



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

## ANTI-TERRORISM LEGISLATION

### **AFGHANISTAN—NEW ANTI-TERRORISM LEGISLATION ENACTED**

A new anti-terrorism law in Afghanistan has been enacted bringing the country in line with international conventions, according to a news article published by [UN NEWS CENTRE](#). The new “Combat against Terrorism Offences” legislation ensures the human rights of suspects and accused. It requires that all protections in the country’s Constitution and criminal procedure laws apply in terrorism cases. The new regulations also increase the protection of prisoners and detainees across the country and support proper management of prisons. [United Nations Office on Drugs and Crime](#) (UNODC) has worked closely with the legislation department of the Afghan Ministry of Justice and has provided technical advice on the newly enacted legislation.

### **CANADA—ACCUSED CONVICTED UNDER CANADIAN ANTI-TERROR LAWS**

In the major first conviction under Canada's new anti-terrorism rules, Ontario Superior Court Judge, John Sproat, finds the accused guilty of participating in the activities of a terrorist group, reports [TORONTO STAR](#). The accused, who was a legal minor at the time of his arrest, is among a group of 18 people arrested on suspicion of planning a series of terrorist attacks across Canada. Seven of those arrested have since had their charges either withdrawn or stayed, while 10 adults are yet to face trial. The legal minor was the first to go before a court.

### **CHINA—ISRALI VICTIMS OF TERRORISM SUE THE BANK OF CHINA IN U.S.**

More than 100 victims of terrorism in Israel filed a lawsuit in Los Angeles Superior Court against one of China's largest bank, according to a news article posted by [CNEWS](#). The lawsuit claims that [Bank of China](#) transferred millions of dollars to terrorist groups. The lawsuit alleges that the money transferred by the bank helped finance terrorists' attacks between 2004 and 2007. Bank of China (BOC) has [denied](#) the accusations. China's first anti-money laundering law took effect in 2007 and requires banks and other companies to keep a database of clients' background information and to report large and suspicious transactions.

### **EGYPT—ANTI-TERRORISM LAW POSTPONED**

New draft anti-terrorism law will be further scrutinized and revised before being presented to the Shoura Council and the People’s Assembly (PA), reports [DAILY NEWS EGYPT](#). The new anti-terrorism law is part of the constitutional amendments approved in a national referendum in March 2007.

### **GLOBAL—YOUTUBE BANS FOOTAGE THAT ADVERTISES TERRORISM OR EXTREMIST CAUSES**

Under revised new guidelines, footage that advertises terrorism or extremist causes, such as terrorist training videos will be banned on [YouTube](#). According to a news article published by [USA TODAY](#), the new [YouTube](#) community guidelines include



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

bans on: videos that incite others to commit violent acts, videos on how to make bombs, and footage of sniper attacks.

## **SAUDI ARABIA—GOVERNMENT PLANS TO ESTABLISH SPECIAL ANTI-TERRORISM COURTS**

Saudi government has vowed to establish special courts to prosecute terror suspects. According to [ARAB REFORM BULLETIN](#), the proposed courts will be housed in specially built high security facilities in Riyadh, Jeddah, and Dammam. The trials will first start in Riyadh. The High Court will select the judges of the new courts from the regular pool of judges. Ministry of Interior will provide them with special training to effectively deal, confront, and de-legitimize violent and radical ideology. The new establishment will be a three-tier court with a well-rounded appeal system. Currently, individuals charged with security offenses appear before the Riyadh judiciary in regular civil and criminal cases. There is no system to organize the cases by offense, nor are special security provisions made for the appearance of terrorism-related defendants in a civilian court, with the exception of Saudi returnees from U.S. detention at Guantanamo Bay.

## **UNITED STATES—WAR ON TERROR HAMPERS CHARITABLE ACTIVITIES**

[Fact sheets](#) released by the Global Nonprofit Information Network (GNIN) documents how the war on terror hampers charitable activities. According to GNIN [press release](#), current counterterrorism measures rely on ineffective and burdensome due diligence measures that provide no protection against legal sanction and unpredictably result in penalties that are disproportionately harsh. GNIN concludes that, "a better federal counterterrorism strategy would improve charities' effectiveness and keep America safer.

## **CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION**

### **CANADA—**

- **FIRST EVER COMMUNITY COURT OPENED IN VANCOUVER**

Canada's first ever [Community Court](#) was [opened](#) in Vancouver, B.C.'s, Downtown Eastside on 6 September 2008. According to a news article published by [CTV](#), the community court – first of its kind in Canada is aimed to bring together a host of integrated services to help offenders break free from the cycle of crime, homelessness, addictions, and mental illness. The way [Community Court](#) hopes to achieve this goal is to focus on integrated case management. Social housing and addictions counselors in the court beside lawyers and sheriffs, with the public welcome to participate in what is hoped will be the speedy rehabilitation of repeat offenders.

- **FOI LAW FAILS TO MEET INTERNATIONAL STANDARDS, SAYS A NEW REPORT**



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

Canada lags behind many other countries on the openness scale and fails to meet the international standards for freedom of information laws on 12 key points, says a new report on access laws around the world. According to a news article published by [THE CANADIAN PRESS](#), the 383-page document entitled "[Fallen Behind: Canada's Access to Information Act in the World Context](#)," observes that Canada also fails to conform to many central FOI recommendations from global political organizations, such as the Commonwealth Secretariat, the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE), and the United Nations Development Agency (UNDP).

## **CHILE—FREEDOM OF INFORMATION LAW PROMULGATED**

Chile's President, Michelle Bachelet, signed the FOI law entitled "Ley sobre Transparencia de la Función Pública y Acceso a la Información de los Órganos de la Administración del Estado" (Law on Transparency of Public Functions and Access to Information of the Agencies of State) on 11 August 2008. According to [FREEDOMINFO.ORG](#) press release, the new law gives government agencies 20 days to respond to petitions for information; all state agencies are obligated to provide, through their website, up-to-date information regarding their structure, personnel, salaries, contracts signed with other institutions, transfer of funds, and the results of any internal audits conducted. One of the important features of the law is the establishment of a four member Council for Transparency (Consejo para la Transparencia) to supervise the implementation of the law, and defend the right of access to public information. President Bachelet now has 60 days to name the four members of the Council.

## **EUROPE—WEBTV FOR THE EUROPEAN PARLIAMENT LAUNCHED**

The [European Parliament](#) has launched a new Web-based TV channel available in more than 20 languages, according to a news article published by [BROAD BAND TV NEWS](#). The [EuroparlTV](#) channel is an Internet tool to enable democratic participation by every citizen and to keep them informed about the activities and decisions of the European Parliament -- decisions which impact the every day lives of almost 500 million European Union citizens.

## **GLOBAL—INTERNATIONAL RIGHT TO KNOW DAY CELEBRATED**

International Right-to-Know Day was celebrated on Sept. 28. It marks a new watershed in the global reach of freedom of information laws - now on the books in more than 80 countries - and features celebrations in countries ranging from Mexico to Moldova, according to postings today on the [www.freedominfo.org](#) virtual network of international openness advocates. Some 86 countries and autonomous jurisdictions now have enacted some form of a freedom of information law guaranteeing the right of access to government-held information, according to a new survey compiled by Dutch journalist Roger Vleugels for International Right-to-Know Day. See <http://www.freedominfo.org>.

## **GUATEMALA—NEW FOI LAW APPROVED**



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

A new law for Free Access to Information has been approved. According to a news article published by [INSIDE COSTA RICA](#), the law makes state institutions answerable for their performance and requires that they report on the use of public funds. The legislation, which was pending in the Parliament for 10 years, establishes administrative and penal sanctions for those who refuse to give information.

## **JORDAN—CAMPAIGN TO RAISE AWARENESS ABOUT ACCESS TO INFORMATION LAW LAUNCHED**

The Council of Information of Jordan has launched a nation-wide campaign to raise awareness about the Access to Information Law, reports [THE NATIONAL](#). The Law, was announced in June 2007, and seeks to provide rights to access unclassified government data. The law has yet to come into effect. Currently, the Press and Publication Law bans journalists from publishing any material contradictory to Jordan's principles of freedom and national responsibility or the values of the Arab and Islamic nation. Although there is no clear definition for these, journalists are also banned from defaming religions and inciting sectarian strife and racism.

## **MALTA—PARLIAMENT SELECT COMMITTEE INVITES CIVIL SOCIETY TO A SERIES OF PUBLIC HEARINGS**

The select committee of the House of Representatives, which was appointed to discuss issues of national importance, has invited members of civil society to a series of public hearings. The public hearings will be grouped according to a number of issues including strengthening of transparency and accountability through the Commission against Corruption, the Office of the Ombudsman, and state funding of political parties. For more information on public hearings, click [here](#).

## **MAURITANIA—TROOPS CONTROL AND CENSOR MEDIA**

After the troops in Mauritania overthrew the country's first freely-elected leader, the ruling junta is censoring the media and stage-managing public rallies, reports [REUTERS](#). The grip on media is aimed at increasing visible support for the military takeover.

## **MEXICO— RESOURCES ON MEXICAN CONSTITUTIONAL REFORM ON ACCESS TO INFORMATION**

To commemorate International Right to Know Day and Mexico Abierto Week, the National Security Archive's Mexico Project publishes this week on its Transparency Web Site new English-text resources on Mexico's latest developments in the area of access to information, especially those related to the new constitutional reform of Article 6. In March 2007, a comprehensive reform of Article 6 of the Mexican Constitution was passed in the federal Congress, and within three months it was approved by a majority of state legislatures, signaling a major victory for the right to know movement in Mexico. This reform is, without a doubt, the most important development related to freedom of information in Mexico in the last three years. It establishes principles of transparency and provides minimum standards for access to public information at the federal, state, and municipal level. Article 6 explicitly addresses and settles issues that had become controversial during the first five years



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

of the federal FOI law in action. These issues include, for example, the principle of maximum disclosure, protection of personal information, and improved access to administrative archives. See <http://www.nsarchive.org/mexico>.

## **NIGERIA—GOVERNMENTS AT ALL LEVELS ASKED TO INSTITUTE PARTICIPATORY BUDGETING**

Governments at all levels in Nigeria have been called upon to institutionalise and streamline the budgeting process to allow for input from constituents and the civil society. Also, every State Government was enjoined to set up effective Budget Monitoring offices, with opportunities for the participation of independent Civil Society Organisations (CSOs) in the process. These calls, among others, formed part of resolutions contained in a communiqué issued at the end of a workshop on 'Bridging the Gaps among Stakeholders towards a Responsive Pro-Poor Budgeting', held recently in Uyo, Akwa Ibom State. The two-day interactive dialogue was organised by the National Democratic Institute (NDI) and the Niger Delta Budget Monitoring Group (NDEBUMOG), headed by Mr. George-Hill Anthony; with support from the United Kingdom's Department for International Development (DfID). See <http://allafrica.com/stories/printable/200809030301.html>

## **UNITED KINGDOM—NEW RESEARCH ON INFLUENCE ON THE LEGISLATIVE PROCESS PUBLISHED**

The parliamentary democracy organization, [Hansard Society](#), recently published a report entitled "[Law in the Making: Influence and Change in the Legislative Process](#)" analyzing the influences and elements that come together in making an act of Parliament, including the role of the media, voluntary organizations, professional associations, and other outside factors. [The report found](#) that input from groups and individuals outside Parliament can have an impact on the final bill.

## **UNITED STATES—**

- **NEW YORK ENACTS LAW REQUIRING AGENCY/GOV'T PAY ATTORNEY FEES TO A LITIGANT WHO SUCCESSFULLY SUES FOR VIOLATION OF OPEN MEETING LAW**

Governor David Paterson signed into law a bill that makes government agencies pay for legal costs if a person has to sue to get records or to get access to public meetings, reports [ITHACA JOURNAL](#). Under the [changes](#) signed to the [Open Meetings Law](#), when it is found by a court that a public body voted in private "in material violation" of the law "or that substantial deliberations occurred in private" that should have occurred in public, the court "shall award costs and reasonable attorney's fees" to the person or entity that initiated the lawsuit.

- **CHANGES TO THE NEW YORK FOI LAW SIGNED**

Governor David Paterson has signed the [changes to the Freedom of Information law](#) allowing government agencies to charge for an employee's



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

time when they fill citizens' requests for electronic records, provided they need to spend more than two hours filling the request, reports [THE RECORD](#). Previously, governments only were allowed to charge for the actual cost of materials used when the request was filled. The changes also include limits on fees that can be charged individuals for electronic records, for voluminous records and for new records created from electronic information systems.

## **VENEZUELA—DEANS OF LAW REJECT PRESIDENTIAL DIRECTIVES ADOPTED WITHOUT CITIZEN PARTICIPATION**

Law Deans from a group of Venezuelan private universities rejected a package of statutory laws enacted by Venezuelan President, Hugo Chávez. According to a news article published by [ELUNIVERSAL](#), the Deans alleged that the laws are contrary to the right of citizen participation; highly intervening of the government in economic affairs; breaks down the constitutional principle of decentralization, the modification of the constitutional concept of the Venezuelan Armed Forces and constitute a serious threat to some fundamental rights.

## **FISCAL MATTERS**

### **EUROPE—THE EUROPEAN COURT OF JUSTICE ANNULS THE COUNCIL REGULATION FREEZING MR. KADI AND SWEDEN-BASED CHARITY FUNDS**

According to a news article published by [AP](#), the European Court of Justice in [Yassin Abdullah Kadi and Al Barakaat International Foundation v Council and Commission](#) has [overturned](#) a 2001 ruling by the European Union that froze the assets of a Saudi businessman, Yassin al-Kadi, and a Sweden-based charity - Al Barakaat International Foundation, part of the 'Hawala' banking system used by the Somali Diaspora to transfer funds internationally.

### **UNITED KINGDOM—**

- **REVISED GUIDANCE ON VAT TREATMENT OF CHARITY CHALLENGE EVENTS PUBLISHED**

According to Revenue & Customs [Brief 36/08 of August 2008](#), HMRC has recently published revised guidance on the VAT treatment of Charity Challenge Events. These are events used by charities to raise funds through sponsorship of the individuals that take part, such as running, walking, or cycling events. The revised guidance follows HMRC's consultation with the sector, and it aims to make it easier for charities to determine the correct VAT liability of these events. The updated guidance took effect on 31 July 2008. However, where a contract for an event was signed or negotiation with suppliers started or the event was publicized prior to the publication of the new guidance, charities can account for VAT using their previous procedures.



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

- **CHARITY WIN BOOSTS CASH FLOW OPPORTUNITIES FOR REFURBISHMENTS**

According to a news article published by [CHARITIES AID FOUNDATION](#) (CAF), VAT and Duties Tribunal London ruled that charities should be able to make use of VAT saving schemes when renovating property. Under the decision handed down in [Whitechapel Art Gallery v. Revenue & Customs](#), the Whitechapel Art Gallery will be able to spread the payment of the VAT liability on its £10 million regeneration project over ten years. Before now, HM Revenue & Customs has judged that such schemes are only available to charities purchasing or building new premises or buildings.

- **CHANGES TO FINANCIAL THRESHOLDS FOR CHARITIES PUBLISHED**

According to Cabinet Office [press release](#), the government has published its response to the consultation 'Financial Thresholds in the Charities Acts - Proposals for Change.' Key threshold changes include: An increase in the threshold above which charities must prepare accruals accounts from £100,000 to £250,000; an increase in the threshold above which accounts must undergo external scrutiny from £10,000 to £25,000; and an increase in the threshold from £10,000 to £25,000 for charities to submit annual accounts and the Trustees Annual Report (TAR) to the Charity Commission. The recommendations will be introduced in secondary legislation by the end of the 2008/09 financial year.

- **NEW REPORT IDENTIFIES MONITORING AND REPORTING BURDENS ON CHARITIES**

A new report identifying unnecessary burdens in monitoring and reporting requirements has been published by [New Philanthropy Capital](#) (NPC). According to NPC [press release](#), the report entitled "[Turning the Tables: Putting Charities in Control of Reporting](#)," argues that while it is essential for charities to demonstrate their effectiveness to funders through reporting, the current system often leads to duplication and unnecessary burdens that benefit neither the charity nor their funders. The report recommends charities streamline their reporting procedures to reduce duplication and free up money for improving their services.

## UNITED STATES—

- **PROPOSED REGULATIONS PROVIDING GUIDANCE ON SUBSTANTIATION AND REPORTING REQUIREMENTS FOR CASH AND NON-CASH CHARITABLE CONTRIBUTIONS PUBLISHED**

On 7 August 2008, the [Internal Revenue Service](#) (IRS) issued [proposed regulations](#) concerning substantiation and reporting requirements for cash and non-cash charitable contributions under section 170 of the Internal Revenue Code (Code). The regulations reflect the enactment of provisions of the American Jobs Creation Act of 2004 and the Pension Protection Act of 2006.



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

The regulations provide guidance to individuals, partnerships, and corporations that make charitable contributions, and will affect any donor claiming a deduction for a charitable contribution after the date these regulations are published as final regulations in the Federal Register. The IRS is accepting comments to the proposed rules through 5 November 2008.

- **PRIORITY GUIDANCE PLAN CONTAINS ITEMS OF INTEREST TO TAX-EXEMPT ORGANIZATIONS**

Treasury Department's Office of Tax Policy and IRS have issued the [Priority Guidance Plan for 2008-2009](#) containing number of items of interest to tax-exempt organizations, according to IRS [press release](#). Each year, the two departments identify and prioritize the tax issues that should be addressed in the coming year through regulations and other published guidance.

- **TEMPORARY INCOME TAX REGULATIONS FOR PUBLIC SUPPORTED CHARITIES**

On 9 September 2008, the [Internal Revenue Service](#) (IRS) published [temporary Income Tax Regulations](#) eliminating the advance ruling process for a 501(c)(3) organization's status as a public or private foundation, according to an IRS [press release](#). Under the new regulations, the IRS will automatically classify a new section 501(c)(3) organization as a public charity for its first five years if it can show in its application that it can reasonably be expected to be [publicly supported](#). After the first five years, the IRS will monitor the organization's public charity status using the [public support information](#) that the charity reports annually.

## **ZIMBABWE—BAN ON AID AGENCIES LIFTED, HARSH RESTRICTIONS IMPOSED**

The government has introduced [new reporting mechanisms](#) for private voluntary organizations and NGOs, after it [lifted ban on aid agencies](#), reports [CNN](#). According to [AFP](#), the new reporting mechanisms require humanitarian agencies to provide details of their programs, field operations, and funding. The ban on NGOs operating in areas such as transitional justice, human rights, governance and democracy [remains in force](#).

## **FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY**

### **CANADA—SUPREME COURT AGREES TO HEAR CASES OF EMPLOYEES WHO LOST JOBS DUE TO WAL-MART STORE CLOSURE**

The Supreme Court of Canada has agreed to hear the cases by two ex-employees who say Wal-Mart violated the Quebec Labour Code and their right to freedom of association, according to a news article published by [The National Union of Public and General Employees](#) (NUPGE). In 2005, the company closed a store in Jonquiere, Quebec, after workers voted to unionize and were certified by Quebec's labor board. According to the Code, Quebec businesses can't fire employees for joining a union,



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

unless it can show that it has "good and sufficient reason." The closure drew continent-wide attention because Wal-Mart is the world's largest retailer and the Jonquiere outlet was one of the first in North America to be organized. Wal-Mart, with more than two million employees worldwide, has been fighting unionization in various Canadian courts in recent years, but this marks the first time the Supreme Court of Canada has agreed to tackle the issue.

## **CHINA—SENTENCE PUNISHING PETITIONERS UNDER RTL RESCINDED**

On August 29, the Beijing Municipal Reeducation-Through-Labor Decision Committee rescinded its decision to sentence two elderly women to a year of Reeducation-Through-Labor (RTL), according to [Human Rights in China](#) press release. Petitioners Wu Dianyuan and Wang Xiuying (ages 79 and 77, respectively) were ordered to serve a one-year term of Reeducation-Through-Labor (RTL) after repeatedly applying for permits to hold demonstrations in the Beijing "protest zones" during the Olympics. Wu and Wang have both been actively petitioning the government since they were forcibly evicted from their homes in Beijing in 2001. RTL is a system of extra-judicial detention and punishment administratively imposed on those who are deemed to have committed minor offenses. It effectively provides the Chinese authorities with a tool to deprive people of their liberty without giving them access to legal counsel or trial.

## **ITALY—ANTI-GATHERING LAW ENACTED IN CITY OF NOVARA**

An anti-gathering law has been enacted in the northern Italian city of [Novara](#), according to a news article published by [TELEGRAPH](#). The proclamation bans gathering of more than three people in parks and public gardens. Anyone caught in a group of three or more will face a fine of 500 euro (USD 710).

## **KYRGYZSTAN—ASSEMBLY LAW AMENDED**

On 6 August 2008, President Kurmanbek Bakiyev signed the law of [amendments to Kyrgyzstan's freedom-of-assembly law](#). According to [OSCE press release](#), [ODIHR](#) and the [Venice Commission](#) highlighted concerns relating to the blanket restrictions on the place and time of assemblies. They also noted that the amended law does not provide for a genuine notification procedure, as there is no specific provision allowing an assembly to proceed if the authorities fail to present timely and well-founded objections. In addition, the amendments do not provide for spontaneous assemblies.

## **PERU—STATE OF EMERGENCY DECLARED**

President Alan Garcia issued a Presidential decree declaring a 30-day state of emergency in the northern region of the country on 18 August 2008 suspending constitutional rights such as the freedom of assembly (public gatherings) and movement. According to a news article published by [PERUVIAN TIMES](#), the decree authorizes Peru National Police to arrest people and carry out raids without a warrant. The decree followed large protests held by indigenous groups who oppose a new law reducing the majority by which a tribe must agree to sell communal land to oil and natural gas companies.



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

## **TAIWAN—LAW BANNING CIVIC ORGANIZATIONS ADVOCATING COMMUNISM REVOKED; COMMUNIST PARTY REGISTERED**

The Ministry of the Interior has accepted the registration of the Taiwanese Communist Party as the nation's 141st political party following the revocation in June of a legal clause that had banned civic organizations advocating communism, reports [TAIPEI TIMES](#). The ministry had previously turned down requests by the group to register as a political party under Article 2 of the Civil Organizations Act which bars the civic groups from advocating communism or territorial separatism.

## **THAILAND—ASSEMBLY OF MORE THAN FIVE PEOPLE BANNED IN BANGKOK**

The government has declared a state of emergency in Bangkok, according to a news article published by [THAILAND TONIGHT](#). Under the decree, gathering of more than five people is banned. The emergency decree gives the army chief, General Anupong Paojinda, power to break up any gathering and to force people to leave any location.

## **FREEDOM OF EXPRESSION**

### **AUSTRALIA—ALRC RECOMMENDATION OPENS MEDIA TO LITIGATION**

On 11 August, the Australian Law Reform Commission [launched](#) a lengthy report entitled “[For Your Information: Australian Privacy Law and Practice](#)” that included 295 recommendations on reforming Australia's privacy laws, reports [THE CANBERRA TIMES](#). The report recommends new legislation to establish a statutory cause of action for serious invasions of privacy giving courts the power to decide whether the right to privacy outweighed the disclosure of matters of public interest and freedom of speech. [Under the ALRC proposals](#), the sole defense that is relevant to the media extends protection to the material that is privileged under the law of defamation. The defense covering fair comment and material that is in the public interest will not be available. Media stakeholders have strongly opposed the recommendation claiming it would seriously undermine freedom of expression and quash investigative journalism.

### **BELARUS—RESTRICTIVE MEDIA LAW SIGNED**

President, Alexander Lukashenko, signed a restrictive new media law, reports [CPJ press release](#). The media organizations and other stakeholders have criticized the new legislation and allege that [the law will restrict press freedom](#) even more by imposing new regulations on online media, restricting foreign investment in the Belarusian press, and making it easier for the authorities to shut down media.

### **BAHRAIN—BLOGGERS SIGN CODE OF ETHICS**

On 31 August 2008, the bloggers, webmasters, and online journalists signed a code of ethics promoting tolerance and unity for electronic media, according to a news article published by [GULF DAILY NEWS](#). The code, which is the first in the Gulf, outlines guidelines and principles that promote national unity and shuns entries that incite sectarianism and sedition.



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

## **BOTSWANA—MEDIA INDUSTRY OBJECTS TO MEDIA PRACTITIONERS BILL 2008**

Media stakeholders in Botswana have raised serious objections against the Media Practitioners Bill expected to be presented to the Parliament soon. According to a news article posted by [ALL AFRICA](#), the bill proposes the establishment of a Press Council and requires media practitioners to register and be accredited. The proposed legislation is alleged to give sweeping powers to politicians, who will have the right to appoint and fire the members of the complaints committee without consulting the public and media practitioners.

## **CHINA—HUMAN RIGHTS DEFENDERS ORGANIZATION PUBLISHES GUIDE TO INTERNET CENSORSHIP AND MONITORING OF ELECTRONIC COMMUNICATIONS**

Chinese Human Rights Defenders' (CHRD's) [Alternative Guide to the Olympics \(Part II\)](#) provides a short overview of the ways in which the Chinese government censors the internet and monitors telecommunications. CHRD's investigations have revealed the government's use of a skillful mix of sophisticated technologies, tens of thousands of cyber-police, and a complex administrative management system to censor expression and control information on the Internet and telecommunication networks. The Guide is intended to alert foreign journalists and others about the tactics used.

## **GLOBAL—NONPROFIT CHANNEL ON YOUTUBE LAUNCHED**

With a designated "[Nonprofit channel on YouTube](#)", organizations can now deliver their message to the world's largest online video community. The Non-profit program is currently only available in the United States and the United Kingdom. Organizations applying for the Nonprofit Program must meet certain criteria based on whether it is [US based](#) or [UK based](#) organization.

## **IRAQ—NEW MEDIA LAW PASSED IN KURDISH REGION**

Iraq's largely autonomous Kurdish region has passed a revised media law aimed at protecting journalists' rights, according to a news article posted by [THE PENINSULA ON-LINE](#). The new law abolishes jail terms for offences such as defamation, and reduces fines that can be levied on journalists.

## **JORDAN—LAWYERS CONSIDER BRINGING LAWSUIT AGAINST DANISH CARTOONIST**

Danish cartoonist, Kurt Westergaard, may face a lawsuit by a group of French lawyers. According to a news article published by [JORDAN TIMES](#), French lawyers have expressed their support for "Messenger of Allah Unites Us" campaign and its lawsuit against Westergaard, who drew inflammatory caricatures seen as insulting to the Prophet Mohammad. Westergaard was subpoenaed by the Amman prosecutor general in early June along with several Danish journalists and editors involved in the republication of the caricatures, which spurred worldwide protests among Muslims.

## **KUWAIT—**

- **MEDIA CITY PLANNED**



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

Kuwait is planning to develop a media city as part of its five-year 50-billion Kuwaiti dinars (\$186.6 billion) overall development plan, reports [NDTV](#). Kuwait's Minister for Information, Sheikh Sabah Al-Khalid Al-Sabah, is reported to have said that all cultural, media, and information venues will interact and be located in the media city to better represent and serve the state's advancement and accomplishments. The state owns 95 percent of the land property on which the city is planned.

- **NEW LAW TO STIFLE FREEDOM**

The authorities in Kuwait will soon finalize a proposed "Internet Crime and Data Information law," according to [IFEX press release](#). The government claims the law is intended to combat the increasing electronic crimes associated with the ever-improving electronic technology. Bloggers and the online media community, however, allege that the new Internet law aims to stifle freedom online and has already succeeded in creating self-censorship in the blogging community.

## **LATIN AMERICA—GOVERNMENT INTERFERENCE WITH PRESS FREEDOM IS EXCESSIVE ACCORDING TO LATEST REPORT**

Rampant government interference with press freedom threatens editorial independence and access to unbiased news in seven Latin American countries, according to a groundbreaking new report, [The Price of Silence: The Growing Threat of Soft Censorship in Latin America](#). The study catalogues abuses in Argentina, Chile, Colombia, Costa Rica, Honduras, Peru, and Uruguay, including the widespread use of public funds to reward or punish news coverage. The [press release](#) accompanying the report includes this quote from Darian Pavli, one of the report's authors and an attorney with the Open Society Justice Initiative: "Millions of dollars are tossed around by government officials trying to buy favorable coverage—a situation made worse by low salaries and lack of job security for many journalists." Co-authored by the Open Society Justice Initiative and the *Asociación por los Derechos Civiles* (Association for Civil Rights), the report found that authorities in Latin America have long used violence, legal harassment, and intimidation to silence outspoken journalists. The report also uncovers a less obvious but growing trend of officials using financial incentives and regulatory powers to control the press.

## **MONTENEGRO—COMMENT ON PROPOSED AMENDMENTS TO THE LAW ON PUBLIC SERVICE BROADCASTING PUBLISHED**

Article 19 has released its [analysis](#) of the proposed amendments to the Law on Public Service Broadcasting of Montenegro. According to the analysis, the draft Law is a progressive piece of legislation in line with international standards. Article 19, however, expressed concerns on appointments to the Radio and Television of Montenegro (RTCG) Council. The analysis also found rules on financing unduly complex and inefficient, and recommends that certain parts of the law need further elaboration.



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

## **SINGAPORE—GOVERNMENT VOWS TO LIFT BAN ON POLITICAL FILMS AND DOCUMENTARIES**

Singapore will ease restrictions that ban films promoting a political party, agenda, or a politician, according to a news article published by [REUTERS](#). To ease the restrictions, the government will amend the Films Act next year, allowing films that are factual documentaries or recordings of live events that were “held in accordance with the law.” However, political commercials and films that are dramatized and made to distort issues or create a slanted impression will not be allowed. The ban came into effect in 1998.

## **SOUTH KOREA—LAWS GET TOUGHER FOR INTERNET USERS**

The Korean Communication Commission (KCC), the country's telecommunication and broadcasting regulator has pushed a draft law imposing strict identification policies for Internet users. The draft policy has sparked widespread protests from the public and media. According to a news article published by [KOREA TIMES](#), the revised bill requires Internet sites with more than 100,000 daily visitors to verify the users' identity. The designated sites require subscribers to submit their private information such as I-PIN, an alternative identification system for online users, and also reveal their real name or register nicknames when they post comments. The draft bill requires the internet portals to suspend the publishing of articles deemed fraudulent or slanderous for a minimum of 30 days while a media arbitration body rules on the legitimacy of the complaints. Critics argue that the revised law is a serious threat to the freedom of speech on the Internet and has significant potential to censorship even legitimate speech on the internet.

## **TURKEY—PROF. RICHARD DAWKINS' INTERNET SITE BANNED**

According to a news article published by the [GUARDIAN](#), a Turkish court has banned the access to world famous evolutionist [Prof. Richard Dawkins'](#) Internet site [richarddawkins.net](#). The court ruled upon a complaint by a creationist, [Adnan Oktar](#) (who writes under the pen name of Harun Yahya), on the grounds that the site contained insulting remarks about Oktar's book “[Atlas of Creation.](#)” [Creationism](#) is the religious belief that the universe (including humanity) were created in their original form by a deity (often the Abrahamic God of Judaism, Christianity and Islam) or deities.

## **UNITED STATES—**

- **DEPT VETERANS AFFAIRS BAN ON VOTER REGISTRATION DRIVES UPHELD; CRITICIZED BY STATE GOVERNMENT OFFICIALS**

The U.S. Court of Appeals for the 9<sup>th</sup> Circuit upheld the Dept of Veterans Affairs (VA) ban on voter registration drives in VA facilities, agreeing that such drives would be disruptive of the delivery of health services.

In [Preminger v. Peake](#), the court reasoned that the plaintiffs had failed to demonstrate that the application of the VA's regulation disallowing such drives at VA facilities violated free speech rights protected by the First



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

Amendment. The VA's position was "viewpoint neutral," and it was permissible because of the disruption of the health services provided by the VA facility. The VA in June issued new guidelines under the Regulation, including [Directive 2008-025](#), which bars all voter registration drives at VA facilities. This has been criticized by, among others, [Susan Bysiewicz, the Secretary of State for Connecticut](#).

- **UMBC ACCUSED OF VIOLATING FIRST AMENDMENT**

[University of Maryland, Baltimore County](#) (UMBC) is embroiled in a First Amendment case that could have implications across college campuses and beyond them, according to a news article published by the [EXAMINER](#). The case is filed by anti-abortion students who had reserved space for the student group Rock for Life to set up a display in April 2007 called the Genocide Awareness Project in a well-traveled area in front of the University Center. The university officials pressured them multiple times to move their posters of bloody fetuses and told the students to move to a patio area, then to a field, where, the students alleged, few people could see their signs. The students filed a lawsuit in U.S. District Court in Baltimore City, alleging that the University moved them because of the content of their display. If the students prove this, they can successfully argue that the University's interference with their freedom of speech was not content-neutral. If the University wins, that could mean more restrictive free speech policies across college campuses and perhaps beyond them. Subsequent to the filing of the lawsuit, the University, however, has changed its free speech policy to make it less restrictive, removing parts of a speech code that "protected emotional safety" and prohibited "intimidating" speech.

## FREEDOM OF RELIGION AND BELIEF

### AFGHANISTAN—JOURNALIST JAILED FOR TRANSLATING KORAN

A court in Kabul sentenced a journalist and a Mullah to 20 years in prison for publishing a Dari translation of the Koran, according to a news article posted by [NAWAAYE-AFGHANISTAN](#). Allegedly, the accused published a Dari translation but failed to print the Arabic original alongside the translation, as required by Islamic law. It is further claimed that the translation contained "errors," and reflected "mistaken concepts."

### CHINA—

- **CHINESE AUTHORITIES SEIZE BIBLES FROM CHRISTIAN MISSIONARIES**

Four members of a Christian group from the United States had a large number of bibles confiscated by customs officials in China, reports [REUTERS](#). According to Chinese law, each overseas visitor is allowed to bring in no more than three basic units (books, volumes or box) of printed religious materials or



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

visual and audio publications for their own use. Chinese authority only allows limited numbers of bibles available at official sanctioned TSPM churches. Bibles are forbidden to be sold in any public bookstores.

- **ARRESTED PASTOR ESCAPED FROM POLICE CUSTODY**

Christian activist and church pastor Hua Huiqi of China's Kuanjie Protestant church was abducted by the police while he was on his way to attend the Sunday service, reports [THE PERSECUTION TIMES](#). New York-based Human Rights in China has issued a [letter](#) allegedly written by Hua Huiqi wherein he urged the organization to closely monitor the freedom of belief and personal safety of the citizens.

## **EGYPT—LAW PROHIBITING CROSS-RELIGION ORGAN TRANSPLANT INTRODUCED**

A draft Law prohibiting organ transplants between individuals of different religions or nationalities has been tabled in the Egyptian parliament, reports [U.S COPTS ASSOCIATION](#). The proposed legislation, however, allows organ donations only to family members up to the fourth generation. Under the bill, physicians who violate the proposed law may face penalties. Acute shortage of human organ donations in Egypt has resulted in an active black market, where desperate poor people end up selling their organs for money.

## **FRANCE—**

- **CHURCH OF SCIENTOLOGY MAY FACE LEGAL CHALLENGE**

According to a news article published by [BBC](#), the Church of Scientology may face a court challenge after it faced a strong opposition in France and Germany, where it has been declared unconstitutional. The case stems from claims by a woman who said she was financially exploited by the Church. Scientology is not recognized as a religion in France. It is classified as a commercial operation and is kept under surveillance.

- **CATHOLIC SCHOOLS BECOME REFUGE FOR MUSLIM CHILDREN**

In France, which has only four Muslim schools, some of the country's 8,847 Roman Catholic schools have become refuges for Muslims seeking what an overburdened, secularist public sector often lacks: spirituality, an environment in which good manners count alongside mathematics, and higher academic standards. Muslim and Catholic educators estimate that Muslim students now make up more than 10 percent of the two million students in Catholic schools. The quiet migration of Muslims to private Catholic schools highlights how hard it has become for state schools, long France's tool for integration, to keep their promise of equal opportunity. Traditionally, the republican school, born of the French Revolution, was the breeding ground for citizens. The shift from these schools is another indication of the challenge facing the strict form of secularism known as "laïcité. France is now home to around five million Muslims, Western Europe's largest such community, and new fault lines have



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

emerged. In 2004, a ban on the head scarf in state schools prompted outcry and debate about loosening the interpretation of the 1905 law. See [http://www.nytimes.com/2008/09/30/world/europe/30schools.html?\\_r=1&ei=5070&emc=eta1&oref=slogin](http://www.nytimes.com/2008/09/30/world/europe/30schools.html?_r=1&ei=5070&emc=eta1&oref=slogin)

## **GLOBAL—US STATE DEPARTMENT'S ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM RELEASED**

On 19 September, the U.S. State Department released its annual International Religious Freedom report drawing attention to the repression of religious expression, persecution of believers, and toleration of violence against religious minorities by governments around the world. The [2008 Report on International Religious Freedom](#) also notes those countries where officials protect and promote religious freedom. The 2008 report covered the period of July 2007 through June 2008. The International Religious Freedom report is submitted to Congress annually by the Department of State in compliance with Section 102(b) of the International Religious Freedom Act (IRFA) of 1998.

## **ITALY—LAW REGULATING MOSQUES' CONSTRUCTION PROPOSED**

A far-right Italian party is planning to table a draft law in the parliament that will block the construction of mosques in Italy, according to a news article published by [FINANCIAL TIMES](#). Under the proposed bill, construction of mosques will require regional approval. A local referendum shall be required to decide whether the mosque should have minaret or loudspeakers. The bill requires that mosques shall be constructed at least one kilometer away from a church and sermons must be delivered in Italian, not Arabic. Italy has a Muslim population of about 1.2 million, including 20,000 converts.

## **MALDIVES—NEW CONSTITUTION EXCLUDING NON-MUSLIMS FROM CITIZENSHIP RATIFIED**

The President of the Maldives, Maumoon Abdul Gayoom, has ratified the country's new constitution, according to news article published by [MINIVAN](#). The new Constitution introduces a bill of rights and freedoms for the first time in a country with a record of human rights abuses. Article 9, Section D of the constitution has sparked concerns among non-Muslims. This [article says](#) that "a non-Muslim may not become a citizen of the Maldives." The previous constitution stipulated individuals must be Muslim in order to vote in elections, but not in order to be a citizen. In addition to denying non-Muslims citizenship, the new constitution limits freedom of expression to that which is "not contrary to a tenet of Islam."

## **UNITED STATES—**

- **COURT UPHOLDS FREEDOM OF SPEECH AND RELIGION**

The U.S. Circuit Court of Appeals in Chicago upheld a federal trial court ruling in [Hornia v. The City of Granite City](#) that an ordinance regulating the manner in which individuals can distribute handbills (including religious



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

literature) in public is unconstitutional. In 2006 a district judge ruled that Granite City violated the First Amendment when it prosecuted Donald Horina for placing pro-life literature and Gospel tracts near an abortion clinic. Horina had placed the literature on windshields of cars parked near the Clinic, and was cited for violating the city ordinance prohibiting the "indiscriminate" distribution of "cards, circulars, handbills, samples of merchandise or any advertising matter whatsoever on any public street or sidewalk.

- **DOCTORS MAY NOT DISCRIMINATE AGAINST HOMOSEXUALS ON RELIGIOUS GROUNDS, RULES CALIFORNIA SUPREME COURT**

Doctors may not discriminate against gays and lesbians in medical treatment, even if the procedures being sought conflict with physicians' religious beliefs, the California Supreme Court has ruled. According to a news article published by [BOSTON GLOBE](#), the issue came before the court in a lawsuit filed by Guadalupe T. Benitez, who wanted to become pregnant with artificial insemination. The doctors at a San Diego-area fertility clinic refused to provide medical procedure for artificial insemination to her. The clinic and doctors had claimed that under the California Declaration of Rights and the US Constitution [First Amendment], their right to free exercise of religion permitted them to refuse treatment.

- **CHURCH-STATE WATCHDOG GROUP CRITICIZES RELIGIOUS RIGHT LAWYERS FOR LURING CONGREGATIONS INTO INTENTIONAL VIOLATION OF FEDERAL TAX**

LawAmericans United for Separation of Church and State today filed complaints with the Internal Revenue Service about six churches whose pastors endorsed candidates from the pulpit during a mass defiance of federal tax law last Sunday. The Alliance Defense Fund (ADF), a Religious Right legal group in Scottsdale, Ariz., urged pastors to defy federal tax law by endorsing or opposing candidates during a so-called "Pulpit Freedom Sunday" Sept. 28. Under the IRS Code, churches and other 501(c)(3) tax-exempt groups may not intervene in elections. See

<http://www.au.org/site/R?i=v8VGCx3mercB4JUZER8miA>.

## **UZBEKISTAN—RELIGIOUS FREEDOM DETERIORATING, REPORTS FORUM 18**

[Forum 18 News Service](#) conducted [Religious freedom survey, August 2008 for Uzbekistan](#). The survey found that country's record on freedom of thought, conscience, and belief is worsening. It found that the Islamic religious leadership has virtually become the agency of state authority; numerous articles in the Religion Law, Criminal Code, and Administrative Code are used to punish peaceful religious activity; fines for a wide range of religious activity - including unregistered religious activity - were increased significantly; reportedly, thousands of Muslims have been imprisoned, usually on accusations of belonging to terrorist, extremist, or banned organizations; prisoners are often denied their religious freedom; religious literature in Uzbekistan is also under tight state control. The importation and production of



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

literature – including the Koran and the Bible - is strictly controlled, with compulsory prior censorship by the state Religious Affairs Committee; and wearing religious clothing is not allowed in public places.

## LEGAL FRAMEWORK

### BRITISH ISLANDS—NEW FOUNDATIONS LAW INTRODUCED IN JERSEY

The Island of [Jersey](#) is ready to introduce new Foundations law, according to a news article published by [JERSEY FINANCE](#). Under the new law, the powers of the foundation will be exercised by a council with one member registered, under the Financial Services (Jersey) Law 1998, to conduct the business. The foundation's charter must be registered with the Registrars department of the [Jersey Financial Services Commission](#), setting out the name and broad objectives of the foundation. The proposed law also creates a new role of guardian to supervise administration of the foundation. The new Foundations law requires the approval of [States of Jersey Parliament](#) before it is formally enacted. The [Bailiwick of Jersey](#) is a British Crown dependency off the coast of Normandy, France.

### CHINA—

- **NEW “ CHARITY AND SOCIAL WELFARE DEPARTMENT” ESTABLISHED AT MOCA**

A new department to promote charity and social welfare was set up on 11 September 2008 under China's Ministry of Civil Affairs, reports [XINHUA](#). The department will deal with the welfare lottery, charity activities, donations, and welfare projects for the elderly, disabled, and children, a ministry statement said. The department will also draft rules on volunteer affairs and work on a nationwide volunteer network. It is also entrusted to make a regulation on running the welfare lottery and managing the welfare fund raised through the lottery. It will work out plans on how to spend the money on charity programs.

- **NPC PLACES CHARITY LAW ON FIVE YEAR AGENDA**

The [National People's Congress](#) has placed consideration of the Charity Law on the 5 year agenda for proposed legislation. Despite the desire of the Ministry of Civil Affairs (MoCA) to move it faster, there had been considerable speculation that the law's advancement would be delayed, given the critical comments that have been received from various experts inside and outside China (see, e.g., [ICCSL's Comments](#) on the proposed law). Nevertheless, this does mean that there will be uncertainty about donations (and their tax deductibility) and volunteering for the foreseeable future.

### ENGLAND & WALES—RISK AND PROPORTIONALITY FRAMEWORK FOR COMPLIANCE FINALIZED



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

The Charity Commission has finalized the [Risk and Proportionality Framework](#) for its Compliance and Support function. This concerns the Commission's regulatory work with charities where their assets, services, beneficiaries, and reputations are at serious risk of abuse or damage; it includes undertaking formal statutory inquiries. The risk and proportionality framework now formally sets out an enhanced approach to risk-based regulation in compliance work and publicly shares what the Commission considers to be the areas of greatest risk for charities.

## **ETHIOPIA—DRAFT CHARITIES AND SOCIETIES PROCLAMATION RESTRICTS CSOS**

Under the draft Charities and Societies Proclamation Law, Ethiopia could see severe restrictions on civil society and even closures of organizations working on human rights and governance issues, cautions CIVICUS: World Alliance for Citizen Participation in a recent analysis, according to a news article published by [NAZRET](#). The government has released three consecutive drafts of the Charities and Societies Proclamation over the last few months. While the recent draft, due to be introduced in Parliament in October, makes some improvement on the last two, it retains many draconian provisions. The law would apply to every NGO operating in Ethiopia except religious organizations and those foreign NGOs that the government agrees to exempt. Many of the key provisions of the draft law violate Ethiopia's obligations under international human rights law and fundamental rights guaranteed in its own constitution, including the right to freedom of association and freedom of expression.

## **JORDAN--CONTROVERSIAL SOCIETIES ACT PUBLISHED IN OFFICIAL GAZETTE; MAY BE AMENDED.**

[The Jordan Times](#) reports that civil society representatives and activists are still hopeful that the government will either draft a new NGOs law or amend the controversial 2008 Societies Law, recently endorsed by Parliament and a Royal Decree. The new Act was published in the Official Gazette on 16 September 2008. Premier Nader Dahabi has said the government is considering amending the controversial law, although it had already been endorsed by Parliament. "If the government finds there are valid reasons, it will reconsider the 2008 Societies Law," he said during a meeting with representatives from charity societies. He noted that one of the potential options for the government is to add new amendments to the law and present it to the Lower House under emergency status. Prior coverage of the legislation can be found in IJCSL-N for [August 2008](#)

## **NORTHERN IRELAND—CHARITIES ACT (NI) 2008 RECEIVES ROYAL ASSENT**

New charities legislation for Northern Ireland has received Royal Assent.

The [Charities Act \(NI\) 2008](#) makes provisions for the establishment of a Charity Commission and a Register of Charities for Northern Ireland. According to a news article published by [NICVA](#), the legislation also provides statutory definitions of charity and charitable purpose; sets out new rules with regard to fundraising and collections, and introduces a new form of charitable body. All charities, regardless of size, will be required to report annually to the new regulator with their annual accounts either audited or independently examined. The Department for Social



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

Development anticipates that all parts of the Act should become fully operational by early 2011.

## **SCOTLAND—OSCR RECOMMENDS LEGISLATIVE CHANGES FOR A BETTER CHARITIES FRAMEWORK**

In its latest [annual report](#), the [Office of the Scottish Charity Regulator](#) (OSCR) has recommended legislative changes to improve regulation and public confidence and reduce the regulatory burden on charities.

## **UNITED KINGDOM—**

- **LEGISLATIVE REFORM FOR CREDIT UNIONS AND COOPS PUBLISHED**

The Treasury has published a consultation document entitled “[Proposals for a Legislative Reform Order for Credit Unions and Industrial & Provident societies in Great Britain](#).” The proposal allows Credit Unions to widen services and offer more flexibility to Industrial & Provident Societies. According to HM Treasury [press release](#), the proposed changes will remove restrictions on credit unions which currently prevent them from making the most of partnerships with housing associations and employers, providing new services to meet the needs of their members, and providing services to corporate members, clubs, and societies. The restriction on only individuals becoming members of a credit union will also be removed, allowing community groups and local businesses to join credit unions. The proposed reforms will allow credit unions to pay interest on members' deposits and remove the statutory limit on non-qualifying members. The proposals are in response to last year's review of cooperative and credit union legislation.

- **WORKER CO-OPERATIVE CODE OF GOVERNANCE LAUNCHED**

The [Co-operatives-UK](#) and experts from the worker co-operative sector have launched the [Worker Co-operative Code of Governance](#). According to a [press release](#) by Co-operatives-UK, the Code brings together the fundamentals of worker co-operative governance for the first time. Based on the [seven co-operative principles](#) agreed by the [International Co-operative Alliance](#) (ICA) in 1995, it explains how to use these principles to both run the business and govern the co-operative successfully.

- **VIEWS SOUGHT ON A NEW LEGAL FORM FOR CHARITIES**

The [Office of the Third Sector](#) and the [Charity Commission](#) has published [draft details on Charitable Incorporated Organization](#) (CIO). The CIO is an entirely new legal form of incorporation which is designed specifically for charities under The Charities Act 2006. A public [consultation](#) on this new corporate form for charities is now under way. A [Guide to the joint consultation](#) is available at Charity Commission website. The consultation will close on 10 December 2008.



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

## MISCELLANEOUS MATTERS

### **ANGOLA—GOVERNMENT ATTEMPTS TO ENCOURAGE WOMEN’S PARTICIPATION IN POLITICS**

After a new quota imposed by the government, nearly a third of candidates in Angola's upcoming parliamentary elections are female, according to a news article published by [TERRAVIVA](#). The 30 percent rule is aimed to bring more women into the country's parliament, but as campaigning gets under way, women continue to stay in Angola's political shadows, barely visible at rallies and with few holding senior party positions.

### **AUSTRALIA-- DE FACTO COUPLES INCLUDING SAME SEX PARTNERS MAY GET MARRIED RIGHTS**

De facto couples in Queensland are set to receive the same financial and property rights as married couples under a proposed new federal law entitled “Family Law Amendment (De Facto Financial Matters and Other Measures) Bill. According to a news article published by the [COURIER MAIL](#), it will give de facto couples – including same sex couples – the right to seek maintenance, claim on a partner's superannuation, and draw up the equivalent of the prenuptial agreements available to couples intending to marry. Under current Queensland law, there is no right to seek maintenance from a de facto spouse.

### **CHINA—**

- **TAINTEd MILK LAWYERS PESSURED TO QUIT**

Chinese lawyers seeking redress for infant victims of toxic milk say they are facing growing official pressure to abandon the efforts, blaming growing government sensitivity over the health scandal. Scenes of thousands of parents crowding hospitals, seeking help for babies ill from toxic dairy powder, have stoked widespread public dismay in China. Reflecting that anger, local rights advocates and lawyers have mobilized to support families seeking redress, possibly by suing dairies or officials who failed to disclose the problem. But on Sunday, organizers of the campaign and some of the lawyers said officials in some provinces have pressured volunteers or their bosses to give up the campaign. See [Sehttp://www.reuters.com/article/healthNews/idUSTRE48R0ZK20080928?sp=true](http://www.reuters.com/article/healthNews/idUSTRE48R0ZK20080928?sp=true)

- **BLOG ABOUT GIVING IN CHINA AND THE RESPONSE TO THE SICHUAN EARTHQUAKE**

Lauren Hilgers, a free-lance journalist based in Shanghai, blogged on 11 August 2008 on [Balkinization](#) about “giving in China” and the proposed charity law.



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

## **EGYPT—HUMAN RIGHTS ACTIVIST PUNISHED**

“Al Khalifa Misdemeanor Court” in Egypt has issued a decree against Dr. Saad El Din Ibrahim with two-year imprisonment and an 10 thousand LE fine to suspend the sentence enforcement, reports [Cairo Institute for Human Rights Studies](#) (CIHRS). Dr. Saad was charged with insulting Egypt’s reputation and prestige and of harming national interests by writing articles published in western media wherein he requested the US government to link its aid programs to the Egyptian government with progress achieved in democratic reforms. Dr. Saad is the Director of Ibn Khaldun Center for Developmental Studies. He is a staunch supporter of democratic reforms, and prominent Egyptian human rights activist. Ibrahim is currently living in the United States as a professor of political sociology at Indiana University.

## **IRAQ—PROVINCIAL ELECTION LAW PASSED**

The Iraqi parliament has passed a law that will allow 14 of Iraq's 18 provinces to hold provincial elections next year, according to a news article published by [BBC NEWS](#). To become law, Iraq's three-man presidency council, headed by President Jalal Talabani, must approve the elections measure. Talabani rejected an earlier version of the law after it was passed at parliamentary session in July, which had been boycotted by Kurdish parties and some Shia MPs. This time the law passed unanimously after a number of concessions were made over the Kirkuk issue. By agreement there will be a separate law for dealing with elections in Kirkuk as well as a power sharing formula for the city's administration. Kurdish politicians had objected to a power-sharing arrangement for the oil-rich area, which they want to incorporate into their autonomous region in the north. Kurdish, Shia, Sunni, and Turkomen politicians have agreed to form a parliamentary committee to review disputes regarding Kirkuk and report to the house by March 2009.

## **KYRGYZSTAN—NGOS SAID TO BE MORE STABLE THAN THE GOVERNMENT**

In the 15 August 2008 [Eurasia Daily Monitor](#), the Jamestown Foundation reported that following the Tulip Revolution on March 24, 2005, and amid continuous political instability in the country, Kyrgyz political leaders have habitually accused local non-government organizations for their dependence on foreign financing. Some politicians see local civil society groups cooperating with foreign donors as an encroachment on national sovereignty. Representatives of the ruling regime often label NGO leaders as *grantoedy* (grant-eaters), doubting their genuine intentions to promote greater transparency in the government and civic participation. Local NGO leaders argue, however, that such criticism is voiced by the government and pro-regime mass media outlets in order to find a scapegoat for the country’s persisting political and economic instability since the change of regimes. In fact, Emil Shukurov, the leader of an ecological NGO, said that NGOs in Kyrgyzstan have proven to be more stable than the political domain.

## **MACEDONIA—CHANGES TO THE LAW ON INTERCEPTION OF COMMUNICATIONS ADOPTED**

Several leading human rights NGOs in Macedonia have strongly criticized the recent changes in the Law on Criminal Procedure and the [Law on Interception of](#)



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

[Communications](#), allowing special investigative measures (surveillance). According to a news article published by [METAMORPHOSIS](#), the critics argue that these changes allow wide preventive implementation of the special investigative measures even in cases with reasonable doubt of hard crimes and corruption. They also allege that these changes are not in line with the European as well as international human rights standards.

## **UNITED KINGDOM—UN COMMITTEE WARNS BRITAIN OVER HUMAN RIGHTS**

In its recent report, the United Nations' Committee on Human Rights has warned Britain that its libel laws are stifling free speech around the world, according to a news article posted by [PR-INSIDE](#). The report criticizes Britain over its tough antiterrorism laws and the use of an Indian Ocean territory to secretly move suspected terrorists without legal process. The report also says 'Britain's Official Secrets Act—enacted during the Cold War to protect national security data—helps silence government whistleblowers and prevents important information from the public sphere.

## **UNITED STATES—**

- **CIVIL RIGHTS LAW SUIT FILED AGAINST ILLINOIS STATE BOARD OF EDUCATION**

According to a news article published by the [REUTERS](#), the [Chicago Urban League](#) has sued the state of Illinois on grounds of chronic discrimination against families based on race, depriving African-American, Latino, and other minority children from high-quality education. It is alleged that Illinois school funding system's heavy dependence on local property taxes leads to disparities among school districts' spending and as a result of this discrimination, schools in poorer minority communities receive money at a dramatically lower rate than those in affluent white communities. The lawsuit cites alleged violations of the state's civil rights act and of the Illinois Constitution.

- **ADOPTION BAN PROPOSAL QUALIFIES FOR BALLOT IN ARKANSAS**

A ballot measure that would ban unmarried couples from fostering or adopting children has been approved for the November ballot in [Arkansas](#), according to [FEMINIST DAILY NEWS WIRE](#). Although, the proposed ban applies equally to cohabiting opposite-sex and same-sex individuals, some feel this [proposed ban](#) on unmarried couples is a step to keep gay and lesbian couples in Arkansas from becoming foster parents, and from being able to adopt.

## **ENGLAND AND WALES—CHARITY COMMISSION ENCOURAGED MOSQUES AND COMMUNITY ORGANIZATIONS TO REGISTER AS CHARITIES**

The Charity Commission encouraged mosques and community organizations, which benefit from the generosity of Muslim people during the holy month of [Ramadan](#), to register as charities. See the Charity Commission [press release](#). During the month of Ramadan, fasting/praying and giving charity are a means for spiritual salvation, with



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

Muslims actively supporting the poor and needy through charitable donations at home and around the world.

## **TURKMENISTAN--UNHCR VOTES AGAINST APPOINTING SPECIAL RAPPORTEUR**

The UN's Human Rights Council (UNHRC) has voted against appointing a special rapporteur for Turkmenistan. The decision was met with disappointment among human rights campaigners, who have been lobbying for more scrutiny of Turkmenistan. Former Turkmen President Saparmurat Niyazov, who died in December 2006, was notorious for his reclusive, authoritarian policies and dismal human rights record. Turkmenistan watchers say little has improved under the country's current leader, Gurbanguly Berdymukhammedov. Some see the Turkmen decision as yet another setback for the Human Rights Council, which has been criticized for falling short of its mission to combat rights abuses worldwide. It's not the first time the UNHRC has been blamed for lacking teeth. See [http://www.rferl.org/content/UN\\_Human\\_Rights\\_Council\\_Fails\\_To\\_Appoint\\_Turkmen\\_Envoy/1292811.html](http://www.rferl.org/content/UN_Human_Rights_Council_Fails_To_Appoint_Turkmen_Envoy/1292811.html).

## **ANNOUNCEMENTS**

### **AFRICA—A FREE WEB PORTAL FOR AFRICAN CIVIL SOCIETY ORGANIZATIONS ANNOUNCED**

According to a news article published by [CHARITY FINANCE](#), the [GuideStar International](#) (GSI) and the [United Nations Economic Commission for Africa](#) (UNECA) announced in August a joint venture to develop a free web portal for African civil society organizations, which will display the work of all NGOs, charities, non-profit organizations, and community-based organizations. The two organizations will collaborate with national registrars and regulators, as well as civil society umbrella groups and associations to populate the portal with information on all legally registered charities, NGOs and non-profits in each participating country.

### **ENGLAND AND WALES—PUBLIC CONSULTATION ON PUBLIC BENEFIT AND ADVANCEMENT OF MORAL OR ETHICAL BELIEF SYSTEMS GUIDANCE LAUNCHED**

The [Charity Commission](#) for England and Wales has launched a public consultation on draft supplementary guidance on '[Public Benefit and the Advancement of Moral or Ethical Belief Systems](#),' according to Charity Commission [press release](#). The draft guidance explains how the principles of public benefit apply specifically to charities advancing a moral or ethical belief system (e.g. Humanist and Rationalist charities).

## **INTRAC**

- **INTERNATIONAL CONFERENCE** entitled "[Whatever happened to civil society](#)" will be held in KDK Conference Centre, Netherlands from 3-5 December 2008. The conference will re-examine the concept and role of civil society,



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

and focus on its significance in relation to current debates and practice in development.

- **NEWSLETTER**

The latest issue of INTRAC's newsletter is now out. The newsletter entitled "[Civil Society and aid - where now?](#)" looks at how the aid industry can better support civil society. Articles consider the issue in the cases of the Middle East, fragile states, and less publicized civil society actors working at the margins. An interview with the new Permanent Secretary of DFID, examines the roles that civil society organizations play and how these are likely to change in the future. The newsletter argues that better support requires new approaches that place local people at the centre.

## **THAILAND—PM&E TRAINING SESSION**

Education, Learning and Development (ELD) – a UK registered charity - is conducting a five-day training session in Thailand and Nepal to provide familiarity with a variety of approaches in Participatory Monitoring and Evaluation. The training will help participants strengthen their capacity building to facilitate PM&E and acquire both knowledge and skills of applying various participatory tools in M&E. Main areas covered include: The What, Why and How of Participation (Philosophy of Participation); Types of Monitoring and Evaluation; Collection and Analysis of Information; Tools for PM&E (PRA, Surveys, LFA, SWOT Analysis, Group Facilitation). The training itself uses participatory learning methods, and provides frequent and realistic opportunities for practice. For more information on the training is available at [ELD](#) website.

## **RESOURCES**

### **ALGERIA—NEW PUBLICATION ON CIVIL SOCIETY**

Since 1987 Algeria has witnessed the explosion of more than 70,000 voluntary associations, making it one of the most civic-dense countries in the Arab world. A new book entitled "[Civil Society in Algeria - The Political Functions of Associational Life](#)," analyzes the development of these associations in Algeria and the state's attempt to retain political legitimacy.

### **CANADA—ON-LINE TOOL TO CALCULATE ECONOMIC VALUE OF VOLUNTEERS**

The Knowledge Development Centre, Vision Canada, has put together an online tool called the [Volunteer Value Calculator](#). The Volunteer Value Calculator is a new, easy-to-use, online tool designed to help calculate the economic value of the volunteers in an organization based on their duties.

### **CHINA-- INTERESTING ARTICLE ON NGOS AND ACCOUNTABILITY**



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

Open Democracy has an interesting article entitled "[China, NGOs and accountability](#)" on the development of the NGO sector in the People's Republic of China and a recent conference that looked at issues of accountability.

## **FORTHCOMING PUBLICATION—" ENCYCLOPEDIA OF RELIGION & LAW IN AMERICA"**

Research and Markets has announced the publication of forthcoming "[Religion & Law in America: An Encyclopedic Dictionary](#)." The report covers a wide range of legal issues that affect the roles of religion and law in American society including coverage of key court decisions, case studies, concepts, individuals, religious groups, organizations, and agencies shaping religion and law in today's society. The product is due to be released in October 2008.

## **GLOBAL—UNIFEM RELEASES REPORT ON " PROGRESS OF THE WORLD'S WOMEN 2008/2009"**

On 18 September UNIFEM [launched](#) biennial report entitled "[Progress of the World's Women 2008/2009, Who Answers to Women? Gender and Accountability](#)." According to UNIFEM [press release](#) the report provides an overview of the status of women worldwide, and discovers that women around the world still face widespread discrimination on a large scale indicative of an accountability crisis. The report focuses on five areas where the need to strengthen accountability from a women's rights perspective is urgent: politics and government, access to public services, economic opportunities, justice, and the distribution of international aid.

## **LA ESQUINA CALIENTE—A STUDY OF PARTICIPATORY DEMOCRACY IN ACTION AROUND THE WORLD**

[LA ESQUINA CALIENTE](#) is a useful resource on participatory democracy. This page contains over 600 links to websites and publications related to direct and participatory democracy from around the world.

## **PARTICIPATORY BUDGETING-USEFUL RESOURCE**

[ParticipatoryBudgeting.org](#) is a useful resource site on [participatory budgeting](#). It also provides a forum on participatory budgeting and other forms of participatory democracy. The site aims to collect and publicize information in an accessible format.

## **SCOTLAND—OFFICE OF CHARITY REGULATOR PUBLISHES SURVEY RESULTS**

The Office of the Scottish Charity Regulator, OSCR, has published the findings of its surveys into the views of the public and the charity sector carried out earlier this year. The surveys, which track views on charities and charity regulation, were conducted in April and were in a summary report: [Public and Charity Perceptions – Summary of OSCR's 2008 Surveys](#). The survey of the general public tracked levels of trust in Scottish charities and gathered views on areas of interest and concern. The survey of



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

charities sought feedback on OSCR's priorities, communications and operational functions. It also tracked issues of concern to the sector.

## UNITED KINGDOM—

- **VIEWS AND PERSPECTIVES ON LOCAL DEMOCRACY PUBLISHED**

Third sector umbrella NCVO and the Local Government Association jointly published a collection of nine essays entitled "[Votes and Voices; the complementary nature of representative and participative democracy.](#)" According to NCVO [press release](#), the collection represents views and perspectives on local democracy from across local government, the voluntary sector and academia. It recognizes the need for both representative and participative forms of democracy locally and asserts that local government and voluntary sector organizations should be given lead in discussing how democratic activity might be improved.

- **PRINCIPLES OF REPRESENTATION PUBLISHED: A FRAMEWORK FOR EFFECTIVE THIRD SECTOR PARTICIPATION IN LOCAL STRATEGIC PARTNERSHIPS**

On 11 August 2008, the Communities and Local Government Department published the "[Principles of Representation: A framework for effective third sector participation in Local Strategic Partnerships.](#)" According to [Communities and Local Government website](#), this document provides advice to the third sector on how best to organize itself to maximize its input on Local Strategic Partnership boards (LSPs); help LSPs decide how best to involve the sector; and assist all LSP partners to agree an inclusive approach involving the sector more and, through them, empower their communities to exert more influence over local decision-making.

- **RESEARCH REPORT CANVASSING TRENDS IN COMMUNITY BROADCAST PUBLISHED**

The Community Media Association has published a research report entitled "[The Arts and Community Radio,](#)" according to [CBC ONLINE](#) press release. The report was commissioned by Arts Council England and the Department for Culture, Media and Sport and details trends in community broadcasts in the UK.

- **NEW BOOKLET ON GIFT AID PUBLISHED**

Accountancy Firm [Sayer Vincent](#) and the [Charity Finance Directors Group](#) has published '[Gift Aid made simple,](#)' a free downloadable 8 page leaflet aimed at finance professionals working in charities. The booklet covers: How Gift Aid works; Gift Aid Declarations; Claiming Gift Aid; Benefit rules; Special situations; and Gift aid audits.



# IJCSL NEWSLETTER

VOLUME 5 ISSUE 10

SEPTEMBER/OCTOBER 2008

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