

The Khmer version is the official version of this document

## CONSTITUTION

**DATED SEPTEMBER 24, 1993**

**(Modified by Kram** dated 8 March 1999 promulgating the amendments to Articles 11, 12, 13, 18, 22, 24, 26, 28, 30, 34, 51, 90, 91, 93 and other Articles from Chapter 8 through Chapter 14 of the constitution of the Kingdom of Cambodia which was adopted by the National Assembly on the 4<sup>th</sup> of March 1999)

(Still to be added the bloc vote adopted by Constitutional Assembly for the NA to vote for government of 3<sup>rd</sup> legislature)

### Preamble

We, the People of Cambodia,

Having known a grand civilization of a prosperous, powerful, and glorious nation whose prestige radiates like a diamond,

Having endured sufferings and destruction and having experienced a tragic decline in the course of the two decades,

awakened, stood up with a resolute determination to strengthen the national unity, to preserve and defend Cambodia's territory and its precious sovereignty and the prestige of Angkor civilization, and to restore Cambodia into an "Island of Peace" based on a multi-party liberal democratic regime guaranteeing human rights and the respect of law, and responsible for the destiny of the nation always evolving toward progress, development, prosperity, and glory,

with this resolute will

We inscribe the following as the Constitution of the Kingdom of Cambodia:

### CHAPTER I:

### SOVEREIGNTY

#### **Article 1:**

Cambodia is a Kingdom with a King who shall rule according to the Constitution and to the principles of liberal democracy and pluralism.

The Kingdom of Cambodia shall be independent, sovereign, peaceful, permanently neutral and non-aligned country.

#### **Article 2:**

The territorial integrity of the Kingdom of Cambodia, shall absolutely not to be violated within its borders as defined in the 1/100,000 scale map made between the year 1933-1953 and internationally recognized between the years 1963 - 1969.

#### **Article 3:**

The Kingdom of Cambodia is an indivisible state.

#### **Article 4:**

The motto of the Kingdom of Cambodia is: "Nation, Religion, King".

#### **Article 5:**

The official language and script are Khmer.

**Article 6:**

Phnom Penh is the capital of the Kingdom of Cambodia.

The national flag, anthem and coat-of-arms shall be defined in Annexes I, II and III

**CHAPTER II:**

**THE KING**

**Article 7:**

The King of Cambodia shall reign but shall not govern.

The King shall be the Head of State for life. The King shall be inviolable.

**Article 8:**

The King of Cambodia shall be a symbol of unity and eternity of the nation.

The King shall be guarantor of the national independence, sovereignty, and territorial integrity of the Kingdom of Cambodia the protector of rights and freedom for all citizens and the guarantor of international treaties.

**Article 9:**

The King shall assume the august role of arbitrator to ensure the faithful execution of public powers.

**Article 10:**

The Cambodian monarchy shall be an appointed regime.

**Article 11 (new)**

When the King cannot perform his normal duties as Head of State due to his serious illness certified by doctors chosen by the President of the Senate, President of the National Assembly and the Prime Minister, the President of the Senate shall perform the duties of the Head of State in the capacity of Regent.

If the President of the Senate is unable to perform the duties as Head of State in the capacity of Regent while the King is seriously ill as stipulated above, the President of the National Assembly shall perform the duties as Head of State.

The position of Head of State in the capacity of Regent of the King may be replaced by a dignitary in the circumstances provided for in the above paragraph pursuant to the following hierarchical order:

A/ The first Vice-President of the Senate

B/ The first Vice-President of the National Assembly

C/ The second Vice-President of the Senate

D/ The second Vice-President of the National Assembly

**Article 12 (new)**

In the case of death of the King, the President of the Senate shall take over the responsibilities as Acting Head of State in the capacity of Regent of the Kingdom of Cambodia.

If the President of the Senate is unable to perform the duties as Acting Head of State as a Regent, the paragraphs 2 and 3 of new Article 11-new shall be applied.

### **Article 13 (new)**

Within a period of not more than seven days, the Council of the Royal Throne shall choose the new King of the Kingdom of Cambodia. The composition of the Council of the Royal Throne is as the following:

- The President of the Senate;
- The President of the National Assembly;
- The Prime Minister;
- Samdech the Chiefs of the Orders of the Mohanikay and Thamayut;
- The first and second Vice-Presidents of the Senate; and
- The first and second Vice-Presidents of the National Assembly.

The organization and functioning of the Council of the Royal Throne shall be determined by the law.

### **Article 14:**

The King of Cambodia shall be a member of the Royal family, of at least 30 years old, descending from the bloodline of King Ang Duong, King Norodom or King Sisowath.

Upon enthronement, the King shall take the oath of allegiance as stipulated in Annex IV.

### **Article 15:**

The wife of the reigning King shall have the royal title of Queen of Cambodia.

### **Article 16:**

The Queen of the Kingdom of Cambodia shall not have the right to engage in politics, to assume the role of Head of State or Head of Government, or to assume other administrative or political roles.

The Queen of the Kingdom of Cambodia shall exercise activities that serve the social, humanitarian, religious interests, and shall assist the King with protocol and diplomatic functions.

### **Article 17:**

The provision as stated in the first clause of Article 7, "the King of Cambodia shall reign but shall not govern", absolutely shall not be amended.

### **Article 18 (new)**

The King shall communicate with the National Assembly and the Senate through royal messages.

These royal messages shall not be subject to discussion by the Senate or the National Assembly.

### **Article 19:**

The King shall appoint the Prime Minister and the Council of Ministers according to the procedures stipulated in [Article 100](#).

### **Article 20:**

The King shall grant an audience twice a month to the Prime Minister and the Council of Ministers to hear their reports on the State of the Nation.

### **Article 21:**

Upon Proposals by the Council of Ministers, the King shall sign Kret appointing, transferring or ending the mission of high civil and military officials, ambassadors and Envoys Extraordinary and Plenipotentiary.

Upon proposals by the Supreme Council of Magistracy, the King shall sign krets appointing, transferring or removing judges.

**Article 22 (new)**

When the nation faces danger, the King shall make a proclamation to the people putting the country in a state of emergency after the approval of the Prime Minister, President of the National Assembly, and the President of the Senate.

**Article 23:**

The King is the Supreme Commander of the Royal Khmer Armed Forces. The Commander-in-Chief of the Royal Khmer Armed Forces shall be appointed to command the Armed Forces.

**Article 24 (new)**

The King shall serve as the Chairman of the supreme council of national defense to be established by the law.

The King shall declare war after adoption by the National Assembly and the Senate.

**Article 25:**

The King shall receive letters of credentials from ambassador or envoys extraordinary and plenipotentiary of foreign countries accredited to the Kingdom of Cambodia.

**Article 26 (new)**

The King shall sign and ratify international treaties and conventions after a vote of approval by the National Assembly and the Senate.

**Article 27:**

The King shall have the right to grant partial or complete amnesty.

**Article 28 (new)**

The King shall sign the law promulgating the Constitution, laws adopted by the National Assembly and laws completely reviewed by the Senate and shall sign the Kret (royal decree) presented by the Council of Ministers. When the King is seriously ill and hospitalized abroad, the King has the right to delegate the power of signing the above laws and Kret to the Acting Head of State through delegating writs.

**Article 29:**

The King shall establish and confer national medals proposed by the Council of Ministers. The King shall confer civil and military ranks as determined by law.

**Article 30 (new)**

In the absence of the King, the President of the Senate shall assume the duties of Acting Head of State.

If the President of the Senate is unable to perform his duties as Acting Head of State replacing the King due to his absence, the responsibilities as Acting Head of State shall be exercised in conformity with paragraph one and two of new Article 11.

**CHAPTER III:****THE RIGHTS AND OBLIGATIONS OF KHMER CITIZENS****Article 31:**

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human rights, the covenants and conventions related to human rights, women's and children's rights.

Every Khmer citizens shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with the law.

**Article 32:**

Every Khmer citizen shall have the right to life, personal freedom, and security.

There shall be no capital punishment.

**Article 33:**

Khmer citizens shall not be deprived of their nationality, exiled or arrested and deported to any foreign country unless there is a mutual agreement on extradition.

Khmer citizens residing abroad enjoy the protection of the State.

The Khmer nationality shall be determined by [law](#).

**Article 34 (new)**

Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates in the election.

Khmer citizens of either sex who are at least eighteen (18) years of age have the right to vote.

Khmer citizens of either sex who are at least twenty-five (25) years of age have the right to stand as candidates for the elections.

Khmer citizens of either sex who are at least forty (40) years of age have the rights to stand as candidates for the election of the Senators.

Any provisions restricting the rights to vote and stand as candidates for the election shall be determined by electoral law.

**Article 35:**

Khmer citizens of either sex shall have the right to participate actively in the political, economic, social and cultural life of the nation.

Any suggestions from the people shall be given full consideration by the grant of the State.

**Article 36:**

Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society.

Khmer citizens of either sex shall receive equal pay for equal work.

The work by housewives in the home shall have the same value as what they can receive when working outside the home.

Every Khmer citizen shall have the right to obtain social security and other social benefits as determined by law.

Khmer citizens of either sex shall have the right to form and to be member of trade unions.

The organization and conduct of trade unions shall be determined by law.

**Article 37:**

The right to strike and to non-violent demonstration shall be implemented in the framework of a law.

**Article 38:**

The law guarantees there shall be no physical abuse against any individual.

The law shall protect life, honor, and dignity of the citizens.

The prosecution, arrest, or detention of any person shall not be done except in accordance with the law.

Coercion, physical ill treatment or any other mistreatment that imposes additional punishment on a detainee or prisoner shall be prohibited. Persons who commit, participate or conspire in such acts shall be punished according to the law.

Confessions obtained by physical or mental force shall not be admissible as evidence of guilt.

Any case of doubt, it shall be resolved in favor of the accused.

The accused shall be considered innocent until the court has judged finally on the case.

Every citizen shall enjoy the right to defense through judicial recourse.

**Article 39:**

Khmer citizens shall have the right to denounce, make complaints or file claims against any breach of the law by state and social organs or by members of such organs committed during the course of their duties. The settlement of complaints and claims shall be the competence of the courts.

**Article 40:**

Citizens' freedom to travel, far and near, and legal settlement shall be respected.

Khmer citizens shall have the right to travel and settle abroad and return to the country.

The rights to privacy of residence, and to the secrecy of correspondence by mail, telegram, fax, telex and telephone shall be guaranteed.

Any search of the house, material and body shall be in accordance with the law.

**Article 41:**

Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to effect the good traditions of the society, to violate public law and order and national security.

The regime of the media shall be determined by [law](#).

**Article 42:**

Khmer Citizens shall have the right to establish associations and [political parties](#). These rights shall be determined by law.

Khmer citizens may take part in mass organizations for mutual benefit to protect national achievement and social order.

**Article 43:**

Khmer citizens of either sex shall have the right to freedom of belief.

Freedom of religious belief and worship shall be guaranteed by the State on the condition that such freedom does not affect other religious beliefs or violate public order and security.

Buddhism shall be the religion of the State.

**Article 44:**

All persons, individually or collectively, shall have the right to ownership. Only Khmer legal entities and citizens of Khmer nationality shall have the right to own land.

Legal private ownership shall be protected by law.

The right to confiscate properties from any person shall be exercised only in the public interest as provided for under the law and shall require fair and just compensation in advance.

**Article 45:**

All forms of discrimination against women shall be abolished.

The exploitation of women in employment shall be prohibited.

Men and women are equal in all fields especially with respect to marriage and family matters.

Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife.

**Article 46:**

The commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women shall be prohibited.

A woman shall not lose her job because of pregnancy. Woman shall have the right to take maternity leave with full pay and with no loss of seniority or other social benefits.

The state and society shall provide opportunities to women, especially to those living in rural areas without adequate social support, so they can get employment, medical care, and send their children to school, and to have decent living conditions.

**Article 47:**

Parents shall have the duty to take care of and educate their children to become good citizens.

Children shall have the duty to take good care of their elderly mother and father according to Khmer traditions.

**Article 48:**

The State shall protect the rights of children as stipulated in the Convention on Children, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation.

The State shall protect children from acts that are injurious to their educational opportunities, health and welfare.

**Article 49:**

Every Khmer citizen shall respect the Constitution and laws.

All Khmer citizens shall have the duty to take part in the national reconstruction and to defend the homeland. The duty to defend the country shall be determined by law.

**Article 50:**

Khmer citizens of either sex shall respect the principles of national sovereignty, liberal multi-party democracy.

Khmer citizens of either sex shall respect public and legally acquired private properties.

**CHAPTER IV:**

**ON POLICY**

**Article 51 (new)**

The Kingdom of Cambodia adopts a policy of liberal democracy and pluralism.

The Cambodian citizens are the masters of their country.

All powers belong to the citizens. The citizens shall exercise these powers through the National Assembly, the Senate, the Government, and the Judiciary.

The legislative, executive, and judicial powers shall be separate.

**Article 52:**

The Royal Government of Cambodia shall protect the independence, sovereignty, and territorial integrity of the Kingdom of Cambodia, adopt the policy of national reconciliation to insure national unity, and preserve the good national traditions of the country. The Royal Government of Cambodia shall preserve and protect the law and ensure public order and security. The State shall give priority to endeavors that improve the welfare and standard of living of citizens.

**Article 53:**

The Kingdom of Cambodia adopts a policy of permanent neutrality and non-alignment. The Kingdom of Cambodia follows a policy of peaceful co-existence with its neighbors and with all other countries throughout the world.

The Kingdom of Cambodia shall not invade any country, nor interfere in any other country's internal affairs, directly or indirectly, and shall solve any problems peacefully with due respect for mutual interests.

The Kingdom of Cambodia shall not join in any military alliance or military pact that is incompatible with its policy of neutrality.

The Kingdom of Cambodia shall not permit any foreign military base on its territory and shall not have its own military base abroad, except within the framework of a United Nations request.

The Kingdom of Cambodia reserves the right to receive foreign assistance in military equipment, armaments, ammunitions, in training of its armed forces, and other assistance for self-defense and to maintain public order and security within its territory.

**Article 54:**

The manufacturing, use and storage of nuclear, chemical or biological weapons shall be absolutely prohibited.

**Article 55:**

Any treaty and agreement incompatible with the independence, sovereignty, territorial integrity, neutrality and national unity of the Kingdom of Cambodia shall be annulled.

**CHAPTER V:**

**ECONOMY**

**Article 56:**

The Kingdom of Cambodia shall adopt the market economy system. The preparation and process of this economic system shall be determined by the law.

**Article 57:**

Tax collection shall be in accordance with the law. The national budget shall be determined by law.

Management of the monetary and financial system shall be defined by [law](#).

**Article 58:**

State property notably comprises land, mineral resources, mountains, sea, underwater, continental shelf, coastline, airspace, islands, rivers, canals, streams, lakes, forests, natural resources, economic and cultural centers, bases for national defense and other facilities determined as State property.

The control, use and management of State properties shall be determined by law.

**Article 59:**

The State shall protect the environment and balance of abundant natural resources and establish a precise plan of management of land, water, air, wind, geology, ecological system, mines, energy, petrol and gas, rocks and sand, gems, forests and forestry products, wildlife, fish and aquatic resources.

**Article 60:**

Khmer citizens shall have the right to sell their product. The obligation to sell products to the State, or the temporary use of private or State properties shall be prohibited unless authorized by law under special circumstances.

**Article 61:**

The State shall promote economic development in all sectors and remote areas, especially in agriculture, handicrafts, industry, with attention to policies of water, electricity, roads and means of transport, modern technology and a system of credit.

**Article 62:**

The State shall pay attention and help solve production matters, protect the price of products for farmers, crafters, and find marketplace for them to sell their products.

**Article 63:**

The State shall respect market management in order to guarantee a better standard of living for the people.

**Article 64:**

The State shall ban and severely punish those who import, manufacture sell illicit drugs, counterfeit and expired goods which affect the health and life of the consumers.

**CHAPTER VI:**

**EDUCATION, CULTURE, SOCIAL AFFAIRS**

**Article 65:**

The State shall protect and upgrade citizens' rights to quality education at all levels and shall take necessary steps for quality education to reach all citizens.

The State shall respect physical education and sports for the welfare of all Khmer citizens.

**Article 66:**

The state shall establish a comprehensive and standardized educational system throughout the country that shall guarantee the principles of educational freedom and quality to ensure that all citizens have equal opportunity to earn a living.

**Article 67:**

The State shall adopt an educational program according to the principle of modern pedagogy including technology and foreign languages.

The State shall control public and private schools and classrooms at all levels.

**Article 68:**

The State shall provide free primary and secondary education to all citizens in public schools.

Citizens shall receive education for at least 9 years.

The State shall disseminate and develop the Pali schools and the Buddhist Institute.

**Article 69:**

The State shall preserve and promote national culture.

The State shall Protect and promote the Khmer language as required.

The State shall preserve ancient monuments and artifacts and restore historic sites.

**Article 70:**

Any offense affecting cultural artistic heritage shall carry a severe punishment.

**Article 71:**

The perimeter of the national heritage sites as well as heritage that has been classified as world heritage, shall be considered neutral zones where there shall be no military activity.

**Article 72:**

The health of the people shall be guaranteed. The State shall give full consideration to disease prevention and medical treatment. Poor citizens shall receive free medical consultation in public hospitals, infirmaries and maternities.

The State shall establish infirmaries and maternities in rural areas.

**Article 73:**

The State shall give full consideration to children and mothers. the State shall establish nurseries, and help support women and children who have inadequate support.

**Article 74:**

The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation.

**Article 75:**

The State shall establish a social security system for workers and employees.

**CHAPTER VII:**

**THE NATIONAL ASSEMBLY**

**Article 76:**

The National Assembly consists of at least 120 members.

The deputies shall be elected by a free, universal, equal, direct and secret ballot.

The deputies may be re-elected.

Khmer citizens able to stand for election shall be the Khmer citizens of either sex who have the right to vote, at least 25 years of age, and who have Khmer nationality at birth.

Preparation for the election, procedure and electoral process shall be determined by an [Electoral Law](#).

**Article 77:**

The deputies in the National Assembly shall represent the entire Khmer people, not only Khmers from their constituencies.

Any imperative mandate shall be nullified.

**Article 78:**

The legislative term of the National Assembly shall be 5 years and terminates on the day when the new National Assembly convenes.

The National Assembly shall not be dissolved before the end of its term except when the Royal government is twice deposed within a period of twelve months. In this case, following a proposal from the Prime Minister and the approval of the Chairman of the National Assembly, the King shall dissolve the National Assembly.

The election of a new National Assembly shall be held no later than 60 days from the date of dissolution. During this period, the Royal government shall only be empowered to conduct routine business.

In time of war or other special circumstances where an election cannot be held, the National Assembly may extend its term for one year at a time, upon the request of the King.

Such an extension shall require at least a two-third vote of the entire National Assembly.

**Article 79:**

The National Assembly mandate shall be incompatible with the holding of any active public function and of any membership in other institutions provided for in the Constitution, except when the assembly member(s) is (are) required to serve in the Royal Government.

In this circumstance, the said assembly member (s) shall retain the usual assembly membership but shall not hold any position in the Permanent Standing Committee and in other assembly commissions.

**Article 80:**

The deputies shall enjoy parliamentary immunity.

No assembly member shall be prosecuted, detained or arrested because of opinions expressed during the exercise of his (her) duties.

The accusation, arrest, or detention of an assembly member shall be made only with the permission of the National Assembly or by the Standing Committee of the National Assembly between sessions, except in case of flagrante delicto. In that case, the competent authority shall immediately report to the National Assembly or to the Standing Committee for decision.

The decision made by the Standing Committee of the National Assembly shall be submitted to the National Assembly at its next session for approval by a 2/3-majority vote of the assembly members.

In any case, detention or prosecution of a deputy shall be suspended by a 3/4-majority vote of the National Assembly members.

**Article 81:**

The National Assembly shall have an autonomous budget to conduct its function.

The deputies shall have received remuneration.

**Article 82:**

The National Assembly shall hold its first session no later than sixty days after the election upon notice by the King.

Before taking office, the National Assembly shall decide on the validity of each member's mandate and vote separately to choose a Chairman, Vice-Chairmen and members of each Commission by a 2/3-majority vote.

All National Assembly members must take oath before taking office according to the text contained in Annex 5.

**Article 83:**

The National Assembly shall hold its ordinary session twice a year.

Each session shall last at least three months. If there is a proposal from the King or the Prime Minister or at least 1/3 of the National Assembly members, the National Assembly Standing Committee shall call an extraordinary session of the National Assembly.

In this case, the agenda with the conditions of the extraordinary session shall be disseminated to the population as well as the date of the meeting.

**Article 84:**

Between the National Assembly sessions, the National Assembly Standing Committee shall manage the work of the National Assembly.

The Permanent Standing Committee of the National Assembly consists of the Chairman of the National Assembly, the Vice-Chairmen, and the Chairmen of National Assembly Commissions.

**Article 85:**

The National Assembly sessions shall be held in the Royal Capital of Cambodia in the Assembly Hall, unless stipulated otherwise in the summons, due to special circumstances.

Except where so stipulated and unless held at the place and date as stipulated, any meeting of the National Assembly shall be considered as illegal and void.

**Article 86:**

If the country is in a state of emergency, the National Assembly shall meet every day continuously. The National Assembly has the right to terminate this state of emergency whenever the situation permits.

If the National Assembly is not able to meet because of circumstances such as the occupation by foreign forces the declaration of the state of emergency must be automatically extended.

During the state of emergency, the National Assembly shall not be dissolved.

**Article 87:**

The Chairman of the National Assembly shall chair the assembly session; receive draft bills and resolutions adopted by the National Assembly, ensure the implementation of the Internal Rules of Procedure and manage the assembly relations with foreign countries.

If the Chairman is unable to perform his/her duties due to illness or to fulfill the function of Head of State as interim or as a Regent, or is on a mission abroad, a Vice-Chairman shall replace him.

In case of resignation or death of the Chairman or the Vice-Chairman (men), the National Assembly shall elect a new Chairman or Vice-Chairman (men).

**Article 88:**

The National Assembly sessions shall be held in public.

The National Assembly shall meet in closed session at the request of the Chairman or of at least 1/10 of its members, of the King or of the Prime Minister.

The National Assembly meeting shall be considered as valid provided there is a quorum of 7/10 of all members.

**Article 89:**

Upon the request by at least 1/10 of its members the National Assembly shall invite a high-ranking official to clarify important special issues.

**Article 90 (new)**

The National Assembly is an organ, which has legislative power and performs its duties as provided for in the Constitution and the laws in force.

The National Assembly shall approve the national budget, state planning, loans, financial contracts, and creation, modification, and annulment of taxes.

The National Assembly shall approve the administrative accounts.

The National Assembly shall adopt the law of general amnesty.

The National Assembly shall adopt or repeal treaties or international conventions.

The National Assembly shall adopt the law on the declaration of war.

The adoption of the above-mentioned clauses shall be decided by an absolute majority vote of the entire National Assembly membership.

The National Assembly shall pass the vote of confidence in the Royal Government with the two-third majority of its members.

**Article 91 (new)**

The members of the Senate, the members of the National Assembly, and the Prime Minister have the right to initiate legislation.

The deputies shall have the right to propose any amendments to the laws, but the proposals shall be unacceptable if they aim at reducing public income or increasing the burden on the people.

**Article 92:**

Laws adopted by the National Assembly which run counter to the principles of preserving national independence, sovereignty, territorial integrity, and affect the political unity or the administration of the nation shall be annulled. The Constitutional Council is the only organ that shall decide upon this annulment.

**Article 93(new):**

Any law approved by the National Assembly and finally reviewed by the Senate and signed by the King for its promulgation shall go into effect in Phnom Penh ten (10) days after the date of promulgation and throughout the country twenty (20) days after the date of promulgation.

However, the Laws that are stipulated as urgent shall take effect immediately throughout the country after the date of promulgation.

The laws promulgated by the King shall be published in the Government Gazette and disseminated throughout the country in accordance with the above schedule.

**Article 94:**

The National Assembly shall establish various necessary commissions. The organization and functioning of the National Assembly shall be determined by the Internal Rules of Procedure of the National Assembly.

**Article 95:**

In case of death, resignation, or dismissal of an assembly deputy at least 6 months before the end of the mandate, a replacement shall be appointed in accordance with the Internal Rules of Procedure of the National Assembly and the Electoral Law.

**Article 96:**

The deputies have the right to put a motion against the Royal Government. The motion shall be submitted in writing through the Chairman of the National Assembly.

The replies shall be given by one or several ministers depending on the matters related to the accountability of one or several ministers. If the case concerns the overall policy of the Royal Government, the Prime Minister shall reply in person.

The explanations by the ministers or by the Prime Minister shall be given verbally or in writing.

The explanations shall be provided within 7 days after the day when the question is received.

In case of verbal reply, the Chairman of the National Assembly shall decide whether to hold an open debate or not. If there is no debate, the answer of the minister or the Prime Minister shall be considered final. If there is a debate, the questioner, other speakers, the ministers, or the Prime Minister may exchange views within the time frame not exceeding one session.

The National Assembly shall establish one day each week for questions and answers. There shall be no vote during any session reserved for this purpose.

**Article 97:**

The National Assembly commissions may invite any minister to clarify certain issues under his/her field of responsibility.

**Article 98:**

The National Assembly shall dismiss a member or members of the Royal Government or the whole Cabinet by the adoption of a motion of censure by 2/3 majority of the entire National Assembly.

The motion of censure shall be proposed to the National Assembly by at least 30 assembly members in order for the entire National Assembly to decide.

## **CHAPTER VIII: The Senate**

**Article 99 (new)**

The Senate is a body that has a legislative power and performs its duties as determined by the Constitution and laws in force.

The number of the Senators shall not exceed half the number of the National Assembly members.

Some senators shall be nominated and other shall be elected by a non-universal election.

The senators may be re-nominated and reelected.

The citizens who are eligible to be senate candidates are Khmer citizens of either sex who are eligible voters, at least forty (40) years of age and were Cambodian nationals at birth.

**Article 100 (new)**

The King shall nominate two senators.

Two senators shall be elected by a majority vote of the National Assembly.

The other senators shall be elected in a non-universal election.

**Article 101 (new)**

A separate law shall determine the organization and operating procedures concerning the nomination and election of senators and the determination of electors, election organization, and electoral constituencies.

**Article 102 (new)**

The term for the Senate shall be six (6) years and such term shall expire upon the new Senate being sworn in.

When the election of senators cannot be conducted due to war and special circumstances, the Senate may continue its legislative term one-year at a time upon the proposal of the King.

The declaration of continuity of its legislative term shall be decided by at least a two-third-majority vote of all senators.

In the circumstances described above, the Senate shall conduct its meeting everyday. The Senate has the right to terminate the above situation if appropriate.

If the Senate is unable to conduct its meetings for good reason such as invasion of foreign troops the proclamation of the state of emergency shall continue in effect automatically.

#### **Article 103 (new)**

The mandate of senators shall be incompatible with the holding of any public function, with the function of members of the National Assembly, and of any membership in other institutions provided for in the Constitution.

#### **Article 104 (new)**

Senators shall enjoy parliamentary immunity.

No Senator shall be prosecuted, arrested, stopped, or detained because of opinions and statements expressed during the exercise of his/her duties. The accusation, arrest, stopping, or detention shall be made only if approved by the Senate or the Senate's Standing Committee between the Senate's meetings, except in the case of flagrant delicto. In that case, the relevant ministry shall immediately report to the Senate or to its Standing Committee for a decision.

The decision of the Standing Committee of the Senate shall be submitted to the next Senate meeting for approval by a two-third-majority vote of all senators.

In any case above, the detention or prosecution of any senator shall be suspended if there is an approval by a three-quarter-majority vote of all senators.

#### **Article 105 (new)**

The Senate shall have an autonomous budget to conduct its functions.

The Senators shall receive remuneration.

#### **Article 106 (new)**

The Senate shall hold its first meeting no later than sixty (60) days after the election pursuant to a convening notice issued by the King.

Before taking its office, the Senate shall declare the validity of each senator's mandate and vote separately to select the president of the Senate, vice-president of the Senate, and members of each commission by a two-third-majority vote of all senators.

All senators must take an oath before taking office in accordance with the provisions stated in annex 7 of the Constitution.

#### **Article 107 (new)**

The Senate shall conduct its ordinary sessions twice a year.

Each session shall last at least three months. If there is a proposal from the King or Prime Minister or of at least one-third of the senators, the Senate shall convene an extraordinary session.

#### **Article 108 (new)**

Between the Senate session, the Standing Committee shall assume the functions of the Senate.

The Standing Committee of the Senate consists of the president of the Senate, vice-president, and the chairmen of all Senate commissions.

#### **Article 109 (new)**

The Senate session shall be held in the capital of the Kingdom of Cambodia at the Senate's meeting hall, unless it is stipulated otherwise in the summons, due to special circumstances.

Any meeting of the Senate conducted at a location other than the location and date specified in the summons shall be considered illegal and void.

**Article 110 (new)**

The President of the Senate shall preside over the Senate's session, receive draft bills and resolutions adopted by the Senate, ensure the implementation of the internal regulations, and manage the Senate's international relations.

If the President is unable to perform his duties due to illness or to fulfill the function as Acting Head of State as Regent, or is on a mission to abroad, one of the Vice-Presidents shall assume the responsibilities of the President.

In the event of the resignation or death of the President or Vice-President, the Senate shall elect a new President or Vice-President.

**Article 111 (new)**

The Senate sessions shall be held in public.

The Senate may meet in a closed-door session at the request of the President, of at least one-tenth of its members, of the King, of the Prime Minister, or of the President of the National Assembly.

The Senate meeting shall be considered valid only if there is a quorum of seven-tenths of its members.

The number of votes, which are required for National Assembly approval, as provided for in the Constitution shall also be applied to the Senate.

**Article 112 (new)**

The Senate is responsible for the coordination between the National Assembly and the Government.

**Article 113 (new)**

The Senate shall review and comment on draft laws or proposed laws that have been firstly adopted by the National Assembly and other matters submitted by the National Assembly no later than one month. In case of an emergency, such duration shall be reduced to five (5) days.

If the Senate approves or fails to comment within the specified duration stipulated above, the law adopted by the National Assembly should be promulgated.

If the Senate calls for modifications to those draft laws or proposed laws the National Assembly shall immediately take those draft laws and proposed laws for a second consideration. The National Assembly shall review and decide whether to reject all or part of those provisions or terms in the draft laws or proposed laws that the Senate called for modification.

The exchange of the draft or proposed law between the Senate and the National Assembly shall be done only within one month. This duration shall be reduced to ten days in the case of the national budget and finance and the duration shall be reduced to only two days if it is an urgent matter.

If the National Assembly withholds for longer than the specified duration or delays while reviewing the law the principle duration for the National Assembly and the Senate shall be extended so that the duration for both are equal.

If the Senate rejects the draft law or proposed law, the National Assembly before a one-month duration may not review such draft or proposed law a second time. This duration shall be reduced to fifteen (15) days in the case of national budget and financial and to four (4) days if it is an urgent matter.

During the examination of the draft and proposed laws a second time, the National Assembly shall adopt it by an open vote with an absolute majority.

The draft or proposed laws adopted through the above procedure shall then be sent for promulgation.

**Article 114 (new)**

The Senate shall establish necessary commissions. The organization and functioning of the Senate shall be provided for in the internal regulations of the Senate. These internal regulations shall be approved by a two-third-majority vote of all senators.

#### **Article 115 (new)**

In the case of the death of a senator, resignation, or disqualification as a senate member, which should occur six months before the end of the Senate's term, it should be preceded with his replacement in accordance with the Senate's internal regulations and with the electoral law about the Senate.

### **CHAPTER IX (NEW): The National Assembly and the Senate**

#### **Article 116 (new)**

In the special case, the National Assembly and the Senate can assemble as a congress to resolve important national issues.

#### **Article 117 (new)**

Law shall determine the important national issues mentioned above in new Article 116 and the organization and functioning of the congress.

### **CHAPTER X (NEW): THE ROYAL GOVERNMENT**

#### **Article 118 - new (previously Article 99)**

The Council of Ministers is the Royal Government of Cambodia. The Council of Ministers shall be led by one Prime Minister assisted by Deputy Prime Ministers, and by State Ministers, Ministers, and State Secretaries as members

#### **Article 119 - new (previously Article 100)**

At the recommendation of the President and with the agreement of both vice-presidents of the National Assembly the King shall designate a dignitary from among the representatives of the winning party to form the Royal Government. This designated representative along with other members chosen from the political parties represented in the National Assembly, then present themselves to the National Assembly to ask for a vote of confidence.

After the National Assembly has given its vote of confidence, the King shall issue a Kret (royal decree) appointing the entire Council of Ministers.

Before taking office, the Council of Ministers shall take an oath as stipulated in Annex 6 of the Constitution.

#### **Article 120 - new (previously Article 101)**

The functions of the members of the Royal Government shall be incompatible with professional activities in trade or industry and with the holding of any position in the public service.

#### **Article 121- new (previously Article 102)**

The members of the Royal Government shall be collectively responsible to the National Assembly for the overall policy of the Royal Government.

Each member of the Royal Government shall be individually responsible to the Prime Minister and the National Assembly for his/her own conduct.

#### **Article 122 - new (previously Article 103)**

Each member of the Royal Government shall not use the orders, written or verbal, of anyone as grounds to exonerate themselves from their responsibility.

#### **Article 123 - new (previously Article 104)**

The Council of Ministers shall meet every week in a plenary session or in a working session.

The Prime Minister shall preside over the plenary session. The Prime Minister may assign the deputy Prime Minister to preside over the working sessions.

All minutes of the Council of Ministers' meetings shall be forwarded to the King for his information.

**Article 124 - new (previously Article 105)**

The Prime Minister shall have the rights to delegate his powers to the deputy Prime Minister or any member of the Royal Government.

**Article 125 - new (previously Article 106)**

If the post of Prime Minister is permanently vacant, the new Council of Ministers shall be appointed under the procedures stipulated in the Constitution. If the vacancy is temporary, the Acting Prime Minister shall be appointed for such temporary period.

**Article 126 - new (previously Article 107)**

Each member of the Royal Government shall be punished for any crimes or misdemeanors that he has committed in the course of his duty.

In such cases and when he has committed serious offenses in the course of his duty, the National Assembly shall decide to file charges against him with a competent court.

The National Assembly shall decide on such matters through a secret and majority vote thereof.

**Article 127- new (previously Article 108)**

Law shall determine the organization and functioning of the Council of Ministers.

**CHAPTER XI (NEW): The Judiciary**

**Article 128 - new (previously Article 109)**

The judicial power shall be an independent power.

The judiciary shall guarantee and uphold impartiality and protect the rights and freedoms of citizens.

The judiciary shall have jurisdiction over all lawsuits, including administrative ones.

The authority of the judiciary shall be granted to the Supreme Court and to the lower courts of all sectors and levels.

**Article 129 - new (previously Article 110)**

Trials shall be conducted in the name of Cambodian people in accordance with the legal procedures and laws in force.

Only the judge shall have the rights to adjudicate. The judge shall fulfill his duty with strict respect for the laws, wholeheartedly, and conscientiously.

**Article 130 - new (previously Article 111)**

The judicial power shall not be granted to the legislative or executive branches.

**Article 131- new (previously Article 112)**

Only the Department of Public Prosecution shall have the rights to file criminal suits.

**Article 132 - new (previously Article 113)**

The King shall be the guarantor of the independence of the judiciary. The Supreme Council of the Magistracy shall assist the King in this matter.

### **Article 133 - new (previously Article 114)**

Judges shall not be dismissed. However, the Supreme Council of the Magistracy shall take disciplinary actions against any delinquent judges.

### **Article 134 - new (previously Article 115)**

The Supreme Council of the Magistracy shall be established by an organic law, which shall determine its composition and functions.

The King shall chair the Supreme Council of the Magistracy. The King may appoint a representative to chair the Supreme Council of the Magistracy.

The Supreme Council of the Magistracy shall make proposals to the King on the appointments of judges and prosecutors to all courts.

The Supreme Council of the Magistracy shall meet under the chairmanship of the President of the Supreme Court or the General Prosecutor of the Supreme Court to decide on disciplinary actions against judges and prosecutors.

### **Article 135 - new (previously Article 116)**

The Statute of Judges, and Prosecutors and the functioning of the judiciary shall be defined in a separate law.

## **CHAPTER XII (NEW): The Constitutional Council**

### **Article 136 - new**

The Constitutional Council shall have the duty to safeguard the respect of the Constitution, interpret the Constitution, and laws passed by the National Assembly and finally reviewed by the Senate.

The Constitutional Council shall have the right to examine and decide on contested cases involving the election of the National Assembly members and Senate members.

### **Article 137- new (previously Article 118)**

The Constitutional Council shall consist of nine members with nine-year mandates. One-third of the members of the Council shall be replaced every three years. Three members (3) shall be appointed by the King, three (3) members shall be appointed by the National Assembly and three (3) others by the Council of the Magistracy.

The members of the Constitutional Council shall elect the Chairman. The Chairman of the Senate shall have a casting vote in cases of equal votes.

### **Article 138 - new (previously Article 119)**

Members of the Constitutional Council shall be selected from among the dignitaries with a higher-education degree in law, administration, diplomacy, or economics and who have considerable work experience.

### **Article 139 - new**

The function of the Constitutional Council member shall be incompatible with that of a member of the Senate, member of the National Assembly, member of the Royal Government, in-post judges, any position in the public service, President and Vice-president of a political party, President or Vice-president of a trade unions.

### **Article 140 - new**

The King, Prime Minister, President of the National Assembly, one-tenth (1/10) of the National Assembly members, President or one-fourth (1/4) of the Senate may forward the laws passed by the National Assembly to be reviewed by the Constitutional Council before the promulgation of such law.

The internal regulations of the National Assembly, internal regulations of the Senate, and organic laws shall be forwarded to the Constitutional Council for reviewed before their promulgation. The Constitutional Council shall decide within no later than thirty (30) days whether the laws and internal regulations are constitutional.

**Article 141- new**

After a law is promulgated, the King, President of the Senate, President of the National Assembly, Prime Minister, one-fourth (1/4) of the Senate or the court may ask the Constitutional Council to examine the constitutionality of that law.

Citizens shall have the rights to appeal against the constitutionality of laws through their representatives or President of the National Assembly or member or President of the Senate as stipulated in the above paragraph.

**Article 142 - new (previously Article 123)**

Provisions in any article ruled by the Constitutional Council as unconstitutional shall not be promulgated or implemented.

The decision of the Constitutional Council shall be final.

**Article 143 - new (previously Article 124)**

The King shall consult with the Constitutional Council on all proposals for amendments to the Constitution.

**Article 144 - new (previously Article 125)**

An organic law shall specify the organization and operation of the Constitutional Council.

**CHAPTER XIII (NEW): The Administration**

**Article 145 - new (previously Article 126)**

The territory of the Kingdom of Cambodia shall be divided into provinces (Khet) and municipalities (Krong)

Provinces shall be divided into districts (Srok) and districts into communes (Khum).

Municipalities shall be divided into districts (Khan) and Khan into Sangkat.

**Article 146 - new (previously Article 127)**

Khet/ Krong, Srok/ Khan, and Khum/ Sangkat shall be governed in accordance with the provisions of the organic law.

**CHAPTER XIV new: The National Congress**

**Article 147- new (previously Article 128)**

The national congress shall enable the people to be directly informed on various matters of national interests and to raise issues and requests for the State authorities to solve.

Khmer citizens of either sex shall have the rights to participate in the national congress.

**Article 148- new (previously Article 129)**

The national congress shall meet once a year in early December at the convocation of the Prime Minister.

The national congress shall proceed under the chairmanship of the King.

**Article 149 - new (previously Article 130)**

The national congress shall adopt recommendations for consideration by the Senate, National Assembly, State authorities.

A law shall define the organization and operation of the national congress.

## **CHAPTER XV (new): Effects, Revisions, and Amendments of the Constitution**

### **Article 150 - new (previously Article 131)**

This Constitution shall be the supreme law of the Kingdom of Cambodia.

Laws and decisions of the State institutions shall be in strict conformity with the Constitution.

### **Article 151- new (previously Article 132)**

The initiative to review or to amend the Constitution shall be the prerogative of the King, the Prime Minister, and the President of the National Assembly at the suggestion of one-fourth of all National Assembly members.

A Constitutional law passed by the National Assembly with a two-third-majority vote shall enact revisions or amendments to the Constitution.

### **Article 152 - new (previously Article 133)**

Revisions or amendments to the Constitution shall be prohibited when the country is in a state of emergency, as outlined in article 86.

### **Article 153- new (previously Article 134)**

Any revisions or amendments to the Constitution affecting the system of liberal and pluralistic democracy and the regime of Constitutional Monarchy shall be prohibited.

## **CHAPTER XVI (new): Transitional Provisions**

### **Article 154 - new**

This Constitution, after its adoption shall immediately be promulgated by the King of the Kingdom of Cambodia.

### **Article 155 - new (previously Article 136)**

After the entry into force of this Constitution, the Constituent Assembly shall become the National Assembly.

The internal regulations of the National Assembly shall come into force after the adoption by the National Assembly.

In the case where the National Assembly is not yet functional, the President, the First and Second Vice-Presidents of the Constituent Assembly shall participate in the discharge of the duties of the Throne Council if so required by the situation in the country.

### **Article 156 - new**

After this Constitution takes effect, the King shall be selected in accordance with the provisions stipulated in articles 13-new and 14.

### **Article 157- new**

The term of first legislature of the Senate shall be five (5) years and such term shall be expire upon the new Senate being sworn into office.

In its first legislative term, the Senate shall have:

- sixty-one (61) senators in total;
- the King appoints two of the senators and the first vice-president and second vice-president of the Senate;
- other senators shall be appointed by the King at the request of the President of the Senate and President of the National Assembly from among the members of the political parties having seats in the National Assembly;
- the congress sessions of the Senate and National Assembly shall be chaired by the Co-Presidents.

**Article 158 - new (previously Article 139)**

Laws and regulations in Cambodia that safeguard state property, rights, freedom, and legal private property and are in conformity with the national interests, shall continue to be effective until altered or abrogated by new acts, except those provisions that are contrary to the spirit of this Constitution.

This Constitution was adopted by the Constitutional Assembly in Phnom Penh on September 21, 1993 at its 2nd plenary session.

Phnom Penh, September 21, 1993

The President,

Son San