

**Summary of the Decision of Cambodian Constitutional Council (No. 092/003/2007 CCC, dated 10 July 2007)**

<http://www.measboralaws.com/detail/148> (in Khmer)

**Keyword:** application of treaty, meaning of law

Article 8 of the Law on Aggrading Circumstance provides no mitigation for felony. If this applied, it might affect rights of child in the Convention on the Right of the Child to which Cambodia is party and article 31 of the 1993 Constitution in which human rights treaties are referred. This content of the law is allegedly inconsistent with the 1993 Constitution, triggered request to the Cambodian Constitutional Council (CCC) to review its constitutionality.

CCC, having considered, set out the important legal position as regards treaties and their status in the Cambodian legal system: *“considered that, as principle, in adjudicating, judges not only base on Article 8 of the law...but also (other) laws. The term “law” is meant as national law including the constitution-supreme law of the land- and still in enforce laws as well as international law that the Kingdom of Cambodia already recognized, especially the Convention on the Rights of the Child”* (p.2).

**Note:** 1. This statement adds clarity to the provision of the article 31 which is often referred when discussing on international law in Cambodian legal system. It is remained unclear whether the above-mentioned quotation means that all treaties are directly applied or just giving the domestic effect of treaties. If it does means as such for the latter, this pronouncement is just repetitive of Article 31 or less beyond. 2. CCC used the term “recognized” which is used when accepting international customary international law rather than treaties.