



IJCSL NEWSLETTER

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ANTI-TERRORISM LEGISLATION

BANGLADESH—NEW ANTI-TERRORISM LAW ENACTED

The Anti-Terrorism Ordinance 2008 was promulgated on 11 June 2008, according to a news article published by [THE DAILY STAR](#). Under the new law, a Special Tribunal will be constituted to deal with non-bailable anti-terrorism offenses. Anyone convicted of money laundering, arms running and financing terror attacks will be may be subject to the death penalty or life imprisonment. The law empowers the Bangladesh Bank to freeze the accounts of a suspected terror financier and directs bank to take preventive measures against monetary transactions for financing terrorist acts. For previous coverage of the passage and approval of the Anti-Terrorism Law, see the [June and March 2008 issues of IJCSL-Newsletter](#) at [ICCSL](#) website.

GERMANY—CABINET APPROVES ANTI-TERRORISM LAW

The Cabinet has approved a new law revamping the role of the federal criminal police in the international fight against terror, according to a news article published by [DEUTSCHE WELLE](#). In cases of suspected terrorism, the federal criminal police will have the right to take preventive measures, such as video surveillance of private apartments and online computer searches. The proposed legislation still needs to be approved by the Parliament.

SWEDEN—WIRETAPPING LAW APPROVED

On 19 June 2008, the Sweden's Parliament approved a new [law](#) that permits the country's intelligence bureau to scan international phone calls, e-mails and faxes, reports [BBC NEWS](#). The [bill](#), which is due to come into effect in January 2009, will give the National Defense Radio Establishment, a Swedish intelligence agency, the right to scan all international communications at will. Currently, the agency has to apply for a court order before intercepting communications. While the bill's supporters claim it will help prevent terrorist attacks, the critics argue the [law](#) will jeopardize civil liberties.

UNITED KINGDOM—ANTI-TERRORISM BILL PASSED

According to a [WASHINGTON POST](#) news article, the Prime Minister Gordon Brown's controversial proposal to allow police to hold terrorism suspects for up to 42 days without charge, up from the current 28-day limit, was approved by the House of Commons on 11 June 2008. To take effect, the bill must also be approved by the House of Lords, the upper chamber of Parliament.

CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

BANGLADESH—RIGHT TO INFORMATION ORDINANCE APPROVED

The caretaker cabinet has provisionally approved the [Right to Information Ordinance 2008](#). The legislation is aimed at empowering people as well as ensuring transparency, accountability, and establishing good governance. According to a news



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article published by [THE DAILY STAR](#), the [Ordinance](#) proposes the formation of a three-member Information Commission; the government and other public institutions are required to provide people requested information within 20 days of their applying for it; anyone found guilty of refusing to provide information or giving wrong information can be fined Tk 25,000 and face departmental action; poor people living in rural areas would have an option to apply for information at no cost on 10 matters including healthcare, agriculture, and loans. The ordinance also provides an appeal mechanism where the applicant are provided with no or incorrect information. The [Ordinance](#) has been sent to the Law Ministry for evaluation, before it is placed before the Cabinet for final approval.

GUATEMALA—LEGISLATIVE COMMISSION RULES IN FAVOR OF ACCESS TO INFORMATION LAW

The Legislative Commission has ruled favorably on a proposed law that would require all agencies that receive public funding to reveal information about their management, and use of the funds, according to a news article published by [PRENSA LIBRE](#). The law also provides penalties for civil servants who arbitrarily obstruct the access or provide incomplete information. The legislation has lingered in Congress since 2000.

SCOTLAND—GOVERNMENT CONSIDERS BROADENING THE SCOPE OF FOI LEGISLATION

The Scottish government is considering expanding the scope of the Freedom of Information Law to cover more organizations, reports the [SCOTSMAN](#). The expansion will bring social landlords under the scope of Freedom of Information (FOI) legislation, as well as local authority trusts and bodies set up by councils, and contractors who provide services that are a function of a public authority.

PARAGUAY—COURT RECOGNIZES THE RIGHT TO ACCESS INFORMATION

According to a news article published by [IFEX](#), an appeals court in Asunción, Paraguay recognized access to public information as a fundamental human right in a landmark decision in which the court ordered the municipality of Lambaré to provide a copy of its 2007 budget to a citizen. The city initially denied the information request, but the court ruled that the denial was unconstitutional. This is the first time a court of appeals in Paraguay has judged a case on the right to access information. However, Paraguay has not yet approved an access to information law.

UNITED KINGDOM—STUDY REPORT ON DESIGNING CITIZEN-CENTERED GOVERNANCE

The [Joseph Rowntree Foundation](#) has [released a new study report](#) examining the relationship between new governance structures and the engagement of citizens, service users and the voluntary and community sectors, with the aim of identifying lessons for policy and practice. The report entitled “[Designing citizen-centred governance](#)” covers the changing governance of communities; understanding the new governance paradigm; designing citizen-centered governance; learning from diversity; and strengthening citizen-centered governance.



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FISCAL MATTERS

UNITED KINGDOM—

- **PRACTICAL GUIDE TO VAT 3RD EDITION NOW AVAILABLE**

[3rd Edition of Practical Guide to VAT](#) is now available. This guide explains how VAT works and how it affects not-for-profit organizations. The book covers: when VAT is chargeable and reclaimable and how to recover it; when charities are required to register for VAT and consequences of not doing so; special tax relief available to charities; VAT and its fundraising implications on work in Europe.

- **NEW GUIDANCE ON THE CHARITABLE STATUS OF PROVIDING AFFORDABLE HOME OWNERSHIP PUBLISHED**

New guidance on the charitable status of providing affordable home ownership has been published. The guidance explains when providing affordable low cost home ownership (LCHO) may be charitable, and the legal and tax implications. “[Affordable Home Ownership – Charitable Status and Tax](#)” is available on [Charity Commission](#) website.

UNITED STATES—GUIDANCE ON CHARITABLE REMAINDER TRUSTS RELEASED

On 24 June 2008, the Internal Revenue Service (IRS) released the [final regulations](#) providing guidance under section 664 on the tax effect of unrelated business taxable income on charitable remainder trusts. The regulations affect charitable remainder trusts that have UBTI in taxable years beginning after 31 December 2006.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

AZERBAIJAN—PRESIDENT SIGNS AMENDMENTS TO LAW ON FREEDOM OF ASSEMBLY

The President, Ilham Aliyev, has [ratified](#) amendments to the Law on Freedom of Assembly, according to a news article published by [TREND NEWS AGENCY](#). The amendments bring changes in the provisions defining how and where people can assemble. The changes also require organizers of meetings to obtain executive approval 5 days prior to a meeting. The law now requires that at least one of the organizers is present in the meeting. Meetings conducted for political purposes may be banned. The amendments to the Law on Freedom of Assembly were adopted by the Parliament of Azerbaijan on 30 May 2008. (For [previous coverage](#) see [May and June 2008 issues of IJCSL-Newsletter](#) at [ICCSL](#) website)

JORDAN—AMENDMENTS TO PUBLIC ASSEMBLY LAW PROPOSED

Parliament has begun debate on amendments to the Public Assembly Law, according to a news article published by [THE NATION](#). Under the new draft law, the government



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retained the provision from previous legislation for public rallies and demonstrations stating that approval from the administrative governor is mandatory. But it has cut the time needed for permission from 72 hours to 48 hours. The governor should respond within 24 hours instead of the previous 48 hours. Under the draft amendment, political parties and charity organizations do not need a green light from the governor to hold their routine meetings and activities. The amendment to the Public Assembly Law is a part of legislative reform package under consideration with the legislators. The law has been [referred](#) to committees for further discussion.

KYRGYZSTAN—LAW ON ASSEMBLIES APPROVED

On 12 June 2008, Parliament [approved the law on peaceful assemblies](#). The new law contains several provisions which are not in line with OSCE standards and commitments, in particular the requirement to obtain advance permission to hold any kind of peaceful assembly. Under the law, local authorities must give their permission or refusal in writing to organizers of a public event. Citizens may appeal against the decision in court. Rally organizers should submit their notification to the local authorities 12 days in advance. The local authorities must provide a reply no later than six days before the date for which the rally is scheduled. The law forbids rallies and public meetings within 30 meters of international highways and railways; and within 50 meters of the residences of the President and Prime Minister, as well as the buildings of Parliament, Government, courts, penitentiary institutions and military units. Rallies may only be conducted between 9.00am to 8.00pm. The law does not permit the erection of temporary dwellings (such as yurts, tents and other facilities). The law will now be submitted to the Kyrgyz President, who has the Constitutional right to approve or veto it.

TURKEY—HEARING ON AKP BAN BEGINS

On 1 July 2008, Turkey's top court began hearings in a case that seeks to ban the Justice and Development Party (AKP) (Turkey's ruling party) for allegedly trying to undermine secularism. [A news story published by RFE/RL](#) says that the opponents of the party -- who see themselves as guardians of Turkey's secularism -- say the ruling party is trying to establish an Islamic state, and they want it shut down. Chief Prosecutor Abdurrahman Yalcinkaya presented arguments in the case before judges in a closed-door hearing. He wants the party closed over charges of anti-secular activities and 71 leading figures, including Prime Minister Recep Tayyip Erdogan and President Abdullah Gul, banned from belonging to any political party for five years. In his indictment, Yalcinkaya said the secular republic faced an "unprecedented danger" because "counterrevolutionary forces are no longer in the margins, but in government." A ruling to close the party would trigger the fall of the government and leave Erdogan's political future in doubt. And already the case has weighed on Turkey's economy, prompting a fall in the stock market and making foreign investors more wary. For previous coverage, see the [April](#) and [May](#) issues of the IJCSL Newsletter.



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UGANDA—LAW LIMITING FREEDOMS OF ASSEMBLY AND ASSOCIATION HELD UNCONSTITUTIONAL

Uganda's Constitutional Court has ruled that a legal provision requiring police permission to hold public meetings or protests of more than 25 people is unconstitutional, according to a news article published by [BBC NEWS](#). The repealed Section 32 of the Police Act gave powers to the Inspector General of Police (IGP) to stop a public rally, demonstration or procession if he believed that such a gathering would cause breach of public peace. The court ruled that the provision is a limitation "on the enjoyment of a fundamental right to freedom of assembly and association." The police, however, still have the right to regulate the activities of demonstrators. The government has [decided to appeal](#) the ruling to the Supreme Court.

FREEDOM OF EXPRESSION

ARMENIA—ECTHR UPHOLDS FREEDOM OF EXPRESSION

In the case of [Meltex Ltd and Mesrop Movsesyan v. Armenia](#), the [European Court of Human Rights](#) ruled that Armenian authorities wrongly denied a broadcasting license to A1+ TV. According to a news article published by [ARMENIA NOW](#), the court said that refusal to grant the broadcasting license to A1+ was a violation of [Article 10](#) (freedom of expression) of the [European Convention on Human Rights](#). The Court awarded 20,000 euros as non-pecuniary damage and 10,000 euros for costs and expenses to the parent company Meltex Ltd. A1+ is highly critical of the Armenian government and had its license revoked in 2002.

BELARUS—NEW MEDIA LAW APPROVED

On 28 June 2008, the Council of the Republic (upper house of the Belarusian Parliament) [approved](#) a new media law. This is the final step in Parliament, as the lower house passed the bill on 24 June. Assuming it is signed into law by the President, the new law will ban foreign funding of news media and will put tight controls over the Internet, according to a news article published by [Белорусские новости](#). [Critics have slammed the new media bill](#) as being "repressive." Under the draft law, online media outlets will be required to obtain state registration. The bill also bans professional activities of non-accredited journalists working for foreign media outlets, and prohibits media outlets from receiving financial and technical support from foreign private persons and organizations unless they are co-founders.

CANADA—

• INDEPENDENT REVIEW OF HATE MESSAGING ON INTERNET LAUNCHED

The [Canadian Human Rights Commission](#) (CHRC) has launched a comprehensive policy review of how best to address hate messages on the Internet, according to a CHRC [press release](#). The project includes legal and policy research and analysis with specific emphasis on [section 13 of the Canadian Human Rights Act](#) and the role of the CHRC. Existing statutory



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and regulatory mechanisms, an examination of the mandates of human rights commissions and tribunals, and a consideration of Canada's international human rights obligations will also be reviewed.

- **HUMAN RIGHTS COMMISSION DISMISSES COMPLAINT AGAINST MACLEAN'S**

The Canadian Human Rights Commission has dismissed a complaint by The Canadian Islamic Congress against Maclean's magazine, ruling that the views expressed in one of the magazine's articles were not "of an extreme nature as defined by the Supreme Court." According to a news article published by [THE GLOBE AND MAIL](#), the Canadian Islamic Congress had alleged that the article written by Mark Steyn entitled "The Future Belongs to Islam" and posted on the magazine's website in October 2006 made a number of statements and assertions that were likely to expose Muslims to hatred or contempt. The article talks about Islam as being a threat to North American institutions and values. It used statistics to show higher birth rates plus immigration mean Muslims will outnumber followers of other religions in Western Europe in the future.

FORMER SOVIET REPUBLICS—SELF-CENSORSHIP BECOMES THE NORM

In a recent survey by the Gallup organization, in 10 of 14 former Soviet republics, residents' likelihood to say most or many people in their country are afraid to openly express their political views rose significantly between 2006 and 2007. In seven countries, the proportion responding this way now represents a majority. This survey is discussed in an essay entitled "[Fear Hampers Free Speech](#)" on the Gallup website.

HUNGARY—CONSTITUTIONAL COURT STRIKES DOWN HATE SPEECH BAN

The [Constitutional Court of Hungary](#) has struck down legislation on hate speech as an unconstitutional infringement on the freedom of expression. In declaring that hate speech may not be punishable, the Court said the right of free speech may not be denied simply because comments offend the interests, views, or sensitivities of others, or if those comments are offensive or humiliating to individuals, reports [POLITICS.HU](#). According to a news article published by [AFP](#), the Hungarian Parliament passed two amendments concerning hate speech with the sole support of the Socialist faction. The first amendment, passed in November 2007, enabled legal action even if someone's human rights are not harmed, not personally but by expressions directed at a group to which the person belongs. The second amendment provided a maximum two-year prison sentence for anyone who uses inflammatory expressions about specific ethnic groups or offends their dignity. The President, László Sólyom, sent the amendments to the Court for preliminary review in March.

ITALY—TOP COURT ALLOWS DISSEMINATION OF ANTI-ROMA LITERATURE

The Italian Court of Cassation overturned the convictions of six Italians, including Verona Mayor Flavio Tosi, for distributing anti-Roma literature. The judges overthrew the conviction of six defendants who signed a leaflet demanding the



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expulsion of Verona's Gypsies in 2001, reports [THE GUARDIAN](#). The ruling comes as the Italian Government moves to [clamp down on the Roma community](#).

KYRGYZSTAN—NEW MEDIA LAW SIGNED

Kyrgyzstan's President, Kurmanbek Bakiyev, signed a new broadcast law on 4 June 2008. According to a news article published by [REPORTERS WITHOUT BORDERS](#), the law gives the president the power to appoint the executive director of state-run TV and radio KTR. It makes use of official languages partly compulsory as well as in-house production of programs by the media. It also [allows state agencies alone to reject any broadcasting licenses](#) for technical violations. The president has, however, asked the Justice, Culture and Information ministries to take into account reactions and proposals from civil society.

LATVIA—TEACHING IN FOREIGN LANGUAGES BANNED IN STATE FUNDED HIGHER EDUCATION INSTITUTIONS

The Latvian government has adopted a new law that bans teaching in foreign languages, including Russian, in state funded higher education institutions, according to a news article published by [RUSSIA-INFOCENTER](#). If the newly amended law comes into force, only private education establishments will reserve a right to choose a teaching language.

LITHUANIA—PUBLIC DISPLAY OF SOVIET AND NAZI SYMBOLS BANNED

Lithuania's parliament has passed tough restrictions on the public display of Soviet and Nazi symbols, according to a news article published by [BBC NEWS](#). Displaying the images of Soviet and Nazi leaders including flags, emblems and badges carrying insignia (such as the hammer and sickle or swastika) in the public gathering will be considered an offence. The new law also prohibits the Nazi and Soviet national anthems. In response to this move, the [New York Times](#) reported that several Lithuanian government websites were hacked and tags with Soviet symbols inserted on them.

MALAYSIA—BRIGHT LIPSTICK AND HIGH HEELS BANNED FOR MUSLIM WOMEN IN KOTA BARU

Authorities in the northern Malaysian city of Kota Baru in the state of Kelantan have forbidden Muslim women from wearing bright lipstick and noisy high-heeled shoes to work, according to a news article published by [CBC](#). The ban is reportedly aimed at preventing sexual aggression and protecting women's dignity and morality. Although Malaysia is a majority Muslim country which boasts a tolerant and multi-ethnic tradition, the state of Kelantan, governed by the hard-line Pan-Malaysian Islamic Party, is trying to introduce Sharia law for Muslim citizens. A directive is already in effect in the city that requires women cover their heads with non-transparent veils, wear long-sleeved garments and socks. Those found in violation of rules could face up to 500 ringgit (USD 150).



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MALDIVES—NEWSPAPER REGISTRATION BILL FAILS IN PARLIAMENT

The newspaper registration bill failed to pass a final vote in the Parliament. According to a news article published by [MINIVAN NEWS](#), the bill sought to put in place a regulatory framework for registration of publications, including criteria for editors and trustees. The bill would also have given the Ministry of Information 15 days to respond to registration applications. The regulations also prohibit the publishing of material that may “create religious dissent” or “impair the Islamic character of Maldives.” The bill was first presented to parliament on 21 November 2006 and was discussed earlier in the IJCSL Newsletter..

MOLDOVA—PRESIDENT LAUNCHES NEW LEGISLATIVE INITIATIVE ON FREEDOM OF PRESS

The President, Vladimir Voronin, has submitted a draft law to amend article 16(8) of Moldova's Civil Code. According to a news article published by [MOLDPRESS](#), the proposed draft law aims limits the responsibility of the mass media, if a final decision by a law court establishes that honor, dignity, or professional reputation of the concerned person has been harmed.

TURKEY—

- **WOMEN FACE CRIMINAL INVESTIGATION AND POSSIBLY PRISON TERM FOR DENIGRATING MEMORY OF ATATURK**

On June 12 the public prosecutor in the Istanbul neighborhood of Beyoglu initiated a criminal investigation of two young women wearing head scarves who had told the host of a popular television program that they did not like Mustafa Kemal Ataturk (1881-1938), who founded the modern Turkish Republic in 1923. Under Turkish Law No. 5816 of 1951 it is a crime to denigrate Ataturk’s memory. If the case is taken to court and the two women are found guilty, they could face prison sentences of up to four and a half years, reports [EURASIA DAILY MONITOR](#).

- **CONCERNS EXPRESSED OVER INTERNET CENSORSHIP**

On 18 and 19 June 2008, Turkish lawyers, academics and Internet professionals met in the mountain resort of Abant in the Bolu Mountains of northwest Turkey to discuss the increasing censorship of the Internet in Turkey through the use of court orders to block access to websites. In 2007 the Justice and Development Party (AKP) rushed through a new law to regulate the Internet. Law No. 5651, which came into force on November 27, 2007, listed the terms under which access to websites could be blocked by the courts: seven offences in the Turkish Penal Code (ranging from “encouraging suicide” to “facilitating the use of narcotics,” “obscenity” and the “sexual exploitation of children”). According to [turk.intenet.com](#), the Turkish courts forbade access to 153 websites in 2005, 886 in 2006 and 549 in 2007. Access has been forbidden to a further 124 websites under Law No. 5651 since it came into force on November 27, 2007. Most strikingly, since 5 May 2008,



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Turks have been prevented from accessing the video-sharing website YouTube because it contains videos that allegedly insult Ataturk. An analysis by [Eurasia Daily Monitor](#) suggests that “even if the lawyers, academics and Internet professionals meeting in Abant manage to come up with some recommendations to ease restrictions on Turks’ access to the Internet, persuading the judiciary to accept them is likely to be a considerable challenge.”

FREEDOM OF RELIGION AND BELIEF

BELGIUM—LOCAL COURT RULES THAT TURBAN BAN VIOLATES FREEDOM OF RELIGION

The [Hasselt Civil Court](#) overturned a ban on wearing the patka, a Sikh head covering, which had imposed by a state school, KTA Domein Speelhof, on five Sikh schoolboys since 2005. The court said that the ban on the religious head covering was a violation of the Sikh students’ right to manifest their religion under article 9 of the European Convention on Human Rights, of which Belgium is a signatory. In a judgment handed down on 2 July 2008, Judge Madam H. Coenen said that by excluding young people because of their religious beliefs the Domein Speelhof school in St Truiden had violated their right to practice their faith.

FRANCE—LAW BANNING TURBAN IN PUBLIC SCHOOLS CHALLENGED IN ECtHR

[Punjab Newslite](#) reports that United Sikh leaders and lawyers representing the affected men (who were expelled from their high schools) have filed a petition with the European Court of Human Rights (ECtHR) challenging the French law which banned the turban in public schools in 2004. They claim the French legislation undermines the freedom of thought, conscience, and religion. It will be the first case against France since it passed a law in March 2004 banning the wearing of conspicuous religious signs, including the Sikh turban, in public schools.

INDONESIA—DECREE ISSUED ORDERING AHMADIYYA SECT TO STOP SPREADING UN-ISLAMIC IDEAS

Indonesia’s Government has issued a decree severely restricting the activities of the minority Islamic sect [Ahmadiyya](#), according to a news article published by [BBC NEWS](#). The joint ministerial decree warns that the sect members risk five years in jail if they do not stop spreading unorthodox beliefs which are not in accordance with mainstream Islamic law. The decree does not detail the kind of banned activities, but the government officials are reported to have [said](#) that [Ahmadiyya](#) sect can continue in Indonesia and its followers were allowed to worship in their homes and mosques, but they must not preach or try to convert others. The sect does not recognize Muhammad as the last prophet, thus deviates from one of the tenets of Islam.



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ROMANIA—SUPREME COURT ALLOWS RELIGIOUS ICONS IN SCHOOLS

The Supreme Court of Romania has overturned a 2007 appeal court ruling that icons should be removed from schools because they discriminated against atheists and people of other religions, according to a news article posted by [INTERNATIONAL HERALD TRIBUNE](#). The majority population in Romania is Christian Orthodox, and it is very common to see religious icons in homes, buildings, and among personal belongings.

TURKEY—HEADSCARF AVAILABILITY FOR WOMEN ATTENDING UNIVERSITY OVERTURNED

The Turkish military has been quick to endorse the 5 June 2008 ruling of the country's Constitutional Court annulling the attempts by the ruling Justice and Development Party (AKP) to create a legal framework for lifting the ban that currently prevents women wearing headscarves from attending the university. Reports in the [Eurasia Daily Monitor](#) indicate that the Constitutional Court ruled that two constitutional amendments introduced by the AKP were invalid, as they violated the principle of secularism enshrined in the constitution as one of the unchangeable characteristics of the Turkish Republic. On 9 February 2008 the AKP had changed Article 10 of the constitution, which guarantees equality before the law irrespective of language, race, color, sex, political opinion, philosophical belief, religion, or sect, to include a commitment ensuring all citizens equal access to all public services. The government also amended Article 42 on the right to education to include a phrase preventing anyone from being denied access to education except for a reason openly stated in law. For prior coverage, see the [February 2008 issue of IJCSL-N](#).

LEGAL FRAMEWORK

ENGLAND AND WALES--

- **DRAFT GUIDANCE ON NATIONAL HEALTH SERVICE CHARITIES ISSUED**
The [Charity Commission](#) has issued [draft guidance](#) on how the requirements of charity law and National Health Service (NHS) legislation apply to NHS charities. It also sets out the policies and practices adopted by the Commission in response to that legislative framework. Charity Commission is seeking public [consultation](#) on the draft guidance. The consultation period ends 9 September 2008.
- **UPDATED GUIDANCE RELEASED ON TRUSTEE EXPENSES AND PAYMENTS**
In light of the Charities Act 2006 changes that allow charity trustees to be paid for providing goods and services to charities, the Charity Commission has updated its guidance "[Trustee expenses and payments - CC11](#)." The June 2008 version of the guidance replaces the previous version "Payment of Charity Trustees," and provides a general introduction and overview



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and highlights those areas where charities may need further advice. It also includes guidance on areas of good practice.

JORDAN—PARLIAMENT CONSIDERS NEW DRAFT OF NGO LAW

A new draft of an NGO law is currently under consideration in the House of Deputies, after the government withdrew a previous draft earlier this year. According to a [news article](#) published by [HUMAN RIGHTS WATCH](#), the draft NGO law represents a drastic step backwards for the development of independent civil society organizations. The law would give the government power to obtain an NGO's future work plans, require governmental approval for donations to an NGO, and allow the government to shut down an NGO for minor infractions. The law allows the government to appoint a state employee to serve as temporary president of an NGO. Several European Commission- and US-funded human rights NGOs in the kingdom currently are registered as "non-profit companies," under the less stringent Law on Companies. Under the new NGO law, however, such non-profit companies would need to comply with the new NGO laws' provisions within one year, including mandatory Cabinet approval for foreign funding. HRW and other stakeholders have [asked the Prime Minister to withdraw the draft law](#). For [previous coverage](#) see the [ICCSL](#) website.

NORTHERN IRELAND—

- **AMENDMENTS TO CHARITIES BILL PASSED**

The [Northern Ireland Assembly](#) has passed a series of [amendments](#) to the [Northern Ireland Charities Bill](#). According to a [news article](#) published by the [THIRD SECTOR](#), the amendments included the lowering the length of time a religious charity has to be established in the province before it can qualify for "designated" status from 10 to five years. Under the [amended bill](#), the designated charities will be exempt from rules that allow the new Charity Commission to appoint interim managers or remove trustees.

- **CODE OF GOOD GOVERNANCE LAUNCHED**

Voluntary and community organizations in Northern Ireland have developed a [Code of Good Governance](#) to help ensure the sector meets high standards and manage itself better, according to a news item published by [Community NI](#). The Code identifies seven key principles that form the basis of the Code together with the most important supporting principles. It sets out best practice, and is not mandatory. The Code was [launched](#) by the Minister for Social Development, Margaret Ritchie, on 6 June 2008.

UGANDA—NEW RULING REQUIRES ALL NGOS TO REPORT ON ACTIVITIES

At the opening ceremony of the national stakeholders' conference on the draft NGO policy at Hotel Africana in Kampala, the Prime Minister, Apolo Nsibambi, has warned charities inform government of their activities, reported [THE NEW VISION](#). Those who do not disclose their activities to the government and defy the ruling will face disciplinary action.



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UNITED STATES—

- **NEW LAW TO ENCOURAGE PHILANTHROPIC GIVING PASSED IN ALASKA**
Alaska has passed a new law to encourage philanthropic giving among state residents, according to a news article published by [THE CHRONICLE OF PHILANTHROPY](#). Starting next year, Alaskans can elect to donate to charity all or a portion of the annual dividend check they receive from the nearly \$38-billion fund created to share the state's oil wealth.

- **FINAL DECISION RENDERED IN BARNES FOUNDATION CASE**
The [New York Times reports](#) that a judge has rejected a request to hold new hearings on a contentious plan to move the Barnes Foundation's art collection from the suburbs to downtown Philadelphia. The opponents have been trying to persuade the judge, Stanley Ott of Montgomery County Orphans' Court, who has jurisdiction over Dr. Albert Barnes's trust, to reconsider a 2004 decision that permitted the move. Judge Ott ruled that the county and the "Friends of the Barnes" citizens group lacked the legal standing to make such a request. Lawyers representing the opponents asked Judge Ott in March to allow them to present new arguments for keeping the foundation at its current location in Lower Merion Township. The county has decided not to appeal the decision. The Barnes Foundation president, Derek Gillman, said he was pleased with the decision.

- **RANDOLPH-MACON CASE HOLDS CHARITABLE CORPORATIONS NOT TRUSTS UNDER VIRGINIA LAW EVEN THOUGH SUBJECT TO ATTORNEY GENERAL SUPERVISION**
In [Dodge v. Trustees of Randolph-Macon Woman's College](#), the Virginia Supreme Court unanimously ruled that a state statute giving the attorney general the same enforcement rights over charitable corporations as exists over charitable trusts "does not transform every nonstock charitable corporation in Virginia, or that does business in Virginia, into a trust that is subject to the Uniform Trust Code." After an earlier unfavorable Supreme Court decision, the Virginia legislature enacted provisions to extend to corporate charities the trust regime of attorney general oversight and judicial authority in most circumstances. See [Va. Code Ann. § 2.2-507.1](#).

- **CRADLE OF LIBERTY BOY SCOUTS SUES CITY OF PHILADELPHIA OVER REQUEST FOR RENT FOR USE OF CITY PROPERTY**
The Cradle of Liberty Council, Boy Scouts of America has [filed a complaint in Federal Court](#) against the City of Philadelphia to protect the organization's constitutional rights. Because its policies on homosexuality do not align with those of the city (which require nondiscrimination in the use of city property), the Cradle of Liberty Council was asked to vacate its historic headquarters or pay "fair market rent" for use of a facility. The



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Scouts allege that they built, maintained, and improved the facility at no cost to the City of Philadelphia.

- **RACIAL DIVERSITY BILL WITHDRAWN IN CALIFORNIA**
[Assembly Bill 624](#), introduced by a California Legislator, Joe Coto (D-San Jose), was withdrawn by the legislator after 10 of the largest California foundations agreed to a multimillion-dollar, multiyear investment in minority communities, according to a news article published by [THE SACRAMENTO BEE](#). The bill required foundations with assets over \$250 million to disclose the racial and gender composition of their boards of directors and the number of grants awarded to organizations serving ethnic minority communities. The bill was introduced following the release of a study in August 2007, highlighting the failure of California foundations to support minority-led nonprofits. (For [previous coverage](#) of the Diversity bill see [March 2008 issue of IJCSL-Newsletter](#) at [ICCSL](#) web site)
- **MICHIGAN LEGISLATURE PASSES MODEST GOVERNANCE PROVISIONS FOR “CHARITABLE PURPOSE CORPORATIONS”**
New provisions of the [Michigan Nonprofit Corporation Act](#) applicable to “charitable purpose corporations”
 - Prohibit them from providing loans or guarantees to an officer or director, unless he or she also was a client and the loan or guarantee was necessary to carry out the corporation’s charitable purposes;
 - Require a charitable purpose corporation that automatically dissolved because it neglected or failed to file annual reports or pay annual fees to notify the Attorney General of the dissolution within 60 days;
 - Prohibit a charitable purpose corporation that dissolved as described above from disposing of its assets without the Attorney General’s approval; and
 - Require the board of a nonprofit corporation to have at least three members, rather than one or more.Under the [new law as passed by the legislature](#), “charitable purpose corporation” means a nonprofit corporation that is any of the following:
 - Exempt or qualified for exemption under Section 501(c)(3) of the Internal Revenue Code (which provides for tax-exempt, charitable organizations);
 - A corporation whose purposes, structure, or activities are exclusively those that are described in Section 501(c)(3); or
 - A corporation organized or held out to be organized exclusively for one or more charitable purposes.

ZIMBABWE—SUSPENSION ORDER FOR NGOs/PVOs ISSUED BUT OPERATIONAL DIFFICULTIES PERSIST

The Government of Zimbabwe wrote on 13 June 2008 to all NGOs/PVOs to give clarification on the order to suspend the field operations of all NGOs/PVOs. In



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a [press release on its website](#), NANGO, the National Association of NGOs, states that according to the letter of clarification from the Acting Permanent Secretary in the Ministry of Public Service, Labour and Social Welfare, Sidney Mhishi, the suspension of field operations on 7 June 2008 does not imply banning or deregistration of PVOs/NGOs. This latest communiqué from the government appears to contradict the position stated by the Deputy Minister of Information, Bright Matonga, which was carried in the government's official newspaper, The Herald, of 7 June 2008. The statement published there had indicated that government had suspended all licenses of NGOs and would require them to re-apply for re-registration. The [clarification notice](#) indicates that the only issue at stake is PVOs/NGOs engaging in political activities. On the other hand, [The Standard](#) reported on 21 June 2008 that war veterans and Zanu PF youth militia continue to block relief agencies and HIV and Aids service organizations from accessing areas in dire need of aid in rural and peri-urban areas. NANGO's spokesperson Fambai Ngirande said it was still impossible for the organizations to operate. He could not name the organizations for security reasons. One NGO operated in a Harare high-density area, feeding malnourished children but last week it closed shop after threats from youth militia on the rampage in the area. The militias have threatened the workers and are preventing the children from going for food at the centre.

MISCELLANEOUS MATTERS

CHINA—INTIMIDATION OF HUMAN RIGHTS LAWYERS PREVENTS THEIR MEETING WITH U.S. CONGRESSIONAL DELEGATION

At the end of June 2008, several Chinese human rights lawyers, including Li Baiguang, Teng Biao, and Li Heping, were placed under house arrest and prevented from attending a dinner held in their honor by a U.S. Congressional delegation visiting Beijing. The three are winners of the "Democracy Award," an award by the National Endowment for Democracy (NED). A press release on the website of [Chinese Human Rights Defenders](#) reports more details of these developments.

GLOBAL—

- **OPTIONAL PROTOCOL TO ESC COVENANT ADOPTED BY HUMAN RIGHTS COUNCIL**

On 18 June 2008, the [Human Rights Council](#) adopted the Optional Protocol to the [International Covenant on Economic, Social and Cultural Rights](#), which would allow persons to petition an international human rights body about the violation of their rights under the Covenant. The Optional Protocol was annexed to a resolution (A/HRC/8/L.2/Rev.1/Corr.1) that was adopted without a vote on the last day of the eighth session of the Human Rights Council (2-18 June). With its adoption of the Optional Protocol, the Human Rights Council brings to fruition a process set in motion by the 1993 Vienna World Conference on Human Rights prompting the Committee on Economic, Social and Cultural Rights to prepare a first draft optional protocol in 1996 and



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leading to the commencement of intergovernmental negotiations in 2004. In its resolution, the Council recommended that the UN General Assembly adopts and opens for signature, ratification and accession the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, at a signing ceremony in Geneva in March 2009.

- **POSSIBLE SPLIT IN ANGLICAN COMMUNION DISCUSSED OPENLY**

The Anglican Church Communion is facing the possibility of a complete fracture over the question of gay clergy. A report in the [Telegraph](#) states that a conference of conservative churchmen going on in Jerusalem at the end of June resulted in a new church representing almost half of the world's 80 million Anglicans being officially formed, posing a serious challenge to the Archbishop of Canterbury, Dr. Rowan Williams. The organization created by traditionalists - called the Gafcon movement after the Global Anglican Future Conference which led to its creation - will retain ties with Dr. Williams and will technically remain within the global Anglican Communion. Nigerian Archbishop Peter Akinole, the de facto leader of the hard-liners in the Anglican Church, believes that there is already a schism between those who follow traditional interpretations of the Christian scriptures and those who take a more modern, flexible view. At the heart of the trouble is the issue of homosexual clergy. But it is not only questions of sexual morality that divide the two sides. The conservatives take a very different approach to the Holy Scriptures than the liberals. The one side believes in a literal, unchanging interpretation to the holy writings, while the liberals seek a more adaptive approach. There are also differences over how to deal with Islam, with the conservatives taking a more cautious approach toward their fellow monotheistic faith.

KYRGYZSTAN—NEW OMBUDSMAN BEGINS EFFORTS TO DEFEND CITIZENS' RIGHTS AND RESTRUCTURE THE INSTITUTION

The new ombudsman has vowed to transform the office of the ombudsman into an effective mechanism for change. The newly appointed Ombudsman, Tursunbek Akun, is set to bring in reforms including setting up a special public council made up of human rights activists, lawmakers, and government officials, according to a news article published by [RFE/RL](#). The council will monitor human rights in the country and prepare recommendations for Kyrgyz authorities in order to strengthen the authorities' rights record. The reforms also include unifying efforts with human rights defenders and members of civil society as well as parliamentarians, representatives of the Constitutional Court, the Supreme Court, and the government.

UNITED KINGDOM—MINISTRY OF JUSTICE THIRD SECTOR STRATEGY PUBLISHED

On 6 June 2008, the [Ministry of Justice](#) published its [Third Sector Strategy](#), setting out how the Ministry will engage with the third sector to deliver better public services and improve policy through effective partnerships. According to Ministry [press release](#), the '[Third Sector Strategy – Improving policies and securing better public](#)



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[services through effective partnerships](#)' is built around four heads: Enabling voice and campaigning, Strengthening communities, Transforming public services and Encouraging social enterprise.

UNITED NATIONS—DISCUSSION OF RELIGIOUS QUESTIONS BANNED AT HUMAN RIGHTS COUNCIL

Discussion of religious questions is now banned at [UN Human Rights Council](#). According to a [news article](#) published by [INTERNATIONAL HUMANIST AND ETHICAL UNION](#), the UN Human Rights Council is not allowed to judge religions, and criticism of [Sharia](#) law or [fatwas](#) is now forbidden. This ruling follows attempts by the Egyptian and Pakistani delegates at the Council to silence criticism of human rights abuse in the Islamic world.

ANNOUNCEMENTS

GLOBAL—61ST ANNUAL DPI/NGO CONFERENCE TO BE HELD IN SEPTEMBER 2008

The [2008 DPI/NGO Conference](#) will take place from 3-5 September 2008 at the UNESCO Headquarters in Paris, France. The background information on the conference is available on [UN-NGLS](#) web site.

NEW BOOK ON PHILANTHROPY IN EUROPE LAUNCHED

A new book, [Philanthropy in Europe - a rich past, a promising future](#), edited by Norine MacDonald and Luc Tayart de Borms, has been [launched](#). By using a storytelling lens, this book explores how philanthropy has found its place in modern European societies in different ways. The book makes a strong case for facilitating the sector's ability to participate effectively within the Single Market by implementing a European foundation statute. The authors also argue for foundations to become more European and more global, while working in closer partnership. [Philanthropy in Europe](#) was launched at the Council on Foundations meeting in Washington DC on 5 May. The European launch took place at the European Foundation Centre's (EFC) conference in Istanbul on 29 - 31 May.

UNITED STATES—CHARITABLE GIVING HITS RECORD

Americans gave a record amount to charity in 2007, topping \$300 billion for the first time, reports [THE WALL STREET JOURNAL](#). According to the closely watched annual report from the Giving USA Foundation, last year's estimated \$306.39 billion in donations is up about 88% from a decade earlier, when giving totaled around \$163 billion. After adjusting for inflation, donations in 2007 rose only 1 percent from the roughly \$295 billion donated in 2006. In 2007's pool of charitable contributions, religious congregations received \$102.32 billion, an increase of 4.7% and about a third of all donations. Giving to educational organizations rose 6.4 % to \$43.32 billion. Human-services charities garnered \$29.64 billion in gifts, a rise of 8.4%. Health organizations received \$23.15 billion, a 5.4% increase. Arts, culture and humanities organizations received \$13.67 billion, a 7.8% increase. International



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affairs organizations, which include disaster-relief groups, reaped \$13.22 billion in donations, a 16% jump from a year earlier. Giving to private foundations, however, fell 9.4% to \$27.73 billion. Giving by individuals accounted for about 75% of the 2007 donation total. Foundation grants made up 12.6% of the total, contributing a record \$38.52 billion. Rounding out the types of donors, bequests and corporate donations both rose, though corporate giving fell slightly when adjusted for inflation.

RESOURCES

ENGLAND AND WALES—LOCAL GOVERNMENT CHARITY TOOLKIT LAUNCHED

In collaboration with the Local Government Association, national voluntary and other community organizations, the [Charity Commission](#) has developed “[Local Government Charity Toolkit](#)” - an online reference manual to help local authorities work with charities. The toolkit explains the legal and fiscal framework within which charities must operate. It highlights the legal, financial and governance issues that arise from the relationship between local government and charities that hinder an effective partnership. The toolkit offers a range of tips on how to avoid these pitfalls.

GLOBAL—WAN REPORT SAYS PRESS FREEDOM UNDER THREAT

The World Association of Newspapers has [released](#) its [half-year review of press freedom](#). The report painted a grim picture of attacks, imprisonment and murder facing journalists in many countries. The report covers the period from November 2007 – June 2008.

MEXICO—NEW BOOK ON MASS MEDIA REFORMS PUBLISHED

The [Plural Group](#) of the Mexican Senate has published the book entitled “Progress and Contributions for Legislative Reform of Telecommunications and Broadcasting.” The book raises several issues related to the debate on mass media in Mexico, reports [PROCESO](#). Comprised of a group of senators — including committee chairmen of Radio, Film and Television; Communications and Transportation; and Legislative Studies — the [group](#) aims to revise legislation on media matters.

NEW BOOK: CIVIL SOCIETY AND THE WAR ON TERROR

A latest book entitled, “[Civil Society and the War on Terror](#)” authored by Kasturi Sen with Tim Morris has been published by [International NGO Training and Research Centre](#) (INTRAC). The book tackles the implications for civil society of counter-terrorism measures arising out of the war on terror. This book draws on the findings from [INTRAC](#)'s workshops with civil society groups in five regions of the world. It highlights how counter-terrorism measures have undermined ordinary peoples' livelihoods and, using examples from participants, also shows how pressure is being placed upon civil society in the name of northern security concerns. A veritable industry has been created which is being used mainly to oppress and silence dissent.



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UNITED STATES—DISASTER RELIEF RESOURCES FOR CHARITIES AND CONTRIBUTORS

The latest [information and published guidance](#) for those interested in providing assistance to disaster victims through charitable organizations, is now available on [Internal Revenue Service](#) (IRS) web site. This information and guidance provides a number of resources to help them accomplish this goal.

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