



IJCSL NEWSLETTER

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ANTITERRORISM LEGISLATION AND DECISIONS

ENGLAND & WALES--CHARITY COMMISSION DECISION OVERTURNED BY TRIBUNAL
[Third Sector reports](#) that the [Charity Commission's](#) decision to remove a trustee of a Tamil temple in south London has been overturned by the [First-tier Tribunal \(Charity\)](#). In only its second verdict, the tribunal panel, formerly known as the Charity Tribunal, rejected all seven of the commission's reasons for removing Nagendram Seevaratnam as a trustee of the Sivayogam temple in south London and decided unanimously he should be reinstated immediately. The seven reasons included claims that Seevaratnam had failed to take sufficient steps to dissociate himself and the charity from the Tamil Tigers. The tribunal said that rumors about links had not been in wide circulation and the Commission had failed to show it would be reasonable for anyone to believe them. The tribunal agreed with the commission that Seevaratnam, who declined to give oral evidence, had been a dominant trustee but said that did not constitute misconduct or mismanagement in its own right and arose because of his professional background, language skills and his status in the religious and cultural life of the charity. It accepted that Seevaratnam had shown misconduct and mismanagement in various ways, but disagreed with the commission that his removal was necessary to protect the assets of the charity. The tribunal said it was also “most concerned” to hear that evidence submitted to the commission by Seevaratnam demonstrating he had implemented adequate procedures for selecting and monitoring recipients of funding in Sri Lanka had not even been translated. A spokeswoman for the commission said the regulator would respond fully to the findings once it had had time to consider the judgment in detail.

U.S.—IMPORTANT RULING ISSUED IN AN ANTI-TERROR CASE

[According to the Charity and Security Network](#), the federal court ruling in *KindHearts v. Geithner* is a positive step forward in the ongoing efforts of U.S. charities to make national security laws fair and ensure they protect vulnerable people that depend on charities for vital aid. The [100 page court order](#) found that the Department of the Treasury’s seizure of KindHearts assets without notice or means of appeal is a violation of the Fourth and Fifth Amendments. *KindHearts for Charitable and Humanitarian Development, Inc. v. Timothy Geithner, et al*, Case No. 3:08CV2400 was filed in the United States District Court for the Northern District of Ohio Western Division on Oct. 9, 2008. Treasury froze its funds and seized all KindHearts’ assets on Feb. 19, 2006, pending an investigation into whether the group provided material support to Hamas, which has been designated as a terrorist organization by the United States government. To date KindHearts has not been designated. Its efforts to defend itself have been hampered by lack of specific allegations to respond to and lack of deadlines or procedures for Treasury reconsideration. Treasury has denied KindHearts’ requests to have its funds released for aid through other organizations. The ruling court recognized the impact of Treasury action. “As a result of the block, KindHearts’ assets and property, including about one million dollars in bank accounts, became frozen immediately.



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Through its blocking order, OFAC effectively shut the organization down.” [p. 7] Because KindHearts has never been designated as a supporter of terrorism, the factual background of the case (see [KindHearts Timeline](#)) presents important constitutional and human rights questions about how post-9/11 emergency measures should be applied to charities in the long term. The judge issued a temporary restraining order against the Treasury so as to maintain the status quo while the legal issues raised in KindHearts’ complaint are being considered.

CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

LATIN AMERICA-- NEW REPORT ON ACCESS TO INFORMATION IN LATIN AMERICA

Latin America's leading open government advocates recently released a report, bringing together data from 17 countries and offering new findings on the status of freedom of information in the region. The Regional Alliance for Freedom of Expression and Information (Alianza Regional para la Libertad de Expresion e Informacion), composed of 24 NGOs, released its report "Saber Mas," (To Know More), in celebration of International Right to Know Day 2009. The report moves beyond the traditional evaluations of whether countries do or do not have a federal law and attempts to address the following questions: how has FOI advocacy affected countries with traditional cultures of secrecy? How has the state reacted to citizens' demand for access to public information? What are the obstacles facing public interest groups confronting government secrecy? <http://www.freedominfo.org/>

FISCAL MATTERS

AUSTRALIA—NEW LEGISLATION AND GUIDANCE FOR PRIVATE ANCILLARY FUNDS

The [Tax Laws Amendment \(2009 Measures No 4\) Bill 2009](#) has passed the Australian Senate and is now awaiting royal assent. The Assistant Treasurer has issued a media release regarding the amendments in the Bill - see [No. 049 Important philanthropic tax law reforms pass through parliament](#). The Bill amends the tax law to improve the integrity of prescribed private funds (PPFs). The amendments among other things:

- rename PPFs as private ancillary funds (PAFs)
- move the full administration of those funds under the authority of the Commissioner of Taxation (the Commissioner)
- allow the Commissioner to endorse PAFs as deductible gift recipients (DGRs)
- give the Treasurer the power to make legislative guidelines about the establishment and maintenance of PAFs



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- give the Commissioner the power to impose administrative penalties on trustees that fail to comply with the guidelines and to remove or suspend trustees of non-complying funds.

The Government of Australia has now published the [Private Ancillary Fund Guidelines 2009](#), which are effective from 1 October 2009. They set minimum standards for the governance and conduct of a private ancillary fund and its trustee.

U.S.—IRS PROVIDES GUIDANCE ON LOBBYING

A new ruling from the Internal Revenue Service indicates that it will allow public foundations or other public charities that have made the 501(h) election to rely on the rules that already govern grantmaking by private foundations. This is good news for community foundations and all other public charities (what most people think of as "nonprofits") that make grants. While private foundations have had the benefit of clear IRS guidance on how they can support public charities that lobby, foundations (such as community foundations and women's funds) along with other public charities that make grants or "re-grant" have not had that clarity. "This is an important clarification for the nonprofit sector," said Nan Aron, President of Alliance for Justice. "For the first time, public charities have guidance on how to treat grants to groups that lobby. We hope this clarification will give more grantmakers the confidence they need to fund aggressive advocacy." For a copy of the IRS Private Letter Ruling, contact Gaye Williams at (202) 822-6070, ext. 1367, gaye.williams@afj.org, or see the Alliance for Justice web site <http://www.afj.org/check-the-facts/policy-agenda/good-news-from-the-irs.html>.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

ZIMBABWE—LEADERS OF NANGO HELD IN PRISON

The leaders of Zimbabwe's National Association of Nongovernmental Organizations (NANGO), which represents more than 1,000 civic groups, were arrested in Victoria Falls after a three-day conference at which five plainclothes security agents sat taking notes in the audience, said the [group's spokesman, Fambai Ngiranda](#). They were charged with convening a political meeting without police clearance, the state-owned Herald newspaper reported. Dadirai Chikwengo, chairman of the association's board, and Cephas Zinhumwe, its chief executive, spent two nights in cells with no light, sleeping on the floor, Mr. Ngiranda said. "We still live in an undemocratic, autocratic situation," he said. "Repressive legislation is still being applied to intimidate and harass human right defenders, civil society leaders and elements deemed inimical to ZANU-PF."

FREEDOM OF EXPRESSION



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ARGENTINA—CONTROVERSIAL NEW MEDIA LAW ENACTED

[The New York Times reports](#) that Argentina enacted a controversial law giving the government more control over the broadcast media, handing a victory to the president and her husband, the country's former leader, who have blamed media coverage they call biased for many of their political woes. President Cristina Fernández de Kirchner had proposed the bill to replace a dictatorship-era law that allowed the concentration of media power in the hands of a few companies. The government said the changes, which include forcing companies to shed some of their media outlets, would diversify the public airwaves. Mrs. Kirchner has signed the bill into law. Carlos Lauria, senior program director for the Americas at the [Committee to Protect Journalists](#), said the new rules could restrict freedom of expression, in particular a provision that gives the president the authority to appoint most members of a new broadcast regulatory body. That group will be in charge of granting new licenses, and some analysts fear that allies of the Kirchners will be given an unfair advantage in bidding as media companies are forced to give up their licenses.

CHINA—

- **THREAT TO CAIJING'S EDITORIAL POLICY THROWS MAGAZINE INTO TURMOIL**
[According to a report in the New York Times](#), Caijing, a respected Chinese business magazine, has been thrown into turmoil after a dispute over its editorial policy and business governance led to the resignation of 11 high-ranking executives and nearly 70 other workers from the business staff, according to people close to the magazine.



Nelson Ching Bloomberg News

Hu Shuli, editor of Caijing, speaking at the Caijing Conference in December 2008.

The magazine's general manager, its top advertising executive and the head of its conference unit are among those who have submitted resignation letters. And Hu



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Shuli, considered the most powerful business editor in China, may be forced to resign from the magazine, which is based in Beijing. The dispute threatens to dismantle one of the country's leading media properties, a thriving magazine published twice a month that specializes in investigating government corruption and corporate fraud. Caijing also has partnerships with The Wall Street Journal and Reuters. The owners of the magazine, including the Stock Exchange Executive Council, have recently come under pressure from some within the government to tone down or drastically alter Caijing's aggressive journalism, people at the magazine say. Caijing's managers have told staff members that they have been fighting to maintain the magazine's editorial integrity.

- **CHINA—PUBLIC INTEREST LAWYER DETAINED BECAUSE OF SLOGAN ON T-SHIRT**

Guangzhou police took a human rights lawyer into custody, while he was hiking with friends, because the slogans on his T-shirt were considered politically sensitive, [according to a report published in the South China Morning Post](#). Liu Shihui, a lawyer with the Jingguo Law Firm in Guangzhou who has represented human rights activist Guo Feixiong, said a man suddenly grabbed him by the neck from behind while he was hiking on Baiyun Mountain. Liu said he was questioned at the Guangzhou Public Security Bureau's office on the mountain for about four hours before being released last night. He said it was his T-shirt that had caused the problem. On the front of his white shirt was the slogan "One-party dictatorship is a disaster", which Liu said was a quote from a Xinhua editorial in the 1940s. On the back was another quote, by former president Liu Shaoyi: "The CP [Communist Party] opposes the Kuomintang's one-party dictatorship, but the CP will not establish a one-party dictatorship."

- **CHINA--NEW HUBEI LAW BANS PARENTS FROM CHECKING MINORS' TEXT MESSAGES**

Parents who check their under-age children's mobile phone text messages without permission may be breaking the law in Hubei, according to [a report published in the South China Morning Post](#). A clause that forbids such surveillance is included in the provincial juvenile protection law that went into effect on October 1.

Under the law, no one is allowed to check the mobile phone text messages, e-mails, or online chat records of a minor without his or her approval. Mainland law already bans anyone from reading juveniles' e-mails, but the provincial lawmakers wanted to go one step further. Yang Dongping, education research professor at the Beijing Institute of Technology, said the clause on text messages was too detailed to fit into a general law, and Hubei lawmakers did not have a clear understanding of the mainland's realities. "For juvenile protection laws, the focus should always be on general areas such as how to reduce students' extra study burdens and protect their rights to enjoy holidays and pastimes," Yang said.



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“If lawmakers go too far -- putting clauses on text messages and chat records in the law -- they should understand there will be no effective way to enforce that law.”

IRAN—REPORTERS, PHOTOGRAPHERS, BLOGGERS FLEE THE COUNTRY

For two months Ehsan Maleki traveled around Iran with a backpack containing his cameras, a few pieces of clothing and his laptop computer, taking pictures of the reformist candidate Mir Hussein Moussavi during the presidential campaign. He did not know that his backpack and his cameras would soon become his only possessions, or that he would be forced to crawl out of the country hiding in a herd of sheep. [The New York Times reports that](#)



Mr. Maleki, 29, pictured above, is one of dozens of reporters, photographers and bloggers who have either fled Iran or are trying to flee in the aftermath of the disputed June presidential election. Reporters Without Borders, a Paris-based organization that promotes press freedom and monitors the safety of journalists, said the number of journalists leaving Iran was the largest since the years after the 1979 Islamic Revolution. The wave of departures reflects the journalists’ anxiety over the retribution many of them have faced for reporting on the government’s violent suppression of the post-election protests. As bloody clashes unfolded in the streets of Tehran, the government went to great lengths to restrict the flow of information to the outside world. Foreign journalists were banned, and local reporters and photographers were warned to stay at home.

ITALY—RALLY TO DEFEND PRESS FREEDOM HELD IN ROME

[The New York Times reported](#) that tens of thousands of protesters thronged to a historic square in one of Europe’s largest capitals on Saturday to defend press freedom amid concerns of growing government interference in how the news is reported in Italy. Free information, not on a leash,” Franco Siddi, the secretary general of the Italian Press Federation, told a crowd in the Piazza del Popolo that organizers estimated to be at least 300,000 strong. Police officials said the number was closer to 60,000. The group planned the Rome event “after a crescendo of episodes” suggested that the government of Prime Minister Silvio Berlusconi was trying to exert pressure on the national news media, Mr. Siddi said later backstage. Mr. Berlusconi dismissed the protest as “a real farce.” Speaking at a political convention in northern Italy, he said, “Freedom is far greater in Italy than any other Western country,” the news agency ANSA reported.



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FREEDOM OF RELIGION AND BELIEF

FRANCE—SCIENTOLOGY CONVICTED OF FRAUD BY FRENCH COURT

A French court has convicted the French branch of the **Church of Scientology** of fraud and fined the organization almost \$900,000. However, the court stopped short of granting the prosecution's demand to ban the church entirely. The church said it would appeal. The verdict was among the most important in several years to involve the group, which is registered as a religion in the United States but has no similar legal protection in France where it is considered a sect. The court decision marks the first time that the church itself -- and not individual church members -- had been tried and convicted. According to the **New York Times**, the case was brought by two former members who said they were pushed into paying large sums of money in the 1990s, pressed to sign up for expensive “purification courses,” and harassed to buy a variety of vitamins and other forms of pharmaceuticals, plus electronic tests to measure spiritual progress. One woman said she had been pressured into spending more than \$30,000. The major fines were rendered against the Scientology Celebrity Center in Paris and a Scientology bookstore. Six group leaders were convicted of fraud, with four given suspended sentences of 10 months to two years. One of them, the group’s leader in France, Alain Rosenberg, was given a two-year suspended sentence and fined \$44,700. Two others were given only fines, of \$1,490 and \$2,980.

KAZAKHSTAN—REPRESSIVE RELIGION LAWS RECYCLED

Kazakhstan’s proposed new Administrative Code – which continues existing punishments for exercising freedom of religion or belief – has reached the country's Parliament, [Forum 18 News Service has found](#). Also, the new National Human Rights Action Plan has revealed the authorities’ intent to introduce in 2011 a Law “on the introduction of amendments and additions to legislation on the guarantee of freedom of thought, conscience, and religion.” This is a similar title to a highly restrictive 2008-9 draft Law condemned by many Kazakh and international human rights defenders, and an OSCE Legal Opinion. Ninel Fokina of the Almaty Helsinki Committee told Forum 18 that “I believe they will draw on the previous text – this text is not dead, it's just sleeping at the moment.” Vera Tkachenko of the Legal Policy Research Centre told Forum 18 that it was important for civil society to monitor the Government's legislative plans and engage in constructive dialogue.

RUSSIA—RESTRICTIONS ON REGISTRATION FOR RELIGIOUS ORGANIZATIONS NOT IN RUSSIA FOR FIFTEEN YEARS STRUCK DOWN BY EUROPEAN COURT OF HUMAN RIGHTS

In a case of great importance, the European Court of Human Rights ruled unanimously in favor of two Scientology religious groups in Russia ([Case of Kimlya v. Russia](#)), finding that they have the right to be registered as religious organizations under Russian law.



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This decision determines that members of the Church of Scientology of Surgut and the Church of Scientology of Nizhnekamsk have the right to religious freedom and freedom of association pursuant to Articles 9 and 11 of the European Human Rights Convention. In 1997 the Russian government passed laws preventing religious organizations from forming legally unless they could prove they had been in existence in their respective state(s) for 15 years. Such a law obviously discriminates against religions not established in a state for 15 years and has now been ruled as unlawful by the European Court of Human Rights. In reaching this decision, the Court “established that the applicants were unable to obtain recognition and effective enjoyment of their rights to freedom of religion and association in any organizational form. The restricted status they were given—that of being a “religious group”—was found by the Court to convey no practical or effective benefits to them for they were deprived of legal personality, property rights, and the legal capacity to protect the interests of its members and they were also severely hampered in the fundamental aspects of their religious functions. Accordingly, “the Court finds that there has been an interference with the applicants’ rights under Article 9 interpreted in the light of Article 11.”

VIETNAM—TEACHER VOICES OUTCRY OVER EVICTION

[A report in the New York Times](#) recounts that a renowned Buddhist teacher has decried the eviction of his followers from a monastery in southern Vietnam, and Vietnamese intellectuals have issued a petition to support them, an unusual move in the country, where free speech is restricted. Thich Nhat Hanh, a Vietnamese-born Zen master who helped popularize Buddhism in the West, wrote a letter to President Nguyen Minh Triet in which he criticized the police who evicted nearly 400 of his followers from the Bat Nha monastery in Lam Dong Province.

LEGAL FRAMEWORK

Europe—Comments Submitted on European Foundation Statute

[The Council of Bar and Law Societies of Europe \(CCBE\)](#) reported the following in its latest newsletter: on 16 February 2009, the European Commission launched a public consultation on a possible European Foundation Statute. The consultation focused on the difficulties foundations face when operating cross-border, on the content of a possible European Foundation Statute and on how a Statute might affect donors’ and founders’ attitudes. CCBE responded to this consultation. It pointed to the main legal and tax related obstacles which currently exist (such as the difficulty of recognition of the legal personality in another state or the differences in tax treatment). Overall, the CCBE expressed its support for the creation of a European Foundation statute in order to overcome current deficiencies in the cross-border operation of foundations.

INTERNATIONAL—ICNL MAKES NGO LAW MONITOR AVAILABLE



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The International Center for Not-for-Profit Law (ICNL) has introduced the “NGO Law Monitor.” The [NGO Law Monitor](#) seeks to provide up-to-date information on legal issues affecting not-for-profit, non-governmental organizations (NGOs) around the world. In the initial phase of the Project, ICNL presents reports on 10 countries and 3 regional multilateral organizations. Each country report provides an overview of key issues relating to the freedom of association and the NGO legal framework, with a focus on legal barriers affecting civil society. Each regional organization report provides an overview of the organization, focusing on its engagement on NGO legal issues. In the coming months, reports relating to an additional 21 countries and 7 regional organizations will be made available. ICNL expressed gratitude to the NGO Law Monitoring Network, which is comprised of individuals and organizations located in more than 30 countries. The Network is dedicated to monitoring legal developments affecting civil society at the country and regional level.

MISCELLANEOUS MATTERS

AFGHANISTAN—BAAD IN AFGHANISTAN

Afghan girls also suffer from the actions of their male relatives. A traditional means of settling disputes (badal) in Afghanistan involves giving a young girl to the family of the victim of a crime. This practice is called „Baad,” and is generally accepted as a way of avoiding more violence by satisfying grudges. It is an ancient tradition in Afghanistan, dating back to the days when conflicts were settled through the tribal system. When a man is convicted of killing or raping, a local council can step in to mediate the conflict. Minor offences can usually be settled by the exchange of money or cattle. However, the standard penalty for a serious crime is for the family of the victim to obtain a girl from the family of the offender. Baad is illegal according to the Afghan criminal code and is punishable by up to two years in jail. Unfortunately, no legal action can be taken against the offenders unless the woman or girl who is given away makes an official complaint. Often, these women are too reluctant and afraid to initiate criminal proceedings against their relatives. The girls who are traded through the Baad practice are expected to comply with all the demands. While it is generally accepted that poverty is a major factor in the use of female children as economic tools, there have been discussions on the theory of the correlation between child brides and poverty. One argument points out that in the Afghan culture, girls are generally not of significant societal value to the family.

Therefore, poverty may be the environment in which some families choose to “sell” their female children, but it is the lack of value placed on women and children in general that causes these families to make the choice. www.cimicweb.org

AFRICA—REPORTS FIND LACK OF CITIZENSHIP RIGHTS IS A MAJOR CAUSE OF CONFLICT IN AFRICA



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The lack of citizenship rights generates conflict and undermines democracy in many countries in Africa, [according to two new studies by the Open Society Institute](#). The reports, the culmination of years of research, analyze citizenship laws from all 53 countries in Africa. Released on African Human Rights Day, the reports recommend that countries amend their constitutions and laws and that the African Union adopt a treaty on the right to a nationality. “Throughout Africa, millions are stateless and denied basic rights”, said Bronwen Manby, senior adviser on Africa at the Open Society Institute and author of the reports. “The African Union needs to sit up and take notice of this crisis.” The denial of citizenship rights has devastating human consequences. Millions of Africans without citizenship are deprived of the right to vote, to cross borders, and to access state health or education services.

ASIA—CIVIL SOCIETY MEMBERS BARRED FROM ATTENDING ASEAN MEETING

Civil society representatives were barred from a meeting of the Association of Southeast Asian Nations (ASEAN) as government officials from Burma and Singapore, among others, sabotaged the conference in Thailand, reports the [Southeast Asian Press Alliance \(SEAPA\)](#). A conference that was supposed to offer a space for civil society to engage with government officials was undermined by the governments of Cambodia, Laos, Singapore, Philippines and Burma. The five countries stopped their civil society representatives from participating, damaging the credibility of the ASEAN Intergovernmental Commission on Human Rights (AICHR), according to a statement by organizers of the [ASEAN Peoples Forum \(APF\)](#). These actions rendered the meeting “meaningless” says APF. As a result, Thailand, Malaysia and Indonesia boycotted the meeting.

CHINA—

- **NEW YORK TIMES PUBLISHES [PROFILE](#) OF DU DAOZHENG**

For many years Du Daozheng, now 86, has been struggling with China’s censors to publish articles, a magazine, and even a book that tell the truth about certain developments in China that the state finds to be too sensitive. For example, in 2005, he published articles on Hu Yaobang, the former party leader whose death helped set off the Tiananmen protests. Infuriated authorities threatened to reduce copies of the magazine to pulp, according to Mr. Du’s daughter, Du Mingming. More recently he disclosed that he had recorded a memoir by [Zhao Ziyang](#), the reform-minded party secretary who opposed the use of force against pro-democracy protesters in 1989, and who was ousted from power and put under house arrest as a result. After Mr. Zhao, still under house arrest, died in 2005, Bao Pu, the son of Mr. Zhao’s top aide, began transcribing and translating other copies of the recordings. Ever the strategist, Mr. Du recommended that the memoir be published only after the 20th anniversary of the crackdown in June. But with the support of Mr. Zhao’s family, in May Mr. Bao arranged publication



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of a Chinese version in Hong Kong and an English version, titled [“Prisoner of the State: The Secret Journal of Premier Zhao Ziyang.”](#) Although many people view Mr. Du and his supporters as very brave in the face of possible crack-downs, they only receive small slaps on the wrist. Some commentators believe that is because the Party does not have to worry about them – it is firmly in control.

- **CHINESE PROVINCE BUILDS INFORMATION HIGHWAY**

The eastern Chinese province of Anhui is investing more than 80 billion RMB (US\$11.5 billion) to modernize its infrastructure, including a project known as ‘Digital Anhu’ that aims to make the internet more widely available and improve data transfer between urban and rural areas...

<http://www.futuregov.net/articles/2009/oct/05/chinese-province-builds-information-highway/>

IRAN--UNRISD RESEARCHER, SHADI SADR, RECEIVES LECH WALESZA PRIZE

UNRISD researcher Shadi Sadr received the Lech Walesa Prize on Monday for her work in promoting human rights, freedom of expression, and democracy in Iran. Sadr began working with UNRISD in 2007 as a country-level research team member for the Religion, Politics and Gender Equality project. She co-authored a paper with Homa Hoodfar entitled, “Can women act as agents of a democratization of theocracy in Iran?” The paper will be published on UNRISD’s website. Sadr has worked extensively within the field of women’s rights. She was the former director of Raahi, a center that provided legal advice to women and is also an outspoken critic of stoning as punishment. To read the complete story, please go to: <http://tinyurl.com/yk7so>.

NEPAL—DRIVE TO INCREASE ACCESS OF POOR TO GOODS AND SERVICES

[A News Release by the Asian Development Bank \(ADB\)](#) reports that a Government drive to increase the number of poor Nepalese with legal identity documents, which are required to gain access to essential benefits and services, is to receive support from the ADB. A \$2 million grant from the ADB-administered [Japan Fund for Poverty Reduction \(JFPR\)](#) will fund awareness raising programs and intensive registration campaigns. “The poor and vulnerable in Nepal have very little access to goods, resources, and opportunities such as social welfare benefits or free school textbooks, and one of the reasons for this is they don’t have legal identity documents, such as birth, citizenship, migration, marriage, and death certificates,” said Jogendra Ghimire, counsel at ADB’s Office of the General Counsel in Manila.

RESOURCES

AFRICA-- IMF DIRECTOR ON AFRICA AND THE GLOBAL FINANCIAL TURMOIL



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A recent World Bank research paper shows that the global crisis is trapping up to 53 million more people in poverty in developing countries, particularly in Africa. The economic crisis is hitting the poor hard and the impacts are greatly felt from the market place to the Churches and within the farms, but with assurances from the IMF that it has a plan for Africa in the face of the turmoil.

http://www.africafront.com/news/136/imf_director_on_africa_and_the_global_financial_turmoil.html

BUSINESS AND HUMAN RIGHTS: A PROGRESS REPORT



The issue of human rights is central to good corporate citizenship and to a healthy bottom line according the Office of the High Commissioner for Human Rights. Many companies find strength in their human rights records; others suffer the consequences of ignoring this vital part of corporate life. Today, human rights are a key performance indicator for corporations all over the world. One of the great ironies of this period in history is that, just as technology remakes our world, the need to maintain the human dimension of our work, and a company's sense of its social responsibility, is growing at an equally rapid pace. Harmonizing economic growth with the protection of human rights is one of the great challenges we face today. It is a challenge which, if met, can harness the great power of economic growth to the great principle of human dignity.

<http://www.ohchr.org/Documents/Publications/BusinessHRen.pdf>

CHINA--NATIONAL HUMAN RIGHTS ACTION PLAN (2009-2010)



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The Chinese government unwaveringly pushes forward the cause of human rights in China, and, in response to the United Nations' call for establishing a national human rights action plan, has instituted the National Human Rights Action Plan of China (2009-2010) on the basis of painstakingly summing up past experience and objectively analyzing the current situation. The plan defines the Chinese government's goals in promoting and protecting human rights, and the specific measures it is taking to this end. <http://www.humanrights.dk/files/Importerede%20filer/hr/pdf/Dokumenter%20til%20Nyhedsarkiv/China's%20human%20rights%20action%20plan%202009.pdf>

COLUMBIA--COUNTERING THREATS TO SECURITY AND STABILITY IN A FAILING STATE



The report analyzes why Colombia was on the road to possible state failure, how the process was reversed, and what will be needed to sustain progress. It also considers the role of U.S. assistance to Colombia since approval of the "Plan Colombia" special



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supplemental in 2000. The report highlights practical lessons from Colombia as a case study in countering challenges to security and stability in a weakened state. It will serve as an important point of reference for policymakers on Colombia-specific issues—as well as for those addressing challenges such as an inadequate state presence, large ungoverned spaces, weak rule of law, insurgencies, and a large-scale narcotics economy in other parts of the developing world.

http://csis.org/files/publication/090918_DeShazo_CounteringThreats_Web.pdf

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS: ANNUAL REPORT 2009



This Annual Report 2009 is the second to be produced under the legal basis and mandate of the European Union Agency for Fundamental Rights (FRA), whose founding regulation came into effect in March 2007. The first section of the Annual Report provides an overview of the state of implementation of the Racial Equality Directive, focusing on the functions of the Equality Bodies. The next section outlines the extent and nature of racist violence and related crime in the EU, including emergent trends and responses to the problem, based on latest available data for comparison. It also highlights the continuing problem in many Member States of inadequate official criminal justice data on racist crime, which is symptomatic of a lack of political focus and resource allocation to address the problem.

http://fra.europa.eu/fraWebsite/attachments/FRA-AnnualReport09_en.pdf

ETHIOPIA--HUMAN RIGHTS VIOLATIONS AND CONFLICTS CONTINUE TO CAUSE DISPLACEMENT



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For decades, Ethiopia has been affected by famine and conflict. In 2009, there have been various reports of internal displacement resulting from conflicts and human rights violations perpetrated by the army and groups opposed to the government. This report provides information on this issue.

[http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/80C54D1ED57F9E76C1257626005638BD/\\$file/Ethiopia_Overview_Sep09.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/80C54D1ED57F9E76C1257626005638BD/$file/Ethiopia_Overview_Sep09.pdf)

EU REMAINS LEADING ACTIVIST IN EFFORTS TO ACHIEVE UNIVERSAL ABOLITION OF DEATH PENALTY



"10 October was the World and European Day against the Death Penalty. Despite international efforts, figures of death penalty application worldwide remain high. In 2008, at least 2,390 people were executed in 25 countries. This makes initiatives at multilateral level the more important. The EU's efforts to achieve a death penalty free world culminated in the adoption the Resolution on the moratorium on the use of the death penalty by the UN General Assembly in December 2007 and 2008. The abolition of the death penalty is one of the thematic priorities in the European Instrument for Democracy and Human Rights (EIDHR) with over 30 projects supported so far worldwide."

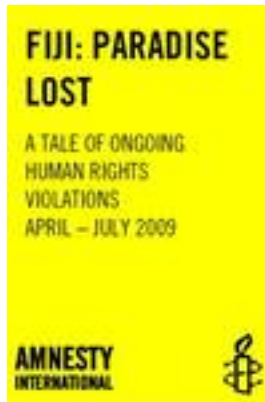


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<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1497&format=PDF&aged=0&language=EN&guiLanguage=en>



FIJI—AMNESTY INTERNATIONAL PUBLISHES REPORT ON HUMAN RIGHTS ABUSES

This report illustrates Amnesty International's concerns about widespread human rights violations which followed then President Ratu Josefa Iloilo's abrogation of the Fiji Constitution on 10 April 2009. These include violations of the rights to freedom of assembly, opinion, expression and movement, the right to a fair trial, and freedom from arbitrary detention. <http://www.amnesty.org/en/library/info/ASA18/002/2009/en>

GLOBAL

- **THE RIGHTS OF INDIGENOUS PEOPLES**



Indigenous peoples inhabit large areas of the earth's surface. Spread across the world from the Arctic to the South Pacific, they number, at a rough estimate, some 300 million. Indigenous or aboriginal peoples are so-called because they were living on their lands before settlers came from elsewhere; they are the descendants -- according to one definition -- of those who inhabited a country or a



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geographical region at the time when people of different cultures or ethnic origins arrived, the new arrivals later becoming dominant through conquest, occupation, settlement, or other means. Throughout human history, whenever dominant neighboring peoples have expanded their territories or settlers from far away have acquired new lands by force, the cultures and livelihoods -- even the existence -- of indigenous peoples have been endangered. The threats to indigenous peoples' cultures and lands, to their status, and other legal rights as distinct groups and as citizens, do not always take the same forms as in previous times. Although some groups have been relatively successful, in most part of the world indigenous peoples are actively seeking recognition of their identities and ways of life.

<http://www.ohchr.org/Documents/Publications/FactSheet9rev.1en.pdf>



- **COMBATING TORTURE**



Torture seeks to annihilate the victim's personality and denies the inherent dignity of the human being. The United Nations has condemned torture from the outset as one of the vilest acts perpetrated by human beings on their fellow creatures. Torture is a crime under international law. According to all relevant instruments, it is absolutely prohibited and cannot be justified under any circumstances. This prohibition forms part of customary international law, which means that it is binding on every member of the international community, regardless of whether a State has ratified international treaties in which torture is expressly prohibited.

The systematic or widespread practice of torture constitutes a crime against humanity. Full paper in PDF format; Number of pages: 51p

<http://www.ohchr.org/Documents/Publications/FactSheet4rev.1en.pdf>



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- **HUMAN RIGHTS TO THE ENJOYMENT OF THE HIGHEST ATTAINABLE STANDARD OF PHYSICAL AND MENTAL HEALTH**



The present report briefly reflects on the activities of and issues of particular interest to the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (right to health). The first chapter of the report explains the relation between the right to the highest attainable standard of physical and mental health, specifically in regard to access to medicines, and intellectual property rights. Chapter II is devoted to the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereafter TRIPS) and TRIPS flexibilities. The Special Rapporteur explores the way in which flexibilities have been used and incorporated into national patent laws of developing and least-developed countries. Chapter III analyzes free trade agreements and the effect of TRIPS - plus requirements on access to medicines. http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.12_en.pdf

- **STUDY ON THE IMPLEMENTATION OF THE RIGHTS OF INDIGENOUS PEOPLE TO EDUCATION**

The study encompasses (a) a human rights-based analysis of the scope and content of the right to education; (b) indigenous education systems and institutions; (c) lessons learned; (d) challenges and measures to achieve the implementation of the right of indigenous peoples to education; and (e) Expert Mechanism advice No. 1 on the right of indigenous peoples to education.

(Source: UN Human Rights Council, 2009)

<http://www.crin.org/docs/A-HRC-12-33.pdf>

- **SEXUALITY AND HUMAN RIGHTS, 2009**

This paper considers current human rights claims in relation to sexual rights, in formal human rights structures and processes. It shows that troublesome but predictable disjunctures continue to constrain the evolution of coherent and progressive policy positions in this area. The report considers some of the reasons why coherent policy is lacking, specifically in these areas and more generally in historical and modern human rights advocacy about sexuality. It then examines some specific current problems at international level. In doing so, it focuses largely on formal human rights work in the United Nations (UN) and other



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international fora which draw on international human rights standards and mechanisms.

http://www.ichrp.org/files/reports/47/137_web.pdf

- **HUMAN RIGHTS AND REFUGEES**

The problem of the world's refugees and internally displaced is among the most complicated issues before the world community today. Much discussion is taking place at the United Nations as it continues to search for more effective ways to protect and assist these particularly vulnerable groups. At the same time the world needs to reach an agreement on how best to prevent new flows of refugees. The root causes of these situations should be further studied and rectified. If poverty is the major cause of refugee flows, some solutions could be found in development aid or technical assistance. If human rights violations are the principal causes of mass exoduses, solutions may lie in continuous monitoring by United Nations human rights bodies, condemnation of violations by the international community and the appointment of Special Rapporteurs to study specific situations and to make suggestions. If violent conflicts are the causes of refugee flows, solutions may be found in preventive diplomacy, in the promotion of mediation as the means to conflict resolution and in respect for provisions of humanitarian law. Full paper in PDF format; Number of pages: 12p; Source: UN Human Rights.

<http://www.ohchr.org/Documents/Publications/FactSheet20en.pdf>

- **THE WORLD'S MOST REPRESSIVE SOCIETIES 2009**

Freedom House has prepared this report as a companion to its annual survey on the state of global political rights and civil liberties, Freedom in the World. It is publishing this report to assist policymakers, human rights organizations, democracy advocates, and others who are working to advance freedom around the world. We also hope that the report will be useful to the work of the United Nations Human Rights Council.

<http://www.civicus.org/media/Freedom-House-Report-2009.pdf>

- **SLUMS: HUMAN RIGHTS LIVE HERE**

More than 1 billion people across all continents live in slums. These communities, characterized by inadequate housing, lack of basic services, overcrowding, and high levels of violence and insecurity, are also places where residents live, work, and raise their children. Yet, many governments are failing in their duty to protect the rights of these people.

<http://www.amnesty.org/en/campaigns/demand-dignity/issues/slums>

- **PLACING SECURITY AND RULE OF LAW ON THE DEVELOPMENT AGENDA**



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If done correctly, development and security can reinforce each other. Conversely, if either is ignored, particularly in post-conflict countries, reconstruction can be crippled. This was the message that World Bank President Robert Zoellick delivered in his January 2009 speech to the United States Institute of Peace. He underscored the need for simultaneity rather than sequencing in security and development. Over the past 14 years, the International Crisis Group has arrived at similar conclusions in seeking to contribute to conflict prevention, end conflict where it exists, and help ensure the success of post conflict reconstruction and stabilization.

<http://siteresources.worldbank.org/WBI/Resources/213798-1253552326261/doct09-schneider.pdf>

- **HUMAN SECURITY IN THEORY AND PRACTICE**

This handbook provides an overview of the human security concept and its operational impact. Useful tools for applying the human security concept, including a step-by step strategy for developing, implementing, and evaluating human security programs/projects are provided. Two detailed case studies; one in post-conflict situations and another related to food insecure scenarios, demonstrate the application of these human security tools and are followed with additional examples of projects supported under the United Nations Trust Fund for Human Security.

(Source:UN Trust Fund For Human Security,2009)

<http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1117675>

- **VIOLENCE AND THE USE OF FORCE**

"The line separating disturbances and tensions from armed conflict can sometimes be blurred and the only way to categorize specific situations is by examining each individual case. The intensity of violence is the key determining factor. This categorization has direct consequences for the armed forces and civil authorities as it does for the victims of the violence. It determines which rules apply and the protection they provide is established in greater or lesser detail according to the legal situation."

(Source:ICRC,2008)

[http://www.cicr.org/Web/Eng/siteeng0.nsf/htmlall/p0943/\\$FILE/ICRC_002_0943.pdf](http://www.cicr.org/Web/Eng/siteeng0.nsf/htmlall/p0943/$FILE/ICRC_002_0943.pdf)

- **UNV VOLUNTEERS ANNUAL REPORT 2008: FORGING PATHS FOR PEACE**

This report is not a conceptual discussion of the peace and development nexus, nor does it follow a strict timeline from conflict to peace. Instead, it captures the experiences and contributions of volunteers building peace and advancing social inclusion around the world. Their experiences bring home the message that volunteers are a powerful resource for peace and development, a necessary



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complement to high level political dialogue, often the first hand stretched out to people striving to rebuild their lives after conflict or disaster.

(Source: United Nations Volunteers (UNV),2009)

http://www.unv.org/index.php?eID=tx_nawsecuredl&u=0&file=fileadmin/docdb/pdf/2009/ENG_web.pdf&t=1255583763&

- **OHCHR 2008 REPORT ON ACTIVITIES AND RESULTS**

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has the lead responsibility within the UN system for implementing the UN human rights program. 2008 has been a landmark year for the human rights community. OHCHR celebrated the 60th anniversary of the Universal Declaration of Human Rights with a year-long campaign that involved the whole United Nations system and a myriad of partners from all over the world. This campaign was, in a sense, unfolded against the background of pressing concerns, such as the food, financial, and economic crises that, together with natural disasters and other environmental emergencies, severely tested the international community's resilience and solidarity, as well as its appetite for high-minded endeavors. The Human Rights Council has moved a step further in this direction with the launch of its new Universal Periodic Review, an innovative mechanism through which the human rights record of all UN Member States will be periodically reviewed. In 2008, the first 48 countries came under review. Full report in PDF format (11 MB); Number of pages: 224p; Source: UN Human Rights.

http://www.ohchr.org/Documents/Press/OHCHR_Report_2008.pdf

- **GLOBAL SURVEY ON FORCED EVICTIONS**

This document is an extensive compilation of information on forced evictions which have occurred around the world between 2003 and 2006, particularly those caused by development projects. Information on international legal obligations on forced evictions is given. Profiles of forced evictions are given broken down by continent and country. The end of the report lays out some basic principles and guidelines on development based evictions and displacement. Full paper in PDF format (1.88MB); Number of pages: 148p; Source: Centre on Housing Rights & Evictions (COHRE)

http://www.landcoalition.org/cpl-blog/wp-content/uploads/global_survey_forced_evictions.pdf

IRAQ-- UNCERTAIN REFUGE, DANGEROUS RETURN: IRAQ'S UPROOTED MINORITIES

This report by Minority Rights Group International says refugees from Iraq's minorities face insecurity and risk losing their religious and cultural identity as they try to seek refuge in neighboring countries and Western Europe. In a landmark new report on the situation of Iraqi uprooted minorities, MRG says that many of the people who flee Iraq



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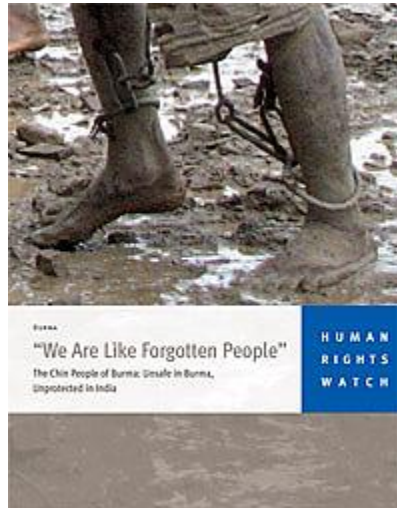
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undertake very dangerous journeys to get to Europe often only to be met with restrictive asylum policies, discrimination, and, in some cases, forcible return.

(Source: Minority Right Group International, 2009)

<http://www.minorityrights.org/download.php?id=686>

MYANMAR--"WE ARE LIKE FORGOTTEN PEOPLE" - THE CHIN PEOPLE OF BURMA: UNSAFE IN BURMA, UNPROTECTED IN INDIA



'In this report, Human Rights Watch documents a wide range of human rights abuses carried out by the Burmese army and government officials. The abuses include forced labor, arbitrary arrests and detention, torture, religious repression, and other restrictions on fundamental freedoms. In Mizoram state, India, Chin people remain at risk of discrimination and abuse by local Mizo groups and local authorities, and of being forced back across the border into Burma.' Source: Human Rights Watch, 2009

http://www.hrw.org/sites/default/files/reports/burma0109web_0.pdf

PAKISTAN--ASSESSING THE IMPACT OF HUMANITARIAN REFORM IN PAKISTAN



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In May 2009, Pakistan's North-West Frontier Province became the site of the world's biggest and fastest human displacement in over a decade – and the largest internal displacement ever witnessed in Pakistan's history. Within the space of only a few weeks, an estimated three million Pakistanis fled their homes to escape their army's military offensive against armed insurgents. The mass exodus of people triggered a major national and international humanitarian response. This paper attempts to assess the extent to which this response lived up to global commitments for providing enough aid, in the right place and at the right time, in a way that is appropriate to the needs of crisis-affected people. Full paper in PDF format (378kb); Pages: 23p; Source: OXFAM http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/bp_pakistan_mising_pieces011009.pdf

POST CONFLICT STATES--BUILDING CAPACITY TO MOVE PAST CONFLICT AND FRAGILITY



Countries that are emerging from conflict face many challenges, but lack of capacity is at the forefront. Unless it is addressed, fragility is likely to persist. Paradoxically, intense pressure for “quick wins” and results-on-the-ground, especially in post-conflict situations, often pushes the capacity development agenda to the margin. While the task of capacity building in fragile states is formidably challenging, a strategic and targeted program can start to build leadership capacity, multi-stakeholder coalitions, and trust in



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focused areas, and thereby generate rapid results that lead to feasible and sustainable pathways out of conflict. Full paper in PDF format (267kb); Number of pages: 4p
<http://siteresources.worldbank.org/WBI/Resources/213798-1253552326261/do-oct09-pradhan.pdf>

SOUTH ASIA--PREVENTING AND RESPONDING TO CHILD TRAFFICKING - ANALYSIS OF ANTI-TRAFFICKING INITIATIVES IN THE REGION

This UNICEF Innocenti Research Centre (IRC) publication presents a regional analysis of anti-trafficking measures relevant to children in the countries of South Asia. It assesses national legal and policy frameworks and provides a list of recommended actions for the application of a rights-based approach to child trafficking. Emphasis is placed on the indivisibility of human rights and the influence that trafficking, exploitation, and abuse have on children's enjoyment of rights and fundamental freedoms. The study is based on the understanding that in order to ensure a comprehensive approach to child trafficking, exploitation, and abuse, measures must be developed and implemented in full conformity with the 1989 Convention on the Rights of the Child and the broader framework of human rights

(Source:UNICEF Innocenti Research Centre (IRC) ,2009)

http://www.unicef-irc.org/publications/pdf/ii_ct_southasia_analysis.pdf

U.S.—

- **CRITIQUE OF DEMOCRACY BUILDING PROGRAMS PUBLISHED**



The US government's approach to promoting democracy in other countries is lacking two essential attributes," according to Associate Professor Keith Brown of Brown University: "local knowledge... of a sort that doesn't make it up the aid-chain to Washington," and "historical perspective." In a recent article published on openDemocracy.net, Brown describes what he judges to be the structural



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shortcomings of contemporary democracy-promotion initiatives in the Balkans. In his article, Brown relates a story from his personal experiences researching in Macedonia to highlight how the principles and ideals of democracy-promotion policy often conflict with the messy realities of a post-socialist and historically conflict-ridden region like the Balkans. A short video on his report can be found at http://watsoninstitute.org/news_detail.cfm?id=1177.

- **ON THEIR OWN: PROTECTING THE RIGHTS OF IMMIGRANT CHILDREN**
The Fourth Annual Conference on Unaccompanied Immigrant Children brought together legal advocates from both private and nonprofit organizations, government representatives, and policy makers across the country to examine current challenges, best practices, and policies that impact the lives of unaccompanied immigrant children. In addition, it provided an excellent opportunity for advocates to learn more about legal issues facing immigrant children, build useful skills, and brainstorm new ideas on ways to further the protection of unaccompanied immigrant children in the United States. http://uscri.refugees.org/site/PageNavigator/Childrens%20Center/NCRIC_Home/conference
- **PROGRAM ON NGOS HELD AT AMERICAN BAR ASSOCIATION MEETING**
On October 28, 2009, a program on “Trends & Recent Developments in Regulating Non-Governmental Organizations” was held at the American Bar Association International Law Section Meeting. Karla Simon’s slides and further information on the program are available on the ABA website and in the ICCSL [Documentation Center](#).



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