

# LOCATING ‘HUMAN DIGNITY’ IN CAMBODIA: A REVIEW OF LAW, POLICY AND CIVIL SOCIETY DOCUMENTATION

## Key Messages

- ✦ ‘Human dignity’ is often understood as relating to the intrinsic value of human beings, in contrast to formulations of dignity which focus on the status of individuals or institutions.
- ✦ While ‘human dignity’ is often central to international human rights instruments and sustainable development programs, it is not always clear what it requires, or [whether it is understood in the same way in different socio-cultural and political contexts](#).
- ✦ In Cambodia, understandings of ‘human dignity’ are [plural and context-dependent](#), with [meanings sometimes overlapping and sometimes contradicting each other](#).
- ✦ ‘Human dignity’ has been linked to [labor rights, working conditions, minimum standards of living, poverty reduction and equality](#) in Cambodian law, policy and advocacy.
- ✦ The outcomes of protecting ‘dignity’ in Cambodia can also [be diverse and contradictory](#), ranging from human rights protections to restrictions on rights and behaviors.
- ✦ What is meant by ‘dignity’ in Cambodian law and policy is [not always clear](#), leading to concerns about arbitrary interpretations.

## 1. Introduction

Since its inclusion in the Universal Declaration of Human Rights in 1949, ‘human dignity’ has become a foundational human rights concept, frequently used in the context of international human rights and sustainable development programs (and the UN Sustainable Development Goals 2030) around the world. In contrast to other formulations of dignity which are premised on the status of individuals or institutions, ‘human dignity’ is often understood as the intrinsic value of human beings (Barosso, 2012). Yet, what ‘human dignity’ requires is widely varied and frequently contested. In fact, the term is understood in diverse ways in different socio-cultural and political settings (Düwell et al., 2014; McCrudden, 2013).

Cambodia has ratified many international human instruments which refer to the protection of ‘human dignity,’ including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture, and Convention on the Elimination of All Forms of Racial Discrimination. In collaboration with the United Nations, Cambodia has also prosecuted former Khmer Rouge leaders for ‘attacks on human dignity’ at the Extraordinary Chambers in the Courts of Cambodia. However, this investment in human rights discourse is not always mirrored in domestic practice, and Cambodia continues to face challenges in securing the rule of law (World Justice Project, 2018), political rights and civil liberties (Reporters without Borders, 2018), and socio-economic rights (Peou, 2018; Pou and Beban, 2019). At the same time, human rights are being increasingly seen as politically sensitive and/or a Western imposition across Asia (Huong et al. 2018).

It may be that the ‘human dignity’ concept presents a tool through which to promote foundational human rights values in Cambodia (Lee, 2008). However, simply importing ‘human dignity’ into diverse cultural and linguistic settings is challenging for human rights advocates and educators. It can also limit the sense of local ‘ownership’ over the concept. Very little research has explored the Cambodian meanings given to foundational human rights concepts (Ledgerwood and Un, 2003; Pou and Beban, 2015; 2019). The research project ‘Locating “Human Dignity” in Cambodia’ seeks to address this gap, by exploring both how ‘human dignity’ is used in Cambodian law, policy, and advocacy, and how it is understood by Cambodians from diverse backgrounds and disciplines. In this way, we explore whether ‘human dignity’ resonates or conflicts with both other framings of ‘dignity’ and other values in Cambodia. This research brief is based on our review of publicly available Cambodian law, policy, and civil society advocacy. Here we provide some non-exhaustive examples of the contexts in which ‘human dignity’ is used, as well as noting other framings of ‘dignity’ which may relate to, overlap with, or even contradict, notions of ‘human dignity.’

## 2. Translating ‘Human Dignity’

Despite its inclusion in many human rights instruments which have been translated into Khmer, we have not found an ‘official’ Khmer translation of ‘human dignity.’ We have found that several phrases are inconsistently used, including: *sechaktei thlaithnaur chea mnous* (dignity as human); *sechaktei thlaithnaur robsa mnous* (dignity of human); *sechaktei thlaithnaur robos bokkol mnous* (dignity of human person); and *sechaktei thlaithnaur knongnam chea mnous* (dignity in the name of the human). It is not evident that the phrases mean different things from one another, nor do they reveal how ‘human dignity’ is being understood. What is more interesting for us is the way the underlying concept is being used and understood - a failure to distinguish different meanings while focusing only on the wording risks confusion. Research demonstrates that literal translations of ‘human dignity’ may in practice vary considerably from the meaning conveyed in the translated language (Kamir, 2002; Inoue, 1991; McCrudden, forthcoming). In Cambodia, ‘dignity’ is also paired with other concepts, such as the ‘dignity of citizens,’ the ‘dignity of the individual’ the

‘right to dignity’, and the dignity of specific individuals, groups, and professions, such as the dignity of women, children, and people with disabilities. In the following examples we highlight different phrasing choices, as well as how these phrases are being used in different contexts.

## 3. Locating ‘Human Dignity’

### *Human Dignity, Labor Rights and Working Conditions*

Outside the international human rights and humanitarian law documents noted in the introduction, the most direct translations of the English language phrase ‘human dignity’ arise in two related contexts. First, Cambodian law, policy and advocacy draw explicit connections between ‘human dignity,’ labor rights and working conditions. For example, Article 104 of the 1997 Labor Law requires wages that ensure a standard of living ‘compatible with human dignity,’ the Criminal Code prohibits working conditions incompatible with human dignity and the 2010 Policy on Labor Migration for Cambodia defines ‘decent work’ as requiring conditions of ‘human dignity.’ Relatedly, the National Employment Policy 2015-2025 links ‘decent jobs’ to improving ‘livelihood, dignity and social harmony’ whereas the 2010 National Labor Migration Policy calls for the ‘dignity of migrant workers.’ The connections between ‘human dignity’ and labor rights mirror the International Labor Organization’s campaigns in Cambodia, which promote working conditions of ‘freedom, equity, security and human dignity’ through their Decent Work Programs. Similar concepts have also been used by NGOs with an interest in labor rights, such as the Center for Alliance of Labor and Human Rights (CENTRAL), which envisions Cambodians ‘living with human dignity and peace’, the TlaiTno Association (whose name translates as ‘dignity’) who campaign for ‘dignified working conditions’ for local artists, and Precious Women, who call for women working in the entertainment industry to be treated with ‘dignity and equality.’

### *Human Dignity, Development and Poverty Reduction*

Direct translations of ‘human dignity’ have also been connected to development and poverty reduction. This connection is predominantly

made by local and international organizations with an international Christian foundation. For example, Caritas Cambodia (the social development arm of the Catholic Church in Cambodia) aims to ‘restore human dignity of the poor and liberate them from the clutches of poverty,’ Life with Dignity (originally a field program of the Lutheran World Federation) pursues ‘development work prioritizing human dignity,’ and the Catholic Relief Services strive to enhance human dignity and alleviate poverty.’ These organizations occasionally explicitly link ‘human dignity’ to the Christian faith, for example the Catholic Relief Services note that they are motivated by the Gospel of Jesus to cherish the ‘dignity of all human life.’

## 4. Dignity and Rights Protections

While the above are the most direct translations of the English language phrase ‘human dignity’, many other framings of ‘dignity’ can be found in Cambodian law, policy, and advocacy. Some of these relate to the protection of the rights of citizens and/or specific groups within society.

### *Human Rights and the Dignity of Citizens*

Human rights and ‘dignity’ are often associated with one another in Cambodian law, policy, and advocacy. References to ‘human rights and dignity’ are often made in quite general terms. For example, the Royal Government of Cambodia cites ‘promoting human rights and dignity’ amongst its overarching goals in its National Strategic Development Plans (2014-2018; 2019-2023) and Rectangular Strategy (2018-2023). Similarly, the 2007 Civil Code asserts that the Code in its entirety gives concrete embodiment to ‘the dignity of the individual, the equality of the sexes and the guarantee of property rights’ as contained within the Constitution. The 1993 Constitution itself is more specific, identifying the ‘dignity of citizens’ as requiring the prohibition of unlawful detention, torture and physical abuse of detainees, unlawful confessions and capital punishment. In this context, dignity appears to be linked to civil and political rights and restrictions on the actions of the state. Such an interpretation is also evident in civil society advocacy. For example, Cambodian and international human rights NGOs

have challenged the use of force against protesters, calling for Cambodians to be ‘served with dignity and fairness based on universally agreed basic rights’ (AHRC, 2012). Similarly, government restrictions on freedom of expression have been challenged as violating a fundamental right with ‘central importance to human life and dignity’ (CCHR, 2010).

### *The Rights of Vulnerable Groups and Living with Dignity*

Other formulations specify the need to respect the dignity of specific groups in society. The National Disability Strategic Plan, for example, identifies its vision as being a society in which the rights and dignities of persons with disabilities are respected. In similar vein, Humanity and Inclusion in Cambodia seeks to foster ‘a culture of dignity, access, and inclusion’ for persons with disabilities. Other international and local organizations operating in Cambodia work to further the ability of vulnerable groups to ‘live with dignity.’ For example, the Cambodian Center for the Protection of Children’s Rights supports children who have suffered violence in sustaining ‘their own futures with dignity’ through the delivery of education and life skills, while the Cambodian Women’s Crisis Centre identifies ‘all persons regardless of their social status, gender, disability or other differences... living with dignity’ as a core value when delivering their services to women who have experienced violence. In these contexts, it appears that dignity relates to minimum standards of living, as well as non-discrimination and freedom from violence.

## 5. Dignity, Rights Restrictions and Standards of Behavior

The above examples have demonstrated how ‘human dignity’ and other formulations of dignity have been used to further rights-based agendas. In this section we highlight examples where ‘dignity’ has been linked to status and used to restrict rights and/or establish standards of behavior.

### *Dignity, Status and Freedom of Expression*

There are several examples of the dignity of an individual being used as a limit to freedom of expression. Sometimes, this is in relation to a

specific individual. For example, a 2018 amendment to the Cambodian Criminal Code (Article 435 bis) prohibits ‘speeches, gestures, writings, paintings or items that would affect the dignity of the King’ - ‘dignity’ here can also translate as either ‘reputation’ or ‘fame’. This reflects Article 502 of the Code, which defines and prohibits ‘insults’ which ‘undermine the dignity of a person.’ More commonly, dignity is linked to concepts such as public order, societal customs, and national security. For example, Article 41 of the Constitution prohibits using freedom of expression ‘to impinge on the dignity of others, to affect the good moral and customs of society, public order and national security’- dignity in this context is sometimes translated as ‘honor.’ Similar language can be found in the 2006 Law on the Statute of Parliamentarians, which enables parliamentary immunity to be removed if a parliamentarian’s comments ‘abuse an individual’s dignity, social customs, public order or national security.’ In relation to media, the 2014-2018 Strategy Plan warns against ‘broadcasts and information’ that might harm ‘the harmony and the national peace or affect the rights of individuals as well as affecting the dignity of the general public,’ while a 2021 Sub-Decree establishing a Cambodian National Internet Gateway introduces restrictions on internet provision on the grounds of ‘safety, public order, dignity, culture, tradition and societal custom.’

The language of dignity has also been used to set standards with regards to behavior in public places. For example, the Law on Peaceful Assembly requires the assembly to be carried out ‘with dignity’ and in ways deemed ‘appropriate’ (Article 18). More recently, the 2020 Draft Public Order Law lists ‘preservation of national tradition, and the dignity of citizens’ among the justifications for introducing a range of restrictions on freedom of expression, including articles which prohibit men from being shirtless and women from wearing clothes that are ‘too short’ or ‘too revealing.’ Other potential offences include ‘showing arrogant behavior,’ begging and using public spaces as temporary shelters. It is notable that this Order has been criticized by Cambodian civil society for failing to define the ‘innately subjective standards of

dignity’ thus opening the door to unequal enforcement (HRW, 2020).

### *Dignified Professions*

Other references to dignified behavior relate to specific professions. The Strategic Plan 2014-2018 requires civil servants to ‘conduct themselves with dignity,’ while the Code of Conduct for Lawyers requires practitioners to respect the ‘dignity of lawyers’ and the ‘dignity of the profession.’ Cambodian NGOs have critiqued judicial decisions using similar language, calling for judges to protect the ‘dignity and confidence-building of the Cambodian judiciary’ (LICADHO, 2007). In this context dignity can also be aspirational - the 2007 Education Law protects learners’ right to ‘human rights, especially the right to dignity,’ but also notes the right ‘to achieve career value dignity’ and places an obligation on learners to ‘develop their knowledge, skills, capacity, mentality and dignity.’

### *The Dignity of Women and Family Life*

Sometimes, dignity appears to be simultaneously protective and constraining. This is most evident in relation to the ‘dignity of women.’ In the Rectangular Strategy and Strategic Plan (2019-2023) the government’s achievements in ‘uplifting social morality, women dignity and Cambodian family’ are praised and the latter calls for journalists to respect the dignity of victims and survivors. Laws and policies around human trafficking and sexual exploitation prohibit acts ‘which affect the dignity of women’ but place ‘the dignity of women’ alongside concepts such as ‘Khmer values,’ ‘Khmer family,’ and ‘social morality.’ Civil society organizations have challenged the ‘socio-legal context’ in Cambodia for policing women’s dress (HRW, 2020) and ‘blaming women for the violence they experience’ (NGO-CEDAW, 2018), suggesting ‘the dignity of women’ may also require certain behaviors. Relatedly, the Cambodian Law on the Prevention of Domestic Violence and the Protection of Victims excludes ‘disciplinary’ acts which encourage spouses, children, and dependent persons to ‘follow the good ways of living with dignity and the nation’s good custom and tradition’ from its definition of domestic violence (Article 8).

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