



# IJCSL NEWSLETTER

VOLUME 4 ISSUE 8

JULY 2007

## ANTI-TERRORISM LEGISLATION

### **ARGENTINA—ANTI-TERRORISM BILL PASSED**

On 14 June 2007, the Argentine Congress approved anti-terrorism legislation that requires lengthy prison sentences for terror financing or conspiring with terrorists. According to a news article posted by [NORTHWEST FLORIDA DAILY NEWS](#), the law sets out new penalties for “illicit association” with the intent to commit terrorist acts with any political, ethnic, racial or religious motivation. The legislation calls for sentences of 10 years to life in prison for illicit association with terror groups. Those who give funds or material support to such groups may be imprisoned five to 15 years. Critics fear the new law may be used to curb civil liberties in the country.

### **EUROPE—CONVENTION ON THE PREVENTION OF TERRORISM COMES INTO FORCE**

The [Council of Europe Convention on the Prevention of Terrorism](#) entered into force on 1 June 2007, according to the [Statement by the German Presidency of the EU](#). The Convention is the first international treaty to establish as criminal offences several activities which may lead to acts of terrorism, such as incitement, recruitment, and training. It also reinforces international co-operation in the prevention of terrorism by modifying existing arrangements for extradition and mutual assistance. The Convention was opened for signature at the Third Summit of Heads of State and Government of the Council of Europe in Warsaw in May 2005. To date, it has been signed by 39 countries, seven of them that have already ratified it are: Albania, Bulgaria, Denmark, Romania, Russia, Slovakia, and Ukraine.

### **UNITED KINGDOM—NEW ANTI-TERROR LAWS UNDERMINE HUMAN RIGHTS, SAYS UN SPECIAL RAPPORTEUR ON RELIGIOUS FREEDOM**

British anti-terrorist laws are widely believed to target the Muslim population and “undermine the human rights of all,” according to U.N. Special Rapporteur on religious freedom, Ms. Asma Jehangir. A report of the [UN NEWS CENTRE](#) on 15 June 2007 disclosed her views. She raised concerns particularly on provisions that criminalize the failure to disclose information about terrorist acts. The new anti-terrorist laws were promulgated following the recent terrorist attacks in UK.

## CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

### **CANADA—ONTARIO COURT OVERTURNS SECRECY PROVISION IN FOI LEGISLATION**

The [Ontario Court of Appeal](#) has overturned a secrecy provision in Freedom of Information (FOI) legislation, declaring that sections of the province’s freedom of information law “unjustifiably limits” the right to free expression guaranteed by the Charter of Rights and Freedoms. According to [THE CHATHAM DAILY NEWS](#) article on 29 May 2007, the court ruled that government officials could not suppress information without first considering the public interest in its release. The ruling comes in [The Criminal Lawyers' Association v. Ontario \(Public Safety and Security\)](#)



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case which involved government's refusal to release an Ontario Provincial Police report that formed the basis of a decision to absolve officers of wrongdoing in the investigation of a gangland-style murder case in the 1990s. The government claimed the report was protected by special provisions involving law-enforcement and solicitor-client privilege. The [Criminal Lawyers Association](#) and the [Canadian Newspaper Association](#) challenged the provisions that were used to suppress the report.

## **CHINA—ANALYSIS OF REGULATIONS ON DISCLOSURE OF INFORMATION SUGGESTS PROBLEMS**

An article by Chang Tianle in [China Development Brief](#) suggests that there may be problems with the implementation of the [Regulations on Disclosure of Government Information](#), which were approved by the State Council on 17 January 2007, promulgated on 4 May 2007, and will take effect on 1 May 2008. According to the article, entitled, “Open government: a step forward but with sideways shuffles too,” the adoption of the regulations is principally focused on anti-corruption efforts. Although the local level regulations adopted in some localities and provinces are better than those adopted by the central government, they are implemented only in a spotty manner. Indeed, freedom of information scholars suggest that vague language and an exemption for “state secrets” (see entry in this Issue under **FREEDOM OF EXPRESSION**) may undermine the effectiveness of the new rules. For previous coverage see the [June 2007 issue of IJCSL-Newsletter](#).

## **GERMANY—COUNTRY STRUGGLES TO ADAPT TO NEW FOI LAW**

Germany is struggling to adapt to the new openness required by Germany's Freedom of Information Act, according to an article posted at [FREEDOMINFO.ORG](#) on 20 June 2007. Germany's Freedom of Information Act entered into force on 1 January 2006. The new data issued by the [German Federal Ministry of the Interior](#) show that usage of the new law was very low in the first year, with relatively few requests filed and few appeals filed against denials. At the end of 2006, the Ministry of the Interior knew of only 27 ongoing lawsuits over denied information access.

## **TONGA—PUBLIC BROADCASTING BANNED FROM COVERING PARLIAMENT**

The [Tonga](#) Broadcasting Commission (TBC) has been banned from covering parliamentary sessions. According to a news article published by [RADIO NEW ZEALAND INTERNATIONAL](#) on 26 June 2007, journalists working for newspapers and within the Parliament have criticized the order alleging that this is a move to have talks behind closed doors regarding how millions of loaned dollars will be spent.



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## FISCAL MATTERS

### **GEORGIA—AMENDMENTS TO FISCAL ASPECTS OF LAW ON POLITICAL UNIONS OF CITIZENS APPROVED**

The Parliament has approved [amendments to the law on Political Unions of Citizens](#). The bill defines the rules for financing of political unions of citizens and donation mechanisms by the state budget. The legislation also aims to adopt the principle of transparency as political unions will not be permitted to receive anonymous donations, reports the [Georgian Parliament](#) official website. The bill was discussed in the meeting of Budget and Finance Committee on 3 May 2007.

### **SOUTH AFRICA—TAXATION LAWS AMENDMENT BILL TO ENACT BETTER TAX BENEFITS FOR PUBLIC BENEFIT ORGANIZATIONS**

In his 7 June 2007 [Introductory Speech for the Taxation Laws Amendment Bill, 2007](#), Minister of Finance Trevor Manuel announced two important changes in the tax benefits for public benefit organizations in legislation to be adopted soon by the South African Parliament. According to Mr. Manuel, “The Bill once again assists public benefit organisations (or “PBOs”) for the betterment of society. The tax deductible ceiling for donations to qualifying PBOs will be increased from 5% of taxable income to 10% to promote charitable giving. PBOs are currently exempted from tax on gross trading income of at least R50 000. This amount is increased to R100 000 so that additional funds are available, especially to small PBOs, for public benefit activities.”

### **UNITED STATES—IRS ISSUES ADVICE ON ELECTORAL ACTIVITIES BY PUBLIC CHARITIES**

[Revenue Ruling 2007-41, 2007-25 I.R.B., issued 18 June 2007](#), gives advice to charities about their political activities related to candidates for public office. Organizations that are exempt from income tax under section 501(a) of the Internal Revenue Code as organizations described in section 501(c)(3) may not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office. The Ruling discusses 21 situations and suggests when and under what circumstances an organization will be determined to have crossed the line and thus violate the prohibitions of the law.

## FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

### **BURMA—ARTICLE DISCUSSES GOVERNMENT RESTRICTIONS ON FREEDOMS OF ASSOCIATION AND PEACEFUL ASSEMBLY**

In an article published in the [Thailand Law Journal, Spring 2007](#), Jason Douglas Hoge analyzes the ways in which legislation in Burma restricts the freedoms of association and peaceful assembly. He suggests that “[t]he Burmese people are victims twice over in regards to being denied their freedom of association and assembly in relation to the right to unionize and collective bargaining. Under the crushing oppression of



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the State Peace and Development Council (hereinafter the SPDC) independent labor unions are nonexistent and instead civil servants, blue- and white collar workers are coerced into the Union Solidarity Development Association, a mere front for the junta and tool for indoctrination. The regime in Burma has promulgated numerous laws that restrict the freedom of association and the formations of independent unions. Such laws as the 1950 Emergency Provision Act, which is the most commonly used provision by the regime to oppress the Burmese people, and the [Unlawful Associations Act](#) are utilized to prevent the formation of independent trade unions.”

## **VENEZUELA—COUNTRY INCLUDED IN LIST OF COUNTRIES VIOLATING FREEDOM OF ASSOCIATION**

The 96th International Conference of the International Labor Organization (ILO) has included Venezuela among the 25 countries worldwide involved in violations against freedom of association. According to a news article published by [EL UNIVERSAL](#) on 13 June 2007, the ILO has urged the Venezuelan government to comply with free association of trade unions.

## **ZIMBABWE—BAN ON RALLIES AND DEMONSTRATIONS IN HARARE LIFTED**

[Reuters reported on 29 June 2007](#) that the government of Zimbabwe has lifted the ban on rallies and demonstrations that the opposition Movement for Democratic Change (MDC) had likened to a state of emergency. It will still be necessary to apply for permits to hold rallies. There was no reaction from the MDC.

## **FREEDOM OF EXPRESSION**

### **AFGHANISTAN—MEDIA LAW PASSES WOLESI JIRGA**

The much-debated [Media Law](#) passed the Wolesi Jirga (lower house) at the end of May 2007; it has now been translated into English and is available in the ICCSL Documentation Center. The law will become final when it is passed by the upper house of the Parliament. There has been [significant debate](#) about various aspects of the law, but overall there are [many favorable provisions](#).

### **ARAB WORLD—PRESS FREEDOM ANALYSIS PUBLISHED**

The [Carnegie Endowment’s Arab Reform Bulletin](#) published a report in its June 2007 issue on press freedom in the Arab World by Kamel Labidi. Entitled “Arab States: The Paradox of Press Freedom,” the report analyzes that manner in which governments set up what the author calls “the paradox of greater freedom along with harsh measures against some of those who transgress ambiguous limits.” He suggests that Egypt typifies the situation and goes on to analyze developments there and in other countries.

### **ARMENIA—NEW MEDIA LAW BRINGS CONTROVERSY**

As this issue goes to press the question of new media restrictions in Armenia is in the forefront of discussion there and among media watchdog groups. [RFE/RL reported](#)



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[on 29 June 2007](#) that the proposed restrictions in the new media law had passed their first reading in the Parliament but that they have not found favor with the opposition. The restrictions, which would impose fines on Afghan media that use foreign content, appear to be aimed at RFE/RL, which had given the election process of 2003 unfavorable coverage. The OSCE office in Yerevan, which has a media unit, has issued a [press release](#) voicing its opposition to the new law.

## **BAHRAIN—AMENDMENTS TO THE PRESS AND PUBLICATION LAW APPROVED**

The upper house of the Parliament approved amendments to the Press and Publications law on 28 May 2007, according to a news article published by [GULF DAILY NEWS](#). The bill passed by the Consultative Council stipulates that editors cannot be sued for articles they did not write. The current press law, which has been in force since 2002, provides for sentences ranging from six months to five years in prison for journalists convicted of press offences. If the lower house, the Chamber of Deputies, approves the amendments, press offenses will no longer be punishable by imprisonment.

## **CHINA—**

- **REPORT ON “STATE SECRETS REGIME” PUBLISHED**

On 11 June 2007, [Human Rights in China](#) (HRIC) released a 290 page report entitled [“State Secrets: China’s Legal Labyrinth.”](#) According to the HRIC news release, “The report makes available an extensive compilation of laws, regulations and official documents, many in English translation for the first time, and details how China’s wholesale classification of information has a powerful chilling effect on freedom of expression and the media.”

- **DRAFT LAW REVISION ON EMERGENCY MANAGEMENT TO DELETE ARTICLE 57 PROPOSED**

China’s draft law revision on emergency management has proposed deleting the contentious article 57, which in the past has prevented media from reporting any information related to an emergency event, according to a news article published by [INTERFAX CHINA](#) on 25 June 2007. China’s Emergency Management Law was first formulated in 2003 following the SARS outbreak. [In June 2006, a draft of the new law was sent](#) to the NPC Standing Committee for preliminary discussion. Article 57 stated that news media found to have undertaken reporting of a national emergency without “clear justification” or reporting “false” information would be fined between RMB 50,000 (\$6,560) and RMB 100,000 (\$13,100) by local authorities.

- **GOVERNMENT STOPS ISSUING LICENSES TO NEW INTERNET CAFES**

China will license no new Internet cafes in 2007. After President Hu Jintao ordered Chinese authorities to clean up “Internet culture,” the government launched a crackdown in April amid concerns that that online material is harming young people. According to a news article posted at [TECHNOLOGY REVIEW](#) on 4 June 2007, the authorities will investigate whether Internet cafes are improperly



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renting out their licenses or failing to register their customers' identities. China has the world's second-largest population of Internet users, with 137 million people online, and is on track to surpass the United States as the largest online population in two years. The Chinese government tries to block access to online material deemed obscene or subversive.

## **CIS—NEW TYPE OF MEDIA CENSORSHIP TAKES HOLD, SAYS FREEDOM HOUSE REPORT**

A new type of media censorship has taken hold in [Commonwealth of Independent States](#) (CIS) countries resulting suppression of independent media. Freedom house report entitled "[Muzzling The Media: The Return Of Censorship In The Commonwealth Of Independent States](#)" identifies four trends in how governments are controlling. According to a news article published by [RFE/RL](#) on 25 June 2007, these trends include intensification of mass media control, legislative measures used to tighten already very repressive media systems, increasing crackdown on international media including international broadcasting, and crackdown on newspaper.

## **GLOBAL—RFE/RL REPORT SAYS INTERNET BLOCKS EASY TO CIRCUMVENT**

A report published by [RFE/RL on 27 June 2007](#) suggests that blocking access to URLs is not very effective in most cases. In the report, Bruce Scheier, chief technical officer of computer-security company BT Counterpane, explains how such blocking works and what can be done to counter it. The report also says that "The odds are in favor of the information" getting through to the reader if one is "sophisticated enough."

## **RUSSIA—PRESIDENT PUTIN AWARDED PRIZE FOR OBSTRUCTING PRESS FREEDOM**

A German media group has awarded the "Closed Oyster," a satirical prize, to Russia's [President Vladimir Putin](#) for obstructing freedom of the press, according to a news article published by [KOMMERSANT](#) on 18 June 2007. Putin is the first non-German to receive the organization's negative prize. Earlier this negative award went to press-averse German officials and public figures.

## **SPAIN—CABINET APPROVES NEW CONTROVERSIAL FILM LAW**

The Cabinet of Ministers has approved a new Film Law requiring that 25 percent of the films shown by a cinema must be European, according to a news article published by [SUR](#) on 21 June 2007. Spain's new Film Law, designed to promote the country's own film-making industry, [has not pleased everyone](#). According to the draft of the new law, the "authors" of Spanish film will be entitled to 18 per cent tax deductions. The law is due to be debated in Congress in September 2007.

## **SYRIA—PRO-DEMOCRACY ADVOCATES FOUND GUILTY**

[SFGATE.com](#) reported on 19 June 2007 that a Syrian court had found seven pro-democracy advocates guilty of "endangering the state" and "broadcasting false news" in a trial defense lawyers and international human rights organizations called a sham. The young men were arrested in 2006 after criticizing Assad on Internet postings and



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attempting to organize a pro-democracy group at the University of Damascus without government approval. The sentences, ranging from five to seven years in prison, are the latest in a yearlong crackdown by the government of President Bashar Assad against his political opposition, human rights activists say. The seven were tried by the Supreme State Security Court, a special judicial body notorious for handing down harsh prison sentences, held in detention, nearly incommunicado, and denied access to lawyers, family, and the right of appeal.

## **UNITED STATES—SUPREME COURT INTERPRETS CAMPAIGN FINANCE RESTRICTIONS AS UNCONSTITUTIONAL**

In a 5-4 decision holding unconstitutional restrictions in the McCain-Feingold campaign financing law, the Supreme Court made it easier for “issue ads” to appear in the media close to elections. The case, [Federal Election Comm’n v. Wisconsin Right to Life, Inc.](#) (WRTL), is a major victory for lobbying groups that seek to advance their interests without seeking to endorse or oppose candidates for public office. Among the dozens of interest groups that had filed briefs in support of WRTL’s position were the American Civil Liberties Union, the AFL-CIO, the Chamber of Commerce of the United States, the National Association of Realtors, National Rifle Association, the Alliance for Justice, and Independent Sector.

## **VENEZUELA—CIVIL SOCIETY CALLS FOR RESPECT FOR FREEDOM OF EXPRESSION**

Thousands of representatives of civil society, artists, politicians, journalists, student leaders, young people and adults marched from Chacao, in northeast Caracas, to the Ombudsman’s Office, in downtown Caracas, to demand that Ombudsman Germán Mundaraín respect freedom of expression in Venezuela and restore the broadcast license for private television station RCTV. A news article published by [ELUNIVERSAL](#) on 4 June 2007, reported that demonstrators also advocated freedom of expression and repudiated police abuses against university students during recent rallies and demonstrations nationwide. Prior coverage of issues with regard to RCTV can be found in the [January](#) and [February](#) 2007 issues of IJCSL-N.

## **ZIMBABWE — “SPYING” BILL PASSED IN LOWER HOUSE OF THE PARLIAMENT**

The Zimbabwean House of Assembly passed a draft “spying” law allowing the government to intercept mail, phone calls, and emails without court approval, according to a news article published by [REPORTERS WITHOUT BORDERS](#) on 15 June 2007. Under the [Interception of Communications Bill](#), service providers will be forced to install “enabling equipment” on behalf of the government, which would allow senior intelligence, police, and revenue officials to intercept telephone, email, and cell phone messages through a newly created central monitoring agency. Instead of court judges, the communications minister will be authorized to issue warrants for intercepting communications in cases where there are believed to be threats to national security, reports [MAIL & GUARDIAN ONLINE](#). Press freedom groups claim the proposed legislation will seriously compromise the telecommunication sector and are appealing for the bill to be rejected by the Senate.



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## FREEDOM OF RELIGION AND BELIEF

### **BAHRAIN—MUNICIPAL COUNCILORS CALL FOR CLOSURE OF BUSINESSES DURING FRIDAY PRAYER**

Businesses in [Muharraq](#) could be forced to close during [Friday prayers](#) after municipal councilors approved the move on 18 June 2007. A news article published by [GULF DAILY NEWS](#) reports that the businesses affected by the decision include shops, restaurants, coffee shops, garages, and other workshops. Pharmacies may also be included in the list of businesses that must close. The new rule will be enforced by community police and the Commercial Registration office. The government, however, has power to veto the move.

### **BULGARIA—BULGARIA FOUND TO BE IN VIOLATION OF ARTICLE NINE OF EUROPEAN COVENANT**

In the case of [Ivanova v. Bulgaria](#), the [European Court of Human Rights](#) found that the applicant's right to freedom of religion under [Article 9](#) of the [European Convention on Human Rights](#) had been violated because her employment had been terminated on account of her religious beliefs, according to [Council of Europe \(CoE\) press release](#). The applicant, Kalinka Todorova Ivanova, a Bulgarian national was a member of a Christian Evangelical Group (World for Life) which was denied registration under the Persons and Family Act, effectively denying it legal status and, among other things, the possibility of hiring meeting halls and opening bank accounts. The group continued to hold meetings. Later, Ivanova was asked to resign from her post at the River Shipbuilding and Navigation School in Ruse where several of the non-academic staff were allegedly followers of Word of Life. After the Supreme Court denied her petition, she filed a petition with the ECHR. Relying on [Articles 9](#) and [14](#), the applicant alleged that her right to freedom of religion had been violated because her employment had been terminated on account of her religious beliefs, which had amounted to discrimination on religious grounds.

### **EGYPT—COURT RULES AGAINST UNIVERSITY DECISION TO BAN FULL FACE VEIL**

An Egyptian court has ruled that a U.S.-accredited university in Cairo was wrong to bar a female scholar who wears an Islamic face veil from using its facilities, according to a news article published by [BOSTON.COM](#) on 9 June 2007. In its ruling, a special chamber of the High Administrative Court upheld a 2001 court ruling that the school could not bar the petitioner from its campus over the [niqab](#) because her decision to veil was a matter of personal and religious freedom. The ruling, however, allows the university some leeway in placing restrictions on the niqab due to public necessity. Female students, for example, could be required to reveal their faces at the university gate to a designated male security guard or female staff. The petitioner, who was a doctoral student of English at Egypt's religious al-Azhar University had for over a decade held privileges at the American University in Cairo library and was pursuing the case out of principle, did not object to revealing her face at the campus gate for security reasons.



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## **FRANCE—SIKHS CHALLENGE FRENCH LAW BANNING TURBANS**

Sikhs in France have filed a case before the [European Court of Human Rights](#) (ECHR) in Strasbourg challenging a French law that demands that turbans be taken off while being photographed for identity cards, according to a news article published by [HINDUSTAN TIMES](#) on 12 June 2007. The case before ECHR will be the first such since France passed a law in March 2004 banishing religious symbols, including Sikh turbans, from public schools. Male Sikhs are required by religion to cover their hair at all times by a turban, an article of faith and an intrinsic aspect of their identity.

## **IRAN—REPORT OF INCREASED PERSECUTION OF BAHA’I COMMUNITY MADE PUBLIC**

A representative to the United Nations for the Baha’i International Community says Iran has stepped up its persecution of believers of the religious faith. According to an [RFE/RL report](#), Bani Dugal said Iran’s Information Ministry appeared to be systematically generating suspicion, fear, and hatred toward Baha’i followers in an attempt to destabilize the community.

## **ROMANIA—BAN ON RELIGIOUS SYMBOLS IN SCHOOLS EXPECTED**

A Bucharest court has endorsed a decision made by the main anti-discrimination body (National Council for Combating Discrimination) to remove religious symbols from schools, according to a new article published by [HOTNEWS](#) on 19 June 2007. The Education Ministry is preparing to challenge the decision at the High Court of Justice.

## **TURKEY—PARLIAMENTARY ELECTIONS NOT EXPECTED TO RESOLVE ISSUES OF RELIGIOUS FREEDOM**

In an article published on the website of [Forum 18](#) on 28 July 2007, Dr. Otmar Oehring, head of the Human Rights Office of Missio, writes: “At the time of the failed presidential election earlier this year, debate was fierce on what role Islam should play in the state. This debate remains unresolved, with both sides as far apart as ever.” He suggests that the failure to deal with the issues could cloud any possible presidential election in autumn 2007, a date for which has not been set. The article is titled: “What chance for religious freedom in Turkey’s elections?”

## **UNITED STATES—SUPREME COURT DECISION RESTRICTS TAXPAYER STANDING TO CHALLENGE RELIGIOUS FUNDING PROGRAMS**

In [Hein v. Freedom of Religion Foundation](#), the United States Supreme Court held that taxpayers lack standing to challenge the Bush Administration’s faith-based initiative. Under a narrow reading of an earlier Supreme Court decision, *Flast v. Cohen*, the Court’s plurality agreed that taxpayers have only a limited ambit to challenge government spending programs. The 5-4 decision was rendered over a vigorous dissent by the Court’s liberal justices.



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## LEGAL FRAMEWORK

### **CHINA—CHARITY LAW CONFERENCE HELD TO DISCUSS DRAFT LAW**

A conference attended by 30 foreigners as well as over 50 Chinese participants was held to discuss legal issues with regard to the Draft Charity Law (for earlier coverage, see [IJCSL, January 2007](#)). Although the conference proceedings and the current draft are confidential, there has been considerable progress made since the first draft was made available. Several issues remain, including the definition of charity, the types of appropriate penalties, and the ways in which volunteers should be registered.

### **ENGLAND AND WALES—CABINET OFFICE PUBLISHES DRAFT DOCUMENTS ON AUDIT, ACCOUNTING, AND REPORTING FRAMEWORKS FOR CHARITIES**

The Cabinet Office Office of the Third Sector has published [draft documents](#) with regard to the changes made by the Charities Act 2006 and the Companies Act 2006 in the audit, accounting, and reporting framework for charities. The audit thresholds for both company and non-company charities have already been increased for financial years beginning on or after 27 February 2007. Further changes to the audit, accounting and reporting regime require secondary legislation before they can be implemented, which is the subject of this consultation. The principal audit, accounting and reporting changes that remain to be implemented include:

- Harmonising the audit and independent examination requirements for company and non-company charities, by applying the Charities Act audit or examination requirements to small company charities; and
- Providing a statutory framework for the preparation and filing of group accounts. Group accounts are already recommended by the charity SORP, and are generally accepted practice in the sector.

Details with regard to the draft documents can be found on the website.

### **INDIA—NATIONAL POLICY ON THE VOLUNTARY SECTOR – 2007 RELEASED**

[National policy on the voluntary sector – 2007](#) is now available. According to an [AccountAid](#) news update on 4 June 2007, some important clauses in the policy include recognition of shares etc. as a deductible donation, simplification of FCRA, simplification of registration norms for non-profit companies, an optional central law for registration and operation on an all-India basis, setting up a self-regulatory agency by the sector, simplified norms for bilateral funding for NPOs, and internet access of accounts of NPOs receiving Government funding. Suggestions relating to differential treatment of public-benefit charities and public utility schools and hospitals have not been included. Allowing deductibility for religious donations has also not been accepted.



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## **NORTHERN IRELAND—DELAY IN ADOPTION OF CHARITIES LEGISLATION ANTICIPATED**

Because of the settlement of controversy between the political factions in Northern Ireland, the [devolution of power to the Northern Ireland government](#) was restored on 7 May 2007. As a result, [NICVA](#) (Northern Ireland Council on Voluntary Organisations) has [reported](#) that there will be a delay in the adoption of the proposed legislation creating a Charity Commission for Northern Ireland, etc. The previous process envisioned a passage by the Parliament in Westminster. Now, however, the new Minister for Northern Ireland will consider the charities legislation for referral to the Northern Ireland Assembly. This means that the earliest implementation can be expected is December 2008.

## **TAJKISTAN—ANALYSIS OF NEW PUBLIC ASSOCIATIONS LAW RELEASED BY ICNL**

A ICNL [news release](#) on 15 June 2007, indicates that the organization has prepared an analysis of new [law on public associations](#) adopted by the Tajik Parliament in May 2007. The [analysis](#) highlights the changes in the regulatory environment for public associations and identifies issues which might arise during the implementation of new law.

## **MISCELLANEOUS MATTERS**

### **ETHIOPIA -- TRIAL OF DANIEL BEKELE AND NETSANET DEMISSIE CONTINUES**

Daniel Bekele and Netsanet Demissie, charged in one of Africa's largest treason trials in recent years in Ethiopia, are still awaiting verdicts in their cases. Ten out of originally over a one hundred accused await their verdicts in prison, including Daniel and Netsanet. On 11 June 2007, in the trial's first verdicts, 38 journalists and opposition politicians were found guilty. The 10 remaining accused are due to appear in court again on 12 July 2007, to present their defense. Trial observers have suggested that the trial could be over as early as the end of July. Daniel Bekele worked as head of the policy department of ActionAid International Ethiopia. He is a director of [ACCSL, the African Centre for Civil Society Law](#). Netsanet Demissie is the founder of Organisation for Social Justice in Ethiopia, a local non-governmental organisation which assisted in monitoring the May 2005 election.

### **GLOBAL—ACCOUNTABILITY PRINCIPLES FOR INTERNATIONAL GIVING DEVELOPED**

A Joint Working Group of the Council on Foundations and the European Foundation Centre has developed accountability principles as an “aspirational tool” for international giving. According to the document, which is available on the [Council on Foundations](#) website, “Cross-border philanthropy is growing and there is no one way to conduct it—the diversity of the field is, after all, one of its strengths. At the same time, we feel strongly that the fundamental principles highlighted in this booklet are vital to achieving accountability and effectiveness regardless of the approach or focus of a particular philanthropic activity. The specific actions associated with each



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of the principles are not exhaustive nor are they a checklist; rather, these ‘practice options’ are meant to suggest concrete ways in which the principles might be realized through your philanthropic programs.”

## **INDONESIA—ATTACKS AGAINST HUMAN RIGHTS ACTIVISTS ALLEGED**

The [Asian Human Rights Commission \(AHRC\)](#) in a [28 June 2007 press release](#) indicated that it has received credible information of ongoing attacks, intimidation, surveillance and threats, including death threats, against human rights defenders from West Papua in mid-June 2007. The alleged attacks occurred followed their meeting with Ms. Hina Jilani, the UN Special Representative to the Secretary General on Human Rights Defenders. It is alleged that members of the Indonesian military (TNI) are targeting people who met with Ms. Jilani during her visit to Indonesia and who informed her about human rights abuses in West Papua. Although a formal letter has been issued to the chief of the national police and the regional military commander of Papua province, no action has been taken by the authorities and the defenders continue to feel threatened while conducting their work.

## **IRAQ—CONFERENCE HELD TO DISCUSS PARTNERSHIPS FOR REBUILDING IRAQI “NATIONAL CONSENSUS”**

An [RFE/RL report on 13 June 2007](#) discusses the recent conference held by the UN to help forge global partnerships to rebuild Iraqi national consensus. The two-day all Iraqis conference, which concluded on 12 June 2007, aimed to advance dialogue and cooperation among the feuding social and religious factions in the country. Another goal was to rebuild bridges and advance cooperation between these Iraqi leaders and United Nations’ institutions, U.S. nongovernmental organizations, and scholars.

## **MOZAMBIQUE—CIVIL SOCIETY MEMBERS APPOINTED TO ELECTORAL COMMISSION**

[A 12 June 2007 story in Citizen.co.za](#) reports that Mozambique has for the first time appointed representatives of civil society to serve on its electoral supervisory body. President Armando Guebuza has formalized the appointment of the eight representatives from civil society groups to the country’s electoral supervisory body (CNE) at a ceremony held in the capital, Maputo.

## **UNITED STATES—CONGRESSIONAL PHILANTHROPY CAUCUS BEING FORMED**

As reported by the [CHARLOTTE OBSERVER](#), House of Representatives members Robin Hayes (R-NC) and Stephanie Tubbs (D-OH) are in the process of forming a Congressional Philanthropy Caucus. Hayes, who has served as a member of the Board of Directors of the Cannon Foundation, was asked to form the Caucus by the [Council on Foundations](#), which is urging members of Congress to promote charitable giving. Caucuses have no official political status in terms of legislation, but they do offer members an opportunity to come together around shared interests. There are dozens of such “congressional member organizations,” with interests as varied as addiction, cement, brain injury, prayer, Vietnam, and submarines.



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Shi Tao

## **UNITED STATES/CHINA—LAWSUIT FILED AGAINST YAHOO! FOR RELEASING INFORMATION TO CHINESE AUTHORITIES**

A jailed Chinese reporter accused of leaking state secrets has joined a U.S. lawsuit claiming Yahoo! Inc. helped the Chinese government convict dissidents. Shi Tao, who was sentenced in 2005 to 10 years in prison, is seeking compensation from the Sunnyvale, California-based Internet company because Yahoo Hong Kong and Yahoo China are accused of providing information to the Chinese authorities that led to his arrest. The [World Organization for Human Rights USA](#) filed the suit in Federal District Court for the Northern District of California in April. Shi Tao, a well-known Chinese journalist, joined Wang Xiaoning and Wang's wife, Yu Ling, in their lawsuit against Yahoo! Inc. and its subsidiaries on 29 May 2007. The group's legal complaint from April can be found at: [PDF link](#). Detailed information about the lawsuit against Yahoo! is available at: [Link](#). The company has acknowledged sharing information about Shi with Chinese authorities. But in a statement faxed to The Associated Press and picked up by numerous media outlets, the company said "Yahoo is dismayed that citizens in China have been imprisoned for expressing their political views on the Internet."

## **YEMEN—CIVIL SOCIETY URGED TO COOPERATE ON HUMAN RIGHTS ENFORCEMENT**

[SABA, Yemen's official news agency, reported on 4 June 2007](#) that the Minister of Human Rights, Dr. Huda Ali al-Ban, discussed with representatives of civil society organizations a future partnership between the Ministry and the organizations to improve human rights move in the country. The meeting reviewed a number of human rights issues in the country and the role of the legislative and executive authorities in protecting human rights. Al-Ban confirmed the necessity of gathering efforts to develop the status of human rights in the country and to transfer from words to deeds.

## **ANNOUNCEMENTS**

### **ARAB WORLD—ARAB ASSOCIATION FOR DEMOCRACY FOUNDED**

A group of Arab thinkers and intellectuals representing 14 countries convened in Sana'a Yemen on 13-14 June 2007. Organizations convening the conference included the [Amman Centre for Human Rights](#). Following careful discussions and well-thought-out debates, the participants agreed to establish the Arab Association for Democracy (AAD). They also adopted the [Arab Covenant for Democracy](#) in which they defined the objectives and means to help create the necessary requirements for democratization in the region.



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## **GLOBAL—SURVEY OF CIVIL SOCIETY LAUNCHED**

CIVICUS has released [Global Survey of the State of Civil Society, Volume 1: Country Profiles](#). By featuring the civil society profiles of 44 countries around the world, the publication describes current state of civic activism, highlights the key strengths and weaknesses of each country's civil society and puts forward specific recommendations to strengthen the sector's capacity to contribute to positive social change. According to a [CIVICUS press release](#), the publication provides a unique contribution to the ongoing debate on civil society both empirically and conceptually. The Survey on the State of Civil Society focuses on measurable and short-term indicators as well as long-term and more complex processes. The CIVICUS Global Survey of the State of Civil Society was launched at the 2007 CIVICUS' World Assembly this May in Glasgow, Scotland.

## **RESOURCES**

### **AFGHANISTAN—LEGAL FRAMEWORK FOR CIVIL SOCIETY (REPORT PUBLISHED)**

The Aga Khan Development Network has published a volume of background materials for the Enabling Environment Conference held in Kabul in June 2007. Included in the volume is a report by [Dr. Leon E. Irish](#) and [Prof. Karla W. Simon](#) entitled "[Challenges Presented by the Legal, Regulatory, Administrative, and Fiscal Framework for Civil Society.](#)" Also available on the [Enabling Conference website](#) are other background papers, speeches, and various other conferences documents, photos, and videos.

### **ASIA—CINEMA, LAW, AND THE STATE IN ASIA (BOOK PUBLISHED)**

Creekmur and Sidel (eds.), *CINEMA, LAW, AND THE STATE IN ASIA* has been published. ((Palgrave 2007), ISBN-10: 1403977518, ISBN-13: 978-1403977519). The book covers China, India, Japan, Korea, the Philippines, and Vietnam, along with an introduction to the theme. Further information is on the [Amazon](#) and [Palgrave](#) sites, along with comments on the book from law and film scholars Andrew Harding, Michael Palmer, Chris Berry, and David Desser.

### **CHINA—**

- **HUMAN ECONOMIC RIGHTS AND ROLE OF CSOS IN THEIR ENFORCEMENT (REPORT PUBLISHED)**

The [Unirule Economics Research Institute \[Tiance Jingji Yanjiusuo\]](#), China's independent economics think tank, released its report on human economic rights in China on 11 June 2007. In his introduction to the report, Institute Director Mao Yushi noted that institute scholars work groups had been working on the report for two years. One of the sections of the report deals with the role of civil society organizations (NGOs) in enforcing human economic rights in the fields of health, employment, shelter, and education, noting that they are hampered by their lack of real independence and inability to engage in effective advocacy. The section of



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the [document](#) dealing with these issues is available in [ICCSL's Documentation Center](#).

- **EFFECTS OF CONFUCIANISM ON RELIGIOUS FREEDOM (REPORT PUBLISHED)**

In recent years, Confucianism has been making a steady comeback in China, notes forum [FORUM 18 NEWS SERVICE](#) in its recent analysis. After decades of effort to destroy the ideology and its institutions, even the Communist party-state has "endorsed" Confucian ideas and drawn on them in its political slogans. Chinese people also seem to have a growing interest in applying Confucius' teachings to resolve social problems. The analysis advises a cautious evaluation of Confucianism's apparent comeback because the selective adoption of Confucian ideas – for example to bolster nationalism - may delay genuine religious freedom for all in China. [Confucianism](#) is a complex system of moral, social, political, philosophical, and religious thought which has had tremendous influence on the culture and history of East Asia up to the 21st century.

## **EUROPEAN UNION—FOUNDATIONS' LEGAL AND FISCAL COUNTRY PROFILES (REPORT PUBLISHED)**

The European Foundation Centre's (EFC) publication entitled "[Foundations' Legal and Fiscal Environments – Mapping the European Union of 27](#)" (2007) has been released. The publication aims to provide an overview of foundations operating environments across the 27 EU Member States. Standard sections across all profiles enable an easy comparison of specific legal and tax issues across the EU Member States. The EFC Legal and Fiscal Country Profiles were first published by the European Foundation Centre (EFC) in 2002. The profiles have now been widened in scope, updated, and extended to the new European Union Member States. The EFC [news release](#) on 26 June 2007 states that the updated profiles address issues concerning the legal environment of foundations, such as the purposes that foundations are allowed to pursue, the requirements for setting them up, governance and transparency requirements. The tax treatment of foundations is also discussed, with details on the income tax treatment of the foundation, including income from economic activities and asset management. There is also information on tax incentives for individual and corporate donors, including the issue of cross-border donations.

## **GHANA—ANALYSIS OF DEMOCRACY AND POLITICAL PARTICIPATION IN GHANA (REPORT PUBLISHED)**

The [Open Society Institute for West Africa](#) and the [Institute for Democracy and Governance](#) (Ghana) have published a report on the website of [AfriMAP](#) concerning the development of democracy and issues around political participation in the country. The first critical analysis of these issues since the return to democratic rule in 1993, this paper (along with a companion paper analyzing the justice sector), suggest both that enormous progress has been made, but also that there is a need for additional reforms.



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