



WORLD LAW BULLETIN

September 2006

9 W.L.B. 2006

HIGHLIGHTS:

Call for U.S., Venezuela to Improve
Anti-Drug Measures
Commitment to Elect Women
Convention on Rights of Persons with
Disabilities
Corporate Bankruptcy Law Adopted
Domestic Violence
Legislation on Illegal Guest Workers
Minister Proposes Curb on Preliminary
Hearings
New Legislative Proposal to Protect
Foreign Workers
Terrorism Conviction Overturned

[Mexico](#)
[Yemen](#)

[United Nations](#)
[China](#)
[Brazil](#)
[Kazakhstan](#)

[Canada](#)

[Taiwan](#)
[Australia](#)

Gustavo Guerra
Issam Saliba

Constance A. Johnson
Wendy Zeldin
Eduardo Soares
Peter Roudik

Stephen Clarke

Rui Geissler
Lisa White

SPECIAL ATTACHMENT:

[Recent Developments in the European Union](#)

Theresa Papademetriou

[AFRICA](#) | [EAST ASIA & PACIFIC](#) | [EUROPE](#) | [NEAR EAST](#) | [SOUTH ASIA](#) | [WESTERN HEMISPHERE](#)
[INTERNATIONAL LAW & ORGANIZATIONS](#) | [SPECIAL ATTACHMENTS](#)

Message from the Law Librarian

The Law Library of Congress is a unique academy of expertise dedicated to providing world-class international, comparative, and foreign law research and reference services to the United States Congress. During fiscal year 2005, our faculty of 20 foreign law specialists and 4 research analysts consulted over 37,000 sources and conducted in excess of 48,000 electronic searches as they prepared 2,039 reports – some 5,900 pages of legal analysis and reference assistance that covered over 160 jurisdictions. *We are proud to serve as an extension of your staff.*

The WORLD LAW BULLETIN, co-edited by Senior Legal Research Analysts Constance Axinn Johnson and Wendy Zeldin, is the Law Library's monthly flagship publication that provides the U.S. Congress over 1,000 updates on foreign law developments annually. Updates are chosen for their special significance to the U.S. Congress as they relate to legislative interests or foreign policy and should not be interpreted as an indication of support or preference for any legal or political stance. Selections may contain hyperlinks to websites that are not part of the loc.gov domain provided to cite authority for our source of information and as a convenience for the reader. Some of these online references, however, may be to subscription services not generally available to others, and some of the hyperlinks in the electronic version of the WORLD LAW BULLETIN may not function, depending upon your browser version or the mechanics of the website. The Law Library does not endorse or guarantee the accuracy of those external websites or the material contained therein. This and past issues are available online at: www.loc.gov/law/congress. This issue may be cited as: 9 W.L.B. 2006.

The Law Library of Congress maintains the world's largest collection of legal materials and provides international, comparative, and foreign law research for the U.S. Congress. We invite you to visit the Law Library website at www.loc.gov/law, which details all of our services and provides access to the Global Legal Information Network (GLIN), a cooperative international database of official texts of laws, regulations, and other complementary legal sources of many foreign jurisdictions.

If you would like to submit a request for our services or if you have any questions concerning the services available at the Law Library of Congress; the Global Legal Information Network; or international, comparative or foreign law, please feel free to contact Dr. Rubens Medina by phone at 7-9815, by FAX at (202) 315-3654, or by email at rmed@loc.gov.



THE LAW LIBRARY OF CONGRESS

WORLD LAW BULLETIN

Table of Contents

AFRICA

Ghana Ministry of Chieftaincy and Cultural Affairs
 Kenya Bill to Amend Constitutional Officers Remuneration Act
 Nigeria Bill on Religious Liberty
 Senegal Campaign Against Fuel Fraud

EAST ASIA & PACIFIC

Australia Terrorism Conviction Overturned
 Cambodia Call for Judicial Reform
 China Corporate Bankruptcy Law Adopted
 China Law Adds Transparency to Land Transactions
 China Legislature Reviews Draft Laws on Drugs, Property, Money Laundering
 China Resettlement Regulations
 Cook Islands Same-Sex Marriage Outlawed Rights
 Korea, S. Disciplining Judges
 Myanmar Resumption of Red Cross Prison Visits Rejected
 Philippines President Arroyo Beats Impeachment Attempt
 Taiwan New Legislative Proposal to Protect Foreign Workers
 Vietnam State Secrets in Communications Sector
 Vietnam Wild Plant and Animal Import/Export

EUROPE

Austria Commercial Law Reform
 Kazakhstan Legislation on Illegal Guest Workers
 Liechtenstein Juvenile Delinquency
 Russian Fed. Electronic Transparency of the Judiciary
 Switzerland Immigration Database
 Uzbekistan New Law Restricts Christian Faith

NEAR EAST

Iraq Saddam May Be Executed
 Israel Legal Declaration of War
 Israel Protection of Workers in Times of Emergency
 Jordan Reduced Sentences for Two Members of Jordanian Parliament
 Yemen Commitment to Elect Women

SOUTH ASIA

Bangladesh Bill to Regulate Cable TV
 Maldives Enforcement of Human Rights Commission Requests
 Maldives Independent Judiciary in 2007
 Nepal Amendment of Military Act Tabled
 Pakistan Female Prisoners Beneficiaries of Repealed Law

WESTERN HEMISPHERE

Brazil Domestic Violence
 Canada Government to Present Bill on Softwood Lumber
 Canada Minister Proposes Curb on Preliminary Hearings
 Canada Parliament Trails U.S. Congress 164 to 4
 Mexico Call for U.S., Venezuela to Improve Anti-Drug Measures
 Mexico ... Court Names Winner in Disputed Election

INTERNATIONAL LAW & ORGANIZATIONS

Bahamas/U.S. Container Security Initiative
 China/Pakistan Anti-Terrorist Agreement
 Council of Europe Recommendation on Assistance to Crime Victims
 Mexico/El Salvador Commercial Arbitral Ruling
 Mexico/Guatemala Military Assistance to Fight Organized Crime
 Netherlands/Rwanda Genocide Suspect to be Tried by Dutch
 Papua New Guinea/U.S. Lawsuit Reinstated
 SADC ... Renewed Call for Increased Representation of Women in Government
 UN Convention on the Rights of Persons with Disabilities
 UN Plans for an International Arms Trade Treaty
 UN Security Council Resolution Regarding Israel and Lebanon
 U.S./Mexico Governors to Enlarge Border Security Commission

SPECIAL ATTACHMENT:

Recent Developments in the European Union
 Increased Security Measures
 Expenses Related to Maritime and Aviation Security Measures
 Five-Year Action Plan in the Field of Criminal Justice



AFRICA

GHANA – Ministry of Chieftaincy and Cultural Affairs

Ghana recently established a Ministry of Chieftaincy and Cultural Affairs to preserve the institution of chieftaincy in the country. The Ministry will reportedly seek to cooperate with chiefs but not interfere in their affairs and will serve as a link between the National House of Chiefs (NHC) and the government. The President of Ghana, J.A. Kufuor, in explaining the reasons for setting up the new Ministry at a meeting with members of the Standing Committee of the NHC held on August 21, 2006, expressed concern about the increasing number of chieftaincy disputes in the country and his hope that the Ministry would help resolve them.

The NHC, among other functions, advises on matters relating to or affecting chieftaincy and handles the study, interpretation, and codification of customary law (1996 Constitution of the Republic of Ghana, art. 272, http://www.parliament.gh/const_constitution.php#). Its President, Odeneho Gyapong Ababio, said to President Kufuor that although the Constitution of Ghana bars chiefs from active involvement in partisan politics, the NHC “will not hesitate to comment on any matter of national interest.” Ababio also expressed gratitude to the government for setting aside funds for the construction of a Chief’s College, with the aim of giving chiefs training in modern global developments and technologies. (*President Explains Chieftaincy Ministry*, GHANAIAN TIMES, Aug. 21, 2006, available at Ghana Review International database, <http://ghanareview.com/review/index.php?offset=40&class=all.>) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

KENYA – Bill to Amend Constitutional Officers Remuneration Act

A recently proposed amendment to Kenya’s Constitutional Officers Remuneration Act (CORA) would facilitate implementation of a new salary structure for constitutional office holders. Under the proposed amendment, which is part of the Statute Law (Miscellaneous Amendments) Bill 2006, the officers would receive salary arrears that will cost millions of shillings. The amendment would affect subsection 2(1) of chapter 423, which states that salaries to be paid to the specified constitutional office holders will, as of July 1, 2001, be at the annual salary scales specified in relation to those offices. Debate on the bill began in July 2006 and is scheduled to resume when Parliament reconvenes in October.

The offices listed in the Schedule to the CORA include the Attorney General, the Chief Justice, judge of the Court of Appeal, High Court judge, Controller and Auditor General, Chairman of the Public Service Commission (PSC), the PSC deputy chairman, member of the PSC, the Chairman of the Electoral Commission of Kenya (ECK), vice-chairman of ECK, and member of ECK. The Attorney General and Chief Justice, for example, the highest ranked constitutional office holders, have a salary scale between Sh300,105 (about US\$4,142) and Sh531,650 (about US\$7,338). Under the proposed amendment, no additional expenditure of public funds will be occasioned by the bill’s enactment; therefore, the taxpayer would bear the cost of the payment of arrears. One Member of Parliament, contending that the proposal is a “scheme to rob taxpayers,” had already urged that it be expunged from the bill. (Francis Openda, *New Bill Could Cost Taxpayers Millions*, THE STANDARD, Aug. 8, 2006, http://www.eastandard.net/archives/cl/hm_news/news.php?articleid=1143956496&date=8/08/2006.) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

NIGERIA – Bill on Religious Liberty

It was reported on August 21, 2006, that the Christian Lawyers Fellowship of Nigeria (CLASFON), in conjunction with Afri Foundation, would sponsor a bill on religious tolerance to submit



to the National Assembly for enactment into law. Jonathan Kish Adamu, the President of CLASFON, stated at a press conference that the Nigerian Government had not properly respected rights to individual freedom of thought, conscience, and religion stipulated by the Constitution of Nigeria. “In Nigeria,” he stated, “the protection of individual rights to freedom of religion has been exercise[d] in the breach and the constitutional guarantees to freedom of religion have been violated using the very instrument of state that is meant to protect this right.” Adamu added, “[t]he violation of this right has also extended to other rights such as the rights to freedom from discrimination and the right to own immovable property.” In his view, the problem had been exacerbated with the introduction in some northern Nigerian states of an enhanced *Sharia* legal system. Since the early 1980s, he averred, that area “has been a hotbed of ethno-religious conflict and intolerance,” and religious freedoms in certain Muslim-dominated areas were constantly under threat of being violated. In turn, because of the conflict, Adamu noted, in the southern states there have been reprisal attacks against Muslims and members of other minority religions, who are treated “as if they do not exist by the public institutions that should offer them protection.”

Adamu stated that to remedy these ills Nigeria needs a law that will not only restate protections but provide sanctions for violators and remedies for victims and guidance for the various institutions involved with the administration of justice. To create awareness and encourage the participation of civil society in the process leading up enactment of such a law, CLASFON and the Afri Foundation, with support from the Open Society Initiative for West Africa (OSIWA), planned to hold a series of seminars throughout the country, with input from the seminars to be used in the final draft of the bill to be presented to the National Assembly. (Juliana Taiwa, *CLASFON to Sponsor Religious Liberty Bill*, THIS DAY, Aug. 21, 2006, <http://www.thisdayonline.com/nview.php?id=56324>.) (Wendy Zeldin, 7-9832, wzel@loc.gov)

SENEGAL – Campaign Against Fuel Fraud

Senegal has launched a program to combat fraud in the petroleum products industry. The purposes of the initiative, begun in early August 2006, are to protect consumers from fraud, encourage competition, and bring revenue to the government. The program will be run by a specialized private control agency and the Finance Ministry, with the expectation that the Ministry of Energy and Trade, the Customs, Tax, and Excise Agency, the National Committee on Hydrocarbons, the African Refinery Company and other oil product distributing companies, and professional organizations will participate. The problems in the past have included the diversion of fuel products from their proper destination and adulteration of those products, resulting in both unfair competition and environmental harm. (*Senegal Launches Fight Against Fuel Fraud*, PANAPRESS, Aug. 8, 2006, <http://www.panapress.com/freenews.asp?code=eng000890&dte=10/08/2006>.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

EAST ASIA & PACIFIC

AUSTRALIA – Terrorism Conviction Overturned

Jack Thomas, convicted in Australia on charges of receiving funds from a terrorist organization and carrying a falsified passport, has had his conviction quashed by the Victorian Supreme Court of Appeal. The basis for the decision was that evidence obtained during an interview with Australian Federal Police in Pakistan was inadmissible due to Thomas having lacked legal representation and having agreed to the interview after threats from foreign security agencies. (*Lodhi Lawyer Welcomes Thomas*



Appeal, AUSTRALIAN BROADCAST CORPORATION, Aug. 18, 2006, <http://abc.net.au/news/newsitems/200608/s1718776.htm>.)
(Lisa White, 7-4087, liwhi@loc.gov)

CAMBODIA – Call for Judicial Reform

On August 23, 2006, thirty-five non-governmental organizations (NGOs) in Cambodia jointly called on the government to reform the country's judicial system. Their combined statement cited the lack of an independent judiciary as a key issue. The government has been drafting a law to regulate NGOs, but the statement argued that an anti-corruption law and a law on the structure and functions of the Supreme Council of Magistracy should be given priority. Some NGOs have expressed concern that even though they are now essentially regulated by the need to meet donor requirements, the new law would result in the closure of some of the organizations. On the other side, government spokesman and Minister of Information Khieu Kanharith has argued that different workers are drafting various statutes and that the NGO law has not been pushed ahead of other legislation. Cambodia has about 2,000 NGOs; among those signing the statement were the Center for Social Development, the Cambodian Defenders Project, the Community Legal Education Center, the Cambodian Women's Crisis Center, and the Committee for Free and Fair Elections. (Pin Sisovann, *Thirty Five Cambodian NGOs Urge Government to Give Priority to Judicial Reform*, THE CAMBODIA DAILY, Aug. 23, 2006, Open Source Center No. SEP20060823021011.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

CHINA – Corporate Bankruptcy Law Adopted

The Standing Committee of China's National People's Congress passed a much-awaited law on corporate bankruptcy on August 27, 2006, in twelve chapters and 136 articles, after twelve years of debate. The Law will not enter into force until June 1, 2007, however. The current regulations on bankruptcy in China were issued on a trial basis in 1986 and cover only state-owned enterprises (SOEs), whereas the new Law will apply to all enterprises, foreign companies registered in China, and financial institutions.

The Law sets forth a bankruptcy restructuring system that provides for liquidators and includes rules on preventing cheating during the bankruptcy process. Financial supervisory institutions can apply to the people's court for reorganization or bankruptcy of financial institutions, including commercial banks, insurance firms, and securities companies. One sticking point that had hindered passage of the law in the last two years was whether laid-off workers or creditors should be first to recover funds owed them by a bankrupt enterprise. The Law effects a compromise, by which creditors are paid first with credit guarantees and non-credit guarantee assets can be liquidated to pay for wages, health care, and other benefits owed to the workers. There is an exception, however, for SOEs that declare bankruptcy before June 2007. Under a State Council stipulation, they can close down with the aid of government bailouts and could pay the laid-off workers first. (*Beijing Passes Corporate Bankruptcy Law*, THE STRAITS TIMES, Aug. 28, 2006, Open Source Center No. 20060828094002; *Xinhua 'China Focus': China's Top Legislature Adopts Corporate Bankruptcy Law*, XINHUA, Aug. 27, 2006, Open Source Center No. CPP20060827057035; *Zhonghua Renmin Gongheguo Qiye Pochan Fa* (Enterprise Bankruptcy Law of the People's Republic of China), LAW-LIB.COM, Aug. 27, 2006, http://www.law-lib.com/law/law_view.asp?id=171394.)
(Wendy Zeldin, 7-9832, wzel@loc.gov)



CHINA – Legislature Reviews Draft Laws on Drugs, Property, Money Laundering

During its legislative session from August 22 to 27, 2006, China's National People's Congress Standing Committee (NPCSC) reviewed drafts of a new anti-narcotics law, a new property law, and an anti-money-laundering law. There was also a first reading of amendments to the law on the protection of minors. On August 27, the NPCSC promulgated a Corporate Bankruptcy Law (*see separate entry above*) and a Law on Supervision of All Levels of People's Congress Standing Committees. It also adopted amendments to the Partnership Enterprise Law (*see separate entry below*). (*NPC Standing Committee to Review Drafts of New Anti-Drug and Property Laws*, XINHUA, Aug. 16, 2006, Open Source Center No. CPP20060816412006.).

The aim of the anti-narcotics law is to reduce drug-related crime and the growing number of drug users in China. Police officials reportedly announced in June 2006 that armed drug-smuggling gangs had been formed and are trying to establish a sophisticated network for selling drugs such as heroin and "ice." However, the draft law would ban physical punishment and verbal humiliation of drug addicts in drug rehabilitation centers. It also mandates support for opium replacement planting abroad. (*China Drafts Anti-Drug Law to Support Opium Replacement Planting Abroad*, XINHUA, Aug. 25, 2006, Open Source Center No. CPP20060825062034; *PRC Drug Control Bill to Ban Physical Punishment, Humiliation of Drug Addicts*, XINHUA, Aug. 24, 2006, Open Source Center No. CPP20060824150054.)

It will be the fifth reading for the draft property law, after it was released for a forty-day period beginning on July 10, 2005, for solicitation of public opinions on its content. Typically, a law is adopted by the NPCSC after three readings. However, additional review was necessary, according to an NPCSC official, "because the property law relates to every aspect of people's lives and attaches great importance to the protection of state assets and private assets, as well as social stability" After the fifth reading, the official stated, the draft will be adopted in a plenary session of the National People's Congress (that is, next March). Among the controversial issues being debated in connection with the draft law are whether the right of rural land contract management can be mortgaged, whether the right to use of land for housing can be transferred, and aspects of land requisition. (Open Source Center No. CPP20060816412006, *supra*; *Xinhua Report on Draft Property Rights Law*, XINHUA, Aug. 23, 2006, translated in Open Source Center No. CPP20060823909005.).

According to CHINA DAILY, China's official English-language newspaper, the new anti-money laundering law "is expected to plug the legal loopholes in anti-money laundering with clearer definitions of such activities and penalties" and to help build an efficient regulatory structure to detect, monitor and prevent money laundering." In addition, three anti-money laundering regulations focusing on the banking, securities and futures, and insurance sectors are reportedly to be released in the second half of 2006. (*China: NPC's Draft Anti-Money Laundering [sic] Expected to Plug Legal Loopholes*, CHINA DAILY, Aug. 25, 2006, Open Source Center No. CPP20060825062022.) (Wendy Zeldin, 7-9832, wzal@loc.gov)

CHINA – Resettlement Regulations

On August 13, 2006, China's State Council (Cabinet) issued its Opinions on Perfecting Subsidy Policies for Relocated Residents in the Later Stages of Large and Medium-Sized Reservoir Projects. The government will increase electricity rates, by 0.62 cents per kilowatt-hour, to compensate the twenty-two million persons displaced by construction of dams and reservoirs. The displaced will receive 600 yuan (about US\$75) a year for twenty years, with payment of the subsidies by the central government reportedly amounting to more than thirteen billion yuan a year (roughly US\$1.6 billion). Under the plan, personal accounts into which the subsidy is directly transferred will be established for all relocated



persons. In addition, the central government will raise funds through other means to improve infrastructure in the areas resettled and offer technical and occupational training programs for the relocated residents to help them seek employment in cities. (*Gov't to Subsidize 22 Mln Reservoir Immigrants*, XINHUA, Aug. 14, 2006, <http://www.10thnpc.org.cn/english/GS-e/177867.htm>.)

The Opinions are viewed as an improvement over the former provisions on resettlement issued in 1991. There are specific stipulations in the new provisions to protect the interests of the displaced, e.g., to guarantee that their living standard be kept at at least the same level as what it had been. There is also more protection of their rights; any relocated person may lodge a complaint with the relevant authorities and file a lawsuit against officials or government institutions they view as having infringed upon their rights and interests. In addition, the rate of compensation is sixteen times the average output value that the acquisitioned land produced in the previous three years, as opposed to only three times as much stipulated in the previous regulations. Another new provision stipulates that programs on residents' migration and resettlement may be devised only after the opinions of the persons to be displaced and the residents of the resettlement areas have been solicited, and, if necessary, hearings should be held. (*China Daily 'Opinion': New Resettlement Regulations Show More Respect to Residents*, CHINA DAILY, Aug. 15, 2006, Open Source Center No. CPP20060815151013.)
(Wendy Zeldin, 7-9832, wzeld@loc.gov)

COOK ISLANDS – Same-Sex Marriage Outlawed

The Cook Islands' Justice Minister, Tangata Vavia, has introduced in the country's parliament the Marriage Amendment Bill, designed to outlaw homosexual marriages and requiring that persons whose gender has been changed by surgery or medical treatment be deemed the sex of their birth. (*Cooks Measure Would Outlaw Same Sex Marriage*, PACIFIC ISLAND REPORT, July 21, 2006, <http://pidp.eastwestcenter.org/pireport/2006/July/07-21-07.htm>.)
(Lisa White, 7-4087, liwhi@loc.gov)

KOREA, SOUTH – Disciplining Judges

After a former high court judge was arrested on the charge of bribery, the Supreme Court of the Republic of Korea released various measures on August 16, 2006, to improve judicial transparency. For example, reappointment evaluation will be strengthened. Korean judges can be reappointed every ten years. (*Saikosai chokan saibankan no fusei koi de shazai [Chief Justice of the Supreme Court apologized about improper conduct of a judge]*, CHOSUN NEWSPAPER, Aug. 17, 2006, http://japanese.chosun.com/site/data/html_dir/2006/08/17/20060817000035.html.)
(Sayuri Umeda, 7-0075, sume@loc.gov)

MYANMAR (BURMA) – Resumption of Red Cross Prison Visits Rejected

The International Red Cross reported on August 24, 2006, that it had not received permission from Myanmar, during a meeting held between the Myanmar representative of the International Committee of the Red Cross (ICRC) and the country's ruling generals, to resume visits to Myanmar's prisons and labor camps. In late 2005, the junta suspended the visits, which began in 1999, without giving any reasons. At that same time, the generals had imposed more stringent conditions on nongovernmental organizations' (NGOs) visits; they insisted that staff members of government-affiliated agencies accompany the NGO representatives. The ICRC had refused to accept this demand, viewing it as compromising its independence. Relatives of the prisoners contend that prison conditions have worsened after the suspension of the visits, especially for prisoners of conscience, who number about 1,100. Before the suspension, the ICRC reportedly managed to make 453 prison visits. (*Myanmar*



Rejects Resumption of Red Cross Jail Visits, THE CHINA POST, Aug. 25, 2006, <http://www.chinapost.com.tw/backissue/asiapacific/detail.asp?ID=88797&GRP=C>.)
(Wendy Zeldin, 7-9832, wzeld@loc.gov)

PHILIPPINES – President Arroyo Beats Impeachment Attempt

In a widely anticipated victory, Philippine President Gloria Macapagal Arroyo has overcome an attempt by political opponents to unseat her. After a marathon overnight session of debate, lawmakers in the lower house of the Philippine Congress voted 173 to 32 on August 24, 2006, to quash the impeachment complaint, which accused Arroyo of election fraud, corruption, and human rights abuses. Arroyo, due to serve until 2010, survived a previous bid to remove her in 2005. Thirteen opposition lawmakers did not show up for the ballot and seven others defected to vote in favor of junking the impeachment complaint. A total of thirty members were missing from the vote. (Noel Albano & D. Tubianosa, *House Trashes Impeachment*, Congress of the Philippines Web site, Aug. 24, 2006, <http://www.congress.gov.ph/press/details.php?pressid=1396>; *President Arroyo Beats Impeachment Bid*, CNN.COM, Aug. 24, 2006, <http://www.cnn.com/2006/WORLD/asiapcf/08/24/philippines.arroyo.reut/index.html>.)
(Gustavo Guerra, 7-7104, ggue@loc.gov)

TAIWAN – New Legislative Proposal to Protect Foreign Workers

The Council of Labor Affairs announced that a protection mechanism has been launched to prevent employers from unreasonably laying off foreign workers. The announcement is an official response to Taiwan's relegation to the "Tier 2 Watch List" in the U.S. Department of State's recent HUMAN TRAFFICKING REPORT.

The report, issued in June 2006, placed Taiwan on the Watch List for its failure to address problems concerning forced labor and sexual servitude among contract workers and brides. According to Tsai Meng-liang, the head of the Foreign Labor Department of the Council of Labor Affairs, the new mechanism will require employers to seek official confirmation of whether any complaint has been lodged against them before terminating a work contract with a foreign employee. (*Plans to Protect Workers Ready*, TAIPEI TIMES, Aug. 9, 2006, <http://www.taipetimes.com/News/taiwan/archives/2006/08/09/2003322443>.)
(Rui Geissler & Xiaomeng Zhang, 7-9864, rgei@loc.gov)

VIETNAM – State Secrets in Communications Sector

On August 9, 2006, under Decision No. 182/2006/QD-TTg issued by the Prime Minister of the Socialist Republic of Vietnam (SRV), state secrets that are classified as top secrets in the postal, telecommunications, and information technology sector include information, documents, schemes, strategies, planning, and plans on development of postal, telecommunications, and information technology in the service of security, defense, and national works of great importance as well as mobilization plans in response to war or a state of emergency. The list also includes information and documents on high-ranking negotiations and contacts in this sector conducted between the SRV and foreign countries or international organizations that the two parties agree not to publicize. The Decision replaces Decision No. 620/TTg of December 28, 1993. (*Decision No. 182/2006/QD-TTg*, VIETNAM LAW & LEGAL FORUM, Aug. 24, 2006, http://news.vnanet.vn/vietnamlaw/Service.asp?CATEGORY_ID=3&SUBCATEGORY_ID=8&NEWS_ID=1518.)
(Wendy Zeldin, 7-9832, wzeld@loc.gov)



VIETNAM – Wild Plant and Animal Import/Export

The Government of the Socialist Republic of Vietnam (SRV) issued Decree No. 82/2006/ND-CP on August 10, 2006, on the import and export of wild plants and animals. The Decree applies to SRV state agencies, organizations, households and individuals, foreign organizations and individuals, and overseas Vietnamese who are engaged in the import, export, re-export, import by sea, transit, breeding, raising, and artificial transplantation of rare and precious wild animal and plant species within SRV territory. The Decree governs all specimens of wild animal and plant species defined in Appendices I, II, and III of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora, which entered into force on July 1, 1975) as well as those defined under SRV law. (*Decree No. 82/2006/ND-CP*, VIETNAM LAW & LEGAL FORUM, Aug. 24, 2006, http://news.vnanet.vn/vietnam-law/Service.asp?CATEGORY_ID=3&SUBCATEGORY_ID=8&NEWS_ID=1517; Convention on International Trade in Endangered Species of Wild Fauna and Flora Web site, <http://www.cites.org> (last visited Aug. 29, 2006).)
(Wendy Zeldin, 7-9832, wzeld@loc.gov)

EUROPE

AUSTRIA – Commercial Law Reform

On October 25, 2005, Austria adopted a major reform of its Commercial Code that will become effective on January 1, 2007 (BUNDESGESETZBLATT I no. 2005/120). The Reform Act renames the Commercial Code, which now bears the title “Enterprise Code.” The new Act applies the law of merchants not only to merchants in the traditional sense but also to any entity that engages in economic endeavors. Included in the scope of the law are non-profit organizations, partnerships and related company forms, medical and legal practitioners, and farmers. Depending on their scope, these enterprises are subject to various duties of registration and publication. The Enterprise Code also regulates the accounting procedures that must be followed and contains legal provisions on transactions among merchants and between merchants and consumers.
(Edith Palmer, 7-9860, epal@loc.gov)

KAZAKHSTAN – Legislation on Illegal Guest Workers

On August 1, 2006, the Government of Kazakhstan initiated a program aimed at legalizing illegal migrants. The program will continue until the end of 2006. According to specially adopted legislation, all migrants who legally crossed the Kazakhstan border within the sixty-day period before the program started, i.e., after May 31, 2006, are eligible to apply for guest worker status. After legalization, all migrants will be registered and allowed to stay and work in Kazakhstan for a three-year period. Illegal workers must report to the immigration police and submit their application, a copy of the labor contract, photographs, and the migration cards they received at the border check points when they entered the country. In five days they will receive a new migrant’s card, which will serve as their principal identification document while in Kazakhstan. Migrants and their current employers will receive amnesty for previously committed violations of immigration legislation. After the program ends, the police intend to increase control over the black labor market. Migrants who have not been registered as guest workers will be fined and deported. It is expected that about 100,000 out of 300,000 illegal migrants presently in Kazakhstan will be registered under this program. (*Kazakhstan Nachinaet Legalizatsiyu Trudovyyh Migrantov* (in Russian), REGNUM INFORMATION AGENCY, July 31, 2006, <http://www.zakon.kz/our/news/news.asp?id=30063892>.)
(Peter Roudik, 7-9861, prou@loc.gov)



LIECHTENSTEIN – Juvenile Delinquency

On March 17, 2006, Liechtenstein enacted an extensive reform of its Juvenile Court Act (Gesetz, LIECHTENSTEINISCHES LANDESGESETZBLATT no. 101, amending Jugendgerichtsgesetz, May 20, 1987, LIECHTENSTEINISCHES LANDESGESETZBLATT no. 39). The Reform Act will become effective on January 1, 2007. It allows prosecutors and juvenile courts to treat juvenile offenders benignly while deterring them from future delinquency.

The Act defines juveniles as persons between the ages of fourteen and eighteen, and limits the applicability of juvenile court proceedings to defendants who are tried before they are twenty years old. Minors below the age of fourteen are not punishable. Juveniles are not punishable if they were unable to understand the wrongness of their conduct, and juveniles below the age of sixteen who committed a misdemeanor are not punishable unless there is a special public interest, such as that of preventing them from the commission of repeat offenses. In addition, prosecutors may refrain from bringing a case to trial if the offense was punishable with no more than five years' imprisonment or a fine. To the extent that punishment is indicated, the punishment frames of the Liechtenstein Criminal Code are significantly reduced, and probation is to be employed whenever possible.
(Edith Palmer, 7-9860, epal@loc.gov)

RUSSIAN FEDERATION – Electronic Transparency of the Judiciary

According to a statement issued by the Supreme Court of the Russian Federation, as of January 1, 2007, all judicial rulings and other decisions, including procedural ones, made by Russian judges will be digitalized and saved in electronic format in the nationwide federal automated system "Judiciary," which was specifically developed for this purpose. With the goals of ensuring transparency, providing a common information space for all Russian courts, guaranteeing timely and unrestricted access to court papers to all interested parties and avoiding unauthorized changes to them, electronic copying of all judicial documents will be done automatically and will cover all 2,622 Russian courts of general jurisdiction.

However, the degree of openness of the system has not been determined and it is not clear who will have access to it and which documents will be available for review. Proponents of the full publication of all court decisions emphasize the anti-corruption potential of this action. They have met strong opposition from privacy defenders. The Bill on Securing Rights of Individuals and Organizations to Judicial Information was introduced in the legislature in March 2006. The bill provides for complete publication of all court rulings except those made during closed hearings. The State Duma has not yet considered the bill. (Leonid Nikitinsky, *Elektronnyi Sud*, ROSSIISKAIA GAZETA, No. 167, Aug. 2, 2006, at 6.)

(Peter Roudik, 7-9861, prou@loc.gov)

SWITZERLAND – Immigration Database

The Immigration Database Act became effective on May 29, 2006 (AMTLICHE SAMMLUNG DES BUNDESRECHTS 1931 (2006)). The Act was originally adopted on June 20, 2003, but a three-year period was set aside to allow the population to subject it to a referendum. The Act was not challenged by a referendum, however, and therefore became effective when the referendum period had lapsed.

The Act modernizes various pre-existing separate data systems for immigrants and refugees and places them under one rubric. It also embodies privacy protection principles by specifying the types of data to be collected and their statutory uses (Botschaft, July 23, 2002, BUNDESBLATT 4695 (2002)). The



database contains personal data of aliens who seek visas or claim asylum in Switzerland and Liechtenstein and data on the interaction of these aliens with federal and cantonal authorities. Race and ethnicity are among the collected data and racial profiling is technically feasible. Electronic access to the database is granted to the federal and cantonal authorities that deal with immigration, labor permits, border crossings, and national and international assistance in criminal and police matters. Although the new system is expected to enhance the enforcement of immigration laws, it is guided by the principle of proportionality and is deemed to be in conformity with the European Union Directive on the Processing of Personal Data (Directive 95/46/EC of the European Parliament and the Council, Oct. 24, 1995, OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES L 281). (Edith Palmer, 7-9860, epal@loc.gov)

UZBEKISTAN – New Law Restricts Christian Faith

On July 28, 2006, the Department on Religious Issues under the Uzbek Government issued regulations aimed at the implementation of newly passed amendments to the nation's criminal and administrative legislation, under which proselytizing is recognized as a crime. According to the Regulations, it is prohibited to conduct a Christian religious service, worship, or study the Bible outside of government-designated premises. In the case of violations, both the priest and the member of the Church who committed the act will be fined in an amount of from US\$2,000 to US\$6,000. Repeat violators are subject to three to eight years of imprisonment.

A criminal case can be initiated if an individual possesses two copies of the Bible or other religious literature. The first copy is considered to be a personal one; however, keeping a second copy is considered possession with the purpose of distribution. The discovery of religious books in a motor vehicle is grounds for confiscation of the vehicle; in such cases, the vehicle is deemed to be a means of distribution. Each individual may bring only one copy of religious literature in the Russian language into Uzbekistan and it must be submitted for review by a special government service. However, there is a ban on religious materials in native languages of the people of Central Asia. The Uzbek Government claims that these measures are justified because of the war against terrorism. (*Novye Zakony Ogranichivayut Hristian v Pravakh* (in Russian), Credo Internet portal, Aug. 2, 2006, <http://www.portal-credo.ru>.) (Peter Roudik, 7-9861, prou@loc.gov)

NEAR EAST

IRAQ – Saddam May Be Executed

On August 20, 2006, the Aljazeera network reported that an American official close to the Iraqi Supreme Criminal Tribunal, before which Saddam Hussein is on trial in a second case, has said that the former president may be executed in connection with his first trial and before the completion of his second trial. (*American Official: Saddam May Be Executed Before the End of the ANFAL Trial*, ALJAZEERA NETWORK, Aug. 20, 2006, <http://www.aljazeera.net/NR/exeres/09A5D56D-93BD-46BB-A0E2-2715F2D56E55.htm>.) (Issam Saliba, 79840, isal@loc.gov)

ISRAEL – Legal Declaration of War

Three petitions were submitted to Israel's High Court of Justice regarding the constitutionality of the government decision to engage in military operations in Lebanon following Hizbollah's July 12, 2006, attack within Israel's territory that resulted in the death of eight Israel Defense Force soldiers and



the kidnapping of two. The petitions question the procedural propriety of this decision and the economic implications of the omission to properly declare war. According to section 40 of the Basic Law: The Government:

(a) The state may only begin a war pursuant to a Government decision. (b) Nothing in the provisions of this section will prevent the adoption of military actions necessary for the defence [sic] of the state and public security. (c) Notification of a Government decision to begin a war under the provision of subsection (a) will be submitted to the Knesset Foreign Affairs and Security Committee as soon as possible; the Prime Minister also will give notice to the Knesset plenum as soon as possible; notification regarding military actions as stated in subsection (b) will be given to the Knesset Foreign Affairs and Security Committee as soon as possible.

The Court recognized that the Law does not define the term “war” and that the interpretation of the term has implications in the international sphere. Under international law, it noted, a formal declaration of war is not a precondition to the existence of a state of war or an armed conflict and is not required for application of the rules of international law regarding the conduct of war. The Court concluded that Israeli law does not require such a nexus either. The security situation may in fact lead the public to view the situation as one of a war, the Court held, but from a legal point of view the military activity in Lebanon, in spite of the possibility of being considered a state of war for the purpose of various other laws, does not constitute a cause for a declaration of war for the purpose of implementation of section 40.

The Court clarified that in the circumstances surrounding the current conflict, the government was authorized to determine that the military activity it had decided to engage in did not rise to a “beginning of a war,” but rather was a military activity for self-defense in response to aggression. The Court added that even though the government had determined that the Israel Defense Force activity in Lebanon was subject to section 40(b) of the Basic Law, in fact it followed all the procedures that are required under section 40(a) for a situation of “war.” Moreover, the omission of reliance on section 40(a) has no impact on the economic and humanitarian assistance and compensation that will be provided to residents of northern Israel. (H.C. 6204 Dr. Yosi Beillin et al. v. The State of Israel, et al., The State of Israel Judicial Authority Web site, <http://www.court.gov.il> (last visited Aug. 21, 2006); Basic Law: The Government, the Knesset Web site, <http://www.knesset.gov.il> (last visited Aug. 21, 2006).) (Ruth Levush, 7-9847, rlev@loc.gov)

ISRAEL – Protection of Workers in Times of Emergency

On July 31, 2006, the Knesset (Parliament) passed the Protection of Workers in Times of Emergency Law, 5766-2006. The Law prohibits an employer from dismissing a worker who either was absent or failed to perform work because of an order given at the time of a military attack or special homeland security situation. An employer is also prohibited from firing a worker who was absent from work to supervise his child’s education when the educational institution the child attends is closed during a time of emergency. The Law protects the tenure of workers who are absent from work for the above reasons. It also regulates the pay due to workers during the period when northern Israel was under attack from Hizbollah rockets and the workers were prevented from working. (Protection of Workers in Times of Emergency Law, 5766-2006, bill, and explanatory notes, *available at* the Knesset Web site, www.knesset.gov.il (last visited Aug. 18, 2006).) (Ruth Levush, 7-9847, rlev@loc.gov)



JORDAN – Reduced Sentences for Two Members of Jordanian Parliament

On August 17, 2006, the AL-SHARQ AL-AWSAT newspaper reported that the High Court (Cassation Court) in Jordan had revoked the verdict issued against two members of the Jordanian Parliament related to their visit of condolence visit to the family of Musab al-Zarqawi, following his death at the hands of the American forces in Iraq. The Court decided to reduce the sentences to one year and one month for each, instead of two years for the first member and one and a half years for the second. (Jordan: Reducing the Sentences of Two of the Members of Parliament Who Expressed Condolences for Zarqawi., AL-SHARQ AL-AWSAT, Aug. 17, 2006, <http://www.asharqalawsat.com/>.) (Issam Saliba, 79840, isal@loc.gov)

YEMEN – Commitment to Elect Women

The Yemeni President, Ali Abdullah Saleh, expressed his commitment to work towards insuring that fifteen percent of the candidates for the local election, scheduled to take place at the same time as the presidential election, be women. He also ordered the withdrawal of the candidacy of members of his party in districts where women had presented their candidacies. (Sana'a: Abdullah Saleh Orders the Withdrawal of His Party's Candidates from Districts in Which Women Candidates Are Present, AL-SHARQ AL-AWSAT, Aug. 21, 2006, <http://www.asharqalawsat.com/>.) (Issam Saliba, 79840, isal@loc.gov)

SOUTH ASIA**BANGLADESH – Bill to Regulate Cable TV**

The Bangladeshi Parliament is in the process of adopting the Cable Television Network Operating Bill, 2006. According to the Information Minister Abdus Salam Pintu, the bill might be adopted by the Parliament before the ruling Bangladesh Nationalist Party (BNP) ends its five-year term in October 2006. Under the bill, Bangladesh's Government would be able to impose restrictions on cable operators, distributors, and service providers to prevent them from (?) functioning without obtaining a license. According to the Information Minister, there was no law to regulate the cable channels in the country and a number of cable operators were taking advantage of this situation by showing obscene programs on some satellite channels. The Parliament has already passed the Censorship of Films Act 2006, which subjects any "pornographic" filmmaker to imprisonment for three years. (See 4 W.L.B. 2006.)

The Cable Television Network Operating Bill, 2006 includes provisions on issuance of licenses to distributors for three years and to service providers for one year. Operators would be required to transmit only government-approved programs. According to the Information Minister, if the channels broadcast any program against Bangladesh's image, independence, and sovereignty, or against the spirit of the 1971 war of independence against Pakistan, the government would be able to shut them down. (Bangladesh to Bring Tough Cable TV Law, ZEENEWS.COM, Aug. 5, 2006, <http://www.zeenews.com/znew/articles.asp?aid=313687&ssid=54&sid=BUS>.) (Shameema Rahman, 7-3812, srah@loc.gov)

MALDIVES – Enforcement of Human Rights Commission Requests

On July 25, 2006, the opposition Maldivian Democratic Party's proposal to amend the Human Rights Commission (HRC) bill won approval of the People's Majlis (parliament), by a vote of twenty-six



to eight. If this proposal becomes law, government officials and police officers who fail to carry out orders of the HRC would face three months' house arrest and removal from their jobs if they did not comply with an HRC request for information.

The radical decision by the Majlis follows complaints from the HRC that officials, especially police officers, are impeding the Commission's work. According to the HRC complaint, police officers often refuse to provide witness statements. They also delay handing on requests or come up with questionable excuses as to why the information cannot be divulged. Although the law empowers the Commission to gather information necessary to investigate human rights abuses, there has been no punishment prescribed for officials who fail to comply with the order, thus rendering the HRC ineffective. The new amendment is expected to help enforce the HRC's power. The amendment awaits the President's ratification to become effective. (*Government Officials Face House Arrest for Failing to Comply with HRC*, MINIVAN NEWS, Aug. 3, 2006, <http://www.minivannews.com/news/news.php?id=2309>.)

(Krishan Nehra, 7-7103, kneh@loc.gov)

MALDIVES – Independent Judiciary in 2007

Following a vote in the Special Majlis (parliament), the members of the Parliament of the Maldives voted across party lines to establish a judiciary that will be free from the authority or influence of the executive. Under the present Constitution of the Maldives, drafted by the current President Gayoom in the 1990s, the President is the head of the judiciary with the power to overturn court rulings and to appoint the Chief Justice and members of the Judicial Services Commission. According to some parliamentarians, this has enabled the President to systematically crush political opposition.

The Special Majlis, on July 30, 2006, voted that, under the new Constitution scheduled to take effect on June 30, 2007, the head of state will no longer have power over the judiciary. The new Constitution provides for the Chief Justice to be the head of the Supreme Court. Under it there will be a High Court and a lower court. Although the head of state will nominate the Chief Justice, Parliament will vote to approve of the nomination. Parliament will also be able to dismiss the Chief Justice.

After the vote on the basic concept of the new constitutional arrangement, the drafting committee on the judicial system will meet to thrash out details for presentation to the entire Special Majlis to vote on adoption of the new judicial system. The reform-minded drafting committee may take some months to complete its report. (*Special Majlis Votes for Independent Supreme Court*, MINIVAN NEWS, July 31, 2006, <http://www.minivannews.com/news/news.php?id=2301>.)

(Krishan Nehra, 7-7103, kneh@loc.gov)

NEPAL – Amendment of Military Act Tabled

On August 17, 2006, the Government of Nepal submitted to the House of Representatives a bill to amend the current Military Act. Deemed by the press a major development in democratizing the Nepali Army, the legislation proposes that the army, which has been loyal to the monarchy, be placed totally under civilian control; that the 1959 Military Act that brought the army under royal command be scrapped; that authority be given to the Government to relieve the Chief of Army Staff at any time; and that the Public Service Commission be involved in the army recruitment process. The bill also states: “[t]he government shall establish and manage the NA for maintaining [the] independence, sovereignty, geographical integrity and national unity of Nepal.”



In addition, the bill puts forward fundamental changes in the structure of the Security Council, which heretofore has consisted of the Prime Minister, the Defense Minister, and the Chief of Army Staff. The proposed new structure would include the Prime Minister as head and the Ministers of Defense, Home, Finance, and Foreign Affairs as members. (*Much-Awaited New Military Act Presented at House*, EKANTIPUR.COM, Aug. 17, 2006, <http://ekantipur.com/>.)
(Wendy Zeldin, 7-9832, wzeld@loc.gov)

PAKISTAN – Female Prisoners Beneficiaries of Repealed Law

Overall, about 1,600 female prisoners, jailed throughout Pakistan since 1979 on charges of adultery, will benefit directly from the new President's Ordinance that was issued in July 2006. The Ordinance states that all offenses alleged to have been committed by women, except murder and terrorism, are bailable. The law also eliminated an anti-woman clause in the 1979 Hudood laws against extra-marital sex based on Islamic law. Following the enactment of the Ordinance, the process for the release of the women went into immediate effect, with preparation of bail documents for the prisoners.

The prisoners were detained without trial for minor offenses and domestic disputes. The revoked clause forbade those arrested and charged under the law from being granted bail. According to newspaper accounts, the elimination of the relevant clause in the Hudood laws, originally promulgated by the then President Zia-ul Haq as part of his campaign to introduce Islamic jurisprudence and eventually make Pakistan *Nizam-e-Mustafa*, or a country ruled by God, has rescued the women from "enormous social evils and family nightmares."

Human rights organizations, whose efforts led to the issuance of the Ordinance, demand the total repeal of the infamous Hudood laws, stating that the amendment and the release of the women prisoners were superficial and insufficient measures. The Chairperson of the Pakistan Human Rights Commission has threatened to go to the Supreme Court if the government fails to repeal the law completely. (*Musharraf Repeals Extra-Marital Sex Law*, THE TIMES OF INDIA, July 9, 2006, <http://timesofindia.indiatimes.com/articleshow/1719044.cms>; *Process For Release of Women Begins*, THE DAWN, July 9, 2006, <http://www.dawn.com/2006/07/09/top5.htm>; *Demand for Repeal of Hudood Laws Grows*, THE HINDU, Aug. 1, 2006, <http://www.hindu.com/2006/08/01/stories/2006080107891200.htm>.)
(Krishan Nehra, 7-7103, kneh@loc.gov)

WESTERN HEMISPHERE

BRAZIL – Domestic Violence

On August 8, 2006, Brazil's President, Luiz Inácio Lula da Silva, sanctioned a new law (Law No. 11,340) that triples the punishment applicable to domestic violence crimes and increases the mechanisms to protect the victims. The new law amends the Penal Code to permit the arrest of the aggressor during or soon after the commission in flagrante of a domestic violence crime or, in cases where it was not possible to catch the act in flagrante, the issuance of a preventive arrest order against the attacker to avoid future violence. The punishment for such offenses has been increased from one to three years in prison; payment of a fine as an alternative form of punishment has been extinguished. To protect the victim, usually a woman, the law now obligates the aggressor to leave the house, extends state protection to the woman's children, grants the woman the right to retrieve her belongings, and gives the woman the right to cancel any power of attorney accorded by the woman to her assaulter. (Agência Brasil, *Marido que Bate*



na Mulher Pode Ficar Três Anos Detido, GLOBO ONLINE, available at <http://oglobo.globo.com/> (last visited Aug. 7, 2006.)
(Eduardo Soares, 7-3525, esoa@loc.gov)

CANADA – Government to Present Bill on Softwood Lumber

On July 1, 2006, Canada and the United States unveiled an agreement to end their longstanding softwood lumber dispute. Under this agreement, Canada would receive back about US\$4 billion of the five billion in countervailing and antidumping duties that the United States has received in recent years. In return, Canada would agree to a system of sliding duties that it would collect on excesses in certain amounts of exports and to a system of managed market access. In announcing the agreement, the Canadian Government stated that it would introduce implementing legislation in the fall only if a substantial majority of lumber producers agreed to the deal. Industry was given until August 21, 2006, to signal its acceptance. On that date, the Canadian Ambassador to Washington appeared before a parliamentary committee to defend the agreement as containing the best terms Canada would be able to obtain from the U.S. negotiators. On August 22, the Government announced that a “clear majority” of producers had agreed to accept the deal, even if many of them did so reluctantly. The Government did not give precise numbers respecting the percentage of affirmative respondents, but did announce that it would go ahead and present a bill implementing the agreement in September.

Since Canada’s Conservative government is a minority government, it may need opposition support to enact implementing legislation. The Prime Minister hopes to gain the support of the Bloc Quebecois. The Bloc supports independence for Quebec, but also represents Quebec interests in the House of Commons. Quebec producers are reportedly among the strongest supporters of the agreement in Canada. Some members of the Liberal Party may also support the agreement or decide to not vote on the measure.

The Prime Minister has already announced that the vote on the implementing legislation will be a vote of confidence. If the Government loses that vote, the Prime Minister will be obliged to call a general election after being in office for less than ten months. (*Defeat of Softwood Legislation Would Trigger Election: Harper*, BARRIE EXAMINER, Aug. 23, 2006, at A9; Marcel Gingras, *Tories Want Bloc to Support Softwood Agreement or Tell Quebecers Why it Won’t*, CANADIAN PRESS, Aug. 23, 2006, <http://ca.news.yahoo.com/s/23082006/2/business-tories-want-bloc-support-softwood-agreement-tell-quebecers-won.html>.)
(Stephen F. Clarke, 7-7121, sclc@loc.gov).

CANADA – Minister Proposes Curb on Preliminary Hearings

In an effort to reduce backlogs in criminal cases, Canada’s Minister of Justice has proposed reducing or eliminating preliminary hearings. Such hearings are usually held to determine whether there is enough evidence to put the accused on trial, but they can be waived by provincial attorneys general in certain types of cases. For example, most major drug trials are held without a preliminary hearing. Defense lawyers are generally opposed to the Minister’s proposal. The chairman of the criminal law section of the Canadian Bar Association has contended that there is no evidence that the scrapping of preliminary hearings would save court time. Greg DelBigio’s position is that preliminary hearings often lead to plea bargains or guilty verdicts. The Minister of Justice’s position is that disclosure requirements have largely made the preliminary hearing process outdated.

Canada has a fairly unique criminal justice system. Criminal law is a federal matter that is largely governed by a Criminal Code enacted by Parliament (R.S.C. ch. C-46 (1985), as amended). However,



provincial attorneys general enforce the Criminal Code through provincial trial courts. Decisions of the provincial courts may be appealed to the Supreme Court of Canada. While the provinces do not have criminal law powers, they can pass “quasi-criminal” laws to enforce laws otherwise within their jurisdiction. Highway traffic laws are an example of laws within the competence of the provinces. (*Courts Should Consider Scaling Back or Scrapping Preliminary Hearings: Toews*, YAHOO CANADA NEWS, Aug. 21, 2006, <http://ca.news.yahoo.com/s/21082006/2/national-courts-consider-scaling-scrapping-preliminary-hearings-toews.html>.) (Stephen Clarke, 7-7121, scl@loc.gov)

CANADA – Parliament Trails U.S. Congress 164 to 4

In the Parliamentary system of government that Canada inherited from the United Kingdom, the Prime Minister is the head of both the executive and legislative branches of government. Instead of enacting very specific laws designed to place limits on and give directions to governmental departments, Parliament has most often given those departments broader authority to make administrative decisions than is found in the United States. As the leading author on Canadian Constitutional law has expressed it: “the Canadian system of responsible government... leads to a concentration of power in the hands of the Prime Minister that has no counterpart in [a] presidential system.” (Peter Hogg, CONSTITUTIONAL LAW OF CANADA 9.3(c) (2005).)

In November 2005, Parliament was dissolved, and a general election was held in January 2006. The Conservative Party ousted the Liberal government and the 39th Parliament met in April. Yet, despite the fact that the present government has taken a new direction on many issues, it has only enacted four public statutes to date. By contrast, the United States Congress passed 164 public laws during a similar time frame (Dec. 1, 2005 through Aug. 17, 2006; source: Thomas website, Public Laws listing, available at <http://thomas.loc.gov/bss/d109/d109laws.html> (last visited Aug. 24, 2006).) The four laws that the current Parliament has enacted deal with the budget, appropriations, elections, and agriculture. While the House of Commons has passed several bills that have not yet been approved by the Senate, the fact remains that the current Parliament has only enacted four laws in the ten months since its predecessor was dissolved. This number is admittedly far below the thirty to fifty-five statutes Canada usually enacts in a year, but it demonstrates that Canada is governed far more through administrative decisions and far less through legislation than is true in the United States. (Stephen Clarke, 7-7121, scl@loc.gov; Jeanine Cali, 7-1708, jcal@loc.gov)

MEXICO – Call for U.S., Venezuela to Improve Anti-Drug Measures

On August 3, 2006, Mexico's top anti-drug prosecutor Jose Luis Santiago Vasconcelos stated that the United States must stop weapons trafficking and Venezuela needs to further combat heroin and cocaine shipments in order to help Mexico stem a wave of bloody, drug-fueled violence. He said the rising brutality of recent drug-related executions – in which bodies have been dismembered or decapitated – was due to hit men taking over cartels after their bosses were arrested. In addition, he observed, the cartels are enlisting brutal “Mara” street gangs and former Guatemalan soldiers, who use such methods, to their ranks.

According to Santiago Vasconcelos, Mexico's main drug gangs have grouped themselves into two rival blocs that are fighting for control in several Mexican states. The two alliances have begun using heavier weapons, like rocket-propelled grenades, most of which come from the United States, he said, and he called on Washington to do more to halt their flow south. “We know that there is a large amount of arms traffic ... in the United States, that they have to bring under control,” Santiago Vasconcelos said. “There’s this incredibly big black market that has to be controlled. The last time we spoke with [U.S.



officials], we told them ... 'If these types of weapons weren't flowing through, they'd have to use stones to attack each other.'" he said.

Santiago Vasconcelos also said that the Mexican Government is troubled by increasing amounts of cocaine as well as small-scale heroin shipments arriving from Venezuelan airports. On April 11, 2006, Mexican soldiers seized a commercial-sized jet arriving from Venezuela with 5.5 tons of cocaine aboard. "It's worrisome, it's historic, this is the first time we've seen that quantity of cocaine [W]e have not seen such flights since the jets used by Amado," he said, referring to Amado Carrillo Fuentes, a drug lord known as "Lord of the Skies" for smuggling huge amounts of cocaine aboard jets in the 1990s. "When we see so much repeated trafficking of heroin, they have to adjust their controls," he said of the Venezuelan Government. (*Mexico Urges US, Venezuela to Improve Anti-Drug Measures*, THE WALL STREET JOURNAL, Aug. 3 2006 (on file with author).) (Gustavo Guerra, 7-7104, ggue@loc.gov)

MEXICO – Court Names Winner in Disputed Election

Felipe Calderon became president-elect of Mexico on September 5, 2006, two months after a disputed election, when the nation's top electoral court voted unanimously to reject allegations of fraud and certify his narrow victory. His leftist rival, Andres Manuel Lopez Obrador, had said he would not recognize the ruling.

Lopez Obrador and his supporters claimed that fraud, illicit government spending, and "dirty tricks" swayed the election in favor of Calderon, a member of President Fox's National Action Party. The court found no evidence of systematic fraud, although it threw out some polling place results for mathematical errors, irregularities, and other problems that trimmed Calderon's 240,000-vote advantage to 233,831 votes out of 41.6 million cast. The tribunal's decision was final and cannot be appealed.

Lopez Obrador challenged the election results on many grounds. One of his arguments was that an advertising campaign comparing him to Venezuelan President Hugo Chavez illegally affected the elections. The court said, however, that while the ads had a strong impact, it was not enough to change the result. It also pointed out that Lopez Obrador had used attack ads against Calderon. In addition, the court said there was "no logical connection" to Lopez Obrador's claim that television ads by pro-Calderon businesses had subliminal messages in favor of Calderon. It also rejected claims that the popular soap opera "La Fea Mas Bella," or "The Prettiest Ugly Girl," had indirectly supported Calderon, and said there was no evidence electoral authorities were biased against Lopez Obrador. (Press Release 081/2006, Aprueba Sala Superior del TEPJF, Dictamen Relativo al Computo Final de la Eleccion Presidencial, Declaracion de Validez del Proceso Electoral y de Presidente Electo, Electoral Tribunal of the Judicial Branch of the Federation, (Sept. 5, 2006), <http://www.trife.gob.mx/todo.asp?menu=15>; *Judge: Election Imperfect, Calderon to Lead Mexico*, CNN.COM, Sept. 5, 2006, <http://www.cnn.com/2006/WORLD/americas/09/05/mexico.election.ap/index.html>.) (Gustavo Guerra, 7-7104, ggue@loc.gov)

INTERNATIONAL LAW AND ORGANIZATIONS

BAHAMAS/UNITED STATES – Container Security Initiative

The U.S. Customs and Border Protection Agency and the Government of the Bahamas have signed an agreement that will allow all cargo destined for the United States to be pre-screened for



terrorists and terrorist weapons at the Port of Freeport. This agreement is part of the U.S. Container Security Initiative (CSI). Under CSI, officers from both Customs and Border Protection and Immigration and Customs Enforcement are stationed at key seaports abroad to work with local officials in identifying high-risk shipments. There are now forty-four ports in North America, Europe, Asia, Africa, and the Middle East that are implementing or are beginning to implement CSI.

Freeport is the closest major Bahamian port to the United States. The capital city of Nassau is located much further away, in the southeast portion of the island archipelago. The Bahamas has been an independent country since 1973, but has largely preserved the legal system it derived from the United Kingdom. (News Release, U.S. Customs and Border Protection, Bahamas to Implement Container Security Initiative (Aug. 4, 2006), http://www.cbp.gov/xp/cgov/newsroom/news_releases/082006/08042006_2.xml.)

(Stephen F. Clarke, 7-7121, scl@loc.gov)

CHINA/PAKISTAN – Anti-Terrorist Agreement

The National People's Congress Standing Committee of the People's Republic of China (PRC) approved a cooperative agreement with the Islamic Republic of Pakistan on "cracking down on terrorism, splittism, and extremism" on August 27, 2006. Foreign Minister Li Zhaoxing had signed the agreement in Islamabad on behalf of the PRC Government on April 5, 2005. (Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui guanyu pizhun 'Zhonghua Renmin Gongheguo Zhengfu he Bajisitan Yisilan Gongheguo Zhengfu guanyu daji kongbu zhuyi, fenlie zhuyi he jidian zhuyi de hezuo xieding' de jue ding (Decision of the Standing Committee of the National People's Congress on approving the 'Agreement of the Government of the PRC and the Government of the Islamic Republic of Pakistan on cracking down on terrorism, splittism and extremism'), LAW-LIB.COM, Aug. 27, 2006, http://www.law-lib.com/law/law_view.asp?id=171391.)

(Wendy Zeldin, 7-9832, wz@loc.gov)

COUNCIL OF EUROPE – Recommendation on Assistance to Crime Victims

On June 14, 2006, the Committee of Ministers of the Council of Europe published Recommendation Rec(2006)8 on Assistance to Crime Victims. The Recommendation is addressed to the Member States of the Council of Europe and serves as a tool to guide countries in adopting or implementing national legislation. It defines a victim as "a natural person who has suffered harm, including physical or mental injury, emotional suffering or economic loss, caused by acts or omissions that are in violation of the criminal law of a member state." The term also encompasses the immediate family or dependants of the direct victim. One of the basic principles that Member States are encouraged to apply is the recognition and respect for the human rights of victims, especially the rights to security, dignity, privacy, and family life.

Under the Recommendation, the Member States are encouraged to adopt the following: a) measures to alleviate the negative effects of the crime for victims and to provide rehabilitation support; b) measures to safeguard victims from secondary victimization; c) measures to provide or promote services exclusively for the benefit and support of victims and to encourage non-governmental organizations to follow suit; d) measures to encourage the establishment and maintenance of specialized centers for the victims of crimes such as sexual or domestic violence; e) measures to establish free national telephone help lines for victims; f) measures to ensure that victims have access to information related to their case and necessary for the effective and prompt exercise of their rights; and g) measures to provide state compensation to victims of serious, intentional, violent crimes, including sexual violence, and to immediate family and descendants of victims who have died as a result of such crimes. (American



Society of International Law, *Council of Europe, Committee of Ministers: Recommendation Rec(2006)8 of the Committee of Ministers to the Member States on Assistance to Crime Victims*, INTERNATIONAL LAW IN BRIEF, Aug. 17, 2006, available at <http://www.asil.org/ilib/2006/08/ilib060817.htm>.) (Theresa Papademetriou, 7-9857, tpa@loc.gov)

MEXICO/EL SALVADOR – Commercial Arbitral Tribunal Ruling

René Salazar, head of the Administration of Commercial Treaties of El Salvador, announced an international commercial arbitration ruling against the restrictions Mexico had imposed on pharmaceutical companies from El Salvador selling their products in Mexico. According to the ruling, Mexico cannot oblige the pharmaceutical companies of El Salvador to be domiciled in Mexico in order to sell their products in the Mexican market, because this restriction violates the free trade agreement between Mexico, El Salvador, Guatemala, and Honduras, in force since 2001. (Irma Cantizzano, *El Salvador Gana Litigio Comercial a México*, EL DIARIO DE HOY, Aug. 21, 2006, <http://www.elsalvador.com>.) (Norma C. Gutiérrez, 74314, ngut@loc.gov)

MEXICO/GUATEMALA – Military Assistance to Fight Organized Crime

Meeting in Guatemala City on August 24 and 25, 2006, the commanders of military units operating along the border of Mexico and Guatemala agreed to exchange intelligence information and to jointly plan strategic operations and coordinated actions to fight criminal activities by organized crime, such as illegal trafficking in arms and drugs and human smuggling. According to Hugo Say Mutz, Guatemalan Commander of the First Military Brigade, there has been increased activity by organized crime in the “blind” border areas between Mexico and Guatemala. (Francisco González Arrecis, *Guatemala y México en Plan Anticrimen*, PRENSA LIBRE, Aug. 25, 2006, <http://www.prensalibre.com>.) (Norma C. Gutiérrez, 74314, ngut@loc.gov)

NETHERLANDS/RWANDA – Genocide Suspect to Be Tried by Dutch

On August 10, 2006, Joseph Mahambara, a migrant from Rwanda, was arrested by police in The Netherlands and charged with war crimes and torture for his actions during the 1994 genocide in his home country. He will be tried in The Netherlands and faces a maximum penalty of life imprisonment. Speaking on Radio Rwanda, the Prosecutor-General of Rwanda, Martin Ngoga, said the suspect had been part of the extremist Hutu militias known as the Interehamwe and was on the list of ninety-three most-wanted suspected perpetrators of the genocide. Ngoga approved of the Dutch effort to bring Mahambara to justice, saying that Rwanda believes that the case will be handled professionally in The Netherlands. (*Dutch Can Try Genocide Suspect – Rwanda*, RADIO RWANDA, Aug. 11, 2006, Open Source Center No. AFP20060811950035.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

PAPUA NEW GUINEA/UNITED STATES – Lawsuit Reinstated

The U.S. Ninth Circuit Court has reinstated a lawsuit against Rio Tinto PLC by the residents of Bougainville, Papua New Guinea, under the Alien Tort Claims Act, 28 U.S.C. § 1350. *Sarei v. Rio Tinto PLC* (221 F. Supp. 2d 1116 (C.D. Cal. 2002)) had previously been dismissed on the grounds that it involved political questions and presented a risk to relations between Papua New Guinea and the United States. The case was reinstated on the basis that the plaintiff’s claims could be tried in the United States and that the district court erred in dismissing some of them. (Lisa White, 7-4087, liwhi@loc.gov)



SOUTHERN AFRICAN DEVELOPMENT COMMUNITY – Renewed Call for Increased Representation of Women in Government

At the annual summit of the Southern African Development Community (SADC), which ended on August 18, 2006, the ruler of Lesotho called for acceleration of the process of increasing representation of women at all levels of government in SADC's fourteen Member States. SADC had set a deadline of 2005 for having women occupy thirty percent of the decision-making posts, on the basis of the Platform of Action of the Fourth World Conference on Women held in Beijing in 1995. Although not all the SADC Member States achieved that goal, the 2005 SADC summit had set a new goal of fifty-percent representation, and a communiqué issued at the end of the 2006 summit reaffirmed that commitment. (Moyiga Nduru, *Development-Southern Africa: More Women, Please*, INTER PRESS SERVICE NEWS AGENCY, Aug. 19, 2006, <http://www.ipsnews.net/africa/nota.asp?idnews=34437>.)

A two-day meeting of SADC Council of Ministers that preceded the two-day summit of the member heads of state discussed attainment of the Regional Indicative Strategic Plan goals of a free market by 2008, a Customs Union by 2010, a Common Market by 2015 and a Monetary Union by 2016. The Council was also to consider, among other issues, the HIV and AIDS pandemic, food security, and the regional response to avian influenza. (Media Release, SADC, Meeting of SADC Senior Officials [sic] Preparations for the 2006 SADC Ordinary Summit of the Heads of State and Government (Aug. 10, 2006), http://www.sadc.int/index.php?action=a2001&news_id=748&language_id=1.)

Field Code Changed

SADC was established on August 17, 1992, and its Member States are Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe. (*SADC Profile*, <http://www.sadc.int/english/about/profile/index.php> (last visited Aug. 29, 2006).) (Wendy Zeldin, 7-9832, wzeld@loc.gov)

UNITED NATIONS – Convention on Rights of Persons with Disabilities

Delegates meeting at the headquarters of the United Nations in New York have agreed on a final draft of a new treaty to protect the estimated 650 million people worldwide who suffer from disabilities. The negotiation process, which took five years, was completed on August 24, 2006. UN General Assembly President Jan Eliasson said that the participants in the process were giving the world “the message that we want to have a life with dignity for all and that all human beings are all equal.” Don MacKay, New Zealand's UN Ambassador and the chair of the final sessions on the new treaty, said “It's a good convention and it will make a difference for millions of people.” The convention prohibits discrimination against persons with disabilities and covers civil rights, access to justice, the right to education, health services, and access to transportation. The document will now be sent to the General Assembly for consideration and adoption before being opened for signatures and ratifications. (*At UN, Delegates Finalize New Treaty Protecting Rights of Persons with Disabilities*, UN News Center, Aug. 27, 2007, <http://www.un.org/apps/news/story.asp?NewsID=19634&Cr=disabilities&Cr1=>.) (Constance A. Johnson, 7-9829, cojo@loc.gov)

UNITED NATIONS – Plans for an International Arms Trade Treaty

On July 24, 2006, at the Geneva Conference on Disarmament, seven countries devised a proposal to begin negotiations, under the auspices of the United Nations, on a treaty establishing international rules concerning the global trade in conventional weapons. The countries involved in this initiative included Argentina, Australia, Costa Rica, Finland, Japan, Kenya, and United Kingdom. As the British statement



concerning the agreement said, it would be “a legally binding instrument establishing common international standards for the import, export and transfer of conventional arms through an international Arms Trade Treaty.” In October 2006, the proposal will be formally submitted to the U.N.’s First Committee, which is in charge of disarmament and international security. (*Seven Nations Start Push from UN Arms Trade Treaty*, REUTERS, July 24, 2006, available at <http://today.reuters.co.uk/misc/PrinterFriendlyPopup.aspx?type=worldNews&storyId=200> (last visited Aug. 17, 2004).) (Theresa Papademetriou, 7-9853, tpap@loc.gov)

UNITED NATIONS SECURITY COUNCIL – Resolution on Israel and Lebanon

On August 11, 2006, the United Nations Security Council (UNSC), at its 5511th meeting, adopted Resolution 1701 (2006). The preamble of the Resolution recognizes “Hizbollah’s attack on Israel on 12 July 2006” as the starting point of the escalation of hostilities in Lebanon and in Israel. It calls for “the unconditional release of the abducted Israeli soldiers,” kidnapped by Hizbollah from Israeli territory, while “encouraging the efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel.” The preamble further calls for the implementation of previous UNSC resolutions, including Resolution 1559, and welcomes the extension of the Government of Lebanon’s authority over its territory.

The operative paragraphs of the Resolution:

- Call for full cessation of Hizbollah attacks and all Israeli offensive military operations;
- Call for the Government of Lebanon and a robust force of up to 15,000 troops from the U.N. (U.N. Interim Force in Lebanon, or UNIFIL), enhanced in “equipment, mandate, and scope of operations,” to be deployed in southern Lebanon, parallel to the Israeli withdrawal of its forces from that area;
- Call for the international community to immediately provide financial and humanitarian assistance to the Lebanese people “under the authority of the Government of Lebanon”;
- Call for “the establishment between the Blue Line and the Litani river of an area free of armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL ...deployed in this area”;
- Require the disarmament of all armed groups in Lebanon;
- Prohibit any foreign forces from operating in Lebanon without the consent of its government;
- Establish an embargo on the sale or supply of all arms and related materials, as well as on training or assistance related to their provision, manufacture, maintenance, or use, except by the Lebanese Government or by UNIFIL;
- Call for Israel to provide to the United Nations all remaining maps of landmines in Lebanon that are in Israel’s possession.

It was reported that U.S. Secretary of State Condoleezza Rice opined that the U.N. force expected to deploy in south Lebanon would not be tasked with forcibly disarming Hizbollah. UNIFIL, however, will help to enforce an arms embargo and prevent Hizbollah's rearmament. Contrary to UNSC Resolution 1701, which determines that the area south of the Litani River will be free of arms, aside from those held by Lebanese soldiers and UNIFIL troops, the Lebanese Cabinet was reported as having reached a decision that Hizbollah will not disarm in southern Lebanon, but its members will refrain from carrying weapons in public. The agreement was reached following deliberations with Hizbollah representatives. (S/RES/1701 (2006), United Nations Website, <http://daccessdds.un.org/doc/UNDOC/GEN/N06/465/03/PDF/N0646503.pdf?OpenElement> (last visited Aug. 17, 2006); Security Council SC/8808 5511th Meeting, <http://www.un.org/News/Press/docs/2006/sc8808.doc.htm>; Rice: *No Expectation UN Force Is*



Going to Physically Disarm Hezbollah in South Lebanon, HAARETZ.COM, <http://www.haaretz.co.il/> (last visited Aug. 17, 2006.)
(Ruth Levush, 7-9847, rlev@loc.gov)

UNITED STATES/MEXICO – Governors to Enlarge Border Security Commission

The governors of the border states of Mexico and the United States, meeting for two days in Austin, Texas, for the twenty-fourth annual Conference of Border Governors, on August 24 and 25, agreed to enlarge the Border Security Commission (Comisión de Seguridad Fronteriza) in order to include on it personnel of the U.S. Department of Homeland Security and to share intelligence information to achieve better coordination in their fight against crime in the border region. The American governors, Janet Napolitano of Arizona, Arnold Schwarzenegger of California, Bill Richardson of New Mexico, and Rick Perry of Texas, meeting with their Mexican colleagues, Humberto Moreira Valdés of Coahuila, Eugenio Hernandez Flores of Tamaulipas, Natividad González Parás of Nuevo León, José Reyes Baeza of Chihuahua, Eugenio Elorduy of Baja California, and Eduardo Bours of Sonora, issued a joint statement at the conclusion of the Conference, agreeing to renew their efforts to eradicate criminal activity at the border and, to the extent possible, to share information on terrorism, gangs, fugitives, smuggling, and drug trafficking. In addition, they established that there was a need to create mechanisms of cooperation in matters of security, border crossings, water, energy, economic development, science and technology, health, environment, wildlife, agriculture and tourism. (Juán Cedillo, *Ampliarán Comisión de Seguridad Fronteriza*, EL UNIVERSAL, http://www.eluniversal.com.mx/edicion_impresa.html (last visited Aug. 28, 2006).)
(Norma C. Gutiérrez, 7-4314, ngut@loc.gov)



RECENT DEVELOPMENTS IN THE EUROPEAN UNION

Prepared by Theresa Papademetriou, Senior Foreign Law Specialist, Western Law Division

Increased Security Measures

In the aftermath of an alleged terrorist plot to attack airlines bound for the United States, on August 16, 2006, the justice ministers of the European Union gathered in London during a mini-summit, to discuss a new set of anti-terrorist measures. During the summit, the EU Justice Commissioner announced his intention to bring forward concrete measures on liquid explosives. Other proposed measures include the blocking of “websites that incite to commit terrorist actions,” increased profiling, and increased exchange of data and information related to passengers. He also suggested the idea of training Imams to incorporate European values in their teachings. The EU transport ministers held their own meeting and discussed the tightening of hand luggage checks in airports and more advanced passenger profiling. (*EU Set to Tighten Security Measures Across the Bloc*, EUOBSERVER, Aug. 17, 2006, available at <http://euobserver.com/9/22240/?rk=1>.)

Expenses Related to Maritime and Aviation Security Measures

Since September 11, 2001, and in light of recent terrorist threats across Europe, security has been and remains a key priority of the European Union. The EU has adopted several legislative measures on aviation and maritime security. The European Commission, at the request of the Parliament and the European Council, drafted a report on the costs involved in security measures in these two sectors. Some highlights of the report are as follows.

In the aviation field, security charges for intra-community flights represent between one percent and two percent of the average airfare. The document notes that there are two basic modes of financing: centralized and decentralized. Under the centralized system, the government assumes the burden of financing security measures. In the decentralized system, the airport authorities undertake to cover expenses related to security. In both systems, the report notes, the added expenses are passed on to the consumer through taxes or airline security charges.

In the maritime sector, the EU has close to 1,200 seaports, 4,000 port facilities, and 9,000 ships under the flags of its Member States. Any costs accrued are essentially borne by the port authorities and operators of the individual Member States themselves. The report concludes that more transparency is required in regard to the additional taxes and charges imposed on ships for security purposes.

Finally, in the Commission’s view, when a government provides funding for anti-terrorist activities in transport, such an action does not constitute state aid, because it emanates from the exercise of powers connected with public authority. Otherwise, it holds, public funding would be incompatible with EU competition rules. (Press Release, IP/06/1086, European Commission, Financing of Aviation and Maritime Security Measures: The Commission Takes Stock, (Aug. 3, 2006), available at <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1086&format=HTML&aged=0&language=EN&guiLanguage=en>.)



Five-Year Action Plan in the Field of Criminal Justice

On August 8, 2006, the European Commission adopted a Communication on “Developing a Comprehensive and Coherent EU Strategy to Measure Crime and Criminal Justice.” The Communication describes a five-year plan on building statistics on crime and criminal justice, to be collected by the Member States, which will provide a tool for prioritizing actions to fight crime and for assessing implementation measures. The Commission also intends to establish a committee of experts to support the implementation of the action plan. Eurostat, the statistical office of the European Union, is expected to release the first statistics at the end of 2006. (Press Release, IP/06/1089, European Commission, The Commission Puts Forward a 5 Year Action Plan and Sets Up an Expert Group to Remedy the Lack of EU Statistics on Crime and Criminal Justice (Aug. 8, 2006), *available at* <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1089&format=HTML&aged=0&language=EN&guiLanguage=en>.)

* * * * *

