



WORLD LAW BULLETIN

Some highlights of this month's issue:

Anti-Terrorism Measures-Kazakhstan

Campaign Finance Reform-Greece

Competition in Postal Services-United Kingdom

Stem Cell Research-Taiwan

Full topic listing follows.

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AMERICAS

BRAZIL--Legislative Priorities for 2002

The Brazilian government announced on January 31, 2002, that it would like 15 bills before Congress to receive priority treatment during the last year of President Fernando Henrique Cardoso's term in office. At the top of the list are five items: an amendment extending the temporary tax on financial operations until 2003, an amendment regulating the constitutional article dealing with the financial system, and bills supplementing the Fiscal Responsibility Law, establishing rules for privatization of state banks, and regulating supplementary welfare for government employees.

The government divided its priority bills into four categories: strengthening stability, strengthening savings and the capital market, increasing economic competitiveness, and improving the infrastructure. In the area of savings and the capital market, the Bankruptcy Law will be reworked to create measures enabling companies to recover; new standards need to be approved for the housing sector; regulations governing the insurance and reinsurance markets in regard to private welfare plans must be improved; export taxes based on a simplified tariff structure must be lowered; and the Consolidated Labor Laws must be made more flexible. ("Government Lists 15 Priorities for Congress," *O Estado de Sao Paulo*, Jan. 31, 2002, via FBIS)
(Sandra Sawicki, 7-9819)

COLOMBIA--Referendum Proposed on Peace Process

On February 12, 2002, Attorney General Edgardo Maya Villazon criticized the peace process taking place between the government and the Revolutionary Armed Forces of Colombia (*FARC*, in Spanish), the leading guerrilla force. He proposed to the President, Andres Pastrana Arango, that a popular referendum be held to decide if the negotiations should continue or be suspended. He stated that the Colombian people are the real stakeholders and should decide the question of whether to continue the process while crime and terrorism abound in Colombia. The current dialogue between the two sides in the conflict began about three years ago and has brought no concrete results; indeed, the civil war seems to have intensified. The rebels have recently attacked the petroleum, energy, and road infrastructure as well as the civilian population and security forces. (*Los Angeles Times*, Feb. 21, 2002, via <http://www.latimes.com/templates/misc/printstory.jsp?slug=la%2D000013354feb21>; *CNN en Espanol*, Feb. 12, 2002, via <http://www.cnnenespanol.com/2002/americas/02/12/colombiareut/index.htm>.)
(Sandra Sawicki, 7-9819)

GUATEMALA--Sexual Discrimination

Human Rights Watch (HRW), a prominent human rights advocacy group in the United States, recently reported that Guatemalan women suffer continuous discrimination and abuse on the job. The report concentrated on women who work in assembly plants that produce goods for export; these plants, called *maquiladoras*, employ 80,000, of which 80% are women. Abuses are in violation of the Code on Labor, according to HRW. The director of the Division of Women's Rights of HRW, Lashawn R. Jefferson, said, "Maquiladoras offer thousands of women jobs that they need, but the price they pay is sacrificing their right to equality." Inadequate labor standards also apply to women and girls who are domestic workers. HRW reports that no legislation exists for children under 18 years of age and that there are no regulations

concerning the length of the work day for domestic workers. (*BBC Mundo*, Feb. 12, 2002, via http://www.bbc.co.uk/hi/spanish/news/newsid_18160000/1816585.html)
(Sandra Sawicki, 7-9819)

MEXICO--Electricity Subsidies Adjusted

Despite much opposition from two political parties (the Democratic Revolutionary Party and the Institutional Revolutionary Party), the federal government authorized a modification and restructuring of rates for the supply and sale of electricity. The new rates, issued by the Secretary of the Treasury, appeared recently in the *Diario Oficial*, the official gazette. The Treasury Secretary affirmed that 75% of users will be exempt from the reduced subsidies, but those who consume more energy will pay more.

A proponent of the new rates, Esteban Sotelo Salgado, a deputy from the governing National Action Party stated that it is time for Mexicans to become accustomed to a fairer price for public services, such as electric power. Representatives from the opposing parties asserted that the measure is the beginning of privatization of the electricity sector. They also criticized the reduction of the subsidies because it will adversely affect 60 million poor people, a third of whom live in extreme poverty. In addition, there were public demonstrations in the streets of the northern city of Mexicali, where air conditioning is considered essential in the hot summers. (*BBC Mundo*, Feb. 7, 2002, via http://news.bbc.co.uk/hi/spanish/business/newsid_1808000/1808014.html)
(Sandra Sawicki, 7-9819)

MEXICO--General Gallardo Released

General Jose Francisco Gallardo, whose conviction for crimes against military honor, corruption, and embezzlement and subsequent incarceration were taken up by human rights activists around the world, was released by President Vicente Fox Quesada on February 7, 2002, after he served eight years and two months behind bars. Amnesty International (AI) had declared Gallardo a prisoner of conscience, and its members had written hundreds of letters to Fox asking him to free the General. Political analysts commented that by releasing Gallardo, Fox's government has demonstrated a new resolve to place its constitutional authority over the military, which has been acting with considerable autonomy for decades. (*Los Angeles Times*, Feb. 8, 2002, via <http://www.latimes.com/templates/misc/printstory.jsp?slug=la%DD000009867feb08.story?coll=la%2Dheadlines%Dworld.html>)
(Sandra Sawicki, 7-9819)

VENEZUELA--Bill on Religion

On February 5, 2002, the President of the Venezuelan Parliament, William Lara, stated in a newsreport that under a new Law on Religion that is working its way through Congress, the Roman Catholic Church will lose its privileges with the State, but he clarified that the proposed legislation does not represent a political reprisal against the Church. He said that under the 1999 Bolivarian Constitution of Venezuela, the State must maintain equal relations with all faiths in order to guarantee freedom of religion. Recently, a church spokesman publicly criticized the Venezuelan president and his reforms of national institutions. Venezuela signed a treaty in 1964 with the Vatican that grants a series of privileges to the Catholic Church, the faith of the majority of Venezuelans. The State financed the construction of churches and granted subsidies to the Venezuelan Bishops Conference. In the armed forces, religious services were entirely Roman Catholic. The Church has also played an important role in the promotion of social and human

rights. (*BBC Mundo*, Feb. 5, 2002, via http://news.bbc.co.uk/hi/spanish/latin_america/newsid_1802000/1802434.html)
(Sandra Sawicki, 7-9819)

ASIA

CHINA–Insurance Revision Planned

In order to make its own regulations accord with the basic rules of the World Trade Organization, China will be tightening supervision of the insurance industry. The President of the China Insurance Regulatory Commission stated on February 8, 2002, that within the year there would be “detailed implementation methods for each commitment about the insurance sector opening.” (*China Daily*, Feb. 9, 2002, <http://www1.chinadaily.com.cn/cndy/2002-02-09/56252.html>). There will also be a series of regulations covering the supervision of foreign insurers under the Foreign-Funded Insurance Company Management Provisions. Further enhancements will be made to improve the administrative approval procedure for insurance enterprises, carry out reform of insurance charges, and make the regulatory process function in a timely manner. The Commission’s plans are intended to improve the industry in China, in part through strengthening solvency evaluation. The reforms were discussed at a meeting for insurance enterprises and administrators, attended by representatives of 52 insurance companies, 32 foreign businesses, and 31 branch offices of the Commission. (*China News Digest*, Feb. 8, 2002, <http://www.cnd.or g/Global/02/02/08-91.html>)
(Constance A. Johnson, 7-9829)

CHINA–Technology Import/Export Regulations

The State Council promulgated the Regulations of the People’s Republic of China on Administration of Technology Import and Export on December 10, 2001, and they came into effect on January 1, 2002. The new Regulations repeal two sets of measures from the 1980s: the Regulations of the PRC on Administration of Technology Import Contracts (1985) and their Detailed Rules of Implementation (1988). They also take precedence over any other prior regulations on technology import/export administration that conflict with their provisions. At the national level, the Ministry of Foreign Trade and Economic Cooperation (MOFTEC) is responsible for the administration of technology import and export. The Regulations divide technology imports and exports into three categories: prohibited, restricted, and freely importable/exportable. Technology import/export is prohibited or restricted if it falls under any of the conditions set forth in relevant articles of the 1994 Foreign Trade Law; MOFTEC also issued catalogs of technology prohibited or restricted from import and export. Technology not listed in the catalogs is regarded as freely tradeable.

One significant change with the adoption of the new Regulations is that they replace the previous systems of approval and registration, which were not entirely consistent, with an approval and licensing system for restricted technology and a registration system for unrestricted technology. In the case of freely tradeable technology, once the technology has been imported the contract comes into force as of its lawful formation; registration is not a condition of the contract’s entry into force. This differs from the registration system set forth in 1996 measures on technology import and equipment import. (<http://www.ChinaLegalChange.com/subs/2002-01/tech-imp.html>; “Arduous Technology Contract Procedure Made Clearer,” *South China Morning Post*, Feb. 25, 2002.)
(W. Zeldin, 7-9832)

KAZAKHSTAN--Measures to Combat Terrorism

Amendments to legislation on combating terrorism were signed into law by the President of the Republic of Kazakhstan. The amendments envision tighter sanctions for all manifestations of terrorism. A person guilty of imperiling the lives of individuals and of inflicting serious damage on property will be sentenced to four to ten years in prison, an increase from the current three to eight years. Attempts on the lives of individuals made with the aim of intimidating or blackmailing state officials, as well as attempts on the lives of state and public figures, will be punishable by imprisonment for ten to twenty years or by the death sentence, which can be replaced by life imprisonment.

The Law also introduces criminal liability for terrorist propaganda and for establishing, operating, or participating in terrorist organizations. The powers of law enforcement agencies were also specified. In addition to interior ministry agencies (police), national security services will investigate criminal cases involving illicit drug trafficking and the sale of ammunition, weapons, and radioactive materials. (*Kazakhstanskaia Pravda* [government daily newspaper], Feb. 4, 2002.) (Peter Roudik, 7-9829)

TAIWAN–Election Rule Changes Proposed

On February 5, 2002, the Central Election Commission (CEC) proposed several changes in the Public Officials Election and Recall Law, which was enacted in 1980 and has been amended a number of times. The proposals are based on the Commission's review of the legislative elections held in December 2001.

One of the amendments suggested is a ban on participation in campaign events by committee members under the CEC. It was prompted by questions about an appearance of a CEC committee member at a campaign rally for a candidate for office in Tainan County. Another change would be a ban on foreigners campaigning for candidates for public office. In addition, the CEC recommends a ban on the publication of opinion polls in the ten days before an election, so as to avoid any impact on voters' decisions. The proposed amendments will be submitted to the Ministry of the Interior in May 2002. (*Taipei Times* (Internet version), Feb. 6, 2002, via FBIS.) (Constance A. Johnson, 7-9829)

TAIWAN–Stem Cell Research Guidelines

On February 19, 2002, the Department of Health (DOH) set forth policy guidelines on stem cell research. Under the guidelines, stem cell research is permitted, but for medical purposes only, not for the purpose of cloning. Sources of embryo stem cells are limited to those derived from natural miscarriages, legally aborted embryos, and superfluous embryos (up to 14 days old) from in-vitro fertilizations. Using donated fertilized eggs and artificial insemination methods to create embryos for research purposes will not be allowed. The guidelines state that stem cells and their sources should be provided without compensation; commercial transactions involving them will be prohibited. Scientists must submit proposals to use stem cell research for human body experiments to the DOH for examination and approval. The DOH has not ruled out the possibility of government-funded research, but such funds have not yet been appropriated specifically for stem cell research. The guidelines state that transplantation of cells to create embryos for research is a matter that will require further study and discussion. (*Taipei Times*, Feb. 20, 2002, via FBIS.) (W. Zeldin, 7-9832)

EUROPE

BELGIUM--Compensation of Victims of Acts of Courage

The Law of August 24, 2001, on the Compensation of Victims of Acts of Courage (*Moniteur Belge*, Oct. 24, 2001, p. 436876), amended the Law of August 1, 1985, on the subject and extended compensation to persons who come to the aid of victims of intentional acts of violence. Those entitled to compensation for medical and hospital expenses, pain and suffering, and loss of revenue and to disability payments are persons other than members of services or organizations, such as the police, that are bound to assist those in danger. In case of death, the compensation passes to the spouse and dependents and includes funeral expenses. The maximum amount at present is 62,500 *euros* (US\$1 equals about 1.5 *euros*) and is subject to increases based on the price index. Compensation is paid by the Ministry of Justice and comes from its budget.

(George E. Glos, 7-9849)

CROATIA--Protection of Citizen ID Numbers

The Law on Identification Cards, which was adopted in January 2002, has been changed by amendments recently adopted by the national legislature. The Constitutional Court argued the constitutionality of the Law and ordered that it be harmonized with the Constitution in order to secure the secrecy of the citizen identification number (analogous to the U.S. Social Security number) introduced by the Law, because, as the Court stated, personal information could be derived from the number. According to the new amendments, the citizen identification number, which will be written on identification cards, should not be visible to the naked eye on any document, including the ID card itself. The Law states that the number shall not be written into citizens documents, excluding special cases when it is encoded or is not visible. The amended Law will enter into force as of January 3, 2003. (NIHA--English Language Service [National News Service], <http://www.site.securities.com>, Feb. 15, 2002.)

(Peter Roudik, 7-9861)

FRANCE--Sects

France's Inter-Ministries Commission to Fight Sects released its annual report on February 19, 2002. The report was presented to Prime Minister Lionel Jospin. It strongly denounces the use of health service providers, from psychotherapists to doctors, to gain followers. One doctor treated cancer patients with fasts. The report alleges that many sects try hard to gain recruits, particularly among the ill and vulnerable. "They do not hesitate to take advantage of disasters in the world, such as natural catastrophes, wars and attacks, and to accumulate resources and influences from human suffering" the report says. It recommends vigilance against such an infiltration in the health field and adds that sects target, in particular, the beginning and the end of life.

Regarding the Jehovah's Witnesses and their refusal to accept blood transfusions, the report mentions the decision of the *Conseil d'Etat* (highest administrative court) dated October 26, 2001, which held that doctors did not commit a fault in giving a transfusion to a patient against his/her will. In addition, it emphasizes the ambiguities of the position of the Jehovah's Witnesses on this matter: one internal document states that "it is up to each individual to decide in his conscience before God" whether or not to get a transfusion, while another document states that a Jehovah's Witness who voluntarily accepts a

transfusion “indicates by this action that he/she does not wish any more to remain a Jehovah’s Witness.” It should also be noted that the petition of the Jehovah’s Witnesses filed before the European Court of Human Rights against “Law 2001-504, Towards Reinforcing the Prevention and the Deterrence of Sectarian Movements Infringing Human Rights and Fundamental Liberties” was dismissed on November 6, 2001. The Law may be applied in the coming months to the Church of Scientology of Ile-de-France in at least two instances. This association has been charged with false advertising, attempting to swindle, and unlawful use of computerized nominative data. One of the trials was scheduled for February 21 and 22, 2002, before the Paris correctional tribunal. (Xavier Ternisien, “La mission contre les sectes attaque les médecines parallèles,” *Le Monde*, Feb. 20, 2002.) (Nicole Atwill, 7-2832)

IRELAND--Another Referendum on Abortion

A referendum will be held on March 6, 2002, on the Twenty-Fifth Amendment of the Constitution (Protection of Human Life in Pregnancy) Bill, 2001. Abortions are already banned under the Irish Constitution, but as a result of a previous referendum, Irish women are allowed to travel abroad to terminate pregnancies. The Bill will also reverse a Supreme Court ruling which allowed the termination of pregnancy of a teenager who had been raped and who was threatening suicide.

According to the Referendum Commission, the objectives to be achieved are to:

- remove the threat of suicide as a ground for the legal termination of pregnancy;
- provide for a law on abortion that can only be changed by another referendum;
- give constitutional and legal safeguards to existing medical practices where interventions are made to protect the life of the mother.

If successful, a Human Life in Pregnancy Act will have to be enacted within 180 days of the referendum. The proposed new definition of abortion in the Act is the “intentional destruction by any means of unborn human life after implantation in the womb of a woman.” However, an exception will be provided for a medical procedure carried out in order “to prevent a real and substantial risk of loss of the woman’s life other than by self-destruction.” (Referendum Commission, Ireland, <http://www.refcom.ie>; John Murray Brown, “Abortion Referendum Brings Ireland to the Boil,” *Financial Times*, Feb. 18, 2002, at 2.) (Kersi B. Shroff, 7-7850).

RUSSIA--Stronger Punishment for Securities Violations

Amendments to the Russian Federation Criminal Code that introduce more stringent punishment for crimes committed in the securities market have entered into force. In addition to penalizing inclusion and approval of deliberately untrue information in a securities issue prospectus, the amendments introduce criminal responsibility for approval of reports on the results of placing securities issues without state registration of those issues, if such actions caused substantial damage. Any of these actions will be punished with a fine and/or correctional labor for a period of up to two years. The same punishment is also introduced for persistently avoiding the provision of information outlined in legislation on securities to an investor or a controlling authority. (*Rossiiskaia Gazeta* [Russian official daily newspaper], Feb. 11, 2002.) (Peter Roudik, 7-9861)

UKRAINE--Law on National System of Confidential Communication

The Ukrainian Law on the National System of Confidential Communication entered into force on February 11, 2002. The Law establishes the legal status of the national system of confidential communication as a set of special dual-purpose networks that secure exchange of confidential information for the sake of executive and local governing bodies by cryptographic and/or technical means, creating the necessary conditions for their interaction in times of peace, alert, or war. The Law establishes the duty of the Cabinet of Ministers to grant state support to the system by creating favorable legal, economic, and other conditions to stimulate the process of its creation, operation, development, and use. According to the Law, centralized systems of information protection and control are not subject to privatization and are fixed as property of the state. (ISI Intellinews, Feb. 12, 2002, <http://www.site.securities.com>) (Peter Roudik, 7-9861)

UNITED KINGDOM--Electronic Court Service

Money Claim Online, a service of the Court Service website, was launched on February 4, 2002, to allow litigants to sue for debts and obtain judgments for claims under £100,000 (about \$145,000). The pilot scheme will allow a person to issue a claim through the website and follow the progress of the case. If the defendant fails to file a defense within the required time, a judgment may be obtained and, if necessary, the services of bailiffs may be sought online to enforce the judgment. A court fee--£27 minimum--will be calculated automatically. The scheme has been launched on the basis that a large number of claims for unpaid debts, goods and services, and arrears of rent are undefended. In 2000, of 1.6 million claims filed, only 36,000 were defended. If a claim is disputed, the claimant will have to proceed further in a courtroom.

Users log on to a secure website using an ID and password and will receive a reference number to check the progress. Litigants who do not have computers will be provided access through a network of schools, libraries, and community centers. The Court Service expects to have 25,000 claims filed online in 2002. The service is being provided as part of an overall plan to provide all government services online by 2005. The website is available at: <http://www.courtservice.gov.uk>. (Clare Dyer, "Justice at the Click of a Mouse," *The Guardian*, Feb. 4, 2002.) (Kersi B. Shroff, 7-7850)

UNITED KINGDOM--Post Office Regulator Announces Phased Plan for Competition in Postal Services

The Postal Services Commission, Postcomm, an independent regulator established under the Postal Services Act 2000, ch. 26, to promote and protect competition in postal services by reducing the monopoly of the British Post Office, has announced proposals to open up competition in a three-phase process:

- Phase one: Grant licenses between April 2002 and April 2004 to contractors who wish to provide bulk mailing services for items exceeding 4,000 and issue licenses for the consolidation of mail from a number of users for delivery to the Post Office. This comprises 30% of the postal services market.
- Phase two: Between April 2004 and March 2006, lower the threshold for bulk mailings to between 500 to 1,000 items. A further 30% of postal services will be affected.
- Phase three: All restrictions on market entry will be lifted by March 31, 2006.

The Post Office, whose corporate name has been changed to Consignia, claims that the proposals will allow competitors to “cherry-pick” the most profitable customers and services that now pay for the universal postal service available at a uniform rate throughout the United Kingdom. In a report issued by the National Audit Office, it is noted that there are both weaknesses and opportunities in Postcomm’s strategy, and it will have to ensure that the proposals will indeed encourage competition without damaging the universal postal service. (“Full Competition in Postal Services Proposed,” Jan. 31, 2002, <http://www.ukonline.gov.uk>; National Audit Office, *Postcomm and Postal Services--the Risks and Opportunities*, HC 521, Jan. 24, 2002.) (Kersi B. Shroff, 7-7850)

NEAR EAST

ISRAEL--High Court of Justice Ruling on Targeted Killing of Terrorists

The Supreme Court rejected a petition submitted by Knesset (Parliament) Member Muhamad Bracha against the government’s policy of killing terrorists on Israel’s most wanted list in the West Bank and Gaza. The Court held that the issue of choice of military tactics used by the army to prevent bloody terrorist operations is not justiciable.

The hearing before the Court included some lively exchanges. When the attorney for the petitioner claimed that the persons killed had not had their day in court, Justice Maza responded that terrorism is the enemy of the whole of humanity, that the Court does not lead in the war, and that it will not intervene in military decisions. “The issue is a daily war, and (if) Madam [attorney] does not know that, we will disclose the secret, just let her go out on the streets of Jerusalem...” (H.C. 5872/01 *Bracha v. Prime Minister Ariel Sharon and Secretary of Defense Ben Eliezer* (Jan. 29, 2002), available at <http://www.court.gov.il>; “The Court Will Not Tell the Army How To Conduct a War,” <http://www.ynet.co.il>) (Ruth Levush, 7-9847)

SOUTH PACIFIC

AUSTRALIA--Bill To Permit Dual Citizenship

The Australian Citizenship Legislation Amendment Bill 2002 was introduced at the first session of the newly elected Parliament on February 13, 2002. It is meant to correct the anomalous features of the existing law, under which immigrants who become Australian citizens may also retain their original citizenship, while Australian citizens who acquire foreign citizenship automatically lose their Australian nationality. The Bill also contains provisions on descent and resumption of Australian citizenship intended to make it easier for young people, such as those born to one-time Australian citizens, to resume Australian citizenship. It is estimated that some 4.4 million Australian citizens, nearly a quarter of the population, already hold dual citizenship through retention of an original citizenship. (Australian Parliamentary Library, Bills Digest 2001-02, No. 78, Feb. 18, 2002, at <http://www.aph.gov.au/library/pubs/bd/index.htm>.) (D. DeGlopper, 7-9831)

AUSTRALIA--Proposed Espionage Law Questioned

Among the several proposed new national security laws that Australia's government has announced, the Criminal Code Amendment (Espionage and Related Offenses) Bill has attracted the most comment on the grounds of its apparent threat to freedom of speech and freedom of the press. Along with increasing the maximum penalty for espionage from 7 to 25 years of imprisonment, it also contains provisions on unauthorized disclosure of government information. These would permit the imprisonment for up to two years of civil servants who disclose information, a penalty that would also apply to journalists who publish such information. The same provisions would apparently apply to Opposition Members of Parliament, who sometimes receive leaked documents and information from civil servants. The Law's perceived threat to government whistle-blowers and to freedom of the press has generated much adverse comment from Opposition Members of Parliament, major media publishers, the Law Council of Australia, and the Attorney-General of the State of Victoria. The repeated statements of the government's Attorney-General that the Law is not directed at whistle-blowers and the press have not mollified the critics. ("Government Gets Tough on Spies--Not Freedom of Speech," Office of the Attorney-General, News Release, Feb. 3, 2002, at http://law.gov.au/aghome/agnews/2002newsag/03_02.html; "Parliament Must Weigh Freedoms Against Security," *Sydney Morning Herald*, Feb. 14, 2002, at <http://www.smh.com.au>; "Proposed ASIO Powers Go Too Far: Law Council," *Canberra Times*, Feb. 19, 2002, at <http://www.canberratimes.com.au>.) (D. DeGlopper, 7-9831)

INTERNATIONAL LAW & ORGANIZATIONS

ANDEAN PACT--Agreement on Tariff

The five member countries of the Andean Community of Nations (Bolivia, Colombia, Ecuador, Peru, and Venezuela) agreed on a common external tariff that will be applied beginning January 1, 2004. The agreement eliminates the major obstacles to a consolidated and integrated customs union.

The five presidents of the Andean subregion attended an extraordinary summit meeting at the end of January in Santa Cruz, Bolivia, where the agreement was announced by Minister Gustavo Fernandez of Bolivia. He said that the common external tariff will be applied on a scale of 0, 5, 10, and 20%, according to the type of product. (*CNNenEspañol*, Jan. 30, 2002, via <http://www.cnnenespanol.com/2002/econ/01/30.arancel.reut/index/html>) (Sandra Sawicki, 7-9819)

CANADA/MEXICO--Cooperation in Health Research

Officials from the National Institute of Research in Health of Canada and the National Institute of Health of Mexico recently signed a Letter of Intent to promote complete cooperation in the field of health research. Under the terms of the Letter, the governments of these nations will also promote the training of specialists, develop research projects in the field, and apply the results of the joint research equally and reciprocally. The Letter identifies the priorities in the field of health research as: environmental health; genetics; meeting the needs of vulnerable groups as Indians, immigrants, seniors, and youth; health services; financing; economic constraints; and occupational training. (*El Universal*, Mexico City, Feb. 5, 2002, via http://www.eluniversal.com.mx/pls/impreso.version_imprimir?id_nota=47945&tabla=nota.html) (Sandra Sawicki, 7-9819)

CHINA/LAOS–Agreements Signed

Premier Zhu Rongji of the People's Republic of China (PRC) and Prime Minister Boungnang Volachit of Laos signed five documents on February 4, 2002. They include a treaty on extradition, an economic and technological cooperation agreement, a framework agreement on PRC soft loans to Laos, an agreement on cooperation between the People's Bank of China and the Bank of the Lao People's Democratic Republic, and an educational cooperation program between the two countries' education ministries for the period 2002 to 2005. (Xinhua, Feb. 4, 2002, as translated in FBIS.) (W. Zeldin, 7-9832)

COUNCIL OF EUROPE--Death Penalty Prohibition

While the Supreme Court of the United States is considering whether execution can be carried out in cases of capital offenses committed by the mentally challenged, across the Atlantic the Council of Europe is moving ahead in its efforts to ban the death penalty altogether and create a truly death penalty-free area.

Currently, Protocol No. 6 of the European Convention of Human Rights and Fundamental Rights contains a general prohibition of the death penalty except in case of crimes committed during war or imminent threat of war. On February 21, 2002, at the initiative of Sweden, the Council of Ministers of the Council of Europe adopted Protocol No. 13, which allows no exceptions and prohibits the death penalty under all circumstances. The Protocol will open for signature to all Member States of the Council of Europe on May 3, 2002. ([Http://press.coe.int/ep/2002/091a\(2002\).htm](http://press.coe.int/ep/2002/091a(2002).htm)) (Theresa Papademetriou, 7-9857)

COUNCIL OF EUROPE--Protocol on Transplantation of Organs and Tissue of Human Origin

On January 24, 2002, an additional protocol to the European Convention on Human Rights and Biomedicine opened for signature. The protocol deals with transplantation of organs and tissue of human origin and emphasizes that removal and transplantation of organs must take place and operate within an established framework that respects and follows legal and ethical standards. The protocol reaffirms the basic prohibition against profit or any payments associated with the organ donation, in an effort put an end to sale of or traffic in organs. With regard to removal of organs from deceased persons, the protocol states that no such removal may occur if the person while still alive had opposed such an operation. Concerning removal of organs from living persons, in such cases as bone marrow or kidney transplants, the protocol states that the removal may take place only for therapeutic purposes and provided that the donor meets the additional three requirements of being a close relative of the recipient, having clearly consented to the donation, and not being endangered by such an operation. (<http://www.coe.int/T/E/Communication>) (Theresa Papademetriou, 7-9857)

CUBA/MEXICO--Fox Urges Abolishment of Death Penalty

During a visit of President Vicente Fox of Mexico to Cuba at the beginning of February, the Mexican Chief Executive urged Cuban President Fidel Castro to abolish capital punishment and release the names of all prisoners in Cuba awaiting the death penalty; it is estimated that there are about 50 such prisoners. Executions in Cuba are carried out by firing squad for those convicted of terrorism, attempts against the State, promotion of armed acts, espionage, and narcotics trafficking.

Upon his return from Cuba, Fox defined the relations between Cuba and Mexico as “excellent.” He added that he promised Castro that Mexican investments in Cuba will continue despite the embargo imposed by the United States of America. (*El Diario Digital, Edicion Chihuahua*, Feb. 5, 2002, via <http://www.diario.com.mx/pais/nota4.html>)
(Sandra Sawicki, 7-9819)

CUMULATIVE CONTENTS–AVAILABLE UPON REQUEST:

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LAW LIBRARY RESEARCH REPORTS (*for copies of these and other LL products, call the Office of the Law Librarian, 7-LAWS*) One of the ways in which the Law Library serves Congress is by providing in-depth analyses of how other societies handle some of the same legal issues faced in this country. Some recently prepared studies are:

Cell Phone Use in Foreign Nations

Hague Convention Countries–Applicable Law and Institutional Framework

(<http://travel.state.gov/abduct.html>)

Holocaust Assets (http://www.house.gov/international_relations/crs/holocaustrpt.htm)

Public Health Emergency Legislation in Other Nations

Terrorism: Foreign Legal Framework

FOREIGN LAW BRIEFS

The Netherlands: Same Sex Couples--Registered Partnership, Marriage and Adoption, by Karel Wennink
Oct. 2001. No. LL-FLB2001.04

The New Russian Code of Criminal Procedure, by Peter Roudik, Sept. 2001. No. LL-FLB 2001.03

Japan: Recent Legal Developments in Health Care, by Sayuri Umeda, July 2001. LL-FLB 2001.02

Capital Punishment in Foreign and International Law, by Constance Johnson, June 2001. LL-FLB 2001.01

Hong Kong: Outlook for the Continued Independence of the Courts, by Mya Saw Shin, June 1, 2000. No. LL-FLB 2000.01

Germany: Deregulation of the Electricity Sector, by Edith Palmer, June 19, 2000. LL-FLB 2000.02

Israel: Campaign Financing Regulation of Non-Party Organizations' Advocacy Activities, by Ruth Levush, July 2000. LL-FLB 2000.03

France: Adapting the French Legal Framework To Promote Electronic Commerce, by Nicole Atwill, June 2000. LL-FLB 2000.04

COUNTRY LAW STUDIES--Studies examining an aspect of a nation's laws in-depth or presenting an overview of a legal system:

- Italy: The 1995 Law Reforming Private International Law
- Estonia
- Latvia: The System of Criminal Justice
- El Salvador: The Judicial System
- Niger: An Overview
- United Arab Emirates: Criminal Law and Procedure

Recent Publications from Great Britain Obtainable from the Law Library

House of Commons. Environment, Food and Rural Affairs Committee. RADIOACTIVE WASTE: THE GOVERNMENT'S CONSULTATION PROCESS. Third Report. HC 407. 2001-2002.

The UK has a large amount of intermediate and high-level radioactive waste, mainly stored at Sellafield, awaiting treatment and final disposal. Successive attempts to reach a decision regarding the proper handling of the waste have failed. In September 2001, the Government published a consultation document that initiated the process intended to lead to a publically acceptable solution. This report considers the Government's consultation process and raises matters of concern: the low public profile of the documentation, the consultation process itself, and the length of the policy-making process, which is due to continue until 2007. The report recommends that the Government ensure that the consultation process is conducted methodically and openly in a manner that encourages public participation; set up an independent body to oversee the process; and clarify the objectives for each of the remaining stages of the policy development process. The Government is urged to prepare ways to address concerns that will inevitably arise when possible sites for disposal are made public towards the end of the policy-making process.

----- Public Accounts Committee. TACKLING OBESITY IN ENGLAND. Ninth Report. Session 2001-2002. HC 421. December 5, 2001.

In England, 20% of the adult population or approximately 8 million people are obese. This percentage has tripled in the last 20 years. The report looks at obesity as a lifestyle issue that is not easily addressed and focuses on how the Department of Health can directly influence the growing trend. Recommended beginning initiatives are the promotion of healthy eating and more active lifestyles, with particular emphasis on children and young people. If national strategies on obesity are to be implemented effectively, partnership between local authorities, local health bodies, charities, and the private sector is necessary.

House of Commons Library. THE CAMPAIGN AGAINST INTERNATIONAL TERRORISM. 01/112. December 2001.

This paper provides an update on the campaign against international terrorism following the fall of the Taliban regime in Afghanistan. It examines the main developments since the end of October 2001, including the ongoing military campaign, the Bonn agreement on a new interim administration for the country, and humanitarian issues. Additionally, the paper looks at the state of al-Qaeda three months after the attacks of September 11 and discusses possible options for the next phase in the broader campaign against international terrorism.

----- THE JUSTICE (NORTHERN IRELAND) BILL. Research Paper 02/07. January 2002.

The Bill implements recommendations of the Criminal Justice System in Northern Ireland, which was set up pursuant to the Good Friday Agreement which committed participants to wide ranging

criminal justice review. The Bill would amend the law relating to judicial appointments in Northern Ireland, transferring responsibilities from the Lord Chancellor to the First Minister and deputy First Minister, and establish a Judicial Appoints Commission with responsibilities for selection. It would provide for the appointment of the Attorney General for Northern Ireland and establish a public prosecution service, a Chief Inspector of Criminal Justice, and a Northern Ireland Law Commission. It would also make amendments to the youth justice system and confer new rights on victims of crime to receive information and make representations.

Parliamentary Office of Science and Technology. *E IS FOR EVERYTHING? PUBLIC POLICY AND CONVERGING COMMUNICATIONS*. Report 170. December 2001.

As of June 2001, over one-third of UK households, approximately 9.4 million, have Internet access. The vast majority of Internet users are connected via personal computers (PCs). Around half of UK adults have used the Internet at some time, and 40% had used it in the month prior to July 2001. Young people between the ages of 16 and 24 are more likely to have used the Internet than people aged 65 and older. Men (56%) are more likely to have used the Internet than women (47%). There is also a gender divide in how often people access the Internet. These figures suggest that the goal of universal connection is still some time away. Of those who have never used the Internet, 54% were generally not interested in using it; 26% had no means of access, and 16% felt that they lacked the confidence or skills to use it; however, 24% thought that they would access the Internet within the next year.

RECENT DEVELOPMENTS IN THE EUROPEAN UNION

by Theresa Papademetriou, Senior Legal Specialist, Western Law Division*

Justice, Home Affairs, and Civil Protection Council Meeting¹

The following items were discussed in the Council's meeting in Brussels, on February 28, 2002:

- The European Union's international cooperation in the fight against organized crime. Terrorism, money laundering, drug trafficking, and trafficking in human beings remain priority areas of concern.
- The Council reached a common understanding on the content of a Framework Decision on the execution of orders within the European Union pertaining to freezing property or evidence.
- Regarding relations with the United States of America, the Council agreed on procedures for the preparation of a mandate to negotiate an agreement with the US on judicial cooperation in criminal matters, including extradition.
- A Green Paper was issued on criminal law protection of the financial interests of the Community and the establishment of a European prosecutor. The Council stressed that the time for a European prosecutor was not ripe for various reasons, including the complex constitutional questions that creation of such an institution generates.
- The Council adopted a plan to combat illegal immigration and trafficking in human beings. It identifies seven areas of action: visa policy, exchange and analysis of information, readmission and repatriation policies, measures relating to border management and to pre-frontier management, Europol, and penalties;
- The Austrian delegation made a presentation on ways to increase aircraft security by establishing air marshals within the European Union.
- Meetings were held with the Candidate Countries. Several issues were discussed, including drugs, external border controls, and strengthening administrative and judicial capabilities.

* LL.B. University of Athens Law School, LL.M. George Washington University, International and Comparative Law.

¹ [Http://ue.eu.int/Newsroom](http://ue.eu.int/Newsroom).

Transboundary Movement of Genetically Modified Organisms (GMOs)²

On May 24, 2000, the EU Member States and the European Community signed the Cartagena Protocol on Biosafety. Its main goal is to ensure an adequate level of protection in the field of safe transfer. The next step is implementing legislation at the European Union level. Consequently, the European Commission adopted a draft Regulation that governs the export and unintentional transboundary movement of all GMOs that may have adverse effects on the conservation and on sustaining biological diversity. The Regulation imposes certain obligations on the Community as an exporter of GMOs to third countries, such as written notification to the competent national authority of the Party or Non-Party of Import prior to the first transboundary movement of a GMO that is intended for deliberate release into the environment. If the Party or Non-Party of Import fails to reply within 270 days from the date of receiving the notification, the exporter must send a reminder establishing a new deadline of 60 days. In case of unintentional transboundary movement, the Member State responsible must take the appropriate measures to inform the public and immediately notify the Commission and other Member States and to consult the affected State, in order to determine the proper course of action. Member States and the Commission must designate focal points and national competent authorities responsible for issues arising from this Regulation. Member States must establish penalties applicable to violations of its provisions.

Draft Directive on Inventions Using Software³

On February 20, 2002, the Commission submitted a proposal for a Directive providing for the protection of computer-based inventions through patent. The proposal will ensure that the conditions for patentability of such inventions are clear and uniform throughout the Community. Inventions whose operation involves the use of a computer program and that make a “technical contribution” are eligible for patents. This means that in order to be patented a computer-implemented invention must make a technical contribution to the state of the art which would not be obvious to a person of average knowledge in the area concerned and is more than just a computer program “as such.” Computer programs as such do not fall within the ambit of this Directive nor do business methods that use existing technological ideas.

Commission Urges That EU Ratify the Rotterdam Convention on Hazardous Chemicals⁴

The European Commission intends to put forward a proposal for a Council Decision on ratification of the 1998 Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. All the EU Member States and the Community have signed the Convention. It has been ratified by 18 states and will enter into force when 50 states proceed with ratification. It establishes that under the PIC procedure, States Members of the Convention have the right to refuse imports of certain dangerous chemicals and can accept chemicals only upon granting their consent. The Convention covers 26 pesticides and 5 industrial chemicals or groups of chemicals.

² COM(2002) 85 final (Brussels, 2/18/2002).

³ [Http://europa.eu.int/rapid/start/cgi/gtxt=gt&doc=IP/02/277/0/RAPID&lg=EN&display](http://europa.eu.int/rapid/start/cgi/gtxt=gt&doc=IP/02/277/0/RAPID&lg=EN&display).

⁴ [Http://europa.eu.int/rapid/start/cgi/gtxt=gt&doc=IP/02/197/0/RAPID&lg=EN&display](http://europa.eu.int/rapid/start/cgi/gtxt=gt&doc=IP/02/197/0/RAPID&lg=EN&display).

Newly Released Study Dealing With Conflict Between Publishing Material and Applications for Patent⁵

On February 28, 2002, the European Commission published the results of a study that examines the issue of the time period between publication of scientific studies and patent approval. This survey was required under the reporting mechanisms established by Directive 98/44/EC on the Protection of Biotechnology Inventions. In particular, it analyzed the attitude of EU scientists, organizations, and industries involved in biotechnology and genetic engineering research and showed that while academia favored a grace period, the industry is against it. Small and medium enterprises are divided on the issue. The survey emphasizes that academia must be informed and trained in the procedures for applying for a patent and concludes that “efforts to define and harmonize the concept of the grace period should be considered.”

Animal Experimentation in Spain⁶

The Animal Experiments Directive, which was adopted in 1986, imposes certain standards on Member States in handling animals for experimental or other scientific purposes, including standards for breeding centers that use laboratory animals. The European Commission, in exercising its mandate to ensure proper implementation of treaty provisions and ensuing legislation by the Member States, initially sent a “letter of Formal Notice” notifying Spain of a violation of Community law and requesting that Spain submit its response within two months. The Commission recently followed up with a second written warning in the form of a Reasoned Opinion stating that Spain must adopt legislation to regulate the operation of breeding centers. Spain argued that it had drafted a law, but it is not yet in force.

⁵ <http://europa.eu.int/rapid/start/cgi/gtxt=gt&doc=IP/02/342/0/RAPID&lg=EN&display>.

⁶ <http://europa.eu.int/rapid/start/cgi/gtxt=gt&doc=IP02/294/0/RAPID&lg=EN&display>