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ANTI-TERRORISM LEGISLATION

ETHIOPIA—ANTI-TERRORISM PROCLAMATION POSES GRAVE THREAT TO JOURNALISTS

According to [a story on the website](#) of the Committee to Protect Journalists (CPJ), the Ethiopian House of Peoples' Representatives has passed an Anti-Terrorism Proclamation despite concerns raised by legal experts, lawmakers, and the private press about sweeping statutes that restrict fundamental constitutional rights, including press freedom. Several journalists, who asked that their names be withheld for fear of government reprisals, told CPJ they received phone calls and warnings from officials and government supporters to censor coverage scrutinizing the law. The proclamation contains far-reaching statutes giving the executive branch sweeping powers to imprison for as long as 20 years "whosoever writes, edits, prints, publishes, publicizes, disseminates" statements deemed "encouraging, supporting, or advancing" terrorist acts. This statute effectively institutionalizes censorship of reporting the government deems favorable to groups and causes it labels as "terrorist." Worse, the law grants the federal police and national security agency exclusive discretion to carry out warrantless interception of communications, and search and seizure solely on the basis of "reasonable belief" that a terrorist act is in progress or "will be" committed.

U.S.—CHARITY ASSETS RELEASED FROM FREEZE

According to a report published in the *Toledo Blade*, a federal judge in Toledo, Ohio, has ruled that the U.S. government violated the constitutional rights of a Muslim charity when it froze the charity's assets in 2005 and prevented it from adequately defending itself against allegations of ties to terrorism. Judge James Carr (Northern District of Ohio) released a 100-page order in *KindHearts for Charitable Development, Inc. v. Geithner* in which he agreed with the charity's assertions that it had been denied due process and was subjected to the unlawful seizure of its property. According to the *Blade*, KindHearts, founded in 2002, was targeted in 2006 by federal agents, who in turn froze the charity's financial assets. Court documents revealed that "the organization was under investigation by the Office of Foreign Assets Control of the U.S. Treasury Department and would potentially be labeled as a 'specially designated global terrorist.'"



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FISCAL MATTERS

CHINA—DETAINED LAWYERS FREED; CONTINUATION OF TAX CHARGES UNCLEAR



The New York Times

After his arrest and detention in July, Xu Zhiyong, (许志永) 36, a soft-spoken and politically shrewd legal scholar who has made a name representing migrant workers, death row inmates, and the parents of babies poisoned by tainted milk, had been accused of tax evasion. He could have faced up to seven years in prison. [A New York Times story reports](#) that the accusation was almost universally seen here as a cover for his true offense: angering the Communist Party leadership through his advocacy of the rule of law. That suspicion was confirmed to a large degree with Mr. [Xu's release later in August](#) just after the new American ambassador to China, the former Utah governor Jon M. Huntsman Jr., arrived in Beijing. Mr. Xu helped establish the Open Constitution Initiative (Gongmeng), a six-year-old nonprofit legal center that the authorities closed in July ([see IJCSL-N for August 2009](#)), charging that it was improperly registered and that it failed to pay taxes on a \$100,000 grant received from Yale's China Law Center. Given Mr. Xu's international stature and reputation for working within the law, legal scholars both in China and abroad said that his prosecution suggests a new level of repression. [China Human Rights Defenders](#) reported that Gongmeng's remaining organizers had been calling for donations to help pay the banned organization's enormous fine of 1.42 million RMB. Complicating the process, however, was the refusal of tax authorities to issue the necessary paperwork, and the fact that bank accounts belonging to the organization and director Xu Zhiyong have been frozen. [A letter dated August 21, 2009, from the Committee to Protect Chinese Lawyers](#) to Premier Wen Jianbao, raises concerns about the inability to clear up the claims for back taxes. Mr. Li Xiongbing, Gongmeng's lawyer, had made multiple attempts to establish a process for paying the fines on behalf of Gongmeng. According to the letter, between August 11 and August 17, 2009, Mr. Li sent more than 700,000 RMB by post office money orders to the State Administration of Taxation and the local tax bureau. Most important is the fact that the law requires mitigation of the criminal charges if full restitution is offered. According to Article 201 of the *Criminal Law of the People's Republic of China*, if a tax offender pays in full the taxes owed and has received administrative punishment, then no criminal action may be



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brought against the tax offender. A longer analysis of the legal issues presented in this case is available in the [Documentation Center](#).

INDIA -- NEW DIRECT TAXES CODE 2009 TO AFFECT CHARITIES

A new Direct Taxes Code has been proposed by the government of India to overhaul the outdated and cumbersome tax system that has existed until now; a draft and a discussion paper were recently released by the Finance Minister. Among other changes, the new Code will have an effect on charities, as outlined here. The Code replaces the term “charitable purpose” with the term “permitted welfare activities.” “Permitted welfare activities” has been defined to mean any activity involving relief of the poor, advancement of education, provision of medical relief, preservation of environment, preservation of monuments or places or objects of artistic or historic interest, and the advancement of any other object of general public utility. The scope of Section 2(15) of the Income Tax Act has been broadened. Prior to this amendment, “Charitable purpose” included: “relief of the poor, education, medical relief and the advancement of any other object of general public utility.” Finance (No.2) Act 2009 has now added: “preservation of the environment (including watersheds, forests and wildlife) and preservation of monuments or places or objects of artistic or historic interest.” Advancement of any other object of general public utility will not include any activity in the nature of trade, commerce or business, or any activity of rendering any service in relation to any trade, commerce or business, for a fee or for any other consideration, irrespective of the nature of use, application or retention of the income from such activity. The finance ministry has uploaded on its website (www.finmin.nic.in) the draft Direct Taxes Code, a discussion paper, a comment on the code, and a place for people to respond to it. [A more detailed analysis of this complex legislation will appear in IJCSL in October.]

FREEDOM OF EXPRESSION

AZERBAIJAN—CRACKDOWN ON YOUTH MOVEMENT ENDANGERS FREEDOM OF EXPRESSION

[Eurasia Insight](#), the Newsletter of the Eurasia Foundation reports that the detention of a third Azerbaijani youth activist is stoking speculation in Baku that President Ilham Aliyev’s administration is mounting a campaign to intimidate and silence politically active young people. On 3 August 2009, during a closed-door hearing at Baku’s Narimanov District Court, a judge ordered Agasif Shakiroglu, the 21-year-old leader of the Hedef (Target) Youth Coalition, to be held for one month of pre-trial detention pending trial on a draft-dodging charge. Shakiroglu faces a potential two-year prison sentence if found guilty. Shakiroglu, who has written online articles critical of Azerbaijan’s Defense Ministry, argues that he was detained on political grounds. He was also arrested on 10 May during a rally against the commemoration of the late president Heidar Aliyev’s birthday. One political columnist contends that the government’s



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patience for youth activists began to run out on that day. The protest came shortly after a shooting rampage at Baku's Oil Academy that left thirteen people dead - another potential source for criticism of the government.

CHINA—

- **TIBETAN ADVOCATE FOR RIGHTS DISAPPEARS**
A Tibetan university student who had written a book in support of the Tibetan uprising of 2008 and edited a banned literary magazine has disappeared, according to the International Campaign for Tibet, based in Washington. [An article in the New York Times reports](#) that the student, Tashi Rabten, has not been seen since 26 July 2009. The advocacy group said Tashi Rabten, who is from Sichuan Province, had been under surveillance and that copies of his book had been confiscated from the university he attends.
- **GREEN DAM SOFTWARE NOT REQUIRED**
[Caijing.com.cn](#) reports that China will not force computer users to install the controversial Green Dam internet filtering software, according to Li Yizhong, Minister of Industry and Information Technology. The minister said China will “definitely not” require the program to be pre-installed in all PCs, but computers in public schools, Internet cafes, and other public places will be asked to install the software. The controversy over the software was reported in the [July issue of IJCSL-N](#).
- **OFFICIALS IN KUNMING NO LONGER PERMITTED TO OBSTRUCT JOURNALISTS**
[South China Morning Post reported](#) that officials in Kunming will no longer be allowed to obstruct journalists as they conduct interviews and collect information, under a new set of rules put out for public review in the capital city of Yunnan. While the move was considered a sign of more sophisticated attitudes towards the role of the media in some interior provinces, experts said the new rule would make little difference while propaganda officials continued to exert so much sway. At the end of July, Kunming prosecutors published the Rule for Prevention of Job-related Crimes for public review. In the draft, it said officials “who interfere or obstruct media from legal supervision will be held accountable or charged legally responsible.”

THE GAMBIA—CONVICTION OF JOURNALISTS CONDEMNED

According to the [New York Times](#), the United States has described as “outrageous” and a “travesty” the conviction of six journalists in The Gambia on charges of sedition and defamation and demanded their immediate release. The journalists, who were sentenced to two years in prison, include three members of the Gambian Press Union, two reporters from The Point newspaper, and one for the newspaper Foroyaa. They were arrested in



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June after the Gambia Press Union issued a statement critical of the government's treatment of journalists and its response to the killing of a veteran editor, Deyda Hydera, in 2004. The conviction "violates not only accepted international norms, but the imperatives of governance of the 21st century," said Philip J. Crowley, a State Department spokesman.



President Yahya Jammeh is only surviving on fear tactics

[According to Senegambia News](#), the Gambia is on the brink of eroding into political conflict with Yahya Jammeh's intolerant grip of power. The country has already turned into a police state and the only jobs available to the citizens are in the institutions of police, army, prison service, immigration, and the NIA. All these institutions along with Gambia's judiciary have turned into repressive arms of the government in power. With the prevailing realities, could there be any free and fair election under the rule of fear? There are two detailed studies on the Gambia; one on the administration of rule of law, and the other on the human rights since 2006 by the International Bar Association and Amnesty International. These two authentic and detailed reports are very important pieces of information that should be a source of political activism and advocacy for change.

IRAN—AUTHORITIES SHUT DOWN PAPER OF CRITIC

The authorities have shut down the newspaper of the reformist cleric Mehdi Karroubi, who angered Iran's senior leaders by publicizing claims that protesters arrested after the disputed June elections were raped in prison. The newspaper, Etemad-e-Melli, was ordered to stop printing by a Tehran prosecutor, Saeed Mortazavi, Mr. Karroubi's Web site reported. [The New York Times said](#) that Mr. Mortazavi later denied that the paper had been banned, saying it failed to publish because of printing problems, Reuters said. But state-run Press TV reported that an investigating judge ordered the paper closed for "publishing unlawful and criminal material." Protesters gathered outside the paper's offices and clashed with the police, who arrested some of the demonstrators, Press TV said.



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IRAQ--CENSORSHIP LAWS MOVE AHEAD



Joseph Sywenkyj for The New York Times

Ghada al-Amily, manager of a Baghdad publishing firm, held a forthcoming release from an Iraqi artist. Publishers say a new policy could be the death knell for Iraq's once vibrant book industry.

[The New York Times reports](#) that the doors of the communications revolution were thrown open in Iraq after the American-led invasion in 2003: In rushed a wave of music videos featuring scantily clad Turkish singers, Web sites recruiting suicide bombers, racy Egyptian soap operas, pornography, romance novels, and American and Israeli news and entertainment sites that had long been blocked under Saddam Hussein's rule. Now those doors may be shut again, at least partially. The Iraqi government is moving to ban sites deemed harmful to the public, to require Internet cafes to register with the authorities, and to press publishers to censor books. The government, which has been proceeding quietly on the new censorship laws, said prohibitions were necessary because material currently available in the country had had the effect of encouraging sectarian violence in the fragile democracy and of warping the minds of the young.

MOROCCO—TRAINING HELD ON INTERNET USE FOR FREEDOM OF EXPRESSION

The Moroccan section of Amnesty International held its 11th national campus for young activists from 26 July to 1 August 2009 in Ifrane, Morocco, according to the [Magharebia](#) news brief. Entitled "Human rights and the internet: a new voice for dignity," the workshop immersed young people in human rights culture and revealed opportunities for cyber-activism. Using infrastructure available in the IT laboratories at Al Akhawayn



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University, the organizers ran themed workshops on the different tools available for activism on the Web.

PHILIPPINES—GOVERNMENT URGED BY UNESCO TO BETTER PROTECT JOURNALISTS

[The Palestine Telegraph reports](#) that journalists in the Philippines have been made to pay an intolerably heavy price to exercise the basic human right of freedom of expression and to inform all Philippine citizens of events affecting their society, according to a statement issued by UN Educational, Scientific and Cultural Organization (Unesco) Director General Koichiro Matsuura. He also stated that Filipino journalists are paying too high a price for exercising their freedom of expression. Matsuura condemned the latest killing of another Filipino broadcast journalist Godofredo Linaoon 27 July 2009. He urged Philippine authorities to do something about the killings and allow journalists to perform their jobs freely and securely.

RUSSIA—BLOGGER CHARGED WITH LIBEL FOR STORIES ABOUT HYDROELECTRIC PLANT FLOOD

According to a [story in the New York Times](#), since an accident at a Siberian hydroelectric plant in mid-August trapped dozens of workers in a flooded chamber, relatives of the missing workers have become increasingly angry over the government's rescue effort. A Russian blogger has taken up their cause, raising questions about the government's response — a campaign that ended when local authorities charged him with libel of the Sayano-Shushenskaya plant's owners. The blogger, Mikhail Afanasyev, who is the editor in chief of the online publication New Focus, claimed on his blog that the number of missing workers far exceeded those in official reports. His statements quickly attracted attention on the Internet. The local prosecutor's office has seized Mr. Afanasyev's computer and accused him of "discrediting the honor and dignity, and undermining the business reputation, of the leaders of the republic and Sayano-Shushenskaya."

THAILAND—ACTIVIST SENTENCED TO 18 YEAR TERM FOR INSULTING KING AND QUEEN

The [New York Times reported](#) that a political activist was sentenced to 18 years in prison for damaging the "reputation and honor" of the king and queen of Thailand, the latest in a string of convictions for insulting the country's monarchy. Daranee Charnchoengsilpakul, a former journalist, was sentenced to six years on each of three counts of insulting King Bhumibol Adulyadej during a political speech last year. She has been detained without bail since her arrest in July 2008, and her trial was closed to the public on national security grounds. "It is what I expected to happen," Ms. Daranee said. "I will appeal." Ms. Daranee, who is described by the Thai media as being a member of the "red shirts," was protesting the 2006 coup when she made her speech requesting a pardon for Thaksin Shinawatra and for implying that the king and queen had supported the coup that ousted him from power. The three-judge panel ruled that even though she



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did not mention the king or queen by name in the speech, she had insinuated that they supported the coup. One of the ways she made her point, the judges said, was to refer to yellow and blue, the traditional Thai birth colors of the king and queen.

VENEZUELA--OPPOSITION GROUPS HAVE PROTESTED AGAINST A DECISION TO TAKE 34 RADIO STATIONS OFF THE AIR, CALLING IT AN ATTACK ON FREEDOM OF SPEECH.

[According to the BBC](#), more than 200 other radio stations are expected to close in coming weeks. The government says the stations are in breach of the rules for failing to hand in their registration papers on time. The move to close the stations comes as the arguments over control of the media in Venezuela are becoming increasingly bitter.



[According to Merco Press](#), Public Works and Housing Minister Diosdado told state television: “The country demands” that freedom of speech “be regulated.” “It’s agreeable that after so long, by means of a law, this can be done” in the struggle against the “poisoning” of a society where freedom of speech should not be “the most sacred of freedoms.” The Director of National Telecommunications Council, Conatel, Mr. Cabello, has opened “administrative cases” against 50 of 240 private radio stations, accusing them of operating “illegally” and threatening them with having their broadcast licenses revoked and their equipment seized. Attorney General Luisa Ortega introduced the proposed Law Against Media Crimes in the National Assembly, telling lawmakers that this is what has to be done against “new kinds of crime that result from the abusive exercise of freedom of information and opinion.” One of the bill’s articles says that “any person who divulges false news through the media that upsets public peace... will be sentenced to prison from two to four years.”

FREEDOM OF RELIGION AND BELIEF

CANADA—SUPREME COURT HOLDS THAT REQUIRING PHOTOGRAPHS FOR DRIVER'S LICENSES DOES NOT INTERFERE WITH FREEDOM OF RELIGION

[According to the Winnipeg Sun](#), in a 4-3 decision the Supreme Court of Canada (SCC) recently upheld the Alberta law requiring mandatory photos on driver's licenses. The law had been challenged by two groups of Hutterian Brethren in Alberta. The Hutterites are a



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small Christian sect who believe that the second commandment – ‘you shall not make for yourself an idol, or any likeness of what is in heaven above or on the earth beneath’ -- prevents them from voluntarily having their photographs taken. Alberta started issuing licenses with photographs in 1973, but it allowed an exception for those who objected on religious grounds. The exemption was removed in 2003 -- ostensibly so Alberta could maintain a central electronic database in an effort to reduce identity theft.

KYRGYZSTAN—CONTINUING ATTEMPTS TO PREVENT FREE EXERCISE OF RELIGION DOCUMENTED

Kyrgyzstan is continuing a crackdown on people exercising their freedom of religion or belief, [Forum 18 News Service has found](#). Communities of Protestant Christians, Hare Krishna devotees, and Ahmadiya Muslims have all been ordered by the authorities to stop meeting for worship, in some cases the orders having been originally issued in 2007. Since the entry into force of Kyrgyzstan's new Religion Law in January 2009, 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 or raided many religious communities. One such community was the Jehovah's Witnesses in Maili-Suu, whose members were told that “they have no rights to distribute or to keep any religious literature at their homes.” An employee of the State Agency for Religious Affairs recently told a person known to Forum 18, who wished to remain unnamed for fear of state reprisals, that after the July presidential elections there would be “a massive campaign against religious groups meeting illegally.”

U.K.—APPEAL AGAINST CHARITY TRIBUNAL RULING ON DISCRIMINATION INVOLVING GAY ADOPTIONS

[CatholicCare](#) has applied to the High Court to appeal a ruling by the Charity Tribunal that prevents it from discriminating against homosexuals - and could lead to it closing its adoption service. [Communitycare.co.uk](#) reports that the charity, which is the social care arm of the Diocese of Leeds, filed its appeal on 20 July 2009. But it has not been recruiting new couples to its adoption service since early June, when the [Charity Tribunal](#) dismissed its appeal against an earlier [Charity Commission](#) ruling that also barred it from discriminating. Catholic Care had wanted to change its “objects,” or the purpose for which it was set up, to stop homosexuals adopting through its adoption service. It had planned to take advantage of an exemption in section 18 of the [Equality Act \(Sexual Orientation\) Regulations 2007](#) that allows charities to discriminate when acting in “pursuance of a charitable instrument”, such as governing documents. But the Charity Tribunal said Catholic Care would breach other equality laws by discriminating against same-sex couples. Although it has stopped recruiting new adopters, Catholic Care said it continued to support couples in the assessment and approval stages, as well as those wanting to use its post-adoption support services.



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U. S.—SETTLEMENT OF LAWSUIT ALLOWS RASTAFARIANS IN NEW YORK TO KEEP DREADLOCKS

[The New York Times reports](#) that Rastafarian workers will be allowed to keep their dreadlocks and cropped beards under a lawsuit settlement between the Equal Employment Opportunity Commission and the Grand Central Partnership, which runs the business improvement district around Grand Central Terminal. The lawsuit, filed by the E.E.O.C. in September 2008, accused the partnership of religious discrimination in part because it suspended some of the workers for violating a grooming policy that forbade employees from wearing their hair outside their uniform hats. The workers argued that dreadlocks and short beards were part of their Rastafarian faith, adding that while they had tried to tuck their dreadlocks inside their hats, the growing hair made it difficult. As a result of the settlement, the partnership agreed to revise its training policies, pay \$10,000 to each of four workers and remove any grooming-related disciplinary notices from their personnel files.

UZBEKISTAN—U.N. UNIVERSAL PERIODIC REVIEW COMMENTS CITE FREEDOM OF RELIGION VIOLATIONS

Uzbekistan has recently been through the [Universal Periodic Review \(UPR\) mechanism of the United Nations \(UN\) Human Rights Council](#), and its response to recommendations was considered in Geneva on 27 July 2009. Despite this process, religious believers of a wide variety of faiths – including but not restricted to Muslims, Protestant and Catholic Christians, Jehovah's Witnesses - continue to complain to [Forum 18 News Service](#) that the country continues to routinely commit serious violations of freedom of religion or belief. One of the most common violations is the use of registration as a weapon against citizens' religious freedom. The most recent known instance of this was fines imposed on two Baptists, combined with threats that they would face criminal prosecutions unless their church registered within one year. In response to a recommendation under the UN mechanism (by the Kingdom of the Netherlands) that Uzbekistan “fully respect the freedom of religion or belief,” it claimed in part - falsely - that: “As in majority of countries with rule of law, the religious organizations must obtain legal registration and have a transparent accounting” (see document A/HRC/10/83/Add.1 of 13 March 2009).

LEGAL FRAMEWORK

SERBIA—LAW ON ASSOCIATIONS ADOPTED

The Serbian Parliament has approved the Law on Associations, according to a [post on ICNL's website](#). The Parliament's decision marked the culmination of long efforts to bring the legal framework for associations in Serbia closer to international standards and regional best practices. Among other issues it addresses, the Law requires only three natural or legal persons to establish an association, permits informal associations to operate, and sets out rules governing the establishment of branch offices of foreign



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associations operating in Serbia; currently, those branch offices operate in a legal vacuum. The Law envisages the Agency for Registration of Commercial Companies as a registration body of associations. This novel approach gives rise to a number of issues, including the Agency's non-exposure to international standards pertinent to freedom of association.

ZAMBIA—RESTRICTIVE NGO LAW ENACTED

AllAfrica.com reports that Zambian president Rupiah Banda has signed legislation regulating the operations of civil society, sending shock waves through the sector, which fears its independence will be severely compromised. Presidential assent means the 2009 NGO Bill, withdrawn in 2007 after widespread protests by civil society and opposition parties, now only needs gazetting to become legislation that will require “the registration and co-ordination of NGOs” and can “regulate the work, and the area of work, of NGOs operating in Zambia.” Dickson Jere, a special assistant to the president for press and public relations, confirmed in a statement: “His Excellency the President Mr Rupiah Banda has assented to 13 Bills, which were recently passed by the National Assembly, including ... the Non-Governmental Organisations Bill.” The new stipulations will compel NGOs to re-register every five years and submit annual information on their activities, funders, accounts, and the personal wealth of their officials; failure to comply could result in the suspension or cancellation of registration. The law will empower the Interior Minister to form a 10-member board, comprised of government members and two representatives from civil society, which would “receive, discuss and approve the code of conduct [of NGOs], and ... provide policy guidelines to NGOs for harmonizing their activities to the national development plan of Zambia.” On 28 August 2009 civil society organizations held an emergency meeting in the capital, Lusaka, to plan a response to the looming regulations, which the NGOs have termed “unconstitutional.” “We have already resolved to carry out a peaceful demonstration next week on 4 September 2009 in Lusaka, and there are arrangements going on so that people in the provinces also carry out the protests. I think the court action [a proposed injunction] is a definite intervention as well, but we are still talking,” an NGO worker, who declined to be identified, told IRIN News Service. A more detailed analysis of the provisions of the bill in Zambia is available [here](#).

MISCELLANEOUS MATTERS

AZERBAIJAN—LAW ON VOLUNTARY ACTIVITIES ENTERS INTO FORCE

The Law of the Republic of Azerbaijan On Voluntary Activities entered into force on 29 July 2009. Primarily a declaration of the government's support of volunteerism, the new law is considered an improvement in the regulatory environment for volunteers in Azerbaijan. [According to ICNL](#) the law states specifically that the unpaid work of volunteers is not illegal. The present Labor Code of Azerbaijan prohibits paying workers



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less than the established minimal salary, and under this prohibition, volunteers can be considered “workers.” Even though the government has not been enforcing this prohibition against non-governmental organizations (NGOs) and volunteers, both groups were concerned that they might be subjected to the government’s harassment if the government decided to impose the prohibition. This new law clarifies that the unpaid work of volunteers is both legal and supported by the state, and requires the government to bring other legislation, including the Labor Code, in compliance with the new Law on Voluntary Activities. This law was initiated by the Not-For-Profit Law Coalition established within the Civil Society Project, whose members drafted, and advocated for, adoption of the law for over two years.

ENGLAND & WALES—

- **CHARITY COMMISSION LAUNCHES PUBLIC CONSULTATION ON SINGLE EQUALITY SCHEME**

The Charity Commission, the independent regulator for charities in England and Wales, [has launched a public consultation on its Single Equality Scheme](#). The proposed Single Equality Scheme builds on what the Commission has achieved so far and looks ahead to the future. The Charity Commission has already introduced new diversity monitoring procedures to ensure that it is being a fair employer, conducted an equality pay audit and become a Stonewall Champion. The Commission has also introduced Diversity Champions throughout the organization, including a board member representing diversity.

- **CHARITY COMMISSION PUBLISHES EMERGING FINDINGS ON PUBLIC BENEFIT ASSESSMENTS**

The Charity Commission has published its [“Emerging Findings”](#) on Public Benefit Assessments, required under the 2006 Charities Act. They are already exceptionally controversial, with [many suggesting](#) that the attempt to remove charity status from fee-charging private schools is “war” by the Commission against them. One of the schools adjudged not to be operating for public benefit, St. Anselm’s, a boarding preparatory school in Bakewell, Derbyshire, has only 200 pupils. Although it had made attempts to use its facilities to help local schoolchildren, it probably would have to raise fees in order to provide more bursaries to poorer children. This newest drive by the Charity Commission to improve fairness is said by the [Sunday Times](#) to inevitably involve more discussions at a policy level.

U.S.—DISPUTE OVER LEONA HELMSLEY BEQUEST TO HELP DOGS CONTINUES

Three animal welfare groups -- the Humane Society of the United States (<http://www.hsus.org/>), the American Society for the Prevention of Cruelty to Animals (<http://www.asPCA.org/>), and Maddie's Fund (<http://www.maddiesfund.org/>) -- have



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filed suit in New York Surrogate's Court asking the court to intervene in the matter of Leona M. Helmsley's \$5 billion estate, [the New York Times reports](#). Claiming that a surrogate judge used "faulty reasoning" in allowing the estate's trustees to disregard the late heiress's wishes before paying out millions of dollars in grants earlier this year, the three organizations are seeking to force the trustees to follow Helmsley's expressed desire to help dogs. The three groups also criticized the office of New York State Attorney General Andrew Cuomo for issuing "a cursory and incorrect analysis" of the trustees' plan to pay out \$136 million in grants this spring. A "mission statement" drawn up by Helmsley in 2003 that was intended to lay the groundwork for the distribution of her wealth listed three charitable purposes: the care of dogs, "medical and health care services for indigent people, with emphasis on providing care for children," and other charitable interests. Helmsley, who died in 2007, subsequently revised the statement, dropping the second stated purpose altogether. But only \$1 million of the \$136 million in grants awarded by the trust this spring went to organizations having anything to do with animals. And of that amount, \$900,000 was earmarked for groups that handle seeing-eye dogs, which serve humans, while the remaining \$100,000 went to the ASPCA.

RESOURCES

EPIDEMIC OF INEQUALITY: WOMEN'S RIGHTS AND HIV/AIDS IN BOTSWANA & SWAZILAND



Deeply entrenched gender inequities perpetuate the HIV/AIDS pandemic in Botswana and Swaziland, the two countries with the highest HIV prevalence in the world. Neither



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country has met its obligations under international human rights law. As a result, women continue to be disproportionately vulnerable to HIV/AIDS. This is most starkly demonstrated by the association of gender discriminatory beliefs and sexual risk-taking documented in this report, available at

<http://physiciansforhumanrights.org/library/documents/reports/botswana-swaziland-report.pdf>

BURUNDI--CATCH-UP-CLASSES IN POST-CONFLICT SITUATION; REFLECTIVE NOTES ON THREE CONSTRAINTS



Catch-up-Classes (CuCs) and Accelerated Learning Programs (ALPs) are educational strategies aimed to compress years of formal education into a reduced span of time. These programs are specifically targeted for young people (ages 10-24) who have had to abandon school due to situations of conflict or natural disasters and aim to "catch-up" students so that they may once again re-enter formal schooling. This article presents conclusions from an evaluation of a CuC program implemented in Burundi by an International Non Governmental Organization. It analyses three main constraints that were observed during the course of the study: 1) the lack of livelihood strategies for out-of-school youth; 2) the lack of a preliminary analysis of national educational needs in terms of demand (schools) and supply (students); and 3) the fragile economic and social sustainability of the CuC program, available at

<http://www.equip123.net/jeid/articles/8/CascantiSempere-Catch-up-ClassesinPost-ConflictBurundiReflectiveNotesThreeConstraints.pdf>



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CHINA—DEVELOPMENT ASSESSMENT TOOLS



Strong legal and regulatory frameworks and developing member country (DMC) governments having the institutional capacity to derive developmental outcomes with internal and external public sector resources are key aspects of governance and the drive against corruption. Audit, procurement, and performance evaluation systems are essential to sound public administration. Because of their importance, standards for audit, procurement, and performance evaluation warrant mandatory sections in each report and recommendation of the President, and specific articles and schedules in loan agreements. It is in the interest of both the DMCs and the Asian Development Bank (ADB) that these systems be based on a sound legislative and regulatory framework, and institutional capacity for efficient implementation. These requirements are consistent with the alignment and harmonization partnership commitments in the 2005 Paris Declaration on Aid Effectiveness signed by ADB and the People's Republic of China (PRC), among other signatories, available at

<http://www.oecd.org/dataoecd/18/24/38058228.pdf> .

LEBANON--PROFILE OF LEBANON IN ARAB HUMAN DEVELOPMENT REPORT

[According YaLibnan](#), introspection has never been a strong suite either of the Lebanese character in particular nor of the Arab world in general. It was hoped that this might change when the United Nations Development Program commissioned independent Arab scholars and intellectuals to issue the series “Arab Human Development Reports”. The series has engendered slight interest in the academic community but it does not seem to have created the major impetus for reform and change that one would have liked. The best proof of the public indifference that has greeted the series can be best scene in the reception given to the fifth volume that was released recently. It has been met with a thud among the Arab politicians from all ideological stripes. The series presents in



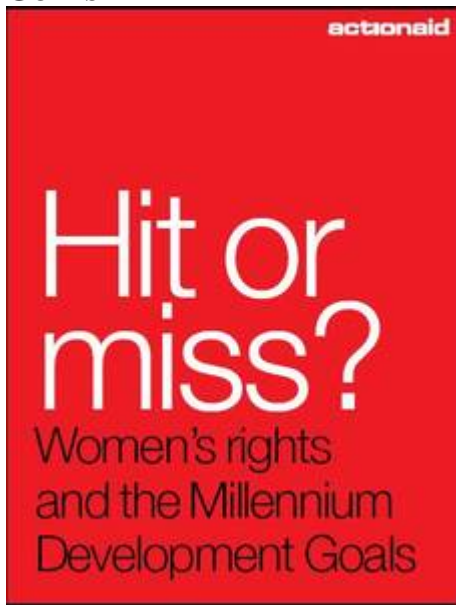
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scientific unbiased terms the state of economic, social environmental and economic development of the Arab citizen and contrasts that to the developments that have taken place in these fields in other regions of the world. The sad conclusion is that the Arab countries as a group have underperformed all regions in the world except one; sub-Saharan Africa. Such a dismal performance is tragic given the financial resources that are available to the Arab countries and the human potential. The Arab media has also been conspicuous through its absence.

GLOBAL--HIT OR MISS? WOMEN'S RIGHTS AND THE MILLENNIUM DEVELOPMENT GOALS



This report takes each of the Millennium Development Goals in turn. It summarizes the current state of progress, where possible disaggregated by sex, and identifies some of the main ways in which continued violations of women's rights are holding back further advances. It concludes by recommending actions by governments north and south to ensure that the MDGs are met for everyone, women and men, girls and boys; available at http://www.actionaid.org.uk/doc_lib/aamdg.pdf



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SUDAN--AGENCY EXPULSIONS: CONSEQUENCES AND NEXT STEPS



This joint ALNAP-HPG paper focuses on the recent expulsion of NGOs from Sudan. It offers a snapshot of what expelled aid agencies were doing, where they were based and the type of assistance they were providing at the time of their departure. It looks at the challenges these agencies had to tackle, how their programmes evolved, the extent to which these agencies had developed contingency plans and the challenges involved in scaling up operations to make up for the shortfall in services. The paper also discusses the immediate implications and suggests ways forward for international NGOs, the UN system and donors; available at

<http://www.odi.org.uk/resources/download/3198.pdf>

UGANDA—REPORT ON TASK FORCE DETENTIONS

This 89-page report documents the task force's abusive response to alleged rebel and terrorist activity by unlawfully detaining and brutally torturing suspects. Human Rights Watch found that agents of JATT, as it is known, carry out arrests wearing civilian clothes with no identifying insignia and do not inform suspects of the reasons for their arrest. The agents force suspects into unmarked cars, blindfolded and handcuffed, and take them to JATT's headquarters in Kololo, a rich suburb of Kampala. Many are then taken to military intelligence headquarters in Kitante for further brutal interrogations.

<http://www.hrw.org/sites/default/files/reports/uganda0409webwcover.pdf>



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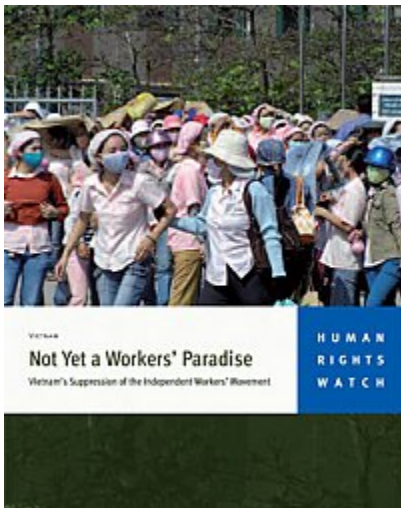
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U.S.—COUNCIL ON FOUNDATIONS LAUNCHES COMMUNITY FOUNDATIONS STANDARDS BOARD

The [Council on Foundations](#) (CoF) has announced the launch of the [Community Foundations National Standards Board](#), a new organization that will administer the National Standards for U.S. Community Foundations accreditation process. Established by CoF in 2000, the national standards process is voluntary for U.S. community foundations, with compliance valid for five years, after which community foundations must undergo a reconfirmation process. To date, more than four hundred and fifty community foundations are in compliance with the standards, which were updated in 2008 to ensure that they remain current and robust. The Community Foundations National Standards Board will answer applicant questions, supply technical support, and ensure a fair and rigorous review of the detailed record binders submitted by applicants. In addition, CoF has launched a website for the organization that offers a range of tools community foundations may need throughout the standards accreditation process.

VIETNAM -- NOT YET A WORKER'S PARADISE



This 32-page report documents the Vietnamese government's crackdown on independent trade unions and profiles labor rights activists who have been detained, placed under house arrest, or imprisoned by the Vietnamese government in violation of international law. The report calls on donor governments and foreign firms investing in Vietnam to press the government to treat workers properly, available at <http://www.hrw.org/sites/default/files/reports/vietnam0509webwcover.pdf>



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RULE-OF-LAW TOOLS FOR POST-CONFLICT STATES: AMNESTIES



This tool identifies core principles that should guide United Nations personnel when confronted with draft amnesties that may be inconsistent with international law and United Nations policy. The first chapter defines amnesties, describes their use and distinguishes them from other legal measures that bear some similarities to amnesties but which are not addressed in this tool. Chapter II summarizes the principal rules of international law and United Nations policy that should guide the consideration of amnesties. Both of these chapters include examples of amnesties from many countries to illustrate the rules of international law and United Nations policy that are applicable when assessing a proposed amnesty. Chapter III considers the relationship of amnesties to processes of transitional justice. Finally, chapter IV provides further guidance to practitioners who may encounter questions when seeking to apply the legal principles summarized in the tool to ambiguous situations in the field.

(Published by: United Nations High Commissioner for Human Rights, 2009), available at http://www.ohchr.org/Documents/Publications/Amnesties_en.pdf

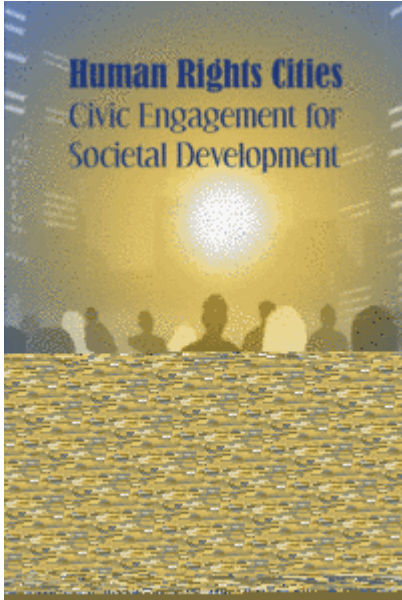


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HUMAN RIGHTS CITIES: CIVIC ENGAGEMENT FOR SOCIETAL DEVELOPMENT



This publication is an outstanding document demonstrating on how learning about human rights as a way of life at the community level can lead people to play a pivotal role in citizen's owning sustainable and meaningful urban development. The approach pursued by the human rights cities initiative is complementary to UN-HABITAT's strategy for sustainable urban development, which lays emphasis on the need for inclusionary urban governance to achieve this.

Published by: UN-HABITAT, 2009, available at
http://www.pdhre.org/Human_Rights_Cities_Book.pdf .



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