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ANTI-TERRORISM LEGISLATION

EL SALVADOR—ANTI-TERRORISM LAW PASSED

El Salvador's legislature has approved a law penalizing convicted terrorists with up to 86 years of imprisonment. According to a news article published by [ALL HEADLINE NEWS](#) on 25 September 2006, the approved law defines 27 acts of terrorism. The Farabundo Marti National Liberation Front (FMNLF), which fought a 12-year civil war against the government that ended in 1992, has opposed the law. The FMNLF stated that the government expects to use the law to combat demonstrations and social unrest that will occur as a result of its policies. The law awaits President's signature to come into effect.

CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

AUSTRALIA—HIGH COURT ROLLS BACK RIGHT TO INFORMATION

The Government's power to keep information under wraps because the minister claims secrecy is in the "public interest" has been upheld by the High Court of Australia (over three dissents), according to a news article published by [THE DAILY TELEGRAPH](#) on 5 September 2006. In the decision in [McKinnon v. Secretary, Department of Treasury](#), the court ruled against [The Australian](#) newspaper in its bid to see Treasury documents on income tax and the first "Home Owners Grant Scheme." Critics [warned](#) the decision can lead to increased secrecy of government documents.

CANADA—FREEDOM OF INFORMATION AUDIT RELEASED

The second Canadian National Newspaper Association (CNA) [National Freedom of Information Audit](#), released on 23 September 2006, finds most Canadian governments continue to be unacceptably lax in fulfilling legislative obligations to uphold freedom of information laws. According to a CNA [press release](#), the audit tested access to information systems in ten Canadian provinces. Out of more than a hundred information requests submitted by reporters from 39 newspapers and the Canadian Press news agency, the information requested was denied or provided only in part in response to nearly one third (31%) of the requests. The audit also found that requests filed under provincial and federal freedom-of-information laws resulted in lengthy delays or large fees.

GLOBAL—

- **PRIVACY INTERNATIONAL RELEASES FREEDOM OF INFORMATION AROUND THE WORLD 2006 REPORT**

Privacy International (PI) has released the [Freedom of Information and Access to Government Records Around the World 2006](#). According to a PI [press release](#) on 20 September 2006, the survey reviews FOI and other access laws and their implementation in 70 countries around the globe.



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- **RIGHT TO KNOW DAY MARKED**

The [4th International Right to Know Day](#) was celebrated around the world on 28 September 2006. The day is celebrated each year to mark the founding on 28 September 2002 of the global [Freedom of Information Advocates Network](#). The day is to raise awareness of every individual's right of access to government-held information.

- **JUSTICE INITIATIVE REPORT RELEASED**

A comparative study on access to information in 14 countries finds that transitional democracies outperformed established ones in providing information about government activities. Bulgaria, Romania, Armenia, Mexico, and Peru did better in answering citizens' requests for information than France and Spain. The book, *Transparency and Silence*, published on 28 September 2006 by the Open Society Justice Initiative and available online at www.justiceinitiative.org, documents how various countries did—or did not—honor the right of access to information. In analyzing over 1,900 requests for information filed in 14 countries, *Transparency & Silence* finds that countries with access to information laws performed better than those with no law or with administrative provisions instead of a law.

INDONESIA—HOUSE OF REPRESENTATIVES RELUCTANT TO DELIBERATE BILL ON STATE SECRECY

The government and the House of Representatives once again engaged in heated debate Tuesday over whether to deliberate a bill on state secrecy, according to a news article published by [ASIA MEDIA](#) on 27 September 2006. The lawmakers have suggested that the discussions on the freedom of information bill, which is under deliberation by the House, be completed first. They have also proposed to incorporate the secrecy bill's provisions into the freedom of information bill. The [critics](#) of the secrecy bill allege that it aims to keep such materials out of public access, in conflict with the guarantees of the freedom of information bill.

MALTA—CIVIL SOCIETY ORGANIZATIONS CALL FOR FREEDOM OF INFORMATION

Civil society and journalists' organizations in Malta have called for Freedom of Information legislation to be applied in Malta. According to a news article published by [MALTA MEDIA](#) on 28 September 2006, the Journalists' Committee has outlined preliminary proposals for Freedom of Information legislation. These include maximum disclosure, obligation to publish, enhanced openness of the government, facilitated access to information and the appointment of an Information Commissioner as an Officer of Parliament.

NEPAL—RIGHT TO INFORMATION LAW CONCEPT PAPER RELEASED

The registrar of the Supreme Court, Dr. Ram Krishna Timilsina, has presented a "Right to information law" Concept Paper. [THE RISING NEPAL](#) reports that the concept paper was released during an interactive program held in connection with the



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release of the report on Press Freedom in Nepal during the year 2005-06. The forum was organized by the Freedom Forum on 25 September 2006 in Kathmandu. On that occasion, the Minister of State for Information and Communication, Dilendra Prasad Badu, said the Bill will soon be made public and would reflect suggestions submitted by the civil society organizations, government ministries, and experts concerned.

UNITED STATES SENATE JUDICIARY COMMITTEE APPROVES “OPEN” GOVERNMENT ACT

On 21 September 2006, the Senate Judiciary Committee approved the [Openness Promotes Effectiveness in our National \(OPEN\) Government Act](#). According to a news article published by [OMB WATCH](#), the legislation addresses loopholes that allow federal agencies to delay releasing information to the public under FOIA. On the other hand, the House is not expected to pass a similar measure before the autumn recess.

FISCAL MATTERS

UNITED STATES--

- **SENATE FINANCE COMMITTEE HOLDS HEARINGS ON ISSUES REGARDING NOT-FOR-PROFIT HOSPITALS**

On 13 September 2006, the U.S. Senate Finance Committee held [hearings](#) on issues regarding the status of not-for-profit hospitals and the manner in which they reflect the requirement to provide benefits to the community under the tax exemption provisions of the Internal Revenue Code. In his statement, Sen. Grassley [directed](#) his staff “to develop proposals on ways to make sure non-profit hospitals deliver their fair share of care to the poor and community benefit.” The witness statements and a video of yesterday's Senate Finance Committee hearings are posted on the [Committee's website](#).

- **CALIFORNIA CHURCH RESISTING GIVING DOCUMENTS TO THE IRS**

[A 21 September 2006 news release put out by All Saints Church](#) (which is being investigated by the Internal Revenue Service for a sermon that was delivered in the lead-up to the 2004 election) states that “The Vestry of All Saints Church in Pasadena, California, voted unanimously ... to challenge legally, and in a court of law, the right of the Internal Revenue Service to proceed with either of the two summonses served on the church by the IRS.... Following the Vestry’s decision, All Saints’ legal counsel, Marc Owens, informed the IRS of the Vestry’s decision in these words, ‘We believe the only way to challenge the IRS’s actions in this case is through a summons enforcement proceeding in court, and therefore the Church respectfully declines to respond to the summonses. Rev. Bacon will not appear to testify on October 11’.”



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FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

THAILAND—PUBLIC GATHERINGS BANNED IN WAKE OF COUP

Thailand's ruling generals have announced tough new restrictions on political parties and the media, including a ban on expressions of public opinion and public gatherings of more than five people, according to a news article published by [RTE NEWS](#) on 21 September 2006. As a first show of the new restrictions, political activities of a local government unit and provincial administrative organizations have recently been banned. The new restrictions come just two weeks after the 2006 Thailand coup d'état took place on 19 September 2006, when the Royal Thai Army staged a coup against the government of Prime Minister Thaksin Shinawatra. The military, ruling under martial law, has also called on the media to exercise self-censorship, reports [CHICAGO TRIBUNE](#).

FREEDOM OF EXPRESSION

CHINA—XINHUA ISSUES NEW DIRECTIVES ON THE DISTRIBUTION OF FOREIGN NEWS

China's official news agency Xinhua has announced new restrictions on distribution of news in China by foreign media. According to a news article published by [CHINA DAILY](#) on 11 September 2006, foreign news agencies cannot directly solicit subscription of their news and information services in China. They will need approval from Xinhua to release news and information in China. If a foreign news agency violates the measures, Xinhua can take several actions against the agency including suspension or cancellation of its qualifications to release news and information in China. The new set of directives on the distribution of foreign news in China went into effect on 10 September 2006.

GERMANY—BERLIN'S DEUTSCHE OPER CANCELS MOZART'S "IDOMENEO" PRODUCTION OVER FEARS OF MUSLIM REPRISALS

A leading German opera house has canceled performances of a Mozart opera because of security fears stirred by a scene that depicts the severed head of the Prophet Muhammad, prompting a storm of protest here about the renunciation of artistic freedom. The [International Herald Tribune](#) reported on 26 September 2006 that the Deutsche Oper in Berlin said it had pulled "Idomeneo" from its fall schedule after the police warned that the staging of the opera could pose an "incalculable risk" to the performers and the audience. The Deutsche Oper's director, Kirsten Harms, said she regretted the decision but felt she had no choice because she was "responsible for all the people on the stage, behind the stage and in front of the stage." Political and cultural figures throughout Germany condemned the cancellation, which is without precedent here. Some said it recalled the decision of European newspapers not to print satirical cartoons about Muhammad, after their publication in Denmark generated a furor among Muslims. The decision has already fanned a debate in Germany about



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whether the West was compromising its values, including free expression, to avoid stoking anger in the Muslim world.

GLOBAL--“CAMPAIGNING FOR FREEDOM OF EXPRESSION: A HANDBOOK FOR ADVOCATES” LAUNCHED IN RUSSIAN

IFEX has announced the publication of the Russian-language version of “[Campaigning for Freedom of Expression: A Handbook for Advocates](#).” This handbook, translated and published by [IDEACCESS](#), contains best practices in campaigning, online resources, and practical tools that can be applied anywhere in the world.

GLOBAL—WORLD CONFERENCE ON MUSIC & CENSORSHIP TO BE HELD IN TURKEY

The global network of organizations, [FREEMUSE](#), that work to defend freedom of expression for musicians and composers, will be holding its third World Conference on Music & Censorship in Istanbul, Turkey, on 25–26 November 2006. According to FREEMUSE [press release](#), the forum will provide an opportunity for musicians and researchers from around the world to speak about music censorship and freedom of expression in Cuba, the Middle East, West Africa, Indonesia, Belarus, China, Zimbabwe and other countries.

IRELAND—DRAFT DEFAMATION BILL DUE TO PASS IN AUTUMN

The OSCE Representative on Freedom of the Media has presented a [legal review](#) of a draft [Defamation Bill 2006](#). While acknowledging that the draft bill contains major improvements, the OSCE representative recommends complete decriminalization of defamation, according to the OSCE [press release](#) on 29 September 2006. The draft legislation plans to abolish current criminal libel provisions it introduces a new crime – “publication of gravely harmful statements.” This contradicts the guidance of the European Court of Human Rights which has never approved imprisonment sentences for defamation. The report hails the provisions envisioning establishment of a press council but underscores the importance of its civil-society character without the need for legislation.

FREEDOM OF RELIGION AND BELIEF

AUSTRALIA—RELIGIOUS EDUCATION RETURNS TO CLASS ROOMS

Religion will return to Australia’s state school classrooms, with students expected to study beliefs from the “Aboriginal Dreamtime” to the Koran, according to a news article published by [NEWS.COM.AU](#) on 15 September 2006. Examinations of the Muslim and Jewish religions, the Christian Bible, and the Koran may form part of the curriculum. The move, however, underscores the importance of religious education in an historical rather than spiritual context.



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CHINA—CHURCHES NOT WITHIN OFFICIALLY RECOGNIZED GROUP REGISTER AND ENGAGE IN OTHER PUBLIC ACTIVITIES IN ZHEJIANG PROVINCE

In a [1 October 2006 story in the Washington Post](#), it was reported that churches that had begun life as house churches, which are unauthorized places of worship, have registered with the government, while not being willing to recognize the role of the official “Protestant Church” of China in their governance. In addition, a new church building was built by one congregation for itself, but that resulted in the building being razed and tensions built between the Christians and the state authorities. It remains to be seen the extent to which the government will relax its application of the rules to these break-away congregations or whether they must go back into hiding to avoid being arrested.

GERMANY—PUBLIC ELEMENTARY SCHOOLS IN SOUTHERN STATE PLAN TO OFFER CLASSES ON ISLAM

As part of an effort to better integrate immigrant Muslims into secular society, public elementary schools in a southern German state will begin offering classes on Islam, according to a news article posted [BY INTERNATIONAL HERALD TRIBUNE](#) on 5 September 2006. Religion classes on Islam are already available to students in the states of Hamburg, Lower Saxony, and North Rhine-Westphalia. German students are required to attend religion classes, but usually have only Christianity and Judaism as their options. Those who do not choose to attend may take ethics classes instead.

GLOBAL—U.S. STATE DEPARTMENT RELEASES 2006 INTERNATIONAL RELIGIOUS FREEDOM REPORT

On 15 September 2006, the U.S. Department of State released its eighth annual [International Religious Freedom Report](#). A USINFO [press release](#) indicates that the 2006 report examines countries’ commitment to advancing religious freedom from July 1, 2005, to June 30, 2006. The report describes the status of religious freedom in each foreign country, government policies violating religious belief and practices of groups, religious denominations, and individuals, and U.S. policies to promote religious freedom around the world. It is submitted in compliance with the International Religious Freedom Act of 1998. The full texts of the [2006 report](#) and previous reports are available on the [State Department](#) Web site.

INDIA—STATE ASSEMBLY OF GUJARAT PASSES FREEDOM OF RELIGION BILL 2003

State Assembly of Gujarat has passed the amended version of Freedom of Religion Bill 2003. The anti-conversion law was adopted in 2003 but never implemented. The amended version, however, bans forced conversion from one religion to another, makes no distinction between Buddhism and Hinduism. According to a news article published by [ASIA NEWS](#) on 21 September 2006, the new law defines Buddhism, Hinduism, and Jainism as denominations of the same religion. Protestants and Catholics are another religion, Shiites and Sunnis still another. India’s 19 million Sikhs are not mentioned.



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JORDAN—

- **DRAFT LAW GOVERNING ISSUANCE OF RELIGIOUS EDICTS APPROVED**

To prevent Islamic hard-liners from disseminating extremist ideology, the legislature has approved draft *iftaa* law - a measure that would only allow a state-appointed council to issue Fatwas (religious rulings). A news article published by [THE GUARDIAN](#) on 15 September 2006, states that the legislation also makes it illegal to criticize fatwas issued by a government-appointed council. The measure has been approved by the lower house of Parliament and will become law after approval of the upper house of Parliament and the king.

- **NEW MOSQUE PREACHING LAW APPROVED**

Parliament has approved a new law that gives the state the authority to approve mosque preachers, according to a news article posted by [INTERNATIONAL HERALD TRIBUNE](#) on 3 September 2006. The new law is aimed to tighten Islamic teachings at mosques to prevent extremist ideology from taking roots in Jordan. Those who violate the law will face penalty up to one month imprisonment and a fine of JD 100 (USD 142).

KAZAKHSTAN—FORUM ON RELIGIOUS FREEDOM AND TOLERANCE HELD

A three-day forum on religious freedom and tolerance was held from 12 – 14 September in Astana. National and international delegations participated in the forum. Addressing the forum, Kazakh President Nursultan Nazarbaev suggested the United Nations institutes a “year of cultural and religious tolerance.” According to a news article published by [RFE/RL](#) on 12 September 2006, he also underscored his government’s commitment and demonstration of religious tolerance. Human rights groups, however, were concerned about continuous harassment of nontraditional religious groups in Kazakhstan, such as the Hare Krishnas or the Islamic Tablighi Jamaat revivalist group.

LEGAL FRAMEWORK

AFGHANISTAN—PROPOSED AMENDMENTS TO NGO LAW RELEASED BY MINISTRY OF ECONOMY

The Ministry of Economy released on 1 October 2006 draft changes to the current “NGO Law 2005,” which it is proposing to introduce in the Parliament. [ACBAR, the Agency Coordinating Body for Afghan Relief](#), has sent the proposed amendments to its members for comments. Suggestions for additional changes and/or revisions in the proposed changes will also be submitted by ICCSL, which is on mission in Afghanistan. The text of the proposed revised law will be available on [the ICCSL website](#) within the next few days.



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EUROPE—SEMINAR HELD TO DISCUSS FRAMEWORK FOR PUBLIC BENEFIT FOUNDATIONS IN EUROPE

A seminar, organized by the [Academy of European Law \(ERA\)](#) in co-operation with the [European Foundation Centre \(EFC\)](#), was held in Brussels on 14 September 2006 to discuss the prospects for a new initiative on a European regulation of public benefit foundations. When the European Union agreed in 2001 to create a European Company Statute, making it easier for firms that operate across borders in the EU to comply with different fiscal and social regulations, the question of how to deal with charitable, non-profit or public-benefit organizations was left to one side. The European Commission has now completed a public consultation during the first half of 2006 and is considering whether to proceed with the idea of a European Foundation Statute. Many issues were discussed at the seminar, including:

What are the barriers to foundations operating across borders? Could a European legal instrument improve their situation?

What are the current trends at national level regarding the law on public benefit foundations? What else could be done to improve the international operating environment for foundations?

For further information about the types of issues addressed in this and other initiatives to create a “Statute for a European Foundation,” see Book Review, [4 INT’L J CIVIL SOC. L. 3, at 97 \(July 2006\)](#).

SAUDI ARABIA—SHURA COUNCIL REVISES LAW FOR SOCIETIES AND CHARITABLE ORGANIZATIONS

Before taking up the law for debate in November this year, the Shura Council is revising the law for societies and charitable organizations. A news article published by [ARAB NEWS](#) on 28 September 2006, reports that the draft law calls for the formation of a national authority (government body) with a broad range of powers, including licensing such organizations. This authority will be chaired by the crown prince and will have a council composed of several ministers.

MISCELLANEOUS MATTERS

EGYPT—EOHR RELEASES 2005 ANNUAL REPORT ON FREEDOM SITUATION

The [Egyptian Organization for Human Rights \(EOHR\)](#) announced the release of its 16th Annual Report 2005. The release was announced in a press conference on 21 September 2006. According to a EOHR [press release](#), the report documents the human rights and basic freedoms situation in Egypt throughout 2005. It is divided in three main sections: Section one tackles legal developments, judicial verdicts and all procedures related to human rights; Section two, the main body of the report, contains outcomes from monitoring, documenting and following up on cases; Section three presents statistical data on EOHR’s activities. It also sets forth recommendations and demands concerning the rights documented.



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GLOBAL—TRANSPARENCY CHARTER FOR INTERNATIONAL FINANCIAL INSTITUTIONS LAUNCHED

Global Transparency International (GTI) has launched “[Transparency Charter for International Financial Institutions: Claiming Our Right to Know](#)” in Batam, Indonesia, at the civil society parallel event to the World Bank/IMF annual meeting. A GTI [press release](#) on 15 September 2006 states that the Charter seeks significantly improved transparency standards across all international financial institutions. GTI is encouraging civil society organizations to endorse the Charter.

UNITED STATES—NATIONAL STANDARDS SEAL FOR COMMUNITY FOUNDATIONS ANNOUNCED

The [Council on Foundations](#) (CoF) has announced the award of its new “National Standards Seal” to 260 community foundations. The foundations earned the Seal for attaining the highest standards for grant-making integrity and accountability. According to the CoF [press release](#) on 5 September 2006, the “National Standards for U.S. Community Foundations” establish legal, ethical, and effective operational practices and highlight transparency and financial responsibility and requires community foundations to document their performance in donor services, investment management, grant-making and administration. In addition to the 260 of the 700 community foundations nationwide that are already in compliance, 300 more are in the process of either compiling materials for their record book or are currently under review. The National Standards program is the first of its kind for charitable foundations in the United States.

ANNOUNCEMENTS

AZERBAIJAN—FOLLOW-UP CONFERENCE ON LAW ON FREEDOM OF ASSEMBLY

The 68th Plenary Session of the Venice Commission is expected to discuss the issue of upgrading the law “On freedom of assembly in Azerbaijan,” according to a news article published by [TREND](#) on 21 September 2006. The session will be held on 13-14 October 2006. A working group consisting of government representatives, experts of OSCE Baku and Venice Commission will be formed soon. After the session, the group will prepare proposals on improving the legislation in Azerbaijan.

NEW PUBLICATIONS

- [Cairo Institute for Human Rights Studies](#) (CIHRS) has released a new book in Arabic entitled “[No one is protected: The role of the Arab League in maintaining human rights protection](#),” according to a CIHRS [press release](#) on 10 September 2006. It analyses the Arab Charter on Human Rights from the perspective of civil society and human rights organizations. The book is a compilation of numerous research papers examining the human rights protections guaranteed under the Charter, including civil and political rights. The book also compares the protection mechanisms of the Arab Charter with those of the African Charter on Human and People's Rights. The [Arab Charter](#)



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[on Human Rights](#) was adopted by the League of Arab States in 1994 and revised in 2004.

- Johns Hopkins Comparative Nonprofit Sector Project (CNP) has recently published a working paper entitled “[Defining the Nonprofit Sector: New Zealand](#).” The report provides new and useful insights into the New Zealand NPO sector. The report consists of four sections: The first section focuses on the history of the nonprofit sector, the second covers the legal frameworks that govern nonprofit organizations. The third section describes the major types of nonprofit organizations using the United Nations International Classification of Nonprofit Organizations (ICNPO) as a framework. The fourth section discusses the structural-operational definition utilized more generally in the international CNP and its applicability to the Aotearoa/New Zealand context.

RESOURCES

- The Norwegian [Environmental Information Act](#), relating to the right to environmental information and public participation in decision-making processes, ensures public access to information and thus makes it easier for individuals to contribute to the protection of the environment. The Act is also intended to promote public participation in decision-making processes of significance relating to the environment.
- A new website dedicated to building awareness about, and providing easy access to, nonprofit research has recently been launched. [ISSUE LAB](#) at (<http://www.issuelab.com>) created by [New Media for Nonprofits](#) has recently been launched. It is a wide-ranging, searchable and browseable archive of non-profit organizations’ publications. It simplifies the process of locating and accessing research and policy analysis materials, including reports, white papers, fact sheets, case studies, data sets and more.
- [ISTR](#) is developing a listserv for persons interested in legal issues affecting the Third Sector. More information on the new listserv can be found on the [ICCSL website](#) and persons interested in these issues are encouraged to join the listserv.



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