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CITIZEN PARTICIPATION AND FREEDOM OF INFORMATION

GHANA—PARLIAMENT QUESTIONED ON LACK OF FOI BILL FOLLOW-UP

Amnesty International Ghana has called on the Parliamentary Task Force on Right to Information to report, as promised, on public consultations about a long-pending RTI bill. Parliament held nationwide consultations on the bill last summer and was expected to prepare a report. FreedomInfo reported that “Amnesty International (and indeed the Coalition on the Right To Information) is worried that the findings of the task force is not yet made public to pave way for the next line of action towards the passage of the bill which had been laid before Parliament well over a year now,” said AI Ghana. Passage of the RTI bill should not be delayed until after the upcoming presidential and parliamentary elections, the group said. “2012 is an election year in Ghana and typical about election years, electioneering and related activities will become priority focus of Parliamentarians and indeed the Executive arm of Government. Amnesty International is concerned and worried that the RTI bill may be swept under the carpet until probably well after the elections.” More on this story can be found at <http://www.freedominfo.org/2012/01/ghana-parliament-questioned-on-missing-rti-report/>.

GLOBAL—CENTRE FOR LAW AND DEMOCRACY (CLD) REPORT QUESTIONS IFI TRANSPARENCY

According to CLD, In recent years, the openness of international financial institutions (IFIs) has improved considerably. An ongoing problem area, however, is the overbroad regimes of exceptions in IFI transparency policies and, in particular, the exceptions relating to internal deliberations and third-party commercial information. A new report by CLD – Openness Policies of the International Financial Institutions: Failing to Make the Grade with Exceptions – examines how these exceptions are dealt with at the national level, contrasting that with the much more secretive approach of the IFIs. [Click here to read the full Report](#). The report, which CLD produced as a member of the Global Transparency Initiative (GTI), explores in detail the way each of the two exceptions have been interpreted at the national level in better practice jurisdictions. It then contrasts this with the policies of the IFIs, thereby highlighting how the IFI approach is in almost every case overly broad, often by a wide margin. The GTI has always maintained that the IFIs, as organizations which are supported by public money and which perform public functions, are subject to the same disclosure obligations under international law as other public authorities.

NEPAL—GOVERNMENT ACTIONS ON FOI DRAW IRE OF NPOs AND CITIZENS



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The government of Nepal has classified as confidential 140 types of information, sparking protests and legal actions, according to FreedomInfo. The classifications by a three-person committee came into force on January 15, without promised consultations, and the scope of the secrecy extends beyond the scope of allowable exemptions contained in the RTI Act Section 3, according to Tanka Aryal, General Secretary of the Citizens' Campaign for Right to Information, and other supporters of the law. In addition, critics said, the classifications exempt parliament and the judiciary from coverage and will put reports of investigatory commissions off limits. Following protests, one media report suggests that Minister for Information and Communications Jaya Prakash Prasad Gupta, who has defended the classifications, is interested in holding talks on the matter. The Nepal Press Union organized a sit-in protest on January 31 concerning the information classification. For more see <http://www.freedominfo.org/2012/01/nepalese-information-classification-called-excessive-illegal/>.

PHILIPPINES—FOI BILL APPROVED BY PRESIDENT SLIGHTLY ALTERED BY REMOVAL OF COMMISSION

FreedomInfo reports that President Benigno Aquino has approved his version of freedom of information legislation, altering it to drop a proposal for an information commission. The president's recommendation for congressional approval was heralded as yet another sign of potential progress toward enactment. The elimination of a commission clause did not distress supporters because they expect that the alternative of FOI administration through an existing ombudsman will be effective. Aquino thought the proposed information commission would add another layer of bureaucracy, according to media reports such as [one](#) by the Philippines News Agency, another by GMA News, and [one](#) by The Philippines Star. The version of freedom of information legislation supported by President Aquino is being called the "People's Ownership of Government Information bill," or POGI, which is Filipino slang for handsome, and supporters continue to be hopeful it will pass, although some have expressed concern that it is not officially on the list of bills certified as urgent, according to FreedomInfo. Eastern Samar Rep. Ben Evardone, chair of the House committee on public information, said they are hoping that Congress will be able to pass into law the FOI bill by June 2012, or before Congress's closing of the Second Regular Session of the 15th Congress.

For more see <http://www.freedominfo.org/2012/01/aquino-urges-passage-of-modified-foi-bill/> and <http://www.freedominfo.org/2012/01/june-passage-of-foi-bill-in-philippines-predicted/>.

SIERRA LEONE—ACTIVISTS REJECT PRESIDENT'S EFFORTS ON FOI



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According to a report by FreedomInfo, promises by Sierra Leone President Ernest Bai Koroma to pass a freedom of information law have resulted in no action, so when he announced a Transparency Sierra Leone portal January 24 and said it would lead to an “unprecedented level of openness,” FOI supporters reacted with annoyance. Executive Director of the Society for Democratic Initiative, Emmanuel Saffa Abdulai, was quoted as saying, “It is funny that governments is undertaking post-freedom of information law initiatives when the bill is being deliberately stalled in parliament with instructions NOT to pass it.” The portal (<http://www.transparency.gov.sl/> — apparently not working yet) is supported by the Commonwealth Secretariat, an association of former British Commonwealth countries, and was lauded by Koroma and Commonwealth officials at a launch ceremony. For more see <http://www.freedominfo.org/2012/01/sierra-leone-portal-no-substitute-for-foi-law-advocates-say/>.

UNITED ARAB EMIRATES—MORE DATA TO BE PUBLISHED

The United Arab Emirates has announced plans to publish more data, according a January 9 [report](#) in Gulf News.com by Zaher Bitar. The federal government “has urged its ministries and departments to publish more open data on their websites to enhance e-readiness and help promote the concept of open government, one of the pillars of a knowledge-based economy,” according to the article, noting that publishing open data is one of criteria in the United Nations’ e-government survey. Emirates e-government has allocated a special section on the UAE federal government portal (government.ae) for open data from all federal government entities, according to the article, further noting, “Dubai is the first emirate to implement e-government by bringing all services online.” “Ahmad Bin Humaidan, director general of Dubai E-government, told Gulf News that although most of the required data are available on the websites of the government bodies, the government plans to publish more data to add to the existing online information and services through a centralised portal to increase awareness and access,” the report said.

FISCAL MATTERS

CHINA—MINISTRIES OF CIVIL AFFAIRS AND FINANCE ISSUE NEW AUDIT GUIDELINES FOR FOUNDATIONS EFFECTIVE JANUARY 2012

The new Audit Guidelines, available in Chinese at <http://www.mca.gov.cn/article/zwgk/fvfg/mjzzgl/201112/20111200248698.shtml>, for the first time require that financials of foundations be reviewed by certified public accountants. This guidance comes in response to a series of scandals in “public foundations” (those with close ties to the government such as the Chinese Red Cross



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Society and the China Charity Federation) that occurred over the course of the summer and fall 2011. An in-depth analysis of the issues and how the government is responding to them can be found in the English language service of China's Xinhua news agency at http://news.xinhuanet.com/english/indepth/2012-01/02/c_131338859.htm (this story only refers to the November announcement that the audit guidelines would be promulgated, not to the policy itself). Prior to the new requirement, financials had only to adhere to the Chinese Accounting System for NPOs, available at <http://www.iccsl.org/pubs/ChinaAccountingSystemofNPOs.pdf>.

INDIA—TROUBLING DEVELOPMENTS REGARDING TAXATION OF COMMERCIAL INCOME

A number of leading public charitable trusts and institutions that for years enjoyed tax exemption have lost their 12Aa registration and their total income has been made taxable. Virtually all of them are well established, credible, well governed and contributing to the commonweal of society - be it empowering women and creating self-sufficiency or promoting art and culture, according to an update by Noshir Dadrawla, Chief Executive of the Centre for Advancement of Philanthropy (CAP) (www.capindia.in). He notes that the Finance Act 2008 changed the definition of “charitable purpose” under Section 2(15) of the Income Tax Act so that “advancement of any other object of general public utility” would not be considered as a “charitable purpose” if it involves carrying on 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 any fee, assessment, or other consideration. Later, the Finance Act 2010 attempted to provide some relief by exempting the aggregate value of the receipts from such activities up to Rs. 10 Lakhs and finally under the Finance Act 2011 to Rs. 25 Lakhs from taxation. Nonetheless, some NPOs that engage in consultancies, etc. are now subjected to tax on all their income. Noshir has urged all affected trusts and institutions to write to him at noshir@capindia.in.

FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

NIGERIA—CALL FOR POLICE TO RESPECT RIGHTS OF ASSOCIATION AND ASSEMBLY

The Niger Delta Civil Society Coalition (NDCSC) has called on the Nigeria Police authorities, especially those domiciled in the Niger Delta region, to strictly observe respect for the principles of human rights and fundamental freedoms in regard to Right of Assembly and Association. According to AllAfrica.com, NDCSC Chairman Anyakwee Nsirimovu, in a release which he signed, said he made the call as they (police) perform their duty of citizenship in the course of what he called “the justified protests by members of civil society and labor unions, against the back drop of the latest heinous genocidal



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policy of non-existent fuel subsidy removal.” “NDCSC is most concerned about the unsustainable, unconstitutional disposition of the Nigeria Police Force, always showing itself, simply as a political tool of a wicked government, rather than a civil force put in place to serve the citizens and their interests. NDCSC, for the avoidance of doubt wishes to remind the Inspector General of Police and his Commissioners across the core states of the Niger Delta region, that the Nigeria Police is the creation of the Constitution, not the President of any regime in Nigeria, as such is required to serve and protect the letters of the constitution to the full.” For more see <http://allafrica.com/stories/201201091470.html>.

RUSSIA—HEAD OF RUSSIAN CHURCH SAYS GOVERNMENT MUST LISTEN TO ELECTION FRAUD PROTESTORS AND HEED THEIR RIGHTS

The Russian Orthodox Church continued what appeared to be an effort to get the authorities to address Russians’ grievances over the political system, with Patriarch Kirill I, the church’s leader, saying in a televised interview that it would be “a very bad sign” if the country’s leaders failed to heed recent protests over perceived electoral fraud. Church leaders have been walking a careful line since the parliamentary elections on December 4, 2011, nudging the government to respond to the protesters and affirming their right to demonstrate, but Patriarch Kirill I has not questioned the legitimacy of the elections or criticized Prime Minister Vladimir V. Putin. Still, the drumbeat of implicit criticism has been surprising from the church, which has been a strong supporter of the government, and the patriarch’s statements on January 7, 2012 (Christmas Day in Russia) appeared to keep the pressure on. “If the authorities remain insensitive to the expression of protest, this is a very bad sign, a sign of the authorities’ inability to adjust,” Patriarch Kirill said in the interview, which was broadcast on Rossiya 1, one of Russia’s main television channels. He also warned that a crackdown on critics would mirror actions taken by the government during the Soviet era. “Every person in a free society must have the right to express his opinion, including disagreement with the actions of the authorities.” The full story can be found at <http://www.nytimes.com/2012/01/08/world/europe/patriarch-kirill-urges-russian-leaders-to-listen-to-protests.html?ref=world>

FREEDOM OF EXPRESSION

AMERICAS—ROLE OF SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION THREATENED

At the Washington-based Organization of American States, Ecuador has put forward proposals that in effect could severely weaken or kill the OAS Office of the Special Rapporteur for Freedom of Expression, which would be “a step backwards for free expression in the region,” says IFEX member in Colombia the Fundación para la Libertad



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de Prensa (FLIP). IFEX's Latin American and Caribbean group (IFEX-ALC), an alliance of 16 IFEX members based in the region, has protested the move. According to FLIP, which contributed to an article in Colombia's "Semana" magazine, a group of OAS member countries created a working group in July to discuss the future of the Inter-American Commission on Human Rights, and specifically the role of the free expression rapporteur, currently held by Colombian lawyer Catalina Botero. Proposals introduced by Ecuador on 13 December 2011 - moments before the mandate of the working group was to expire - "would weaken the rapporteur's office and leave it without teeth to fulfill its role," "Semana" said. Another leading player in the OAS working group, Venezuela, has also been quite open about its disdain for the OAS and the rapporteur's office, which have repeatedly accused President Hugo Chávez's government of threatening free speech. The proposals prohibit the rapporteur from publishing a separate annual report on free expression in the OAS countries; adjust funding to make all rapporteur budgets comparable (thus reducing funding for the free expression rapporteur, which has one of the largest budgets); and call for a code of conduct that would limit the rapporteur's actions, including the ability to put out statements. The recommendations were to be considered by the Permanent Council of Ambassadors of the OAS on 25 January, and it is not clear yet what the reaction has been. For the moment, the [recommendations are non-binding](#). Final approval depends on the votes of the 34 member nations of the Organization of American States (OAS) at the [next General Assembly meeting](#), which will be held in Bolivia in June 2012. For more on this story see http://www.ifex.org/americas/2012/01/11/oas_rapporteur_under_attack/. Full analyses of Ecuador's proposal can be found on the website of the International Press Institute at <http://www.freemedia.at/home/singleview/article/proposals-threaten-oas-special-rapporteurship.html> and the Knight Center's website at <http://knightcenter.utexas.edu/blog/ecuadoran-governments-offensive-threatens-oas-special-rapporteur-freedom-expression>.

BAHRAIN—GOVERNMENT'S PROMISES OF REFORM UNFULFILLED, MISSION ANNOUNCES AT ARAB FREE PRESS FORUM

Bahrain has failed to deliver on promises of reform despite a highly touted commission of inquiry, says a report from an international mission to the country. "Justice Denied in Bahrain: Freedom of Expression and Assembly Curtailed" finds that rights violations continue daily, and individuals jailed during the government crackdown in February and March 2011 remain in prison. Despite the government promising to take on recommendations offered by the Bahrain Independent Commission of Inquiry (BICI) in November, which found that Bahrain used excessive force in last year's crackdown, "the reality on the ground in Bahrain remains unchanged," says the international mission report launched on 24 January in Tunis and London. "Human rights activists, doctors,



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teachers, union members, political figures, journalists, bloggers and others continue to face harassment, prosecution and imprisonment despite the use of torture and unfair trials against them,” says the mission, which was in Bahrain from 20 to 30 November 2011. For more see http://www.ifex.org/bahrain/2012/01/25/mission_report_afpf/.

CHINA—EFFORTS MADE TO CONTROL DISSENT AT UNIVERSITIES IN ANTICIPATION OF LEADERSHIP CHANGE

South China Morning Post reports that Vice-President Xi Jinping has ordered universities to step up ideological control of students and young lecturers ahead of the keynote 18th party congress this autumn, according to a report on CCTV. Xi is expected to succeed President Hu Jintao in a new Politburo line-up at the Communist Party’s 18th national congress - with the party seeking a smooth transition and attempting to remove threats to its political control. “University party organs must adopt firmer and stronger measures to maintain harmony and stability in universities. Daily management of the institutions should be stepped up to create a good atmosphere for the success of the party’s 18th congress,” Xi said at a gathering of Communist Party representatives from universities. The party, unnerved by a series of riots, demonstrations, and strikes caused by land seizures, pollution, and labor disputes, is stepping up control on different fronts - such as in propaganda, media, and social controls - to minimize political risks ahead of the congress. The revolutions in the Middle East last year, along with online postings calling for similar ones in China, have also put the party on high alert. Universities have long been regarded as the most important stronghold for the party's grip on ideology. For more see

<http://www.scmp.com/portal/site/SCMP/menuitem.2af62ecb329d3d7733492d9253a0a0a0/?vnextoid=29a79026449a4310VgnVCM100000360a0a0aRCRD&ss=China&s=News>

THE GAMBIA—FORMER MINISTER GETS LIFE SENTENCE FOR “SEDITIONOUS” T-SHIRT

A former Gambian information minister has been sentenced to life for conspiring to overthrow the President with T-shirts demanding an end to dictatorship, report the Media Foundation for West Africa (MFWA) and ARTICLE 19.





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The T-shirt that landed former Gambian information minister Amadou Scatred Janneh a life sentence

Amadou Scatred Janneh - who is also a U.S. national - was found guilty of treason and distributing seditious T-shirts after a seven-month trial. For more see http://www.ifex.org/the_gambia/2012/01/25/janneh_jailed/.

GERMANY—COURT KEEPS “MEIN KAMPF” FROM NEWSSTANDS

The German authorities won their most recent victory on January 25, 2011 in a continuing battle to prevent circulation of Hitler’s seminal work in Germany when a Bavarian court ruled that a British publisher could not release annotated excerpts of “Mein Kampf.” The publisher, Peter McGee, had planned to provide German newsstands with 100,000 annotated copies of important passages from the book as part of a wider project to print historical publications from the Nazi era. But the state court, in Munich, ruled that publication even of citations from the book violated the copyright, held by the State of Bavaria until 2015. Earlier on the day of the court ruling, anticipating the ruling, Mr. McGee, based in London, said he would delay release of the excerpts. For more see http://www.nytimes.com/2012/01/26/world/europe/court-keeps-adolf-hitler-mein-kampf-from-german-newsstands.html?_r=1&ref=world.

HUNGARY—RADIO STATION DEPRIVED OF FREQUENCY

The Hungarian Media Council of the National Media and Infocommunications Authority (Media Council) decision to deny renewal of Klubrádió station’s broadcasting license raised great concern. According to media rights organization Article 19, “Klubrádió is a highly popular radio station with about half a million daily listeners. It carries public service style programming including interactive phone-in debates, a unique forum where figures from a broad political spectrum can participate.” The 95.3 FM wavelength was given to an unknown rival, Autoradio.

The press release from Article 19 further states that, “Klubrádió’s prospective closure means the silencing of Hungary’s only remaining independent radio station and a significant blow to the media pluralism in the country.” A year since Hungary passed a media law, which international groups have condemned as repressive of freedoms, this latest attempt at controlling media has gained similar attention. BBC reports that Secretary of State Hillary Clinton brought up her concerns over Klubrádió’s rejection in a letter to Prime Minister Viktor Orban. The Media Council has responded in a statement saying that “the situation that has evolved in response to the result of the tender invited for the Budapest 95.3 MHz frequency is a case of consciously planned, pre-meditated, sheer political provocation.” To read the BBC article, go to: <http://bbc.in/w3h2uK>. To read the statement from the Media Council, go to: <http://bit.ly/Acqogt>. For more



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information on Hungary's Media Law from the Center for International Media Assistance, go to: <http://bit.ly/w15M9K>

SOUTH KOREA—LAW USED TO DEAL WITH SPIES ENSNARES SATIRISTS

On May 1, 2007, the police locked Kim Myung-soo in a jail cell so small he could spread his arms and touch the facing walls. On one of those walls, a television was showing trains in North and South Korea preparing to cross the border for the first time since the 1950-53 Korean War, according to a story published by the New York Times. The report also noted that South Korea was donating 400,000 tons of rice to North Korea.



South Korea may indict a man who parodied a North Korean propaganda poster if his version is believed to "aid the enemy." The artist inserted his face and a whiskey bottle into the poster.

Mr. Kim was angry about his fate and confused by the reports of North-South conciliation. After all, he had been told his crime was "aiding the enemy" by running a Web site that sold used books deemed pro-North Korean. These included a biography of Karl Marx and "Red Star Over China," an account of the birth of Chinese Communism by the American journalist Edgar Snow. Although Mr. Kim was later released on bail, he is still fighting the charge in court. He has visited nearly every public library in Seoul and the surrounding metropolitan areas to bolster his argument that all the books seized from him as criminal evidence are readily available at government-supported libraries.

"It's a tragicomedy," said Mr. Kim, 56, whose acquittal in a lower court is being challenged by prosecutors in an appeals court. "It's depressing living under a government like this." Over the years, South Korea has sought reconciliation with North Korea while at the same time guarding against Communist ideology infiltrating its society. Nowhere have those conflicting desires clashed more sharply than in the National Security Law, enacted in 1948 to fight Communism and used to indict Mr. Kim and numerous others.

For more see http://www.nytimes.com/2012/01/08/world/asia/south-korean-law-casts-wide-net-snaring-satirists-in-a-hunt-for-spies.html?_r=1&nl=todaysheadlines&emc=tha22



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SRI LANKA—HRW SAYS GOVERNMENT REPRESSES MEDIA AND CIVIL SOCIETY

The government of President Mahinda Rajapaksa continued to stall on accountability for abuses by the security forces, threatened media and civil society groups, and largely ignored complaints of insecurity and land grabbing in the north and east, Human Rights Watch said. The long-awaited report of the Lessons Learnt and Reconciliation Commission (LLRC), published in December, largely absolved the military for its conduct in the bloody final months of the war with the Liberation Tigers of Tamil Eelam (LTTE), which ended in May 2009. “In 2011, accountability remained a dead issue, the media faced increasing censorship, and the long-standing grievances which led to the conflict were not seriously addressed,” said [Brad Adams](#), Asia director at Human Rights Watch. “Sri Lankans face a lack of justice, weak rule of law, land grabbing, and a censored media from a government that is increasingly authoritarian.”

TURKEY—CHARGES AGAINST JOURNALISTS DIM DEMOCRATIC GLOW



Daniel Etter for The New York Times

Protesters in Istanbul last month denounced the detention of at least 38 people, many of them journalists, suspected, the police said, of ties to Kurdish separatists.

The New York Times reported that a year ago, the journalist Nedim Sener was investigating a murky terrorist network that prosecutors maintain was plotting to overthrow Turkey’s Muslim-inspired government. Today, Mr. Sener stands accused of being part of that plot, jailed in what human rights groups call a political purge of the governing party’s critics. Mr. Sener, who has spent nearly 20 years exposing government corruption, is among 13 defendants who appeared in state court during the first week in January 2012 at the imposing Palace of Justice in Istanbul on a variety of charges related to abetting a terrorist organization. The other defendants include the editors of a staunchly secular Web site critical of the government and Ahmet Sik, a journalist who has written that an Islamic movement associated with Fethullah Gulen, a reclusive cleric living in Pennsylvania, has infiltrated Turkey’s security forces. At a time when



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Washington and Europe are praising Turkey as the model of Muslim democracy for the Arab world, Turkish human rights advocates say the crackdown is part of an ominous trend. Most worrying, they say, are fresh signs that the government of Prime Minister Recep Tayyip Erdogan is repressing freedom of the press through a mixture of intimidation, arrests and financial machinations, including the sale in 2008 of a leading newspaper and a television station to a company linked to the prime minister's son-in-law. For more see http://www.nytimes.com/2012/01/05/world/europe/turkeys-glow-dims-as-government-limits-free-speech.html?_r=1&scp=3&sq=turkey&st=cse.

FREEDOM OF RELIGION AND BELIEF

FRANCE—HUMAN RIGHTS COMMITTEE VOTES TO OVERTURN REQUIREMENT REGARDING REMOVAL OF TURBANS

Sikhs in France have won a major victory in their attempt to overturn French legal requirements that they remove their turbans for the taking of driver's license photos and for other reasons. [In its judgment](#), reached in July 2011 but only revealed in January 2012, the UN Human Rights Committee (UNHRC) said: "Even if the obligation to remove the turban for the identity photograph might be described as a one-time requirement, it would potentially interfere with the author's (Ranjit Singh's) freedom of religion on a continuing basis." The committee also said that France had failed to explain how the Sikh turban hindered identification since the wearer's face would be visible and he would be wearing it at all times in any event. In 2008 the European Court of Human Rights dismissed an appeal on grounds of security. It said that while another complainant in the UNHRC case, Shingara Singh's, religious rights had been infringed, France was justified to ban the turban on the driver's license photo because the turban posed a security risk of fraud and falsification. That is when Ranjit Singh decided to file a case to the UNHRC. The committee has now judged that a turban does not pose a risk to security.

RUSSIA—BAN ON BOOK DISMISSED

A court in the Siberian city of Tomsk has rejected the Prosecutor's Office suit to have the Russian translation of the Bhagavad-Gita - a key book for Hare Krishna devotees - declared "extremist" and banned throughout Russia. However, it is not yet known if prosecutors will appeal against the ruling. Before the court issued its 28 December 2011 decision, Russia's Ambassador to India Aleksandr Kadakin described those who initiated the case as "madmen" and insisted "this madness should be stopped." However, moves to ban religious works on similar grounds continue, including in Krasnodar Region, Forum 18 News Service notes. For more see



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http://www.forum18.org/Archive.php?article_id=1652.

LEGAL FRAMEWORK



Photo of a raid on an NGO on December 29, 2011

EGYPT—FEAR OF MORE RAIDS ON NGOs; DETENTION OF US CITIZENS IN EGYPT DRAW IRE OF US GOVERNMENT

Operating as a nongovernmental organization (NGO) in Egypt is no mean feat, according to a report published by Ahram Online. Aside from the fear of further crackdowns following last week's raids and what civil society groups are calling a government-led "smear campaign," advisory council spokesperson Mohamed El-Khouly on January 4, 2012 urged Egypt's ruling Supreme Council of the Armed Forces (SCAF) to issue a law further regulating the already carefully monitored activities of NGOs. Most groups are on guard. "This is just the beginning," says Khalid Ali, a prominent lawyer whose organization, the Egyptian Centre for Economic and Social Rights, was not visited in the recent raids. "There are rumours that 100 NGOs will be subject to investigation, with some saying as many as 400 will be targeted." The fear of investigation is so keenly felt that Ahram Online has received several reports of civil society groups sending staff members home for the week, encouraging workers to remove all personal belongings from offices, and duplicating and securing key files and documents. Many groups who initially spoke out against the police raids on NGO offices are now declining to comment. On January 3, the German government announced it would send a special envoy to Egypt because the German Konrad-Adenauer-Stiftung Foundation had been raided. For more



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see <http://english.ahram.org.eg/NewsContent/1/64/30937/Egypt/Politics-/NGO-crackdown-Frontline-of-the-ongoing-revolution.aspx>.

AllAfrica.com carried a report of a press release by several Egyptian human rights organizations decrying the attacks on the 17 organizations in late December. See <http://allafrica.com/stories/201201091197.html>. In late January the Washington Post had a follow-up story saying that a top U.S. official's son who is working for a pro-democracy group in Egypt was barred from leaving the country on January 20, as part of the ongoing crackdown on such groups by Egypt's military government that has outraged the United States. Sam LaHood, son of U.S. Secretary of Transportation Ray LaHood, is the director for the Egyptian program of the [International Republican Institute](#), a Washington-based civil society organization. For more see http://www.washingtonpost.com/world/middle_east/son-of-us-transportation-secretary-ray-lahood-barred-from-leaving-egypt/2012/01/26/gIQAbmNpSQ_story.html. The Obama administration has threatened to revoke its foreign aid commitment to Egypt as a result.

ENGLAND & WALES—CHARITY COMMISSION ISSUES GUIDANCE ON INDUSTRIAL AND PROVIDENT SOCIETIES

The Charity Commission issued its opinion in January in relation to Industrial and Provident Societies (IPs) and the payment of interest on share capital. The Commission stated “some IPSs are set up as co-operatives, which cannot be charities, but others are set up as community benefit societies, which can be charities in certain circumstances. The activities of charitable IPSs include such things as redevelopment, regeneration and housing projects. Some IPSs for the benefit of the community receive tax benefits as charities but have the power to pay interest on share capital. While the rules of industrial and provident societies often make a distinction between interest and dividends, they also indicate in many cases that the payment of interest is out of profits and so is clearly a distribution of profits. The Commission considers that a power to distribute profits is fundamentally incompatible with charitable status. This is because a power of a corporate body to apply its property and assets for the purpose of making profits and devoting the resulting profit to the distribution of dividends among the members is considered by the courts to be incompatible with charitable status.” For more see http://www.charitycommission.gov.uk/Start_up_a_charity/Do_I_need_to_register/industrial_provident_societies.aspx?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+CharityCommissionUpdates+%28Charity+Commission+updates%29



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INDIA—PROPOSED AMENDMENTS TO COMPANIES ACT TO MAKE CSR MANDATORY

According to an interview with Noshir Dadrawala, Chief Executive Officer of the Centre for the Advancement of Philanthropy in Mumbai, on December 15, 2011 the Ministry of Corporate Affairs introduced the Companies Bill 2011 in the *Lok Sabha* (House of Commons in Parliament). The new Bill seeks to replace the 55 year old Indian Companies Act. The Companies Bill will institutionalize corporate social responsibility (CSR) but, Mr. J. J. Irani, former director of Tata Sons, who led a panel to draft the Bill in 2005 opposes such mandatory provisions. “People will find ways to skirt anything that is mandated,” he told Financial Express in an exclusive interview, referring to the provision mandating companies to aside 2% of profits for CSR. Making companies spend on the basis of the profits is not a good idea, according to Irani. “My objection is that the percentage is wrong, because profits fluctuate. So, should a company spend more on CSR when it is making good profits, and spend nothing when down in the dumps?” Dadrawala said that in his opinion, barring certain changes proposed under this Bill, if passed the new legislation is a “reasonable solution” to enhance corporate governance, simplify the existing law and make business in India keep pace with global trends. For more on this story, see <http://asianphilanthropy.org/?p=1310>.

MISCELLANEOUS MATTERS

CHINA—112 CHARITIES TO JOIN ONLINE DISCLOSURE PLATFORM

To restore public trust in charities, 112 Chinese organizations are on track to participate in a government-sponsored information disclosure platform, according to Caixin Online.



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In the wake of immense public backlash against China's charities over millions in misused funds, these organizations have pledged to promote information transparency through a new government disclosure platform. Through the China Charity & Donation Information Center's (CCDIC) forthcoming online platform, the 112 charities said they will publish their accounting records according to a new set of information disclosure guidelines. The announcement at an annual philanthropy conference sponsored by the Ministry of Civil Affairs—which oversees the CCDIC—comes just three weeks after 24 foundations publicly pledged to ensure the integrity of philanthropy in China. The new standards will also clarify how and when third parties should audit charities, the charities said, although they did not clarify what the exact requirements will look like. The joint effort includes China Charity Federation, as well as the China Youth Development Federation and the Red Cross Society of China. For more see <http://english.caixin.com/2012-01-09/100347049.html>.

EUROPE—PRIME MINISTER DAVID CAMERON CALLS FOR LIMITS ON EUROPEAN COURT OF HUMAN RIGHTS

Opening a new battle over the reach of Europe's institutions, Prime Minister David Cameron of Britain has called for the European Court of Human Rights to restrict its power to overrule national judgments. In a speech to the Council of Europe's Parliamentary Assembly in Strasbourg, which is also home to the court, Mr. Cameron called for the activities of the court to be scaled back and for it to concentrate on the worst examples of human rights abuses. The court provoked British criticism when it ruled that a radical preacher, Abu Qatada, could not be deported by the authorities in Britain to Jordan to face terrorism charges on the ground that he might be subject to torture there. In trying to limit interference from an overseas body that is part of the Council of Europe, Mr. Cameron can expect to gain popularity among euro-skeptics, who are now in the ascendancy within his Conservative Party. They were cheered last month when Britain refused to take part in a new European Union treaty even though the move prompted a significant rift and left Mr. Cameron largely isolated in the bloc. For more see <http://www.nytimes.com/2012/01/26/world/europe/cameron-calls-for-european-court-to-limit-its-reach.html?ref=world>.

FIJI—LIFTING OF EMERGENCY LAWS TO HAVE LITTLE IMPACT

The lifting of emergency regulations in Fiji appears to have been little more than an international publicity exercise, critics say. Laws created at the same time give the regime sweeping new powers of arrest, detention and repression, which they say are a clear breach of human rights. While the military government has said the new laws are to ensure the people can debate their future "without being threatened" by dangerous elements, critics have told the Sydney Morning Herald the laws enshrine - in some cases



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enhance - the controversial emergency regulations into law. The laws are amendments to a 40-year-old public order act and were enacted on Friday - 24 hours before Voreqe "Frank" Bainimarama ended the public emergency regulations, which have banned public meetings and censored the media since 2009. The amendments allow people to be arrested without warrant and held for 14 days without access to the courts, if they are suspected of offences against "public safety or preservation of the peace." They also allow soldiers to act as police officers for the purpose of arrest, and give legal permission for soldiers and police to use "such force as he or she considers necessary, including the use of arms" to disperse protests and effect arrest. For more on this aspect of the story, see <http://m.smh.com.au/world/fijians-doublecrossed-over-lifting-of-laws-20120110-1ptm3.html>. In addition, the UN's High Commissioner for Human Rights, Navi Pillay expressed grave concern at recent developments in Fiji saying critics of the government have faced criminal charges, arbitrary detention and intimidation. Pillay's comments came as she released a statement welcoming the lifting of emergency laws in Fiji as a step in the right direction towards the full enjoyment of fundamental human rights in the country. Bainimarama had imposed the restrictions, including media censorship and a ban on public meetings during a political crisis. He announced on January 3 the restrictions would be lifted and that talks would start on a new constitution. For more on Pillay's reaction, see the Agence France Press story available at <http://www.google.com/hostednews/afp/article/ALeqM5g-F7SOzTKX-rfdGc5xfZ6ypYaMog?docId=CNG.d3d125d1873b1a3d1846e865d6a914f4.21>



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GLOBAL—HUMAN RIGHTS WATCH RELEASES WORLD REPORT 2012



Many democracies have allowed their ties with repressive allies to temper their support for human rights in the Arab Spring protests, Human Rights Watch said on January 22, 2012 in its [World Report 2012](#). For reasons of principle and long-term interest, governments should stand firm with the people of the Middle East and North Africa when they demand their basic rights and work to ensure the transition to genuine democracies. The 676-page report, Human Rights Watch's annual review of human rights practices around the globe, summarizes major rights issues in more than 90 countries, reflecting the extensive investigative work carried out in 2011 by Human Rights Watch staff. On events in the [Middle East and North Africa](#), Human Rights Watch said that firm and consistent international support for peaceful protesters and government critics is the best way to pressure the region's autocrats to end abuses and enhance basic freedoms. A principled insistence on respect for rights is also the best way to help popular movements steer clear of the intolerance, lawlessness, and revenge that can threaten a revolution from within, Human Rights Watch said.



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GLOBAL—IFES PHOTOGRAPHY CONTEST 2012 ANNOUNCED



The International Foundation for Electoral Systems (IFES) conducts an annual democracy themed photography competition to profile the many ways individuals demonstrate a sense of civic responsibility. The contest is divided into two categories: one open to the public and another open exclusively to IFES employees including former employees, interns and consultants. One winner and as many as ten finalists will be named for each category. The winner of each category will receive \$600 (USD). IFES will accept submissions for the competition from January 5, 2012 at 8:00 am Eastern Time (ET) to February 16, 2012 at 11:00 pm Eastern Time (ET).

RUSSIA—

- **PRESIDENT MEDVEDEV ONCE AGAIN POSTPONES MEETING WITH HUMAN RIGHTS COUNCIL**

Citing a busy schedule, President Dmitry Medvedev has postponed a meeting with his human rights council for the fourth time, prompting outcry from members of the body. The meeting was pushed back from January 26 until an unspecified date in February, and may even be moved into March, council head Mikhail Fedotov told Interfax in late January. “The president has more important things to do than to protect the rights of his citizens,” veteran human rights defender Lyudmila Alexeyeva, who heads the Moscow Helsinki Group, told THE MOSCOW TIMES, in a story available at <http://www.themoscowtimes.com/news/article/medvedev-skips-4th-rights-panel-meeting/451490.html>. The council’s last meeting with the president took place on July 5 with a follow-up scheduled for November. It was first delayed to December and then to January, council member Svetlana Gannushkina told THE MOSCOW TIMES.

- **INDEPENDENT ELECTION MONITORING GROUP UNDER THREAT**

The New York Times reported that Russia’s only independent elections monitor has been told by its landlord to either find new office space or expect continual power failures from now until March 6, severely hampering the group’s ability to monitor the presidential election on March 4.



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The organization, Golos (whose name means “vote” in Russian), first came under attack nearly two months ago, as it prepared to send out 3,000 monitors to document any violations in parliamentary elections and created [an interactive map](#) for people to upload video and photographs of any election violations directly from their mobile phones. Lawmakers began calling for the group to be investigated, and state-controlled television broadcast a documentary suggesting that Golos, which receives most of its budget from Western governments, served American interests and aimed to incite an Arab Spring-type revolution in Russia. See <http://www.nytimes.com/2012/01/26/world/europe/russia-election-monitor-group-golos-faces-threat-of- eviction.html?ref=world>.

THAILAND—CABINET APPROVES COMPENSATION FOR VICTIMS OF POLITICAL CONFLICTS

The New York Times reported that the cabinet had approved compensation for victims of the political conflicts that have troubled the country for almost seven years, as the government takes steps toward reconciliation. A total of about \$62.8 million will be given to people who suffered what were described as physical and mental losses during the protests that started in 2005, said a government spokeswoman. The initial protests led to a 2006 military coup that further polarized supporters and opponents of ousted Prime Minister Thaksin Shinawatra. The payments were recommended by an official truth and reconciliation commission established after the violence crested in the spring of 2010, when antigovernment protests in the capital left 91 people dead and hundreds hurt. Payments of \$141,510 are earmarked for families of those killed. Payments will also be made to people judged to have been unfairly detained for prolonged periods.

http://www.nytimes.com/2012/01/11/world/asia/thailand-compensation-approved-for-victims-of-political- protests.html?_r=1&ref=world.

RESOURCES

GLOBAL DEMOCRACY REPORT – ECONOMIST INTELLIGENCE UNIT PUBLISHES 2011 REPORT

Calling 2011 a “turbulent year” the Economist Intelligence Unit (EIU) has published a report that it has titled “Democracy under stress.” According to the EIU, “the overall Democracy index is based on five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture. Countries are placed within one of four types of regimes: full democracies; flawed democracies; hybrid regimes; and authoritarian regimes. Free and fair elections and civil liberties are necessary conditions for democracy, but they are unlikely to be sufficient for a full and consolidated democracy if unaccompanied by transparent and at least minimally efficient government, sufficient political participation and a supportive democratic political culture. It is not easy to build a sturdy democracy. Even in long-



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established ones, democracy can corrode if not nurtured and protected.” One of the things the report notes is a decline in media freedoms throughout the world since 2008. The report also analyzes the “Arab Spring” and its causes and effects. (Having been written in December 2011, the report has missed some of the more recent developments in Egypt, which indicate a crack down on the freedoms of association and expression.) The report is available for complementary download at http://pages.eiu.com/rs/eiu2/images/EIU_Democracy_Index_Dec2011.pdf

GLOBAL—PRESS FREEDOM INDEX RELEASED

“This year’s index sees many changes in the rankings, changes that reflect a year that was incredibly rich in developments, especially in the Arab world,” Reporters Without Borders said as it released its 10th annual press freedom index. “Many media paid dearly for their coverage of democratic aspirations or opposition movements. Control of news and information continued to tempt governments and to be a question of survival for totalitarian and repressive regimes. The past year also highlighted the leading role played by netizens in producing and disseminating news. “Crackdown was the word of the year in 2011. Never has freedom of information been so closely associated with democracy. Never have journalists, through their reporting, vexed the enemies of freedom so much. Never have acts of censorship and physical attacks on journalists seemed so numerous. The equation is simple: the absence or suppression of civil liberties leads necessarily to the suppression of media freedom. Dictatorships fear and ban information, especially when it may undermine them.” For more see <http://en.rsf.org/press-freedom-index-2011-2012,1043.html>.



Happy Chinese New Year!

新年快樂!



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