



IJCSL NEWSLETTER

VOLUME 6 ISSUE 5

MAY 2009

CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

AUSTRALIA--AMENDMENTS TO THE FREEDOM OF INFORMATION ACT 1982 DEVELOPED

According to [Freehills](#), the Australian Government announced as part of its 2007 election policies that it would reform the Commonwealth *Freedom of Information Act 1982* (FOI Act). The Cabinet Secretary and Special Minister of State, Senator the Hon John Faulkner, released the draft Information Commissioner Bill 2009 and the draft Freedom of Information Amendment (Reform) Bill 2009 for public consultation. The principal objective of these reforms is to promote a pro-disclosure culture, focusing on increased scrutiny, discussion, comment, and review of the government's activities. It is thought this increased public participation in government processes will lead to better informed decision making, and build a strong foundation for more openness in government. The government has invited written submissions regarding the Bills. The closing date for submissions is 15 May 2009.

BARBADOS—CALL FOR FOI LAW

[According to the Barbados Advocate](#), since there is no legislation on the statute books regarding freedom of information, Barbados has been operating on “an ad hoc” basis. Speaking during a Democratic Labour Party lunchtime lecture, Attorney at Law, Verla Depeiza, noted that this has been brought to the fore due to recent situations surrounding the media. Depeiza said it is imperative that this legislation be implemented soon, through the study of other models, but she stressed that this model when created should be one which suits the island rather than one which is “borrowed wholesale from somewhere else.” Saying the US model is the most extreme, she pointed out that other countries' acts have been modeled after the United Kingdom's and Australia's, while within the region Antigua and Barbuda and Belize already have such legislation on their statute books.

CHILE—NEW ACCESS TO INFORMATION LEGISLATION TAKES EFFECT

Chile's [Transparency and Access to Public Information Law](#) (Law 20.2285) came into force on 21 April 2009, marking a significant step toward making the Chilean government more transparent and responsive to the Chilean people. [Freedominfo](#) reports that the law applies to all levels of government, from the federal ministries to the municipal governments, including the armed forces, the police, and the public security forces. The inclusion of the military and police under the law's mandates is especially significant, given Chile's recent history of military dictatorship. The law, passed in August 2008, mandates the active dissemination of information by the state and also requires the Chilean government to respond to information requests by Chilean citizens. According to the law, government websites should actively publish

certain kinds of information, broad categories defined in the law itself. For information requests, the government must respond within 20 working days and must justify any withholding of information.

EUROPE—ECTHR DECISION GUARANTEES FREEDOM OF INFORMATION AS BEING ENCOMPASSED WITHIN FREEDOM OF EXPRESSION

[In a landmark decision on 14 April 2009](#), the [European Court of Human Rights of the Council of Europe](#) found in favor of [Társaság a Szabadságjogokért, the Hungarian Civil Liberties Union](#), in its complaint against the Hungarian government over a submission to the Hungarian Constitutional Court filed by a member of parliament concerning drug policy. This is the first time the European Court of Human Rights has unanimously recognized that freedom of expression, as mandated by Article 10 of the [European Convention of Human Rights](#), also includes the right to information from public bodies. Like the Inter-American Court decision in [Reyes v. Chile](#), the European Court of Human Rights has affirmed that the right to information is essential to free expression. Because the government holds the “information monopoly,” according to the Court’s decision, “the law cannot allow arbitrary restrictions which may become a form of indirect censorship.”

GUATEMALA—FOI LAW ENTERS INTO EFFECT

[Freedominfo](#) reported that on April 21, 2009, [Guatemala’s Law for Free Access to Public Information](#) went into effect, officially allowing citizens to request information from 1,000 government offices and over 8,000 NGOs that manage public resources. Manfredo Marroquín of the citizen action group [Acción Ciudadana](#) made a [symbolic first information request the day the law went into action](#) and received in response information from the Vice President on the salaries of his staff. Marroquín told *Prensa Libre* that his organization has observed that Guatemala’s federal agencies have taken the necessary steps to prepare for the implementation of the law.

MALAWI—UDF PLEDGES MORE DECENTRALIZATION AND CITIZEN PARTICIPATION

[According to the Ngasa Times](#), the United Democratic Front desires a Malawi where people have the greatest possible control over their own lives. “This can be achieved through a government that truly responds to the wishes of local communities – where decisions are taken close to those they affect by representatives chosen by the people who will have real power to shape the places they live,” writes Muluzi. “Our proposals for accountability, dispersal of political power, decentralization of public services and support for local communities will help to reduce inequality. UDF’s pursuit of equity is a precondition of freedom and social justice,” reads Muluzi’s foreword. He pledges that UDF will preside over an inclusive government that is not fuelled by political envy and the settling of old political scores.

MONGOLIA--STILL SECRETIVE, MONGOLIA SET TO DEBATE FREEDOM OF INFORMATION

[According to the UB Post](#), for nearly 20 years Mongolia has endeavored to shed the remnants of Soviet style socialism, but while it has made significant progress in

privatizing industry and permitting multiple party elections, the nearly three million person nation has remained a markedly secretive state. That is something which must change, according to many free media and public rights advocates, if Mongolia hopes to become a fully developed democracy. The country's Parliament will soon have another opportunity to increase governmental transparency when it assesses the Law on the Right to Access Information; this is the second time since 2007 that Mongolia's lawmakers have seen a bill like it.

SOUTH AFRICA—FOCUS ON DEVELOPMENTAL STATE TO INCREASE CITIZEN PARTICIPATION

[According to Business Day](#), proponents of a developmental state have concentrated their attention on the national and local levels of government. National cabinet clusters are to be restructured, a planning commission is to be created in the Presidency, and the central state is to play a “strategic role” in the economy. Meanwhile, on the ground, citizen participation is supposed to build fresh modes of accountability in schools, hospitals, and local communities.

U.K.--A PILOT SCHEME TO INVOLVE RESIDENTS IN SPENDING COMMUNITY SAFETY CASH IS SET TO RECEIVE NATIONAL ACCLAIM.

[According to Scunthorpe.co.uk](#), the community safety “participatory budgeting project” in North Lincolnshire saw £20,000 of government cash spent on four community safety projects chosen by residents. A poll of 800 residents in the Manor Farm, Riddings and Westcliff Acorns Neighbourhood Management areas of Scunthorpe was used to choose the schemes to be financed. Now the successful scheme is set to be shown off at a Home Office showcase event later this year.

U.S.—

- **FAA PROPOSES RULE TO PROTECT BIRD STRIKE DATA**

[According to the Daily News](#), rather than comply with a Freedom of Information request filed by [The Associated Press](#), the FAA has proposed a rule that would put off-limits to the public a database listing more than 100,000 bird strike reports going back to 1990. The information should show where and when the accidents have been happening. The FAA is attempting to evade disclosure by claiming the data should be kept confidential under a worthy program that encourages airline personnel to report safety breaches in private and without fear of reprisals. Subsequently, [according to the Washington Post](#), Transportation Secretary Ray LaHood rejected the proposal by the Federal Aviation Administration to keep reports about bird strikes on airplanes secret, and it was released.

- **CONGRESS TO PASS REPORTER SHIELD LAW**

[According to DailyProgress.com](#), after decades of promoting government secrecy and obfuscation through its collective inaction, Congress is on the cusp of passing a federal “shield law” that would protect reporters from going to jail for refusing to divulge confidential sources. Such sources are used sparingly by news organizations but are an essential tool at ferreting out government corruption, corporate criminal wrongdoing and all manner of scandals that American citizens

need to know about. In 2007, this bill passed the House 398-21, which shows the bipartisan nature of this legislation; the legislation would not protect reporters if national security or other life-and-death matters were involved.

- **MAINE BILL HIDES NAMES FROM LIST OF STATE WORKER SALARIES**
[According to the Kennebec Journal Morning Sentinel](#), a web site launched last year that posts the names of state workers and their salaries is coming under fire from legislators who want to protect the privacy of public employees. Assistant Senate Majority Leader Lisa Marrache, D-Waterville, and five other central Maine lawmakers are supporting a bill that disallows the release of salary information as it pertains to “an individual state, county, municipal, school, University of Maine System, Maine Community College System or Maine Maritime Academy employee.” Instead, salary information would be released by position, not by name.
- **STAFF SAFETY IS GOAL OF CONNECTICUT BILL**
[According to the Hartford Courant](#), inmates would no longer be able to obtain information on Department of Correction staff by making freedom of information requests, if a bill approved by the legislature's judiciary committee is passed. The bill would eliminate a lot of “mind games” by inmates, said Sen. John A. Kissel, R-Enfield. “[The committee] felt that there is no justifiable reason for allowing the prisoners to FOI the correctional staff information,” Kissel said. This is one of several bills the committee has approved during the past several weeks to enhance correctional staff safety. According to Department of Correction information, nine inmates made at least 39 requests for personal information on correctional staff in the past five years. After a cell shakedown, one was even found to have pictures of the home of Commissioner Theresa C. Lantz, along with other information on her home and car.

FISCAL MATTERS

ALBANIA—NEW SUPPORT MECHANISM FOR CSOS

[ICNL reported](#) that on 9 March 2009, the Albanian Parliament adopted the Law on the Organization and Functioning of the Agency for Supporting Civil Society (Law No. 10093). The law was signed by the President and was published in the Official Journal of Albania on 2 April 2009, and entered into force 15 days after its publication. The Agency will support activities aiming to encourage the sustainable development of civil society and the creation of favorable conditions for civic initiatives. In addition to organizations, part of its funds will go to individuals for research, participation in international events, and trainings and scholarships related to civil society. The Agency is a public law entity managed by a Supervisory Board that will distribute grants for NGOs. The financing for the grants comes from the state budget and, for 2009, its amount will be US\$1 million. Moreover, the law specifies that the state cannot provide a smaller budget to the Agency than the budget it was given the previous year so it is expected that the funds to be distributed by the

Agency will grow throughout the next several years. In addition, the state budget will cover the administrative expenses of the Agency from a separate budget line and will provide premises for its activities.

CANADA—CRA ISSUES NEWS RELEASE ON CHARITY AUDITS

On April 14, 2009 the Canada Revenue Agency (“CRA”) issued a [news release](#) entitled “Protecting the money given to charity,” which summarizes the activities the CRA conducts to ensure that charities are complying with tax laws. The news release explains that the CRA will undertake an audit of a charity when it suspects a charity is not complying with tax laws, which is typically a result of public complaints or information reported in the charity’s annual information return. Last year, CRA audited 845 charities, of which the charitable status of 38 charities was revoked for serious infractions of the law, while many others had their status revoked because of failure to file the annual information return.

U.S.—SENATORS INTRODUCE LEGISLATION TO INCREASE FOUNDATION SPENDING

[U.S. Senators Charles E. Schumer \(D-NY\), Carl Levin \(D-MI\), and Debbie Stabenow \(D-MI\) announced](#) that they have introduced legislation to simplify the tax code for private foundations, a move that would create a new incentive for increased charitable giving. The current excise tax imposed on private foundations punishes them for years in which they increase giving by taxing them at a higher rate in the subsequent years. The tax code was intended to encourage giving, but the current two-tiered excise tax system instead has the opposite effect. “In today’s economy, the need for charitable gifts is greater than ever, and we should be encouraging foundations to increase giving,” Schumer said. “Foundations play an important role in investing in our universities, the arts, community charities, and vital programs for those most in need. The tax code should thank foundations for these efforts, not tax them for their generosity.”

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

CANADA—

- **SUPREME COURT TO REVIEW RIGHT OF AGWORKERS TO ORGANIZE**
[According to Marketwire](#), the violation of the labor and human rights of Ontario agriculture workers will be in front of the Supreme Court of Canada again, after the highest court in the land agreed to review a recent Ontario lower court decision that ruled the province’s current prohibition on farm unions is unconstitutional. “As Canadians, we can’t stand back while human rights get trampled in our own backyard,” said the head of the farm workers union. “That said, we believe the Supreme Court will rule as it did a decade ago, and again in 2007 - that the right to collective bargaining is guaranteed under the Charter of Rights and Freedoms.”

- **PUBLIC SECTOR PROFESSIONALS CHALLENGE CONSTITUTIONALITY OF BUDGET IMPLEMENTATION ACT**

[According to Virtualization](#), workers' constitutional rights are front and centre as the Professional Institute of the Public Service of Canada (PIPSC) takes the federal government to court over the allegedly regressive and illegal provisions of the Budget Implementation Act (BIA). According to the PIPSC, "By restricting the ability of public sector unions and employees to negotiate pay rates and compensation with their employers, the Expenditure Restraint Act violates the rights to freedom of association guaranteed by the Canadian Charter of Rights and Freedoms, compromises the essential integrity of the collective bargaining process, retroactively invalidates provisions of existing collective agreements, and undermines future bargaining." The Supreme Court of Canada recognized in 2007 that the process of collective bargaining is protected by the Charter.

KENYA—PUBLIC ACCOUNTS COMMITTEE CHAIRMAN DISMISSES STATE PLANS TO SACK OFFICE COUPLES

[According to the Nairobi Standard](#), Public Accounts Committee (PAC) chairman Bonny Khalwale has rubbished Government plans to sack couples in key parastatals in its fight against graft. Dr Khalwale said married couples do not contribute to corruption in parastatals or other Government offices. "Wives were never mentioned in the Anglo Leasing, Goldenberg, Triton and maize scandals," noted the Ikolomani MP. He said he has yet to come across a case where a civil servant was aided by the wife to engage in corruption.



Ikolomani MP Bonny Khalwale

“As chairman of the PAC, I have never received an audit query that involved a married couple. Leave people’s wives alone,” Khalwale said. He urged Government to lead by example if it was serious about the matter. The Government has indicated it is convinced that couples contribute immensely to corruption in parastatals. Couples have since been given six months to agree who between them is going to quit their job. Separately, Central Organisation of Trade Unions (Cotu) Secretary-General Francis Atwoli said that the "Directive by Treasury PS is against the international Labour conventions and the Kenyan Constitution Section 80 paragraph 1, on the freedom of association and choice,"

MALAYSIA-- ANTI-PARTY-HOPPING LAW NOT URGENT

“At this stage, there is no urgency for the law” says Minister in the Prime Minister’s Department Datuk Seri Nazri Abd Aziz.

(Datuk Seri). Anwar Ibrahim is the only one who nak curi (wants to steal) elected representatives,” Nazri said at the Parliament lobby here yesterday, [according to the Star Online](#). Nazri pointed out that even with the current political development, where a state government had fallen due to MPs resigning from their parties, such cases did not happen all the time and were not rampant. Earlier, he told Senator Heng Seai Kie that the Government did not intend to propose an anti-hopping law, which would prohibit the freedom of association as guaranteed under the Federal Constitution. Nazri said the Supreme Court had made a ruling on party hopping in the case involving Nordin Salleh and the Kelantan state assembly in 1992, in which crossovers were declared as legal and part of the freedom of association.

TAIWAN--COMMUNIST PARTIES TAKE ADVANTAGE OF CONSTITUTIONAL COURT RULING

[According to the Taiwan News](#), communist parties, established in July and December last year, have formally registered themselves with the Ministry of the Interior and have become legally protected civic organizations in Taiwan. Ministry officials pointed out that the Taiwan Communist Party was founded after the justices of the Constitutional Court under the Judicial Yuan ruled on 20 June 2008 that

provisions in the Civil Associations Act banning citizens of the Republic of China from advocating communism or separatism were unconstitutional. In accordance with the court's constitutional interpretation 644, those provisions were nullified with immediate effect because they were inconsistent with the people's right to freedom of assembly, freedom of speech, and freedom of expression.

TRINIDAD AND TOBAGO—PRIME MINISTER REFUSES RIGHT OF PEACEFUL ASSEMBLY TO PROTEST SUMMIT OF THE AMERICAS

[According to the Trinidad News](#), the leader of the Trinidad and Tobago Civil Rights Association (TTCRA) Ramesh Lawrence Maharaj says Prime Minister Patrick Manning should be ashamed for not facilitating requests to stage peaceful protests during the Fifth Summit of the Americas held in Port of Spain. He invited those who were forbidden to protest outside the venue to join him and his Trinidad and Tobago Civil Rights Association in their own protest outside the Brian Lara Cricket Academy in Tarouba.

U.S.—MARYLAND LAW WOULD CRIMINALIZE FOREIGN LOVE LETTERS

[According to the Cumberland Times News](#), Maryland men who wish to communicate with foreign women may need to visit their local police station if a highly controversial proposed Maryland bill (HB 596) becomes law. The provisions of HB 596 bear a haunting reincarnation to old Soviet style repression and would shockingly require Maryland residents to submit to background checks and provide personal information before communication can begin if they use an international dating or pen pal site. Perhaps the most appalling provision would potentially require Maryland men to provide to the Central Repository “a complete set of legible fingerprints taken at any designated state or local law enforcement office” before they can initiate communication with a foreign woman. HB 596 doesn't regulate marriage brokers (a fictitious term) but would regulate communication and free association between Maryland men and foreign women. According to the editor, HB 596 is a blatant violation of the first Amendment (freedom of speech and freedom of association), the fifth and fourteenth Amendments (equal protection) as well as violations of article 2, 24, 40, 44 and article 46 in the Declaration of Rights of the Maryland Constitution. HB 596 is patterned after a similar Federal law the International Marriage Broker Regulation Act, which was sneaked through Congress with no testimony or witnesses.

AUSTRALIA-- NEW “BIKIE” LAWS UNDERMINE BASIC RIGHTS, SAY THE NSW GREENS

[According to the Australian](#), the “bikie” legislation passed the Upper House without the support of the Greens. Under the new laws, biker gang members who associate with each other can be charged without warning and face at least two years in jail. According to a spokesman for the Greens, “The anti-gang legislation undermines the current rules of evidence, weakens the right of freedom of association and increases the possibility for police corruption.” The laws follow the death of Anthony Zervas, brother of Hells Angel Peter Zervas, who died after a violent brawl at Sydney Airport in March.

UGANDA—PETITION DISTRIBUTED CLAIMING THE 2006 NGO ACT AND THE 2008 REGULATIONS ARE UNCONSTITUTIONAL

The [Uganda National NGO Forum](#) has uploaded on its website a proposed petition claiming that the 2006 NGO Act and the 2008 Regulations (which are to be laid before Parliament this year) are unconstitutional. One of the important issues raised is that the Act criminalizes activities by unregistered NGOs, which arguably violates the freedom of association provided in Uganda’s Constitution and in the African Charter on Human and Peoples’ Rights.

FREEDOM OF EXPRESSION

GHANA—DECRIMINALIZING, RECRIMINALIZING FREEDOM OF EXPRESSION

[According to AllAfrica.com](#), with the repeal of section 185 of the Criminal Libel Law, the Attorney General ceased to have the power to bring criminal proceedings against journalists on behalf of defamed public officials; but under the Defamation Bill the Attorney General can institute a civil action for defamation on behalf of any public official who have sufficient reasons to believe that he/she has been defamed. In a review of the Bill, Mr. Akoto Ampaw argues that the idea of the government, through the Attorney General, instituting a defamation suit to vindicate the “reputation of the people of Ghana or the government” recalls some of the sinister systems of a closed and repressive political system and can hardly be justified in a republican democracy. He said, in particular, the idea of government instituting a civil action for damage against a citizen for a defamatory matter is simply to stand our whole system of representative government and the constitutional sovereignty of the people on its head. In other words like any ordinary Ghanaian, any public officer or politician has the right to seek legal redress when defamed. Once the AG gets involved in individual matters it could pass as state protection of an individual.

GLOBAL—WORLD PRESS FREEDOM DAY CELEBRATED MAY 3

In numerous venues and with various foci, [World Press Freedom Day 2009](#) was celebrated around the world. The [World Association of Newspapers special website](#) on the event furnished information on the number of journalists killed and injured so far this year. [UNESCO held a conference in Qatar](#) to discuss the potential of media in fostering dialogue, mutual understanding, and reconciliation. IFEX, the International Freedom of Expression eXchange, published [a listing of events around the world on its website](#).

IRAN—FREEDOM HOUSE SAYS IRAN WORST ON INTERNET FREEDOM

[According to Washington TV](#), Iran has earned poor marks on internet freedom, in a report released Wednesday by the Washington-based rights group, Freedom House. In its report, entitled “Freedom on the Net”, Freedom House evaluated 15 countries based on barriers to internet access, limitations on content, and violation of users’ rights. Along with Iran, China, Cuba, and Tunisia were considered “not free” due to state control of internet activity, while seven countries – Egypt, India, Georgia,

Kenya, Malaysia, Russia and Turkey – were considered “partly free”. Four others – Brazil, Britain, Estonia and South Africa – were labeled “free”.

IRAQ--LAWMAKERS DECRY MOVE AGAINST CARTOONIST

[According to Mercury News.com](#), an Iraqi parliamentary committee on Sunday criticized police for raiding an exhibition featuring a cartoon lampooning Iraq’s prime minister. Police raided a cartoon exhibition in the Shiite holy city of Karbala and seized a drawing depicting Prime Minister Nouri al-Maliki with a long nose trying to repair a car labeled “sectarian distribution of jobs,” according to lawmaker Mufid al-Jazairie. Al-Jazairie, who is chairman of the parliamentary education committee, said the raid was a violation of constitutional guarantees of freedom of expression.

SOUTH KOREA—

- **IFJ ASKS SOUTH KOREAN AUTHORITIES TO RELEASE JOURNALIST**

[According to Media Newslite](#), the International Federation of Journalists (IFJ) calls on authorities in South Korea to immediately release YTN union chairman Jong-Myun Roh, who has been detained since being arrested ahead of strike action at the broadcaster. Roh was arrested on 22 March 2009, the day before YTN staff members were due to take strike action as part of their long campaign to secure guarantees of editorial independence at the broadcaster. Three other union members arrested on the same day were quickly released. Meanwhile, the YTN strike continued. The strike comes amid an eight-month campaign by YTN workers to defend editorial independence at the broadcaster, following last year’s appointment of Gu Bon-Hong as YTN president. The appointment of Gu, who previously worked as an aide to President Myung-Bak Lee, has raised concerns about potential political influence on the broadcaster.

- **GOOGLE DISABLES UPLOADS AND COMMENTS ON YOUTUBE KOREA**



[According to PC World](#), Google has disabled user uploads and comments on the Korean version of its YouTube video portal in reaction to a new law that requires the real name of a contributor be listed along each contribution they make. The rules, part of a Cyber Defamation Law, came into effect on 1 April 2009 for all sites with over 100,000 unique visitors per day. It requires that users provide their real name and national ID card number. In response to the requirements Google has stopped users from uploading via [its Korean portal](#) rather than start a new registration system. “We have a bias in favor of freedom of expression and are committed to openness,” said Lucinda Barlow, a spokeswoman for YouTube in Asia. “It’s very important that if users want to be anonymous that they have that chance.” But while the move obeys the letter of the law, it skirts around the spirit of it by allowing users based in South Korea to continue uploading and commenting on YouTube by switching their preference setting to a country other than Korea.

SRI LANKA--UNESCO GIVES POSTHUMOUS AWARD TO SRI LANKAN EDITOR

[According to the Associated Press](#), UNESCO has posthumously awarded the World Press Freedom Prize to a Sri Lankan journalist gunned down execution-style while driving to work earlier this year. The U.N. body said Tuesday on its Web site that Lasantha Wickrematunge, the editor of a newspaper harshly critical of the government and its conduct in the war against the separatist Tamil Tigers, continued his work even though he knew he was in danger. "Jury members were moved to an almost unanimous choice by a man who was clearly conscious of the dangers he faced but nevertheless chose to speak out, even beyond his grave," said Joe Thloloe, president of the jury and press ombudsman of the Press Council of South Africa.

TAIWAN--20TH ANNIVERSARY OF THE SELF-IMMOLATION OF TAIWAN'S MOST NOTABLE MARTYRS FOR FREEDOM OF SPEECH CELEBRATED

[According to the Taiwan News](#), the 20th anniversary of the self-immolation of Taiwan's most notable martyrs for freedom of speech and human rights under the former authoritarian Chinese Nationalist Party (Kuomintang) regime comes at a time of renewed pressure on hard-won rights of free expression and news freedom from both the restored KMT government and the authoritarian Peoples' Republic of China. On 7 April 1989, Cheng Nan-jung, a prolific and fiery writer, human rights activist, and advocate of Taiwan independence, died in a blaze that erupted at the offices of his "Freedom Age" magazine in Taipei City while besieged by police and secret police agents of the then Chinese Nationalist Party (Kuomintang) regime who were intent on shutting down his critical publication and arresting him for "sedition" despite the lifting of martial law nearly two years previously. During nearly four decades of KMT martial law rule from the late 1940s, innumerable writers, reporters and editors were cashiered, imprisoned, or even executed for speaking or writing for freedom, human rights, democracy, or the rights of disadvantaged groups. However, Cheng's example showed that the struggle for "100 percent freedom of speech," which is a precious right for the use of the oppressed and disadvantaged, did not end with the lifting of the martial law decree on 15 July 1987 but remains necessary, even if many if not most Taiwan citizens labor under the illusion that Cheng's fight to win full freedom of speech had succeeded.

U.K.--FREEDOM OF SPEECH PROVISIO IN SEXUAL ORIENTATION HATRED BILL DEFEATED

[According to Police Professional.com](#), an attempt to include the defense of "free speech" in a Bill designed to make incitement of hatred over sexual orientation a criminal offence has failed. The Coroners and Justice Bill has been criticized for limiting expression and some comedians have raised concerns that the proposals would leave them open to prosecution. But ministers have concluded that the "free speech proviso" would have provided a loophole allowing people to incite hatred. The discussion, which culminated in the House of Commons last week, stems from Conservative former home secretary Lord Waddington's success in amending legislation dealing with inciting hatred on grounds of sexual orientation to allow for

“discussion or criticism” of sexual practices. The Government has been unable to remove the amendment and is now using the Coroners Justice Bill to scrap it.

U.S.--BAN ON DROOPING DRAWERS FACES LEGAL CHALLENGE

[According to the New York Times](#), last year more than 70 percent of voters in Riviera Beach, FL, backed an ordinance making it illegal to wear trousers low enough to reveal skin or underwear. Other cities, including Lynwood, IL, and Flint, MI, have passed similar measures, but none appear to have pursued violators as energetically as Riviera Beach. Since the law took effect last July, 15 to 20 young men have been charged with violating the ordinance, defense lawyers say. But with many of the cases pending, the Office of the Palm Beach County Public Defender last week challenged the ordinance on constitutional grounds. Two assistant public defenders argued that the ordinance and its enforcement violated principles of freedom of expression and the right to due process. They added that enforcement of the ordinance has focused exclusively on young black men. Mayor Thomas Masters, a Baptist minister, said in an interview that Riviera Beach voters “just got tired of having to look at people’s behinds or their undergarments,” but the public defenders argued that sagging pants were a constitutionally protected expression of identity. Their star witness was Chelsea Rousso, a former New York fashion designer who is now a fashion instructor at the Art Institute of Fort Lauderdale.

UNITED NATIONS—HRC RESOLUTION CONDEMNS DEFAMATION OF RELIGION

[According to Frontpagemag.com](#), the UN’s Human Rights Council approved a resolution calling upon member states to provide legal “protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions and incitement to religious hatred in general.” While the resolution speaks of religion in general, the proposal came from Pakistan and had the backing of the powerful 57-government Organization of the Islamic Conference (OIC), the UN’s largest voting bloc – so it was clear that Islam was the only religion the drafters of the resolution had in mind. This is underscored by the fact that Muslim states have worked energetically to make “Islamophobia” the focus of Durban II -- the UN’s upcoming second World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance.

U.S.—

- **SAFETY CONCERNS FORCED CANCELLATION OF AYERS APPEARANCE IN ILLINOIS**

[According to the Daily Herald](#), it was concerns with patron and employee safety that prompted Anderson’s Bookshop in Naperville this week to cancel a scheduled appearance by controversial author Bill Ayers, store officials said Wednesday. “The hysterical and ugly comments about the appearance multiplied each day and we feared our customers and staff might be in physical jeopardy if we held the scheduled program,” officials said in a prepared statement. Store officials said they are working on plans to hold a town meeting to discuss the freedom of speech debate sparked by the firestorm over Ayers’ scheduled appearance. Ayers was slated to speak next week both at the downtown store and at Naperville North High School.

- **UNIVERSITY OF MINNESOTA TO STRENGTHEN ACADEMIC FREEDOM PROTECTION IN LIGHT OF ADVERSE COURT RULINGS**

[According to MNDaily.com](#), the University Senate’s Academic Freedom and Tenure Committee is pushing to revise the Board of Regents policy on academic freedom to better protect staff from the consequences of the recent court decisions, which limit academic freedom in public universities. In a 2006 ruling, [Garcetti v. Ceballos](#), the U.S. Supreme Court said public agencies can discipline their employees for any speech made in connection with their jobs. Though the case did not involve a public university employee, Justice David Souter dissented, saying he hoped the decision would not imperil First Amendment rights of public college and university teachers who “necessarily speak and write ‘pursuant to official duties.’” Unfortunately the ruling has had a negative effect on higher education, said American Association of University Professors Senior Counsel Rachel Levinson. Courts made a handful of other rulings in relation to the 2006 case that do involve public university faculty.

- **COLORADO JURY GETS CASE OF FIRED PROFESSOR**

[According to the New York Times](#), after a four-week trial, a jury in Denver held for the plaintiff in the case of Ward L. Churchill, a former University of Colorado professor who says he was fired because of an essay he wrote in which he called victims of the Sept. 11, 2001, terrorist attacks “little Eichmanns.”



Pool photo by Mark Leffingwell

Ward Churchill, left, and his attorney David Lane after closing arguments in Churchill’s civil suit against the University of Colorado in Denver.

The university says Mr. Churchill plagiarized and falsified parts of his academic research, particularly on American Indians, and cited this as grounds for his dismissal in July 2007. Mr. Churchill brought a wrongful termination suit against the university, seeking monetary damages for lost wages and harm to his reputation. He also wants to be reinstated to his job teaching ethnic studies. [According to Counterpunch](#), the jury awarded him a symbolic \$1 in damages. It is now up to the judge to decide whether to order his reinstatement.

- **APRIL FOOLER MICHAEL N. MARCUS REJECTS PANASONIC GAG ORDER**

[According to PRWeb](#), Michael N. Marcus is an author, businessman, and April Fooler. Born in April, Marcus says April Fools’ Day and Halloween are his favorite holidays. For nearly ten years, he’s “pranked” electronics manufacturer Panasonic in early April, but this year his perennial victim has gotten tough, and has threatened court action to block the pranking. Marcus remains defiant despite the threat. Marcus is president of AbleComm, Inc., a Connecticut-based supplier of

telecommunications equipment. The company's main phone system brand is Panasonic. Marcus said, "I also own some Panasonic stock, and I review Panasonic electronic products on my GottaGet1 blog. I have a lot of respect for the company, but that doesn't mean I can't have some fun with it." Marcus continued, "Since the mid 1990s, I've distributed an April Fools' news report about a mythical press conference that took place at a non-existent hotel, where fake people announced fake corporate policy changes and fake new products. For those who were in on it, it became an eagerly awaited annual tradition. Lots of people love my spoofs, but gullible victims, of course, don't. Some of my fake news has actually become real news in later years."

- **SCHIFF, PENCE INTRODUCE DANIEL PEARL FREEDOM OF THE PRESS ACT**
[According to the American Chronicle](#), Representatives Adam Schiff (D-CA) and Mike Pence (R-IN), co-chairmen of the Congressional Caucus for Freedom of the Press, introduced legislation to highlight and promote freedom of the press worldwide. The Daniel Pearl Freedom of the Press Act is named in honor of former Wall Street Journal reporter Daniel Pearl who was kidnapped and murdered by terrorists in Pakistan, just four months after the September 11th attacks. The legislation will establish an annual State Department report on the status of press freedom in every country in the world and create a grants program aimed at broadening and strengthening the independence of journalists and media organizations.

VIETNAM-- CRACKDOWN ON BLOGGERS PROMPTS APPEAL FROM U.S. LAWMAKERS

According to Reporters Without Borders, measures introduced by the government restrict blogs to providing personal information, prohibiting their use to disseminate press views, [reports CNSnews.com](#). One of the new measures, it said, requires blog platform hosts to provide information about the activities of their clients every six months, or at the government's request. Viet Tan, a pro-democracy group banned in Vietnam, says a government agency set up late last year under its Ministry of Information and Communications aims to monitor the Internet and control the flow of information from bloggers. In a new report, Viet Tan activists Duy Hoang, Cuong Nguyen and Angelina Huynh said the ministry has expressed the wish that foreign Internet companies "comply with provisions in the new decree, including providing personal information on bloggers to government authorities upon request."

FREEDOM OF RELIGION AND BELIEF

AZERBAIJAN—RELIGIOUS EXTREMISM PLAN ISSUED

[Forum 18 News reported](#) that Azerbaijan's Interior Ministry has issued -- but apparently not published -- a "Plan to Prevent the Spread of Religious Extremism by Radical Sects." Senior Ministry officials have refused to say what is in the --Plan; however police in Gyanja have claimed that a raid on a Jehovah's Witness meeting marking their most important festival is part of the Plan. Police insisted that the meeting was "illegal" as the community does not have state registration in the city.

Asked why this makes their meeting “illegal,” officers -- who did not give their names -- only repeated the “illegal” claim. It is unclear whether a raid on a Baptist meeting, publishing full names, addresses, and birthdates of victims of such raids, and refusal to allow a mosque in the capital Baku to reopen are also linked to the Plan. Human rights defenders and religious communities are especially concerned about officials publicizing the personal details of their victims, one defender stating it could be regarded as “a kind of hate speech.” No official has been able to explain to Forum 18 how these official actions “prevent the spread of religious extremism.”

CHINA--PROFESSOR FACES LONG SENTENCE FOR PRACTICING FALUN GONG

[According to Buffalo Hair Gazette](#), a retired professor and father of a New York resident faces imminent sentencing for practicing Falun Gong after a trial last week in Shandong province that lasted just hours and at which police blocked his legal representation from attending. As part of a recent alarming trend of long sentences given to Falun Gong adherents, Mr. Zhang Xingwu now potentially faces up to 12 years in prison. Zhang Xingwu (张兴武), a 67-year-old retired physics professor at Jinan Normal University in Shandong, was arrested at his home on 16 July 2008. His detention was part of a broader pre-Olympic round-up of people known to practice Falun Gong living in the vicinity of Qingdao, where the sailing competitions were held.

CUBA—GOVERNMENT KEEPS OUT U.S. RELIGIOUS FREEDOM GROUP

[According to the Associated Press](#), a planned trip to Cuba by a U.S. religious freedom watchdog group has been canceled after the Cuban government did not issue visas to the delegation, the group said, even as the Obama administration moved to ease sanctions on the communist nation. The U.S. Commission on International Religious Freedom said it had been forced to call off the fact-finding visit that had been scheduled due to the lack of visas. It said the visas had been applied for weeks earlier and it had received no explanation for why they were not granted.

MOROCCO--GOVERNMENT DEFENDS CRACKDOWN ON PROSELYTISERS

The judicial police in Casablanca have said that the five expelled missionaries were arrested during a proselytising meeting involving Moroccan nationals [according to Magharebia](#). Police officers also seized religious materials including books and videos in Arabic. Communications Minister and government spokesman Khaled Naciri said



[Getty Images] Morocco’s “official churches” firmly deny ties with proselytizing groups.

that the country upholds freedom of religion, provided proselytising and evangelism are not involved.

TAJKISTAN—STRICT NEW RELIGION LAW COMES INTO EFFECT

[According to Forum 18](#), the highly restrictive new Religion Law has now come into force, despite strong protests from local human rights defenders, religious communities, and international bodies, including the UN Special Rapporteur on Freedom of Religion or Belief and the OSCE. Among other restrictions in the Law, the number of mosques is restricted, all imams must be appointed by the state, state censorship is imposed on all religious literature; and children's religious activity and education are restricted. State officials have described protests as “baseless” and those who share the concerns of international organizations as supporting “alien ideas.”

U.S.—

- **LOS ANGELES JUDGE SAYS FRANCISCANS MUST OPEN SOME CLERGY PERSONNEL FILES**

[According to the Associated Press](#), a judge ordered the Franciscans, a Roman Catholic religious order, to release hundreds of pages of private personnel files and other documents as part of a clergy abuse settlement. The order by Los Angeles Superior Court Judge Peter D. Lichtman comes nearly three years after the Franciscans reached a \$28 million settlement with 25 victims of sexual abuse. An attorney for the plaintiffs said the previously undisclosed documents could reveal how long the Franciscans knew about alleged abusers and how they dealt with them. The documents also could contain the medical histories and treatment records of the accused, said Tim Hale, who represents 14 of the alleged victims. "We're going to see things that have never been seen and there's going to be pretty damaging and dramatic information in there," Hale predicted. Some of the accused brothers fought back in court, arguing that releasing their files would violate their rights to privacy, attorney-client privilege, and freedom of religion.

- **CATHOLIC SENATORS REJECT CONSCIENCE PROTECTION DESPITE BISHOP'S CALL FOR SUPPORT**

[According to Catholic.net](#), pro-life Senator Tom Coburn (R-OK) offered an amendment to the budget bill that would protect the conscience clause for health care workers, which is currently under review and may be rescinded by President Obama. The Coburn amendment stated, “To protect the freedom of conscience for patients and the right of health care providers to serve patients without violating their moral and religious convictions.” The amendment was rejected 41-56. Sixteen Catholic Senators failed to recognize the importance of this regulation which, it was said, would guarantee the rights of conscience for all Americans. In the view of Catholics, without the protection of the conscience clause many people with religious beliefs will be forced to take part in professional duties that compromise their moral convictions.

- **TEXAS LEGISLATURE LOOKING INTO LEGAL ISSUE OF PUTTING UP A MEZUZAH**

[According to the Jewish Herald Voice](#), Texas homeowners' associations no longer will be able to ban residents from affixing a mezuzah to their front doorposts if a bill pending the Texas House passes. The bill would take away authority from homeowners' associations to prohibit the fixing of religious symbols to "common elements," which includes door frames and hallways. The bill, filed by state Rep. Garnet Coleman, D-Dist. 147, was brought on behalf of Michael and Monica Smith of Houston, after their condominium association ordered them to take down their mezuzah.

VATICAN--REPORTEDLY REJECTS THREE OBAMA CHOICES FOR AMBASSADOR

[According to HumanEvents.com](#), one, a militant gay rights activist appointed to the Faith-Based Initiatives Advisory Council, and three more pro-choice Catholic picks for ambassador to the Vatican have all reportedly been rejected. Dr. Bill Donohue, President and CEO of the Catholic League for Religious and Civil Rights, the nation's largest Catholic civil rights organization said that "reports are that three have been shot down already. One would expect that the reason for it is that [the Vatican] wants someone who is pro-life. I would bet my last dollar that the Vatican would take a pro-life Protestant or Jew before they'd take a pro-abortion Catholic. After all, being an ambassador to the Vatican doesn't mean you must be Catholic: it means that you must be someone who is not anathema to their way of thinking. If they can't find another Ray Flynn, that says something about the Democratic Party."

LEGAL FRAMEWORK

AUSTRALIA—NEW LEGISLATION FOR ASSOCIATIONS PROPOSED IN NEW SOUTH WALES

The Government of New South Wales has introduced the [Associations Incorporation Bill 2009](#) in the NSW Legislative Assembly. The bill is expected to have a major impact on small not-for-profits incorporated as associations. The National Council of Social Service (NCOSS), New South Wales Branch, has suggested [amendments to the bill](#), suggesting, for example, that the requirements are too cumbersome for not-for-profits whose board members are all volunteers.

KENYA—NEW HEAD FOR NGO COORDINATION BOARD ANNOUNCED

The [NGO Coordination Board](#) has announced that Amb. Ole Nkuraiya has been appointed Chief Executive of the NGO Coordination Board. A career diplomat, he brings a wealth of diplomatic and administrative experience to the Board. Amb. Nkuraiya holds a degree in Political Science and a Postgraduate Diploma in International Relations from the University of Nairobi. The Board's duties include registering, coordinating and facilitating the work of all national and international NGOs operating in Kenya; maintaining a register of national and international Non-Governmental Organizations operating in Kenya, with their precise sectors,

affiliations and locations of their activities; and receiving, discussing, analyzing, and evaluating the annual reports of Non-Governmental Organizations.

TANZANIA—MAINLAND AND ISLES CSOs SEEKING COMMON LEGISLATION

[TANGO](#) reports that the efforts to make the legislation for NGOs the same throughout Tanzania are bearing fruit. There remain several issues, however, that need to be resolved. These relate to standards of performance within the CSO sector. In addition, the law in Zanzibar does not give the CSOs legal status, meaning that CSOs can not be sued or be sued by other parties in their own names; therefore Zanzibar CSOs can not enter into legally binding contracts.

MISCELLANEOUS MATTERS

BANGLADESH--POLICE DETAINED HEAD OF BRITISH-BASED CHARITY THAT FUNDED ISLAMIC SCHOOL IN SOUTHERN BANGLADESH

[According to the Associated Press](#), Faisal Mustafa — who runs the London-based Green Crescent charity — was held for questioning along with an aide, said A.K. Azad, a spokesman for the Rapid Action Battalion, a special anti-crime force. Mustafa's family earlier told local media he had been missing since March 26, two days after police raided the Green Crescent Madrassah and Orphanage, about 100 kilometers (60 miles) south of the capital of Dhaka. Police found a large cache of guns, bullets, and bomb-making materials as well as books on jihad, or holy war, at the school and arrested four employees, including a religious teacher, said Mamunur Rashid, an officer who led the raid. The school, which also houses orphans, was opened a few months ago in a remote area of the coastal district with funds from the Green Crescent charity, Rashid said. Police suspect the school has links to banned militant groups, which want to establish strict Islamic rule in this Muslim-majority nation governed by secular laws.

BELARUS-- EUROPEAN PARLIAMENT BACKS NEW “PRAGMATISM” ON BELARUS

[According to RFE/RL](#), the European Parliament has adopted a resolution that outlines its support for a broader EU policy of engagement with Belarus. While it has no binding force, the resolution acts as a useful barometer of where the EU, as an institution, stands on Belarus. And where it stands -- as opposed to the isolationism of years past -- is in a place of pragmatic engagement. As a clear sign of the new policy, EU officials have extended the suspension of a travel ban and started high-level talks with Minsk on issues like transport and energy.

CHINA—

- **AMNESTY INTERNATIONAL REPORT DETAILS INTIMIDATION OF QUAKE VICTIM FAMILIES BY CHINESE AUTHORITIES**

In a [report published on 4 May 2009](#), Amnesty International UK states that the Chinese authorities intimidated and unlawfully detained parents and relatives of children who died in the devastating Sichuan earthquake and harassed activists and lawyers who tried to assist them. The report *Justice Denied: Harassment of Sichuan earthquake survivors and activists* documents instances where some parents and relatives were detained for up to 21 days for trying to seek answers from officials about why their children died. Some have been detained repeatedly and the youngest detainee was only eight years old.

- **BEIJING ISSUES PLAN TO IMPROVE RIGHTS**

[According to the Wall Street Journal](#), China issued its first action plan on human rights, vowing to address a host of issues, from torture to the death penalty and the environment. International rights groups welcomed the National Human Rights Action Plan of China (2009-10), but some said the document was too vague and dodged key issues, including curbs on freedom of speech and of religion. “China has a long road ahead in its efforts to improve its human-rights situation,” the document acknowledges. The 22,000-word, two-year plan outlines the government's aim for broader access to social security, health care, and education. The death penalty will be “strictly controlled and prudently applied,” it states, adding that defendants will be guaranteed fair trials. Forced confessions by torture and the mistreatment of detainees will be prohibited. These rights are to be “promoted and protected” within two years, the document said.

MALAWI—PEACEFUL ELECTION CAMPAIGN PROGRAM BEING DEVELOPED

[Nanzikambe Arts](#) is developing a National Radio Campaign funded by GTZ, to promote peace and peaceful acceptance of the election results during the upcoming election period. The project will create a radio jingle, a short program that will be broadcast 10 times daily for 14 days surrounding election day on numerous radio stations in Malawi. The jingle will be positive and high energy, inspiring Malawians to have faith in the electoral system and in a modern Malawi where results are accepted peacefully. The emphasis will be on the individual responsibility to ensure that chaos does not follow.

U.K.—

- **TONY BLAIR OUTSPOKEN ON VATICAN GAY POLICY**

[According to DallasNews.com](#), it didn't take former British Prime Minister Tony Blair long to align himself with other liberal Catholics in saying the church's moral denunciations of homosexuality are wrong. In an interview with a British magazine aimed at gay readers, Blair, who became a Catholic after leaving office in 2007, said the Vatican should reconsider its position.

- **CATHOLIC ADOPTION AGENCIES SEVER LINKS WITH CHURCH TO ENSURE SURVIVAL**



[According to the TimesOnline](#), leading Roman Catholic adoption agencies have severed their links with the Church so that they can comply with the law and provide a service to gay couples. The five big agencies, including the largest in the country, felt that they had no choice because the Church opposes gay adoptions. Some agencies are changing their constitutions, funding structures, and even their names. The new laws in 2007 banned providers of goods and services from discriminating on the ground of sexuality, and adoption agencies were told that they would have to consider applications from gay couples. In response Catholic bishops warned that Catholic agencies would have to close if an exemption was not granted.

RESOURCES

MUSLIM WORLD JOURNAL OF HUMAN RIGHTS

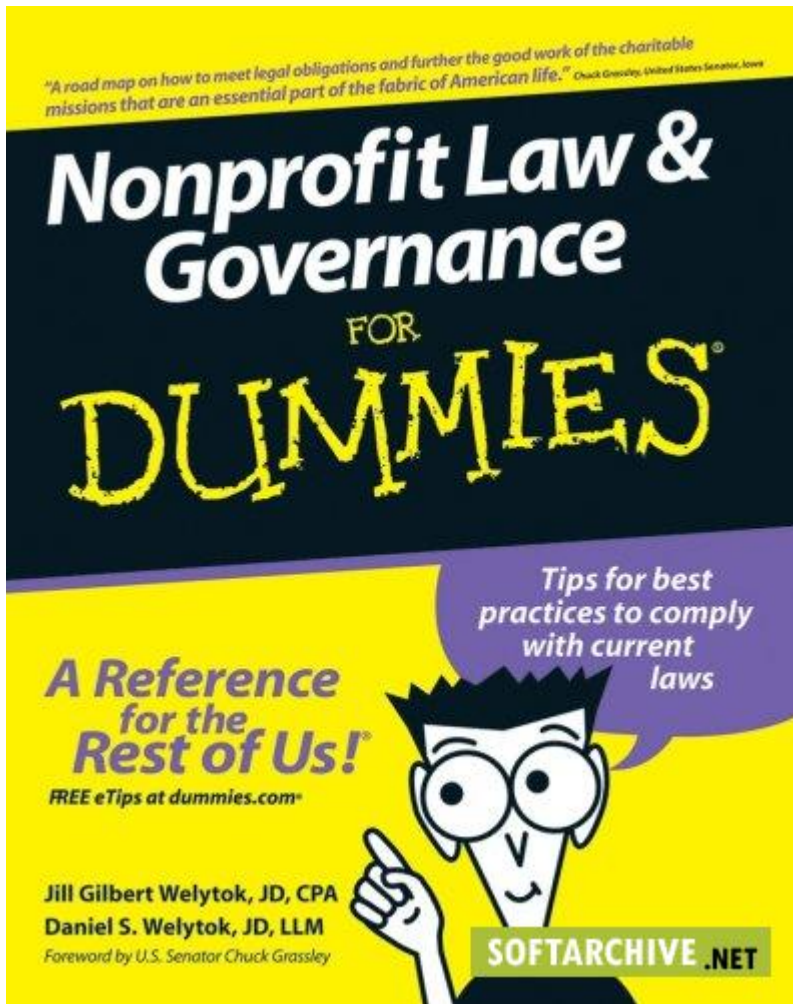
New Issue available at [The Berkeley Electronic Press](#).

U.S.—RESOURCES FOR INFORMATION ON ECONOMIC RECOVERY FUNDS

The new government website, [Recovery.gov](#), which as launched in February, continues to be a major resource for citizens seeking information about the ways in which the Federal government is spending the “economic stimulus” money made available by Congress. Other sources of information for U.S. citizens are the [Sunlight Foundation](#) and many of its grantees, including [OMB Watch](#).

U.S.--NONPROFIT LAW AND GOVERNANCE FOR DUMMIES

[PERMALINK](#)



360 pages | May 2, 2007 | ISBN:1478963258 | PDF | 8 Mb

IJCSL Newsletter is a publication of the [International Center for Civil Society Law](#). Karla W. Simon, *Chairperson*; Leon E. Irish, *President*. © 2003 - 2009 by ICCSL. All rights reserved. The trademarks IJCSL and IJCSL Newsletter are owned by the International Center for Civil Society Law. Readers are encouraged to use the **IJCSL Newsletter** for all noncommercial purposes (including circulating it or excerpts from it to friends and colleagues) with full credit given to the source. To the extent that the **IJCSL Newsletter** includes links to other publications and news sources, ICCSL is only providing access to sources publicly available on the World Wide Web and is not responsible for the accuracy of the information contained in the linked sources. As a not-for-profit organization dedicated to the promotion of a legal enabling environment for civil society, ICCSL does not permit third parties to present its content with advertising, logos, mastheads, or other content unrelated to the ICCSL. For further information, please contact mccormally@gmail.com. To unsubscribe to the **IJCSL Newsletter**, please send a blank e-mail to Mr. Patrick McCormally, *Managing Editor*, at mccormally@gmail.com. All questions with regard to use of the email list should be addressed to ICCSL's webmaster at dhughes@circlestarconsulting.com.

FAIR USE NOTICE. This monthly digest contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. ICCSL makes such material available as part of its effort to advance understanding of civil society, democracy, human rights, social justice issues, etc. Because the material in this digest is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes, ICCSL believes that this constitutes a 'fair use' of any such copyrighted material as provided for in Title 17 USC. Section 107, the US Copyright Law.