



# IJCSL NEWSLETTER

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## ANTI-TERRORISM LEGISLATION

### PHILIPPINES—ANTI-TERRORISM ACT AMENDMENT APPROVED

The Senate approved an amendment in the proposed Anti-Terrorism Act, according to a [MINDA NEWS](#) report on 7 February 2007. But the new legislation is not expected to become law until after the congressional elections in May, according to a later story published on [REUTERS](#). The amendment exempts journalists, lawyers, and doctors from being compelled to reveal to law enforcement their communications with sources of information, clients, and patients. Under the amendment, information furnished to journalists about the whereabouts of terrorists in connection with stories they have written could not be subject to compulsory disclosure. The amendment provides for a grievance committee headed by the Ombudsman to receive complaints and provide redress from those harassed by law enforcers on charges of terrorism. In addition, anyone who was wrongfully detained as a terrorism suspect would have to be paid compensation of 500,000 pesos (about US\$10,300) per day spent in custody.

### UNITED KINGDOM—ANTI-TERRORISM INITIATIVE UNVEILED WHICH TARGETS CHARITIES AMONG OTHER ENTITIES

The government unveiled its [latest fraud-busting strategy to combat money laundering and the financing of terrorism on 28 February 2007](#). Ministers have been working hand in hand with law enforcement agencies, policy departments, and the private sector to draw up a series of measures and key priorities for the future to make the UK financial system more robust against international crime and terrorism. HM Revenue and Customs (HMRC) has long claimed that money laundering, which often goes hand in hand with VAT carousel fraud, is rife in the IT industry, and has links to organised crime. New measures unveiled today include an extra £1m to the Charity Commission to ensure it has the resources it needs to identify and disrupt terrorist exploitation of charities and protect donor confidence.

### UNITED STATES—COURT OF APPEALS UPHOLDS DECISION FREEZING ASSETS OF ISLAMIC AMERICAN RELIEF AGENCY

On 13 February 2007, the [United States Court of Appeals for the DC Circuit](#) upheld a lower court decision permitting the government's seizure of the assets of the Islamic American Relief Agency (IARA-USA). The government had concluded that the organization was a branch office of a Specially Designated Global Terrorist and invoked its authority to seize the organization's assets under anti-terrorism laws. The Court of Appeals held that the government's position was supported by the factual record.

## CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

### AFGHANISTAN—MEDIA LAW DEBATED IN WOLESI JIRGA

A [report published in RFE/RL](#) on 2 February 2007 indicates that the Mass Media Law is currently under discussion in the Religious and Cultural Affairs Commission of the



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Wolesi Jirga (People's Council). The draft media law emphasizes the role of religion, indicates legislative steps related to state-run radio and television, and supports independent media in the reconstruction process of Afghanistan. It calls for the formation of a High Council of Media to “keep track” of income and expenditures of mass media outlets, ensuring that they are “overt and transparent.” Prohibited material includes “matters contrary to Islam or insulting to other religions,” “insulting or accusative matters concerning individuals,” matters contrary to the Afghan Constitution or Afghan criminal codes, exposure of the identities of victims of violence, “material jeopardizing stability, national security and territorial integrity of Afghanistan,” “material providing false information which might disrupt public opinion,” “publicity and promotion of any other religion other than Islam,” and “material which might damage physical well-being, psychological and moral security of people, especially children and the youth.”

## **CZECH REPUBLIC—LOWER HOUSE PASSES AMENDMENT TO LAW ON CLASSIFIED INFORMATION**

On 6 February 2007, the lower house of Parliament passed an amendment to the law on classified information that considerably limits the number of people who will have access to strategic NATO and EU documents, reports [PRAGUE DAILY MONITOR](#). The amendment limits the range of people with access to secret documents to five elected officials - the president, the prime minister, the foreign minister and the chairmen of the Chamber of Deputies and the Senate. The bill will now be debated by the Senate and if passed will be sent to President Vaclav Klaus for signature. The toughening of the conditions for access to secret information was demanded by NATO. Under current law, all ministers, deputies, senators, state attorneys and judges have access to secret NATO and EU documents without security vetting.

## **GLOBAL—**

- **WORLD BANK PRESIDENT LAUNCHES INTERNAL INVESTIGATION INTO ALLEGED LEAK OF BOARD MEETING MINUTES**

The [World Bank](#) President, [Paul Wolfowitz](#), has [launched an internal investigation](#) into who provided Fox News with the “raw” minutes of a World Bank board meeting in January. Transparency advocates say the minutes of World Bank board meetings should routinely be made public, according to an article posted on [freedominfo.org's IFTI Watch](#) column on 9 February 2007. Details of how the leak probe will be conducted have not been announced, but the Bank's Institutional Integrity Department has not been asked to conduct it.

- **CONFERENCE ON IMPACT OF NEW MEDIA ON PRESS FREEDOM HELD IN PARIS**

On 15 and 16 February 2007 a conference was held in Paris to discuss the challenges and opportunities of new media for press freedom. [According to a WAN press release](#), the conference was organized by the World Press Freedom Committee, the World Association of Newspapers (WAN), and the United Nations Educational, Scientific and Cultural Organisation (UNESCO). It



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examined a wide range of issues around new media's impact on press freedom, both positively and negatively.

## **JORDAN—DEBATE ON FREEDOM OF INFORMATION BILL POSTPONED**

A debate on the freedom of information bill has been postponed, according to a news article published by [THE JORDAN TIMES](#) on 22 February 2007. The draft legislation places new publications under the jurisdiction of the Ministry of Industry and Trade, facilitating the licensing procedure. It also allows for the establishment of private news agencies and lifts the Press and Publication Department's censorship of local and foreign books and publications. The debate is expected to resume in early March, but the delay of the discussion drew criticism from press groups, including the Jordan Press Association. ARTICLE 19's [analysis of the 2005 Draft](#) of this bill can be found on its website.

## **KENYA—KEY POLICY DOCUMENT LEADING TO FOI ACT ADOPTED**

An article published by THE NATION on 22 February 2007 and reproduced on [ALLAFRICA.COM](#) states that the Ministry of Information and Communications has drafted a policy document that will eventually lead to a Freedom of Information Act, which would make it mandatory for government officials to release information on request, unless it has bearing on national security. It is to be presumed that enactment of a Freedom of Information Act will come with repeal or drastic revision of the Officials Secrets Act, an archaic and colonial piece of legislation, which ranks almost every piece of information out of government as classified or secret. The relationship of the proposed FOI legislation to other intended media legislation is discussed in a 21 February 2007 article in [THE STANDARD ONLINE](#).

## **NIGERIA—PARLIAMENT APPROVES FOI BILL**

The Nigerian National Assembly has finally approved the harmonized freedom of information bill. According to a report published in the Nigerian newspaper THIS DAY on 22 February 2007 and reprinted on [ALLAFRICA.COM](#), the [Nigerian House of Representatives](#) approved one version of the bill in 2004, and the [Senate](#) unanimously approved a slightly different version in late 2006. The two versions were reconciled and adopted by the National Assembly on 21 February 2007. The bill now requires the assent of President Obasanjo in order to become law. Passage of the bill has ended years of advocacy and pressure by the media and interested civil rights groups on the National Assembly to pass the FOI Bill into law.

## **PAKISTAN—GOVERNMENT LIFTS BAN ON MEDIA PARTICIPATION IN PARLIAMENT SESSIONS**

An unprecedented ban imposed on news media in the Parliament House during the National Assembly and Senate sessions, which barred journalists from the Parliament cafeteria and ministers' chambers, has been lifted. A news article published by [DAWN](#) on 8 February 2007 says that the [ban was imposed](#) on 6 February 2007 and faced huge criticism and protests from journalists alleging that it would restrict their right to information and the freedom of the press.



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## **TANZANIA—BILLS ON FREEDOM OF INFORMATION AND FOR CREATION OF MEDIA STANDARDS BOARD BEING DISCUSSED/CRITICIZED BEFORE TABLING IN PARLIAMENT**

The Government has presented two bills for public discussion. One would provide some freedom of information rights. The other would create a Standards Board that could ban offending newspapers and de-license offending journalists. The bills are unlikely to be changed as a result of public comments, and the House seems certain to pass them when they are presented in April. Media critics, writing in [IPPMEDIA](#), suggest that the bills only give window-dressing to freedom of information and will really result in more curtailment of media rights.

## **UNITED KINGDOM—PARLIAMENTARY COMMITTEE APPROVES BILL EXEMPTING MEMBERS FROM FREEDOM OF INFORMATION ACT**

A Committee of Parliament's House of Commons has approved the [Freedom of Information \(Amendment\) Bill](#). If passed into law, the Bill will exempt all forms of correspondence between members of Parliament and a public body from the Freedom of Information Act. The Bill will now go to the report stage.

## **FISCAL MATTERS**

### **AUSTRALIA—CHALLENGE BROUGHT TO CHARITY STATUS OF ENVIRONMENTAL GROUPS BECAUSE OF POLITICAL ACTIVITIES**

A report on [THE AGE](#) for 17 February 2007 indicates that fifteen activist environmental groups have been warned by the Australian Tax Office (ATO) of its concerns about their political activities. ATO says they could lose their status as charities and be forced to pay taxes for engaging in political activity. The warnings follow an ATO investigation into complaints that groups masquerading as charities are devoting their activities to campaigning against the government. THE AGE cites THE WEEKEND AUSTRALIAN newspaper as its source.

### **GERMANY—DEBATE ABOUT FISCAL REFORMS PROPOSED BY GOVERNMENT CONTINUES**

The debate about the fiscal reforms proposed by the Finance Ministry at the end of 2006 continues in the NPO press in Germany. The e-newsletter of the European Nonprofit Sector (in German) reported on 15 February 2007 that the Rupert Graf Strachwitz of the [MAECENATA INSTITUT](#) of Humboldt University continues to believe that the proposals are flawed. He is concerned that while donors and volunteers will receive greater tax relief under the proposals, civil society as a whole will not be strengthened. The position paper of the Institut on the government's proposals can be found on its [German language website](#).



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## **UNITED STATES—SUPREME COURT HEARS ARGUMENTS IN *HEIN V. FREEDOM FROM RELIGION FOUNDATION***

On 28 February 2007, the [Supreme Court heard arguments](#) in the case [Hein v. Freedom from Religion Foundation](#), a case in which it had granted certiorari in December 2006. Although the merits of the case will test the constitutionality of the Bush Administration's "faith-based initiative," this case presents a narrower issue of "taxpayer standing" to contest the ways in which the government spends general revenue funds. Asserting that they have standing under Supreme Court precedents, such as [Flast v. Cohen](#), the plaintiffs claim that taxpayers have the right to challenge the White House faith-based office and its religious activities.

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

### **ALGERIA—GOVERNMENT BANS MEETING ON HUMAN RIGHTS**

In an action that has been protested vehemently by human rights organizations both in the region and in Algeria, the government has prevented the holding of the meeting on forced disappearances. A French language press release of 7 February 2007 from La Ligue Algérienne de Défense des Droits de l'Homme (LADDH) (The Algerian League for the Defense of Human Rights) is published on [the website of the Euro-Mediterranean Human Rights Network](#).

### **GUINEA—MARTIAL LAW' S RESTRICTIONS ON FREEDOMS OF PEACEFUL ASSEMBLY AND MEDIA LIFTED**

On 12 February 2007, President Lansana Conté declared martial law in the country. The martial law decree banned all demonstrations and meetings, and severely restricted freedom of movement, reported [HUMAN RIGHTS WATCH](#). The decree also authorized the military to detain or put under house arrest anyone deemed to be a danger to public security; to conduct searches of private property, to monitor all means of communication without a warrant; and to exercise harsh restrictions on the media. No newspaper was published in Conakry after martial law was declared. Newspaper editors had to obtain prior approval from military of the contents of the newspapers. A report on [REUTERS SOUTH AFRICA](#) on 27 February 2007 indicates that President Conté named respected career diplomat Lansana Kouyate prime minister under a deal to end a general strike against his 23-year rule and lift martial law. There is no indication as to what has happened to the persons reported to have been detained under martial law by [IOL](#), also based in South Africa.

### **IRAN—PROSECUTION OF WOMEN FOR PEACEFUL PROTESTS TO BEGIN NEXT MONTH**

[HUMAN RIGHTS WATCH](#) reported on 27 February 2007 that the judiciary filed charges against women's rights activists following a public demonstration to protest Iran's discriminatory laws against women in Tehran held on 12 June 2006. Security forces prevented peaceful demonstrators from gathering and advocating for women's rights.



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Police agents beat the demonstrators with batons, sprayed them with pepper gas, marked them with color spray, and took 70 people into custody. On 4 March 2007, the judiciary will hold a trial of five of the women charged with acting against national security by participating in an illegal gathering.

## **MALDIVES – FREEDOMS OF ASSOCIATION AND ASSEMBLY UNDER THREAT**

In a 28 February 2007 report, the Maldives' [Minivanews](#) quotes the President of the Human Rights Commission, Ahmed Saleem, telling delegates at an international conference in London that the Maldives still has a “long way to go” before the country can call itself an effective democracy. Saleem was speaking at the Conference for Commonwealth National Human Rights Institutions, held in the British capital between 26-28 February 2007. Saleem told the assembled delegates that some of the



Ahmed Saleem, Head of  
Maldives Human Rights Commission

most fundamental human rights, such as freedom of expression, freedom of association and freedom of assembly were being undermined in the Maldives. “We all know that democracy can flourish in a society only if there is a culture of respect for human rights,” he said. According to the Human Rights Commissioner, the right to freedom of assembly in the Maldives is severely restricted by current legislation.

## **MALAWI—INJUNCTION ISSUED AGAINST POLICE BLOCKADES OF ROADS TRAVELED BY FORMER PRESIDENT**

A 26 February 2007 story in [NATION ONLINE](#) reports that the High Court in Blantyre on 25 February 2007 issued an injunction against the police to stop them from mounting roadblocks on the route which former president Bakili Muluzi uses from Chileka Airport. The roadblocks were seen as a measure to stop United Democratic Front (UDF) supporters from welcoming Muluzi. Justice Manyungwa gave the injunction against the Commissioner of Police, the Minister of Transport and Public Works and the Minister of Foreign Affairs and International Relations, stating that “The respondents must not either themselves, their officials, employees or agents . . . restrain members of the UDF and the general public from travelling to and from Chileka Airport... from welcoming Dr. Muluzi.” The judge warned the respondents that they would be guilty of contempt and might be sent to prison or fined or have their assets seized if they disobeyed the order.

## **ZIMBABWE – GOVERNMENT BANS POLITICAL RALLIES AND PROTESTS; ACTIVISTS ARRESTED**

According to a report by the [International Bar Association](#) (IBA) on 26 February 2007, the government ban on political rallies and protests was issued under the Public Order and Security Act (POSA) following recent violent clashes between protesters and the police. These were in reaction to a crackdown on opposition rallies in Highfield and Bulawayo. The Crisis Coalition said the ban confirmed “the determination by



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President Robert Mugabe's regime to violate both domestic and international democratic norms for political expedience." IBA strongly condemned the ban. A 28 February 2007 report from [MONSTERS & CRITICS](#) reveals that dozens of demonstrators have already been arrested.

## FREEDOM OF EXPRESSION

### BAHRAIN—

- **PERFORMANCES OF FOREIGN BANDS AND LIVE SINGERS BANNED**

The [Tourism Affairs](#) section in the [Ministry of Information](#) has banned nearly seventy hotels from recruiting live singers and bands from abroad, according to a news article published by [GULF DAILY NEWS](#) on 7 February 2007. Their licenses for Arab and foreign entertainment shows have also been suspended. The new measures will come into effect in March or April 2007.

- **PRESIDENT OF HUMAN RIGHTS CENTER CHARGED WITH INSULTING THE POLITICAL SYSTEM**

A report in [THEMEDIALINE](#) reveals that the police arrested Mr. Abdulhadi al-Khawaja, the President of the Bahrain Center for Human Rights. He was charged with "promoting change to the country's political system through unlawful means", "inciting hatred and animosity against the political system" and "insulting" it. If sentenced, Mr. al-Khawaja could face more than ten years imprisonment. The charges against Mr. al-Khawaja are apparently connected to his call for an investigation into the allegations made by a former government adviser who claimed that government officials planned to rig last November's parliamentary elections.

### BERMUDA—ROW ERUPTS OVER REVOCATION OF WORK PERMIT BECAUSE OF ALLEGEDLY RACIST REMARKS

An incident that attracted attention in the press and inspired a political backlash began as a workplace squabble between a native Bermudian and a person working on the island but native to Canada. The [Royal Gazette, a Hamilton-based newspaper, reported on 18 February 2007](#) that the dispute involved an MP from the governing party who claimed to have been insulted by the Canadian (who alleges he did not know that the other man was an MP). The opposition now claims that this shows there has been a "spreading air of intimidation across the Island to inhibit free speech."

### CAMBODIA—MONKS AND CIVIL SOCIETY ACTIVISTS BEGIN MARCH FOR FREEDOM OF EXPRESSION

About 150 people, led by activists and Buddhist monks, started a two-week march on 28 February 2007 to demand more freedom of expression. More people were expected to join the 230-kilometer march from Phnom Penh to Siem Reap province, home of the Angkor Wat temple complex, which is an ancient symbol of the



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Cambodian nation, said [a statement from the organizers](#), who call themselves the Alliance for Freedom of Expression in Cambodia.

## **EGYPT—BLOGGER FACES FOUR YEARS IMPRISONMENT**

An Egyptian court has awarded four years imprisonment to Karim Amer who is a former al-Azhar University student and blogger charged under Articles 102, 176, and 179 of Egypt's Penal Code for "spreading information disruptive of public order and damaging to the country's reputation," "incitement to hate Islam," and "defaming the President of the Republic," according to an AMNESTY INTERNATIONAL [press release](#) of 22 February 2007. Karim Amer was first detained by the Egyptian authorities for 12 days in October 2005 because of his writings on his blog (karam903.blogspot.com) about Islam and the sectarian riots which took place in the same month in Alexandria's Maharram Bek district. [AMNESTY INTERNATIONAL](#) has called for the immediate and unconditional release of Karim Amer.

## **ERITREA -- UNESCO CONCERNED OVER TREATMENT OF JOURNALISTS**

[The Kuwait News Agency \(KUNA\) reported on 20 February 2007](#) that the Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Koichiro Matsuura has expressed "concern over the treatment of journalists in Eritrea," especially following reports that a writer and journalist had died in detention in that country. "Reports about the conditions of detention of journalists imprisoned without trial are a source of grave concern, as are reports of the disappearance of journalists," he stressed. UNESCO is the only UN agency with a mandate to defend freedom of expression and press freedom.

## **GLOBAL—INTERNATIONAL MOTHER LANGUAGE DAY OBSERVED**

UNESCO's [International Mother Language Day](#) was celebrated on 21 February 2007. International Mother Language Day was proclaimed by UNESCO's General Conference in November 1999. International Mother Language Day has been observed every year since February 2000 to promote linguistic and cultural diversity and multilingualism.

## **PANAMA—CRIMINAL LAW CHANGES THREATENING FREEDOM OF EXPRESSION PASSED BY PARLIAMENTARY COMMISSION**

Six of the seven deputies on the government commission of the Panamanian legislative assembly passed on first reading changes to the 449 articles of the criminal law on 7 February 2007. [REPORTERS WITHOUT BORDERS](#) alleges that three articles (187, 189, and 422) of these changes seriously threaten freedom of expression and the press in the sense that they destroy the capacity of the press to play its role in challenging the government. They also provide two to five years in prison terms for certain violations. The press freedom watchdog has urged the Parliament not to back these changes in the criminal law.

## **RWANDA—INCREASING THREATS TO FREEDOM OF EXPRESSION CONDEMNED**

AMNESTY INTERNATIONAL published a [report](#) on 27 February 2007 indicating that many journalists, especially journalists working for the non-state media, have been



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subject to intimidation in recent months. The non-state media journalists are frequently threatened and physically assaulted. Also of concern is the increasing use of criminal laws and sanctions to stifle free expression of opinion. AMNESTY cites several specific examples of intimidation.

## **SOUTH AFRICA—FREEDOM OF EXPRESSION AND ACADEMIC FREEDOM UPHELD IN RECENT CASE**

The [Freedom of Expression Institute \(FXI\)](#), in a report made available on [ALLAFRICA.COM](#) on 22 February 2007, has praised a decision in a defamation action rendered by the Grahamstown Magistrates' Court. The judgment dismissed the case with costs. The facts involved an alleged gag order by a senior official at the University of Kwa-Zulu Natal (UKZN), which had instructed "all staff who receive any media query related to the impending industrial action refer these calls" to his staff. In response, a faculty member sent an open email to the official, accusing him of attempting to gag academics and of being an instrument of authoritarianism at the university. The official then sued the faculty member for defamation. The magistrate found that, given the prevailing circumstances at the university, the original letter to staff "could very well be understood" as a gagging order. FXI finds that there is a decreasing environment of academic freedom and that intellectual activity is being stymied by authoritarian tendencies and that this is certainly the case at UKZN.

## **TURKEY—**

- **CSOs PROPOSE NEW VERSION OF ARTICLE 301 OF PENAL CODE**

Civil society and business organizations have proposed a new version of Article 301 of the Turkish penal code, often criticized by the European Union for limiting freedom of expression, according to a news article published by [TURKISH DAILY NEWS](#) on 9 February 2007. Recommended changes include clarifying the word "Turkishness," replacing the word "belittling" used in the article to define the crime with the more commonly accepted words "ridiculing and insulting," which are more in keeping with Turkey's legal tradition. The CSOs claim that the new wording to the article will set clearer limits for what constitute insult and criticism. This effort is in response to the murder of well-known Armenian-Turkish writer Hrant Dink by an ultra-nationalist.

- **BIANET ISSUES REPORT ON THE STATE OF FREE EXPRESSION IN TURKEY**

The IPS Communication Foundation ([BIANET](#)) has issued a [report on the state of free expression in Turkey](#) in 2006. According to a Bia news center [alert](#) on 16 February 2007, the report notes the number of journalists, publishers and civil society activists prosecuted under Article 301 of the penal code doubled compared to the previous year. The report also reports on discoveries of numerous problems regarding freedom of expression and press.



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## **TURKMENISTAN—NEW PRESIDENT ISSUES ORDER PERMITTING INTERNET CAFES TO RE-OPEN**

One day after he was inaugurated, Turkmenistan's new president Gurbanguly Berdymukhammedov ordered the re-opening of internet cafes, which had been banned by his predecessor. [A report in RFE/RL for 16 February 2007](#) also says that Berdymukhammedov has indicated that he will continue to reverse some of Sapamurat Niyazov's hard-line isolationist measures. On the other hand, there is some skepticism about the opening of the Internet cafes, as reported by [RFE/RL on 28 February 2007](#). One observer of the situation indicates that the opening of the two cafes was not "advertised, and both of them are charging such exorbitant fees that they might as well be closed."

## **FREEDOM OF RELIGION AND BELIEF**

### **AZERBAIJAN—NEW RELIGION LAW IN PIPELINE**

Azerbaijan's Parliament is preparing a new version of the law on freedom of religion to impose tougher state control over missionary organizations, according to a news article published by [INTERFAX](#) on 14 February 2007. The Parliament officials claim the current law has become obsolete and several provisions are unconstitutional and do not reflect the needs of the current religious situation in the country.

### **INDIA—STATE ANTI-CONVERSION BILL PASSED INTO LAW AND TO BE CHALLENGED IN COURT**

The governor of Himachal Pradesh state has given his assent to the anti-conversion law passed by [THE STATE LEGISLATURE](#) in December 2006. The bill has now been passed into law. The All India Christian Council and fraternal Christian, Dalit and mass movement organizations has decided to challenge the Himachal Pradesh Freedom of Religion Act 2006 in the Himachal High Court, according to a story published on [PAKISTAN CHRISTIAN POST](#) on 22 February 2007. The Council says it has also decided to take the issue to the Supreme Court in case it does not get urgent relief at the State level where it are still urging the Governor, Chief Minister, as well as the Congress leadership in New Delhi, to rescind the Act which was given Governor's assent in a surreptitious manner without the matter being discussed at public fora, or even in the state assembly at any length.

### **INDONESIA—SCHOOL STUDENTS OF WEST SUMATRA MUST TAKE EXAM ON QURAN**

The Indonesian province of West Sumatra has adopted an ordinance requiring all students from elementary through high schools to take a written and oral test on the Quran, irrespective of their religion, according to a news article published by [ASIA NEWS](#) on 9 February 2007. The proposal for a Quranic education ordinance came from the provincial legislature's Commission IV on Education Affairs. Seven cities and regencies in West Sumatra have already issued similar regulations. Some also



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require students to perform prayers in school. The new ordinance will take effect in 2008.

## **KAZAKHSTAN –**

### **• CONFERENCE HELD ON IMPROVING LAW ON FREEDOM OF RELIGION**

A conference organized by the Committee on Religious Affairs of the Ministry of Justice was held in Astana on 27 February 2007, according to a report published by [KAZINFORM](#). Members of Parliament, scientists, representatives of religious organizations, and government employees took part. The purpose was to discuss improvements in the 1992 Law on Freedom of Belief and Religious Bodies.

### **• PROPOSED NEW LAW SAID TO INCLUDE FURTHER RESTRICTIONS**

Nevertheless, [Forum 18 reported on 21 February 2007](#) that Kazakhstan plans to even more severely restrict religious freedom than it currently does following 2005 restrictions. According to a draft of a new Religion Law, all unregistered religious activity would be banned, and registered religious communities with fewer than 50 members would be banned from publishing or importing religious literature, maintaining open places of worship or conducting charitable activity. All unregistered religious activity would be banned. The KNB secret police are also planning separate restrictions on religious freedom via the Anti-terrorism Law. Amanbek Mukhashev, deputy head of the Religious Affairs Committee within the Justice Ministry, said the draft text would be given to “representatives of the various confessions” to consider “in about a month,” without indicating which religious communities would be allowed to see the draft.

## **PAKISTAN—AHAMDIS CONTINUE FACING DISCRIMINATION BY STATE**

The annual Ahamdiyya community report reveals that [Ahmadis](#) continued to be murdered and attacked for their faith and discriminated against by the state and society in 2006, according to a news article published by [DAILY TIMES](#) on 16 February 2007. The report says 10 Ahmadis were booked on allegations of blasphemy; 29 under Ahmadi-specific laws; nine under religious laws; and two “under religious considerations” in 2006. All kinds of meetings of Ahmadis in Rabwah have been banned since April 1984. They are not even allowed to organize sports events.

## **UGANDA—PROPOSED POLICY ON RELIGION ENVISIONS REGULATORY BODY FOR CHURCHES**

The Ministry of Ethics and Integrity has drafted a concept paper on the proposed policy on religion under which the government will soon set up an autonomous body to regulate and monitor new churches, according to a news article published by [DAILY MONITOR](#) on 8 February 2007. Currently, the government has commenced consultations on the draft policy with the leaders of religious organizations, members of the public and civil society organizations.



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**UNITED STATES—SUPREME COURT HEARS ARGUMENTS IN *HEIN V. FREEDOM FROM RELIGION FOUNDATION*** (see above under **FISCAL MATTERS**)

**VIETNAM—**

- **BUDDHIST MONKS PROTEST IN NEW ZEALAND**

A report published on [stuff.co.nz on 1 March 2007](#) reveals that fifty Cambodian Buddhist monks protested outside the Vietnamese embassy on Tuesday, calling on the communist-run nation's visiting president, Nguyen Minh Triet, to allow greater freedom of religion. The protesters said police in southern Vietnam had recently arrested and disrobed nine ethnic Cambodian Buddhist monks. Vietnam denies accusations by international human rights groups that it represses human rights and religious freedoms. The government has an official policy of a citizen's rights to "belief or non-belief."

- **PRIEST TO BE PROSECUTED FOR ANTI-GOVERNMENT ACTIVITIES**

[A 25 February 2007 report of the Canada-based organization INTERNATIONAL MOVEMENT FOR DEMOCRACY AND HUMAN RIGHTS IN VIETNAM](#) states that FNA news and VTV1 television news sources from Hue on 25 February 2007 (local time) reported that Vietnamese investigation authorities have announced their plan to prosecute Father Thaddeus Nguyen Van Ly soon. Father Ly is accused of violating item C, article 88 of Procedure Criminal Codes of 1985, amended in 1992 as he has allegedly run propaganda against the government.

## LEGAL FRAMEWORK

### **CROATIA--CODE OF GOOD PRACTICE FOR PUBLIC FINANCING OF NGOS ADOPTED**

The [European Center for Not-for-profit Law \(ECNL\) reported on 16 February 2007](#) that on 2 February 2007, the Parliament of Croatia adopted the Code of Good Practice in Public Financing of NGOs. According to ECNL, the adoption of the Code marks an important step in creating a more transparent mechanism for public financing of NGOs. To that end, the Code sets out basic rules and procedures relating to the government's distribution of public grants to NGOs, including rules that will make NGOs more accountable for the grants received.

### **PAKISTAN—NEW NGO CODE OF CONDUCT PROPOSED AND CRITICIZED**

The Ministry of Social Welfare and Special Education has proposed a new code of conduct for NGOs, according to a news article published by [THE NEWS INTERNATIONAL](#). Rejecting the code, the Joint Action Committee (JAC) in its recent meeting [resolved](#) that the proposed code of conduct for regulation and operation of NGOs is a document full of ambiguities and unclear terms meant to curb the activities of NGOs, reports [THE NEWS](#). It is alleged that wide powers granted to the regulators are against the constitution and in violation of fundamental human rights, and that no NGO representatives were consulted in the process of developing the Code. On the other hand, the [Charity Commission for England and Wales](#) indicates that its



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International Programme conducted “[p]rovincial workshops in Pakistan to gather the NGO sector’s views on aspects of accountability and regulation and to create dialogue between the government and the sector” in September 2006.

## **INDIA – FCRA AMENDMENTS TO RECEIVE COMMENTS**

The Parliamentary Committee looking at the FCRA bill has invited comments and memoranda from individuals and organizations on the new FCRA Bill 2006. The last date for submission of the memoranda is 20 March 2007. The Bill is available at <http://rajyasabha.nic.in> <<http://rajyasabha.nic.in/>> . A copy is also available at [www.AccountAid.net](http://www.AccountAid.net). The comments are treated as confidential.

## **QATAR—ENGLISH AND QATAR CHARITY REGULATORS SIGN LANDMARK AGREEMENT**

In an unprecedented development in Middle East charity work, the Qatar Authority for Charitable Activities (QACA) and the Charity Commission for England and Wales (CCEW) signed a Memorandum of Understanding (MOU) on 7 February 2007 making official their commitment to work together to ensure proper charity regulation in Qatar. A news article published by [THE PENINSULA ON-LINE](#) states that the MOU provides for exchange of expertise and joint participation through symposiums and holding workshops and annual conferences in addition to the matters of common interest, in particular humanitarian and charitable issues.

## **SRI LANKA—**

### **• MINISTERIAL COMMITTEE PROPOSES UK-TYPE CHARITY COMMISSION AS PART OF COMPREHENSIVE NGO LAW REFORM**

According to a Sri Lankan [DAILY MIRROR report published on 22 February 2007](#), Hon. K.N. Douglas Devananda, M.P. Minister of Social Services and Social Welfare appointed five member Committee of Volunteers in January 2006 with the following “Terms of Reference”: To examine and report as to the present suitability of the Registration of NGOs Act of 1980 and propose amendments where necessary. In a recently released report the committee agreed that one system of registration should be introduced in order to enable the Registrar to have records relating to all the NGOs registered. The Committee further discussed of the possibility of adopting a system similar to the one contemplated in United Kingdom’s Charity Commission Act. The Commission would propose methods to bring about professionalism in the NGO sector and the necessity of a code of conduct. In an unrelated but contemporaneous action, a significant number of NGOs received onerous requests from the Select Committee of Parliament investigating operations of NGOs and their impact for a wide range of information.

### **• CODE OF CONDUCT FOR NGOS UNDER CONSIDERATION**

The government is considering a code of conduct for NGOs and INGOs, according to a news article posted by [THE SUNDAY TIMES ONLINE](#) on 11 February 2007. The government aims to monitor the funding and supplies through the code



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of conduct so that the NGOs operate within the legal parameters. Currently, about 3000 NGOs and INGOs are registered with the national NGO secretariat.

## **TAJKISTAN—NEW PUBLIC ASSOCIATIONS LAW ADOPTED**

On 14 February 2007, the lower house of parliament approved a new law on public associations. Member of Parliament Nurali Rieev says that it is a significant improvement of the previous version adopted in 1998 and now corresponds to international standards. A 16 February 2007 report on the website of the [Institute on War and Peace Reporting](#) says, however, that many NPOs have expressed concerns about provisions in the law. For example, Muattar Haidarova, director of the NPO, Society and Law, suggests that this law actually allows the state to exert more control over foreign organizations operating in Tajikistan. According to a news article published by [CENTRASIA](#) on 15 February 2007, the Law requires that all NGOs must re-register with the Ministry of Justice. Foreigners must first be accredited with the Ministry of Foreign Affairs before they can be allowed to establish public association and have it registered with the Ministry of Justice. The list of authorized categories of public associations is reportedly limited, which may have the effect of hindering the registration of certain NGOs. Those kinds of NGOs which do not fall within the authorized list will cease to exist on 1 September 2007. The informal public associations do not need to get registered with the Ministry of Justice, but are required to be “recorded” at the local executive branch. [ICNL’s analysis](#) of the proposed legislation can be found on its website, along with the Draft Law in Russian.

## **UNITED KINGDOM --CONSULTATION LAUNCHED ON BACKGROUND CHECKS OF CHARITY TRUSTEES WORKING WITH VULNERABLE PERSONS**

It is the responsibility of charity trustees to ensure that appropriate Criminal Records Bureau (CRB) checks are carried out. These are mandated by the Safeguarding of Vulnerable Groups Act of 2006. The Charity Commission monitors charities and since June 2006 has introduced an interim policy for charities registering for the first time. The Commission now asks to see CRB disclosures for trustees before registering charities working with vulnerable beneficiaries. The policy is now under review to ensure it is proportionate and as appropriate and effective as possible. A copy of the Consultation Document is available on the Commission’s [website](#).

## **UZBEKISTAN—GOVERNMENT RAISES ISSUE OF POTENTIAL LEGAL VIOLATIONS BY ANOTHER U.S. NGO**

[RFE/RL reported on 14 February 2007](#) that Uzbek authorities allege they have discovered violations in the activities of a U.S. nongovernmental organization. The Justice Ministry says it has given 30 days to World Vision International to settle the issue. It says the Christian group held events without coordinating with the Justice Ministry and failed to provide information about its spending. Tashkent has forced a number of Western-funded organizations to stop operating in the country in the past months.



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## FUND-RAISING REGULATION

### **UNITED KINGDOM -- THREE UK OVERSIGHT AGENCIES JOIN FORCES TO EDUCATE PUBLIC ABOUT “DOORSTEP” COLLECTIONS**

OSCR (the Office of the Scottish Charity Regulator), the Charity Commission, and the Department for Social Development in Northern Ireland published on [8 February 2007](#) [“Doorstep Collection - Making an Informed Choice,”](#) which aims to give householders key pointers to help them sort charity collections from commercial ones. While legitimate charities are permitted to collect cash or goods door-to-door, not all such collections are undertaken by charities. Charity solicitors must identify themselves appropriately so that the public is not confused as to what causes it is giving.

### **UNITED STATES –MAYOR OF AMARILLO TEXAS REVERSES STANCE ON FUND RAISING REGULATION’S FEES**

On 20 February 2007, [Amarillo.com](#) reported that Amarillo Mayor Debra McCartt admitted she may have been wrong when she asked the City Commission to amend a city ordinance that requires organizations to let the public know before taking to the streets to solicit donations. McCartt originally said the money would be better used going straight to the charity. But after talking to police, McCartt said she may have been wrong, as police feel the ordinance helps cut down on people who solicit funds for non-legitimate causes. The ordinance, passed in 2001, requires anyone who is going to be in the community asking for donations to obtain a \$400 permit - \$100 goes to the city and \$300 pays for a legal notice to be published with the dates, times and locations of where participants will be.

## MISCELLANEOUS MATTERS

### **LATIN AMERICA—IADB VOWS TO REINFORCE RELATIONSHIP WITH REGIONAL CSOs**

The Inter-American Development Bank has proposed to deepen its collaboration with civil society in Latin American region. According to a news article published by [CARIBBEAN PRESS RELEASES](#) on 9 February 2007, the proposal came during a regional meeting between the President of IADB, Luis Alberto Moreno, and representatives of Latin American and Caribbean NGOs. Participants proposed mechanisms to improve communication between the IADB and civil society groups to have productive discussion and to ensure that the Bank’s social and environmental safeguards are correctly applied in funded projects. The IDB holds regional meetings with NGOs annually. The meeting in Costa Rica was the seventh of its kind.



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## **TRAVEL BANS—HUMAN RIGHTS WATCH ISSUES PLEAS TO IRAN AND SAUDI ARABIA TO REMOVE TRAVEL BANS AGAINST CIVIL SOCIETY LEADERS**

On 8 and 14 February 2007, HUMAN RIGHTS WATCH (HRW) issued press releases with regard to travel bans imposed by the governments of [Iran](#) and [Saudi Arabia](#). Alleging that such bans violate international and domestic law, HRW has called on the governments to immediately reverse the policies, which amount to reprisals against critics of the governments.

## **UNITED KINGDOM—CHARITY COMMISSION INQUIRY OF SMITH INSTITUTE ANNOUNCED**

On 1 February 2007 the [Charity Commission for England and Wales announced](#) that it had launched an inquiry into the charity status of the [Smith Institute](#) (a think tank engaged in public policy research), stating that “The decision to open an inquiry was taken in the light of new information we have received which raises concerns about some of the charity’s work.” Reports in the [English press](#) indicate the reason behind the inquiry is close ties between the Institute and Chancellor of the Exchequer Gordon Brown, whose residence, 11 Downing Street, has been used 150 times for meetings hosted by the Smith Institute. The Institute has reportedly denied any wrong-doing, but Dame Suzi Leather, the CEO of the Charity Commission, [warned](#) that charitable think tanks will need to ensure they do not have “too close allegiance” to any one political party.

## **ANNOUNCEMENTS**

### **EUROPE—**

- **JOINT INITIATIVE OF EC AND WORLD BANK TO SUPPORT CIVIL SOCIETY DEVELOPMENT LAUNCHED**

The [European Commission](#) and the [World Bank](#) has signed an agreement establishing a three year program to facilitate donor coordination in the area of civil society development, according to EC [press release](#). The program will support the implementation of a Donor Exchange, Coordination and Information Mechanism and the program implementation will start early 2007. The activities supported by the platform will advance five themes including CSO legal framework; financial sustainability; and capacity building, knowledge sharing and networking.

- **EFC TO LAUNCH EUROPEAN FORUM ON PHILANTHROPY AND RESEARCH FUNDING**

The [EUROPEAN FOUNDATION CENTRE](#) reported in an [article](#) posted on 6 February 2007, that the leadership of the EFC, together with key stakeholders, will launch the “European Forum on Philanthropy and Research Funding” in the second half of 2007. Issues selected for discussion during the forum include research funding policies and practices of philanthropic organizations; governance and ethical



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issued relating to philanthropic funding of research; legal, regulatory and fiscal issues relating to donors and philanthropic organizations; and philanthropic funding for universities from philanthropic resources. The forum will be a platform to develop a European philanthropy research agenda to promote mutual learning, review best practices and improve collaboration.

## **GLOBAL—UN-NGLS RELEASES REPORT DEBATING NGO ACCOUNTABILITY**

A new report looking at the roles and responsibilities of NGOs entitled “[Debating NGO Accountability](#)” has been released by the [UN NON-GOVERNMENTAL LIAISON SERVICE](#) (UNGLS), according to a UN-NGLS [news update](#) on 18 January 2007. The report puts democracy and human rights firmly at the centre of the debate about NGO accountability and adds value to the important discussion of NGO accountability and helps move towards constructive outcomes.

## **UZBEKISTAN—WORLD BANK ANNOUNCES SUPPORT FOR BUILDING CIVIL SOCIETY**

The World Bank has announced to support the building of civil society in Uzbekistan. Following the announcement, a Memorandum of Partnership was signed with the National Association of NNOs of the Republic of Uzbekistan ([NANNOUZ](#)) on 1 February 2007. According to World Bank Country Office [press release](#), the Memorandum outlines the basis for cooperation and joint action to support civil society organizations in the field of knowledge, learning and capacity-building for increasing their role and importance in the social-economic development of the country.

## **RESOURCES**

### **GLOBAL—UNIVERSAL HUMAN RIGHTS INDEX**

The [Universal Human Rights Index \(Index\)](#) is designed primarily to facilitate access to human rights documents issued by the UN human rights treaty bodies and the special procedures of the Human Rights Council. The Index provides the Human Rights Council, international institutions, governments, national human rights institutions, NGOs, universities and the interested public with a new tool for searching the observations and recommendations of these expert bodies. It is now possible to quickly locate relevant information in the large amount of existing UN documentation. The project has been developed by the Institute of Public Law of the University of Bern, Switzerland, under the responsibility of Professor Walter Kälin, in collaboration with LexUM, the University of Montreal's justice system technologies laboratory. Professor Kälin is a member of the Human Rights Committee and the Representative of the Secretary-General on the human rights of internally displaced persons (IDPs).



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## REPORTS ON MEDIA RIGHTS BY WATCHDOG ORGANIZATIONS—

- **CPJ RELEASES ITS ANNUAL REPORT ON PRESS FREEDOM CONDITIONS WORLDWIDE**

On 5 February 2007, the [CPJ](#) issued its annual report – “[Attacks On The Press In 2006](#).” The report documents hundreds of cases of media repression in dozens of countries, including murders, assaults, imprisonments, censorship, and legal harassment. Featuring in-depth regional analyses, the book outlines the threats and dangers faced by journalists around the world as they are confronted by war, repressive regimes, and punitive laws that curtail freedom of the press. A total of 55 journalists were killed worldwide as a direct result of their work in 2006, 32 of them in war-torn Iraq, making it the deadliest year in a single country ever recorded by CPJ. The number of journalists jailed for their work also increased for the second consecutive year to 134.

- **RSF RELEASES ANNUAL REPORT ON FREEDOM OF THE PRESS WORLDWIDE**

[Reporters Without Borders](#) (RSF) released its “[Freedom Of the Press Worldwide In 2007](#)” report on 1 February 2007. According to the RSF [press release](#), the survey reports on press freedom in 98 countries and includes the main violations of journalists’ rights in 2006 and regional aspects of media and Internet freedom. This year report indicates that 81 media staffers died in the course of their work last year -- 65 of them in Iraq.

## UNITED KINGDOM—CHARITY PERFORMANCE GUIDE 2007

[DG Publishing](#) has published [The Charity Performance Guide 2007](#). According to a news article published by [UK FUNDRAISING](#) on 14 February 2007, the guide offers data and analysis on the top 1,100 charities, those with over £5 million in assets. The publication features a full-page profile of each of the 1,100 charities and includes charity name and contact details, charitable objectives, named trustees, officers listed in a charity's annual report, investments, grants, professional advisers, funding structure, performance rankings, and a two-year financial perspective.

## UNITED STATES—

- **DRAFT PRINCIPLES FOR SELF-REGULATION**

The [Panel on the Nonprofit Sector’s Advisory Committee on Self-Regulation](#) has developed a set of [29 draft principles for effective practice](#) for charitable organizations. The principles are arranged in four categories: [Facilitating Legal Compliance](#); [Effective Governance](#); [Strong Financial Oversight](#); and [Responsible Fundraising](#). The first [public comment](#) period just ended in early February. Revised principles will be posted on the Panel’s website for an extended public comment period later in February. The Panel is expected to issue its final report in late spring 2007.



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- **NCPL STUDY ON MODELS OF SELF-REGULATION IN THE NONPROFIT SECTOR**

At the request of the [Panel on the Nonprofit Sector](#) that was convened by [Independent Sector](#), the National Center on Philanthropy and the Law (NCPL) has prepared a report entitled “[Study on Models of Self-Regulation in the Nonprofit Sector](#).” The Report analyzes self-regulatory structures in which a non-governmental organization sets standards for, oversees, accredits, or regulates other organizations. The Report is a categorization of self-regulatory models helpful for the nonprofit sector to examine ways it might better regulate itself.

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