [International Training and Research Center](#)'s (INTRAC) Praxis program has published a paper entitled “Building Organisational Capacity in Iranian Civil Society: Mapping the Progress of CSOs.” According to an [INTRAC news update](#), the paper outlines the various capacity building approaches and activities undertaken within Iran. These include promoting the concepts of democracy, rights, and citizens' participation through workshops and seminars; skills training courses for individuals; capacity building at the organizational level. The paper details key civil society capacity building issues in relation to organizations' internal arrangement, external relations and program performance. It provides a summary of priority needs relating to organizational capacity building practice.

UNITED STATES—FOUNDATION CENTER ESTABLISHES NEW INSTITUTE FOR CIVIL SOCIETY AND PHILANTHROPY

The [Foundation Center](#) will establish the Alexis Institute for Civil Society and Philanthropy, according to the Foundation Center's [press release](#) of 16 May 2006. The institute will serve as a major source of knowledge on philanthropy and civil society in the U.S. and around the world. The Foundation Center, set up in 1956, maintains the most comprehensive database on U.S. grant makers and their grants. It also operates research, education, and training programs designed to advance philanthropy at every level.

RESOURCES

GLOBAL--MODEL FOI LAWS PUBLISHED

- Article 19's model FOI law can be found at <http://www.article19.org/pdfs/publications/freedom-of-information-unesco-book.pdf>.
- The [Commonwealth Secretariat](#) has developed model laws on freedom of information, privacy, and protection of personal information. These are being examined in regional workshops conducted by the Secretariat. The first, for the Asia and Pacific regions, took place in Malaysia in December 2004. The second took place in July 2005 in The Gambia for the West Africa region.



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