



IJCSL NEWSLETTER

VOLUME 9 ISSUE 1

JANUARY 2012

BEST WISHES FOR A HAPPY, HEALTHY, AND PEACEFUL 2012 FROM ALL OF US AT ICCSL!

CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

BOTSWANA—FOI LAW TABLED IN PARLIAMENT; WILL BE DISCUSSED IN 2012

A freedom of information bill has been tabled in Botswana, but will not be debated in Parliament until next year, according to a *Botswana Gazette* [report](#). Member of Parliament for Gaborone Central Dumelang Saleshando introduced the measure. Saleshando, the president of the minority Botswana Congress Party, said the bill will only be debated when parliament resumes early next year because of a required waiting period. The tabled bill underwent a review by a taskforce that included Media Institute of Southern Africa, (MISA Botswana) chairperson Modise Maphanyane, Osego Garebamono of Law Society of Botswana, University of Botswana academics and media practitioners last month.

CYPRUS—STUDY REPORTS: WITHOUT A LAW, ACCESS TO INFORMATION SPOTTY

The official channels in Cyprus for releasing government information are weak and the public strongly favors improvements, according to the results of a recently completed [study](#). The report was based on research, opinion surveys and consultations conducted by three nongovernmental organizations: Access Info Europe, Cyprus EU Association (KAB) and the Socio-political Studies Institute (IKME), as part of the [Access Info Cyprus Project](#). “The overall picture is not an optimistic one, but with public support progress can be achieved in a short period of time,” states the report. “The right of access to information is guaranteed in constitutional provisions on freedom of expression in both parts of Cyprus, but the legal framework is seriously flawed: there is no law on access to information in the south and a law that falls below Council of Europe standards in the north,” according to the report. Cyprus is the only country in the EU not to have either an access to information law or a draft law proposed by the government.



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FISCAL MATTERS

AUSTRALIA—ACCOUNTING STANDARDS FOR NFPs BEING DISCUSSED AS PART OF SIGNIFICANT REFORM EFFORTS

As part of the projected 2012 reforms of the regulation of the not-for-profit sector in Australia, the Treasury has issued the third NFP Newsletter, which discusses accounting guidelines, among other issues. It is available at

http://www.treasury.gov.au/documents/2285/PDF/NFP_Newletters_Issue_3.pdf. Other important documents and discussion drafts are available on the Treasury website at http://www.treasury.gov.au/content/not_for_profit.asp?ContentID=2188.

CANADA—CRA DRAFT GUIDANCE ON ARTS ORGANIZATIONS ANALYZED BY THERESA L. M. MAN

The Draft Guidance available at <http://www.cra-arc.gc.ca/chrts-gvng/chrts/pley/cnslttns/rts-eng.html> was analyzed by Theresa L. M. Man in the Charity Law Bulletin from Carters law firm. The analysis is available at <http://www.carters.ca/pub/bulletin/charity/2011/chylb271.htm>.

NORTHERN IRELAND—CHARITY COMMISSION TO ASSUME CY PRÈS SCHEME POWERS

The Charity Commission for Northern Ireland announced on its website that it is preparing to assume its powers to make cy-près schemes in accordance with sections 26 to 30 of the Charities Act (Northern Ireland) 2008. See

<http://www.charitycommissionni.org.uk/RSS/Cy-presExerciseBegins.aspx>. As such the Commission said that it is keen to ascertain how many pieces of cy-près casework may be out there to process from Spring 2012 onwards. Therefore it initiated a cy-près advance notification exercise to give obtain an overall idea of what may be coming so that it could plan ahead accordingly. More information about the [advance notification exercise](#) or cy-près casework on the website.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

BAHRAIN—DISPUTE ABOUT ELECTIONS FOR LAWYERS' SOCIETY ESCALATES

The Bahrain government has denounced Human Rights Watch (HRW) for its criticism of the Gulf kingdom's cancellation of its bar association's internal elections, saying the rights group's remarks were unprofessional and inaccurate. In a statement on the official



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BNA news agency's website, Bahrain's Human Rights and Social Development ministry accused HRW of using "terms which we believe may reflect personal opinions, and are unprofessional." "The organization's statement made no attempt at accuracy, and it did not contact the ministry inquire about the basis for cancelling the illegitimate elections," it said. HRW has said the ministry was "brazen in violating international standards for freedom of association" for cancelling results of an election for the board of the Bahraini Lawyers' Society in November. For the HRW report, see <http://www.hrw.org/news/2011/12/20/bahrain-end-takeover-lawyers-group>; for the position taken by the Bahraini government, see <http://english.ahram.org.eg/NewsContent/2/8/29988/World/Region/Bahrain-rebukes-Human-Rights-Watch-over-criticism.aspx>.

FREEDOM OF EXPRESSION

THAILAND—PROBLEMS ARISE WITH SENTENCES FOR CRITICISMS OF THE KING

Joe Gordon, the U.S. citizen who was convicted in December 2011 of criticizing the King, was sentenced to two and a half years in prison, prompted the U.S. Embassy to complain about the "severity" of the sentence. In November 2011, the European Union's office in Bangkok said it was "deeply concerned" about a separate case, a 20-year prison sentence given to a man convicted of sending text messages that a court ruled were critical of the monarchy. And a U.N. official, Frank La Rue, issued a statement last month calling for a review of the laws that ban criticism of the monarchy, saying they put "in jeopardy the right to freedom of opinion and expression." According to the New York Times, these comments have riled royalists, who say the outside world does not understand the near godlike status that the king, who has reigned for more than six decades, has in the country. For more see <http://www.nytimes.com/2011/12/24/world/asia/in-thailand-support-for-king-grows-belligerent.html?ref=freedomofspeechandexpression>.

FREEDOM OF RELIGION AND BELIEF

KAZAKHSTAN—PROMOTION OF RELIGION LAW AS "PROGRESSIVE" ENCOURAGED BY GOVERNMENT

Forum 18 New Service reported in December that at a closed October 27, 2011 meeting of about 20 of Kazakhstan's most senior officials, State Secretary Kanat Saudabaev ordered the devotion of considerable resources to promoting what he claimed to be "the



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significance and the progressiveness” of the controversial new Religion Law which came into force in October. He ordered not only the “observance of the demands” of the Law, but “their positive acceptance by subjects of religious activity [i.e. religious communities],” according to documents from the meeting seen by Forum 18 News Service. Members of a wide range of religious communities have privately told Forum 18 of their deep concerns over the new laws, but are now too afraid to criticize them publicly. After the adoption of the new laws, one media company was threatened that if it gave negative coverage of them, the authorities would close the company down, sources close to the case told Forum 18. They asked that the media company not be identified. The harsh new Religion Law – and an associated Amending Law changing other laws relating to freedom of religion or belief – were signed by President Nursultan Nazarbaev on 11 October, were officially published on 15 October, and came into force ten days later (see F18News 13 October 2011 http://www.forum18.org/Archive.php?article_id=1624). For further discussion of the high level meeting, see http://www.forum18.org/Archive.php?article_id=1649

LEGAL FRAMEWORK

CAMBODIA—4TH DRAFT OF NGO LAW RELEASED AND DISCUSSED; HUN SEN DECLARES A DELAY FOR RECONSIDERATION



A human rights day march in Phnom Penh. A draft law requiring NGOs working in Cambodia to register has proved controversial. Photograph: Samrang Pring/Reuters

The highly anticipated fourth draft of the controversial Draft Law on NGOs and Associations circulated at a meeting of the Cooperation Committee for Cambodia “is still



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unacceptable to civil society,” attendees told the Phnom Penh Post. Fundamental problems remain with the fourth generation of the NGO Law, “which continues to be a restrictive piece of legislation,” civil society organizations said in a media release on December 15, 2011, as reported in the Phnom Penh Post. According to Voice of America, the Cambodian government on December 28, 2011 appeared to bow to pressure and took a step back on the law, with Prime Minister Hun Sen saying in a public speech he wanted the Ministry of Interior and local NGOs to continue discussions that would make the law “acceptable” to all. <http://www.voanews.com/khmer-english/news/Hun-Sen-Calls-for-More-Talks-on-NGO-Law-136319558.html>. Different NGOs have different had had on the new draft. Rights group Licadho has called the fourth draft another failure that is “now more confusing than ever”, while the Cambodian Center for Human Rights welcomed the positive improvements in the latest revision, “especially in terms of clarity.” Licadho and CCHR are the only civil society organizations to publish analyses of the draft law since its circulation last week. For more see <http://www.phnompenhpost.com/index.php/2011/12/16/53458/National-news/ngo-draft-worries.html>. The draft is available on the ICCSL website at http://www.iccs.org/pubs/Cambodia_4th_draft_law.pdf.

In a related development, the draft Civil Code was introduced in Cambodia, also in December. See <http://www.phnompenhpost.com/index.php/2011/12/22/53567/National-news/long-road-to-launch-for-civil-code.html>. Many civil society organizations oppose the draft Law on Associations and NGOs because they believe the law is unnecessary in that the Civil Code provides for the formation of “non-profit” associations and foundations.

CHINA—MINISTRY ISSUES GUIDELINES ON CHARITY DONATIONS

The Ministry of Civil Affairs (MCA) issued a new guideline on December 16, 2011 to offer suggestions to charity groups on how to disclose donation information in the wake of doubts about the transparency of their operations. The government hopes the guideline will improve charity organizations’ information publicity and protect the public’s right to know and supervise such organizations, said a ministry statement. Charity groups should disclose information about what donations they receive, how they raise money, how they use funds and who their beneficiaries are, according to the guideline. According to the Guidelines, they should inform the public within 15 working days after receiving a grant and within a month after distributing donations to beneficiaries. With regard to donations after a serious accident or natural disaster, the information should be made public within 72 hours after donations are received, the guideline said. Organizations should disclose relevant information every six months or less for charity programs lasting more than six months, enabling donors and the public to follow the program’s development. MCA said



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that the guideline is expected to set a standard for charity groups to establish their own information publicity system and for local governments to work out supervision rules on charity groups, the statement said. See story in China Daily at: http://www.chinadaily.com.cn/usa/business/2011-12/17/content_14281984.htm. The text of the guidelines is available here: <http://www.mca.gov.cn/article/zwgk/mzyw/201112/20111200243894.shtml>

EGYPT—CRACKDOWN ON FOREIGN FUNDED CSOs CONTINUES INTO JANUARY

According to the New York Times, Egypt's military-led government on January 1, 2012 justified its recent crackdown on human rights and democracy-building organizations as a defense against foreign interference in its politics, defying international pressure and contradicting reports from senior officials in Washington that Egypt's military rulers had pledged to soften their stance. Egypt's defense of the raids escalates a diplomatic feud with Washington that began last Thursday with raids by armed police officers on the offices of 10 nonprofit groups, including 3 supported mainly by the United States government: the National Democratic Institute, the International Republican Institute and Freedom House. Egypt's continued support of the raids is also the latest indication that the military rulers who took over after the ouster of former President Hosni Mubarak share his government's dim view of the international norms of democracy and human rights. Facing escalating domestic and international pressure to turn over power, the ruling military council has appeared increasingly willing to use force without apology to intimidate its critics, including directing assaults on demonstrators that have left more than 80 people dead and hundreds wounded over the last three months. The raids on the nonprofit groups have sent a tremor of fear through the network of human rights watchdogs that have documented and strongly criticized abuses by the military. For more on this story and the background to it, see <http://www.nytimes.com/2012/01/02/world/middleeast/backing-off-vow-of-softer-stance-egypt-backs-office-raids.html?ref=world>.

In a related story, El Ahram reports that a protest has been held and a complaint has been filed to stop the actions by the government against the NGOs.



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Prominent human rights lawyer Nasser Amin filed a complaint with Egypt’s prosecutor-general on January 2, 2012 against the security agencies responsible for conducting raids on 17 NGO offices in Cairo at the end of December. Amin, head of the Cairo-based Centre for the Independence of the Judiciary, lodged the complaint following a demonstration outside the prosecutor-general’s office to protest the raids. The protest, which was organized by several political forces and NGOs, also included prominent human rights activists Gamal Eid, head of the Arabic Network for Human Rights Information, and George Ishak, member of the National Human Rights Council. For more see <http://english.ahram.org.eg/~NewsContent/1/64/30769/Egypt/Politics-/Lawyer-files-complaint-with-Egypt-prosecutorgenera.aspx>.

ISRAEL—SECOND DRAFT OF ANTI-FOREIGN FUNDING BILL TABLED AFTER AG PRONOUNCES IT “UNCONSTITUTIONAL”

Skirmishing over the second draft of bills introduced in both houses of the Knesset to limit foreign funding to Israeli NGOs continues, with Prime Minister Netanyahu once again reversing course on the bills and tabling them. After negotiating with the drafters of the bills to find a solution, Netanyahu decided to freeze discussions of the bills. The decision, which marks Netanyahu’s second reversal on the same issue in less than a week, came after Attorney General Yehuda Weinstein informed Netanyahu he would not defend the bill should it be challenged in court. Weinstein claims the so-called Law of Associations is “unconstitutional.” For a story from Israel National News, see <http://www.israelnationalnews.com/News/News.aspx/150507#.TuzF7SNWpmK>. For a discussion of Weinstein’s conclusions about the bills, see <http://www.haaretz.com/print-edition/news/ag-to-netanyahu-bills-targeting-israeli-rights-groups-funds-are-unconstitutional-1.400002>.



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MISCELLANEOUS MATTERS

CHINA—UN VOLUNTEERS REPORT RELEASED IN BEIJING

Thirty years since the United Nations Volunteers (UNV) undertook its first project in China, a celebration was held in early December 2011 to reflect on the contributions that volunteering has made to peace and development over the past three decades. The event was organized by the UNV China office and United Nations Development Programme (UNDP) China and coincided with the 10th Anniversary of the International Year of Volunteers (IYV+10), an initiative that has unified people around the world to reinvigorate global volunteer service. This event was aimed to highlight the merits of what has become a steady and fruitful partnership between UNV and China. It also served to draw attention to the importance of sharing China's experiences with other members of the international community through Chinese UN Volunteers serving overseas. "Volunteerism has an important part to play in increasing China's contribution to global development through the dissemination of its numerous achievements in this field," said UNDP Deputy Country Director, Mr. Napoleon Navarro during his opening remarks. The report is available in English at http://www.unv.org/fileadmin/docdb/pdf/2011/corporate/China%20Volunteer%20Report%202011_English

RUSSIA—RALLIES AGAINST DISPUTED ELECTIONS AND CALL FOR RESIGNATION OF ELECTORAL COMMISSION HEAD

As to the ongoing dispute within government about how to respond to the rallies, the New York Times reports that to anyone who has spent time in Mr. Putin's Russia, the [sight that unfolded on Bolotnaya Square](#) on Dec. 10 came as an almost physical shock. It has been so long since Russians went out in the streets in large numbers demanding political change that the crowd — an estimated 50,000 people, calmly watched over by the police — resembled a natural wonder, like the aurora borealis. People in the crowd, instead of listening to the speakers, most of whom had the tinny vehemence of party agitators, were peering around at each other. They were neither wild-eyed nor downtrodden. They did not smell of fear or aggression. The [critical mass of middle-class professionals](#) that has existed on the Internet for years was suddenly a physical fact, close enough to feel the body heat. It seemed like the birth of a new organism. Nothing scary happened that day, or at a [repeat demonstration on Dec. 24](#), when the crowd was significantly larger. Yevgeny S. Gontmakher, an economist who has advised the government on social unrest, said that Russian leaders had no formula for dealing with protesters whose demands cannot be addressed with money, because that kind of crowd has not existed here, as a rule. That it has appeared now "is a sign that Russia is becoming a Western country, in its own way." In addition, the Russian presidential



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council on human rights has called for the head of the Central Election Commission Vladimir Churov to resign, after considering complaints about alleged violations during the December 4 parliamentary elections. The council posted a statement on its website, saying that its members “admit that the numerous reports of ballot box stuffing, rewriting of protocol on voting results, the removal of observers and journalists, the banning of photography and videos, and other violations of voting rights, as well as unexplained contradictions in election statistics, caused citizens to call the whole election process and results into question.” The council also said that it is necessary to ensure the speedy adoption of a new electoral law in order to conduct early parliamentary elections. The first rally also demanded the resignation of the election commission head Vladimir Churov and a rerun of the vote in which Prime Minister Vladimir Putin's United Russia party won a majority amid broad allegations of vote fraud in its favor. The second rally will further test the popularity of Putin, 59, who has announced plans to return as president next spring. For more on this story, see the RIANOVOSTI story at <http://en.ria.ru/russia/20111224/170461715.html>.



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