



# IJCSL NEWSLETTER

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## CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

### **ARAB WORLD—INTERNATIONAL IDEA PUBLISHES REPORT ON STATE OF LOCAL DEMOCRACY IN FOUR PROGRESSIVE COUNTRIES**

For the past twenty years people in the Arab world have been urging their governments to join the new wave of democratization that has been sweeping the world. While not averse to the idea, their leaders have been reluctant simply to import Western models of participation. New mechanisms for giving people a voice in keeping with their own local customs and traditions were clearly needed. A new report from [International IDEA](#) suggests that despite many attempts to achieve this, reforms have so far been limited. There have been no serious efforts to make the necessary institutional and constitutional changes. Some countries however, have made significant steps forward. In a remarkable spirit of openness they have initiated reforms that have resulted in competitive elections at different levels of government. Among other places this has happened in Egypt, Jordan, Morocco and Yemen – which is why these four countries were chosen by International IDEA to conduct [a systematic assessment of the state of their democracies at the local level.](#)

### **BRAZIL—FOI LEGISLATION SUBMITTED TO CONGRESS**

Recent developments in Brazil have fueled a growing debate on open government, historical memory, and truth and justice initiatives in the country reports [freedominfo](#). On 13 May 2009, President Luiz Inacio Lula da Silva sent a long-awaited draft Access to Information Bill to Congress, acting on his 2006 campaign promise to enact a freedom of information law by the end of his term. The law is now being reviewed by Brazil's two houses of Congress and continues to be scrutinized by international and domestic FOI advocates alike. On the positive side, advocates point to the comprehensive nature in the law, and the fact that it covers the executive, as well as the legislative and the judicial branches of government. On the negative side, the bill does not contain measures for the creation of an independent body to oversee implementation or agency compliance with the law.

### **CAUCASUS--MAY 2009 WORKSHOP IN GEORGIA COMPARES FOI LAWS AND PRACTICES ACROSS REGION**

According to [Freedominfo.org](#), some 25 freedom of information advocates and practitioners from the Caucasus region convened on 8-11 May 2009, to compare the laws and the practices across the region and to outline some common strategies to strengthen the right of access in these countries. Organized by the National Security Archive together with its partners from Tbilisi State University, the workshop included participants from Georgia, Armenia, Azerbaijan, Russia, and the United States, and representatives of the leading FOI organizations in each country, meeting for two days of



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presentations and discussion in Telavi, and a session at the State Security Archive of Georgia in Tbilisi.

## **GHANA—ACTION URGED ON FOI LAW**

[MyJoyOnline](#) reports that the Commission on Human Rights and Administrative Justice (CHRAJ) asked government to demonstrate its commitment to probity, accountability, open government and respect for human rights by ensuring the immediate passage of the freedom of information bill. A statement signed by Ms Anna Bossman, Acting Commissioner of CHRAJ, and issued in commemoration of World Press Freedom Day, which falls on 3 May 2009, said such legislation would also help to strengthen institutions of governance to play their role of ensuring transparency and good governance as well as deepening democracy. “This year’s theme “Media Dialogue and mutual understanding”, compels us all to reflect on the tenets of tolerance and acceptance of each other in spite of our differences. It reminds us that there is unity in diversity and that we all have a role to play in the nation building.” The statement said journalists and the media had enormous power to shape attitudes and perceptions, and this power must be used responsibly with the sole aim of making this nation a better place for everybody.

## **GUATEMALA—FOI LAW GOES INTO EFFECT**

[Freedominfo](#) reported that on 21 April 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.

## **LATIN AMERICA—PAPER PUBLISHED ON ROLE OF MEDIA IN PASSING FOI LAWS**

In a new article available at [Freedominfo.org](#), “Freedom of Information Legislation and the Media in Latin America,” Greg Michener discusses the fact that 2008 was a big year for freedom of information movements in Latin America: three countries passed access to information laws last year (Uruguay, Chile, and Guatemala). Varying degrees of media attention, however, had a significant effect on the relative strength of each law. Examining the correlation between media output on the issue of transparency and the strength of corresponding laws in these countries and others, Michener discusses the prospects for Brazil, the next Latin American country poised to pass a law.



## **SRI LANKA—USAID PROGRAM PROMOTES CITIZEN PARTICIPATION**

[According to the Island Online](#), the U.S. Agency for International Development (USAID) is funding a two-year program called Supporting



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Regional Governance (SuRG) to strengthen local governance in conflict-affected areas of the East. Participating local authorities from the Eastern Province recently signed a memorandum of understanding with SuRG to launch the partnership. USAID, the development agency of the U.S. Government, started the SuRG program to help local authorities in the East administer their activities more effectively and respond to the needs of their communities. In 2009, SuRG will work with 11 local authorities to increase public participation in local decision making, improve transparency in local government, and strengthen the relationships between different levels of government and elected officials. SuRG will expand the program in 2010 and work with an additional 14 local authorities from Eastern Province and Polonnaruwa District.

## **VENEZUELA—REFORM OF POPULAR COUNCILS LAW BEGUN**

[Prensa Latina](#) reports that the reform of the Popular Councils Law has begun in Venezuela with the registration of people in charge of informing, debating, and consulting on the law. According to the chairman of the Permanent Commission of Citizen Participation, Decentralization, and Regional Development, Deputy Dario Vivas, workshops will not only include norms of content but also inform them on how to gather proposals. Also, he added, material will be given designed for the members of the Community Councils to clearly and understandably write down their proposals. There are some 30,000 Popular Councils in the country, and they are designed to facilitate citizen participation.

## **FISCAL MATTERS**

### **U.K.—IS THERE A POTENTIAL THREAT TO CHARITY TAX BREAKS?**

The idea that charities should not pay tax has long been enshrined in UK law. It's a principle spelt out in legislation such as the Income and Corporation Taxes Act of 1988, which clearly sets out exemptions for charities. But recent changes to tax law have prompted some in the sector to question whether this long-held principle is now under threat, [according to Third Sector](#). The withdrawal of the Staff Hire Concession in April is one example. This change means that employers are now liable for VAT on fees charged by agencies that provide them with temporary staff. This is particularly irksome for social care and health charities that employ large numbers of temporary workers. The Planning Act 2008 has also caused concern. The original version of the act did not give charities any exemption from the Community Infrastructure Levy, a tax on land that has been given planning permission. After lobbying by charities in the House of Lords, the Government did partially back down and developments that are used for charitable purposes will now be exempt. But voluntary sector umbrella body the NCVO fears some charities will still lose out, because the tax could still apply to developments that raise money for a charity rather than meet its charitable purpose directly.



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## **U.S.—FINANCE COMMITTEE PROPOSES CHANGES IN TAX EXEMPT STATUS CRITERIA FOR HOSPITALS**

The Senate Finance Committee has published a [description](#) of various policy options for financing comprehensive health care reform. Among the many options listed is modifying the requirements for tax exemption of hospitals. A portion of the text of the proposed modification options reads as follows (citations omitted): “The Committee could consider a policy option that would codify organizational and operational requirements for determining whether a hospital is a charitable organization for purposes of section 501(c)(3) tax-exempt status. Such requirements include, among other things, that section 501(c)(3) hospitals regularly conduct a community needs analysis, provide a minimum annual level of charitable patient care, not refuse service based on a patient's inability to pay, and follow certain procedures before instituting collection actions against patients.” As part of the [background materials](#) it prepared for the Senate Finance Committee roundtable on health care financing, the Staff of the Joint Committee on Taxation included a section on tax-exempt hospitals (starting on page 39). It notes that its best estimate of the value of federal tax benefits in 2002 was \$6.1 billion, but that figure carried with it a substantial level of uncertainty for a variety of reasons.

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

### **EGYPT—EOHR AGAIN SUBJECTED TO HARASSMENT**

On 27 April 2009, the Egyptian Organization for Human Rights (EOHR) received a letter from the Egyptian Ministry of Social Solidarity, Masr-El-Kadima district authority, in which it was warned that the organization risks to be subjected to closure and dissolution for violating Law of Association No. 84 of 2002 because it had allegedly received unauthorized foreign funding. [The Euro-Mediterranean Organization for Human Rights](#) reported that the organization suspects that the Ministry's action was instigated following the regional conference entitled “Information is a right for all,” organized in Cairo jointly by EOHR and the Centre of Media Freedom in the Middle East and North Africa (CMF MENA), Morocco, on January 27-28, 2009, which focused on freedom of expression, as well as the right to a free flow of information. Six months prior to the conference EOHR had submitted to the authorities notice of the event as well as a request to receive funds from its partner institution in Morocco, in order to cover expenses for the conference. However, since no response had been received from relevant authorities within the time frame as provided by law, the request was deemed implicitly approved and both organizations proceeded with the organization of the event.

### **UGANDA—PETITION DISTRIBUTED CLAIMING 2006 NGO ACT AND 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



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Parliament this year) are unconstitutional. One of the important issues raised is that the Act criminalizes activities by unregistered NGOs, which violates the freedom of association provided in Uganda's Constitution and in the African Charter on Human and Peoples' Rights.

## **U.S.—CONSERVATIVE UNIVERSITY STOPS STUDENTS FROM ORGANIZING CLUB AFFILIATED WITH DEMOCRATIC PARTY**

[The Washington Post](#) and other papers report that Liberty University will no longer recognize its campus Democratic club because, officials say, the national party's platform goes against the conservative Christian school's moral principles. Officials at the private Lynchburg school, which was founded by the Rev. Jerry Falwell, said they made the decision after receiving complaints from trustees, parents, and donors. "They really are great kids and good friends of mine," said Jerry Falwell Jr., who became the school's chancellor after his father died in 2007. "It's just an issue of what Liberty's mission is." According to an [official press release](#), "The only thing that has changed came about as part of a University-wide review of all student organizations for official recognition status. Official recognition carries with it the benefit of using the University name and funds."

## **FREEDOM OF EXPRESSION**

### **CHINA—HUMAN RIGHTS LAWYERS BEING CENSORED BECAUSE OF THEIR WORK**

[Chinese Human Rights Defenders \(CHRD\)](#) has learned that law firms employing some of the most vocal human rights lawyers in China have been pressed by the local authorities to "fail" the lawyers in the annual evaluation of their performances. If this happens, as the lawyers fear it will, at least twenty lawyers will not have their licenses to practice law renewed by the judicial authorities when the evaluation concludes on 31 May 2009. The lawyers have been able to ascertain that the law firms where they are currently employed have been given directives and warned by their respective judicial and administrative departments and their lawyers associations. Some of the law firms were asked to immediately terminate their contracts with the lawyers. Some were asked to "fail" the lawyers in their annual performance evaluation of the lawyers in order to "coordinate" with the authorities' plans to cancel or revoke their licenses. The lawyers have also reported that while their colleagues have been asked by their firms to fill in the required paperwork to process the license renewal application, they have not been approached.

### **GLOBAL—**

#### **• WORLD PRESS FREEDOM DAY CELEBRATED**

In numerous venues and with various foci, [World Press Freedom Day 2009](#) was celebrated around the world on 3 May 2009. The [World Association of Newspapers special website](#) on the event furnished information on the number of



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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](#).



Media freedom campaigners don gags during a news conference in Hong Kong in April 2008.

## ○ DECLINES IN PRESS FREEDOM MARKED

Freedom House, a nongovernmental organization that supports democracy and freedom of the media, said in its [annual press freedom survey](#) that “negative trends” outweighed “positive movements in every region, particularly in the former Soviet Union, the Middle East and North Africa.” “This marked the seventh straight year of overall deterioration. Improvements in a small number of countries -- including bright spots in parts of South Asia and Africa -- were overshadowed by a continued, relentless assault on independent news media by a wide range of actions, in both authoritarian states and countries with very open media environments.” Israel -- once the only country to be consistently rated free by the group in the Middle East and North Africa -- was ranked as “partly free” because of the Gaza conflict. The report cited “increased travel restrictions on both Israeli and foreign reporters; official attempts to influence media coverage of the conflict within Israel; and greater self-censorship and biased reporting, particularly during the outbreak of open war in late December.”

## EGYPT—FREEDOM OF EXPRESSION STILL OUTLAWED

[Amnesty International challenged the Egyptian government](#) to mark World Press Freedom Day, 3 May 2009, by decriminalizing freedom of expression in Egypt. In a letter to Egypt’s President Hosni Mubarak, the organization noted that Egyptian journalists and bloggers continue to face imprisonment and heavy fines, as well as harassment on the basis of criminal defamation charges, preventing the reporting of matters of public interest. This comes despite the president’s own promise, in 2004, to end prison terms for publishing offences. Amendments of the Penal Code in 2006 failed



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to live up to that promise and many controversial provisions of the Penal Code and the Press Law remain in force.

## **KENYA—GOVERNMENT RESPONDS TO JOURNALISTS' REQUESTS TO ELIMINATE CONTROVERSIAL PROVISION OF MEDIA BILL**

The Kenyan government has published amendments to the Communications Act seeking to repeal the controversial clause that empowers the State to raid broadcasting stations. [IFEX's Press Release](#) states that in 2008 the Ministry of Information and Communication drafted and presented to Parliament the Section 88 of the Kenya Information and Communications Act which enables the state to raid broadcasting houses and destroy or confiscate equipment in order to safeguard public safety which could otherwise be compromised by the populaces' reaction to the media reports. The Bill was passed by parliament and President Mwai Kibaki signed it into law on 2 January 2009, despite protests by the media industry and freedom of expression supporters. The disputed section will be effectively repealed as soon as a Statute Law Bill published by Attorney General Amos Wako on 9 May 2009 is passed by the Parliament.

## **THE PHILIPPINES—HOUSE ADDRESSES RIGHT OF REPLY BILL**

[According to the Inquirer.net](#), after it breezed through committee deliberations, the right of reply bill was sent to the plenary for debates on Monday, raising howls from several congressmen who said there were more urgent measures to discuss in the last two weeks of session. Manila Representative Bienvenido Abante Jr., chairman of the committee on public information, delivered a sponsorship speech on House Bill 3306 and asked his colleagues to pass it. "When a person invoking the freedom of speech and of the press accuses or criticizes another, especially publicly, he must do so recognizing the equal freedom of expression, and the rights to privacy and due process of the person accused or criticized, hence, the person must be accorded the opportunity and right to reply to the accusation or criticism" Abante said in his speech. He said that his bill has put the chamber "in collision course" with media organizations, but added that "we must make a stand in the name of ethics, justice, honesty and fairness." He also gave a possible scenario where "days before an election, a candidate is accused [of an offense]" in the media. Abante said: "The fate of that candidate whose reputation, if not his character, was tarnished by such accusation or criticism has been crushed, unless and until he is given the chance to clarify or defend himself. He could therefore lose the election on the basis of such accusation or criticism."

## **THAILAND—NEW REGULATIONS FOR CONTROL OF ON-AIR CONTENT RAISE ALARMS**

[Reporters Without Borders](#) issued a press release stating that it is alarmed by a government announcement on 14 May 2009 that it will introduce new regulations for community radio stations and cable and satellite TV stations aimed at controlling program content. Broadcasters would be required to seek permission for each program being aired, the government said. "The adoption of these regulations would deal a fatal



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blow to free expression in Thailand, which is already heavily restricted on the Internet,” [Reporters Without Borders](#) said. “The government will have the power to ban programs that question their policies and legitimacy. We urge the authorities to scrap this plan.”

## **TUNISIA—GOVERNMENT TAKES STEPS TO REDUCE PRESS FREEDOM**

Tunisian government efforts to force out the president of a critical journalists union is part of a campaign to eliminate independent media in the country, the [Committee to Protect Journalists](#) said in a press release. The campaign started on 4 May 2009 when a group of pro-government journalists and followers of President Zine El Abidine Ben Ali prevented National Syndicate of Tunisian Journalists (NSTJ) President Neji Bghouri from speaking during a press conference in Tunis, amid threats and insults. Bghouri was discussing the deterioration of press freedom in Tunisia. Later that week, amid a wave of intimidation and pressure, three members of the NSTJ board who are close to the government resigned. They issued a petition backed by the Ministry of Communications calling for the withdrawal of confidence by members of the syndicate in its board and an extraordinary meeting to elect a new board.

## **TURKEY--FILIZ KALAYCI ARRESTED FOR “AIDING AN ILLEGAL ORGANIZATION”**

The [Euro-Mediterranean-Human Rights Network](#) reports that Ms. Filiz Kalayci, an Executive Committee member of the Human Rights Association (IHD) and a lawyer, is one of the four lawyers who were arrested on 12 May 2009 in charge of “aiding an illegal organization”. When the four lawyers were released, the Public Prosecutor appealed the decision of the 11th Heavy Penal Court of Ankara. Within the context of this appeal the public prosecutor issued a warrant of arrest on 25 May 2009. When Ms. Kalayci went to Ankara Court House to deal with the files of her own clients, she was detained by police forces and taken before the Court. Then the Court made a decision of arrest against her and she was sent to the prison.

## **VENEZUELA—HRW CALLS FOR END TO HARRASSMENT OF PRIVATE MEDIA**

In response to Globovisión’s coverage of a 4 May 2009 earthquake, the National Telecommunications Commission (CONATEL) has opened an investigation into the station, citing quake coverage that “could generate alarm, fear, anxiety or panic in the population.” Referring to the earthquake in a 10 May television and radio address, President Hugo Chávez publicly accused the private media of “inciting hate - even war,” and warned them “not to make a mistake” because “they are playing with fire.” [Human Rights Watch has called](#) for an end to the harrassment and intimidation.



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## FREEDOM OF RELIGION AND BELIEF

### **AZERBAIJAN—CONTROVERSIAL RELIGION LAW AMENDMENTS CONTINUE COURSE TOWARD ADOPTION**

The Presidential Administration has confirmed to [Forum 18 News Service](#) that it had produced the controversial amendments to the Religion Law, the Criminal Code and the Code of Administrative Offences. These were approved in Parliament (Milli Mejlis) on 8 May 2009, and are shortly to be sent to President Ilham Aliev for signature. The amendments reportedly include a ban on unregistered religious activity. The Presidential Administration has not explained why it thinks these amendments are needed, and why it proposed amendments which violate Azerbaijan's international human rights commitments. Although unable to see the final text of the amendments approved by Parliament as they have not been made public, religious communities have already given detailed criticism of what is reported to be in the amendments.

### **FRANCE—SCIENTOLOGY SUED FOR FRAUD**

The Church of Scientology's French branch went on trial on charges of organized fraud. The group's Paris headquarters and bookshop are defendants in the case. [According to TVNZ](#), if the organization is found guilty, it could be fined 5 million Euros (\$7 million) and ordered to cease its activities. Founded in 1954 by science fiction writer L. Ron Hubbard, Scientology describes itself as a religion that seeks spiritual enlightenment. Celebrity members include actors Tom Cruise and John Travolta. France does not consider Scientology to be a religion. The French trial centers on complaints by former Scientology members who say they were cajoled into spending up to hundreds and thousands of Euros on personality tests, vitamin cures, sauna sessions and counseling with an "e-meter." Scientology members usually undergo personality tests and a form of counseling called "auditing." In an auditing session, the counselor, known as the "auditor", locates spiritual problems of the patient, known as the "preclear," through questions and the use of an "e-meter", Scientology says on its website. French investigators have described the e-meter as useless. Scientology says it is a religious artifact used in a procedure that addresses spiritual problems and leads to greater happiness. On its website, Scientology justifies the cost of its sessions by saying they could be compared to courses in a school or university. It says the "auditing" sessions help members reach levels on which they are "literally seeking immortality, which is priceless." In 2002, a Spanish court dismissed a 14-year-old case against Scientology's international president on charges of illicit association. In Germany, federal and state interior ministers declared the Church of Scientology unconstitutional in 2007, opening the way for a possible ban on the organization.



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## **KYRGYZSTAN—NEW COMMISSION TO ASSESS CONTROVERSIAL PROVISIONS IN RELIGION LAW**

Officials have claimed to [Forum 18 News Service](#) that they have formed a Commission of government and religious representatives to resolve three controversial provisions of the restrictive new Religion Law signed by President Kurmanbek Bakiev in January 2009. Kanatbek Murzakhhalilov of the State Agency for Religious Affairs identified the three provisions as restrictions on sharing faith and distributing religious literature, and the high threshold of members required before religious communities can register and thus function legally. However, he refused to give a timetable for any decisions or to say if these restrictive provisions will be removed. He said only afterwards would regulations enacting the Law be prepared. Kyrgyzstan's Lutherans, Seventh-day Adventists, Baptists, Pentecostals and other Protestants are expected to lodge a joint challenge to the new Law in Kyrgyzstan's Constitutional Court on 4 June 2009. Aleksandr Shumilin, Chair of Kyrgyzstan's Baptist Union, told Forum 18 this is because the Law is "very anti-democratic." There are also reports that Since the entry into force of the new2 law in January, officials of the Prosecutor's Office, Police, National Security Service secret police, local Executive Authorities and the State Agency for Religious Affairs have checked up on many religious communities

## **RUSSIA—NEW EXPERT COUNCIL ON RELIGION INCLUDES ACTIVISTS OPPOSED TO MINORITY RELIGIONS**

Fears by religious minorities about the Justice Ministry's reconstituted Expert Council for Conducting State Religious-Studies Expert Analysis have been exacerbated by the Minister's choice of members, [Forum 18 News Service notes](#). The chair is Aleksandr Dvorkin, Russia's most prominent "anti-cult" activist, who has described the faith of charismatic Protestants as "a crude magical-occult system with elements of psychological manipulation." In a Moscow courtroom in 2004, Forum 18 observed Dvorkin congratulate the Public Prosecutor's Office representative who successfully pushed for the ban on the Jehovah's Witnesses' Moscow organization. Fellow Council member Aleksandr Kuzmin wrote a leaflet alleging that "Krishnaites are involved in the drugs and arms trade" and "are prepared to murder on religious grounds," and that "beatings and rapes of teenagers in closed children's homes are attributed to Krishnaites." A Siberian court declared the leaflet extremist in March 2009. Another Council member has urged Muslims to burn Islamic books banned as extremist. Forum 18 asked the Justice Ministry whether Council members will have the right to speak for the Ministry and whether Kuzmin will be excluded from the Council; there had been no reply by the end of May.

## **U.K.—SIKH POLIC OFFICERS SEEK DEVELOPMENT OF BULLETPROOF TURBAN**

Sikh [police](#) officers want special bulletproof turbans to be developed so they can serve in firearms units, according to the new British Police Sikh Association. The Sikh [religion](#)



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requires its male followers to wear the turban, but existing police safety helmets do not fit on top of them. Insp Gian Singh Chahal, vice-chairman of the [British Police Sikh Association](#), said the Home Office needed to make provision for Sikhs and recognise that they had a role to play.

**U.S.--CHRISTIAN ATTORNEYS URGE SENATE TO VOTE AGAINST “HATE CRIMES” BILL**  
[According to the Christian Post](#), attorneys at a Christian legal group are urging the U.S. Senate not to pass the expanded “Hate Crimes” bill, which the House voted 249-175 in favor of. The attorneys at the Alliance Defense Fund insist that the bill, H.R. 1913, could severely impede Americans’ constitutional rights to freedom of religion and freedom of expression while creating additional legal protections for those engaged in homosexual behavior that are not available to everyone else. If made into law, the bill would add violence against individuals based on sexual orientation, gender, gender identity or disability to the list of federal hate crimes. Current federal law only covers crimes committed on the basis of race, religion, ethnicity or national origin. “All violent crimes are hate crimes, and all crime victims deserve equal justice,” said ADF Senior Counsel Kevin Theriot in a released statement. “So-called ‘hate crime’ laws actually serve only one purpose: The criminalization of citizens based on whatever thoughts, beliefs, and emotions they have that are not considered to be ‘politically correct.’ No one should fall for the idea that this bill does anything to bring about greater justice for Americans.”

## LEGAL FRAMEWORK

### ENGLAND AND WALES—CHARITY COMMISSION PUBLISHES GUIDANCE UPDATE ON ELECTIONS

The Charity Commission’s [new guidance](#) is for use by charities during the period between the announcement of an election, and the date on which an election is held. It applies to both national and local elections. Its purpose is to aid charities in deciding what actions are and are not appropriate in the run-up to an election, including during the campaign itself. The brief new guidance should be read in conjunction with the more detailed guidance on the wider subject of [Speaking Out: Guidance on campaigning and political activities by charities \(CC9\)](#), published in March 2008. Supplementary guidance on [Charities and Political Donations](#) is also available. A full PDF version of [Charities and Elections](#) is available on the Commission’s website. The principles continue to apply during an election period.

### ETHIOPIA--WORLD BANK EXTENDS \$540 MILLION LOAN AND SAYS COUNTRY SHOULD EASE REGULATIONS ON NGOS

Nasdaq [reports](#) that the [World Bank](#) extended \$540 million to develop basic services in Ethiopia and stated that the country should ease its regulations on NGOs. Ethiopia adopted a controversial aid law early this year, under which any local group drawing



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more than 10% of its funding from abroad would be classified as foreign and subjected to tight government control. The classification would effectively ban such associations from working on issues related to ethnicity, gender, children's rights, and conflict resolution. The \$540 million is meant for basic services covering education, health, agriculture, water, and road projects under a three-year scheme. The World Bank replaced its former scheme of direct budgetary support to Ethiopia soon after the disputed 2005 parliamentary elections there, which foreign observers said fell short of international standards.

## **KYRGYZSTAN--COMPACT-LIKE AGREEMENT SIGNED BY GOVERNMENT AND NGOS**

[ICNL reports](#) that on 5 May 2009, a meeting took place between the President of Kyrgyzstan and a group of leading Kyrgyz NGOs. The meeting culminated with all participants signing a formal agreement between the Government of the Kyrgyz Republic and The Kyrgyz Third Sector (hereinafter referred to as “Kyrgyz Agreement”), represented by the participating NGOs. [The agreement](#) commits all parties to further cooperation in a number of specific areas, including cooperation on enforcement of legislative norms, guaranteeing human and citizens’ rights within the Kyrgyz Republic; and on public supervision over government’s decision-making at all levels.

## **LAO PDR--INTERNATIONAL NGOS WELCOME NEW LAW ALLOWING LOCAL NGOS TO REGISTER AND OPERATE AS INDEPENDENT ENTITIES**

International aid groups have [welcomed](#) a decision by the Lao government to allow local NGOs to register and operate as independent entities for the first time. By November 2009, Lao citizens will be able to apply to form NGOs after the Decree on Associations was signed by Prime Minister Bouasone Bouphavanh and announced on 11 May 2009.

The decree will be effective within 180 days. Two or more people can now establish a local NGO under the new law, which “provides a guideline for Lao officials as they consider applications,” a UN statement said. The decree provides a clear legal framework for membership-based groups, in contrast with a more ad hoc registration process, which often depended on connections. Although international NGOs can do much in the country, local NGOs were often more attuned to the local culture, as well as needs at the community level, according to Luke Stephens, country director of the Irish-based NGO [Concern Worldwide](#).

## **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 issue, 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.



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## MISCELLANEOUS MATTERS

### CHINA—

- **NEW PUBLIC SERVICE PROGRAM ANNOUNCED BY THE GOVERNMENT**

The Ministry of Human Resources and Social Security has announced a [plan](#) to attract unemployed university graduates into various kinds of public service programs at the “basic” level. This will also include the rural areas.

- **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.

### EGYPT—APPEALS COURT OVERTURNS CONVICTION OF SAAD EDDIN IBRAHIM

An Egyptian appeals court has overturned a conviction and two-year jail sentence against the democracy advocate Saad Eddin Ibrahim, who has been in self-imposed exile for almost two years and is teaching at Harvard University, [according to a story in the New York Times](#). The founding chairman of the Ibn Khaldoun Center for Development Studies in Cairo, Mr. Ibrahim is an outspoken critic of Egypt’s president, Hosni Mubarak. It was unclear whether Mr. Ibrahim would return to Egypt, because there are other legal cases against him. He had been convicted of “tarnishing Egypt’s reputation.”

### ISRAEL--PROPOSED LEGISLATION RAISES ISSUE OF LOYALTY

[According to the L.A. Times online](#), the ultranationalist party led by Foreign Minister Avigdor Lieberman has unveiled two bills targeting Israel’s Arab minority, one that would outlaw the Arabs’ traditional day of mourning over the birth of Israel and another that would require an oath of allegiance to the Jewish state. Both bills face opposition within Prime Minister Benjamin Netanyahu’s governing coalition and uncertain prospects for approval in the Knesset, Israel’s parliament

### 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 programme that will be broadcast 10 times daily for 14 days surrounding election day on numerous radio stations in Malawi.



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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.

## **NORTH KOREA--DEFECTORS SAY HUMAN RIGHTS SITUATION WORSENING**

[According to VOA](#), a group of prominent North Korean defectors has told the U.S. Congress that North Korea's human rights situation has worsened in recent years. They say tens of thousands of North Koreans held in political prison camps have little food or water and face torture and abuse. A recent U.S. State Department report on human rights in North Korea estimated that the government is holding 150,000 to 200,000 people in political prison camps. It said prison conditions were harsh, prisoners were tortured and some women underwent forced abortions.

## **RUSSIA—NEW COMMISSION FORMED TO ATTACK “FALSIFIERS OF HISTORY”**

The Jamestown Foundation's Eurasia Daily Monitor [reports](#) that Russian President Dmitry Medvedev has recently made public comments about “the falsifiers of history,” attacking the country and its heritage. This was a serious political statement of strategic importance - not merely a rhetorical proclamation, made just before the World War II Victory-Day military parade on 9 May 2009: “We will not allow anyone to undermine the sacrifice of our people.” Medvedev's statement was followed by the creation of a special presidential inter-departmental commission: “the commission to counteract against attempts to falsify history that undermine the interests of Russia.” The presidential order to set up this “historic truth” commission was signed on 15 May and published on the [Kremlin website](#) on 19 May, together with a list of its members. The independent press was critical of this move, pointing out that in the 28-member commission there are only three professional historians, and even these are not independent researchers, but government-appointed directors of two official historical research institutions and the chief of the official Russian government archive. Instead of appointing independent historians, the commission has been filled with high-ranking bureaucrats as well as a number of pro-Kremlin spin-doctors and nationalistic lawmakers.

## **U.S.--SOCIAL NETWORKING TOOLS STIMULATE GOVERNMENT OPERATIONAL EFFICIENCY AND TRANSPARENCY, GOVERNMENT INSIGHTS RESEARCH FINDS**

[According to Business Wire](#), the creative use of social networking tools, which offer rich media sharing, integrated communications, and information exposure, are helping to stimulate government operational efficiency and transparency, according to leading independent research and advisory firm, [Government Insights](#), an IDC company. The new Government Insights research report, [Social Networking and Takin' Care of Business Every Way](#) (Doc #GI215803) reveals that social networking applications have established a foothold in private enterprises and the public sector alike. A recent IDC survey found that more than 15% of government/education responders worldwide are posting to blogs or wikis and/or participating in social networking to conduct business. While less



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pervasive than some private industries, governments are increasingly adopting Web 2.0 applications to respond to transparency mandates and to leverage efficiencies. “Many federal employees recognize the opportunities for cost savings and improved acquisition process efficiency through the use of social networking tools,” said Adelaide O'Brien, research manager, Government Insights. “We believe that President Obama’s administration will encourage agencies to use Web-based technology to open up government to citizens, and seek citizen response and involvement in government processes.”

## RESOURCES

### **CANADA--REVENUE AGENCY ISSUES ANTI-TERRORIST CHECKLIST FOR CHARITIES**

Canada Revenue Agency (“CRA”) has released the long-awaited Checklist for Charities on Avoiding Terrorist Abuse (the “Checklist”), a checklist that is intended to help Canadian charities identify vulnerabilities to terrorist abuse and develop good management practices. CRA indicates that the Checklist is based on international and domestic concerns, experience, and guidance, and is not meant to be a comprehensive guide. Rather it is intended to help Canadian registered charities focus on areas that might expose them to the risk of being abused by terrorists or other criminals. This [\*Anti-Terrorism and Charity Law Alert\*](#) reviews the contents of, as well as provides some comments on, the Checklist.

### **U.S.—NEW RIGHT-TO-KNOW NETWORK WEBSITE LAUNCHED**

OMB Watch launched a redesigned and expanded website for the Right-to-Know Network (RTK NET) at [www.rtknet.org](http://www.rtknet.org). The website serves as a source for information about environmental and public health threats and opportunities for public engagement with environmental policy, and it offers news, data, and analysis of environmental right-to-know issues. Constantly evolving since its initial launch in 1989, [RTK NET](#) continues to provide free access to several government databases of environmental information. Users can identify sources of pollution in their communities, learn about the transport of hazardous waste, search reports of chemical spills and accidents, and much more.



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