

Corporal punishment of children in Lao PDR: Briefing for the Universal Periodic Review, 21st session, 2015

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**End All Corporal Punishment
of Children**

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Lao PDR, corporal punishment of children is lawful despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and the Government’s acceptance of relevant recommendations made during the UPR of Lao in 2010.

We hope the Working Group will note with concern the legality of corporal punishment of children in Lao PDR. We hope states will raise the issue during the review in 2015 and make a specific recommendation that the Government of Lao enact legislation explicitly prohibiting all corporal punishment, including in the home.

1 Review of Lao PDR in the 1st cycle UPR (2010) and progress since then

- 1.1 Lao PDR was reviewed in the first cycle of the Universal Periodic Review in 2010 (session 8). The issue of corporal punishment was included in the compilation of UN information¹ and the summary of stakeholders’ information.² No recommendations were made during the review specifically on corporal punishment, but the Government accepted recommendations to harmonise national legislation with its international human rights obligations.³
- 1.2 The prohibition and elimination of all corporal punishment, without exception, is an immediate obligation under the Convention on the Rights of the Child and other international human rights instruments. The Committee on the Rights of the Child has twice expressed concern at corporal punishment of children in Lao and has recommended its prohibition in all settings, including the family.⁴ But despite the Government’s acceptance of the above mentioned recommendations, there has been no change in the legality of corporal punishment since the UPR in 2010. Now, as then, corporal

¹ 12 February 2010, A/HRC/WG.6/8/LAO/2, Compilation of UN information, para. 32

² 28 January 2010, A/HRC/WG.6/8/LAO/3, Summary of stakeholders' information, para. 22

³ 15 June 2010, A/HRC/15/5, Report of the working group, paras. 96(5) and 96(6)

⁴ 10 October 1997, CRC/C/15/Add.78, Concluding observations on initial report, paras. 20 and 44; 8 April 2011, CRC/C/LAO/CO/2, Concluding observations on second report, paras. 38 and 39

punishment is unlawful in schools and the penal system but it is not yet fully prohibited in the home, alternative care settings and day care. **We hope members of the Working Group will urge the Government of Lao PDR to enact legislation explicitly prohibiting all corporal punishment of children, including in the home.**

2 Legality and practice of corporal punishment in Lao PDR

2.1 **Summary:** In Lao PDR, corporal punishment of children is unlawful in schools and the penal system; it is not fully prohibited in the home, alternative care settings and day care.

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. 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. 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. UNICEF’s major analysis of data on child discipline in 2005-2006 found that 74% of 2-14 year olds in Lao PDR were violently “disciplined” (with physical punishment and/or psychological aggression) in the month prior to the survey.⁵

2.3 **Alternative care settings (lawful):** There is no prohibition of corporal punishment in alternative care settings: it is lawful as for parents (see para. 2.2, above).

2.4 **Day care (partially prohibited):** Corporal punishment is considered unlawful in early childhood education under article 47 of the Education Law 2007 (see para. 2.5, 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.

2.5 **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....”

2.6 **Penal institutions (unlawful):** 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

⁵ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

punishment. Article 62 of the Criminal Procedure Law 2004 states that “beating or torture of the arrested person is prohibited”.

2.7 ***Sentence for crime (unlawful)***: There is no provision for judicial corporal punishment in criminal law.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.