

**Protecting the Rights of Child Monks and Children Susceptible to Being
Entrusted to Temples or Monasteries to Live as Novice Monks:**
A public submission to the UN Committee on the Rights of the Child
on the occasion of the Periodic Review (Period III-VI) for Lao PDR

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Protecting the Rights of Child Monks and Children Susceptible to Being Entrusted to Temples or Monasteries to Live as Novice Monks:

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Aims of this submission:

Thousands of children in the Lao People's Democratic Republic (Lao PDR) spend periods of up to several years in temples (pagodas) or monasteries living as Buddhist novice monks,¹ yet the State Party's report makes no mention of these children.

The aims of this submission are:

- To highlight the presence of child monks in Lao PDR;
- To note ways that these children can be vulnerable;
- To encourage the Committee to ask the State Party about the steps being taken to safeguard the rights of these children specifically;
- To suggest questions for the Committee to ask.

About the author: Deborah W Parkes is a licensed counselling therapist and registered social worker in Canada with a special interest in children growing up as Buddhist monks. Since 2011, she has made several trips to countries in Asia, including India, Nepal, and Sri Lanka, to learn about the contexts in which children are entrusted to temples and monasteries and in which they are living as child monks. In 2017 she completed her MSW thesis, *Corporal Punishment of Children at a Buddhist Monastery*, which examined practices at a monastery in northern India.

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Information sources:

Sources for this submission include reports, scholarly works, and other English-language materials available on the Web. I acknowledge that I have not visited Lao PDR and that I do not read or speak the Lao language, limiting my ability to draw on other sources.

Structure of this submission:

The remainder of this submission is divided into three sections:

- Overview of child monks;
- Convention rights that bear particular relevance for children who are susceptible to be sent to temples or monasteries;
- An overview of the State Party's periodic report and suggested questions.

¹ As in some other Asian countries, there is also a tradition of temporary ordination where

Child Monks: An overview

Of the roughly 20,000 monks and novices in Lao PDR, a significant number are under the age of 18. One academic I corresponded with estimated that novices, usually under age 20, the age at which they become eligible to take full ordination, account for about 80 per cent of the *sangha* (community of monks), and that of those, perhaps 95 per cent are younger than 18. Bounleuth Sengsoulin (2014) cites figures for 2007/2008, which he attributes to the Lao Buddhist Fellowship Organization (LBFO), putting the number of fully ordained monks at 8,055 and the number of novice monks at 11,740.² Though I have not located figures for beyond this period, it would seem reasonable to estimate the current number of child monks in Lao PDR at somewhere around 10,000. No matter what the actual number, all these children matter.

In some countries, children are entrusted to temples or monasteries as young as 5 or 6, and occasionally even younger. Ruiz-Casares (2013) writes that children in the Lao PDR communities she studied became novices starting at 8-13 years old, with most starting at around age 10 (p. 30). Many stayed for 2-4 years, with some remaining longer.

Several factors account for the practice of entrusting children to be monks. Many Buddhists believe that for a child to spend a period of his life as a monk is not only good for the child but will also bring merit to the parents or deceased relatives. For families who are struggling, entrusting a child to the monastery is a culturally acceptable way to have one less mouth to feed. Another pull is the opportunity for a child to get an education in a country where quality schools are in short supply, a reality that is particularly felt in the rural areas from where many child monks hail (AFP, 2017; Holt, 2009; Ruiz-Casares, 2013).

The comments that follow are intended to suggest areas for the Committee to explore:

- In my experience in other countries, child monks may not get to see their families for a year or more at a time. This is in part due to the prohibitive cost of travel for poor families. However there is also a belief in some Buddhist communities that it is best that monks not have too much contact with their families so they can focus on spiritual development. At some monasteries, there was a rule that children who were from far away would only get sent home to visit after being at the monastery for up to three years. It was explained to me that this was in part to avoid situations where children went home and then did not return. At some temples I visited, I was told child monks were permitted to stay overnight at their family's home for only a couple of nights a year.

According to Holt (2009), who conducted fieldwork in Luang Prabang in 2007-2008:

² Presenting at the Sixteenth Annual International Law and Religion Symposium at Brigham Young University in 2009, Lao delegation head Phouangkeo Langsy reported that according to 2008 government statistics, there were 4,860 Buddhist pagodas and 20,608 monks and novices in Lao PDR.

For most novices [he writes they were between 10 and 20 years old], getting to and from their native village is a major undertaking. In addition to the time required to make the journey, the expense is almost prohibitive for most. Consequently, it is not unusual for a novice to go home only once or twice a year, even if his village is only two or three hours away by public transportation from Luang Prabang. Novices from Bokeo, Phongsaly, Champasak, Huaphan, or Luang Namtha may not go home at all, such is the distance and cost of the journey (pp. 200-201).

- Norms around children's duty to honour their parents' wishes or to repay their parents for providing for them can make it difficult for children to voice opposing wishes or to let their parents know if they no longer wish to stay at the monastery.
- Religious precepts lay out the various rules or codes of conduct that novices and monks are expected to follow. In the Theravada tradition, monks are not supposed to eat after noon. Though not all temples require this of children, some do, as a study on alternative care in Lao PDR indicates:

Among the most challenging aspects of living in a temple, there are strict rules particularly the rule of not eating after noon. Nonetheless, one ex-novice explained that after a year, this is not difficult anymore. "*The less you eat and the slower you eat, the sooner you feel satiated,*" he explained. (Ruiz-Casares, 2013, p. 32)

- Other precepts from the Buddhist Monastic Code may be used to restrict children's play. Child monks may be restricted in the type of play activities they can engage in, or they may be told not to play in view of lay people. Religious demands and a strict daily schedule can also interfere with children getting enough sleep. I have observed young children of perhaps six or seven years old falling asleep during early morning pujas and being tapped by the disciplinarian to wake up.
- In recent years communities around the world have been confronted with the extent to which sexual abuse has been perpetrated on children, including in residential institutions and within religious organizations, notably the Roman Catholic Church. Reports into sexual abuse by Roman Catholic clergy have noted the contribution of reverence for religious authority in helping to keep such abuse hidden (e.g., Family & Community Development Committee, 2013).

The State Party report notes in its report that talking about sensitive subjects such as sexual abuse is still taboo (para 181). In such a context, it is understandable that it would be difficult for community members to acknowledge that child sexual abuse can also happen within Buddhist temples and monasteries.

Though I have no information about sexual abuse in Lao PDR, reports of sexual abuse of children in temples and monasteries in other countries with child monks have been emerging.³ The issue of sexual abuse within Buddhist institutions was also

³ See for example Hilton, 2008; Kalu Rinpoche, 2011; Ongmo, 2013; Pathirana, 2012. As well, feminist theologian Rosemary Radford Ruether (2013) writes of a Christian-

raised at a 2017 meeting in Bangkok at which NGOs and Buddhist monks/leaders from Cambodia, Lao PDR, Myanmar, and Sri Lanka discussed the role of Buddhist communities in protecting children against sexual exploitation and other abuse. Also present was Marta Santos Pais, Special Representative of the Secretary-General on Violence against Children:

At the conclusion of the meeting, the SRSG [Marta Santos Pais] acknowledged the sensitivity for the participants of the issues raised, including the occurrence of violence and sexual abuse in Buddhist temples and schools. She appreciated their courage in actively engaging in the discussions and willingness to take a stand, “Sexual violence against children is a taboo issue in all societies but we must be prepared to speak out and address it...” (Special Representative, 2017)

- Like other religious institutions, monasteries and temples fill cultural and spiritual needs, however like all religious organization, to survive, they also need followers and a base of financial support. Having many monks can bring a monastery prestige, which in turn can help attract donors. I would suggest that more information is needed on the processes by which children end up in temples or monasteries. For example, monastics in other countries I have visited have told of monks going door to door to invite parents to send a child to a monastery. One chief incumbent I spoke to told me that he wanted a child at his temple so asked someone he knew to find him one. It is worth emphasizing the principle of the UN Guidelines for the Alternative Care of Children: *The provision of alternative care should never be undertaken with a prime purpose of furthering the political, religious or economic goals of the providers* (para. 20).

CRC Rights and Child Monks

Following rights are among those that the Committee may wish to pay special attention to in case of these children:

- The principle that the *best interests of the child* will be a primary consideration for all actions concerning children (CRC, art. 3.1);
- The right to have the institutions that are caring for them conform to standards established by competent authorities (CRC, art. 3.3);
- The right to the assurance that they will not be separated from their parents against their will (CRC, art. 9.1);
- The right (as children separated from their parents) to maintain personal relations and direct contact with both parents on a regular basis (CRC, art. 9.3);

Buddhist dialogue at which the issue of sexual abuse of children in Buddhist monasteries came up, this during a time when much was being talked about of sexual abuse by Roman Catholic clergy: "What we did not expect was candid discussion by Buddhists of similar sexual abuses of child monks by older monks in Buddhist monasteries" (pp. 103-104). (Based on my cross-referencing [Gross, 2005], it appears this meeting took place in 2004.)

- The right of the child to be heard (CRC, art. 12; General Comment no. 12);
- The right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (CRC, art. 19.1);
- The right to engage in play and recreational activities appropriate to their age (CRC, art. 31.1; General Comment no. 17).

The State Party’s Report: Observations and Proposed Questions

An underlying assumption of this submission is that a number of contextual factors, including cultural norms, power structures, reverence for religious authority, filial piety, and the fact of being physically separated from their parents, can render child monks uniquely vulnerable. The purpose of this section is to suggest information that is needed and steps that might be taken to ensure that the rights of child monks in Lao PDR can be more fully promoted and protected. The comments and questions are in the same order as the sections in the State Party’s report to which they pertain, using the same number and letter identifiers.

I. INTRODUCTION

-A. Preparation and structure of the State’s report

-B. Consultations

According to the State Party’s report, the report was “drafted under the supervision of the National Commission for Mothers and Children (NCMC), a governmental body composed of focal points from 23 ministries and organizations” (para. 3). It also notes that as part of the information-gathering process consultations were held with children.

Q: Did any representative of the 23 ministries or organizations bring information about or raise concerns about child monks?

Q: Were child monks consulted? If so, how many and what were their ages? If not, were there particular impediments to doing so?

II. GENERAL MEASURES OF IMPLEMENTATION

-A. Legislation (CRC/C/LAO/CO/2, para. 9)

The State Party notes it has taken various measures to strengthen legislation to protect children and uphold their rights.

Q: Are child monks guaranteed the same protections and rights as other children? Are there exclusions, limitations or exceptions in any area? (For example, in one country, children attending schools aimed primarily at imparting religious education are not covered by that country’s Right to Education Act.)

**-D. Independent monitoring (CRC/C/LAO/CO/2, para. 15)
(CRC/C/OPAC/LAO/CO/1, para. 9 and para. 27)**

The State Party specifies that the National Commission for Mothers and Children (NCMC) is responsible for monitoring violations of children's rights in Lao PDR. The State Party acknowledges limited capacity and budget.

During the review for Reporting Period 2, the State Party was asked what measures are taken to ensure children living in temples and pagodas (as well as in SOS Children's Villages centres) are getting the best possible care (para 25, CRC/C/SR.1601). There is no indication in the documents that I have reviewed that this question was answered during that review.

Also during that review, the Chairperson asked whether children living in pagodas or temples can lodge a complaint if they are subjected to abuse. A State Party representative replied that cases of abuse are dealt with by those in charge of the pagoda or temple and by village authorities (paras 30-31, CRC/C/SR.1601).

Q: Does the State Party have statistics or other information about abuse, violence, or neglect experienced by children living in pagodas or temples?

Q: Does the State Party have information about cases of abuse that have come before pagoda officials or village authorities? How were such cases typically dealt with? Have cases ever been brought before the criminal courts?

Q: Has the State Party taken steps to determine whether the rights of children living in temples are being respected, including with regards:

- the right to not be subjected to physical punishment;
- the right to a basic education;
- the right to maintain regular contact with their families;
- the right to return home so should they no longer wish to remain at the temple or monastery, and assistance to get home if this is what the child wants;
- the right to rest, leisure and play appropriate to their age and in keeping with the evolving nature of childhood;
- the right to be protected against all forms of abuse, including sexual abuse?

F. Data collection (CRC/C/LAO/CO/2, para. 19), (CRC/C/OPSC/LAO/CO/1, para. 8), (CRC/C/OPAC/LAO/CO/1, para. 13)

The State Party refers to a variety of population surveys that have been conducted in recent years, including the Population and Housing Census (PHS) conducted in March 2015, the Lao Social Indicator Survey (2011-2012), the Study on the Causes and Impact of Internal Migration on Children (2011), and the National Survey on Violence Against Children (2014).

During the review for reporting Period 2, the State Party told the Committee that authorities had no data on the number of children living in pagodas and temples (para 27, CRC/C/SR.1601).

Q: Does the State Party know how many child monks there are in Lao PDR? Do any of the studies referred to in the State Party's report include information on children living outside of the family home as child monks?

Q: Bearing in mind that the UN Guidelines for the Alternative Care of Children state that, in principle, children should be maintained "as close as possible to his/her habitual place of residence" (para. B.11), does the State Party know how far child monks are typically living from their families?

- G. Dissemination and awareness-raising (CRC/C/LAO/CO/2, para. 21)

- H. Training (CRC/C/LAO/CO/2, para. 23)

The State Party notes that there have been a number of campaigns conducted in Lao PDR to raise awareness of children's rights and the CRC. It also notes that publications on child rights and trainings have been provided to a variety of professionals and organizations.

Q: Have there been awareness campaigns and trainings targeting religious institutions, including pagodas and temples? Have publications and trainings pointed out that child monks are guaranteed the same CRC rights that are guaranteed to lay children? Have specific efforts been made to highlight this, such as including illustrations of children in religious robes on campaign posters?

V. VIOLENCE AGAINST CHILDREN

-A. Corporal punishment (CRC/C/LAO/CO/2, para. 39)

-B. Follow-up to study on violence (CRC/C/LAO/CO/2, para. 40)

-C. Abuse and neglect (CRC/C/LAO/CO/2, para. 48)

The State Party acknowledges that children in Lao PDR experience significant rates of abuse and neglect, including sexual abuse.

During the review for reporting Period 2, a representative of Lao PDR told the Committee that "children living in pagodas or temples were frequently sent there by their parents if they had serious educational problems, as the monks were well known for being able to instill excellent discipline and educational principles" (para 29, CRC/C/SR.1601).

Q: Does the State Party have information on the use of corporal punishment in temples and monasteries?

Q: Has the State Party taken steps to encourage children and adults to report abuse perpetrated within religious institutions?

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

-A. Family environment (CRC/C/LAO/CO/2, para. 42)

-B. Children deprived of a family environment (CRC/C/LAO/CO/2, para. 44)

The State Party notes that efforts are being made to bring child care practices in line with the UN Guidelines for the Alternative Care of Children. It also notes that there are plans to assess the situation of children without parental care.

In its Concluding Observations for Period 2 the Committee raised the following concerns and suggestions related to children in pagodas (CRC/LAO/CO/2):

43. The Committee notes that the decision regarding the placement of a child deprived of a family environment is under the jurisdiction of the chief of the village, and that under certain circumstances, the village chief or the village community might entrust a child to a “pagoda”. The Committee is concerned that there is no monitoring mechanism to ensure that the child’s rights are respected, including his/her right to be heard and to maintain contact with his/her family, nor to periodically review the placement of children in alternative care.

44. The Committee encourages the State party to develop clear guidelines in order to ensure that children’s rights are respected throughout the entire process of placement in alternative care, with priority given to family-type and community-based measures. The Committee also encourages the State party to set up a mechanism to ensure periodic review of the placement of children in care centres, family-type care and alternative forms of care such as “pagodas.” The Committee encourages the State party to take into account, in its efforts, the Guidelines for the Alternative Care of Children, contained in United Nations General Assembly resolution A/RES/64/142 adopted on 20 November 2009.

Principles articulated in the UN Guidelines for the Alternative Care of Children include:

- “(T)he desirability, in principle, of maintaining children as close as possible to his/her habitual place of residence . . .” (para 11);
- “Financial and material poverty, or conditions directly and uniquely imputable to such poverty, should never be the only justification for . . . receiving a child into alternative care, or for preventing his/her reintegration, but should be seen as a signal for the need to provide appropriate support to the family” (para 15);
- “The provision of alternative care should never be undertaken with a prime purpose of furthering the political, religious or economic goals of the providers” (para 20).

Q: What steps has the State Party taken to address concerns raised by the Committee during the Period 2 review with respect to children in pagodas?

Q: Do the State Party’s plans to assess the situation of children without parental care include plans to assess the situation of child monks?

Q: Does the State Party have information on whether child monks and their families are encouraged to maintain regular contact with each other?

Q: Does the State Party know whether restrictions are placed on contacts, such as limiting the frequency of telephone calls or visits?

IX. SPECIAL PROTECTION MEASURES

-B. Sexual exploitation and abuse (CRC/C/LAO/CO/2, para. 66), (CRC/C/OPSC/LAO/CO/1, para. 28)

The State Party acknowledges the lack of data on the scale and nature of sexual abuse of children in Lao PDR. It also acknowledges the challenges of combatting sexual abuse in a context where such matters are considered deeply private.

Q: Has the State Party considered consulting with experts who are knowledgeable about the sorts of risks and dynamics that have been associated with the abuse of children in religious and institutional contexts, who might be able to advise on ways to address these?

-D. Helplines (CRC/C/LAO/CO/2, para. 70)

The State Party notes in its report that child helplines have been established.

Q: Is information about child helplines posted in temples and pagodas in places where child monks can see it?

A final word of appreciation:

In closing, I would like to thank the Committee for the opportunity to present these concerns and suggestions. I also thank the State Party for being open to receiving these comments, which have been offered with the hope that they can contribute to ensuring that the rights of child monks and of children who are susceptible to being sent to pagodas or monasteries to live as novice monks are fully honoured and respected.

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