

**BRIEFING ON LAO PDR FOR THE HUMAN RIGHTS COMMITTEE, COUNTRY REPORT TASK FORCE, 121st session (October-November 2017)**

*From the Global Initiative to End All Corporal Punishment of Children, July 2017*

**This briefing describes the legality of corporal punishment of children in Lao PDR. In light of the obligation under international human rights treaties to prohibit all corporal punishment of children, the global commitment to ending violence against children – including corporal punishment – in the context of the 2030 Agenda for Sustainable Development, the recommendations of the UN Secretary General’s Study on Violence against Children and the recommendations made to Lao PDR by the Committee on the Rights of the Child in 2011, we hope the Human Rights Committee will:**

* **raise the issue of corporal punishment of children in its List of Issues for Lao PDR, in particular asking what progress has been made to prohibit corporal punishment of children in all settings, including the home, and**
* **in its concluding observations on Lao PDR’s initial report, recommend that legislation prohibiting corporal punishment of children in all settings is drafted and enacted as a matter of priority.**

**1 The report of Lao PDR to the Human Rights Committee**

* 1. Lao PDR’s initial state party report to the Human Rights Committee (CCPR/C/LAO/1) does not address the issue of corporal punishment, but details domestic legislation on domestic violence. This is not however interpreted as prohibiting all corporal punishment of children.

**1.2 In light of the state’s obligation to prohibit corporal punishment in all settings, we hope the Committee will raise the issue of corporal punishment of children in its review of Lao PDR and recommend that prohibition of corporal punishment in all settings is enacted as a matter of priority.**

**2 The legality of corporal punishment of children in Lao PDR**

2.1 ***Summary:*** In Lao PDR, corporal punishment is lawful in the home and in alternative care and some day care settings. It is unlawful in schools and in the penal system.

2.2 ***Home (lawful):***Articles 90 and 91 of the Penal Law 2005 punish battery and physical injuries caused negligently, but the Law does not explicitly prohibit all forms of corporal punishment, however light. Article 32 of the Family Law 2008 provides for the withdrawal of parental rights for the use of violence: “Parents must educate their children to be patriotic, progressive and to lead pure lives and engage in activities useful for society. If parents do not meet their obligations to educate their children, exceed their parental rights, or use violence and ill-treatment towards children … the court may withdraw their parental rights or filial rights based on article 59 of the Civil Procedures Law.” But the Law does not outlaw all corporal punishment, however light, in childrearing. Provisions against violence and abuse in the Act on the Protection of the Rights and Interests of Children 2006 and the Act on Development and Protection of Women 2004 are not interpreted as prohibiting all corporal punishment in childrearing.

2.3 The Government reported to the Committee on the Rights of the Child in 2015 that a National Plan of Action to Prevent and Eliminate Violence against Women and Violence against Children 2014-2010 has been adopted which addresses all forms of violence in all settings.[[1]](#footnote-1) It also noted that a new Law on Preventing and Combatting Violence against Women and Children was passed by the National Assembly on 23 December 2014 which prohibits all forms of violence in all settings, including the home.[[2]](#footnote-2) This new law was promulgated in January 2015[[3]](#footnote-3) but it does not explicitly prohibit all corporal punishment.

2.4 A new Penal Code is being drafted.[[4]](#footnote-4) It was approved by the Government for consideration at the National Assembly in February 2017.[[5]](#footnote-5)

2.5 ***Alternative care settings (lawful):***There is no prohibition of corporal punishment in alternative care settings: it is lawful as for parents.

2.6 ***Day care settings (partially lawful):***Corporal punishment is considered unlawful in early childhood education under article 47 of the Education Law 2007 (see below), but it is not explicitly prohibited in other early childhood care or in day care for older children, where it is lawful as for parents.

2.7 ***Schools (unlawful):***Corporal punishment is considered unlawful under article 47 of the Education Law 2007, though it is not explicitly prohibited (unofficial translation): “The prohibitions for teachers are … (4) Batter, insult, ill-treat, and be not fair with learners.” In addition, article 27 of the Act on the Protection of the Rights and Interests of Children 2006 confirms the state’s policy to create “child-friendly” schools in which students are protected from corporal punishment: “The State has the policy to create child-friendly schools that are popular for children and attract them to learn. A child-friendly school is a place with a good environment … [where children are] protected from the use of violence, physical punishment or inappropriate words or acts that affect the dignity of children….”

2.8 ***Penal institutions (unlawful):***Corporal punishment is considered unlawful as a disciplinary measure in penal institutions, but there is no explicit prohibition. Article 171 of the Penal Law 2005 punishes “physical violence and torture, or measures or other acts inconsistent with the laws, against suspects or prisoners during arrest, trial or serving of sentence”. Article 51 of the Act on the Protection of the Rights and Interests of Children 2006 lists the rights of child offenders, article 62 prohibits “all forms of violence” towards a child in detention, and article 75 lists the rights of children in vocational training centres, but there is no reference to corporal punishment. Article 62 of the Criminal Procedure Law 2004 states that “beating or torture of the arrested person is prohibited”.

2.9 ***Sentence for crime (unlawful):*** Article 27 of the Penal Law 2005 states that “punishment does not aim to generate physical suffering or to outrage human dignity”, and there is no provision for judicial corporal punishment in this Law or in the Act on the Protection of the Rights and Interests of Children 2006.

**3 Recommendations by human rights treaty bodies and during the UPR**

3.1 ***CRC:*** In 1997, the Committee on the Rights of the Child expressed concern at the prevalence of corporal punishment within the family.[[6]](#footnote-6) This was reiterated in 2011, when the Committee recommended that corporal punishment is explicitly prohibited by law in all settings.[[7]](#footnote-7)

*Briefing* *prepared by the Global Initiative to End All Corporal Punishment of Children*

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1. 12 May 2015, CRC/C/OPSC/LAO/Q/1/Add.1, Reply to list of issues, para. 4 [↑](#footnote-ref-1)
2. 12 May 2015, CRC/C/OPSC/LAO/Q/1/Add.1, Reply to list of issues, para. 5 [↑](#footnote-ref-2)
3. <http://www.unwomen.org/~/media/headquarters/attachments/initiatives/stepitup/commitments-speeches/laopdr-stepitup-commitmentspeech-201509-en.pdf?v=1&d=20150927T224250>, accessed 14 October 2015 [↑](#footnote-ref-3)
4. 23 June 2015, A/HRC/29/7/Add.1, Report of the working group: Addendum; see also 2 July 2015, A/HRC/29/2 Advance Unedited Version, Report of the Human Rights Council on its twenty-ninth session, para. 278 [↑](#footnote-ref-4)
5. See <https://laotiantimes.com/2017/02/19/lao-authorizes-draft-laws/>, accessed 20 July 2017 [↑](#footnote-ref-5)
6. 10 October 1997, CRC/C/15/Add.78, Concluding observations on initial report, paras. 20 and 44 [↑](#footnote-ref-6)
7. 8 April 2011, CRC/C/LAO/CO/2, Concluding observations on second report, paras. 38 and 39 [↑](#footnote-ref-7)