

VIOLENCE AGAINST CHILDREN IN LAO PDR

WHAT IS VIOLENCE AGAINST CHILDREN?

Violence against children refers to all forms of harm to children, including physical, sexual and emotional violence and neglect. Violence can take place in homes, families, schools, care and justice settings, workplaces and communities. Perpetrators include parents, family members, teachers, caretakers, law enforcement authorities and other children.

Violence against children takes place in every country and at all levels of society. Too often, however, it is an invisible problem because it occurs within homes and families or because people turn a blind eye to it, or simply fail to report it due to fear or stigma. Since much violence is hidden from public view—and because it is too often tolerated—it is difficult to assess the true scale of the problem.

Forms of violence

Physical violence: any physical force that is used intentionally and has the potential to cause harm, injury, disability or death. It includes slapping, hitting, kicking, punching, scratching, pushing, throwing, grabbing, biting, choking, shaking, burning, or use of a weapon.

Sexual violence: any form of violence carried out through a sexual means against another person (male or female) where there is no consent or consent is not possible (i.e. if a person is under the legal age of consent, is not mentally or physically capable of choosing whether to engage in sexual behavior, or is drunk or high on drugs). Sexual violence can take place in any setting. It includes forced sex (rape), attempted rape, sexual touching without consent, sexual harassment, forced prostitution, trafficking for sexual exploitation, including money or goods exchanged for sex, and sexual abuse and exploitation through the internet.

Emotional violence: any kind of non-physical act that has an adverse effect on the emotional health and development of a child. It can include verbal abuse, humiliating, rejecting or ignoring a child, isolating a child from friends and family, telling a child they are worthless or unloved, deliberately making a child feel embarrassed or upset, and bullying of a child by adults or other children.

Neglect: failure to meet children's physical and emotional needs, protect them from danger, or obtain medical, birth registration or other services when those responsible for children's care have the means, knowledge and access to services to do so. It includes abandonment, failure to educate a child, and failure to provide the necessary food, shelter, clothing and basic medical care.

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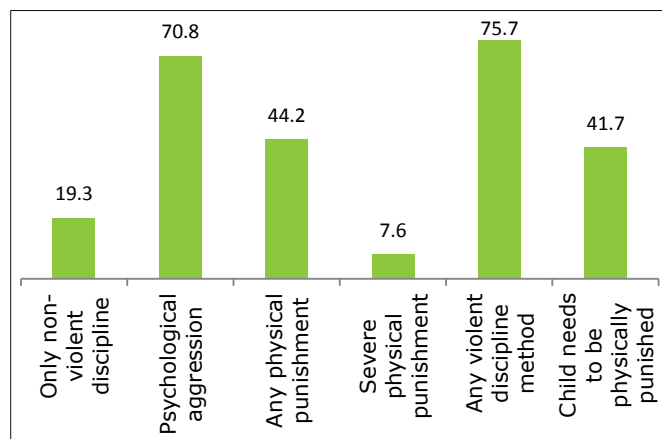
In Lao PDR, there is limited national data on the prevalence of different forms of violence against children and the circumstances under which they occur. However,

there is a growing body of evidence from various studies that indicates that violence affects a significant number of children.

At the Adolescent Youth Health Summit in 2010 both young men and women identified violence as a key threat to their wellbeing. Young people frequently made reference to the growing threat of violence in their homes and communities.

Recent findings of the 2011 Lao Social Indicator Survey found that 76 per cent of Lao children aged 2-14 are subject to at least one form of psychological aggression or physical punishment from an adult in their household. Of these, 77 per cent are boys and 74 per cent are girls. The percentage of children experiencing violence remains high across all education levels of household heads and wealth quintiles.

Figure 1: Percentage of children age 2-14 who experienced different forms of violence in Lao PDR, LSIS 2011



The findings also showed that eight per cent of Lao children experience severe physical punishment from an adult in their household. Of these, nine per cent are boys and six per cent are girls. The percentage of children who experience severe physical punishment increases with decreasing education levels of household heads and wealth quintiles. Ten per cent of children whose household heads have no education experience severe physical punishment compared to four per cent of children whose household heads have higher education. The percentage of children from the poorest quintile who experience severe physical punishment is more than twice that of children from the richest quintile (11 per cent and five per cent, respectively). Children from rural areas without road access (12 per cent) experience more severe physical violence than children in urban areas (eight per cent). Furthermore, the percentage is double the national average (16 per cent or higher) in Sekong, Luangnamtha and Huaphanh provinces. By ethno-linguistic group, the percentage is highest among children in Chinese-Tibetan households (16 per cent).

The survey also revealed that 42 per cent of Lao adults believe physical punishment is necessary to properly raise



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a child. This opinion varies considerably across provinces, from a low of seven per cent in Luangnamtha to a high of 94 per cent in Oudomxay. Forty-six per cent of respondents with no education believe that a child needs to be physically punished compared to only 27 per cent of respondents with higher education.

In Lao PDR social and cultural norms generally purport the belief that violence against children in the home is a private affair and that physical violence is an acceptable way to discipline and educate a child. Meanwhile, children are reluctant to report incidents of violence committed against them, sometimes in fear of retribution against themselves or family members, out of shame or guilt, or due to the belief that they merited such treatment or were in some way responsible.

IMPACT OF VIOLENCE AGAINST CHILDREN

Effects on children and families

There is clear evidence that violence experienced as a child can have a profound impact on the emotional, behavioural, physical and social development of a person:

- Exposure to violence at an early age can affect children's brain development and their ability to learn, and can lead to a wide range of behavioural and emotional issues.
- People who experience violence as children are more at risk of developing health conditions and long-lasting diseases as adults, such as heart disease, cancer, chronic lung disease, liver disease, stroke, diabetes, obesity, high blood pressure, high cholesterol and overall poor health.
- Victims of childhood violence are more likely to come into conflict with the law and engage in high-risk behaviours as adolescents¹ and adults, such as alcohol and drug abuse, sexual promiscuity, and unsafe sexual behaviour.
- The stress of long-term violence often leads to anxiety, which makes victims more vulnerable to depression, behaviour problems, attempted suicide, and learning, attention and memory difficulties. It can also lead to reduced school performance, including an increased likelihood for children to drop out or repeat a year.
- Children who experience sexual violence suffer higher levels of unwanted pregnancy and sexually transmitted infections including HIV.
- Children who have witnessed or been victims of violence during childhood are more likely to grow up to become victims or abusers themselves.
- Some forms of violence, including sexual violence and bullying, may also lead to social stigma and discrimination that has profound consequences not only on the child but also his or her family.

Social and economic effects

Violence does not just affect an individual child or family. The consequences of violence against children can have significant economic costs to society, including:

- Increased national expenditures by the health, social welfare and criminal justice systems, such as costs related to apprehending and prosecuting offenders, and public health.
- Costs for the employment sector arising from absenteeism and low productivity.
- Obstruction of economic growth due to losses in educational achievement, lost productivity, disability and decreased quality of life, all of which can hold a nation back from fully developing.

Given the serious and lasting impact of violence on children, it is critical to understand the magnitude and nature of violence against children in order to determine priorities in child protection and child welfare, to make informed programmatic decisions and funding allocations, and to develop effective prevention and response strategies around violence.

FACTORS CONTRIBUTING TO VIOLENCE

A wide range of personal, family, social, economic and cultural factors increase the risk of violence against children and help to perpetuate it. Often, it is a combination of these factors that expose children to violence.

Child-related factors

The vulnerability of children to violence is linked to their age and evolving capacity. Young children are more vulnerable to violence because they are physically smaller than adults or adolescents, are more easily intimidated and subservient, have fewer negotiation skills, and lack the life experience needed to predict escalation. Some children, because of gender, race, ethnic origin, disability or social status are particularly vulnerable.

Family-related factors

While violence against children takes place across all economic and social groups, children are at increased risk of experiencing violence in the home when families are characterised by low incomes, low parental education levels and household overcrowding. Other factors likely to exacerbate the risk of violence against children in the home include social isolation, family separation and parental difficulties in dealing with stress. Parents who use violence against their children may also have experienced violence as children.

Violence against women in the home is also often linked with violence against children. Exposure to intimate partner violence not only puts children at risk of physical violence themselves, but increases the likelihood that they will suffer psychological and emotional disturbances over the short and long term.

Poverty, inequality and social exclusion

There is a strong relationship between poverty, inequality and social exclusion, and violence against and among children in community settings. Communities with high levels of unemployment, a lack of economic opportunities, community disorganisation and a lack of services and amenities create circumstances that lead to higher levels of frustration and unrest, which can potentially lead to violence.

¹ Adolescents refers to those aged between 10-19 years.

Social norms

Social and cultural norms are highly influential in shaping individual behaviour, including the use of violence. Norms can protect children against violence, but they can also support and encourage the use of violence. For example, cultural acceptance of violence, either as an acceptable way to resolve conflict or as a normal way to discipline a child, is a risk factor for all types of interpersonal violence. Social tolerance of violent behaviour is likely learned in childhood, through the use of corporal punishment or witnessing violence in the family, in the media or in other settings.

Social norms and beliefs that support violence against children in Lao PDR

- Boys are valued more in society than girls.
- Children have a low status in society and within the household, and are expected to submit to the will of their parents, teachers, religious leaders, and other elders and authority figures.
- Physical violence is an acceptable way to discipline and raise a child.
- Women are responsible for child-rearing and looking after the household (unequal gender norms and lack of empowerment foster violence).
- Sexual violence such as rape is shameful for the victim and their family, deterring individuals from disclosure and seeking help or justice.
- Girls/women engaging in sexual behaviour outside of marriage are stigmatized and blamed for immoral behaviour, while the same behaviour in men is accepted.
- Acceptance of corporal punishment in schools.
- Inequalities between men and women are deep-rooted and men are considered superior to women.

Gender inequality

Gender plays an important role in patterns of violence and gender stereotypes are often used to justify violence. In Lao society, gender inequality is visible in many areas, including politics, religion, media, cultural norms, and the workplace. Both men and women receive many messages—some obvious, some discrete—that men are more important than women. This inequality creates a rationale for humiliation, intimidation, control and abuse. In this context, it becomes easier for a man to believe that he has the right to be in charge and to control a woman, even if it requires violence.

Situational factors

Situational factors such as widespread access to weapons, alcohol consumption, the presence of gangs, and situations of unrest can give rise to violence that might not otherwise occur. In situations where these factors are present, people who have no prior history of violent behaviour and who are not usually violent may nevertheless react violently.

LEGAL FRAMEWORK RELATING TO VIOLENCE AGAINST CHILDREN

National legislation

Article 6 of the Constitution of the Lao PDR (2002) provides State protection to all Lao people from harm: “All acts of ‘bureaucratism’ and harassment that can be

physically harmful to the people and detrimental to their honour, lives, consciences and property are prohibited.”

The Law on the Protection of the Rights and Interests of Children (2007) defines principles, rules and measures related to the management, monitoring and inspection of implementation of the protection of the rights and interests of Lao children. The law includes legal measures to punish those who commit offences towards children in order to ensure that children are in full physical, moral and mental health.

The Law on Development and Protection of Women (2004) includes provisions to eradicate all forms of discrimination against women and to prevent and combat trafficking in women and children and domestic violence. According to the Law, women and children who are victims of domestic violence have the right to seek assistance and report to police officials for remedial action in accordance with regulations and laws.

The 2008 Family Law of Lao PDR specifically references parental violence against children and states that “if parents do not meet their obligations in the education of their children, exceed their parental rights, make use of violence and ill-treatment to them, the court may withdraw their parental rights (Article 32)”. However, the type of violence that would lead to the withdrawal of parental rights is not defined.

There is currently no domestic legislation that prohibits corporal punishment across all setting, including family, schools and alternative childcare settings. However, the revised Education Law (2007) calls for teachers to “protect the rights” of learners, and not to “batter, insult, or ill-treat” them (Articles 45 and 47).

Regional commitments

The Government of Lao PDR has committed to the ASEAN Declaration on the Elimination of Violence against Women and Violence against Children 2013, which encourages Member States to report on efforts to eliminate violence against women and violence against children.

International conventions relating to violence against children ratified/acceded to by Lao PDR

- Convention on the Rights of the Child: *ratified in 1991*
- First Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts: *acceded to in 2006*
- Second Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography: *acceded to in 2006*
- Convention on the Elimination of All Forms of Discrimination against Women: *ratified in 1981*
- ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour: *ratified in 2005*
- Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: *acceded to in 2003*

International human rights standards

Article 19 of the United Nations Convention on the Rights of the Child states that all children, everywhere, have the right to be protected from all forms of violence.

Several other instruments, including the Optional Protocols to the Convention on the Rights of the Child, and the International Labour Organization's Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999), single out particular types of violence and exploitation for action.

The 1993 UN Declaration on Violence against Women also provides guidance to States on steps that should be taken to address violence against women and girls.

Key recommendations of the UN Committee on the Rights of the Child

In 2011, the UN Committee on the Rights of the Child considered the second periodic report of Lao PDR and recommended that the Government pursue the following in relation to violence against children:

- Consolidate a national system of data collection, analysis and dissemination, and a research agenda on violence against children.
- Prohibit all forms of corporal punishment of children in all settings and promote the use of alternative forms of discipline.
- Develop a comprehensive strategy to address violence against children.
- Introduce explicit legislation that bans all forms of violence against children.
- Establish a mechanism to identify the number of cases and the extent of violence, abuse, neglect maltreatment and exploitation.
- Provide access and adequate services for children as victims of violence.
- Establish a system of mandatory reporting of violence, exploitation, abuse and neglect for professionals working with or for children.

PREVENTING AND RESPONDING TO VIOLENCE AGAINST CHILDREN IN LAO PDR

In response to these and other recommendations, important progress is being made to protect the rights of children in Lao PDR and to ensure that children are protected from all forms of violence.

National Plan of Action to Prevent Violence against Women and Violence against Children

The protection of children from violence requires a coordinated multi-sectoral approach that combines knowledge, skills and resources from different sectors and professions to comprehensively meet the protection needs of children. The National Commission for Mothers and Children and the National Commission for the Advancement of Women have developed Lao PDR's first National Plan of Action on the Prevention and Elimination of Violence against Women and Violence against Children 2014-2020. The National Plan of Action comprises three main programs: 1) review of policies and legislation and establishment of databases and research, 2) prevention of violence against women and children, and 3) response to violence against women and children to ensure access to services for its health- and protection-related consequences. It addresses violence in all settings.

Building the evidence

The National Commission for Mothers and Children, in collaboration with the Lao Statistics Bureau and with UNICEF support, is leading a national prevalence study on violence against children in Lao PDR. The study will provide, for the first time, national population-based data on the magnitude and nature of physical, sexual and emotional violence against children, and its underlying risk and protective factors. It will also identify the health and social consequences associated with violence against children and assess the knowledge and utilization of health and welfare services available for child victims of violence.

The findings of the study will provide much-needed evidence to guide Government, development partners and non-governmental organizations in developing, improving and enhancing strategies to identify, prevent and respond to violence against children as part of a larger, multi-sectoral approach to child protection.

Raising public awareness

Violence against children is not a private matter and needs to be brought to public attention. As a result, inspired by the global #ENDviolence initiative, UNICEF has initiated a communication campaign together with the government, civil society and development partners to raise awareness among policy makers, the general public and the media about the issue of violence against children. Key messages are being developed and disseminated through various communication channels. The Government is also implementing a national campaign on patriotism and development to develop families, villages and districts that practice gender equality and are free from domestic violence, particularly violence against women and children.

Building a child protection system

Children can face multiple protection risks and because these risks are usually interlinked, vulnerability in one area often leads to increased vulnerability in others. As a result, addressing complex and often interlinked factors—such as poverty, family breakdown, violence, disability and ethnicity—requires a holistic and systemic response to identify families at risk, address their needs and prevent problems from happening in the first place.

The Government, with support from UNICEF and other partners, is working to develop a system to support these efforts, in a similar way to how the health and education systems have developed over the past decades. This involves developing and strengthening laws, policies, regulations, services and capacities, particularly in the social welfare and child justice sectors, but also in health, education and security, establishing key roles and responsibilities and improving coordination between the different actors involved in protecting children.

Examples to date include the development of community Child Protection Networks, the creation of a national counselling hotline service for youth, the establishment of Child Court Chambers under the central and provincial court, the strengthening of provincial counselling services through the Lao Women's Union Counselling and Protection Units, development of a Juvenile Criminal Procedure Law, assessments of the child and family welfare system and the justice system as it relates to children, and important discussions around the initiation of the social work profession in Lao PDR. Building the child protection system provides a more cohesive, sustainable and cost-effective way to address child protection concerns, resulting in longer-term impacts for all children.