



# IJCSL NEWSLETTER

VOLUME 3 ISSUE 12

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## ANTI-TERRORISM LEGISLATION

### CANADA—

- **CLAUSE OF ANTI-TERRORISM LAW DEFINING ‘TERRORISM’ STRUCK DOWN**

The Superior Court of Justice for Ontario has struck down a portion of Canada's anti-terrorism law, ruling that the clause dealing with the definition of terrorism violated the freedoms of religion, thought, and association guaranteed in the Charter of Rights. A news article published by [INTERNATIONAL HERALD TRIBUNE](#) on 24 October 2006 discusses the ruling in the case of Mohammad Momin Khawaja. Mr. Khawaja was the first person charged under the Anti-Terrorism Act. In its decision, the court "severed" a clause in the law that defines terrorist activities as crimes motivated by ideology, religion or politics. Legal experts and government officials have said that the inclusion of the motivation clauses had actually made it tougher to prove terrorist activity. The decision is not available on the website of the Supreme Court of Justice, as this issue of the newsletter goes to press. Excerpts from the decision can be found on the CTV News website at [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20061024/khawaja\\_charter\\_061024/20061024](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20061024/khawaja_charter_061024/20061024).

- **ANTI-LEAKAGE PROVISION OF SECRECY LAW STRUCK DOWN**

See below under CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

### GLOBAL—ANTI-TERROR LEGISLATION SAID TO HAVE ADVERSE IMPACT ON FREEDOM OF RELIGION

Asma Jehangir, United Nations Special Rapporteur on Freedom of Religion and Belief on Monday stated that measures adopted by governments in countering terrorism have significantly affected the freedom of religion or belief of numerous religious groups around the world, particularly Muslims. This was reported online in [Dawn](#) on 26 October 2006. Addressing the UN General Assembly on the issue of the Covenant on “Elimination of All Forms of Intolerance and Discrimination Based on Religious Belief,” Jehangir noted that on many occasions, members of groups perceived to have extreme religious groups have been harassed, arrested, and deported.

### JAPAN—SPECIAL ANTI-TERRORISM LAW EXTENDED

Japan’s House of Representatives has passed a bill extending the special anti-terrorism law for another year from 1 November 2006. According to a news article published by [PEOPLES’S DAILY ONLINE](#) on 19 October 2006, under the special law, Japan’s Maritime Self-Defense Force (MSDF) ships may continue refueling U.S.-led coalition forces in the Indian Ocean in support of the anti-terrorism campaign in Afghanistan. The legislation had been extended by two years in October 2003 and by another year in October 2005. The government hopes to have the bill passed by the end of the month at the upcoming Diet session, which runs through 15 December 2006.



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## **KAZAKHSTAN—KNB SECRET POLICE CONSIDER CHANGES TO ANTI-TERRORISM LAW RELATED TO RELIGIOUS GROUPS**

Kazakhstan's National Security Committee (KNB) secret police is considering changes to Kazakhstan's Anti-terrorism Law. A news article published by [FORUM 18 NEWS SERVICE](#) on 24 October 2006 reports that the Deputy Chief of Staff of the KNB's Anti-terrorist Centre assured the public that the changes are not meant to target any particular religion. It is also expected that the Kazakhstan's parliament will draw up amendments to the Religion Law in 2007. Kazakhstan had earlier introduced drastic legal religious freedom restrictions in related "extremism" and "national security" legislation in 2005.

## **CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION**

### **AMERICAS—IACHR RECOGNIZES ACCESS TO INFORMATION AS BASIC HUMAN RIGHT**

On 11 October 2006, the Inter-American Court of Human Rights (IACHR) recognized access to government-held information as a basic human right, according to a news article published by [IFEX](#). The [ruling](#) came in the case of [Marcel Claude Reyes and Others v. Chile](#), in which three environmental activists sought information from the Chilean government on a controversial logging project. In its ruling the court found Chile had violated the right to information by failing to provide the information requested and by not having a law and other effective mechanisms to guarantee the right of all persons to request and receive information held by government bodies. The court ordered Chile to release the information requested and adopt legal and other measures, including training for public officials, to guarantee an effective process for dealing with information requests.

### **BULGARIA—CITY ADOPTS CITIZEN PARTICIPATION PLAN TO EMPHASIZE ITS DEMOCRATIC DEVELOPMENT**

A story published in the [Sofia Echo](#) for 16 October 2006 reports that the north-eastern city of Shoumen, Bulgaria, has encouraged active citizen participation in developing an innovative new municipal practice to strengthen international relations with other communities around the world. This plan also assists the Bulgarian municipality in understanding how to deal with new concepts and issues introduced by the EU accession process that are foreign to the local mindset. Shoumen has created the country's first-ever sister city council through the local municipality. With the enthusiastic support of the town's mayor and executive and municipal boards, the new council serves as a conduit of communication between Shoumen and its new sister city of Scituate, Massachusetts, U.S. Representing all members of society, including students, minorities, NGOs and local businesses, the council's goal is to create opportunities for community members to play an active role in decision making regarding international issues. The council is seen as a separate working body under the municipal framework which allows the public to participate in virtually any type of municipal affair concerning international relations.



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## **CANADA--ANTI-LEAKAGE PROVISION OF SECRECY LAW STRUCK DOWN**

The case [O'Neill v. Canada \(Attorney General\)](#), decided by the Supreme Court of Justice of Ontario on 19 October 2006, struck down key provisions of the Security of Information Act, [R.S.C. 1985, c. O-5](#). The police force, the ruling said, is entitled to enforce the Security of Information Act, “but when it did [in this case], its purpose was an abuse.” The judge also harshly rebuked the police for using them to intimidate a reporter whose home and office were raided by the Royal Canadian Mounted Police in an attempt to gain access to sources of leaks. .

## **GLOBAL—**

- **OPEN BUDGET INDEX 2006 RELEASED**

Civil society organizations from 59 countries around the world have released the [Open Budget Index 2006](#). The IBP [press release](#) of 18 October 2006 marks the first time such an index – which rates countries on how open their budget books are to their citizens – has been published. A country’s ranking on the Open Budget Index is a measure of that government’s commitment to accountability and transparency. For the 59 countries surveyed, the major findings from the Open Budget Index 2006 reveal that only six of the countries provide the extensive budget information necessary for government accountability; more than 32 of the countries fail to make public all of the seven key budget reports they produce; six countries keep their budget secret until after it is adopted by the legislature; 25 of the countries fail to hold public hearings on the budget; and in 16 of the countries, the executive can fire the head of the country’s external auditing body without the consent of the legislature or the judiciary.

- **OSJI RELEASES NEW SURVEY ON ACCESS TO INFORMATION LAWS AND PRACTICES**

The Open Society Justice Initiative has published a new report entitled [“Transparency and Silence: A Survey of Access to Information Laws and Practices in 14 Countries.”](#) The OSJI [press release](#) states that the comparative study on access to information in 14 countries documents how various countries did—or did not—honor the right of access to information. The report 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.

## **KENYA—FREEDOM OF INFORMATION BILL HAS WIDE SUPPORT**

Parliament has unanimously supported the introduction of the Freedom of Information Bill which, if passed, would lead to the Freedom of Information Act according to a report from the EAST AFRICAN STANDARD published on [ALLAFRICA.COM](#) on 19 October 2006. MPs were in agreement that the public and the media have the right to know, and that legislation paving way for freedom of information was long overdue. They said the Official Secrets Act should be repealed as the first step towards promoting freedom of information.



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## **SIERRA-LEONE—POLITICAL PARTIES FAVOR PROPOSED FREEDOM OF INFORMATION BILL**

A report from CONCORD TIMES in Freetown and published on [ALLAFRICA.COM](http://ALLAFRICA.COM) on 25 October 2006, states that the major political parties in Sierra Leone have unanimously expressed public support for the Freedom of Information bill. The bill is to be enacted by Parliament as a way of enforcing transparency and accountability within the public and private sectors in Sierra Leone.

## **ST. KITTS AND NEVIS—FREEDOM OF INFORMATION BILL TO HAVE FIRST READING**

A Press Release published by the [St. Kitts and Nevis government](http://St.KittsandNevis.government) indicates that the Freedom of Information Bill, and other related bills, such as the Privacy and Personal Information Protection Bill and the Interception of Communications Bill will be given their first reading when the St. Kitts and Nevis National Assembly meets on 2 November 2006. The Freedom of Information Bill seeks to promote maximum disclosure of information in the public interest, to guarantee the right of everyone to access to information, and to provide for effective mechanisms to secure that right and for related matters.

## **TANZANIA—NEW LAW ON ACCESS TO INFORMATION EXPECTED**

The government of Tanzania is planning to enact an omnibus media law that would guarantee access to information held by public institutions, according to a news article published by [IFEX](http://IFEX) on 4 October 2006. The new law governing media was first discussed by Parliament in June 2006. Currently, the government is consulting stakeholders on the proposed legislation. The Bill is planned to be tabled for discussion before the National Assembly in the April 2007 session.

## **UNITED KINGDOM—PRIME MINISTER WARNED ON HIGHER FEES FOR JOURNALISTS USING THE FREEDOM OF INFORMATION ACT**

According to a news article published by [PRESS GAZETTE](http://PRESS.GAZETTE) on 11 October 2006, MPs have tabled a motion in the House of Commons voicing concern that the government is considering allowing an application fee to be charged for all requests or to allow authorities to refuse requests, on grounds of cost. The motion warns that the PM, Tony Blair, will face an all-party row if he sanctions higher fees for journalists using the Freedom of Information Act to extract official information. The supporters of the motion allege that charging fees could undermine the Act's benefits of increased openness and accountability and trust in the work of public authorities.

## **FISCAL MATTERS**

### **INDIA—GOVERNMENT VOWS TO INTRODUCE NEW BILL REPLACING FCRA 1976**

The Government of India is in the process of introducing a new Bill to replace the existing Foreign Contribution Regulation Act (FCRA) 1976, according to a news article published by [THE HINDU](http://THE.HINDU) on 29 September 2006. The issues relating to



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compliance of law under the FCRA by NGOs and individuals, experiences of the stake-holders, and the role of the Enforcement Agencies will be taken into consideration. The new legislation is expected to be passed during the next winter session of the Parliament.

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

### **AZERBAIJAN—GOVERNMENT ASKS VENICE COMMISSION TO REVIEW LAW ON FREEDOM OF ASSEMBLY**

The government of Azerbaijan requested the Venice Commission to review the law on freedom of assembly adopted in 1998. According to a news article published by [AZERI-PRESS INFORMATION AGENCY](#), the 68<sup>th</sup> plenary session of the Venice Commission, which took place in Venice from 13 – 14 October 2006, adopted a legal document in regard to the improvement of the law. The [document](#), made public on 30 October 2006, found as follows: “[i]t is positive that there are correct statements of principle governing freedom of assembly in the Constitution, the Constitutional Law and the Law under consideration. However the Law sets out with excessive details the conditions for exercising the constitutionally guaranteed right of assembly, especially where its exercise would pose no threat to public order and where necessity does not in fact demand state intervention. The relevant regulation should focus on what is forbidden rather than on what is allowed: it should be clear that all that what is not forbidden is permissible, and not vice-versa. The philosophy of the Law should therefore be changed.” The Venice Commission has expressed its readiness to continue rendering assistance to the Azerbaijani authorities to improve the legislation. The Commission has also agreed to participate in further consultations together with the Azerbaijani Government in Baku.

### **BELARUS—GOVERNMENT PREPARES NEW DRAFT OF “LAW ON TRADE UNIONS”**

The government of Belarus has drafted a new law “on Trade Unions.” A news article published by [NAVINY](#) 9 October 2006 reports that the new draft law governs all matters related to the establishment, registration, and activities of trade unions. It eases the registration process of trade unions by allowing workers to setup trade unions without registering them as legal entities. Such organizations would have to be registered only with local executive authorities. The president of Belarus has supported the draft law.

### **BOTSWANA—PRESIDENT URGES CITIZENS TO AVOID MEMBERSHIP IN ORGANIZED ETHNIC CULTURAL GROUPS**

Botswana’s indigenous minorities have expressed concern over President Festus Mogae’s recent call to avoid joining organized ethnic cultural groups, according to a news article published by [IRIN](#) on 24 October 2006. In an address marking the country’s 40 years of independence, Festus Mogae said he was worried about the growing trend by some citizen groups, who claimed that their languages and cultures were being marginalized, to organize themselves into ethnic cultural groups.



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## EUROPE—

- **OSCE ORGANIZES ROUNDTABLE DISCUSSION ON GUIDELINES ON FREEDOM OF ASSEMBLY LEGISLATION**

The Organization of Security and Cooperation in Europe (OSCE) organized roundtable discussion of the guidelines on legislation regulating and affecting freedom of assembly. The roundtable was organized in Warsaw on 16 October 2006. According to an OSCE [press release](#), the guidelines will serve as a practical toolkit for legislators and practitioners involved in regulating, handling and organizing assemblies, and will also include examples of good practice from the 56 OSCE participating States of various legislative options in the field. The guidelines are expected to be ready early next year.

- **EUROPEAN COURT OF HUMAN RIGHTS AFFIRMS FREEDOM OF ASSOCIATION FOR SALVATION ARMY**

In the case of [The Moscow Branch of the Salvation Army c. Russie/v. Russia, no/no. 72881/01 \(Sect. 1\) \(Eng\)](#), the European Court of Human Rights (ECHR) in Strasbourg ruled on 5 October 2006 that the state must pay the Church compensation of 10,000 Euros. Finding that the Russian state had interfered with the rights of the Salvation Army's Moscow branch by refusing to give it legal status and branding it a "militarised organization," the Court held that Article 11 of the European Convention on Human Rights had been violated. Reacting "very positively" to the ruling, which came five years after it lodged the case, Aleksandr Kharkov of the Salvation Army told [Forum 18 News Service](#): "We would have preferred to have come to an agreement in a friendly manner, without recourse to the courts." Forum 18 has been unable to find out whether the Russian state will appeal against the judgment, though it has three months to do so. For a discussion of the Article 9 (freedom of religion and belief) implications of the decision, see below.

## SOUTH AFRICA--BY-LAWS RELATING TO FREEDOM OF ASSEMBLY PROPOSED BY CITY OF CAPE TOWN

The City of Cape Town has proposed the "By-Law relating to streets, public places and the prevention of nuisances." According to the by-law, all gatherings and processions in public places are, in the first instance, deemed to be proscribed. It then mentions the mechanism by which such activities might be legalized. According to an e-news article published by [ALLAFRICA](#) on 6 October 2006, several provisions in the by-law are *ultra vires* in terms of the Regulation of Gatherings Act 205 of 1993 (RGA). For instance, Section 11 (2) requires the submission of a written application to the City for permission to hold a gathering; Section 11 (2) (a) requires the organizer of a gathering to provide her/his occupation. Neither of these rules would seem to be acceptable under the RGA.



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## **ZIMBABWE—REPORT ON SUPPRESSION OF DISSENT RELEASED BY HRW**

The Zimbabwean government has intensified its campaign to suppress peaceful dissent, Human Rights Watch said in a report released on 31 October 2006. The 28-page report, "[You Will Be Thoroughly Beaten': The Brutal Suppression of Dissent in Zimbabwe](#)," reveals the repressive tactics that the government has used against civil society activists in the past year. Human Rights Watch has documented systematic abuses against activists, including excessive use of force by police during protests, arbitrary arrests and detention, and the use of torture and mistreatment by police and intelligence officials.

## **FREEDOM OF EXPRESSION**

### **AMERICAS—OFFICE OF THE SPECIAL RAPPORTEUR FOR FREEDOM OF EXPRESSION OF IACHR RELEASES QUARTERLY REPORT**

In its quarterly report, the Office of the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights (IACHR) has expressed concerns over the deterioration of freedom of expression in the region during the last quarter, according to OAS [press release](#) on 12 October 2006. The report also contributes to the adoption of the corrective measures that could be pertinent for a greater exercise of the right to the freedom of thought and expression. The report covers the period from 1 July to 30 September 2006.

### **BAHRAIN—SEVERAL WEBSITES BLOCKED BY ISPs**

[Human Rights Education Associates](#) reports that the Bahrain Center for Human Rights received information that seven additional websites were blocked by Internet Service Providers (ISPs) in Bahrain, on specific orders from the Ministry of Information. The BCHR has condemned the government's continued attacks on Internet communication, as this move comes only days after the BCHR's own website was blocked (on 25 October 2006). The BCHR was provided with a leaked copy of a decree, signed by information minister Mohammed Abdulghaffar and dated October 29, 2006, in which the seven websites were ordered to be blocked. Now a total of 17 websites are blocked by the government, some of which have been censored since before 2001

### **CANADA—LEGISLATION TO PROTECT CRITICS OF SAME-SEX MARRIAGE BEING CONSIDERED**

The government is planning measures, including a Defence of Religions Act, to allow public officials, such as Justices of the Peace, to refuse to perform same-sex marriages. The measures are also intended to protect the free-speech rights of religious leaders and others who criticize homosexual behavior or refuse to do business with gay-rights organizations, according to a news article published by [THE GLOBE AND MAIL](#). Any such legislation, however, would be brought forward only if the government loses its motion to reopen the debate on same-sex marriage.



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## **DENMARK--COURT REJECTS DEFAMATION SUIT BASED ON CARTOONS**

[WTOP](#) has reported online that a court in Aarhus rejected a lawsuit brought by seven Danish Muslim groups against JYLLANDS POSTEN and other Danish newspapers that had published the cartoons picturing Mohammed in ways that some Muslims viewed as blasphemous. The private lawsuit was begun after Denmark's top prosecutor declined to press criminal charges, saying the drawings did not violate laws against racism or blasphemy. The court conceded that the cartoons might be viewed by some as linking all Muslims to terrorism, but that was not the intent, which was more along the lines of social commentary.

## **CHINA—CHONGQING MUNICIPALITY PASSES RULES TO STOP INTERNET RUMORS WATERED DOWN AFTER PUBLIC OUTCRY**

Chongqing Municipality has published new regulations that will create fines and possible prison terms for "spreading malicious rumors" on the Internet. According to CHINA DAILY (18 October 2006, page 3), the rules follow an announcement by the State Administration of Radio, Film and Television, which aims to clamp down on the spreading of *ergao*, a slang term for malicious satire. On the other hand, the Chongqing rules are not as onerous as the municipality had originally planned – a "public outcry" caused them to be watered down.

## **FRANCE—LOWER HOUSE OF PARLIAMENT PASSES BILL OUTLAWING DENIAL OF ARMENIAN GENOCIDE**

France's National Assembly approved a bill making it a crime to deny that the 1915-1917 massacres of Armenians by the Ottoman army constituted genocide on 12 October 2006. The crime will be punishable with one year jail sentence and a fine. If the bill passes through the Senate and receives presidential approval, the law will be a blow to freedom of speech in France. History reveals that between 1915 and 1917, over 1.5 million Armenians were massacred as the Ottoman Empire drew to a bloody close. [Various newspaper](#) and other Internet sources have reported that Turkey is outraged by this development and other voices of dissent have also been heard.

## **GLOBAL—RSF RELEASES WORLD PRESS FREEDOM INDEX 2006**

[Reporters Without Borders](#) (RSF) has released the [World Press Freedom Index 2006](#). According to the index certain Western democracies such as the U.S. and France have continued their downward slide of recent years. Freedom of information, however, remains relatively high for the most part in Northern Europe with no recorded censorship, threats, intimidation or physical reprisals recorded in Finland, Ireland, Iceland and the Netherlands. In addition, several African countries, such as [Namibia](#), rank relatively high. The index measures the state of press freedom in the world. This year's index is based solely on events between 1 September 2005 and 1 September 2006.

## **IRAN—NEW DIRECTIVES LIMIT INTERNET SPEEDS**

Iran's internet service providers (ISPs) have begun reducing the speed of Internet access to homes and cafes based on new government-imposed limits. A news article



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published by [REUTERS](#) on 18 October 2006 suggests that this is an attempt to limit access to outside sources of information.

## **SAUDI ARABIA—FIRST SAUDI FILM OPENS IN BAHRAIN**

Saudi Arabia's first feature-length film entitled "Keif Al Hal" (How's It Going?) made its Middle East debut in Bahrain on 23 October 2006. According to a news article published by [GULF DAILY](#), the film will open in the UAE, Qatar, Kuwait and Egypt on 8 November 2006. The film details the struggle between moderates and religious extremists in one Saudi family. It is about a Saudi woman who dreams of a career, but has to struggle against her fundamentalist brother who wants to pick her life partner and is already planning her life as a homemaker. The producers hope the film will be a springboard for cinematic reform in Saudi Arabia. Cinemas have been banned in Saudi Arabia since the early 1980s. To get around this, producers have signed a deal with Showtime Arabia to offer the film, made in Dubai, on pay-per-view television once the theatrical release is over so that Saudi audiences can finally see it.

## **TURKEY—FREEDOM OF EXPRESSION REPORT ADVERSE TO EU MEMBERSHIP LEAKED; AVAILABLE PUBLICLY NEXT WEEK**

According to a [FINANCIAL TIMES report](#) published 30 October 2006, Turkey's bid for European Union membership will be dealt a fresh blow next week when an official report will criticize the government for failing to make enough progress on freedom of expression, curbing the use of torture and establishing civilian control over the military. The draft European Commission report, obtained by FT Deutschland, the FT's sister paper, comes at a particularly sensitive time, with EU officials struggling to keep the accession talks alive.

## **VIET NAM—AUTHORITIES STIFLE FREE SPEECH OVER THE INTERNET**

A recent report entitled "[A tightening net - web-based repression and censorship](#)" released by Amnesty International reveals the Vietnamese authorities are tightening control on internet in recent years. According to the report [released](#) on 22 October 2006, the websites are filtered and blocked, the Internet Service Providers are required to inform on web users, Internet café owners are required to monitor and inform on customers, and web users themselves are required to inform on sites that oppose the state. Laws ban web users from spreading information that causes "harm to national security or social order."

## **FREEDOM OF RELIGION AND BELIEF**

### **EGYPT—NEW FATWA DECLARES USE OF BLEACH CREAM A SIN**

"Any woman who uses bleaching creams in order to lighten her skin is committing a sin forbidden in Islam, according to a new Fatwa (religious decree) issued by the Mufti of Egypt, Dr Ali Gomaa," according to a news article published by [INDEPENDENT ONLINE](#) on 26 October 2006. The Mufti based his Fatwa on a verse from the Quran which talks about the Devil's temptation to humans to make them



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change the form of what God has created. The Fatwa was published in the Egyptian official daily newspaper al-Gomhuriya.

## **EUROPE—DECISION IN SALVATION ARMY OF MOSCOW CASE ALSO DEALS WITH FREEDOM OF RELIGION**

As indicated above under FREEDOM OF ASSOCIATION, the European Court of Human Rights has issued its decision in the [Moscow Branch of the Salvation Army](#) case, which implicates Article 9 in addition to Article 11. Some of the Court's analysis of Article 9 issues can be seen as critical of Russia's Law on Religion and may well have important value for other interpreting other restrictive religion laws in the region. The ECHR states: "Since religious communities traditionally exist in the form of organised structures, Article 9 must be interpreted in the light of Article 11 of the Convention, which safeguards associative life against unjustified State interference. Seen in that perspective, the right of believers to freedom of religion, which includes the right to manifest one's religion in community with others, encompasses the expectation that believers will be allowed to associate freely, without arbitrary State intervention."

## **GLOBAL—ANTI-TERROR LEGISLATION SAID TO HAVE ADVERSE IMPACT ON FREEDOM OF RELIGION**

See above under ANTI-TERRORISM LEGISLATION

## **INDIA—DALIT CONVERSIONS FOCUS ON DISCRIMINATION UNDER HINDU RELIGION**

An article published by [The Indian Catholic Online](#) on 15 October 2006 reports that at a rally organized to commemorate the 50th anniversary of the neo-Buddhist movement, hundreds of low-caste people in India converted to Buddhism and Christianity on Saturday. The mass conversion ceremony in Ngapur was part of the programs to commemorate the 50th anniversary of neo-Buddhist movement, which began when B. R Ambedkar converted to Buddhism with some 50,000 low castes to protest the Hindu caste system. The rally organizers said they also planned the events to focus on laws restricting the freedom of religion.

## **KAZAKHSTAN—KNB SECRET POLICE CONSIDER CHANGES TO ANTI-TERRORISM LAW RELATED TO RELIGIOUS GROUPS**

See above under ANTI-TERRORISM LEGISLATION

## **SPAIN—CAMPAIGN TO PUBLISH SCHOOL TEXTBOOK ON ISLAM GAINS MOMENTUM**

The Spanish government, the Catholic Church, and Muslim leaders have joined forces to publish a school textbook on Islam, according to a news article published by [BBC NEWS](#) on 19 October 2006. The book is aimed at helping Muslim children learn about their faith and integrate them better into Spanish society. It aims to balance the right of parents for their children to receive the religious education they want with the needs of the children to live and work in secular society.



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## **TUNISIA—AUTHORITIES PROHIBIT WOMEN FROM WEARING HEADSCARVES**

Law enforcement authorities in Tunisia are restricting women from wearing Islamic headscarves (*hijab*). According to a news article published by [BBC NEWS](#) on 15 October 2006, the authorities refer to a decree dating back to 1981 which prohibits women from wearing Islamic headscarves in public places. Under the referred decree, women in Tunisia are not allowed to wear Islamic dress in schools or government offices. Those who insist on it face losing their jobs. The move faced resistance from human rights activists who accused the authorities of depriving women of a basic freedom guaranteed by the constitution.

## **TURKEY—EUROPEAN COURT OF HUMAN RIGHTS UPHOLDS HEAD SCARF BAN**

The European court of human rights has ruled the headscarf ban in Turkey did not contradict the European Convention on Human Rights. A news article published by the [TURKISH DAILY NEWS](#) on 17 October 2006 says that the complaint was filed by a university student in Turkey who wanted to use a photograph showing her with a headscarf during procedures for registration at Istanbul's Marmara University Faculty of Theology. Rejecting the complaint, the court ruled the statutory obligation to register at university with a photograph in which a headscarf is not worn does not constitute any obstacle to perform one's religious duties.

## **LEGAL FRAMEWORK**

### **CHINA—**

- **FARMERS' PROFESSIONAL COOPERATIVES LAW PASSES STATE COUNCIL STANDING COMMITTEE**

On 31 October 2006 the Standing Committee of the State Council passed the Draft Law on Farmers Professional Associations (FPAs). These organizations, which are viewed as a key pillar for rural development in China, have previously existed without any clear regulatory framework and thus have not been adequately integrated into the development process. The proposed law, which will be considered at the upcoming session of the State Council and is slated for passage at the March meeting of the National Peoples' Congress is not yet available in English translation. There is, however, a lengthy report by the [World Bank's Beijing](#) office that discusses the history of FPAs and the policy decisions behind creating a law to govern them.

- **PROGRESS BEING MADE ON "CHARITY LAW"**

The Ministry of Civil Affairs Bureau of Legislative Affairs and Bureau of NGOs Regulation and Administration are working on amendments to the draft "Charity Law" (latest draft is from 15 September 2006 and information on the ICCSL website). The law aims to define public benefit activities, detail the process for obtaining status as a PBO, provide details as to internal governance of such organizations, enact the non-distribution constraint for such organizations, provide rules on fund-raising and fund management, and provide rules on volunteers,



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among other matters. At the present time, the draft law is scheduled to go to the Legislative Affairs Division of the Standing Committee of the National People's Congress in December.

## **NEW ZEALAND—INFORMATION ISSUED ON STATUS OF CHARITIES THAT ENGAGE IN ADVOCACY**

In its [latest Update](#), the Charities Commission has given guidance on the extent to which groups that engage in advocacy activities will be able to be given charitable status. Consistent with court interpretations in common law countries, the guidance states that groups with the primary purpose of bringing about change in the law will not be found to be charitable. The Commission goes on to note, however, “that section 5(3) [of the Act] also states that a ‘non-charitable purpose (for example, advocacy) that is merely ancillary (i.e. secondary, subordinate or incidental) to a charitable purpose and not an independent purpose’ will not prevent an organisation from qualifying for registration as a charitable entity.”

## **RUSSIA—CRITICISM OF NEW NGO LAW PROVISIONS MADE BY GOVERNMENT OFFICIAL**

A report published in the [Moscow Times](#) for 25 October 2006 says Ella Pamfilova, a top adviser to President Vladimir Putin, has complained that the controversial new law on nongovernmental organizations is excessively bureaucratic and needs to be changed. "The law creates so much red tape that many organizations can't cope," said Pamfilova, who heads the president's Council on the Institutions of Civil Society and Human Rights. Further information on the effect of the new law on foreign organizations and the challenges they have faced with re-registration can be found on the ICCSL website. To date 100 foreign organizations, including Human Rights Watch and Amnesty International, have had their registrations suspended because they did not complete their paper-work on time.

## **SAUDI ARABIA—**

### **• SHURA COUNCIL REVISES LAW FOR SOCIETIES AND CHARITABLE ORGANIZATIONS**

The [Shura Council](#) is revising the law for societies and charitable organizations which was issued by the Council of Ministers, according to a news article published by [ARAB NEWS](#) on 28 September 2006. The draft law calls for the formation of a national authority, chaired by the crown prince, to license civil institutions and organizations. This authority, which is a government body, will have a council composed of several ministers and will have a range of powers. The Shura Council has set up a committee to re-write the law further in the light of what was published in the newspaper, and invited a group of men and women in late September to advise on a number of controversial points. The draft law is expected to be taken for debate in November this year.



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- **CHARITY COMMISSION TO REGULATE CHARITABLE ACTIVITIES ABROAD UNDER CONSIDERATION**

The proposal to establish a Saudi charity commission to regulate charitable activities abroad is expected to be presented to the Shura Council soon. According to a news article published by [ARAB NEWS](#) on 8 October 2006, under the proposed legislation the commission will be a non-profit private body and the Saudi government will not be responsible for any mistakes committed by organizations working under the commission. The state, however, will have the power to monitor the activities of all the charities and take action against people breaking rules. The commission will follow the system being used by the Charity Commission in the UK.

## **UNITED KINGDOM—CHARITIES BILL REACHES ITS FINAL STAGES**

The Charities Bill completed its remaining stages in the House of Commons 25 October 2006. The Bill has now been sent back to the House of Lords for the final stage, the Consideration of Commons Amendments debate, provisionally scheduled for 7 November 2006, according to the Charity Commission's [news update](#). The latest progress and developments on the bill can be found at [Charity Commission's website](#).

## **MISCELLANEOUS MATTERS**

### **CANADA—PUBLIC OPINION POLL SURVEYING CANADIANS ON VIEWS ABOUT CHARITIES RELEASED**

The Muttart Foundation has released "[Talking About Charities 2006](#)," a public opinion poll to survey Canadians on their views about charities and issues affecting charities. According to the Muttart Foundation [press release](#) on 19 October 2006, the survey finds charities continue to have an overwhelming level of trust among Canadians, despite concerns that they are not doing a good job of communications.

### **IRAQ—GOVERNMENT PLANS ESTABLISHMENT OF HUMAN RIGHTS COMMISSION**

The government has announced the plans for establishment of a human rights commission in Iraq. This is the first commission of its type in the country. According to a news article published by [KHALEEJ TIMES](#) on 18 October 2006, the Commission is being set up with the help of United Nations. The Commission will be comprised of nine members selected by the Parliament. A legislative body will monitor the work of the members, but the Commission is described as "independent" in scope. Plans for the first National Human Rights Commission in Iraq will be submitted to Parliament in Baghdad in November 2006.



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## ANNOUNCEMENTS

### GLOBAL—WSF 2007 WILL TAKE PLACE IN KENYA

The [World Social Forum 2007](#) (WSF) will take place in Nairobi, Kenya from 20 – 25 January 2007. The World Social Forum is an open meeting place where social movements, networks, NGOs and other civil society organizations opposed to neo-liberalism and a world dominated by capital or by any form of imperialism come together to pursue their thinking, debate ideas democratically, formulate proposals, share their experiences freely and network for effective action. The individual registration form is now available for download on the [WSF 2007](#) website.

### NEW PUBLICATION—

- [Kumarian Press](#) has just published a new book entitled “[Humanitarian Alert](#).” According to the book details, the author, Abby Stoddard, proposes an often overlooked view that humanitarian NGOs, even those dependent on their home government for most of their funding, can and do influence state policy formation, but not in the manner of interest-based advocacy groups. Instead, these operational groups have the greatest impact on policy by providing hands-on information taken from experience. This information can shape what governments and other actors know, and how the policy problem is framed.

### UNITED KINGDOM—CHARITY COMMISSION ANNOUNCES CONSULTATION ON NEW GUIDANCE

The Charity Commission has announced a [consultation](#) on its new guidance “[Charities and public service delivery](#).” According to the [GOVERNMENT NEWS NETWORK](#) news release on 6 October 2006, the draft guidance takes into account a number of changes, both within the charitable sector and in the relationships between charities and the public sector. It is based on wide consultation with charities and provides some key recommendations about delivering public services. The consultation runs until 5 January 2007 and is available on the Commission's website at [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk) under “Promoting Effective Performance/ Consultation Documents.” The revised guidance will be published in February 2007.

## RESOURCES

### FREEDOM HOUSE

[Freedom House](#) has launched a new [web-based resource](#) providing comprehensive information about press freedom around the world, according to a Freedom House [press release](#) on 11 October 2006. The website includes global and regional pages highlighting the main trends for each year, as well as detailed historical data since 1980 from the organization's annual Freedom of the Press survey. Other features of the new web pages include annual overview essays summarizing the state of global



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press freedom, interactive maps showing the state of press freedom for each year since 2002, and reports and ratings for every country in the world. The web pages also contain links to press freedom resources, including Freedom House press releases, op-eds, programmatic activities, and other press freedom and media support groups.

## **IREX**

**IREX** is an international not-for-profit organization fostering pluralistic civil society development, among other missions. IREX adapts its approach and training to meet the specific needs of the community so that stakeholders better serve their constituents. The [civil society development](#) program areas of IREX include: citizen participation and advocacy, community and social development, association building and networking, and organizational capacity building.

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