



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

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ANTI-TERRORISM LEGISLATION

COUNCIL OF EUROPE — LEGAL AFFAIRS AND HUMAN RIGHTS COMMITTEE REPORTS ON CURRENT LISTING AND DE-LISTING PROCEDURES OF THE UN AND EU SANCTION REGIMES

[Committee on Legal Affairs and Human Rights](#) has released a provisional [report on UN Security Council and European Union blacklists](#). The procedures used by the UN Security Council and the European Union for blacklisting individuals and groups suspected of links with terrorists were judged to be “totally arbitrary and have no credibility whatsoever.” The report released on 13 November 2007, concludes that the current listing and de-listing procedures of the UN and EU sanction regimes, although improved, still fail to provide satisfactory protection of fundamental human rights, including both procedural and substantive rights.

CZECH REPUBLIC — NATIONAL ACTION PLAN TO COMBAT TERRORISM INTRODUCED

The government has introduced a National Action Plan to Combat Terrorism. According to a news article published by [THE PRAGUE POST](#), the Action Plan is likely to be used as a baseline to draft legislation allowing police and intelligence agencies to wiretap and collect emails without going through the current court procedures.

EUROPEAN UNION—EU PROPOSES NEW MEASURES TO COMBAT TERRORISM

The European Union has proposed a range of anti-terrorism terrorism measures likely to be in force across the EU within three years. According to a news article published by [BRISBANE TIMES](#), the draft laws seek to criminalize use of the internet to incite or recruit for acts of terrorism and compel airlines to supply information, to be stored for 13 years, on all air passengers flying into or out of the EU. Civil rights groups have criticized that the proposed measures will make the EU the most surveilled place in the world.

GERMANY—PARLIAMENT ADOPTS DATA RETENTION LAW

The [German Federal Parliament](#) has adopted the law that implements the [EU data retention directive](#) in the German legislation by amending the current wiretapping legislation, according to a news article published by [EUROPEAN DIGITAL RIGHTS](#). The new law will enter into force on 1 January 2008. Under the new law all telecommunication providers are required to keep the traffic data for six months. Internet service providers are required to start implementing these directives at the beginning of 2009. The Internet traffic data will include storing the email addresses, IPs, and time stamps in the case of electronic mail. All these data will be accessible to the law enforcement authorities. While police, court, and state prosecutors will need a court order to access the information, others such as the intelligent services will be able to access the data without any restriction. This has triggered a strong



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

reaction of the opposition and civil society with more than 13,000 citizens signing up to challenge the law in the Constitutional Court.

NEW ZEALAND—TERRORISM SUPPRESSION BILL PASSES THIRD READING

The Terrorism Suppression Amendment Bill has passed its third reading in the Parliament, according to a news article published by [NEW ZEALAND HERALD](#). The bill creates a new offence of committing an act of terrorism, under penalty of a life sentence, and gives the prime minister responsibility for designating terrorist groups and individuals as terrorists.

UNITED STATES—CIRCUIT COURT OF APPEALS BLOCKS ACCESS TO FRUITS OF GOVERNMENT WIRETAPS OF ISLAMIC CHARITY

The [Al-Haramain Islamic Foundation](#), a charity in Oregon, had perhaps the best evidence of anyone that it had been a target of the wiretapping program, based on a top secret document mistakenly given to the group in 2004. But a 16 November 2007 ruling by the United States Court of Appeals for the Ninth Circuit, based in San Francisco, found that evidence from the document could not be introduced in court because it fell under the “[state secrets](#)” privilege invoked by the government. In [Al-Haramain Islamic Foundation, Inc. v. Bush](#), the court in reversing a lower court ruling said the trial judge had made “a commendable effort to thread the needle” but that its final ruling in allowing the evidence in was flawed. The appeals court split off from its ruling a separate claim made by more than 40 groups against telecommunications companies that participated in the “secret” wiretapping program, and it has yet to rule on whether those lawsuits were covered by the state secrets privilege as well.

CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

COUNCIL OF EUROPE—COUNCIL OF EUROPE COMMITTEE POSTPONES DECISION ON DRAFT ACCESS TO INFORMATION CONVENTION

The [Council of Europe’s Steering Committee on Human Rights](#) (CDDH) has decided to postpone a decision on the draft European Convention on Access to Official Documents to provide more time for the Group of Specialists to finish its Explanatory Memorandum and to gather further input from member states regarding improvements to the convention, according to a news article published by [FREEDOM INFO](#). The decision comes after NGOs and other stakeholders criticized and urged the Steering Committee to resolve concerns before moving forward with the world’s first binding instrument on access to information. The treaty as currently drafted does not cover all legislative and judicial bodies within the access to information mandate and also does not extend to some documents held by private entities performing public functions. In addition, the treaty does not provide certain basic guarantees regarding proactive disclosure, appeals, narrow exemptions, or time limits for processing requests.



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

URUGUAY—SENATE APPROVES LAW ON COMMUNITY MEDIA

The Uruguayan Senate has approved Community Broadcasting Bill, according to a news article published by [ANSA](#). The draft law recognizes community media as an entity in its own right within the broadcast sector. It defines community TV and radio as public interest services independent of the state, run by non-profit civil society organizations and designed to cater to citizens' "communications needs, the right to information and freedom of expression." The law is slated to be passed by the end of the year, after the House of Representatives has approved amendments made in the Senate.

FISCAL MATTERS

AUSTRALIA — FEDERAL COURT CONFIRMS CHARITY'S TAX-FREE STATUS FOR BUSINESS

Money raised by a charity through commercial practices is tax-exempt, rules the Federal Court. According to a news article published by [SMART COMPANY](#), the court decision involved a religious charity, [Wycliffe Bible Translators](#), which set up Word Investments to raise funds for its evangelical mission overseas and bible translating activities. The tax office alleged Word's fund-raising operations – which included land developing in the 1980s and a profitable funeral business from 1996 – were not those of a charity. It also argued, that a charity could only conduct tax-exempt commercial activities incidental or ancillary to its charitable activities. The court concluded that where a charity operated a commercial arm, that businesses were not taxable as long as the profits were entirely used for the charity and to advance religion. The ruling means that charities may seek millions of dollars back from the Australian Taxation Office and may venture into new businesses, [according to tax experts](#).

CANADA—APPLICATION OF INTERMEDIATE SANCTIONS

On November 29, 2007, CRA announced that it had issued a Notice of Suspension to International Charity Association Network (ICAN), a registered charity under the Income Tax Act (the "ITA"), for a period of one-year period, commencing November 28, 2007 (see CRA Issues Notice of Suspension to International Charity Association Network: <http://www.cra-arc.gc.ca/newsroom/releases/2007/nov/nr071129-e.html> <<https://mail.cua.edu/exchweb/bin/redirect.asp?URL=http://www.cra-arc.gc.ca/newsroom/releases/2007/nov/nr071129-e.html>>). The suspension of charitable status imposed upon ICAN appears to be the first sanction of this sort imposed by CRA since the introduction of the intermediate sanctions in 2004. ICAN had failed to maintain sufficient documentation to support payments and expenditures including \$26,372,685 in fundraising payments and \$244,323,422 in charitable program expenditures. Further, the Charity has failed to provide required documentation to the CRA. A charity that has been suspended has no authority to



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

issue donation receipts for income tax purposes for gifts it may receive during its suspension. Also, during the suspension, the charity is deemed not to be a qualified donee, prohibiting other registered charities from making gifts to it during that period.

EUROPE — INSTITUTE OF FUNDRAISING DRAFTS BEST-PRACTICE GUIDE FOR CROSS-BORDER FUNDRAISING

The Institute of Fundraising is drafting a best-practice guide for cross-border fundraising. According to a news article published by the [THIRD SECTOR](#), the guide addresses issues including transparency in fundraising, how fundraising organizations should make donors aware of their geographical remit, how gifts received from outside a charity's area of operation should be treated, and how fundraised income should be divided up between the four nations during a UK-wide campaigns. The guide will be produced with reference to the institute's code *Accountability and Transparency in Fundraising* and in consultation with the ImpACT Coalition.

INDIA—PROPOSED MICROFINANCE BILL NOT BALANCED

The [Microfinance Bill](#), which is under consideration in the parliamentary standing committee on finance, needs to be amended in several aspects, according to an editorial published in [THE ECONOMIC TIMES](#). The editorial highlights several areas in the bill that require amendment. The Bill regulates small micro-credit institutions through the National Bank for Agriculture and Rural Development (Nabard) requiring them to meet more stringent accounting standards. The Bill, which Parliament referred to the standing committee on finance on 27 April, will also allow non-governmental organizations, organized as societies and trusts, to accept savings or “thrift” in the form of public deposits from their customers—the millions of India’s largely poor, rural women often beyond the reach of the formal banking network.

SINGAPORE — RESULTS OF PUBLIC CONSULTATIONS ON DTD AND 80:20 RULE RELEASED

The Singapore [Ministry of Finance](#) has released the results of the [public consultation](#) in reference Double Taxation Deduction (DTD) and 80:20 rule. The public was invited to give views on the proposed guidelines to distinguish between private donations and donations raised from the public, so as to facilitate the waiver of the 80:20 fund-raising rule for private donations; and the proposed conditions to be applied to qualifying grant making philanthropic organizations that are allowed to issue DTD receipts to donors for donations that are subsequently channeled to local Institutions of a Public Character (IPCs). The finalized guidelines for private vs. public donations can be downloaded [here](#), and the finalized conditions for the DTD initiative can be downloaded [here](#).



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

UNITED KINGDOM—

- **EC MAY PROSECUTE UK OVER TAXATION OF FOREIGN DONATIONS**

The UK may face prosecution in the European Court of Justice if it does not stop discriminating against foreign charities, the European Commission has decided. According to a news article published by the [THIRD SECTOR](#), the Commission had warned the UK in July 2006 that the practice of denying tax relief on gifts to charities registered in other member states was contrary to the EC Treaty and contradicted the principle of free movement of capital. The UK now faces prosecution unless it decides to change its law.

- **IMPLEMENTATION PLAN FOR CHARITIES ACT 2006 UPDATED**

The implementation plan for [Charities Act 2006](#) has been updated. According to Cabinet Office [press release](#) the Second Commencement Order covers 1) mergers of charities and the Register of Mergers commencing in November 2007; and 2) changes to fundraising statements, which are likely to come into effect in January 2008. The plan also details what will be in the Third Commencement Order (first quarter of 2008), including charity audit and accounting, the public benefit requirement, the Charity Tribunal, and new powers for the Charity Commission. The Charitable Incorporated Organization model is expected to arrive in summer 2008.

ZIMBABWE—NEW MONETARY POLICY CRIPPLES NGOS OPERATIONS

Non-governmental organizations in Zimbabwe claim their operations have been paralyzed since the Reserve Bank raided their foreign currency accounts (FCAs). According to a news article published by [IRIN](#), Gideon Gono, the governor of the Reserve Bank of Zimbabwe (RBZ), has said that NGOs would now maintain 'mirror accounts' that would reflect how much money they had in the bank while the actual money would be kept by the RBZ.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

BELARUS--COURT SENTENCES YOUNG ACTIVISTS PROTESTING TRIAL FOR REPRESENTING UNREGISTERED ORGANIZATION

[RFE/RL's Belarus Service reports](#) that the activists, a man and a woman, were detained, with other activists, while protesting the trial of a fellow Youth Front member, 16-year-old Ivan Shyla, who was being tried for representing an unregistered organization. More than 50 opposition and human-rights campaigners attended the start of Shyla's trial, including representatives of the Belarusian Helsinki Committee, the Vyasna (Spring) human-rights group, and the United Civic Party.



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

GEORGIA--LARGEST PROTEST RALLY SINCE ROSE REVOLUTION

In November 2003 the "Rose Revolution," which featured massive street rallies, ousted Eduard Shevardnadze and swept pro-Western Mikheil Saakashvili to the presidency. Four years later, it's Saakashvili who's at the center of public disenchantment. [According to a story in RFE/RL](#), tens of thousands of Georgians are estimated to have attended a rally, organized by the National. The movement gained momentum last month, when former Defense Minister Irakli Okruashvili announced the formation of his own opposition party. He was quickly jailed on corruption charges, but was shortly released. He has become a rallying figure for many in the opposition. Badri Patarkatsishvili -- who recently agreed to cede control of Imedi, his openly antigovernment television station, to Rupert Murdoch's News Corporation -- has described the president as a "de facto usurper who governs the country in the way he wants and shows a democratic facade to the West." Saakashvili still enjoys considerable support in Georgia, and few observers anticipate the new opposition will spell his political demise.

GLOBAL—ITUC RELEASES ANNUAL SURVEY OF VIOLATIONS OF TRADE UNION RIGHTS

The International Trade Union Confederation (ITUC) has published "[2007 Annual Survey of Violations of Trade Union Rights](#)," according to ITUC [press release](#). In addition to documenting an alarming rise in the number of human casualties as a result of their trade union activities, the survey reveals how several governments of industrialized countries sought to restrict trade union rights through changes in labor legislation, removing or restricting collective bargaining rights, the right to strike, or even the right to organize. The 2007 survey covers 138 countries.

MALAYSIA—GOVERNMENT WARNS AGAINST STREET PROTESTS

Prime Minister Abdullah Badawi has warned that, in order to curb recent street protests in Malaysia, he is prepared to use a tough security law which may lead to years of detention without trial, according to a news article published by [THE NEW YORK TIMES](#). Malaysia bans public assemblies of more than five people without a police permit. In practice, rallies are allowed when they focus on international issues but anti-government protests are rarely permitted. The Internal Security Act (ISA) is a preventive detention law in force in Malaysia since 1960. The ISA is a law that allows the police to arrest, individuals that they believe have acted, or are "about to" or "likely to" act in a way that would threaten Malaysian security, "essential services," or "economic life" (Article 73 (1) b) without evidence or a warrant. Detainees can be held for up to 60 days for investigation. After 60 days, the Home Minister can issue a two-year detention order under Article 8 of the ISA. This two year detention can be renewed indefinitely without the detainee ever being charged with a crime or tried in a court of law.



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

FREEDOM OF EXPRESSION

AFGHANISTAN—NEW RESTRICTIONS ON MEDIA AWAITS PRESIDENTS SIGNATURE

Draconian new media legislation is soon to be signed into law by President Hamid Karzai after it was recently approved by the Kabul parliament, notes TELEGRAPH.CO.UK. The measures will give the government greater powers to limit broadcasts that are deemed damaging to Afghanistan and its culture, primarily by forcing television stations to carry more religious programs or face going off air.

ARGENTINA—SUPREME COURT RULES IN FAVOR OF PRESS FREEDOM

Argentina's Supreme Court recently held that a provincial government violated the free speech rights of a newspaper by withdrawing advertising in retaliation for critical coverage, according to a [press release](#) of the [Open Society Justice Initiative](#). The ruling comes in a case filed in December 2002 when [Río Negro](#) covered a bribery scandal implicating the governor of [Neuquén](#). The province withdrew nearly all advertising from the paper. In finding for the paper the court held that while there is no right to receive advertising as such, the state cannot allocate advertising resources in an arbitrary fashion. The court recognized that freedom of expression can be violated not only by direct government interference, but also by measures, such as abusive advertising practices, that can indirectly affect editorial freedom and independence.

AZERBAIJAN--OSCE SAYS MEDIA FREEDOM DECLINING

[According to a story in REF/RL](#), the Organization for Security and Cooperation in Europe (OSCE) has warned that the freedom of the media in Azerbaijan is declining. OSCE diplomats called on the Azerbaijani authorities to do more to protect journalists and also criticized the authorities for restricting radio broadcasts from the Voice of America, RFE/RL, the BBC, and other foreign media outlets.

BELARUS—NEW ADVERTISING LAW COMES INTO FORCE

The Law of the Republic of Belarus “On advertising” came into force on the 22 November 2007. According to a news article published by [THE NATIONAL LEGAL INTERNET PORTAL OF THE REPUBLIC OF BELARUS](#), the new law bans promotion of certain types of products starting 1 January 2008. The new law will prohibit the advertisement of cigarettes, as well as the advertising of beer from 7am to 8pm, not only in the media, but also on banners at mass gathering locations. The volume of advertisement on TV and radio should not exceed 20% of any 24 hours worth of broadcasting time.



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

CANADA—ONTARIO COURT OF APPEAL REFORMS COMMON LAW OF DEFAMATION

The Ontario Court of Appeal has carved out a new defense for journalists reporting on matters of public significance -- the "public interest responsible journalism defense." The [ruling](#) comes in a case involving former Ontario Provincial Police officer Danno Cusson, who sued the [Ottawa Citizen](#) and three of its reporters for defamation after the newspaper published a series of stories about his trip to New York in the aftermath of the Sept. 11, 2001, terrorist attacks, according to a news article published by [THE STAR](#). The new defense will apply if the media outlet can persuade the trial judge or jury that publication of the allegedly defamatory statement was not only in the public interest but done in a responsible manner. Until this Court of Appeals' ruling, the defense of "qualified privilege" entitled Canadian media to publish otherwise defamatory statements only in the context of fair and accurate reports of public proceedings in Parliament, provincial legislatures, municipal councils, courts and quasi-judicial tribunals. In other areas, the only defenses available to the media were truthfulness and fair comment, both of which can be notoriously hard to prove.

CHINA--INTERNET ACTIVIST'S JAILING RENEWS CRITICISM OF BEIJING'S RESTRICTIONS

[According to a story in RFE/RL](#), China has sentenced yet another Internet-using human rights activist to a stiff jail term. The four-year sentence handed down to Guo Qizhen by a court in Cangzhou on October 16 has brought sharp reactions from international media rights groups. Guo Qizhen was found guilty of the criminal charge of "incitement to subversion" for his criticism of Chinese leaders and their policies on two foreign-based websites. In one Internet article he urged Chinese to "sound the knell of this dire regime." In others he referred to the government as "despotic" and "autocratic." Reporters Without Borders says some 50 Internet campaigners are currently in jail, along with more than 30 journalists, making China the world's leading jailer of people in the media. It also said that when it comes to the Internet, China is the worst in suppressing freedom of expression and that no other country censors the web as methodically as Beijing.

ESTONIA—GOVERNMENT PROPOSES BAN ON SOVIET, NAZI SYMBOLS

The Estonian government has approved a draft law that would make it a crime to display Soviet- or Nazi-era symbols in public, [according to a story in RFE/RL](#). Estonian Prime Minister Andrus Ansip said the bill, which still needs to be approved by parliament, is directed at both "occupations of Estonia." Estonia regained independence from the Soviet Union in 1991. The Baltic country was occupied by Nazi Germany from 1941 until 1944.

GLOBAL—WORLDWIDE PRESS FREEDOM INDEX 2007 RELEASED

In October 2007, Reporters Sans Frontiers (RSF) published their [2007 Worldwide Press Freedom Index](#). On the whole, it showed that democracies ranked best. According to RSF [press release](#), the top position was jointly held by North European



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

nations: Iceland and Norway. Estonia, Slovakia, and Belgium made up the top 5. Totalitarian and communist regimes ranked worst as in almost all such cases, the media is government controlled. The worst 5 were Cuba, Iran, Turkmenistan, North Korea, and Eritrea. Canada and Germany - the highest ranking G8 rich countries, only ranked 18th and 20th, respectively. The US ranked 48th. Russia ranked just 144th. New Zealand (15th), Canada (18th), and Trinidad and Tobago (19th) were the only 3 in the top 20 that were from outside Europe.

IRAN--TEHRAN BOOKSHOP-CAFES CLOSED IN NEW MOVE AGAINST DISSENT

In what appears to be another blow to Iranian intellectual life, police in Tehran have recently shut down six bookshop-cafes, and others may be in line for closure, [according to a story in RFE/RL](#). The head of the Tehran police information department, Mehdi Amahdi, justified the closures by saying the booksellers' union does not allow two separate professions -- namely, selling books and selling refreshments -- to be practiced together. But the sudden strict enforcement of regulations seems to target the writers and intellectuals who gather at literary cafes, rather than the business owners. Hafez Mussavi, a writer and publisher in Tehran, told Radio Farda that he believes the crackdown is linked to a broader pattern in which Islamic authorities have stepped up efforts to suppress dissent across all segments of society.

KAZAKHSTAN--MINISTER PROMISES GREATER MEDIA FREEDOMS

Kazakhstan's minister of culture and information says his country is committed to developing freedom of speech, [according to a story in RFE/RL](#). Speaking in Vienna, Yermukhamet Yertysbaev told the Permanent Council of the Organization for Security and Cooperation in Europe that Kazakhstan also will ratify international agreements on civil, political, cultural, and economic rights. Miklos Haraszti, the OSCE's representative on freedom of media, welcomed the announced plans but added that it is crucial to abolish "insult provisions" that protect Kazakh officials from what in Europe would be considered legitimate criticism and public debate. Kazakhstan is seeking the OSCE's rotating chairmanship in 2009. Yertysbayev said Kazakhstan's selection would "be a worthy assessment" of the country's "sincere aspirations, firm, and irreversible steps on the path to further democratization and development of liberties in our society."

KYRGYZ REPUBLIC--PRESIDENT DECREES OVERSIGHT BOARD FOR STATE TV

[According to an article in RFE/RL](#), Kyrgyz President Kurmanbek Bakiev has issued a decree instituting a supervisory board to oversee the operations of MTRK, the state television broadcaster. Presidential representatives will make up one-third of the new board, and another third will be representatives of the legislature. The remainder will be representatives of MTRK itself. On September 5 Bakiev vetoed an opposition-sponsored bill that would have made MTRK a public broadcaster. Opposition lawmaker Melis Eshimkanov said that the constitution signed into law on November 9 gives parliament the right to reform MTRK without consulting the president, although others are not so sure. The bill that Bakiev vetoed in September also sought the



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

creation of a supervisory board, but that body would have included representatives of civil society to fill one-third of its seats.

RUSSIA-- MEDIA CLAMPDOWN SEES BLOGS FLOURISH

Russians frustrated at television reports they see as having a pro-Kremlin bias are turning to blogs and Internet forums to debate political issues, [according to a story in RFE/RL](#). Masha Lipman, a political expert at the Moscow Carnegie Center, says "The question in Russia is not that there are no outlets where free expression is possible. The question is that the Kremlin has radically marginalized all outlets that pursue even reasonably independent editorial lines." With more than 1 million users and 67,500 interest groups, Russians are the second-largest group of users of Live Journal, a popular U.S. blogger site. "Actually, I think the Internet is one of the reasons Russia is still not an authoritarian regime, because you cannot really shut down the Internet without very serious measures," says Yulia Latynina, a political commentator whose columns are frequently posted on Live Journal. Earlier this year, however, President Vladimir Putin created a new government agency to monitor the media and the Internet, sparking fears that sites like Live Journal would be censored.

TURKEY—GOVERNMENT VOWS TO CHANGE LAW CURBING FREE SPEECH

The government of Turkey will change a law criticized by the European Union for curbing free speech and soon bring the proposal to Parliament for a vote, according to a news article published by the [INTERNATIONAL HERALD TRIBUNE](#). The changes include reforming Article 301 of the penal code. Under this Article people can be prosecuted for "insulting Turkishness" and those found guilty of denigrating Turkey or insult its institutions can be sentenced to up to three years in prison.

TURKMENISTAN--READER COMMENTS REMOVED FROM GOVERNMENT WEBSITE

The Turkmen government's official website, Altyn Asyr (The Golden Age)(turkmenistan.gov.tm), has removed a feature that allows comments to be posted by readers, [according to a story in RFE/RL](#). On October 12 -- just two days after initiating the new feature -- it vanished from the Turkmen, Russian, and English versions of the website. There was no explanation on the website about the removal of the responses by readers, some of which offered mild criticism of former President Saparmurat Niyazov. One of them called on President Gurbanguly Berdimukhammedov to release all political prisoners held in Turkmen prisons. The new feature was a big change in a country where the government strictly controls all media and public dissent is not allowed. Its removal will raise questions about the government's commitment to opening up the media situation in Turkmenistan.

VENEZUELA — NATION GOES FOR CONSTITUTIONAL REFERENDUM THREATENS FREEDOM OF EXPRESSION

Venezuelans will vote on the constitutional reform on 2 December 2007. According to a news article published by [VENEZUELANALYSIS](#), the reform proposal is divided into two parts. Part one includes 33 reforms President Chavez had originally proposed and the other part includes 36 articles the National Assembly (AN) added to



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

his proposal. Voters may vote "Yes" or "No" on each block. [Rights groups](#) and other stakeholders have voiced serious concerns on several provisions alleging the constitutional reform threatens freedom of expression. Under Article 337 regarding the states of emergency, citizens' right to information can be suppressed. Before the proposed constitutional reform, the freedom of expression of both journalists and the Venezuelan people could not be restricted even under a state of emergency.

FREEDOM OF RELIGION AND BELIEF

EUROPE—OSCE LAUNCHES GUIDE ON TEACHING ABOUT RELIGIONS AND BELIEFS

The OSCE Office for Democratic Institutions and Human Rights, ODIHR, will launch a new guide on preparing curricula for teaching about religions and beliefs in a manner sensitive to human rights concerns, according to a [OSCE press release](#) on 27 November 2007. "[Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools](#)" is designed to assist educators, legislators, teachers, and officials in education ministries and in private or religious schools to ensure that teaching about different religions and beliefs is carried out in a fair and balanced manner.

SPAIN—COURT RECOGNIZES CHURCH OF SCIENTOLOGY AS A RELIGION

On 31 October 2007 the National Court in Madrid issued a decision recognizing that the National Church of Scientology of Spain has the right under Spanish law to be registered in the Registry of Religious Entities. Responding to a petition filed by the church the administrative tribunal of Madrid's High Court ruled that a 2005 justice ministry decision to remove the church from the register was "against the law." According to a news article published by [SCIENTOLOGY TODAY](#), in reaching this decision, the National Court also relied on decisions of the European Court of Human Rights, most notably the Human Rights Court's unanimous decision of April 2007 affirming that the Church of [Scientology](#) is entitled to the rights and protections of religious freedom that flow to religious organizations pursuant to Article 9 of the European Human Rights Convention.

TAJKISTAN—DRAFT RELIGIOUS LAW MAKES IT HARD FOR SMALLER FAITH GROUPS TO OPERATE

The culture ministry's religious department has drafted restrictive legislation on religious practice making it tougher for smaller religious communities to register with the authorities. According to a news article published by the [INSTITUTE FOR WAR AND PEACE REPORTING](#), the new draft legislation requires that faith organizations have a minimum of 20 members and 200 aspiring members, failing which they will not be able to register with the authorities. It is feared that this increase in the minimum numbers will result in many churches losing their registration, thereby preventing worshippers from practicing their religion lawfully. Under current laws, only ten signatures are needed to register a faith organization.



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

UZBEKISTAN—GOVERNMENT PLANS TO CHANGE CURRENT RELIGION LAW

Uzbekistan is planning changes to its harsh Religion Law. The Religious Affairs Committee has asked the nationally registered religious organizations for their views on changing the Religion Law. According to a news article published by [FORUM 18 NEWS SERVICE](#), the current Religion Law, adopted in May 1998, brought in tight restrictions. It banned unregistered religious activity, as well as spreading one's faith and the private teaching of religion. It allowed only religious communities with a registered central administration to publish religious literature or establish religious education colleges. These colleges also need to registration with the Ministry of Justice before they can operate. To register with the central administration, a religious community must have state-registered religious communities in eight of Uzbekistan's 14 regions. Individual religious congregations are required to have at least 100 adult citizen members to be allowed to apply for registration.

LEGAL FRAMEWORK

IRELAND—SECOND STAGE DEBATE ON CHARITIES BILL 2007 CONCLUDED

On 15 November 2007, the [Parliament](#) concluded its second stage debate on the Charities Bill 2007. According to a news article published by [THE WHEEL](#), the bill was generally welcomed and debate focused on several points, including a call from deputies that charities should not be over regulated, that an organization should not lose its charitable status for advocacy focused on its purposes, and that the definition of charitable purposes should include the promotion of human rights, social justice, social inclusion, and the effectiveness and efficiency of charities. The bill will now be reviewed in January 2008 by the members of the Select Committee on Arts, Sports, Tourism, Community, Rural and Gaeltacht Affairs. The Charities Bill 2007 provides for a composite regulatory framework for charities through a combination of new legislative provisions and retention of existing charities legislation, with updating, where appropriate.

MALTA—VOLUNTARY ORGANIZATIONS ACT ENACTED

In October the Parliament enacted the Voluntary Organizations Act which provides comprehensively for the enrolment of Voluntary Organizations by a Commissioner of Voluntary Organizations with the advice and assistance of a Council for Voluntary Organizations composed of 11 members, 9 of whom will be drawn from some aspect or sector of the voluntary sector. “Social purpose” as defined by the Act includes education, religion, health, sports, culture and art, human rights, community advancement, the environment, and any other purpose designated by the Minister responsible for social policy. The Act also established a Board of Review and a Voluntary Organizations Fund. The latter will provide education, management support, and grants to voluntary organizations. The Act can be found at: <http://www.doi.gov.mt/EN/parliamentacts/2007/ACT%20XXII%20English.pdf>.



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

MISCELLANEOUS MATTERS

COUNCIL OF EUROPE—COMMON STANDARDS FOR NGOS

On October 10, 2007 the Committee of Ministers of the Council of Europe adopted a Recommendation to member states on the legal status of non-governmental organisations in Europe (CM/Rec(2007)14). This is the first international legal instrument that targets the legislator, the national authorities and the NGOs themselves. It aims to recommend standards to shape legislation and practice vis-à-vis NGOs, as well as the conduct and activities of the NGOs themselves in a democratic society based on the rule of law. The recommendation was adopted to recognise the importance of NGOs in modern society and to elaborate minimum standards for their operation. Although these standards are observed in many countries, the position of NGOs has been under threat in others and the recommendation gives a better basis for monitoring adverse measures taken in the future. For the Recommendation itself, please click [here](#).

COUNCIL OF EUROPE—REGIONAL CONFERENCE IN KYIV

On 25-27 November 2007, the Council of Europe INGO Conference, the Agency for Legislative Initiatives and the International Renaissance Foundation organizes the Second Regional NGO Congress in Kyiv (Ukraine). The Congress aims at providing a platform for the leading NGO representatives to discuss the role of their organizations in the development and consolidation of democracy, as well as to look into the possibilities and prospects of cooperation and to prepare recommendations for the activities of NGOs in their region. Participants included NGO leaders from Ukraine, Russia, Poland, Belarus, Azerbaijan, Armenia, Georgia, Moldova, the Baltic States, and Slovakia, as well as representatives of the Council of Europe, the international experts and the media. The Congress focused on two main topics: (1) The Role of NGOs in the Development and Consolidation of Democracy; and (2) NGO Regional Cooperation: Problems and Prospects. [Kyiv NGO Congress Agenda \(261 Kb\)](#)

ZIMBABWE—COMMONWEALTH PEOPLE'S CHARTER LAUNCHED BY RCS

Concerned with the crisis in [Zimbabwe](#), the Commonwealth, NGOs, and campaigners are calling on Commonwealth leaders to act. As part of this effort the [Royal Commonwealth Society](#) (RCS), supported by other Commonwealth organizations, has initiated a '[Commonwealth Peoples' Charter on Zimbabwe](#)'. The Charter initiated on 2 November 2007, hopes that civil society organizations and individual citizens of [Commonwealth countries](#) will sign the petition so that the Heads of Government, meeting in Kampala in November, will be persuaded to act on Zimbabwe.

ANNOUNCEMENTS



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

UNITED KINGDOM AND IRELAND — REPORT EXPLORING POSSIBLE FUTURE THREATS TO OR OPPORTUNITIES FOR CIVIL SOCIETY PUBLISHED

A report on the results of the first phase of [Carnegie UK](#)'s '[Inquiry into the future of civil society in UK and Ireland](#)' has been published, according to a news article published by [THE GUARDIAN](#) on 24 October 2007. The report explores the possible future threats to or opportunities for civil society in 20 years time. The definition of civil society used, draws from [Michael Edwards](#)' three dimensions of [Civil Society](#) as [associational life](#), as the [good society](#), and as the [public sphere](#).

SOUTHEAST ASIA — ASEAN CIVIL SOCIETY LEADERS CALL FOR LAUNCH OF PEOPLE'S CHARTER

Southeast Asian civil society leaders met at the [Third ASEAN and Civil Society Conference \(ACSC\)](#) from 2 - 4 November 2007 in Singapore. The civil society leaders, composed mainly of representatives from non-governmental organizations, trade unions, grassroots organizations, and the academic community, called for the launching of an ASEAN People's Charter if the actual ASEAN Charter fails to address the aspirations of civil society.

RESOURCES

AFRICA — “A GUIDE TO AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS” LAUNCHED

On occasion of 20th anniversary of the [African Commission on Human and Peoples' Rights](#) (African Commission), [Amnesty International](#) has [launched](#) a report entitled “[A Guide to the African Commission on Human and Peoples' Rights](#)” on 2 November 2007. The guide aims to foster greater participation by civil society groups and human rights defenders in the work of the [African Commission](#).

AUSTRALIA—NEW PROJECT REPORT ON SOCIAL EXCLUSION RELEASED

The [Social Policy Research Centre](#) has released the project report entitled “[Towards New Indicators of Disadvantage: Deprivation and Social Exclusion in Australia](#).” Its basic underlying premise is that social disadvantage takes many different forms, and the identification and measurement of poverty and other forms of disadvantage must be grounded in the actual living standards and experiences of people in poverty.

GLOBAL—UNITED NATIONS HANDBOOK ON NONPROFIT INSTITUTIONS IN THE SYSTEM OF NATIONAL ACCOUNT

The Johns Hopkins Center for Civil Society Studies in collaboration with the United Nations Volunteers and the United Nations Statistics Division [reviews the progress of the civil society sector, volunteerism, and philanthropy](#) through the creation of a [United Nations Handbook on Nonprofit Institutions in the System of National Accounts \(UN NPI Handbook\)](#). The Global Assembly provided a space for civil



IJCSL NEWSLETTER

VOLUME 5 ISSUE 1

DECEMBER 2007

society members to discuss mechanisms of extending their work and to assess the ability of this Handbook in helping civil society to promote the Millennium Developmental Goals.

UNITED STATES—JOURNALIST'S GUIDE TO UNDERSTANDING ISLAM AND MUSLIMS PUBLISHED

The Council on American-Islamic Relations (CAIR) has recently published "American Muslims: A Journalist's Guide to Understanding Islam and Muslims." The guide is distributed to some 40,000 media professionals nationwide. According to a news article published by [EDITOR & PUBLISHER](#), the guide offers background information on issues related to Islam and Muslims, best practices for reporting on the American Muslim community and definitions of terminology often used in news stories or editorials. The guide provides an Islamic perspective on hot issues such as Islam and democracy, freedom of religion, women's rights, and interfaith relations.

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