



IJCSL NEWSLETTER

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JANUARY 2008



ICCSL WISHES ITS READERS THE VERY BEST
FOR A PEACEFUL AND PROSPEROUS 2008!
MANY THANKS FOR YOUR SUPPORT IN 2007!

ANTI-TERRORISM LEGISLATION

AUSTRALIA—NEW ANTI-MONEY LAUNDERING LAW COMES INTO FORCE

The [Anti-Money Laundering and Counter-Terrorism Financing Act 2006](#) came into effect on 12 December 2007. According to a news article published by [RADIO AUSTRALIA](#), the law creates tough identity-check and reporting requirements for financial services and gaming companies, as well as fines of up to \$11 million. The impact of the legislation on charities and other not-for-profit organizations is discussed by the [Attorney General's Office](#). The new legislation responds in this regard to [Special Recommendation VIII](#) of the Financial Action Task Force (FATF).

COMMONWEALTH COUNTRIES—CHRI'S 2007 REPORT " STAMPING OUT RIGHTS:

THE IMPACT OF ANTI-TERRORISM LEGISLATION ON POLICING" RELEASED

The [Commonwealth Human Rights Initiative](#) (CHRI) report "[Stamping Out Rights: the impact of Anti-terrorism Legislation on Policing](#)" was officially released at the [2007 Commonwealth People's Forum](#) (CHRF) held 18 - 22 November 2007 in Kampala, Uganda. The report examines anti-terrorism laws that relate specifically to police powers, and how they have effected policing on the ground. From the international framework that stipulates human rights and the rule of law as the central principles upon which counter-terrorism must be based, to the national laws that have re-shaped and re-directed policing efforts in this direction, CHRI examines how police powers have been enhanced without the necessary checks and balances that ensure police act appropriately in the interests of the security of people as well as the state.

CZECH REPUBLIC—ANTI-MONEY LAUNDERING LAW AMENDMENTS APPROVED



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On 4 December 2007, the government approved amendments to the current anti-money laundering law to bring it into compliance with [implementation suggestions](#) related to the FATF recommendations. According to a news article published by [THE PRAGUE DAILY MONITOR](#), the new legislation requires banks to obtain documents from their clients conducting transactions over 1000 Euros (USD 1477), clients must prove the purpose of a transaction and the origin of the funds if the transaction is over 15,000 Euros (USD 22,155). The bill also widens the control of suspicious transactions among “politically sensitive persons” living abroad. If passed by the parliament, the amendments will come into force in mid 2008.

EGYPT—GOVERNMENT DRAFTS NEW LEGISLATION TO COMBAT TERRORISM

The government is drafting a new anti-terror bill, according to a news article published by [MIDDLE EAST TIMES](#) on 3 December 2007. The government committee, formed a year ago to prepare the new anti-terror legislation, has completed the drafting of 25 articles dealing with the definition of a terrorist act and the crime of terrorism and stipulates penalties for committing such crimes. The new law will replace the 26-year-old emergency laws.

ENGLAND AND WALES—CHARITY COMMISSION SEEKS CONSULTATION ON ITS DRAFT COUNTER-TERRORISM STRATEGY

[A document released in December 2007 contains a draft of the Charity Commission’s counter-terrorism strategy](#), and it has been made available for consultation.

According to the Commission, this is a “strategy for delivering its regulatory response to the threat of terrorist abuse in the charitable sector. It presents our overall approach and sets out our aims for the future. The strategy builds on our existing work and expertise in this area and applies our overarching regulatory principles as well as our risk and proportionality framework for compliance work. The risk of terrorist exploitation does not apply equally across the sector and a ‘one size fits all’ approach is not appropriate or proportionate. Our strategy and approach reflects this. The strategy, which is set out in more detail at section 6, has a four strand approach comprising: Awareness; Oversight; Co-operation; Intervention.”

KAZAKHSTAN—DRAFT LAW ON COMBATING MONEY-LAUNDERING AND TERRORISM FINANCING BEING DEBATED

Debate on a [draft law on combating money-laundering and terrorism financing](#) has begun in Almaty, according to OSCE Centre in Astana [press release](#) on 13 December 2007. The discussion forum is being supported by OSCE, the World Bank, and government departments and the debate involves non-governmental organizations that are expected to be affected by it.

CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

BELARUS—DRAFT LAW ON INFORMATION, INFORMATIZATION, AND INFORMATION PROTECTION PASSED FIRST READING



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The [House of Representatives](#) has adopted a draft law “[On Information, Informatization and Protection of Information](#).” A news article published by [E-BELARUS](#) on 13 December 2007, states that the law prohibits the propagation of violence against authorities, religious, race and other forms of intolerance and destructive actions. The law, however, does not directly address internet issues. Mikhail Pastukhou, head of the Center of Legal Protection of Journalists of the [Belarusian Association of Journalists](#), is reported to have said that the law, if adopted, will regulate journalists’ activities and the mass media, including use and dissemination of information. He notes that the law could also influence Belarusian web sites by subjecting internet users, web sites, and portal owners to new bans. The draft law on information, informatization and information protection was publicized on 7 March 2007.

UNITED STATES—

- **BILL ON PUBLIC ACCESS TO INFORMATION SIGNED**

On 31 December 2007, President George W. Bush [signed S 2488, the Open Government Act of 2007](#), into law. The new law amends the Freedom of Information Act, and it is aimed at giving the public and the media greater access to information about what the government is doing, according to a news article published by the [ASSOCIATED PRESS](#). The legislation includes a system for the media and public to track the status of their FOIA requests. It incorporates a hotline service for all federal agencies to deal with issues and an ombudsman to provide an alternative to litigation in disclosure disputes, according to a report in [RIT NEWS](#). The law also restores a standard presumption that forces government agencies to release information on request unless there's a finding that disclosure could cause harm.

- **DELAWARE SENATE VOWS TO REFORM FOIA LEGISLATION**

A report published by [Delaware Watch](#) states that Delaware Senate Republicans have unanimously reaffirmed their commitment to support open government and bring the legislature under FOIA (Freedom of Information Act). Senators and candidates put forth an agenda of five specific reforms: (1) Pass legislation under FOIA to define the General Assembly and all its standing and ad hoc committees as “public bodies.” (2) Change Senate Rules to do away with the power of a Senate Committee chair to single-handedly kill legislation by preventing public debate (“desk drawer veto”). (3) Change Senate Rules to create a deliberative process that guarantees legislation will get a public hearing in committee within a reasonable time frame. (4) Post Senate Roll Call votes on the General Assembly website giving the public access to an accounting of individual votes by all Senators. (5) Close loopholes to avoid the potential and appearance of conflict inherent in holding dual roles in government, including a prohibition on paid registered lobbyists holding office on state Authorities, Boards, Commissions and statutory Committees.



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FISCAL MATTERS

AZERBAIJAN—DECREE ESTABLISHING COUNCIL OF STATE SUPPORT FOR NGOS SIGNED

President Ilham Aliyev, has signed a decree establishing the Council of State Support for Non-Governmental Organizations (CSS NGOs), according to an [Embassy of Azerbaijan](#) in Washington DC [press release](#) on 14 December 2007. The Council is mandated to develop and carry out the state support of NGOs and civil society in Azerbaijan. Some experts, however, are concerned that the initiative may threaten organizations' independence, notes the summary of an article entitled "Azerbaijan: Cooperation or Control?" which appeared in [Issue no.09/04 /2007](#) of [Transitions Online](#).

CANADA—ADDITIONAL FISCAL CHANGES FOR CHARITIES ENACTED

The 2007 federal budget contains a number of proposed changes to the [Income Tax Act](#) that affect charities. These changes include the elimination of capital gains tax on publicly-listed securities donated to private foundations, new excess business holding rules that limit the shareholdings of private foundations, and a special deduction for corporations that make donations of medicines from their inventory to registered charities that have received a disbursement under a program of the Canadian International Development Agency in respect of activities of the charity outside of Canada. These legislative changes are contained in Bill C-28, which received Royal Assent on December 14, 2007 and enacted as the [Budget and Economic Statement Implementation Act, 2007](#).

CZECH REPUBLIC—AGREEMENT TO RETURN NATIONALIZED PROPERTY TO CHURCHES SIGNED

Government and church representatives have signed an agreement under which a large part of the land that used to belong to churches before nationalization in 1948 will be returned to them. A news article published by [THE PRAGUE POST](#) on 13 December 2007, reports that the government will pay the 83 billion Kč (USD 4.6 billion) in compensation for the rest of the land which cannot be returned. The money will be paid out gradually over a period of 60 to 70 years. The bill setting out the details still has to pass in the parliament and signed by President Václav Klaus.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

CHINA—DIFFICULTIES FOR NGOS CONTINUE

The Chinese government has closed some civil society organizations and placed individuals under house arrest. A news article published by [THE CHRISTIAN SCIENCE MONITOR](#) on 6 December 2007, states that the civil society groups that have suffered most and faced tougher control are those engaged in the fields such as environmental protection, social welfare, health, and education. A similar viewpoint was taken by



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[China Development Brief](#) in October – related particularly to grass roots organizations.

RUSSIA – BAN ON GAY PRIDE MARCH UPHeld BY MOSCOW CITY COURT

A report in [pinknews](#) states that the Moscow City Court confirmed the decision of a local district court, which had upheld the city government's decision to ban the 2007 gay pride march. Moscow Pride 2007, the second proposed event in two years to be held in the Russian capital, was scheduled for 27 May 2007 but it never happened because of the city mayor's decision to ban it. Yuri Luzhkov's prohibition order was explained as follows: "the march can provoke negative reaction against its participants, lead to the group violations of public order which happened in May 2006." Moscow authorities also said that their decision was in line with Article 11 of the European Convention on human rights, since it states that the right to freedom of assembly can be limited in the interests of public order, to avoid disturbances, for the protection of health and morality.

SPAIN – EUROPEAN COURT OF HUMAN RIGHTS DECLARES FREEDOM OF ASSOCIATION CASE ADMISSIBLE

In a decision on admissibility issued on 11 December 2007, the European Court of Human Rights declared a case brought by the political party linked to Spain's ethnic Basque political movement to be admissible. In the case of [Batasuna \(and its predecessor Herri Batasuna\) v. Spain](#) (French only), the Court agreed to hear allegations that provisions of Spain's Law 6 of 2002 on Political Parties, which resulted in its being banned, constituted a violation of Articles 10 (freedom of expression) and 11 (freedom of association) of the European Convention on Human Rights.

THAILAND—INTERNAL SECURITY BILL APPROVED

Thailand's parliament has approved the controversial Internal Security Bill that will allow the Internal Security Operations Command to order curfews, restrict freedom of movement and curb the powers of government officials in situations deemed harmful to national security, reports [PEOPLE'S DAILY ONLINE](#). It also allows the military agency to detain suspects without trial for up to six months, tap telephones and restrict access to electronic equipment, according to a news article published by [THE HINESBERG JOURNAL](#) on 21 December 2007. It is alleged that a vague clause in the law could include censorship of the Internet.

ZIMBABWE—SECURITY, BROADCASTING AND MEDIA LAWS EASED

The Zimbabwean parliament has passed bills reforming press, security, and broadcasting laws, according to a news article published by the [REUTERS](#) on 17 December 2007. Amendments to the Public Order and Security Act (POSA) will now make it harder for police to ban rallies and demonstrations. The police would now be required to explain the concerned party the reasons for prohibiting the public meeting. The party will be allowed to appeal to a magistrate against prohibition orders. Changes to the Access to Information and Protection of Privacy Act (AIPPA) include reconstituting a state-appointed commission that regulates the country's media. The



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procedure for selection of commission's members has also been revised. The media will be opened to foreign owners but the changes provide for the revision of procedures whereby journalists are licensed. Changes made to the Broadcasting Services Act include a demand for public broadcasters to run news and programs not biased in favor of the government while foreigners can now have majority shares in a broadcasting service.

FREEDOM OF EXPRESSION

AUSTRALIA – VICTORIA ADOPTS FIRST STATE CHARTER OF RIGHTS

On January 1, 2008 Victoria became the first Australian state to fully implement a charter of human rights and responsibilities. A analysis by the [Law Institute of Victoria](#) indicates that the Victorian charter is based on similar models that operate successfully in Britain and New Zealand. Unlike the U.S. Bill of Rights, the charter leaves the final say with parliament, not the courts. For the first time, key rights are clearly protected in law, including the freedom of expression, freedom of peaceful assembly, taking part in public life, protection against inhumane or degrading treatment, freedom of thought, conscience, religion and belief, and protection of families and children. Reasonable restrictions can be placed on people's rights in order to respect the rights and reputations of others; to protect national security; public order; public health; or public morality. For example: exercising the right of freedom of expression does not mean it is acceptable to unlawfully attack another person's reputation. Other states are now following Victoria's lead to introduce a charter, including Tasmania and Western Australia.

AZERBAIJAN – COUNCIL OF EUROPE CRITICAL OF LACK OF PROTECTION FOR FREEDOM OF EXPRESSION

The Council of Europe Special Representative of the Secretary General in Baku, Denis Bribosia, announced that the Council of Europe is concerned by recent events taking place in Azerbaijan with regard to freedom of speech. A report published in [Trend](#) states that Bribosia said, "The Secretary General of the Council of Europe has repeatedly called on European countries, including Azerbaijan, to adopt a law on defamation and we hope that the governments will finally take up this challenge." Last week another journalist was arrested in Azerbaijan. Ilgar Nasibov, a journalist from Azadlyg ("Freedom") radio in Nakchivan Autonomous Republic of Azerbaijan, was sentenced to three months in prison. The reasons for the arrest have not been revealed.

GLOBAL—

- **MEDIA FREEDOM RAPPORTEURS ADOPT JOINT DECLARATION CALLING FOR LESS REGULATION ON DIVERSITY IN BROADCASTING**

The media freedom rapporteurs of the [United Nations](#), the [OSCE](#), the [Organization of American States](#) (OAS), and the [African Commission on Human and Peoples' Rights](#) (ACHPR) issued joint [declaration](#) on the new role and scope



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of government involvement in safeguarding diversity in the broadcast media. An OSCE [press release](#) on 14 December 2007, reports that the statement entitled “[Diversity in Broadcast](#),” points out the natural potential for more diversity caused by the multiplication of channels available. The rapporteurs called for: less governmental controls; safeguarding pluralism, especially in news broadcasting, and securing enough frequencies for economically weaker programs such as community or minority language broadcasts. They warned that some broadcasting types essential for democracy, such as public service and community media, may be endangered.

• ARTICLE 19 LAUNCHES DEFAMATION MAPPING TOOL

On 11 December 2007, [Article19](#) (Global Campaign for Free Expression) has launched a global [mapping tool](#) that reveals the widespread use of criminal defamation and other insult laws around the world and numbers of people imprisoned there under. According to an Article 19 [press release](#), of the 168 countries surveyed, 158 have criminal defamation laws. ARTICLE 19 says, “94 percent of the world's countries are subjected to laws that human rights defenders the world over have condemned as inappropriate, abusive, and misused.” More than 130 countries have laws that give special protection to the most powerful figures in public life. Surprisingly, small countries, like Ghana, Mexico, Sri Lanka, Bosnia Herzegovina, Estonia and Georgia, have eliminated criminal defamation altogether.

HONDURAS—GOVERNMENT TO PROVIDE BETTER PROTECTIONS TO JOURNALISTS

Following his five-day visit to Honduras, Ambeyi Ligabo, the [UN Special Rapporteur](#) on the right to freedom of opinion and expression, released a [statement](#) concerning his visit to Honduras. A UN Office at Geneva [press release](#) of 6 December 2007, indicates that Mr. Ligabo, while appreciating improved legislation to strengthen freedom of expression and protect practitioners, identified main hurdles to the exercise of the right to freedom of opinion and expression to be widespread insecurity and fear amongst journalists and other professionals and citizens; lack of media independence; and slow pace in adapting national legislation to international standards on freedom of opinion and expression in the country. Mr. Ligabo recommends the Government needs to step up its efforts to ensure that journalists and others enjoy better protections.

KURDISTAN—NEW PRESS LAW APPROVED AND CRITICIZED

On 11 December 2007, the [Kurdistan](#) Regional Government’s ([KRG](#)’s) parliament passed a new press law, according to a news article published by [PRESS NOW](#). The law has not yet been made public, but critics already claim that it will be a threat to the freedom of expression and democracy in [Iraqi Kurdistan](#). Under the new legislation, newspapers guilty of insulting officials, spreading fear or other offences may be suspended for months or fined up to 10 million Iraqi dinars (USD 8,200). Journalists can also be imprisoned for these activities. This and other aspects of the



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legislation were criticized in a 12 December 2007 story in [KurdishAspect](#). To become law, the legislation must be signed by the [KRG President, Masoud Barzani](#).

MOROCCO—STUDY ABOUT MEDIA AND POLITICAL ISLAM IN MOROCCO PUBLISHED

On the 28 November 2007, the Centre for Media Freedom in the Middle East and North Africa (CMF MENA) published a book entitled “Media and Political Islam in Morocco.” A [PRESS NOW press release](#) of 7 December indicates that the book is a compilation of four studies analyzing the discourse and images produced by the state controlled televisions, the partisan press, the private press and the publications and electronic media owned by Islamist organizations.,

SAUDI ARABIA—BLOGGER HELD FOR INTERROGATION

An outspoken Saudi blogger is being held for “purposes of interrogation,” the Saudi Interior Ministry confirmed to [THE NEW YORK TIMES](#) on 1 January 2008. Gen. Mansour al-Turki, an Interior Ministry spokesman, said the blogger, Fouad al-Farhan, was “being questioned about specific violations of non-security laws.” Mr. Farhan’s blog, which discusses social issues, had become one of the most widely read in Saudi Arabia. Mr. Farhan, 32, of Jidda, was arrested 10 December 2007 at his office, local news sources reported. Two weeks before his arrest, he wrote a letter to friends warning them that it was imminent.

SUDAN—EGYPTIANS SENTENCED TO PRISON FOR MARKETING BOOK OFFENSIVE TO PROPHET MOHAMMAD’S WIFE

A Khartoum court has sentenced two Egyptians to six months in prison for selling in [Sudan](#) a book deemed offensive to [Aisha](#), one of [Prophet Mohammad](#)’s wives. A news article published by [SUDAN TRIBUNE](#) on 18 December 2007, reported that the two Egyptians were accused under section 125 of the [penal code](#). The book contains blasphemous passages and disgraceful offenses to the prophet and to [Aisha](#) who is often referred to by the title “Mother of the Believers” (Umm al-Momineen).

SWEDEN—LUTHERAN CHURCH ALLOWS SAME-SEX COUPLES TO WED IN CHURCH

As the government prepares a bill on a new “gender neutral” marriage law that it hopes to present to the parliament in early 2008, the Swedish Church, a Lutheran branch of Christianity, announced its support for same-sex couples to wed in church but recommended that the term “marriage” be used to refer only to heterosexual unions, according to a news article published by [AFP](#) on 12 December 2007. While heterosexuals can currently marry in either a civil ceremony or a church ceremony in Sweden, homosexuals are only allowed to register their partnerships in a civil ceremony. If the new legislation is adopted, Sweden would be the first country in the world to allow gays to marry in a major church.

UNITED STATES—NLRB ALLOWS EMPLOYERS TO BAR UNION E-MAILS

A recent ruling by [National Labor Relations Board](#) (NLRB) allows employers to bar union e-mails so long as the employer has a policy barring employees from sending e-



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mail for “non-job-related solicitations” for any outside organization. [THE NEW YORK TIMES](#) reported on 23 December 2007, that the ruling involved the Register-Guard, a newspaper in Eugene, OR, and e-mail messages sent in 2000 by Susi Prozanski, a newspaper employee who was president of the Newspaper Guild’s unit there. She sent an e-mail message about a union rally and two others urging employees to wear green to show support for the union’s position in contract negotiations. The ruling is a significant setback to the nation’s labor unions, which argued that e-mail systems have become a modern-day gathering place where employees should be able to communicate freely with co-workers to discuss work-related matters of mutual concern.

ZIMBABWE—SECURITY, BROADCASTING AND MEDIA LAWS EASED

See item under the heading of “Freedom of Association and Peaceful Assembly” above.

FREEDOM OF RELIGION AND BELIEF

BELARUS—NATIONWIDE CAMPAIGN CALLING FOR CHANGE IN COUNTRY’S RESTRICTIVE RELIGION LAW COLLECTS 40,000 SIGNATURES

Pursuant to a nationwide campaign to gather signatures calling for a change to the country’s restrictive [Religion Law](#), about 40,000 signatures have been gathered, according to a news article published by [CHARTER 97](#) on 6 December 2007 (For previous coverage of the story see [IJCSL-Newsletter Volume 4 Issue 7](#)). Noting the increasing interest of civil society in the problem of freedom of conscience and religion in the country, Syargei Lukanin, spokesman for the campaign on freedom of conscience said that after the campaign activists collect 50,000 signatures, petitions to change the religion law will be sent to the head of state and the house of representatives.

CANADA—

- **QUEBEC GOVERNMENT INTRODUCES NON-DENOMINATIONAL COURSE IN RELIGION**

Beginning September 2008, Jesus and Moses will have to make room for Mohammad, Buddha, and Gluskabe as the provincial Education Department introduces a non-denominational course in Ethics and Religious Culture in Quebec, reports [THE FINANCIAL POST](#) on 3 November 2007. The new program will teach students at the primary and secondary levels the history and values of the 10 major religions practiced around the world. According to a news article published by [CBC NEWS](#) on 13 December 2007, Catholic parents have complained that the new course, designed to increase understanding between different cultural groups, is depriving them of their right to decide which values their children will be taught. The new course is the final step in a secularization of Quebec schooling that began with a 1997 constitutional amendment replacing the province's denominational school



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boards with linguistic ones. A 2005 law changed Quebec's Education Act and its Charter of Rights to eliminate parents' right to choose a course in Catholic, Protestant or moral instruction, and the changes come into force at the end of the current school year.

- **ALBERTA SOCCER ASSOCIATION LIFTS BAN ON HEAD SCARF DURING SPORTS**

The Alberta Soccer Association has lifted the ban on Muslim head scarves during sports. The head scarf had prevented some girls from playing sports, The [NATIONAL POST](#) reported on 18 December 2007 that the Association has introduced a sports-friendly version of the scarf which will be allowed on the field as long as they have been approved by the referee before the game begins.

EGYPT—22 ARRESTED FOR CONTEMPT OF RELIGION

[A report published by Reuters Africa on 12 December 2007](#) reveals that Egyptian authorities have arrested 22 men including three Lebanese and a Kazakh national on charges of membership in an illegal organization and contempt for religion. The source for the Reuters story said the men belong to the al-Ahbash sect, considered heterodox by many Islamic clerics, and said they possessed literature outlining their beliefs. Among the group's unorthodox beliefs are permitting Muslims to pray without ablutions, contrary to established Muslim practice, and seeking blessings from graves. According to Reuters, the source said the men had been attempting to spread their beliefs on the campuses of al-Azhar University, Egypt's prestigious centre of Sunni Islamic learning, and had managed to recruit a number of followers.

FRANCE—CONSEIL D'ÉTAT UPHOLDS BAN ON SIKH TURBAN IN PUBLIC SCHOOLS

The [Conseil d'Etat](#) ruled on 5 December 2007 that the ban against [Sikh turban](#) in schools was legal because there is a greater interest to be served in preserving secularity than a religious belief. The decision concluded that the Sikh turban is a manifestation of religion prohibited by the French [Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics](#). The ruling says that the ban does not lead to an excessive infringement on freedom of thought, conscience and religion. France's ban on religious symbols and apparel in public schools took effect on 2 September 2004. The ban includes all overtly religious dress and signs (including Muslim headscarves, Sikh turbans, Jewish skullcaps and large Christian crosses).

GERMANY—SCIENTOLOGY BAN UNDER DISCUSSION

The state interior ministers of Germany voted unanimously on 9 December 2007 to seek state bans against the [Church of Scientology](#). The Federal Interior Minister Wolfgang Schäuble later declared the organization to be "unconstitutional," a move that could pave the way for a federal ban of the organization, according to a news article published by [INTERNATIONAL HERALD TRIBUNE](#) on 10 December 2007.



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Germany's domestic intelligence agencies are warning that an effort to ban is not likely to succeed because Scientology has failed to gain a foothold in German society and that there isn't enough evidence to support freezing its activities. They indicate it will be difficult to prove that Scientology meets the exceptions in the country's association law that excludes groups that break the law or seek to undermine the democratic order from protection.

GLOBAL—UN GENERAL ASSEMBLY PASSES RESOLUTION TO COMBAT DEFAMATION OF RELIGIONS

The United Nations General Assembly adopted a resolution on [Combating Defamation of Religions](#), according to a news article published by [CNS NEWS](#) on 20 December 2007. The resolution calls on all states to provide adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions, and take all possible measures to promote tolerance and respect for all religions, in particular Islam. The resolution, introduced by Pakistan on behalf of countries that are members of the [Organization of the Islamic Conference](#), was passed by a vote of 108 to 51, with 25 abstentions. The United States, Canada and a number of Western European nations voted against the resolution.

PAKISTAN—SIKH MARRIAGES ORDINANCE 2007 TO BE PROMULGATED SOON

Special marriage legislation for the Sikh community will soon be introduced in Pakistan, according to a news article published by [DAILY TIMES](#) on 12 December 2007. The legislation comes in response to a long-standing demand of the community. Currently, no legislation governing marriages of followers of [Sikhism](#) exist in the country. It would be the first such legislation anywhere in the world, including India, which is home to the Sikh community. Under the ordinance, members of the Sikh community from any part of the world could come to Pakistan to solemnize marriage and avail themselves of the registration facility.

TAJIKISTAN—DRAFT LAW CRIMINALIZING WITCHCRAFT AND FORTUNE-TELLING PREPARED

Tajikistan is preparing a draft law to crack down on witchcraft and fortune-telling as part of an anti-poverty drive. A news article published by [JAVNO](#) on 12 December 2007, indicates that under the proposed draft, sorcery and fortune-telling will be fined between 30 and 40 times the minimum monthly wage (\$173 to \$231). The draft law must pass the upper house and be signed by President, Imomali Rakhmon, to become law.

LEGAL FRAMEWORK

BAHRAIN—NGOs SUGGEST CHANGES TO NEW LAW REGULATING CIVIL SOCIETIES

Proposed amendments to a new law regulating civil societies were presented to the Social Development Ministry by 26 NGOs on 3 December 2007. According to a



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news article published by the [GULF DAILY NEWS](#), the alternative law, replacing the 1989 civil societies law, was proposed by five Shura Council members and was expected to be implemented by the end of 2007. It establishes different types of societies including public interest, vocational, philanthropic, Islamic, women and social as well as expatriate communities. Although the new law allows societies to be involved in political affairs, receive financial aid from abroad, carry out profit-generating projects and establish unions, it restricts the funding of civil societies as well. As a result, members of societies wanted to have some changes made in the law. Under the new law, all donations would have to go through the ministry and copy of society board meetings is required to be sent to the Social Development Ministry. For prior coverage in IJCSL-N, see the [November 2007 newsletter](#).

INDIA—UNION CABINET APPROVES AMENDMENT TO TRUSTS ACT

The Union Cabinet has approved an [amendment](#) to the [Indian Trusts Act, 1882](#) to allow all trust funds, according to a news article published by [BUSINESS STANDARD](#) on 25 December 2007. The amendment would allow charitable trusts including educational institutions, hospitals and religious trust funds to invest in securities, including shares and bonds of listed companies. Currently, the government allows trusts to make investments in securities on a case-to-case basis. Trust organizations are an important part of India's non-profit sector. At present, there are thousands of trusts in the country including religious and charitable trusts as well as statutory trusts formed by the government and quasi-government bodies managing a large amount of money. The amendment to [Section 20\(f\)](#) of the Indian Trusts Act 1882 will be moved in Parliament's next session. The [amendment, however, does not benefit some of the religious trusts or others that are governed by state laws](#).

JORDAN—NEW NGO LAW PROPOSED AND CRITICIZED

The Jordanian Cabinet has proposed a new NGO law, according to a [news article](#) that appeared at the web site of [Jordanian Foreign Ministry](#) on 18 December 2007. Critics claim the bill seriously threatens freedom of association in Jordan, and Human Rights Watch has prepared an extensive analysis of the proposed legislation. The draft law empowers the Ministry of Social Development to refuse license to any NGO without assigning a reason; penalize any person who speaks in the name of an un-licensed NGO, the maximum sentence being two years in prison; forbids NGOs to have branches or to have only men, women or youth in its staff, or to become a member or a partner of a foreign NGO. The draft law also contains provisions regarding the financing of NGOs: contributions should only be from founders' money; a deposit of up to USD 150,000 should be made. This amount could be confiscated if the NGO were dissolved; a fund would be established for all foreign donations. Projects will be decided by the Ministry of Social Development as to which NGO might receive money or implement any project. Foreign agencies who work in Jordan upon a license will have to spend not less than USD 375,000 per year. In order to receive foreign funds, NGO will require prior approval from the Ministry. The draft also obliges charitable societies to issue an annual financial report for discussion by the society's general assembly under the supervision of the ministry. Jordan should change its laws that severely restrict public assembly and the freedom and



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independence of nongovernmental organizations, says [Human Rights Watch](#) in the report entitled “[Shutting Out the Critics](#),” [released](#) on 20 December 2007.

NORTHERN IRELAND—CHARITIES BILL INTRODUCED

The [Charities Bill for Northern Ireland](#) was [introduced in the Assembly](#) on 10 December 2007, according to a [press release](#) by the charity advice unit at [NICVA](#). The [Charities Bill](#) will provide statutory definitions of “charity” and “charitable purpose,” establish a Charity Commission for Northern Ireland and a Charity Tribunal, create a Register of Charities for Northern Ireland, introduce the Charitable Incorporated Organization model and set out new rules with regard to fundraising and collections. The Charities Bill will also make it easier for charities to merge, to wind up smaller charities and to dispose of land.

PHILIPPINES—EXECUTIVE ORDER DIVESTING PCNC OF ITS FUNCTIONS TO CERTIFY NGOS SET ASIDE

President Gloria Macapagal Arroyo has suspended [Executive Order \(EO\) 671](#) for review. According to a report published by [BUSINESS WORLD](#) on 13 December 2007, the suspended directive had abolished the [Philippine Council for NGO Certification](#) (PCNC) a private group that for years had been certifying NGOs as entitled to tax-deductible donations. It is believed to have been suspended because it was signed without consulting agencies that would have been affected by the EO. Executive Order 671 was issued on 22 October divesting PCNC of its function to certify NGOs, and non-stock, non-profit corporations for donee institution status. The order designated the [Social Welfare Department](#), [Department of Science and Technology](#), [Philippine Sports Commission](#), [National Commission for Culture and the Arts](#), and the [Commission on Higher Education](#) to accredit NGOs and foundations in their respective fields.

TURKEY—DRAFT BILL OF FOUNDATION LAW AWAITS PARLIAMENTARY APPROVAL

Minority communities and NGOs have called on Parliament not to pass the draft Law on Foundations which currently awaits parliamentary approval. According to a news article published by [TURKISH DAILY NEWS](#) on 6 December 2007, the non-Muslim religious communities are reportedly not satisfied with the provisions governing “community foundations” for non-Muslim religious communities. Despite their dissatisfaction, it is highly likely that the Parliament will approve the draft law.

UNITED KINGDOM—CHARITY COMMISSION GUIDANCE ABOUT “ PUBLIC BENEFIT ” AND ITS APPLICATION TO FEE-CHARGING CHARITIES TO BE CHALLENGED

One of the public benefit criteria the Charity Commission is proposing for fee-charging charities under the requirements of the Charities Act 2006 is that people on low incomes must be able to benefit, and this has proved to be the most contentious issue, [as acknowledged by the Charity Commission](#). Pursuant to that criterion, the commission decided in September 2007 that a private health care organization in Salisbury ([Odstock Private Care Ltd.](#)) could not be registered as a charity because



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people with low incomes would not be able to afford its services. According to a 14 December 2007 report on ThirdSector.co.uk, the organization plans to appeal the decision in the High Court.

MISCELLANEOUS MATTERS

CUBA—CUBA SET TO SIGN INTERNATIONAL COVENANTS ON CIVIL AND POLITICAL RIGHTS AND ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Cuba would soon sign the [International Covenant on Civil and Political Rights](#) and the [International Covenant on Economic, Social, and Cultural Rights](#) in the first quarter of 2008, according to a report in [MYWAY NEWS](#) on 10 December 2007; it quoted the Cuban foreign minister, Felipe Perez Roque. Adopted by the United Nations General Assembly in 1966, the two covenants develop the ideas in the [Universal Declaration of Human Rights](#), of which Cuba is a signatory.

CHINA—HUMAN RIGHTS ADVOCATE DETAINED

A prominent Chinese human rights advocate, [Hu Jia](#), has been detained on suspicion of subversion. According to a new article published by [THE NEW YORK TIMES](#) on 30 December 2007, Hu Jia is suspected of “incitement to subvert state power,” a catchall charge often used against people whom the authorities deem threatening to their power. The government made the decision to detain [Hu Jia](#) after peasant leaders in several Chinese provinces issued a manifesto demanding broader land rights for peasants whose property had been confiscated for development. If indicted and convicted, Mr. Hu could be sentenced to a long prison term.

CONGO—NGOS ASK GOVERNMENT TO DRAFT LAW PROTECTING INDIGENOUS RIGHTS

According to a report that appeared in [IRIN](#), NGOs in the Republic of Congo have urged the country’s president to adopt a draft law aimed at protecting indigenous people, who, they say, are often discriminated against and whose rights are violated. The appeal was made at news conference on 27 November 2007 by the Congolese human rights watchdog Observatoire Congolais des Droits de l’Homme (OCDH) and its partners, a few days after the launch of an international petition to the president to initiate a process of adopting legislation on the rights of indigenous people.

ETHIOPIA—DANIEL BEKELE AND NETSANET DEMISSIE CONVICTED AND SENTENCED; MAY SOON BE PAROLED

An ActionAid International [Press Release for 26 December 2007](#), states that the anti-poverty campaigners Daniel Bekele and Netsanet Demissie, detained in Ethiopia in 2005 and convicted on 24 December, after a two-year trial, were given prison sentences of two and a half years each. Since they have already spent more than two years in detention, there is a strong possibility that they will be freed on parole in the next few days. In an unusual move, the sentencing judge praised both men for their



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work to solve the political impasse that followed the 2005 elections and described them as “courageous citizens promoting peace and the rule of law.”

GLOBAL—INTERNATIONAL VOLUNTEER DAY CELEBRATED

5 December 2007 [International Volunteer Day](#) (IVD) was celebrated by in majority countries throughout the world. [IVD](#) is an international observance designated by the United Nations since 1985. The day is marked to thank the volunteers for their efforts and increase public awareness on their contribution to economic and social development to their society and globally.

MALAYSIA—INDIAN HUMAN RIGHTS ACTIVISTS JAILED UNDER INTERNAL SECURITY ACT

Amid the current continuing crackdown on opposition leaders and civil liberties activists, Hindu Rights Action Force (Hindraf) leader P. Uthayakumar was arrested, granted bail and rearrested under Malaysia’s Sedition Act on 11 December 2007. A report in [The Hindu](#) says that Mr. Uthayakumar was first arrested in Kuala Lumpur while he was on way to his office in the morning. He was soon charged, in a Sessions Court, for having posted a “seditious” statement on the website, in the guise of a letter to British Prime Minister Gordon Brown on the alleged “ethnic cleansing” of Malaysian Indians. Two days later Mr. Uthayakumar was re-arrested, along with four other members of Hindraf, and charged under the Internal Security Act (ISA). [Human Rights Watch has issued an 18 December Press Release](#) condemning the developments and suggesting that the ISA charges were meant to allow the government to detain the men indefinitely without trial.

OSCE REGION—REPORT ON HUMAN RIGHTS DEFENDERS RELEASED

According to a story in the [WIENER ZEITUNG](#), the OSCE human rights body has raised concern about violations of the rights of human rights defenders. On International Human Rights Day, the Vienna based OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) published a report entitled “[Human Rights Defenders in the OSCE Region: Our Collective Conscience](#).” According to the OSCE [press release](#) on 10 December 2007, the report documents patterns of human rights violations against those defending such rights in the OSCE region from April 2006 to April 2007. Four areas are identified as of particular concern: continuing physical attacks on human rights defenders; the curtailment of the freedom of association; the failure to respect and protect freedom of assembly; and restrictions placed on the freedom of movement and the right to liberty. The report puts forth several recommendations for OSCE participating States to strengthen measures to protect human rights defenders and facilitate their work.

NEPAL—SUPREME COURT RULES IN FAVOR OF GAY RIGHTS

The Supreme Court of Nepal ordered the Nepalese government to guarantee gay and trans-gendered people the same rights and privileges as other citizens, according to a news article published by [REUTERS](#) on 21 December 2007. So far, the members of the LGBT community, particularly transsexuals have been complaining that they do not enjoy rights as normal Nepali citizens. The ruling came in a response to a petition



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filed by Nepal's main gay rights group, the [Blue Diamond Society](#) (BDS). The current law does not explicitly criminalize homosexuality, but an act of "unnatural sex" can lead to punishment of up to one year in jail. Same sex marriages are not recognized. It is not clear that what impact the court ruling brings on these laws. Education, citizenship papers and jobs could, however, now be given to individuals without identifying them as males or females and by mentioning their gender as "third sex." The apex court has also asked the government to formulate new laws and amend existing laws in order to safeguard the rights of these people.

ANNOUNCEMENTS

FIJI—CIVICUS CIVIL SOCIETY INDEX REPORT RELEASED

The [CIVICUS Civil Society Index report 2007 for Fiji](#) has been released. The CSI assessment of civil society's structure in the Fiji Islands shows that citizens are significantly active in faith-based organizations and as volunteers for civic activities. Their involvement in social organizations such as sports, trade unions and women's groups is also significant. In the last year over 80% of citizens made some kind of donation to CSOs, of which a significant proportion is faith-based organizations. Participation in non-partisan political action remains weak. There appears to be a correlation between income and membership in CSOs as the poorer and less educated members of society tend to be left out.

GLOBAL—

- **CORRUPTION BAROMETER 2007 LAUNCHED**

Anti-corruption watchdog, [Transparency International](#), launched the 2007 edition of the "[Global Corruption Barometer](#)" on 9 December 2007. The Global Corruption Barometer is a survey that assesses general public attitudes toward and experience of corruption in dozens of countries around the world. According to a TI [press release](#), politicians and parliaments are the most tainted institutions, asking for bribes from the public for sorting out their problems. The barometer reports that the poor, from both developing and highly industrialized nations, carry the heaviest burden when a bribe is imposed on them. And they have lost hope corruption will be erased from the face of the earth.

- **FORTHCOMING GLOBAL SURVEY OF THE STATE OF CIVIL SOCIETY, VOL. 2: COMPARATIVE PERSPECTIVES**

According to a [press release](#) issued on 20 December 2007, [CIVICUS](#) is publishing the 2nd volume of the CIVICUS Global Survey of the State of Civil Society, Vol.2: Comparative Perspectives. The survey provides a wide-ranging analysis of key issues facing civil society worldwide. The book draws on the information collected by the CIVICUS Civil Society Index project in more than 45 countries to explore issues such as civil society's accountability, its relations to the state and corporate sector and its role in governance and



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development. It also includes regional overviews of the state of civil society in different continents. By bringing together a diversity of perspectives and themes, this book offers one of the most comprehensive and engaging analyses of civil society worldwide.

RESOURCES

ARAB WORLD—BOOK ON ROLE OF ARAB CIVIL SOCIETY IN FIGHTING CORRUPTION PUBLISHED

[Arab Archives Institute](#) (AAI) in Jordan has [recently published a book](#) entitled “[Against Corruption - The role of Arab Civil Society in Fighting Corruption.](#)” The book analyses and exposes the current efforts by the civil society in the Arab countries with focus on Jordan, Bahrain and Morocco to fight corruption as well as its conflicting relationship with the governments. It is the first study of its kind on the subject and the first report that unveils the legal and hidden impediments to the work of civil activists in the Arab region.

UNITED KINGDOM—REPORT ON CHARITIES WORKING IN THE HUMAN RIGHTS FIELD RELEASED

The Charity Commission has produced a report about charities registered with a specific focus on human rights issues. The report entitled “[RS16 - Charities working in the field of human rights](#)” concludes that in terms of their structure and governance, human rights charities are broadly very similar to other charities. Some areas, however, are more significant such as: transparency and accountability in their day-to-day work, high emphasis on increasing public understanding of their work, working in partnership to achieve results and avoid duplication of effort and resources. Human rights was only recognized as a charitable purpose in its own right in 2002, with only 206 charities currently registered as charities working in the field of human rights.

UNITED NATIONS—

- **NGO SECTION OF DESA LAUNCH NEW WEB SITE**

The NGO Section of the United Nations’ [Department of Economic and Social Affairs](#) (DESA) has [launched its new web site](#). The web site helps [NGOs in Consultative status](#) get required information. Through the web site, NGOs can also access [UN-NGO-IRENE](#), an informal regional network established to coordinate collaboration between the UN and NGOs. Members of civil society will be able to access information on how to participate in the new functions of [ECOSOC](#) including the [blog on the AMR Innovation Fair](#) which will allow interactive inputs on best practices and success stories in the field.

- **DPADM/DESA PUBLISHES NEW TOOLKIT ON PARTICIPATORY GOVERNANCE**

The Division for Public Administration and Development Management (DPADM) of the Department of Social Affairs (DESA) of the U.N. Secretariat has [released](#) a



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new publication entitled "[Civic Engagement in Public Policies: A Toolkit](#)." While many governments and CSOs have committed themselves to participation in public governance, practical tools relevant to such practices are still emerging. In that sense, this Toolkit is a very timely publication. It provides guidance and step by step approaches on successful methods, techniques, mechanisms and processes for effective social mobilization, discussion, deliberation, implementation, monitoring, and evaluating programs in public sector. By drawing lessons from several successful cases around the world, the Toolkit describes various methodologies and strategies of participation relevant to policy-making, participatory budgeting, etc.

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