



IJCSL NEWSLETTER

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ANTI-TERRORISM LEGISLATION

AUSTRALIA—JUDICIAL INQUIRY SPARKS AUSTRALIAN TERROR LAW REVAMP

An Australian judicial inquiry into the arrest of Mohammed Haneef, wrongly linked to the Glasgow airport bomb plot, has recommended sweeping changes to Australia's anti-terrorism laws and its police procedures, according to the news article published by [TIMES ONLINE](#). The report recommends that Australia's anti-terrorism laws should be independently reviewed and a case management system for major police investigations developed, with clearer guidelines over terrorism charges and more cooperation between the police and intelligence agencies.

CANADA—COURT ORDERS CSIS TO STOP MONITORING SOLICITOR-CLIENT COMMUNICATION

A Canadian Federal Court judge has ruled that the Canadian Security Intelligence Service (CSIS) must stop monitoring phone calls between terrorism suspects and their lawyers and must erase any such calls that it accidentally records. According to a news article published by [CTV TORONTO](#), the Court's ruling pertains to phone tapping that occurred in the case of Mohammad Mahjoub, an Egyptian detained as a threat to public safety because of his alleged ties to al-Qaida. Mahjoub was released on bail in April 2007 after he agreed to have his phone calls monitored so authorities could ensure he was not a threat to national security. His defense lawyer recently became aware about what he called an "outrageous" violation of lawyer-client privilege and demanded answers.

INDIA—TOUGH ANTI-TERRORISM LAWS PASSED

The lower house of Indian parliament has passed tough anti-terrorism laws and adopted a plan to set up a national investigative agency. According to a news article published by [IPS](#), the new bills "[National Investigation Agency Act](#)" and "[Unlawful Activities \(Prevention\) Amendment \(UAPA\) bill 2008](#)" radically changes procedures for trying those accused of terrorism, extends the periods of police custody and detention without charges, denies bail to foreigners, reverses the burden of proof in many instances, and seeks to establish a new police organization to investigate acts of terrorism and other statutory offences. [Amnesty International](#) has expressed deep concerns saying that this legislation would violate international human rights treaties and may lead to abusive practices. The organization has called on India's President to reject the new amendments and for the President, Indian authorities, and lawmakers to urgently review them.

RUSSIA—BILL ABOLISHING JURY TRIALS FOR THOSE FACING TERRORISM CHARGES APPROVED

The Russian Duma has approved a bill that would end jury trials for those facing charges of terrorism and treason. According to a news article published by [INTERNATIONAL HERALD TRIBUNE](#), one of the bill's authors argued that the measure was needed because juries have acquitted many suspects despite strong incriminating evidence.



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CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

ARMENIA—NEW DRAFT LAW ON FREEDOM OF INFORMATION PREPARED

A new draft law on freedom of information has been sent to the National Assembly for approval. According to a news article published by [ARMENIA NOW](#), the draft has raised serious concerns among non governmental organizations and other stakeholders believe the law falls short of international standards. The Center for Freedom of Information and a number of other NGOs have prepared a bulletin on the deficiencies of the draft urging that current law be improved instead of adopting the new one.

BANGLADESH—STATE OF EMERGENCY LIFTED; AWAMI LEAGUE SCORES LANDSLIDE VICTORY

According to a news article posted by [AFP](#), Bangladeshi President and head of the military backed interim government, Iajuddin Ahmed, has signed the Emergency Powers (Repeal) Ordinance 2008, lifting the state of emergency ahead of parliamentary elections. According to a January story on the BBC, http://news.bbc.co.uk/2/hi/south_asia/7813632.stm, the Awami League scored a landslide victory and its leader Sheikh Hasina has been sworn in for a second stint as prime minister.

CANADA—SUPREME COURT TO DECIDE WHETHER PUBLIC’S ACCESS TO INFORMATION ABOUT THE GOVERNMENT IS A CONSTITUTIONAL RIGHT

The Supreme Court of Canada will decide whether the public’s access to information about the government is a constitutional right, according to a news article published by [MEDIA SCOUT](#). In the case of *Ministry of Public Safety and Security, et al. v. Criminal Lawyers' Association*, the court heard the arguments of both sides. However, ruling on the case is not expected for months.

CAYMAN ISLANDS—FREEDOM OF INFORMATION LAW COMES INTO FORCE

The Freedom of Information Law came into force on 5 January 2009, according to a news article published by [CAYMAN NET NEWS](#). The FOI Law provides the public with a general right of access to records held by the Cayman Islands Government, and the FOI Regulations govern the administration of the FOI Law and include sections on the functions and duties of information managers, timelines and fees for FOI requests, third party rights, and provisions regarding the public interest test and personal information. The Categories of exempt records are fully listed in the law. These include the minutes of Cabinet and the legal advice of the Attorney General - unless it is in the public interest.” The FOI law can be used by anyone in the world. It is not restricted just to residents of the Cayman Islands.

GRENADA--FREEDOM OF INFORMATION LEGISLATION TO BE INTRODUCED IN GRENADA

Grenada's Prime Minister, Tillman Thomas, recently made some important announcements, according to a news article published by [CARIBBEAN NET NEWS](#).



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These include the introduction of a Freedom of Information Act, the implementation of integrity legislation, the appointment of an ombudsman, and a national media policy. The introduction of FOI legislation will help strengthen the democratic governance process.

HUNGARY—NATIONAL ORGANIZATION ORDERED TO SHUT DOWN

The Metropolitan Court of Budapest has dissolved the right-wing Hungarian Guard Association, according to a news article published by [JEWISH TELEGRAPHIC AGENCY](#). The organization is alleged to have intimidated minorities, violated the NGO Law and the association's by-laws, and also threatened Jews and other minorities.

IRAN—OFFICE OF A HUMAN RIGHTS GROUP SHUT DOWN

On 21 December the Iranian police shut down the office of a human rights group headed by Nobel peace laureate [Shirin Ebadi](#), according to a news article posted by the [MIDDLE EAST TIMES](#). The police reportedly conducted the raid without a warrant, sealed off the office and told the staff to leave the premises. The closure marks a toughened crackdown on rights campaigners by the Islamic republic, which Ebadi's group accuses of "systematically violating" human rights. The Government said that the organization had no permission to operate.

MALAYSIA—

- **BAN ON STUDENTS' POLITICAL ACTIVITIES UPHELD**

On 11 December, the [Dewan Negara](#) passed amendments to the Universities and University Colleges (Amendment) Bill 2008, allowing university students to join social groups but still bans them from political parties, a restriction slammed by critics. According to a news article published by [SIN CHEW JIT POH](#), the legislation allows students to become members of social and other groups outside campus. But a clause that bans students from joining political parties, illegal groups, or any other organizations that the government specifies remains unchanged. Students are also banned from express support for any political party.

- **STATES OF PENANG AND SELANGOR VOWS TO WORK ON FOI BILL**

The state governments of [Penang](#) and [Selangor](#) will work closely in formulating the Freedom of Information (FOI) Bill, according to the news article published by [THE EDGE DAILY](#). An executive committee has been established to work out the mechanisms in formulating the FOI. The committee will start its activities in January 2009.

UNITED KINGDOM—HOME OFFICE EMAIL REVEALS FOI POLICIES

According to the news article published by [BBC](#), an email sent by mistake from the Home Office to the BBC has revealed that freedom of information requests are often first reviewed by ministers. The document also shows how such requests are first assessed for their controversy level. A final decision is then made on whether or not to disclose information. The document sent to the BBC separates requests into those that have to be seen by a minister before information is released, and those that do



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not. This is despite the Freedom of Information Act stating that applicant's identities should not affect decisions. The Home Office says the procedures revealed by the email keep ministers properly informed about what is being made public, and that the identities of applicants never affect FOI decisions.

UNITED STATES—

- **FOX BUSINESS SUES TREASURY FOR FAILURE TO RESPOND TO FOIA REQUESTS**

According to a [news article](#) published by the [FOX BUSINESS NETWORK](#) (FBN), it has filed a lawsuit against the United States Treasury Department over failure to provide information on the \$700 billion financial bailout funds or respond to FBN's expedited requests filed under the Freedom of Information Act [FOIA]. The suit seeks information on the funds Citigroup, American International Group (AIG), and the Bank of New York Mellon received in the bailout and the conditions to which they agreed.

- **UNITED STATES—NEW FOI LAW GOES INTO EFFECT IN PENNSYLVANIA**

[Pennsylvania's new "Right to Know" law](#) went into effect on 1 January 2009. According to a news article published by [THE PHILADELPHIA INQUIRER](#), county and local government records are public unless specifically exempted. It is a significant change from the state's previous Right to Know Act, written in 1957, which had a very narrow definition of what constituted a public record. For the first time in Pennsylvania history, citizens no longer have to prove that a record is public and that it should be released. Now, a government agency must presume that a record is a public record available for inspection or copying. If the government agency chooses to withhold a record, the agency has the burden to prove why that record should not be available to the public.

ZIMBABWE—ILO TO INVESTIGATE CRACKDOWN ON TRADE UNIONS

A high-powered delegation assigned by the [International Labor Organization](#) (ILO) will investigate allegations of gross abuse of rights of trade union activists and workers by the government, according to a news article published by [THE ZIMBABWE STANDARD](#), the investigation comes after the [Zimbabwe Congress of Trade Unions](#) (ZCTU) alleged that Zimbabwe's government is breaching the ILO Conventions by banning the peaceful protests by workers throughout the country and continued interference in collective bargaining processes.

FISCAL MATTERS

CANADA—REPORT ON HR ISSUES FOR NONPROFITS RELEASED

The [Calgary HR Initiative](#) has released a report on non-profit human resources entitled *The Myths and Realities of the Workforce Crunch in Non-Profits*. By examining six popular myths about working in the non-profit sector, the report



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addresses recent research suggesting a 50 per cent pay gap between equivalent positions in for-profit and nonprofit, as well as a 20 per cent vacancy rate and 40 per cent turnover rate in nonprofit employment. Click [here](#) to download the full report. The [Calgary HR Initiative](#) is a collective undertaking of nonprofit organizations, funders, human services networks, and governments, led by the Calgary Chamber of Voluntary Organizations (CCVO) in partnership with the United Way.

ENGLAND AND WALES—

- **FINALIZED VERSION OF PUBLIC BENEFIT GUIDANCE FOR CHARITIES PUBLISHED**
According to the news article by the [THIRD SECTOR](#), the Charity Commission has published finalized versions of its first [four supplementary guidance documents on public benefit](#) for charities whose aims include: the advancement of education; fee-charging; preventing or relieving poverty; and the advancement of religion. The Charity Commission has made a number of significant concessions in the finalized versions. All charities in England and Wales will have to start reporting on their public benefit from 31 March 2009.
- **PRIVATE SCHOOLS TOLD: OPEN TO POOR OR FACE CLOSURE**
Private schools have been told to provide more free places to children from poor homes - even if they claim to be full - or effectively face closure. A recent guidance for independent schools published by the Charity Commission suggests schools could raise fees for existing parents as part of a "deliberate pricing strategy" to fund more places for deprived children, according to a news article published by [TELEGRAPH](#). The new rules, which come into force in 2009, are designed to stop fee-paying schools being run exclusively for the wealthy. Under the 2006 Charities Act, fee-paying schools are no longer automatically entitled to charitable status. They must prove they provide "public benefit" to hang on to tax breaks worth an estimated £100m to the sector every year.

NORTHERN IRELAND—ASSEMBLY SUPPORTS FOR SECTOR WHITE PAPER TO STRENGTHEN VOLUNTARY SECTOR

The Northern Ireland Assembly recently debated and agreed on a motion that called on the Executive to produce a policy paper committing itself to strengthening the relationship between Government and the voluntary sector, according to the news article published by [COMMUNITY NI](#). The motion urged Ministers to review the impact of efficiency savings and other departmental discussions on the sector and those who depend on its services; noted the downturn in European Union funding across the sector; and further called for better cross-departmental funding to support the delivery of Program for Government targets using the third sector's capacity.

UNITED KINGDOM—



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- **NEW REPORT ENCOURAGING DONORS TO FUND SOCIAL CAMPAIGNING BY CHARITIES PUBLISHED**

According to [New Philanthropy Capital](#) (NPC) [press release](#), a new report entitled '[Critical masses: Social campaigning guide for donors and funders](#),' has been published encouraging donors to fund social campaigning by charities. The report explores the role of campaigning charities and highlights the significant part they can play in changing legislation and shifting attitudes. The report looks to address common concerns donors and funders have about campaigning, and shows that it is not only effective and measurable but also critical for tackling some of society's biggest problems.

- **CHARITIES SEEK TAX LAW CHANGES**

Charities in the United Kingdom are urging the government to bring about changes to tax laws to provide them with a much-needed cash boost as demand for their services grows amid the economic downturn, according to a news article published by [TAX-NEWS](#). They argue that government could deliver £500 million a year to charities by exempting them from value-added tax. Under current rules, UK registered charities are not automatically exempt from paying VAT, and if a charity's turnover from business supplies is above the VAT registration threshold (currently £67,000) it must register for VAT in the same way as any other business. The charities also argued that more income could be provided by changing the rules of Gift Aid scheme, which tops up certain charitable donations by 25%, to an opt-out system.

- **GOVERNMENT PLANS TO DEVELOP NEW LICENSING SCHEME FOR PUBLIC CHARITABLE COLLECTIONS**

The government plans to work on developing a new licensing system for public charitable collections. According to a news article published by [OFFICE OF THE THIRD SECTOR](#), the new licensing scheme will: facilitate responsible fundraising; help deter bogus collections; and prevent nuisance to the public. The Charities Act 2006 provides for a new, modern licensing and regulatory regime. However, much of the detail of how the scheme will operate will need to be set out in Secondary Legislation and guidance. The research that will assist this process will be conducted during 2009.

UNITED STATES—

- **DEADLINE EXTENDED FOR EXEMPT ORGANIZATION RETIREMENT PLANS**

The IRS has [announced](#) an extension in the deadline for plan sponsors to adopt or amend retirement plans covering employees of public schools, colleges and universities, and other tax exempt organizations to satisfy the requirements of the final section 403(b) regulations. This extension will give plan sponsors additional time to put their plan documents in place.

- **SEN. CHARLES GRASSLEY TO PROPOSE MEASURE SETTING MINIMUM CHARITY LEVELS FOR NON-PROFIT HOSPITALS**



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Sen. Charles Grassley is considering proposing legislation that would require nonprofit hospitals to spend a minimum amount on free care for the poor, also known as charity care, and set curbs on executive compensation and conflicts of interest, according to a news article published by [THE WALL STREET JOURNAL](#). Under the new legislation, penalties would be imposed on nonprofit hospitals that fail to meet the new requirements.

- **CONSERVATIVES WIN COURT CASE IN VA. CHURCH DISPUTE**
Nearly a dozen conservative church congregations in Virginia have won a lawsuit in which they sought to split from the U.S. Episcopal Church in a dispute over theology and homosexuality. According to a news article posted by the [WASHINGTON POST](#), the final rulings came from a Fairfax County judge who said the departing congregations are allowed under a unique Virginia law to keep their church buildings and other property as they leave the Episcopal Church and realign under the authority of conservative Anglican bishops from Africa. The diocese said it will appeal.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

BAHRAIN—WORKERS CAMPAIGN AGAINST UNION BAN

Unions in Bahrain have won backing from the International Labor Organization (ILO) in their campaign to end the government's ban on public service workers forming their own unions, according to a news article published by [UNI GLOBAL UNION](#). The ILO has urged the government that all public service employees (with the exception of the armed forces and police) should be allowed to establish organizations of their own choosing to further and defend their interests.

EURO-MEDITERRANEAN—MONITORING REPORT ON FREEDOM OF ASSOCIATION RELEASED

The [Euro-Mediterranean Human Rights Network](#) has [published](#) its second Review on Freedom of Association in the Euro-Mediterranean Region on 8 December 2008. The report entitled "[Freedom of Association in the Euro-Mediterranean region 60 Years After the Universal Declaration of Human Rights](#)," aims at assessing progresses and setbacks pertaining to Freedom of Association in 2008. The report includes one chapter on each of the 11 South and East Mediterranean countries, one chapter on Freedom of Association in the European Union as well as two thematic chapters, one focusing on the impacts of counter-terrorism laws on Freedom of Association and the other a discussion paper on gender and freedom of association. Each of these chapters includes a list of recommendations to the national governments.

UNITED ARAB EMIRATES—CALLS TO IMPROVE TRADE UNION RIGHTS REJECTED

The United Arab Emirates (UAE) has rejected international calls to allow trade unions to represent migrant workers. According to a news article published by [THE LABOR EDUCATOR](#), the rejection followed a United Nation's review of the country's record



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on human rights. The UAE government rejected about 20 suggestions on how to improve its human rights record, including calls to legalize political parties, introduce unions, recognize the right to collective bargaining, and end discrimination on the basis of gender and sexual orientation.

FREEDOM OF EXPRESSION

AZERBAIJAN—GOVERNMENT INTENDS TO BAN FOREIGN FM RADIO BROADCASTING

Azerbaijan's National Council on Television and Radio has announced that as of 1 January it would not renew FM licenses for broadcasters including the BBC, Radio Liberty, and Voice of America. The Council has said the broadcasters should instead use the Internet, satellite radio, or shortwave transmissions. According to [OSCE press release](#), the Representative on Freedom of the Media, Miklos Haraszti, criticized Azerbaijan's decision to bar foreign broadcasters from FM radio frequencies.

BELARUS—SITUATION REGARDING FREEDOM OF SPEECH DETERIORATES

The situation regarding freedom of speech in Belarus has been "very grave" in 2008, according to legal experts of the Belarusian Association of Journalists (BAJ). According to a news article published by [NAVINY.BY](#), the Belarusian authorities used several tools such as distribution and office rent restrictions to exert pressure on independent media and silence pro-opposition newspapers. The experts predict that the enactment of new laws governing the media and information distribution would make conditions for the operation of independent media outlets even worse.

CHINA—AUTHORITIES BLOCK, UNBLOCK FOREIGN WEB SITES

According to the news article published by [THE NEW YORK TIMES](#), the Chinese government has been filtering foreign websites, including bans on The New York Times, BBC's Chinese language website and Voice of America in Chinese. Other sites that have been blocked since early December include Hong Kong-based news sources Asiaweek and Ming Pao. This censorship comes in the wake of a reduction in filtration during the Beijing Olympics. The foreign websites were [subsequently accessible](#) by late December.

GLOBAL—U.N. PASSES DEFAMATION OF RELIGION RESOLUTION

On 18 December the U.N. General Assembly passed a "defamation of religion" resolution stating that "Islam is frequently and wrongly associated with human rights violations and terrorism, according to a news article published by [CNSNews](#). According to a news article published by the [REUTERS](#), the U.N. General Assembly condemned defamation of religion urging states to provide "adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions and incitement to religious hatred in general." The resolution was passed with less support garnered in previous years. The 57-member



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Organization of the Islamic Conference (OIC) is spearheading the “defamation of religion” campaign at the U.N.

KENYA— COMMUNICATIONS AMENDMENT BILL SIGNED INTO LAW

President Kibaki has signed the controversial Communications Amendment Bill, 2008, into law. According to a news article published by [THE STANDARD](#), the law gives the government sweeping powers to regulate media, conduct raids during a state of emergency, and gives the Information minister powers to control the contents, timings, and forms of broadcasts.

KYRGYZSTAN—KYRGYZ-LANGUAGE RADIO SERVICE OF RFE/RL BLOCKED

RFE/RL’s Kyrgyz-language radio service, known as [Radio Azattyk](#), has been suspended, according to a [news article](#) published by RFE/RL. Kyrgyz officials have described Azattyk programs as too critical of the government, and demanded the right to review Azattyk programs before broadcast -- a condition not unacceptable to RFE/RL's leadership.

SOUTH AFRICA—COMMITTEE TO INVESTIGATE ALLEGATIONS OF SUPPRESSION OF FREEDOM OF EXPRESSION AT UKZN

In response to many comments received from various quarters about the [debate on academic freedom at the institution](#), the University of KwaZulu-Natal's council chairperson has announced the formation of a seven-person committee to investigate allegations of suppression of academic freedom and freedom of expression, reports [INDEPENDENT ONLINE](#). The committee will investigate and undertake an assessment of the university's governance structures and processes, and the extent to which these foster or inhibit academic freedom and/or freedom of expression.

THAILAND—GOVERNMENT CENSORS INTERNET

According to a news article published by [THE NEW ZEALAND HERALD](#), hundreds of websites have been blocked over the past several months by the ministry without going through the proper legal channels, as outlined in the 2007 Computer-Related (Cyber) Crimes Act, according to Freedom Against Censorship Thailand (FACT). Quoting FACT, [ASIA SENTINEL](#) reports that censorship has resulted in over blocking of many benign web pages. Although, the orders for blockage come under the lese majeste laws, the critics claim that the court did not examine each site before issuing its order, instead it relied on the Ministry of Information and Communication's judgment. Thailand ranks 124th in the Reporters Without Borders worldwide press freedom index, having fallen from 107th in 2007 and 59th in 2004.

UNITED KINGDOM—FREEDOM OF EXPRESSION GROUPS DEMAND PUBLIC INQUIRY ON LIBEL LAW

Two of the UK's leading freedom of expression organizations announced the launch of a public inquiry into libel law, according to the [news article](#) published by press gazette. Index on Censorship and English PEN hope that their joint inquiry will provide a "momentum for change" to the current laws which they say are stifling investigative journalism and free expression. The inquiry will invite submissions



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from publishers, writers, editors, journalists, and lawyers, and will also involve round-table discussions. A conference is planned for next spring.

UNITED STATES—CONSERVATIVE AZ ATTORNEYS OBJECT TO ADDING 'SEXUAL ORIENTATION' TO OATH

According to a news article published by [EDGE BOSTON](#), the State Bar of Arizona is contemplating a revision to its existing oath of office for lawyers that include a promise on the part of the attorney not to discriminate against clients based on factors such as race, age, and sexual orientation. But some lawyers see this as an infringement on their First Amendment rights and worry that the revised oath "would silence conservative viewpoints on gay issues."

URUGUAY—LAW DECRIMINALIZING DEFAMATION ENDORSED

On 9 December 2008, the Uruguay's Senate voted to repeal legislation that curbs press freedom in the country. According to a news article published by [LATIN AMERICA PRESS](#), the Senators voted for legal reform that would decriminalize defamation in the Press Law as long as the published information is correct. Under the current law defamation charges can be brought even if the information is true. Defamation would also be decriminalized in cases where the information is of public concerns or involves public figure.

VIETNAM—NEW RULES FOR INTERNET SERVICES PREPARED

According to the news article published by [VIETNAM TONIGHT](#), the Ministry of Information and Communications (MoIC) is compiling a circular on dealing with violations related to the provision and use of Internet services, including information provision on blogs. The new rules would require bloggers to respect social interests and community interests under the laws, and provide their true personal information.

FREEDOM OF RELIGION AND BELIEF

FRANCE—TURBAN BAN CHALLENGED BEFORE UN BODY

According to the news article published by [THE TIMES OF INDIA](#), a Sikh advocacy group –United Sikh--has challenged the French government's ban on the wearing of turbans before the UN Human Rights Commission (UNHRC), arguing that this was suppressing their freedom of religion and depriving their community of basic human rights. The petition was filed Monday on behalf of three Sikhs, who alleged that they were being denied the right to wear a turban. Through these three petitions, the Sikh community is urging the UN to deliver to Sikhs in France their rights under Articles 2, 17, 12, 18, and 26 of the International Covenant on Civil and Political Rights (ICCPR). The three cases, before the UNHRC, will be the first such cases before the UN since France passed a law in March 2004, banning the wearing of religious symbols, including the Sikh turban, in public schools.



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UNITED KINGDOM—WORDS ASSOCIATED WITH CHRISTIANITY AND BRITISH HISTORY TAKEN OUT OF CHILDREN'S DICTIONARY

According to a news article published by [TELEGRAPH](#), the Oxford University Press has removed words like "aisle", "bishop", "chapel", "empire" and "monarch" from its Junior Dictionary and replaced them with words like "blog", "broadband" and "celebrity". Dozens of words related to the countryside have also been culled. The publisher claims the changes have been made to reflect the fact that Britain is a modern, multicultural, multi-faith society.

UNITED STATES—

- **SOUTH CAROLINA ORDERED TO STOP MAKING RELIGIOUS LICENSE PLATES**

A federal judge said that South Carolina must stop marketing and making license plates that feature the image of a cross and the words "I Believe," according to a news article posted by [TIMES NEWS](#). The judge issued a temporary injunction during a court hearing after opponents said the plates violate the separation of church and state.

- **MUSLIM WOMEN BARRED FROM COURT BECAUSE OF HIJAB**

A Muslim woman was jailed after a judge found her in contempt of court for refusing to remove her [hijab](#). The woman was seeking to enter the courtroom in Douglasville, Ga., to deal with a matter related to a nephew's traffic citation, where she was stopped and told by the bailiff that she will not be permitted to enter the courtroom wearing the [hijab](#). Frustrated, she turned to leave and uttered an expletive. The bailiff reportedly handcuffed her and took her to the judge's chambers where she was sentenced to 10 days in jail for "contempt." According to the news article published by [MARKET WATCH](#), the [Council on American-Islamic Relations](#) (CAIR) has called on the U.S. Department of Justice to investigate a series of incidents in which Muslim women in Georgia were prevented from entering courtrooms because they were wearing Islamic headscarves ([hijab](#)).

LEGAL FRAMEWORK

BELARUS—MOVEMENT FOR FREEDOM GETS OFFICIAL REGISTRATION

According to a [NEWS ARTICLE](#) published by the Office for a Democratic Belarus, Belarusian Ministry of Justice has officially registered the "Movement For Freedom" – a public organization led by former presidential candidate Alyaksandr Milinkevich. Before registering the opposition organization on 17 December, the justice ministry had denied it legal status three times, citing flaws in its charter and violations of regulations governing street demonstrations.

CAMBODIA—GOVERNMENT MULLS NEW LAW RESTRICTING CSOS

The Cambodian government intends to pass a new law which may restrict the legitimate activities of civil society groups, according to a news article published



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by [FORUM-ASIA](#). The government officials are quoted to have said that the law is one of three priority pieces of legislation for the government's current five-year term, along with a new penal code and a much-anticipated anti-corruption law. The civil society groups and other stakeholders have [expressed grave concerns](#) over the expected NGO law, the draft of which has not yet been made public.

ETHIOPIA—PROPOSED NGO LAW IMPOSES HEAVY RESTRICTIONS ON FOREIGN-FUNDED HUMANITARIAN GROUPS

The proposed NGO law is set to move to the amendment stage in parliament. According to a news article published by [AFRIK](#), the bill seeks to prohibit foreign organizations and local charities from engaging in activities which promote human and democratic rights, promoting ethnic equality, conflict resolution and reconciliation, child rights, and the rights of disabled people. The bill also seeks to limit foreign funding for NGOs to less than 10 percent and lock out foreign organizations from funding pro-democracy activities. The proposed law will also ban foreign NGOs from engaging in activities that seek to invest in the efficiency of the justice and law enforcement services.

NORTHERN IRELAND—

- **CHARITIES BILL GOES THROUGH SEANAD**

Having moved from the Dail, the Third (Committee) Stage of the Charities Bill took place in the Seanad on 4 December. According to the news article published by [THE WHEEL](#), certain significant amendments regarding trustees' liabilities, religious-cult-type organizations, and membership of charity regulator were accepted. An amendment that proposed to include the Promotion of Human Rights as a charitable purpose was once again defeated. The Bill will now return to the Dail to have the amendments that have been accepted in the Seanad approved. It will then be sent over to the President to be signed into law.

- **BRIEFING PAPER ON THE CHARITIES ACT (NI) 2008 PUBLISHED**

Northern Ireland's umbrella body NICVA has recently published a [briefing paper](#) on the [Charities Act \(NI\) 2008](#). The Charities Bill for Northern Ireland was introduced to the Assembly on 10 December 2007. The Bill which replaces the draft Charities (NI) Order 2007 provides statutory definitions of 'charity' and 'charitable purpose', establishes a Charity Commission for Northern Ireland and a Charity Tribunal, creates a Register of Charities for Northern Ireland, introduces the Charitable Incorporated Organization (a new form of charitable body), and sets out new rules with regard to fundraising and collections.

- **DRAFT TIME TABLE FOR CHARITIES ACT REVEALED**

Northern Ireland's [Charities Act 2008](#) is expected to be fully operational by early 2011, with the Charity Commission for Northern Ireland established in March 2009, followed by consultation on public benefit and first charity



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registrations in April 2010. A draft [time table](#) is available on interim website of the [Charity Commission](#).

RUSSIA—NEW TREASON BILL AFFECTING NGOS INTRODUCED

Russian Prime Minister, Vladimir Putin, has submitted to Parliament a new “treason bill.” According to [ASSOCIATED PRESS reports](#), the proposed legislation expands the definition of treason to include damaging Russia's constitutional order, sovereignty, or territorial integrity. Under the current statutes, some NGOs are not considered “foreign organizations,” meaning a person who passes a state secret to an NGO might not be considered a traitor. The proposed bill adds non-governmental organizations based anywhere in the world that have an office in Russia to the list of banned recipients of state secrets. The critics see the bill as being a new tool of the government to make any dissent illegal and subject to the harshest penalties.

MISCELLANEOUS MATTERS

MYANMAR—UN RESOLUTION TO STOP POLITICALLY MOTIVATED ARRESTS

PASSED IN GENERAL ASSEMBLY

The UN General Assembly has passed a resolution sponsored by the United States, Australia, South Korea, Israel and many European countries condemning widespread human rights violations in Myanmar and called on the government to halt politically motivated arrests and free all detainees and political prisoners, including Aung San Suu Kyi, according to a news article published by [THE STRAITS TIMES](#). The resolution said that Myanmar's political processes ‘are not transparent, inclusive, free and fair, and that the procedures established for the drafting of the (country's new) constitution resulted in the de facto exclusion of the opposition from the process.’ Myanmar has termed the resolution as interference in its internal affairs. General Assembly resolutions are not legally binding but carry weight.

NORTHERN IRELAND—HUMAN RIGHTS COMMISSION GIVES ADVICE ON THE PROPOSED BILL OF RIGHTS

Northern Ireland's Human Rights Commission formally handed its advice on a new Bill of Rights to the British government on 10 December, according to the news article published by [IRISH TIMES](#). The Bill of Rights stresses the need for a right to equality, education; freedom from violence, exploitation, harassment, and discrimination. It also calls for a right to identity, culture, language rights, democratic rights, rights to liberty and a fair trial. The Unionists, however, have reacted angrily to the proposed Bill of Rights.

RUSSIA—NEW ANTI-CORRUPTION LAW SIGNED

Russian president, Dmitry Medvedev, has [signed](#) a Federal law ‘On Fighting Corruption.’ According to the news article published by [RIA NOVOSTI](#), the law requires politicians and state officials to make a public declaration of their income, property and assets and that of their spouse and children. The bill also introduces



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restrictions on gifts. State officials will only be able to accept gifts worth up to 3,000 rubles (\$109), more expensive presents will become state property. In addition, officials are required to report all incidents involving actual or possible corrupt activity. The legislation was accepted by the State Duma on 19 December and approved by the Federal Council on 22 December 2008.

TURKEY—OMBUDSMAN LAW ANNULLED

According to a news article published by [HURRIYET](#), the Constitutional Court has annulled a law establishing an ombudsman's office, which was designed to hold public authorities to account. The law was canceled in a case that had been brought by former President, Ahmet Necdet Sezer, in 2006. Detailed ruling will be available at a later date

ANNOUNCEMENTS

GLOBAL—

- **INTERNATIONAL HUMAN RIGHTS DAY 2008 CELEBRATED**
10 December 2008, marked the 60th anniversary of the [Universal Declaration of Human Rights](#) (UDHR), and was celebrated as [International Human Rights Day](#). The occasion was commemorated with a number of special events at the UN headquarters in New York City. The theme for the 2008 International Human Rights Day is "Dignity and justice for all of us."
- **GOVERNANCE PARTNERSHIP FACILITY LAUNCHED**
According to [FREEDOMINFO.ORG press release](#), a 65 million USD Partnership Facility has been launched to "strengthen governance programs and further the fight against corruption." Part of the facility will provide new resources to develop innovative partnerships with civil society groups working on governance and anticorruption issues to ensure that public money is used effectively. The four-year initiative is being administered by the World Bank.
- **CIVIL SOCIETY ISSUES A JOINT DECLARATION AND CALLS ON UN MEMBER STATES TO INVEST IN PEOPLE-CENTERED DEVELOPMENT**
From 26-27 November 2008 the Doha Global Civil Society Forum brought more than 250 representatives of civil society organizations from around the world together to discuss the theme 'Investing in People-Centered Development', reports [United Nations Non-governmental Liaison Service](#) (UN-NGLS). At the end of the Forum, civil society adopted a [Civil Society Declaration](#) in which they call for more people-centered development. Representatives of civil society also held a press conference and presented an open letter highlighting their concerns expressed on the Declaration and presented an [open letter](#) to the President of the General Assembly.

NORTHERN IRELAND—INTERIM WEBSITE FOR THE CHARITY COMMISSION LAUNCHED



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The [Department for Social Development](#) has launched an [interim website for the Charity Commission for Northern Ireland](#). The site will provide information on the [Charities Act](#), the role of the new Commission, and the timescales for implementation. The Department will update this website until the Commission is in place and is in a position to develop its own corporate image.

UNITED KINGDOM—CHARITY LAW IN ACTION 2009

London South Bank University is organizing a one-day conference “[Charity Law in Action 2009](#).” The conference will be held on 22 January 2009, at London South Bank University, Keyworth Centre, Keyworth Street, London. This conference will help Charity Managers and Trustees understand the changing legal environment in which they manage and govern their organizations.

RESOURCES

ARAB WORLD—CIHRS RELEASE THE FIRST ANNUAL REPORT ON HUMAN RIGHTS IN THE ARAB WORLD

According to a news article published by [HUMAN RIGHTS HOUSE NETWORK](#), a recent report titled “[From Exporting Terrorism to Exporting Repression](#),” published by the [Cairo Institute for Human Rights Studies](#) reveals deteriorating human rights conditions in 12 Arab nations and territories: Egypt, Tunisia, Algeria, Morocco, Saudi Arabia, Bahrain, Syria, Iraq, the Occupied Palestinian Territories, Sudan, Lebanon, and Yemen.

ASIA—AHRC HUMAN RIGHTS REPORT 2008 PUBLISHED

According to AHRC [press release](#), the Asian Human Rights Commission annual report 2008, entitled “[The state of Human Rights in eleven Asian countries](#)” has been published. The report covers the human rights situation for 2008 in: Bangladesh, Burma, Cambodia, India, Indonesia, Nepal, Pakistan, the Philippines, the Republic of Korea, Sri Lanka, and Thailand. The report notes that the human rights situation in these countries is dismal and the governments show little demonstrable will to change the situation. The report underscores the importance and potential of civil society and free media to improve the situation in coming years.

CANADA—FOLLOWING UPDATES ARE NOW AVAILABLE ON THE CHARITIES AND GIVING WEB SITE:

- Overview of the 2008 Information Sessions for registered charities
<http://www.cra-arc.gc.ca/tx/chrts/sssns/vvns-eng.html>
- Proposed Fundraising Guidelines – update
<http://www.cra-arc.gc.ca/tx/chrts/whtsnw/pfgp-eng.html>
- Revised Form T2050, Application to Register a Charity Under the Income Tax



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Act, and revised companion Guide T4063, Registering a Charity for Income Tax Purposes

<http://www.cra-arc.gc.ca/E/pbg/tf/t2050/README.html>

<http://www.cra-arc.gc.ca/E/pub/tg/t4063/README.html>

- New GST/HST checklist for charities
<http://www.cra-arc.gc.ca/tx/chrts/chcklsts/gsthst-cfc-eng.html>

GLOBAL—INTRAC CONFERENCE 2008 HELD

[INTRAC's international conference 2008](#) was held in Netherlands from 3 – 5 December. The conference gathered 140 participants from over 40 countries for three days of examples of civil society activity, debates on the nature and future of civil society, food for thought, and new insights. The conference explored five main functions of civil society: Generating the basis for democracy; Promoting political accountability; Strengthening trust, reciprocity, and networks; Creating and promoting alternative models and ideas; Supporting the rights and concept of citizens. The conference presentations and papers are available at INTRAC website, [here](#).

UNITED KINGDOM—NEW GUIDANCE ON IMPROVING CONSULTATION WITH THE THIRD SECTOR PUBLISHED

A research report and a practical handbook entitled “[Better together: improving consultation with the third sector](#)” to help public servants open up the consultation process to reach third sector workers on the ground and to use their experience to influence policy outcomes has been produced by the Office of the Third Sector and umbrella body Children England. According to a news article published by [Office of the Third Sector](#), the handbook accompanies new research by [Involve](#) on effective and innovative ways of consulting with the third sector. The research illustrates how third sector organizations can influence the debate about local needs and can provide unique perspectives and insights as to how those needs are addressed. It also encourages an environment in which the third sector can work in partnership with government, and can campaign for change, whilst retaining its independent voice.

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