



# IJCSL NEWSLETTER

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## HIGHLIGHT



After two long years and five months in prison, the two Ethiopian anti-poverty campaigners, Daniel Bekele and Netsanet Demissie, were released from prison on 28 March 2008. Daniel and Netsanet were the last two people who remained detained in the high profile treason trial that had originally charged 131 journalists, politicians, and civil society leaders with a range of charges from genocide to treason. They were among thousands who were detained following protests accusing the government of rigging the 15 May 2005 parliamentary elections. Daniel, who is a Board member of ACCSL, has now been returned to his family. ICCSL and ACCSL, along with their many partners such as ActionAid, CIVICUS, etc., welcome the release of Daniel and Netsanet.

## ANTI-TERRORISM LEGISLATION

### **AUSTRALIA—BILL CALLING FOR INDEPENDENT REVIEWER TO EVALUATE COUNTERTERRORISM LAWS INTRODUCED IN PARLIAMENT**

An Australian parliamentarian introduced a bill that calls for the appointment of an independent reviewer to evaluate Australia's counterterrorism laws, according to a news article published by [ABC NEWS](#). Australia's current anti-terror laws, including the Anti-Terrorism Act 2005, give police greater search and seizure powers and also allow them to detain terror suspects for up to two weeks without charge.

### **FINLAND—GOVERNMENT CONSIDERS NEW LEGISLATION TO PREVENT MONEY LAUNDERING AND TERRORISM FINANCING**

Finland is taking steps to more effectively deal with terrorism and money laundering used to finance terrorist activities, according to a news article published by [YLE NEWS](#). New legislation will also include companies offering tax advisory and financial management services, as well as distrainers and bankruptcy ombudsmen, requiring them to report any suspicions of money laundering. The same reporting requirement will apply to all merchants who accept more than 15,000 euros in cash payment from customers. The draft legislation still requires passage by Parliament.

## CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

### **AFRICA—REGIONAL SEMINAR ON PARTICIPATORY BUDGETING HELD**

Senior officials representing governments, local authorities and NGOs from 29 African countries gathered from 10-14 March 2008 in Durban, South Africa, for the first [Africa Regional Seminar on Participatory Budgeting](#). [Participatory budgeting](#)



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(PB) is a system that gives the public a say in and an eye on how municipal funds are spent. Started as an experimental innovation in Brazil, participatory budgeting is growing in many countries in Latin America, Europe, and Asia, and more recently in Africa. UN-HABITAT and the MDP-ESA launched their new publication, [Participatory budgeting in Africa](#) – a training companion with cases from eastern and southern Africa.

## **EUROPE—EBRD ISSUES PROPOSAL ON INFORMATION POLICY WITH FEW CHANGES**

[IFTI Watch reports](#) that the [European Bank for Reconstruction and Development](#) has proposed a slightly [revised Public Information Policy](#) (PIP) and is seeking comments by 9 April 2008. The EBRD's Public Information Policy embodies the Bank's commitment to enhance the transparency of its activities and promote good governance.

## **GHANA—GOVERNMENT VOWS TO SUBMIT DRAFT FOI BILL**

The Government has reiterated its commitment to submit the final Draft of the Freedom to Information Bill to Parliament before the end of the current session of the House, according to a news article published by [MODERN GHANA NEWS](#). The Commissioner of Statute Law Review has been entrusted to collect views expressed by stakeholders and then prepare a final draft to the Cabinet for onward transmission to the Parliament.

## **JAPAN—LOCAL GOVERNMENTS DELAY ENACTMENT OF DISCLOSURE ORDINANCE**

At the end of fiscal 2004, 220 municipalities had yet to enact the Freedom of Information ordinance, but this number had fallen to 21 by the end of fiscal 2006. The Internal Affairs and Communications Ministry is quoted with respect to the release of these statistics in a news article published by [DAILY YOMIURI ONLINE](#). The delay is reported to be partly due to financial difficulties and inadequate document management.

## **MALDIVES—HRCM CAUTIONS ON FREEDOM OF INFORMATION BILL**

The Human Rights Commission (HRCM) has recommended further changes to the redrafted Freedom of Information Bill, expected to appear before the Majlis soon, according to a news article published by [MINIVAN NEWS](#). After the Bill was rejected by the Parliament in November, it was redrafted and is now largely based upon the model legislation sponsored by Article 19. But the HRCM has warned the bill's effectiveness could be “negated” if certain clauses are not removed.

## **UNITED KINGDOM—ENGLISH CITIES ADOPT BRAZILIAN METHOD OF PARTICIPATORY BUDGETING**

Communities Secretary, Hazel Blears, has set out a new draft strategy entitled “[Participatory Budgeting: A Draft National Strategy - Giving more people a say in local spending](#)” for [consultation](#) to give people in every local authority area a greater say on how public money is spent by 2012. A Communities and Local Government [news release](#) states that PB was pioneered in Brazil (see above under AFRICA). It



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involves local people in spending decisions through public meetings and votes to set local priorities and fund projects and services. Twenty-two local authorities across the country have signed up as pilots under the Government's drive with budgets ranging from a few thousand to several million pounds.

## UNITED STATES—

- **MINNEAPOLIS CITY OFFICIALS PROPOSE MAJOR REWORKING OF EXISTING COMMUNITY-ENGAGEMENT MODEL**

The City of Minneapolis has released a “Framework for the Future” that proposes a major reworking of that existing community-engagement model. According to a news article published by [DAILY PLANET](#), while city officials claim the new plan will empower people, some community members argue it represents a shift from grassroots activism to centralized city control. City officials collected public comments on the framework, and, after reviewing the public comments, a second draft of the framework is due sometime in the summer.

- **IOWA OPEN RECORDS LAW TO BE MODIFIED**

A bill designed to give better access to public records and meetings is under close scrutiny by lawmakers, business and government groups, according to a news article published by [SIOUX CITY JOURNAL](#). The [GLOBE GAZETTE](#) reports that the bill provides for the creation of the Iowa Public Information Board to enforce the law. The body would have investigative powers and could impose fines on violators. Violations of the law would be subject to a civil penalty, as opposed to a criminal one. The minimum fine would rise from \$100 to \$1,000, and the maximum would rise from \$1,000 to \$2,500. The council's members also would advise government employees on the nature of the state's open records law. However, the legislation also would allow governments to refuse to release “drafts” or preliminary copies of government work to the public. So far, several lawmakers have submitted amendments, while more than 50 registered lobbyists have signed up to monitor the bill.

## FISCAL MATTERS

### NEW ZEALAND—EDUCATIONAL ORGANIZATIONS' TAX EXEMPTIONS HELD NOT AUTOMATIC

The Charities Commission [February/March 2008 Update](#) indicates that Inland Revenue has recently advised the Commission that universities and other tertiary education bodies (like polytechnics and *wananga*) cannot rely on falling within the definition of a “public authority” for exemption from income tax. This means these education providers may need to register to maintain their tax exemption status. It also means that in the future, people should check the Charities Register before making a gift of money or setting up bequests, as they may be liable for gift duty if the entity is not registered.



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## SCOTLAND—OSCR PUBLISHES GUIDE TO ACCOUNTS PREPARATION

To help charities prepare accounts that comply with the Charities Accounts (Scotland) Regulations 2006, The Office of the Scottish Charity Regulator has designed *Receipts and Payments Work Pack* for smaller charities that do not have the resources to employ the services of a professional accountant. A news article published by the [THIRD SECTOR](#) states that the pack provides templates for items that must be included in a charity's annual report. The work pack is meant for all Scottish charities that earn under £100,000 a year but are not charitable companies. About three-quarters of Scotland's 24,000 charities fall into this category.

## UNITED KINGDOM—

- **“CONSULTATION ON GIFT AID: THE GOVERNMENT'S RESPONSE” RELEASED**  
On 12 March 2008, HM Treasury has released the document “[Consultation on gift aid: The government's response](#).” Gift Aid is a hugely successful tax relief, which was worth £830 million to charities in 2006-07. At Budget 2007, the Chancellor announced that the Government would consult with the charitable sector on measures to increase take-up of Gift Aid. This [report](#) outlines the Government's response to the consultation. Having listened to over 500 views from across the third sector, the Government announced a wide-ranging package of measures, including major reform to the auditing process; a comprehensive program for bringing more smaller charities into Gift Aid; redesign of guidance; outreach to 5000 new charities through the launch of targeted marketing tools; and a number of other administrative changes.
- **TRANSITIONAL ARRANGEMENTS ON GIFT AID INTRODUCED**  
The major announcement alongside Budget 2008 for many charities is the [transitional arrangements on Gift Aid](#) for the next 3 years. This will protect the current 22% rate of income tax being reclaimed despite the tax rate dropping to 20% from this April (although technically it will be 20% plus 2% relief, which won't be available until the Finance Bill, based on the Budget, is passed into law.

## UNITED STATES—

- **STATE SC UPHOLDS MACDOWELL ARTIST COLONY'S TAX-EXEMPT CHARITABLE STATUS**  
The [MacDowell artists' colony](#) in Peterborough has won a lawsuit to keep its tax-exempt charitable status. In [Peterborough v. MacDowell Colony, Inc.](#), the New Hampshire Supreme Court unanimously affirmed the Superior Court ruling and issued an unequivocal opinion declaring that The MacDowell Colony, by promoting the arts, is a charitable institution, thus entitled to state tax exemption. The [ruling](#) will save the organization about \$150,000 a year in taxes. Disagreement over the colony's charitable status began in 2005, when the town asked the colony to make a \$50,000 payment instead of taxes. The



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[colony](#) balked and the argument ended up in court. The [colony](#) argued it serves the public by providing a space for artistic creation. The town argued the elite colony excludes too large a portion of the public to qualify as a charity.

- **IRS ISSUES LIST OF TOP 2008 “DIRTY DOZEN” TAX SCAMS**

On 13 March 2008, the [Internal Revenue Service](#) (IRS) issued its [2008 “dirty dozen” list](#) of the most egregious tax schemes and scams. Included on the list is “abuse of charitable organizations and deductions.” Donor-advised funds were dropped from the list.

## FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

### ARMENIA—PARLIAMENT ADOPTS AMENDMENTS TO LAW ON CONDUCTING MEETINGS, ASSEMBLIES, RALLIES AND DEMONSTRATIONS

The Armenian Parliament [adopted](#) amendments to the RA law on “conducting meetings, rallies, marches, and demonstrations,” according to a news article published by [REUTERS](#). The Parliament empowered the government to ban rallies on the basis of a “trustworthy” report that a demonstration may threaten national security, public order or violate citizens’ constitutional rights. The new law on rallies should come into force on the 10th day after its publication in Armenia’s official gazette.

### BELARUS—

- **DRAFT LAW ON TRADE UNIONS NOT YET INTRODUCED**

The Governing Body of the International Labour Organisation (ILO) called on the Belarusian government to guarantee freedom of organizations of workers and employers, according to a news article published by [CHARTER97](#). A report by Belarusian authorities said, a draft law on trade unions hadn’t been yet introduced in the Parliament, and the National Council on Labour and Social Issues of Belarus would discuss the fulfilling of the ILO recommendations by the Belarusian Government. Kari Tapiola, ILO Executive Director responsible for Standards and Fundamental Principles and Rights at Work said that “The Governing Body regrets the Belarusian government has failed to achieve progress in fulfilling the ILO special commission’s recommendations since November 2007.” Belarus was excluded from the EU General System of Preferences for violation of rights of trade unions in June 2007.

- **RALLY STAGED TO MARK INDEPENDENCE OF BELARUS PREVENTED BY AUTHORITIES**

Dozens of Belarusian opposition supporters have been detained after clashes with riot police during a banned protest in the capital Minsk, reports [AL JAZEERA](#). The government prevented the rally staged to mark the anniversary of the brief period of independence of Belarus declared in 1918. Opposition



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groups reported that security agents arrested activists across the country before demonstrations scheduled on 25 March 2008 and closed bus and underground stations near the scene of the demonstration. March 25 - referred to as Freedom Day by the opposition - has long been a day of protest in Belarus.

## **KAZAKHSTAN—GOVERNMENT CONTINUES TO RESTRICT PUBLIC MEETINGS AND PROTESTS**

Activists believe the current national law on freedom of assembly is vague and restrictive, and the penalties too severe, according to a news article published by [IWPR](#). Currently, requests to hold public meetings must be submitted to local authorities at least ten days before the scheduled meeting. Breaking the law by staging an unauthorized rally carries penalties ranging from fines to a year in jail. There are also rules about where demonstrations can take place. The activists claim obstacles to public meetings and protests violate people's constitutional right to assemble.

## **KYRGYZSTAN—DISCUSSION PAPER ANALYZING RESTRICTIONS ON FREEDOM OF PEACEFUL ASSEMBLY RELEASED**

The Golos Svobody Network has published a discussion paper entitled "[A Look at the Restrictions on Freedom of Peaceful Assembly in the Kyrgyz Republic](#)," reports [VOICE OF FREEDOM CENTRAL ASIA](#). The objective of this discussion paper is to analyze Kyrgyzstan's international obligations pertaining to freedom of peaceful assembly and to provide recommendations on compliance with these standards.

## **SOUTH KOREA—TRADE UNION PROTESTORS FACE HEAVY FINES**

Trade unions members are facing heavy fines for taking part in "illegal" labor actions, a move that is expected to restrict their overall activities. According to a news article published by [THE KOREA TIMES](#), the prosecution recently indicted 60 trade union members of Koscom, a stock information-providing unit of the Korea Exchange, for illegally demonstrating and asked the court to impose a 1 million won (\$1,000) fine on each member. While protesting against the police use of force to disperse a previous demonstration, the union members were charged with occupying a crossroad in Yeouido in central Seoul for about 10 minutes last October without permission.

## **TURKEY—CONSTITUTIONAL COURT TO HEAR CASES ON POLITICAL PARTY AND ITS LEADERSHIP**

Turkey's highest court has decided to hear a case on shutting down the governing party and banning its political leaders. [The New York Times reports](#) that Alifeyyaz Paksut, deputy chairman of the Constitutional Court, said the court's justices had voted unanimously to hear one case, which calls for shutting down the Justice and Development Party and banning 71 of its members, including Prime Minister Recep Tayyip Erdogan, from politics. In addition, 7 of the 11 justices voted to hear a ban on the president, Abdullah Gul, an ominous sign for the party, which has its roots in political Islam but has since disavowed them. This will move the country closer to a final confrontation between religious and secular Turks about who will rule the nation.



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## **UNITED STATES—FUNERAL PICKETING BILL PASSED**

The Kansas Senate has passed a new law restricting picketing at funerals and sent it to Governor, Kathleen Sebelius, for final approval. The Governor said she will sign the bill into law. According to a news article published by [KSNT](#), the law keeps protesters at least 150 feet from the funeral, and limits the time for protests. The funeral-picketing law was enacted last year, but a Kansas Supreme Court ruling two weeks ago kept it from going into effect. Legislators moved quickly to re-enact the same law, minus the provision the court struck down. This law is aimed at people who have demonstrated at funerals of Iraq war veterans on the theory that they properly died [because of the United States' tolerance of homosexuality](#).

## **FREEDOM OF EXPRESSION**

### **BAHRAIN—NEW LAW TO CONTROL WEBSITES AND RADIO BROADCASTING SAID TO RESTRICT FREEDOM OF EXPRESSION**

A new law to control websites and radio broadcasting in the region has been attacked by Bahrain human rights organizations under a regional campaign, according to a news article published by [GULF DAILY NEWS](#). The groups have rejected the law, stating that it is violative of human rights because it imposes restrictions on freedom of expression. They also allege it is invalid because it has not received the approval of Parliament and legislative authorities. The new law was signed by Information Ministers of Arab countries, including Bahrain, on 12 February 2008. It contains 12 articles that aim to organize, broadcast and re-broadcast, and receive broadcasts in the Arab region. (For [previous coverage](#) see the [March 2008 issue of IJCSSL-Newsletter](#)).

### **CHINA—TIBET CRACKDOWN DRAWS CRITICAL COMMENT FROM PROMINENT LOCAL INTELLECTUALS**

[The New York Times reported](#) that a group of prominent Chinese intellectuals has circulated a petition urging the government to stop what it calls a “one sided” propaganda campaign about Tibet and to initiate direct dialogue with the Dalai Lama. The petition, which was signed by more than two dozen writers, journalists and scholars, contains 12 recommendations. Taken together, they represent a sharp break from the government’s response to the wave of demonstrations that swept Tibetan areas of the country in recent weeks. Most of the signers are Han Chinese, China’s dominant ethnic group. Their petition accused the government of “fanning racial hatred” in China by blaming ethnic Tibetans for the violence and seeking to inflame passions among the Han to support the crackdown.

### **FRANCE—CARICATURES DID NOT INCITE HATRED, COURT RULES**

A French court upheld a ruling in favor of a magazine that re-printed the caricatures of the Prophet Mohammad, rejecting an appeal by a Muslim group which said they incited hatred of Islam, according to a news article posted by [PR-INSIDE](#). “These caricatures, which clearly target a fraction and not the whole of the Muslim



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community, do not constitute an insult or direct personal attack against a group of people because of their religion and do not breach the limits of freedom of expression,” the court ruled. The decision was the culmination of a long legal battle over the cartoons.

## **GLOBAL—ONLINE FOE DAY LAUNCHED, BUT WITHOUT UNESCO PATRONAGE**

On 11 March 2008 [Reporters Without Borders \(RSF\)](#) announced that it would “organize activities every 12 March to condemn cyber-censorship throughout the world.” According to the press release, “A response of this kind is needed to the growing tendency to crack down on bloggers and to close websites. We thank UNESCO for providing its support for this special day from the very first year.” On that very day, however, [UNESCO withdrew its patronage for the day](#), stating that it “reiterates its support for freedom of expression on the internet but felt compelled to withdraw patronage following the publication of information by RSF which did not follow the arrangements agreed upon between the two organizations concerning the event.” Press reports from [Venezuela](#) and [Cuba](#) indicate that RSF’s claim of UNESCO “groveling” to authoritarian governments may be true.

## **NETHERLANDS—FILM CRITICAL OF ISLAM RELEASED AND CRITICIZED**

A Dutch lawmaker, Geert Wilders, released a film highly critical of Islam, setting verses of the [Qur’an](#) against a background of violent images from terrorist attacks, according to a news article published by [KANSAS CITY STAR](#). “The film equates Islam with violence. We reject this,” Prime Minister, Jan Peter Balkenende, said in a televised reaction. The Dutch government had warned Wilders that a film offensive to Muslims could spark violent protests in Islamic countries, like those two years ago after European newspapers published cartoons of the prophet Muhammad. The Organization of the Islamic Conference has also [condemned](#) the release, and said that the film defamed and denigrated “the Holy Qur’an, causing insult to the sentiments of more than 1.3 billion Muslims in the world.”

## **SIERRA LEONE—JOURNALISTS CHALLENGE LAWS THAT CRIMINALIZE FREE SPEECH**

Journalists in Sierra Leone are challenging laws that criminalize free speech and authorize prison terms of up to seven years for those who criticize the government, according to [OPEN SOCIETY JUSTICE INITIATIVE press release](#). The Sierra Leone Association of Journalists (SLAJ) filed the lawsuit with the Supreme Court seeking to overturn Sierra Leone’s criminal libel and false news laws. The laws allow prison sentences for expression that “excite(s) disaffection” against the government or “injure(s) the reputation” of the government or individual officials. The suit is the first direct challenge in West Africa to the criminal libel and false news laws that are common throughout much of the region.

## **SOMALIA—RIGHTS GROUP URGE PRESIDENT NOT TO SIGN MEDIA BILL**

According to a news article published by [AFRIQUENLIGNE](#), the regional rights body, the Network of African Freedom of Expression Organisations (NAFEO) has urged President, Abdullahi Yusuf Ahmed, “not to assent to the media bill,” claiming the



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new law contravenes international legal instruments which guarantee press freedom, particularly the [International Covenant on Civil and Political Rights](#) and the [African Charter on Human and Peoples' Rights](#). The new media bill was recently [approved](#) by the parliament. (For previous coverage see [February](#) 2008, and [June](#) 2007 issues of [IJCSL-Newsletter](#))

## **SUDAN—DAILY CENSORSHIP OF NEWSPAPERS CONTINUES**

Sudanese authorities have re-imposed daily censorship of newspapers after they published reports about government malpractices. A news article published by [INDEPENDENT ONLINE](#) states that Sudan eased press censorship after a new constitution was put in place at the end of a two-decade civil war between the north and south in 2005 guaranteed freedom of the press. But authorities confiscate papers sporadically and there have been reports of journalists coming under pressure over sensitive issues.

## **UNITED STATES—BOOKSELLER GROUP PROTESTS NEW STATE LAW**

The new law, [H.B. 1042](#), signed by Governor of the State of Indiana, Mitch Daniels, on 13 March 2008, calls for any bookseller that sells sexually explicit materials to register with the Secretary of State and provide a statement detailing the types of books to be sold, according to a news article published by [THE INDY CHANNEL](#). That information would then be shared with local officials, who could monitor businesses for violations of local regulations. The [American Booksellers Foundation for Free Expression](#) has [criticized](#) the new law claiming it offends the Constitutional protections of freedom of speech and of the press. The bill defines “sexually explicit material” as any product that is “harmful to minors.” The law goes into effect on 1 July 2008.

## **FREEDOM OF RELIGION AND BELIEF**

### **ALGERIA—CLOSURE OF PROTESTANT CHURCHES ORDERED**

Algeria has ordered the closure of 13 Protestant churches amid growing anger over allegations that Evangelist Christians are trying to convert Muslims, according to a news article published by [MIDDLE EAST ONLINE](#). The churches will remain closed until they are issued the permit which non-Muslim groups must have to pursue organized worship. Algeria passed a law in February 2006 requiring non-Muslim congregations to seek a permit from their regional prefecture, but thus far the order has not been enforced and no Christian churches have been closed until now.

### **CZECH REPUBLIC—GOVERNMENT CONDEMNS ANTI-MUSLIM POSTERS**

The Foreign Minister of the Czech Republic, Karel Schwarzenberg, has condemned all actions insulting religious beliefs or inciting hatred, according to a news article published by [THE EARTH TIMES](#). In his statement, the minister said that the posters make a mockery of free speech. His statement came after the posters appeared in Brno (the second largest city of the Czech Republic) featuring a cartoon of Islam's



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[Prophet Mohammed](#) with a bomb-shaped turban. The cartoon is one of 12 images first published in a Danish newspaper in 2005, sparking violent Muslim protests in many countries.

## EUROPE—BERLIN DECLARATION ON INTER-RELIGIOUS DIALOGUE SIGNED

Participants in the [European Council of Religious Leaders - Religions for Peace](#) have urged respect for religious feelings as they met in Berlin from 3 - 5 March 2008. A news article published by [INTERFAX](#) reported that in order to promote bold, responsible and well-informed inter-religious dialogue on all levels of European society, the participants signed the [Berlin Declaration on Inter-religious Dialogue](#).

## GERMANY—

- **MINISTER SAYS PUBLIC SCHOOLS SHOULD REQUIRE ISLAM CLASSES**

Schools in Germany should offer Islam — along with Christianity and Judaism — as a required religion class in the future, the nation's Interior Minister, Wolfgang Schaueble, said. He also insisted that the courses be taught in German, according to a news article posted by [FOX NEWS](#). Pupils currently only have the option between Roman Catholicism, Protestantism and Judaism. Many schools also offer ethics classes as an alternative.

- **COURT UPHOLDS BAN ON TEACHERS WEARING RELIGIOUS HEADSCARVES DURING SCHOOL**

A German state (Baden-Württemberg) administrative court upheld a ban on teachers wearing religious headscarves during school. A news article published by [DEUTSCHE WELLE](#) reports the ruling stated that the teacher who brought the law suit had violated her obligation to keep religious expression out of the classroom and that the ban fully complied with the country's Basic Law. [Der Spiegel's online site](#) indicates that the ruling overturns a 2006 ruling by a lower court holding that Muslim teachers could wear headscarves because nuns who taught at state schools were permitted to do so in their religious habits while teaching. Headscarves are prohibited in nine of the 16 German states.

## GREECE—ECTHR UPHOLDS FREEDOM OF RELIGION

In [Alexandridis v. Greece](#), the European Court of Human Rights (ECtHR) ruled that Greece has violated the European Convention on Human Rights in requiring a lawyer to divulge his religious beliefs in order to take the oath in his admission ceremony to the state bar. Theodore Alexandridis was keen to practice law and had to take the required oath of office. When he attempted to take a non-religious affirmation he was obliged by the court to reveal that he was not an orthodox Christian. The court held that “the fact that the applicant had to reveal that he was not an Orthodox Christian interfered with his freedom not to have to manifest his religious beliefs.” The ECtHR found violation of article 9 (freedom of thought, conscience and religion) of the European Convention on Human Rights and awarded the Plaintiff 2000 Euro.



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## INDIA—

- **GUJARAT STATE GOVERNMENT REVOKES THE "ANTI-CONVERSION" AMENDMENT BILL**

The Gujarat state government yesterday revoked the “anti-conversion” amendment bill in an attempt to implement an older version of the legislation passed in 2003 that has remained dormant. According to a news article published by [COMPASS DIRECT NEWS](#), India's anti-conversion laws are supposed to curb religious conversions made by “force,” “fraud” or “allurement,” but Christians and rights groups say that in reality the laws obstruct conversion generally, as Hindu nationalists invoke them to harass Christian workers with spurious arrests and incarcerations.

- **RELIGIOUS FREEDOM BILL 2008 PASSED IN STATE OF RAJASTHAN**

The Rajasthan State Assembly passed the strict Rajasthan Religious Freedom Bill 2008 in spite of resistance from religious leaders and the opposition Congress, according to a news article published by [THE TIMES OF INDIA](#). The bill aims at curbing conversions through use of force or allurements. Under the bill, conversion by force or allurement [can lead to five years in jail](#), but those returning to their original religion will have total freedom.

## KYRGYZSTAN—NEW DECREE CONTROLLING RELIGIOUS ACTIVITIES WITHDRAWN

The Presidential Administration has rejected for now a harsh new Decree which would have brought in sweeping controls on religious activity and made many of Kyrgyzstan’s religious communities illegal, reports [FORUM 18 NEWS SERVICE](#). The Presidential Administration sent it back to State Agency for Religious Affairs for re-working of the draft law on religion (For previous coverage see [August 2007 issue of IJCSL-Newsletter](#)).

## MACEDONIA—NEW RELIGION LAW NOT EXPECTED TO RESOLVE BUILDING PROBLEMS

[Forum 18 News Service](#) has noted that as Macedonia’s minority faiths face obstruction or de facto bans on building new places of worship or extending existing ones, and the country’s new Religion Law - which comes into force on 1 May 2008 - appears likely to do nothing to help end the problem. Religious communities of all faiths have told Forum 18 that the major problems in practicing their faith revolve around buildings.

## MEXICO—BISHOPS CALL FOR CONSTITUTIONAL REFORM TO GUARANTEE RELIGIOUS FREEDOM

Mexican bishops have formally called for the reform of [Article 24 of the Constitution](#) to replace the phrase “freedom of worship and beliefs” with the basic concept of “religious freedom,” according to a news article published by [CATHOLIC NEWS AGENCY](#). During the presentation of the book, “15 Years of Relations Between The Holy See and Mexico,” Bishop Aguiar, said the request is made to ensure that the fundamental right of religious freedom is guaranteed. For the Catholic Church, he



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explained, the concept of religious freedom means freedom for all Mexicans, including the clergy, to “live their faith in public and private, individually or collectively, in every activity and sector, without any other limit besides that of respect for the rights of others.”

## **RUSSIA—COURT DISSOLVES METHODIST CHURCH FOR HAVING SUNDAY SCHOOL**

The Smolensk Regional Court dissolved Smolensk United Methodist Church on 24 March 2008 in response to a suit filed by the Regional Public Prosecutor’s Office because it has a Sunday school attended by four children, according to a news article posted in [JOURNAL CHRÉTIEN](#). The government, in its support refers to the 1992 Education Law, which says that the right to conduct educational activity requires a state license. The court ruled that the Methodists were breaking the law by conducting “educational activity in a Sunday school without a corresponding license.” The court liquidation results in the loss of legal personality status.

## **SAUDI ARABIA—SHURA COUNCIL REJECTS PROPOSAL TO BAN RELIGIOUS OFFENSE**

The Saudi Shura council rejected an international recommendation to prohibit offenses against all religions and religious figures, according to a news article published by [TREND NEWS](#). Opposing the recommendation, the members of the Shura Council said that the recommendation means the full recognition of “the pagan religions” and thus would allow the establishment of non-monotheistic worship places in Muslim countries.

## **UNITED STATES—**

- **U.S. SUPREME COURT AGREES TO HEAR A RELIGIOUS DISCRIMINATION CASE**

The [U.S. Supreme Court](#) has announced that it will hear a Utah dispute that centers on the display of religious symbols on public property. *Pleasant Grove City v. Summum* deals with a religious group called Summum, which sought to erect its “Seven Aphorisms” alongside a Ten Commandments monument in a public park in Pleasant Grove, Utah. The group said city officials cannot constitutionally approve the Commandment display while excluding other monuments. A [federal appeals court agreed](#), holding that it violates freedom of speech for government to allow one group’s message on public property and exclude another.

- **TEXAS SCHOOL BOARD AGREES TO STOP TEACHING UNCONSTITUTIONAL BIBLE CLASS IN PUBLIC SCHOOLS**

A West Texas School district has agreed to stop teaching a Bible elective that critics charge is devotional, not academic. An [ACLU press release](#) indicates that the agreement settles a federal lawsuit filed in May 2007 that was brought by eight Odessa parents and taxpayers who argued that the course, created by a religious organization, violated their constitutional right to religious liberty by promoting specific religious doctrines to children in their community.



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## LEGAL FRAMEWORK

### CANADA—NEW GUIDANCE ISSUED FOR CHARITABLE WORK AND ETHNOCULTURAL GROUPS

The Canada Revenue Agency (CRA) has published [new guidance](#) for registering charities that work in the ethnocultural area. The guidance describes CRA's position with regard to such groups under the four heads of charity. CRA's Policy Statement [CPS-023, \*Applicants Assisting Ethnocultural Communities\*](#), has more detailed information for such charities.

### ENGLAND AND WALES—

- **NEW GUIDANCE ON CAMPAIGNING AND POLITICAL ACTIVITY BY CHARITIES RELEASED**

Responding to calls from the charitable sector, the [Charity Commission](#) has published a cogent, plain, comprehensible, and user-friendly guidance entitled "[Speaking Out - Guidance on Campaigning and Political Activity by Charities](#)," according to [GNN news release](#) of 6 March 2008. This publication gives guidance on the legal and regulatory framework for charities wishing to engage in campaigning and political activity. The guidance: describes the activities that charities can properly undertake under the existing law; outlines the factors charities should assess as part of their planning for campaigning and political activity; provides practical examples illustrating the effect of the guidance for specific types of campaigning and charity. This guidance replaces the earlier version, CC9 - Campaigning and Political Activities by Charities, which was updated in 2004.

- **CHARITIES ACT 2006: THIRD COMMENCEMENT ORDER RELEASED**

[Charities Act 2006: Third Commencement Order](#) was made in March 2008, bringing a number of provisions into force on 18 March 2008. A [Cabinet Office press release](#). States that the provisions coming into effect under this order are: The Charity Tribunal (see below); a new power enabling the remuneration of trustees for providing (non-trustee) services to their charity; several updated powers for charities; three new powers for the Charity Commission; changes to the law of cy pres.

- **DRAFT GUIDANCE ON EDUCATION AND FEE-CHARGING PUBLISHED**

On 12 March 2008, the Charity Commission launched further draft supplementary public benefit guidance for charities, with the publication of [Public Benefit and the Advancement of Education](#) and [Public Benefit and Fee-charging](#), reports [GOVERNMENT NEWS NETWORK](#). The draft supplementary guidance: explains how the principles of public benefit apply to charities advancing education; looks at how advancing education can be for the public benefit and how educative value can come from either the subject of education



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or the educative process; and considers how the benefit an education charity provides must be related to its aims. A number of [independent schools are threatening to challenge the Charity Commission in court over new rules](#) which would require them to offer free places or other support to children from poor backgrounds.

- **LAUNCH OF CHARITY TRIBUNAL**

A tribunal allowing charities to challenge decisions made by the sector regulator has opened. The Tribunals Service will administer the appeals. The Charity Tribunal, which were created under the Charities Act 2006, are designed to be informal, independent and provide a free way for appeals to be taken, according to the [government news network press release](#). Before the launch of this service, charities in England and Wales had to go through the High Court to dispute decisions. The President of the Tribunals Service will be supported by five legal members and seven non-legal members. They are currently being recruited by the Judicial Appointments Commission for appointment by the Lord Chancellor. The Tribunals Service expects legal members to be in place in the spring and the latter in the summer. More about the Charity Tribunal and the [Rules](#) applicable to it is available on the [Tribunals Service website](#).

## **IRAQ—GOVERNMENT, CSOs, AND INTERNATIONAL STAKEHOLDERS DISCUSS DRAFT NGO LAW**

The [United Nations Assistance Mission for Iraq](#) (UNAMI) and the [United Nations Office for Project Services](#) (UNOPS) jointly organized a Roundtable on the draft Iraqi NGO Law held in Erbil from 1 to 3 March 2008. [UNAMI](#) news reported that representatives of civil society organizations, executive, legislature, and judiciary from the Kurdistan Region and the rest of Iraq participated in the roundtable. At the end of the roundtable entitled “Towards an Enabling Legal Framework for a Strong Civil Society in Iraq,” the participants worked on formulating a shared declaration of principles to be used by the Iraqi Ministry of Civil Society in fine-tuning the draft law before presenting it to the Council of Representatives for endorsement.

## **IRELAND AND NORTHERN IRELAND—LEGISLATIVE PROCESS ON NEW CHARITY LAW IS HALF WAY THROUGH**

Charities on both sides of the border will face new regulation and reporting requirements by the end of this year. This will follow the introduction of new legislation by the two Governments later this year as the Charity legislation is being coordinated between Northern Ireland and the Republic of Ireland, according to a news article published by [THIRD SECTOR](#). To achieve consistent regulation plans to introduce common charity registers and regulators are under considerations.

## **SRI LANKA—GOVERNMENT PLANS TOUGH REGULATIONS FOR INGOS**

The government plans to introduce “tougher measures” to prevent international NGOs interfering in the country’s affairs, according to a new article published by [TAMIL](#)



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[STAR](#) on 6 March 2008. The Ministry of Defence and the Ministry of Social Services and Home Affairs are preparing the regulations. The measures include visa restrictions as well as specified limits for NGO's to carry out their work.

## MISCELLANEOUS MATTERS

### **MYANMAR/BURMA—PROBLEMS WITH DRAFT CONSTITUTION NOTED BY ASEAN**

Southeast Asian countries told Myanmar that barring pro-democracy leader Aung San Suu Kyi from elections because she once was married to a foreigner would be odd in the country's draft constitution and not in keeping with the times. However, the Association of Southeast Asian Nations (ASEAN), the region's main political and economic bloc, which includes Myanmar, is powerless to do anything, Singapore's Foreign Minister George Yeo said in a story reported by [CNN.com](#). The [draft constitution](#) is expected to be submitted to a [referendum in May](#). [Buddhist monks have already criticized the referendum plans](#).

### **SIERRA LEONE—DRAFT BILL TO TRANSFORM THE SIERRA LEONE BROADCASTING SERVICE SUBMITTED IN THE PARLIAMENT**

A draft bill has been tabled in Parliament to transform the Sierra Leone Broadcasting Service into a private corporation, according to a news article posted by [THE NEW CITIZEN](#). The draft bill is aimed at ensuring that the opposition has access to the national radio station to disseminate information, the Information Minister, Ben Kargbo, is reported to have said.

## ANNOUNCEMENTS

### **ENGLAND AND WALES—CHARITY COMMISSION LAUNCHES ONLINE REGISTRATION APPLICATION SERVICE**

The Charity Commission, the independent regulator of charities in England and Wales, has begun a new online registration application service, according to [GNN press release](#). It allows organizations to submit their charity application form electronically but only using existing Approved Governing Documents, produced by some large charities and umbrella bodies. The service will ultimately be extended to all organizations.

### **GLOBAL—“UN-CIVIL SOCIETY ENGAGEMENT: YEAR IN REVIEW 2007” RELEASED**

NGLS has announced the release of its online publication [“UN-Civil Society Engagement: Year in Review 2007,”](#) according to a [UN-NGLS press release](#). The Year in Review 2007 makes clear the meaningful contributions of civil society as well as its all-encompassing scope. This year's edition includes a number of first-time entries: the new functions of ECOSOC-the Development Cooperation Forum and the Annual Ministerial Review; the Peacebuilding Commission (PBC)-which adopted its



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general principles for civil society participation; and the first ever Civil Society Development Forum, among others.

## **INDIA—GOVERNMENT TO MEET WITH SURVIVORS OF CHEMICAL POISONING DISASTER**

His Highness Sikander Saulat, Iftikhar ul-Mulk, Nawab Khan Bahadur, Nawab Begum of [Khaufpur, India](#) has reportedly agreed to meet with the 1984 “gas tragedy” disaster survivors following six weeks of dharna sit-in and two weeks of hunger strikes at the “Tin shed” in the New Market area of Khaufpur. The Collector of Khaufpur has confirmed that the government will meet survivor leaders to implement their demands. According to survivors’ spokesperson Zafar Rahman, “The politicians have now agreed to implement the Supreme Court order to provide clean water to those whose water is poisoned by chemicals leaking from the [Kampani’s](#) abandoned and derelict factory.” This city’s tragic history is chronicled in the book [Animal’s People, by Indra Sinha](#), which was short-listed for the 2007 Man Booker prize. The book received the ‘Best Book Award’ for the Europe and Asia region at the 2008 [Commonwealth Writers’ Prize](#).

## **RESOURCES**

### **ASIA—PAPER ON SELF-REGULATION RELEASED**

Mark Sidel, a law professor at the University of Iowa, has released a working paper entitled “The Promise and Limits of Collective Action for Nonprofit Self-Regulation: Evidence from Asia” on SSRN. The U Iowa Legal Studies Research Paper No. 08-06 is available at SSRN: <http://ssrn.com/abstract=1090616>

### **GLOBAL—2007 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES RELEASED**

On 11 March, 2008 the U.S. State Department [released](#) the [2007 Country Reports on Human Rights Practices](#). The report details the current status of human rights practices in 196 countries. Countries cited in the report as being the source of the most serious systematic cases of human rights violations during 2007 included North Korea, Burma, Iran, Syria, Zimbabwe, Cuba, Belarus, Uzbekistan, Eritrea and Sudan.

### **GLOBAL—NEW GENDER EQUITY INDEX 2008 RELEASED**

More than half the women in the world live in countries that have made no progress towards gender equity in recent years. That is one of the findings of the [Gender Equity Index \(GEI\) 2008](#) that Social Watch launched at the UN headquarters in New York as a contribution to the 52nd Session of the UN Commission on the Status of Women that ended on 8 March 2008 - the International Women’s Day.

### **GLOBAL—WORLD MOVEMENT FOR DEMOCRACY REPORT RELEASED**

The [World Movement for Democracy](#) and [ICNL](#) have released a report entitled [“Defending Civil Society,”](#) which discusses a set of international principles protecting civil society. It is based on intensive vetting in regional consultations and discussions



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among activists, journalists, democracy assistance practitioners, etc. The World Movement for Democracy secretariat is based at the [National Endowment for Democracy](#).

## **UNITED KINGDOM—VOLUNTEERING IN HEALTH AND SOCIAL CARE REPORT RELEASED**

The Government's independent volunteering champion, Baroness Julia Neuberger, has published her report entitled "[Volunteering in the Public Services: Health and Social Care](#)," according to the [CABINET OFFICE](#).. The report is the first in a series examining the role of volunteers and volunteering in public services.

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**April Fools' Day Issue:** There is one story involving a fictional place in this Newsletter. Please let us know if you find it!