



# IJCSL NEWSLETTER

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## ANTI-TERRORISM LEGISLATION

### U.S.—ACLU REPORT DETAILS UNDERMINING OF MUSLIM CHARITIES SINCE SEPTEMBER 11 ATTACKS

The fight against terrorism has dealt a harsh blow to Muslim charities and interfered with their donors' religious freedom, a new [report](#) by the American Civil Liberties Union concludes. [The New York Times story says](#) that the report details “statutes that it describes as overly broad and enforced in a discriminatory manner, coupled with a lack of due process, have starved Islamic charities of money and impeded Muslims’ ability to fulfill zakat, their religious requirement to make charitable donations. The report is based on interviews with more than 100 Muslim community leaders as well as experts on antiterrorism laws and regulations.” Though it gives no estimate of the decline in donations to Muslim groups after the September 11 attacks, the report notes that nine Islamic charities have closed since then.

## CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

### CANADA--DEMOCRATIC RACE GOOD FOR VANCOUVER AND MONTREAL

[According to Straight.com](#), Montreal now has an independent and permanent democracy task force lead by a prominent community activist. It elects neighborhood councils to administer major annual operating and capital budgets. There is an office of public consultation for all major civic projects, an independent ombudsman to investigate citizen complaints, and even a participatory capital budget in the neighborhood of Plateau-Mont Royal. However, the most substantial democratic tool that Tremblay is proud to trumpet is the Montreal Citizens’ Charter that was brought into effect three years ago. The charter has become the centerpiece of Montreal’s democratic reforms and has been copied all over the world since it earned the spotlight at the United Nations World Urban Forum held in Vancouver in June 2006. For Tremblay, the charter was essential for building a future rooted in the qualities valued by all citizens and his city council – openness, respect, solidarity, transparency, and democracy. A strong claim from Mayor Tremblay, but one that is also echoed by those outside city hall’s power structures. Dimitri Roussopoulos, an independent community activist and the chair of Montreal’s democracy task force believes the most important contribution the charter has made to civic life is how it defines city hall’s relationship to citizens. The charter clearly spells out the city’s obligations to citizens and vice versa, laying them out in a concrete fashion. Moreover, if citizens have an issue or concern with their rights, it provides the public with a very clear path of recourse through the office of the ombudsman.



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## **BERMUDA—GOVERNMENT OFFICIALS REVIEW CAYMAN ISLANDS' FREEDOM OF INFORMATION LEGISLATION**

[According to Caribbean Net News](#), Bermudian government officials reviewed the Cayman Islands' experiences with Freedom of Information (FOI) during an official visit last week.



Cayman's FOI Coordinator Carole Excell (centre) with the Bermudian Cabinet Office's policy analysts (L) Marisa Sharp and Kimberley McKeown. (photo by information officer Cornelia Olivier)

The country's two Cabinet Office policy analysts Kimberley McKeown and Marisa Sharp spent three days in Cayman. Because Bermuda hopes to soon introduce its own FOI legislation, the visitors examined Cayman's overall philosophy and implementation strategies, as well as its issues, challenges and corresponding legislation. Their agenda included a retreat with the FOI steering committee, as well as meetings with the Cabinet Secretary (under whom the FOI Office falls) and the Cabinet Office's Director of Special Projects; the Portfolio of the Civil Service; the Information Commissioner; Government Information Services; the Cayman Islands National Archives; and the FOI Unit.

## **CAYMAN ISLANDS-- INFORMATION COMMISSIONER WARNS OF DELAYS**



**Jennifer Dilbert**  
**Information Commissioner**

[According to CaymanNetNews](#), Information Commissioner Jennifer Dilbert on 23 June warned the public of possible delays in response to appeals made to her office. Mrs Dilbert heads the independent Information Commissioner's Office and her powers under the Freedom of Information (FOI) Law include to hear, investigate and rule on appeals



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filed under the FOI Law and to monitor compliance with the FOI Law. Pointing out that her office has been “under-resourced from the outset”, Mrs Dilbert said she and her small staff are “struggling to cope with the number of appeals being received”. A press release from her office said Mrs Dilbert is “very concerned that the initial application process with Public Authorities is already taking too long, and is mindful that delays in the appeal process will further prevent the public’s requests being responded to in a reasonable timeframe”. The Government’s Implementation Plan for the Freedom of Information Law called for an Information Commissioner to be in place six months before the law came into effect. However, this did not occur and Mrs Dilbert was appointed as Information Commissioner on the same day that the FOI Law came into effect on 5 January 2009.

## ENGLAND—CREWE CITIZENS GET TO VOTE ON NEIGHBORHOOD PLANS

[According to the Crewe and Nantwich Guardian](#), Crewe residents are being urged to ‘go to the polls’ to decide how to spend thousands of pounds on their local community. Cheshire East Council is inviting people in the Alexandra and Delamere wards to choose from projects ranging from community facilities and environmental schemes to road safety measures and crime reduction initiatives. Funding of £12,000 for each neighborhood has been made available through the Government’s Area Based Grant, which supports the development of community cohesion. Ideas about how to spend each neighborhood’s allocation were gathered through consultation with community groups and schools. Suggestions for the Alexandra ward include a keep fit family project, ice rink, community orchard, increased CCTV and improvements to Pebble Park. Potential projects in Delamere include a residents’ parking scheme, recycling sites, more activities for young people, fencing to secure areas and speed watch [training](#).

## EUROPE—TREATY ON ACCESS TO OFFICIAL DOCUMENTS SIGNED

[Freedominfo.org](#) reported that on 18 June 2009, 12 of 47 member-states of the Council of Europe signed the [Convention on Access to Official Documents](#), making history as the “first international binding legal instrument that recognizes a general right of access to official documents held by public authorities.” The 12 member-states that signed the Convention are Belgium, Estonia, Finland, Georgia, Hungary, Lithuania, Macedonia, Montenegro, Norway, Serbia, Slovenia, and Sweden. All members of the Council of Europe are free to sign on to the Convention in the future, but several key states face difficulties aligning their own access laws to conform with even the minimum standards set by the convention itself.

## UNITED STATES—

### • STATE DEPARTMENT TRIES INTERNET DIPLOMACY

[According to NextGov](#), for the first time in its history, the State Department is conducting international relations by encouraging online interaction between individual Americans and foreigners. But the risks associated with this approach are unknown so far, said the department’s new media strategist. Calling the



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tactic, “21st century statecraft,” Alec Ross, senior adviser for innovation to Secretary of State Hillary Clinton, explained that this use of information technology to move beyond “traditional government-to-government diplomacy to people-to-people diplomacy” is “a big move forward in terms of how the State Department engages with the wider world.” Ross spoke at a public discussion hosted by the Center for American Progress, a Washington think tank. But person-to-person diplomacy also creates difficulties for the new administration, noted Ross and the Center’s senior fellow Peter Swire, a member of the Obama transition team and former White House chief counselor for privacy during the Clinton administration. Ross said such “constraints” include ensuring that a federal employee’s responses to individual questions posed online represent the administration’s position. Swire cited his [1 June report](#) on using social media in the executive branch..

- **LIEBERMAN, GRAHAM THREATEN SCORCHED EARTH ON TORTURE PICS**  
[According to Politico](#), the Senate and House may be on a major collision course over the possible release of those photographs of detainee interrogations. In an incendiary joint statement, Sens. Joe Lieberman and Lindsey Graham are threatening to use any means possible — including a filibuster — to block the House from overturning their amendment blocking the release of detainee interrogation photos. Some House Dems were incensed when the pair — with the backing of the White House — inserted a three-year ban on Freedom of Information Act releases of the pictures without notifying them. After initially saying she’d back the ban, House Speaker Nancy Pelosi is apparently [wavering](#) under pressure from the left wing of her party. Word that Pelosi was on the fence prompted Graham and Lieberman to blast away, according to a senior Senate Democratic aide.

## FISCAL MATTERS

### ENGLAND AND WALES—

- **CIF REGULATION BY FSA ‘MAY LEAD TO FEE HIKE’**  
[According to Charity Finance](#), the proposal to pass regulatory duties for collective investment schemes for charities from the Charity Commission to the Financial Services Authority may lead to increased fees. Announced in April’s Budget, the changes are designed to reduce duplication of supervision and monitoring of Common Investment Funds (CIFs) or Common Deposit Funds (CDFs) between the Commission and the FSA. But David Bailey of Principal Charity Investment Agency told *Charity Finance*: “Charities are worried that the FSA will load a charge on to their investment managers, which will then be passed on in fees. “It is currently at the consultative stage so we will have to say to them that while you can charge other sectors, don’t let this happen to charities.” The Charity



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Commission has welcomed the proposed changes, saying they were a “good example of regulatory reform in practice”.

- **WIKIMEDIA UK HAS BEEN DENIED CHARITY STATUS**

[According to Charity Finance](#), HMRC has denied charitable tax status to Wikimedia UK, which supports the work of the American charity that runs the Wikipedia website, stating that production of an encyclopedia is not a charitable purpose. In rejecting the application, the tax regulator cited a legal precedent stating: “If the object be the mere increase of knowledge it is not in itself a charitable object unless it is combined with teaching or education”. In its guidance *The Advancement of Education for the Public Benefit*, the Charity Commission says organizations must provide evidence of educational benefit and states: “A modern example might be a ‘wiki’ site which might contain information about historical events but, if this information is not verified in any way, it would not be accepted as having education merit or value without positive evidence.” In an open letter published online, Wikimedia UK secretary Andrew Turvey responded: “HMRC’s objection goes to the heart of what we have been established to do. “On the surface, it does not appear that any different wording in our constitution or correspondence would have given us a different outcome. Nonetheless, the legal issues may be arguable – our job is not just to produce content in isolation, but also to spread that knowledge and make it accessible to all. I should imagine this will come down to the finer points of law, and it is probably best to engage a lawyer at this stage when we appeal.”

## FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

### INDIA—MADRAS HIGH COURT RULES IN FAVOR OF EMPLOYEES IN LABOR DISPUTES WITH NGOS

Merely because an NGO, which is registered as a society, is run with the aid of the government it will not be exempted from the definition of “industry,” a division bench of the Madras High Court has ruled. [Times of India reported](#) that in passing orders on two writ appeals -- one filed by S. Thilagavathi (the former NGO employee) and another by Madurai Children’s Aid Society, where she worked as assistant matron before being dismissed from service, the judges said: “We have no difficulty to hold that the children's society is an ‘industry’ within the meaning of Industrial Disputes Act.” The principal issue in the cases is whether the dismissed employees should be awarded back wages.

### SOMALILAND—GOVERNMENT SUSPENDS SOME NGOS

[According to Somaliland Press](#), the Somaliland government said they would temporarily suspend nine NGOs operating in the country after they did not comply with the government’s efforts to streamline the humanitarian work in Somaliland. In a press release by the Minister of National Planning and Coordination, Mr. Ali, nine NGOs have



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been temporarily suspended after they did not comply with the government's call to present their activities and financial reports of last year. The minister said those NGOs did not respond to the call as they have been informed many times. Late last year, all the NGOs working in Somaliland presented their work to the Ministry indicating the activities they carried out, the financial costs and the plans for the next year. The Ministry of National Planning will then report to the parliament and compile all those presentations in order to evaluate the humanitarian assistance given to the country and the plans ahead for the coming years.

## FREEDOM OF EXPRESSION

CHINA—

- **GREEN DAM PORNO PROJECT EVOKES FEARS OF INTERNET CENSORSHIP; JULY 1 DEADLINE DROPPED ON JUNE 30**

In the past month, central government officials have cited a need to control pornography in ordering that [filtering software be preinstalled](#) on all new computers sold in China beginning July 1. [A report in the New York Times indicates](#) that the Chinese Health Ministry recently ordered sharp restrictions on Internet access to medical research papers on sexual subjects. The government has also forced Google to disable a function that lets the search engine suggest terms and even briefly blocked access nationwide to Google's main search engine and other services such as Gmail. Many suspect that the reasons behind the "Green Dam" project are to allow government censors to insert tracking technology to enable more internet censorship, which the Chinese government denies. The Obama administration lodged a [formal protest](#) with the Chinese government over its plan. According to the [NY Daily News](#), web users in China are urging others in the country to remain offline on July 1 to demonstrate against what they fear will be increased online censorship by the government. [The New York Times reported on 27 June](#) that the European Commission had requested a delay in the effective date of the Green Dam project. The [Ministry of Information and Internet Technology dropped](#) the July 1 deadline on June 30.

- **GOVERNMENT TIGHTENED INTERNET ACCESS AROUND TIANANMEN ANNIVERSARY**

[According to the Online News Hour](#), China currently has an estimated 70 million bloggers posting content on subjects from fashion to politics. In January, officials announced that the country's number of Internet users had hit 298 million, more than any other nation. Bloggers are finding new ways around tightening media restrictions to write more freely, although in recent months, some say they are noticing more sites are being blocked or shut down. "The state's online censorship and surveillance is as severe and powerful as it can be, probably more



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now than at any other time,” said Xiao Qiang, director of the China Internet Project at the University of California, Berkeley. The Tiananmen anniversary, combined with the 60th anniversary of the People's Republic itself, the 50th anniversary of Tibet's uprising, the 10th anniversary of the ban on the Falun Gong movement and growing uneasiness connected to the global financial crisis have all led the government to reportedly shut down thousands of Web sites since the start of the year. In early April, Internet users inside China found the video-sharing Web site YouTube inaccessible for days after footage of Chinese military police allegedly beating Tibetan monks was posted. In January, the Chinese government launched what it explained as an effort to remove vulgar and indecent content from the Web, closing sites it claimed contained pornographic or otherwise offensive material. China also launched a four-month crackdown on unapproved Internet cafes starting June 1, state media reported in late May.

- **INTELLECTUALS CALL FOR RELEASE OF DISSIDENT**

[According to the Associated Press](#), dozens of China's most prominent writers and scholars are calling for the release of a dissident who was arrested after co-authoring a bold manifesto urging civil rights and political reforms. Liu Xiaobo, who had been held by police at a secret location for more than six months, was formally arrested this week on suspicion of "inciting to subvert state power," a charge that carries a maximum sentence of 15 years in jail. Liu is currently being held at a police detention center in Beijing. His arrest was the most high-profile since human rights activist Hu Jia was detained ahead of last year's Beijing Olympics. The stifling of Liu and others critical of China's one-party rule reflects the leadership's anxiety about possible social unrest amid the global economic downturn and ahead of celebrations marking the communist regime's 60th anniversary on Oct. 1.

## **ENGLAND--HOME SECRETARY JACQUI SMITH TO FIGHT SHOCK-JOCK MICHAEL SAVAGE'S LAWSUIT**

[According to TimesOnline](#), Jacqui Smith will not back down against a right-wing American radio DJ who is suing after he was barred from entering Britain. The Home Secretary included Michael Savage on a list of banned visitors that included a Hamas politician, anti-gay protesters and a Jewish extremist. Savage was furious to feature on the list and said that he would bring a legal action for defamation. Yesterday the Home Office announced that it would staunchly fight any proceedings. It said: "He was excluded for engaging in unacceptable behavior by making comments that might provoke others to serious criminal acts and foster hatred that might lead to inter-community violence. Any legal proceedings would be robustly defended; we stand by our decision to exclude this individual. Coming to the UK is a privilege that we refuse to extend to those who abuse our standards and values to undermine our way of life."



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## **INDONESIA—RADIO NEWS AGENCY BECOMES VOICE FOR TOLERANCE**

[According to AFP](#), a young radio news agency in Indonesia is attracting fans and international recognition for programming that eschews “infotainment” and focuses on hard issues like human rights and corruption. Founded 10 years ago after the fall of the Suharto dictatorship, KBR-68H is making the most of the liberalization of Indonesia’s media to spread the values of free speech and religious tolerance across the huge archipelago. The country’s only independent national news agency now has a network of more than 600 local radio affiliates and an audience of more than 18 million people in almost all corners of the mainly Muslim country.

## **KAZAKHSTAN—GOVERNMENT TO TIGHTEN INTERNET LAW**

[According to Al Jazeera.net](#),

Kazakhstan’s parliament has approved a law tightening state control of the internet, which, media rights activists say, will limit freedom of speech in the former Soviet state. The bill would subject blogs, chat rooms and social networking sites to possible criminal prosecution, enabling the courts to block all websites considered in breach of Kazakh law. Media rights activists say the law is designed to allow arbitrary crackdowns on anyone opposing Nursultan Nazarbayev, Kazakhstan’s president. But authorities say the legislation aims to curb the distribution of child pornography, extremist literature and other unsuitable material.



**Nursultan Nazarbayev, the president, has to sign the bill before it is made into law**

## **SRI LANKA--GOVERNMENT ARRESTS FAMED ASTROLOGER OVER PREDICTIONS OF PRESIDENT’S FAILURE**

[According to FoxNews.com](#), Sri Lankan authorities have arrested a popular astrologer who predicted the president would be ousted from office, police said, fanning fears of a government crackdown on dissent following its victory over separatist rebels last month. A police spokesman said astrologer Chandrasiri Bandara told an opposition meeting last week that the prime minister would take over as president on 9 September 2009, and the opposition leader would become prime minister. It was not clear what he thought would happen to President Mahinda Rajapaksa. Police arrested Bandara to investigate the source of his prediction, police spokesman Ranjith Gunasekera said. Bandara made his forecast despite Rajapaksa’s soaring popularity in the wake of the military’s defeat of the



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Tamil Tiger rebels last month, a victory that ended this island nation's quarter-century civil war.

## UGANDA—CONSTITUTIONAL COURT UPHOLDS CRIMINAL LIBEL CASE

[According to the New Vision Online](#), the Constitutional Court has directed Nakawa Chief Magistrate's Court to continue with criminal proceedings against *The Daily Monitor* journalists, who are accused of writing defamatory information against the Inspector General of Government, Faith Mwendha. The five-judge-panel gave the directive on Thursday when dismissing a petition in which the four journalists had sought the interpretation of the law criminalising libel, saying it was intended to take away freedom of expression. The journalists, who were represented by lawyer James Nangwala, allegedly published articles in their Sunday papers of 19 and 26 August 2007 under the headlines "IGG in Salary Scandal" and "God's Warrior Faith Mwendha Stumbles". The Court said the freedom of expression should be enjoyed within the restrictions of the law. Nangwala had asked the Nakawa Court to refer the case to the Constitutional Court for the interpretation of the section of the law under which the journalists were charged, saying it infringed the Constitution. He had also argued that the Constitution said: "No person shall prejudice the enjoyment of the rights and freedoms provided under the Constitution beyond what is acceptable and demonstrably justified in a free and democratic society."

## UNITED STATES—

- **LOCAL GROUPS TO HOST BRITISH MP WHO JUSTIFIES TERROR**

[According to the Kansas City Jewish Chronicle](#), George Galloway has toadied up to dictators from Iraq's Saddam Hussein to Syria's Bashar Assad to Iran's Mahmoud Ahmadinejad. In March, he was banned from Canada as a terror-supporting national-security risk. The Anti-Defamation League calls his fundraising tour "Supporting Hamas under the Guise of Humanitarianism," and last week it once again asked Attorney General Eric Holder to investigate whether the tour breaks American laws. But a coalition of local Muslim and pro-Arab groups is proud to bring British Member of Parliament George Galloway to Overland Park on 2 July for a fundraiser. "It's meant to provide needed medical and relief supplies to break the siege of Gaza; it's really not meant to fund Hamas," said Matt Quinn, a spokesman for Citizens for Justice in the Middle East.

- **TALK SHOW HOSTS MAY BE ACCOMPLICES UNDER HATE BILL**

The *Baltimore Examiner*, says that the [Hate Crimes Prevention](#) Act HR 1966 which has passed the Congress by overwhelming margins is now facing hearings in the Senate. Conservatives state that there are already similar hate crime laws in place, however, this bill imposes much stronger federal



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enforcement, which is a clear violation of the Tenth Amendment. It grants greater power to federal prosecutors to prosecute hate crime laws by prosecuting those who have been found innocent by local or state courts. The current bill would extend special privileges to gays and transgender individuals that are currently only granted to ethnic and religious minorities. According to conservative commentators, the most dangerous part of the Bill which is a direct assault against the First Amendment is that it allows for the prosecution as accomplices in a hate crime for talk show pundits that the person who commits the alleged crime claims to influence their actions.

## **FREEDOM OF RELIGION AND BELIEF**

### **AZERBAIJAN—RELIGION LAW CHANGES TARGET MUSLIMS**

Just two weeks after repressive new amendments to Azerbaijan's Religion Law entered into force, the Milli Mejlis (Parliament) considered two further amendments to the Law, [Forum 18 News Service reports](#). Both new amendments specifically target Muslims. [The latest changes, adopted June 30](#), ban foreign citizens, and those who have not had Islamic education within Azerbaijan, from leading prayers in mosques and at places of pilgrimage. They also require everyone who leads mosques and places of pilgrimage to have state approval. The Council of Europe Parliamentary Assembly called on Azerbaijan to send the restrictive May 2009 Religion Law amendments to its Venice Commission for review. But ruling party Milli Mejlis deputy Rabiyyat Aslanova told Forum 18: "Why should we check our every step with the Council of Europe? This would be wrong - a violation of our sovereignty."



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## FRANCE—SARKOZY ANNOUNCES AIM TO OUTLAW BURQA



Benoit Tessier/Associated Press

President Nicolas Sarkozy of France arriving Monday at Versailles Palace to address legislators, the first presidential appearance before Parliament since the 1800s

The [New York Times](#) reported that in an address to the French parliament, French President Nicolas Sarkozy, gave a withering critique of burqas as an unacceptable symbol of “enslavement.” According to Mr. Sarkozy, there is no room in the French republic for burqas, garments some Muslim women wear to cover their bodies and faces. Mr. Sarkozy said: “The issue of the burqa is not a religious issue. It is a question of freedom and of women’s dignity. The burqa is not a religious sign. It is a sign of the subjugation, of the submission, of women.” To enthusiastic applause, Mr. Sarkozy stated: “I want to say solemnly that it will not be welcome on our territory.” According to the Times, Sarkozy’s stand has been condemned by the Muslim world, with the Muslim Council of Britain (MCB), which represents more than 500 organizations, saying his claims were “patronizing and offensive”.

## IRAN—BAHAIS ONCE AGAIN SUFFERING DISCRIMINATION AND HARASSMENT

During the recent upheaval in Iran, which is essentially a struggle among Shiites over the dubious re-election of President Mahmoud Ahmadinejad, the [New York Times reports](#) that Bahais have again served as scapegoats. Supporters of President Ahmadinejad have recycled the canard that Bahais are American spies and secret Zionists, and have added a new one, claiming that British Broadcasting Corporation (BBC) stands for Bahai



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Broadcasting Company. The rhetorical attacks have coincided with the government's decision to put seven Bahai leaders on trial on July 11 in a so-called Revolutionary Court. The leaders, arrested in early 2008, face charges of "espionage for Israel, insulting religious sanctities and propaganda against the Islamic Republic," according to official Iranian sources. Espionage is punishable by death.

## **IRAQ—ANCIENT RELIGION IN DANGER**

[According to RantRave](#), one of Iraq's most ancient religious minorities is about to close the books on its history in Iraq. The Mandaean community has lately been subjected to a series of kidnappings, mostly for ransom. In Iraq two more members of the Mandaean community have been abducted. The 40-year old Mandaean, Inssam Mubarak Muhalhal, and her 12-year old son Said Mazen Said were abducted for a ransom of 100,000 US dollars. "The last members of this religious community, which has a history of some 2000 years in Iraq, are now sitting on packed suitcases," said Kamal Sido, in Göttingen. Meanwhile at least 25,000 of the Madaeans in Iraq, who previously numbered about 30,000, have in the face of the continuing terror and crimes of violence against members of their religious community fled to neighboring countries. The Mandaean community, which traces its roots back to John the Baptist, has now only about 6000 members throughout the world. About 1,200 of them live in Germany .

## **MALDIVES—RELIGIOUS FREEDOM FOUND LACKING FOR MIGRANT WORKERS**

[Forum 18 reports](#) that just as Maldivian citizens do not have the right to religious freedom – Sunni Islam in the state-approved form is the only permitted faith – migrant workers too are denied this right. The Maldives prevents the import of non-Muslim books and other religious items, for example by searching foreigners' luggage for "un-Islamic" materials. Migrant workers are banned from practicing non-Muslim faiths even privately, while the lack of privacy in which many live makes it almost impossible to worship "unnoticed by locals." Some 80,000 migrant workers – mostly Muslims, Buddhists, Christians, and Hindus from South Asia – make up about a quarter of the country's population, but are mostly in low-status jobs and find difficult to challenge human rights violations. The government has not acted on United Nations recommendations to grant migrant workers religious freedom.



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## TONGA--CHINESE REGIME PRESSURES TONGAN OFFICIALS TO CURB FREEDOM



Ms. Shelley Shao (L), and Ms. Li Yuan at an airport in Tonga. (Courtesy of clearwisdom.net )

[According to the Epoch Times](#), the small islands of Tonga in the South Pacific were at the center of a wrangle over freedom of religion and speech. At the heart were two middle-aged women in Tonga on a very personal mission. Two New Zealand Falun Gong practitioners, Ms. Shelley Shao, 53, and Ms. Yuan Li, 68, intended to spend eight days telling Tongan locals about Falun Gong's principles of truth, compassion, and tolerance, Ms. Shao said. "Our visit caused a lot of waves," she said. "The Chinese Embassy tried to pressure the Tongan government to stop us from doing anything related to Falun Gong." A letter sent to the Ministry of Foreign Affairs on 18 May clearly threatens the health of China-Tonga relations if the practitioners were allowed to continue their activities unrestrained.

## LEGAL FRAMEWORK

### CANADA—NEW NOT-FOR-PROFIT CORPORATIONS ACT PASSED

On 22 June 2009, the Standing Senate Committee on Banking, Trade and Commerce made its Third Report back to the Senate and recommended no amendments to [Bill C-4, the new Canada Not-for-Profit Corporations Act](#). As a result, Bill C-4 passed its third reading in the Senate on 23 June 2009 and received royal assent on the same day. The



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provisions of this new Act though are not yet in force, and will only come into force on a day or days still to be fixed by order of the Governor in Council. Bill C-4 has been the topic of previous [Charity Law Bulletins issued by Carters.ca](#), with updates on its progress over the years outlined in various Charity Law Updates. As a result of its recent passage, the new Act represents the first substantive changes in the law governing federal not-for-profit corporations in over 90 years.

## **NORTHERN IRELAND-- CHARITY COMMISSION GETS DOWN TO WORK**

[According to Voluntary News](#), the new Charity Commission for Northern Ireland has held its first Board Meeting, on 15 June 2009 in Belfast. A Commencement Order will be introduced by September 2009 which will bring in to effect provisions on the meaning of charitable purpose and the public benefit test, the Charities register, the Charity Tribunal and the Commission's investigatory powers. Public benefit guidance is due for August, with consultation to follow

## **RUSSIA—DUMA PASSES LESS RESTRICTIVE NGO LAW**

[According to BarentsObserver.com](#), just a week after Russian President Dmitry Medvedev introduced the re-written law on Russian non-governmental organizations, the law passed the State Duma in the first reading. [BarentsObserver.com](#) wrote last week that the re-written text to the law could make fewer hurdles for Russian NGOs. The law has more relaxed restrictions on the civic groups than the legislations introduced by former president Vladimir Putin in 2006. Voting on the law in the State Duma, Communist party Deputy Sergei Obukhov said President Dmitry Medvedev had proposed the bill Wednesday to appease Obama, who will visit Russia in early July. "Not everything that is good for Obama is good for Russia," Obukhov said, according to [The Moscow Times](#). The law passed with a vote of 391 to 57. Commenting the bill last week, President Medvedev said the number of audits would be reduced for non-profit organizations to once every three years. The list of documents authorities are allowed to ask for checks will be restricted, and registration procedures will be simplified.

## **UNITED STATES—TEXAS ADOPTS LAW TO PROTECT DONOR INTENT WITH REGARD TO ORPHAN TRUSTS**

[The New York Times reported](#) that Texas has adopted a law intended to ensure that so-called "orphan trusts," which are left under the stewardship of lawyers or banks after their founders have died, continue to comply with the founders' wishes. [The bill](#), which was signed into law in June by Gov. Rick Perry bars trustees from moving a trust or foundation out of Texas without court approval. In many orphan trust cases, the local banks originally selected as trustees have been acquired by multinational financial institutions based out of state. The law further directs the courts to determine whether moving a trust out of Texas would interfere with the trustee's ability to comply with the donor's intentions. Some commentators, while favoring the law, suggest that there needs to be a federal law to address the issue, as it affects all states, not just Texas.



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## **ZIMBABWE—CIVIL SOCIETY ORGANIZATIONS REJECT PROPOSAL TO MAKE TRUSTS REGISTER UNDER PVO ACT**

[According to a NANGO Press Release](#), Civil Society Organizations have firmly rejected the draft Joint Memorandum by the Ministry of Justice and the Ministry of Labour and Social Services to amend the Private Voluntary Organisations (PVO) and the Deeds Registries Act. The intended Amendment would among other things pave the way for efforts to enforce the compulsory registration of organisations currently operating as Trusts under the draconian PVO Act - a move that could hinder the continued operations of many Trusts currently doing human rights, democracy and governance work. Many organizations have over the years been refused or hindered from obtaining registration as PVOs.

## **MISCELLANEOUS MATTERS**

### **CANADA—NEW GUIDANCE ON FUNDRAISING ISSUED BY CRA**

On 11 June 2009, the Charities Directorate of the Canada Revenue Agency (“CRA”) released its much anticipated [Guidance \(CPS-038\): Fundraising by Registered Charities](#) (the “Guidance”), that applies to fundraising activities by registered charities. [Terrance Carter writes](#) that this is improved over the earlier draft, but still presents challenges for charities.

## **RESOURCES**

### **LAO PDR—DECREE LAW NOW AVAILABLE ON ICCSL WEBSITE**

The English translation of the Decree Law referred to in our June 2009 Newsletter has now been placed in the [Documentation Center](#).



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