**BRIEFING ON LAO PDR FOR THE
COMMITTEE ON THE RIGHTS OF THE CHILD
79th session, September - October 2018**

*From the Global Initiative to End All Corporal Punishment of Children, August 2018*

**This briefing provides an update on the legality of corporal punishment in Lao PDR, in light of the state party’s reply to the List of issues. In Lao PDR, corporal punishment of children is still lawful in the home, and in alternative care and day care settings.**

**We hope the Committee, in its concluding observations on Lao PDR’s third/sixth periodic report, will recommend that legislation be immediately drafted and enacted to explicitly prohibit corporal punishment of children in all settings, including the home, and repeal all legal defences for its use in childrearing.**

**1 Lao PDR’s** **reply to the List of issues**

* 1. In reply to the Committee’s question on the legality of corporal punishment of children, the Government of Lao PDR highlighted the Law on Preventing and Combating Violence against Women and Children 2014, as well as article 263 of the draft Penal Code 2017 (which was adopted by the National Assembly in May 2017 but has not yet been promulgated as it is undergoing technical changes). Article 263 states “any person who applies corporal or mental punishment to a child by kicking, beating, tying, detaining, fasting, forcing to work exceeding the limit, or engaging in sexual abuse shall be punished from one year to five years of imprisonment and shall be fined not exceeding 15.000.000 Kip”.[[1]](#footnote-2)
	2. This definition does not reflect the definition of corporal punishment included in General Comment No. 8 (2006) on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)” and does not seem to include the ‘milder’ forms of corporal punishment which are often not seen as violence. An explicit prohibition of all forms of corporal punishment, however light, must be enacted to ensure children’s equal protection from assault.
	3. **We hope the Committee will remind the state party of its obligation to explicitly prohibit all corporal punishment of children in legislation and recommend that legislation be immediately drafted and enacted to explicitly prohibit corporal punishment of children in all settings, including the home, and repeal all legal defences for its use in childrearing.**

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

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1. 18 June 2018, CRC/C/LAO/Q/3-6/Add.1, Reply to list of issues, paras. 26, 27, 28 and 29 [↑](#footnote-ref-2)