

Input from Civil Society Organizations into the Amendment to the Law on Association and Non-Governmental Organizations (LANGO)

1. Background

We, the Civil Society Organizations (CSOs), consisting of at least 500 associations and non-governmental organizations, including local and international, are aligned as members and partners and are operating in different sectors in Cambodia, have approved a joint consolidated input into the amendments to the Law on Association and Non-Governmental Organizations (LANGO). Among the 500 associations and non-governmental organizations, Cooperation Committee for Cambodia (CCC), NGOs/association-under facilitation of COMFREL, NGO Forum on Cambodia, Coalition for Partnership in Democratic Development (CPDD), NGO Education Partnership (NEP), Health Action Coordinating Committee (HACC), Indigenous Community Support Organization (ICSO), Legal Aid of Cambodia (LAC), , Coalition of Cambodian Farmer Community (CCFC), youth associations and others have reached a consensus in the joint efforts to request the amendment to some articles of LANGO. These articles and the enforcement of the them directly affect CSOs' work to advocate for promotion of human rights, to improve transparency and social accountability. This law also results to a reduction of the space for CSOs and democratic development in Cambodia.

This input is a result of a consultation meeting with participation from the 500 associations and NGOs and another input from other CSOs in seminars, consultation forums, surveys and partnership discussions at sub-national and national levels, reviewing compilation of challenges to enforcement of this law from other CSOs and detailed law analysis on the content of all articles and actual enforcement of LANGO for the nearly past 5 years. We as the representative of about 500 CSOs have actively participated in a thorough hearing and followed the update in series of meetings, held on 04 November and 03 December 2019 at the Headquarters the Ministry of Interior, between CSOs and H.E **BUN HUN**, Secretary of State of the Ministry of Interior and chairperson of Task Force of the government to solve the requests and recommendations made by CSOs into the amendment of LANGO.

Following the spirit of the second meeting and to prepare for the third to be held on January 20, 2020, at the Ministry of Interior, representatives of CSO working groups for submitting input and feedback comments on amendments to the LANGO, submitted a 2nd Draft of the proposed amendment of 15 Articles of which two articles (Articles 24 and 32) are proposed to be completely eliminated. In addition, CSOs would also hope that the third meeting, to be held on 20th Jan, would discuss the below proposed amendments and a roadmap indicating the process of the amendment.

2. Introduction

The Paris Peace Agreement which was signed on 23 October 1991 became the base to form the second Kingdom of Cambodia with its constitution as the supreme law which clearly stipulates that the Kingdom of Cambodia adopts a policy of Liberal Democracy and Pluralism, is reined by a King, but he shall not govern the country and all powers belong to the people. The Cambodian people are the master of their own country. The people exercise these powers through the Legislative, the Executive and the Judiciary.

Besides being master of their own country, Article 42 of the Constitution stipulates that Khmer Citizens shall have the right to establish associations and take part in mass organizations for mutual benefit to protect national achievements and social order. Under the applicable Constitution, the Ministry of Interior mediated

by issuing a Prakas No. 474 S.Ch.N dated 06 July 1994 as a form for an association registration. Through this Prakas, establishment of associations and NGOs also emerged again in Cambodia.

In 2015, Law on Association and Non-Governmental Organizations (LANGO) was adopted and promulgated and has been enforced for more than 4 years. After it is enforced, some associations and NGOs have been facing s major challenges, such as registration procedures, changes in leadership and address, opening a bank account, fulfillment of tax obligation, submitting reports, and allegation of political motivate.

This analysis underlines the challenges to enforcement of the Law on Association and Non-Governmental Organizations (LANGO) in Cambodia. The analysis also provides a base for the request for the amendment to Law on Association and Non-Governmental Organizations (LANGO). It is noted that 29 CSOs at a consultative workshop on civil society organizations on the proposed amendments to the LANGO on January 9, 2020, addressed five specific concerns including: (1) associations and NGOs registration; (2) reporting and notification; (3) taxation obligation, and (4) and the interpretation of terminology including political neutrality, a harm to the national security, public order and the fine traditional culture. (5) CSOs still require the proper implementation of articles and freedom for them to conduct their activities at local.

3. Purpose of the request for the amendment and the improvement of the enforcement

- a. Make LANGO consistent with the Constitution, Civil Code and other relevant laws;
- b. Promote autonomy of legal person of the associations and NGOs in compliance with human rights, the Constitution and Civil Code; and
- c. Improve the enforcement to be consistent with articles of applicable laws.

4. Methodology

The input from CSOs into the amendment to LANGO is made through the following ways:

- Held meetings among the associations and NGOs which have been operating in Cambodia. CSOs organized consultation forums and multi-stakeholders' seminar on the enforcement and challenges of LANGO. These forums and seminar were held with participation from other stakeholders such as CSOs, development partners, provincial CSO network and associations in order to define the problems, discuss and share main inputs relevant to their work activities and law enforcement at sub-national and national level and regional level;
- Conducted surveys consisting of main questionnaires including internal concerns and challenges during conducting activities at the target areas of CSOs;
- CSOs also conducted studies and researches and reviewed the legal analysis of challenges in enforcement of LANGO;
- CSOs have been collecting and compiling cases regarding challenges in enforcement of LANGO;
- Lawyers analyzed some articles which the associations and NGOs raised their concern and challenge and recommendation; and
- Showed the result and consulted with the associations and NGOs which participated in the studies.

5. Consolidated Proposed Draft

CSOs would like to request to amend to some articles of LANGO which affect the space of CSOs, favorable environment and democracy as follows:

No.	Article	Original	Request to amend	Legal base/Challenges in the previous enforcement
1	Article 1	This law aims at safeguarding the right to freedom of establishing associations and non-Governmental organizations in the Kingdom of Cambodia in order to protect their legitimate interests and to protect the public interest, as well as to promote partnership cooperation between associations and non-governmental organizations and the public authorities.	This law aims at safeguarding the right to <i>establishing, running and operating</i> associations and nongovernmental organizations in the Kingdom of Cambodia in order to protect their legitimate interests and to protect the public interest, as well as to promote partnership cooperation between associations and non-governmental organizations and the public authorities.	Clarify the used terms so that they are pursuant to <u>Article 42</u> of the Constitution of the Kingdom of Cambodia which guarantees the right to establish an association.
2	Article 7	The statutes of the domestic association or non-governmental organization shall lay out the substances in conformity with the Constitution and other existing laws, and the following key points: 1- Purpose and goal; 2- Name written in full and abbreviation that does not copy the full name or abbreviation of any registered association or non-governmental organization; 3- Logo that does not copy that of any national or state institution, any registered association or non-governmental organization, or the	The statutes of the domestic association or non-governmental organization shall lay out the substances in conformity with the Constitution and other existing laws, and the following key points: 1- Purpose and goal; 2- Name written in full and abbreviation that does not copy the full name or abbreviation of any registered association or non-governmental organization; 3- Logo that does not copy that of any national or state institution, any registered	<ol style="list-style-type: none"> 1. The Ministry of Interior may request the applicant to only correct the spelling of words but not to replacing those words because the applicant comply with all criteria in the article 7. 2. The guidelines and criteria for registration should be created for the applicants. The MOI should hold technical hearings for the applicants to argue/explain their proposed name or words. Following a study and discussion, it was concluded that article 7 state that the criteria for establishment of associations and non-governmental organizations with legal entities is to filing an application with the MOI. Furthermore, the by-law of the applicant must also be created according to the form decided by MOI. But in actual previous practice, though applicants fulfill the criteria stated in the article

		<p>Red Cross or Red Crescent or international institutions;</p> <p>4- Rules for selecting, terminating, dismissing, transferring and removing the position of the president or executive director;</p> <p>5- Rules for changing the organization's name and logo, and for amending its statutes;</p> <p>6- Sources of resources and properties;</p> <p>7- Rules for managing resources and properties;</p> <p>8- Rules for dissolving and disposing resources and properties upon dissolution of the organization.</p>	<p>association or non-governmental organization, or the Red Cross or Red Crescent or international institutions;</p> <p>4- Rules for selecting, terminating, dismissing, transferring and removing the position of the president or executive director;</p> <p>5- Rules for changing the organization's name and logo, and for amending its statutes;</p> <p>6- Sources of resources and properties;</p> <p>7- Rules for managing resources and properties;</p> <p>8- Rules for dissolving and disposing resources and properties upon dissolution of the organization.</p>	<p>7, they were required by in-charge official at MOI to revise their by-laws, following the officials' suggestion contradicting the idea of the group persons founding the associations/non-governmental organizations. The content of the by-law has a special meaning for them to elaborate their initiative and ideas in to their internal regulation. And they altogether can make sense of those words/phrase to their associations/ non-governmental organizations. It is concluded that the content of by-law of the associations and NGOs must be independent idea from its founders without any interference from the authority.</p>
3	Article 8	<p>The Ministry of Interior shall examine the application documents of a domestic association or non-governmental organization, and shall decide whether or not to accept the registration within 45 (forty-five) working days at the latest.</p> <p>In case the applicant fails to fulfill the criteria for registration, the Ministry of Interior shall notify the applicant in writing to make corrections within 45 (forty-five) working days at the</p>	<p>The Ministry of Interior shall examine the application documents of a domestic association or non-governmental organization, and shall decide whether or not to accept the registration within 45 working days at the latest.</p> <p>In the case the applicant fails to fulfill the criteria for registration, the Ministry of Interior shall notify the applicant in writing within 45 working days at the latest <i>of what to make amendments or corrections on. In the case the applicant does not agree with the correction required by the Ministry, the applicant shall produce a protest letter in writing to the Ministry of</i></p>	<p>Paragraph 1: Some associations and non-governmental organizations previously faced problems because officials of the Ministry of Interior to repeatedly asked them to make corrections to their applications for registration, and each correction took long time, totally exceeding 45 days. For some associations and non-governmental organizations, it therefore took many months and at last they had to make corrections in accordance with the requirements made by the officials of the Ministry of Interior so that they could be registered or recognized.</p> <p>Paragraph 2: The enforcement of Paragraph 2 of Article ,8 confirms that requiring the applicant to repeatedly make corrections causes the deadline of 45 days stipulated in this article to not be properly enforceable.</p>

		<p>latest. The Ministry of Interior shall decide about the registration within fifteen (15) working days at the latest from the date on which it receives the corrected documents.</p> <p>In case the Ministry of Interior fails to decide about the registration within the period provided for in paragraphs 1 and 2 above, the domestic association or non-governmental organization shall be deemed registered under this law. In such a case, the Ministry of Interior shall prepare documents to legalize the registration for the concerned domestic association or nongovernmental organization.</p> <p>The Ministry of Interior may deny the request for registration of a domestic association or non-governmental organization whose purpose and goals are found would endanger the security, stability and public order or jeopardize national security, national unity, culture, traditions, and customs of Cambodian national society.</p>	<p><i>Interior.</i> The Ministry of Interior shall decide about the registration within 15 working days at the latest from the date on which it receives the corrected documents.</p> <p>In the case the Ministry of Interior fails to decide on the registration within the period provided for in Paragraphs 1 and 2 above, the domestic association or non-governmental organization shall be deemed registered under this law. In such a case, the Ministry of Interior shall prepare documents to legalize the registration for the concerned domestic association or non-governmental organization.</p> <p><i>The Ministry of Interior may deny the request for registration of a domestic association or non-governmental organization whose purpose and goals are found would endanger the security, stability and public order or jeopardize national security, national unity, culture, traditions, and customs of Cambodian national society.</i></p> <p>A domestic association or non-governmental organization whose request for registration is denied by the Ministry of Interior shall have the right <i>to appeal to the appeal court.</i></p>	<p>Moreover, repeated corrections made the registration process to take more than 45 days, for some it took many months.</p> <p>Many of the applicants has never met the officials in person to clarify their stance. The applicants only received a notification to correct this or that and then needed to wait. in some cases, the applicants did not receive written notification about the corrections. There should be a chance for the applicant to protect its stance in front of a commission so that the applicant believes that the commission makes a decision without bias.</p> <p>Mandate to decide on the registration dispute is mostly awarded to the Ministry of Interior, while people who are applying for establishment and registration have no chance to challenge a decision of the administrative level. This is e.g. shown in that the technical decision maker who is the in-charge official of the State required repeated correction till the applicant obeyed the official before the registration could be made. On the other hand, if a complaint is sent to subsequent levels of court, it will take long time because there are many procedures at different levels of the court before a decision can be made even though it is a administrative issue.</p> <p><u>Paragraph 4:</u> This paragraph does not require the Ministry of Interior to give reasons for denial of the registration requested by an association and non-governmental organization.</p> <p>The justification used to deny registrations is broader than the reason stipulated in Paragraph 2 of Article 22</p>
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		A domestic association or non-governmental organization whose request for registration is denied by the Ministry of Interior shall have the right to appeal to the courts.		<p>of ICCPR which only restricts registration, if necessary, in democratic society in the interest of national security or public safety and order, public health or morality or to protect the right and freedom of other people.</p> <p>These terms are too broad in meaning and the content of the terms with such uncertainty allows the competent authorities to use their discretion to interpret the law and decide to deny the registration proposed by an association and non-governmental organization or to dissolve them.</p> <p>In a case like this, the question is how the Ministry of Interior can verify that the association or NGO is a threat to national security and public order if the association or NGO is not yet registered and operating? If the paragraph was still existing in the article, the in charge officials would make it easy to manipulate depending to political circumstance and resulting to reject the registration. Furthermore, the content of the paragraph does not regard to article 5,6 and 7 of the law which stipulate the criteria/requirement for the registration.</p> <p>Paragraph 5: Because these activities can involve in a kind of criminal offense, the content of the law shall be clearly defined about the criminal aimed at defining the consistency of the interpretation of the law made by the competent authority. Such ambiguous definition will become a tool allowing law-enforcement officials to arbitrarily interpret the law using their discretion and will cause a serious risk to the law enforcement.</p>
4	Article 9	A domestic association or non-governmental organization shall become a legal entity from the date	A domestic association or non-governmental organization shall become a legal entity <i>and can freely undertake their</i>	Regarding Paragraph 1 of this article, generally the Ministry of Interior shall copy registration documents of a domestic association and non-governmental

		<p>it is registered by the Ministry of Interior. The Ministry of Interior shall copy the registration documents of the domestic association or non-governmental organization to the relevant Ministries/institutions as necessary.</p> <p>Any domestic association or non-governmental organization that is not registered shall not be allowed to conduct any activity within the Kingdom of Cambodia.</p>	<p><i>activities without receiving permission from or notifying the public authorities</i> from the date it is registered by the Ministry of Interior. The Ministry of Interior shall copy the registration documents of the domestic association or non-governmental organization to the relevant Ministries/institutions as necessary.</p> <p>Any domestic association or non-governmental organization that is not registered shall not be allowed to conduct any activity within the Kingdom of Cambodia.</p>	<p>organization to relevant Ministries/institutions as necessary, but when undertaking activities, an association or non-governmental organization, before MOI issuing notification #2006 dated November 27, 2018, were required by the authorities to submit a letter requesting for approval and a decision on its registration.</p> <p>Paragraph 2 of Article 9 does not encourage people or domestic organizations to actively and lively take part in social activities, and the effect of this paragraph differs from the government’s policy on promotion of people taking part in social activities.</p> <p>This paragraph also does not clearly define about the minimum criteria such as budget size, operation sustainability (Based on permanent or ad hoc project operation) of the association and non-governmental organization for registration as legal entity.</p>
5	Article 10	<p>Domestic associations or non-governmental organizations shall inform in writing all of their operation bank accounts in the banks in the Kingdom of Cambodia to the Ministry of Interior and the Ministry of Economy and Finance within 30 (thirty) days from the date of registration.</p> <p>In case of amendment of its statute, relocation of its office, replacement of its president or executive director, or a change of</p>	<p>Domestic associations or non-governmental organizations shall inform in writing all of their operation bank accounts in the banks in the Kingdom of Cambodia to the Ministry of Interior and the Ministry of Economy and Finance within 30 days from the date of registration.</p> <p>In case of amendment of its statute, relocation of its office, or replacement of its president or executive director, a change of its bank account information, a domestic association or nongovernmental organization shall inform in writing the Ministry of Interior within 90 days at the</p>	<p>Paragraph 1: After becoming a legal entity consisting of name, address, organizational-leadership structure and human resource, the association and non-governmental organization have autonomy in leadership, management, decision on taking action or not taking action within the statue framework or the applicable laws as an independent and non-profit legal entity, and enjoy the right as legal entity with all these principles which are stipulated in the Civil Code. In this sense, the association and non-governmental organization have their own private property including privacy of information of the legal entity including their bank account information. Paragraph 1 of Article 10 put an obligation upon the association and non-governmental organization to disclose all information about bank account without consent to do so by the</p>

		<p>its bank account information, a domestic association or non-governmental organization shall inform in writing the Ministry of Interior within 15 (fifteen) days at the latest from the date the change is made, by attaching the modified documents.</p>	<p>latest from the date the change is made, by attaching the modified documents. <i>The change in office address shall be informed to the commune offices which the association or non-governmental organization move from and to within 90 days at the latest from the date the change is made. The commune shall issue a note with commune stamp to recognize the change.</i></p>	<p>bank account holders. According to a discussion with officials from associations and non-governmental organizations, they have concern about sending the bank information pursuant to this article.</p> <p>Associations and non-governmental organizations mentioned that Article 10 which put an obligation upon them to disclose all their bank accounts to the Ministry of Interior and the Ministry of Economy and Finance causes a serious concern, and they find that it violates the right to privacy of the associations and non-governmental organizations to manage their own resources. According to Criminal Procedure Code, it is only an investigating judge who has the right to order a bank to disclose and check a bank account of any person which is suspected and investigated by the court.</p> <p>Law on Negotiable Instruments and Payment Transactions which took into effect in 2005 stipulates that “13- Account means any account opened under a contract between a customer and a bank, whether current, giro, or otherwise, and includes an account under an ad hoc relationship created solely for the purpose of generating a single payment transaction”.</p> <p>In the transaction under this law, a bank account is only an operation under a contract between a customer and a bank. The Ministry of Interior and the Ministry of Economy and Finance are not a party in this contract to open the account. Meanwhile, Civil Code also stipulates the general principle of the right to the legal entity. The associations and non-governmental organizations are non-profit legal entities which have rights and duties and obligation as other do, including right to have private property and individual autonomy</p>
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				<p>(Self-governance) as a neutral legal entity. The associations and non-governmental organizations should not be under suspicion of committing any offense, but this legal entity is under the protection by Article 38 of the Constitution which is considered as innocence if there is no any final judgment from the court.</p> <p>Article 219 and 224 of Law on Negotiable Instruments and Payment Transactions stipulates the condition, right and obligation of a bank and a client who is the bank account holder. Overall, all information regarding the bank account is private information which in this sense means Article 10 puts an obligation upon a client to disclose his/her private information to the State ministries even he/she is not willing to do so. Overall, the State ministries also guarantees the right of privacy, especially private property (All information of the bank account).</p> <p>Paragraph 2: The associations and non-governmental organizations find that notifications to the Ministry of Interior about the amendment of the statutes, relocation of the office, replacement of the executive director is reasonable and acceptable and does not affect the privacy and independence of the associations and non-governmental organizations. However, the notification about these changes is not a requirement to get validity. This notification is just to communicate these changes to the ministry and institution. However, for the actual enforcement, regarding the replacement of directors or executive director or president, the Ministry of Interior requires recognition from the Ministry by issuing a new letter with names of new persons. The requirement is beyond the notification which is stipulated in Paragraph</p>
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				<p>2 of this Article 10. Moreover, opening a bank account also should not require a letter of recognition from the Ministry of Interior to use it as evidence. It should be enough with only a stamped-in letter for tax registration or bank account opening process.</p> <p>Actually, the notification with stamp-in should be regarded as properly fulfilling the requirement set by law which can be used for tax registration or requesting for opening a bank account.</p> <p>The associations and non-governmental organizations have already registered as legal entities; therefore, requiring a letter to recognize new director or new president is difficult for both the associations and non-governmental organizations and other institutions including banks because the article of this law only requires a notification not requiring requesting for recognition.</p> <p>For changing office address, it is suggested to amend the law requesting to submit a notification of change to do so to commune offices instead of directly to the Ministry of Interior. This is for 03 reasons:</p> <ol style="list-style-type: none"> 1. Commune is the local administration of the Ministry of Interior and it has strengthened capacity over the years, so they are qualified to taking on this responsibility and circulate the notification to MOI effectively and efficiently. 2. It shows the effectiveness of the relationship between sub-national authorities and the Ministry of Interior. 3. It is difficult for the association and the NGOs based in province to travel to Phnom Penh with
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				<p>spending time and money to only just submit the notification about changing office address to the MOI.</p>
6	Article 11	<p>The conditions, formalities and procedures for establishing and registering a domestic association or a non-governmental organization by a foreign legal entity or a foreign person shall be determined by an order (<i>Prakas</i>) of the Minister of Interior.</p> <p>The conditions, formalities and procedures for establishing and registering an association by minors shall be determined by an order (<i>Prakas</i>) of the Minister of Interior.</p>	<p>The conditions, formalities and procedures for establishing and registering a domestic association or a non-governmental organization by a foreign legal entity or a foreign person shall be determined by an order (<i>Prakas</i>) of the Minister of Interior.</p> <p>The conditions, formalities and procedures for establishing and registering an association by minors shall be determined by an order (<i>Prakas</i>) of the Minister of Interior.</p>	<p>The article negatively affects to the cooperation between Associations/NGOs for joining effort in social activities Including elections, and legal advocacy for example, LANGO.</p> <p>Adhoc Working Group is barred from conducting its activities e.g. Election Situation Room which was led by COMFREL to monitor and observe the 2017 election process. Networks of associations and non-governmental organizations which were created in provinces were also barred from conducting their activities and did not get cooperation from the competent authorities as well.</p> <p>In previous practices, in some provinces such as Svay Rieng, the competent authority always asked about the registration of the networks, such as Adhoc Working Groups which was created as a multi inter-sector networks to work and help each other.</p> <p>Requiring Adhoc Working Group to register as legal entity is creating another burden because being a legal entity which is created shall bear other obligations relevant to the laws, especially to the laws or regulations which are relevant to its operation.</p> <p>Adhoc Working Group, which is created by a group of legal entities or physical persons, should have full and broad right and freedom to work together and to work as a representative for partnership with the competent authorities (The relevant ministries or institutions) with an aim to solve joint problems.</p>

7	Article 20	An association or non-governmental organization, which has registered or signed the memorandum of understanding, shall be subjected to the existing taxation regime law, and receive incentives and enjoy exemptions in accordance with the existing laws and provisions.	An association or non-governmental organization, which has registered or signed the memorandum of understanding, <i>and their mission are fully devoted to religion, humanitarian (charity), science, literature/education or other activities for public interest, shall automatically receive favor in tax obligation.</i>	The associations and non-governmental organizations which are created with no purpose to make profit and are for the public interest. According to the purpose of this law, it encourages and states the right and freedom of Cambodian people to take part in social activities. Therefore, associations and non-governmental organizations should receive exclusive encouragement and incentive to the earned resources and resources for operation of the non-profit legal entity. General enforcement without any exception for social and non-profit activities causes a difficulty for donors who contribute their money for social and humanitarian activities. In some countries, money which is given to the humanitarian activities and CSOs are free from tax obligation and it is the burden of the State. Further filling a complicated form of tax obligation cause a strong burden of associations/NGOs' accountant while some of them based at provinces and youth associations/ NGOs, have no qualified accounts to complete this job following the requirements.
8	Article 24	Domestic non-governmental organizations, foreign non-governmental organizations, or foreign associations shall maintain their neutrality towards political parties in the Kingdom of Cambodia.	Domestic non-governmental organizations, foreign non-governmental organizations, or foreign associations shall maintain their neutrality towards political parties in the Kingdom of Cambodia.	Neutrality in this article has broad meaning. For example, can a foreign association or non-governmental organization meet with, talk to, have a meal and gather with a member of any political party, become member of any political party or finance any political party etc. Freedom to adhere to personal opinion, comment and stance are basic freedom which are guaranteed by the Universal Declaration of Human Rights, which is recognized by the Constitution of Cambodia. Article 24 of this law orders an association or non-governmental organization to adhere to neutrality which curbs the right and freedom to expression which are stated in human rights principle, constitution and laws.

				<p>Article 24 broadly states the activities which lead to loss of neutrality of a non-governmental organization without clear definition. The broadness of the word ‘Neutral Stance’ can cause difficulty to the role of an association and non-governmental organization. Especially, government officials previously said that a non-governmental organization lost its neutrality or was not independent, when it caused the public to be confused which led that an association or non-governmental organization violated the laws as stated in Article 24 and lead to a dissolution of that association or non-governmental organization pursuant to Article 30. So far, some association and NGOs were alleged not to maintain their political neutrality and listed in a widely spreading white book by the government.</p> <p>The associations and non-governmental organizations worry that the authority will interpret this article based on the hot or cold political situation. It is OK with the same activities in normal political situation. However, if these activities conducted again by a non-governmental organization in a tens political situation, it will be convicted.</p>
9	Article 25	A domestic non-governmental organization shall submit a copy of its activity report and of its annual financial report by not later than the end of February of the following year. Domestic non-governmental organizations that receive financial support from donors shall submit the	A domestic non-governmental organization shall submit a copy of its activity report and of its annual financial report by not later than the end of February of the following year. Domestic non-governmental organizations that receive financial support from donors shall submit the report by copying the original documents sent to the donors within 30 (thirty) days from the date on	Article 25 which states the obligation which absolutely requires an associations or non-governmental organization to submit a copy of its activity report and financial report sent to the donors to the Ministry of Interior and the Ministry of Economy and Finance etc. is not satisfied to fulfill this obligation. The reason is that more time or staff is needed and the deadline is 28 February at the latest. Reports sent to the donor can be delayed or can be sent late, while the obligation stated in Article 25 put more burdens to an association or non-governmental organization rather than facilitating and

	<p>report by copying the original documents sent to the donors within 30 (thirty) days from the date on which they are sent to the donors, as well as 1 (one) copy of project documents and financial agreement with donors by copying from the original documents within 30 (thirty) days from the date of the agreement. This report shall be kept at its office for at least 5 (five) years.</p> <p>The Ministry of Interior may, if necessary, request the activity report and annual financial report of an association.</p> <p>A foreign non-governmental organization shall submit a copy of its annual activity reports and financial status of the original documents sent to the donors to the Ministry of Foreign Affairs and International Cooperation and Ministry of Economy and Finance within 30 (thirty) days from the date on which they were sent to the donors, as well as 1 (one) copy of the project documents and financial agreement with donors by copying from original</p>	<p>which they are sent to the donors, as well as 1 (one) copy of project documents and financial agreement with donors by copying from the original documents within 30 (thirty) days from the date of the agreement. This report shall be kept at its office for at least 5 (five) years.</p> <p>The Ministry of Interior <i>or the Ministry of Foreign Affairs and International Cooperation, other line ministry may, if there is a complaint necessary,</i> request an activity report and annual financial report relevant to the complaint of an association or domestic no-governmental organizations/ <i>foreign non-governmental organizations which has a branch or office in Cambodia for information and discussion to seek an administrative solution.</i></p> <p>A foreign non-governmental organization shall submit a copy of its annual activity reports and financial status of the original documents sent to the donors to the Ministry of Foreign Affairs and International Cooperation and Ministry of Economy and Finance within 30 days from the date on which they were sent to the donors, as well as 1 copy of the project documents and financial agreement with donors by copying from original documents within 30 days from the date of the agreement.</p>	<p>encouraging people to take part in social activities via establishment of an association or non-governmental organization.</p> <p>Regarding legal relationship between two legal entities, the Ministry of Interior, the Ministry of Economy and Finance, the Ministry of Foreign Affairs and an association or non-governmental organization, there is no mutual obligation agreed after establishment. In some cases, when association or non-governmental organization signed an agreement or Memorandum of Understanding (MoU) with a ministry, both parties showed their will to send report or to do something based on their agreed obligation. However, if an association or non-governmental organization does not sign any agreement with any ministry of the State, there should not be such obligation. Meanwhile, an association or non-governmental organization always signed an agreement with the donor(s) and the donor(s) of an association or non-governmental organization also signed an agreement or a MoU for their grant program with the state.</p> <p>The obligation to report stated in Article 25 forces a legal entity such as an association or non-governmental organization and wonder what do the Ministry of Interior, the Ministry of Economy and Finance and the Ministry of Foreign Affairs and International Cooperation do with the report? What obligation does the ministry of the State have towards a legal entity such as an association or non-governmental organization?</p> <p>In addition to the obligation to notify the Ministries about the bank account, the burden to report caused the</p>
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		<p>documents within 30 (thirty) days from the date of the agreement.</p> <p>The Ministry of Economy and Finance or the National Audit Authority may, if necessary, check and audit an association and a non-governmental organization.</p>	<p><i>The Ministry of Economy and Finance or the National Audit Authority may, if necessary, check and audit an association and a non-governmental organization.</i></p>	<p>associations and non-governmental organizations worry about what the ministries do with the report? What do the ministries get the report for? If the report is required to be submit only to monitor it or to find guilty, which is a serious violation of rights. If it causes fright, it clearly shows that it affects the privacy rights and individual autonomy. Report obligation is usually included by any ministry which an association or non-governmental organization singed a MoU with. Actually, according to the law and general statute, the associations and non-governmental organizations are not the institution under the Ministry of Interior; therefore, they have no obligation to report all their activities, including their property as required to do by Article 25. At the same time, Samdech Kralahom SAR KHENG also confirmed that <i>“The Ministry of Interior is not the leader of the association and non-governmental organizations. It is a partner to them”</i>. What Samdech said means that the association and non-governmental organizations are independent and neutral organizations regarding the political party and have autonomous leadership, management and have main roles as a partner of the government.</p> <p>Most importantly, the associations and non-governmental organizations are independent from the State and are not required to report all activities they have done. Actually, Samdech made a decision in an announcement of the Ministry of Interior No. 2006 S.CH.N dated 27 November 2018 which states that it is not required associations and non-governmental organizations to notify authorities of their activities at the local level. This is a part of provision of autonomy. Why it is required to have an obligation to send the report as stated in this Article 25? If Paragraph 1 and 3</p>
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				of Article 25 is still applicable and requires sending the report, it is a serious interference in the internal affair of the associations and non-governmental organizations which truly causes a loss of autonomy of the legal entity such as an association or non-governmental organization.
10	Article 26	<p>A domestic association or non-governmental organization may suspend its activities by providing a written notification to the Ministry of Interior. Prior to the suspension of its activities, the domestic association or non-governmental organization shall submit its activity report and financial report as provided for in paragraph 1 of Article 25 of this law.</p> <p>A domestic association or non-governmental organization shall, prior to its dissolution, clear its obligations in accordance with the procedures and provisions in force.</p>	<p>A domestic association or non-governmental organization may suspend its activities by providing a written notification to the Ministry of Interior. Prior to the suspension of its activities, the domestic association or non-governmental organization shall submit its activity report and financial report as provided for in Paragraph 1 of Article 25 of this law.</p> <p>A domestic association or non-governmental organization shall, prior to its dissolution, clear its obligations in accordance with the procedures and provisions in force.</p>	<p>The term “Suspend” may mean that an association or non-governmental organization runs out of budget for its operation or completes its project for any specific or unspecific period of time (6 months or 1 year etc.).</p> <p>The terms “De-operation/Dissolve” refers to requesting for permanently terminating an operation or delisting as the association and non-governmental organization.</p> <p>A domestic association or non-governmental organization may suspend its operation without notifying in writing to the Ministry of Interior. It reasons that the associations/ NGOs were established to voluntarily fulfill government’s effort for the sake of community’s interest. Their activities generally are not found stable because it depends on their allocated time and outside supports.</p>
11	Article 30	To any domestic association or non-governmental organization that fails to comply with Article 10, or Article 24, or para. 1 or para. 2 of Article 25 of this law, the Ministry of Interior shall issue a warning in writing by giving 30 (thirty) working days at the latest. In case of	To any domestic association or non-governmental organization that fails to comply with Article 10, (proposed amendment by CSOs) or Article 24, or Paragraph 1 or Paragraph 2 of Article 25 of this law, the Ministry of Interior shall issue a notification in writing giving 30 working days at the latest to comply. In case of non-compliance, the Ministry of Interior shall	<p>This Article 30 states many offenses. Paragraph 2 and 3 are the points to request for an amendment.</p> <p>Paragraph 2: Statutes is an internal affair of an association or non-governmental organization which enjoys the autonomy to control, manage, take action or not take action, decide or not decide which should not become a base to accuse of an offense which leads to a decision made by the court to dissolve that association or non-governmental organization. According to the</p>

	<p>non-compliance, the Ministry of Interior shall issue a warning in writing to temporarily suspend its activities for a period of 90 (ninety) days at the latest. In the case of repeated noncompliance,</p> <p>the Ministry of Interior shall issue a written decision to remove it from the register.</p> <p>To any domestic association or non-governmental organization that fails to properly comply with its statutes, the Ministry of Interior shall notify in writing or temporarily suspend activities for a maximum period of 30 (thirty) days. In the case of non-compliance, the Ministry of Interior shall issue a written decision to remove it from the register.</p> <p>The Ministry of Interior shall decide to remove from the register any domestic association or non-government organization that conducts activities that endanger the security, stability and public order, or jeopardize the national security, culture,</p>	<p>issue a notification in writing to temporarily suspend its activities for a period of 90 days. In the case of repeated noncompliance, the Ministry of Interior shall issue a written decision to remove it from the register.</p> <p>To any domestic association or non-governmental organization that fails to properly comply with its statutes, the Ministry of Interior shall notify in writing or temporarily suspend activities for a maximum period of 30 (thirty) days. In the case of non-compliance, the Ministry of Interior shall issue a written decision to remove it from the register.</p> <p>The Ministry of Interior shall decide to remove from the register any domestic association or non-government organization that conducts activities that endanger the security, stability and public order, or jeopardize the national security, national unity, culture, good tradition and custom of Cambodian national society, regardless of other criminal punishments.</p>	<p>general content, this law also does not protect any association or domestic or foreign non-governmental organization (Legal entity) to avoid responsibility for committing any offense stipulated in other existing laws</p> <p>Paragraph 3: Activities endangering the security, stability and public order, or jeopardizing the national security, national unity and good tradition and custom of society are banned by the Constitution. However, those activities are protected by other laws, and some activities have already been defined as offenses in the Criminal Code. Punishment should be defined to specific activities, not in such general terms.</p>
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		tradition, and custom of Cambodian national society, regardless of other criminal punishments.		
12	Article 31	A domestic association and non-governmental organization shall have the right to appeal against the decision of the Ministry of Interior regarding the denial of registration, suspension of the activity, deletion from the register, and fine to the court within thirty (30) working days at the latest from the date on which a notification of the decision is received.	A domestic association or non-governmental organization shall have the right to appeal against a decision of the Ministry of Interior regarding denial of registration, suspension of activity, deletion from the register, and fines to <i>the Appeals Court</i> within 30 working days at the latest from the date on which a notification of the decision is received.	The dispute <u>happens</u> between the Ministry of Interior, the Ministry of Foreign Affair and International Cooperation and a domestic or foreign association or non-governmental organization. However, the law requires to send the dispute to the Court of First Instance and then to the Appeal Court or Supreme Court for decision which generally takes much time and resource, causing being late for social projects which are agreed with the donor(s). Furthermore, the deny of registration, suspense of activities and making fine to association/NGOs are decided by administration at national level. Then the complaint to appeal the decision should be filed to the Appeals Court.
13	Article 32	The competent authorities shall take measures to immediately stop any domestic association or non-governmental organization for conducting activities without registration with the Ministry of Interior according to the provisions of this law. In case of resistance, the concerned association or non-governmental organization shall be subjected to a fine from Riel 5,000,000 to Riel 10,000,000 by the Ministry of Interior. In case of repetition, the competent	<i>The competent authorities shall take measures to immediately stop any domestic association or non-governmental organization for conducting activities without registration with the Ministry of Interior according to the provisions of this law. In case of resistance, the concerned association or non-governmental organization shall be subjected to a fine from Riel 5,000,000 to Riel 10,000,000 by the Ministry of Interior. In case of repetition, the competent authorities shall file a complaint to the courts for a legal action, regardless of other criminal punishments.</i>	Defining all activities conducted by groups of people who have been working for humanitarian without hurting the public order as illegal is a serious violation of the freedom of assembly which is guaranteed by the Constitution and International Covenant on Civil and Political Rights which Cambodia is a signatory of and has obligation to enforce and adhere to it.

		<p>authorities shall file a complaint to the courts for legal action, regardless of other criminal punishments.</p> <p>Paragraph 1 above shall also be applied against any domestic association or non-governmental organization that is delisted or whose activity is suspended by the Ministry of Interior but continues to carry on activities in the Kingdom of Cambodia.</p>	<p>Paragraph 1 above shall also be applied against any domestic association or nongovernmental organization that is delisted or whose activity is suspended by the Ministry of Interior but continues to carry on its activities in the Kingdom of Cambodia.</p>	
14	Article 35	<p>The Ministry of Foreign Affairs and International Cooperation may terminate the validity of a memorandum of understanding where a foreign association or non-governmental organization fails to properly comply with the memorandum of understanding it signed with the Ministry of Foreign Affairs and International Cooperation, or where a foreign association or nongovernmental organization conducts activities which harm security, stability, and public order, or endanger the national security, national unity, culture, good traditions and customs of Cambodian national society.</p>	<p>The Ministry of Foreign Affairs and International Cooperation may terminate the validity of a memorandum of understanding in the case a foreign association or non-governmental organization fails to properly comply with the memorandum of understanding it signed with the Ministry of Foreign Affairs and International Cooperation <i>and a court issues a final decision which confirms that the concerned foreign association or non-governmental organization committed a criminal offense.</i></p>	<p>Content of this Article is too broad allowing the competent authority to use its discretion to interpret the law and decide to delist any association and non-governmental organization. Because it is a kind of criminal offense, the content of this law shall clearly define the offense activities in a bid for a consistency in law interpretation made by the competent authorities. An ambiguous definition may lead to an arbitrary interpretation by law-enforcement officials by using their discretion, and it is a danger for the law enforcement.</p>