



Global Initiative to
**End All Corporal Punishment
of Children**

LAO PDR

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 8th session, 2010

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Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

The Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and 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. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.

Summary

This briefing describes the legality of corporal punishment of children in Lao PDR despite the recommendations of the Committee on the Rights of the Child. We hope the Review will highlight the importance of prohibition of corporal punishment of children, and strongly recommend that the government introduce legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and all other settings.

1 Legality of corporal punishment in Lao PDR

1.1 Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Penal Code (1990), the Family Law (1990), the Law on the Protection of the Rights and Interests of Children (2006) and the Law on Development and Protection of Women are not interpreted as prohibiting all corporal punishment in childrearing.

1.2 Corporal punishment is considered unlawful in **schools** under article 27 of the Law on the Protection of the Rights and Interests of Children, which confirms the state's policy to create "child-friendly" schools in which students are protected from corporal punishment. We have yet to establish definitively that this law is interpreted as prohibiting all corporal punishment in all educational institutions.

1.3 In the **penal system**, corporal punishment is unlawful as a sentence for crime. It is considered unlawful as a disciplinary measure in penal institutions, but there is no explicit prohibition. Article 51 of the Law on the Protection of the Rights and Interests of Children 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. In a study reported in 2003, 30% of detained children reported experiencing physical or mental punishment, including beating, crawling, sitting in the sun and withholding meals.¹

1.4 There is no prohibition of corporal punishment in **alternative care settings**.

2 Recommendations by human rights treaty monitoring bodies

In 1997, in its concluding observations on the state party's initial report, the **Committee on the Rights of the Child** expressed concern at corporal punishment in the family and its acceptance by society and recommended that legislation be revised to prevent and combat it (CRC/C/15/Add.78, paras. 20 and 44).

¹ Sandvik-Nylund (2003), *Regional Assessment: Violence against children in East Asia and the Pacific region*, Bangkok: UNICEF. Cited in Nogami, N. (2005), *Discipline and punishment of children: a rights-based review of laws, attitudes and practices in East Asia and the Pacific - Save the Children Sweden Southeast Asia and the Pacific, regional submission to the UN Secretary General's Global Study on Violence against Children*, Stockholm, Save the Children Sweden