

## Law on Preventing and Combatting Violence against Women and Children

### Part I General Provisions

#### Article 1. Objective

This law defines the principles, rules and measures for preventing and combating violence against women and children **by prevention, protection, provision assistance to the victims of violence and handling of such violence to protect the rights and legitimate interests of women and children**; aim at eliminating all forms of violence against women and children, uphold the roles, dignity of women and children, achieve the gender equality, [and] contribute to develop society in order to maintain peace, public order, solidarity, justice and civilization, protect and develop the country

#### Article 2 Violence against Women and Children

Violence against women and children is any behaviour that results in or is likely to result in danger; harm, physical, psychological, sexual, property or economic suffering to women and children.

#### Article 3. Preventing and Combatting Violence against Women and Children

Preventing and combatting violence against women and children refers to prevention, protection, assistance to the victims of violence and **handling of such violence** including taking measures against perpetrators of violence.

#### Article 4. Definitions

Wherever used in this law, the following terms shall have the following meanings:

- **A family member** refers to husband, wife, father, mother, child, older brothers, older sisters, younger brothers/sisters and other persons who reside with the family that are registered under the family book including the persons who has the official residential approval paper;
- **A child** refers to any person below eighteen years of age;
- **Perpetrator of violence** means a person who commits an act, negligence or neglect that results in physical, psychological, sexual, property or economic damage to women and children.
- **Victim** refers to any woman or child who is harmed physically, psychologically, sexually, property or economically from any act, negligence or neglect by the perpetrator of violence;

- **Abuse** means an act that has a physical and psychological effect on women and children, such as kick, whipping, tying up, locking up, not allowing to eat food, forced labor, unfaithful to spouse, sexual abuse of women and children.
- **Behavior means** any act, negligence or neglect
- **Act** means the actual physical and verbal action.
- **Negligence or neglect** means the failure to act according to the law or failure to act in a manner in which family members should treat each other, which results in physical, psychological harm or [affects] the health of women and children, such as failure to meet the commitment to take care of their own children or children who are under their obligation, failure to take care of family members when they are ill or when they have a disability.
- **Forced sex [within marriage]** means any act by a husband to have sexual intercourse with his wife by using force, coercion, threats when the wife does not want to have sex or is in situation when she is not ready to have sex.
- **Rape** means the use of force, use of a weapon to threaten, use of anesthesia drug, use of alcohol or other methods that place women and children in situation that they cannot help themselves, to have sexual relations with women and children.
- **Having Sex** with children means any sexual activity with a girl or boy by lying, luring, persuading, buying, alluring or other ways to make children consent and do what he/she was told to do.
- **Social worker** means a person who is approved or designated by the state concerned organization to help or assist the victim
- **Social Welfare Staff** means staff members or authorities that belong to Lao Women's Union and Labour and Social Welfare Sector that working on social welfare.
- **Discrimination against women** means any distinction, exclusion or restriction that is based on a women's race, colour, sex, ethnicity, religion, language, education, knowledge and capacity, intelligence, socio-economic status, health status, physical appearance, disability, and other aspect that makes women's rights unrealized.
- **Discrimination against children** means any distinction, exclusion or restriction that is based on a child's or a child's parent's race, colour, sex, ethnicity, religion, language, education, knowledge and capacity, intelligence, socio-economic status, health status, physical appearance, disability, origin and other aspect of a child, child's parents or other child's family members that makes children's rights unrealized.
- **Child labour** means admission of children aged below the working age, employment of children to work that is dangerous or at dangerous working places, work for more than the working hours as stipulated under the Labour Law and other relevant rules and regulations.
- **Prevention** means the prevention of violence against women and children by using methods, types and any measures.
- **Protection** means the use of methods, measures to stop, provide assistance and solve the problem based on the reality, law and regulations when there is violence against women and children.
- **Minor offences** refer to offences specified by law as punishable by public declaration of guilt and/or fines.

## **Article 5. State Policy on Preventing and Combatting Violence against Women and Children**

The State has policies to promote the advancement of women, gender equality, to protect the rights and interests of women, to ensure the upholding of the basic rights of children by creating all favorable conditions for women and children to develop in all aspects, [to have the opportunity] to play their roles in [making decisions in their] families, society and political forum in order to become a driving force in the country's protection and development.

The State recognizes that violence against women and children is an offence and the State is against all forms of violence against women and children, and no custom, tradition, [or] belief should be invoked to justify violence.

The State provide human resource, transportation, equipment, budget to prevent and combat violence against women and children.

The State pays attention to awareness raising, educate, encourages, [and] promotes the public, private, organizations within country and in abroad including all citizens to take part in the activities to prevent [and] combat violence against women and children and promote the good tradition of the nation.

## **Article 6. Principles on Preventing and Combating Violence against Women and Children**

Preventing and combating violence against women and children shall be conducted under the following principles:

- Prevention of violence against women and children is the priority consideration[;]the protection of, assistance to women and child victims, solving problem of violence, including using measures, are the vital consideration;
- Collaboration in prevention, protection, providing assistance, solving the problems and using measures [shall] take into account the best interests of women and children;
- Uphold, study and consider the opinions of women and children on all matters related to violence that affects them;
- Protect, assist women and child victims in a timely manner, in accordance with the laws, actual situation and the actual capacity of individuals and the concerned organizations;
- Ensure the confidentiality of women and child victims of violence;
- Promote the role and responsibilities of individuals, families, communities and all kinds of organizations in preventing and combating violence against women and children.

## **Article 7. Scope of Application of Law**

This law must be applied to individuals, legal entities[, and] the public and private organizations, including domestic and foreign organizations, residing in the territory of the Lao PDR.

## **Article 8. International Cooperation**

The State promotes international relations and cooperation at regional and international level in preventing and combatting violence against women and children by exchange of experiences, information, scientific studies and other forms of cooperation including the implementation of international conventions and treaties to which the Lao PDR is Party.

**Part II**  
**Violence against Women and Children**  
**Chapter 1**  
**Forms of Violence**

**Article 9. Forms of Violence**

Violence against women and children has 2 forms as follows:

- Violence against women and children by a member of the family
- Violence against women and children by other people

**Article 10. Violence against Women and Children by a member of the family**

Violence against women and children by a family member is any act, negligence or neglect by a family member that results in physical, psychological, sexual, property or economic harm or suffering to women and children who are family members irrespective of the setting in which that violence occurs.

**Article 11. Violence against Women and Children by other People**

Violence against women and children by other people is any act, negligence or neglect by individuals, [or] a group of people who are not family members including authorities and staff members that results in physical, psychological, sexual, property or economic harm or suffering to women and children in the community setting, public setting, workplaces, educational setting, alternative care setting and other places.

**Chapter 2**  
**Types of Violence against Women and Children**

**Article 12. Types of Violence against Women and Children**

Violence against women and children has 4 types as follows:

- Physical violence
- Psychological violence
- Sexual violence
- Property and economic violence

**Article 13. Physical Violence**

Physical violence is an intentional act such as ~~slapping~~, abuse, torture, hitting, kicking, pushing, throwing a child that cause injuries, bruises or no sign of the use of violence in some cases; mental health problems; disability or death. , , .

**Article 14. Psychological Violence**

Psychological violence is an act, negligence or neglect that has an [adverse] psychological effect on women and children such as having many wife, insults, gossip, defamation, scorn, humiliation, undervaluing, adultery, neglect, bias, discrimination, separation from friends or family, disrespectful, defamation, preventing someone from doing something, coercion or threats that harm [a person's] reputation, dignity, shame, self-esteem, cause mental health problems, trauma or suicide.

### **Article 15. Sexual Violence**

Sexual violence is an act or attempt to act that results in harm to the sexual rights of women and children such as rape, forced sex, any act of obscenity, sexually indecent assault, unwanted sexual comments or sexual touching; or sending of women or children to another person for sexual purposes.

### **Article 16. Property and Economic Violence**

Property and economic violence is an act, negligence or neglect that results in damaging property of family, property that belongs to a co-owner, property of individual women and children, or results in damaging the opportunity to earn an income or other economic benefits such as destruct, burning, house and materials destroying, hiding; illegal possession, transfer, use and division [of a person's property or money]; paying low wages for labour or apply the policy unequally compared to men, preventing [women and children] from participation or operation in any work/activity even that women and children has capacity to do and are in a condition to be able to do.

### **Article 17. Acts considered as Violence against Women and Children**

Acts considered as violence against women and children are:

- Abuse, torture, beating, ~~confinement~~, coercion, threats, ~~tying up~~ throwing out of a child, inhumane treatment or other intentional act that affects the health, life and psychology [of women and children];
- Gossip, slander, scorn, insults, defamation, insult or other acts that intend to degrade/harm the reputation or dignity or psychology [of women and children];
- Discrimination, isolation, expulsion from the residence, improper discharge or pressure on the psychological health;
- Not given the opportunity, obstruction to someone from conducting their duties, participating in economic-social activities or preventing someone from exercising their rights and performing obligations as provided for in regulations and laws;
- Obscenity, dissemination of pornography, adultery, forced sex, having sex with children, rape, forced prostitution, commercial prostitution or other forms of sexual violation;
- Kidnap, forced marriage or forced divorce or obstruction to marriage or divorce; marriage for the purpose of selling a person to other people.
- Failure to meet obligations to take care of, raise and educate children, failure to support and assist the family's work or earnings or failure to taking care of children who are under their responsibility;
- Illegal possession, move, transfer, use, divide, seize, concealment[, ] or destruction of property;
- Using child labour, forcing [someone] to work or to economically contribute.
- Other acts that break the laws and regulations.

## **Part III Prevention of Violence against Women and Children**

## **Article 18. Prevention of Violence against Women and Children**

Prevention of violence against women and children shall proceed as follows:

- Public awareness raising on violence against women and children
- Promotion of the advancement of women and gender equality
- Promotion of children's rights
- Strengthening the capacity of concerned organizations
- Research and data collection
- Responsibility of social organizations
- Family members' responsibilities
- Women's responsibilities
- Men's responsibilities

## **Article 19. Public awareness raising on Preventing and Combatting Violence against Women and Children**

Awareness raising on preventing and combatting violence against women and children is one of the important areas of work of the State, individual, legal entities and all parts of society to make the public aware of and understand [the issue of violence against women and children], aimed at changing behaviors, eliminating cultural, customary, beliefs and attitudes that degrade[,], discriminate [against] and obstruct the advancement of women and children.

Awareness raising on preventing and combatting violence against women and children can be conducted in different forms and methods such as integration into the education curriculum, widespread and intensive awareness raising and other activities on preventing and combatting violence against women and children.

## **Article 20. Promotion of the Advancement of Women and Gender Equality**

Promotion of the advancement of women and gender equality is one of the measures of the State to ensure women and men have the same values and equal opportunities in politics, economy, education, society and culture, family [affairs], national defense and security, and foreign affairs as provided in the Constitution and laws.

The State creates conditions for women to be aware of their rights and exercise their rights including improving the economy for women through access to education, vocational training, labour skills development and necessary financial resource to enable women to have working opportunities, [and] have a good living conditions.

## **Article 21. Promotion of Children's Rights**

Promotion of children's rights is the State's measure to strengthen children's attainment of their rights and protection from violence in the family and other settings through awareness raising on children's rights, the care of children, the provision of education and children's development and the participation of children appropriate to their age.

## **Article 22. Strengthening the relevant Organizations**

Strengthening organizations working to prevent and combat violence against women and children such as the Village Mediation Committee, Counselling Units, Child Protection Network or Committee for Protection and Assistance to Children, the Lao National Front for Construction, mass organizations, police, offices of the public prosecutor, and courts shall be

carried out through upgrading, building capacity, trainings and workshops and the exchange of related information and lessons learned. In addition the State and society shall allocate a budget, funds, human resources, materials and transportation as appropriate.

### **Article 23. Research and Data Collection**

Research and data collection concerning violence against women and children is important work ~~and promoted by the State~~ in order to use the information and data as fundamental information for making and improving policies, laws, rules and regulations and plans on prevent and combat violence against women and children .

### **Article 24. Responsibilities of Social organization**

All social organizations shall have responsibilities to prevent violence against women and children by participating in the promotion of the rights of women and children, awareness raising, taking part in formulating and improving policies, laws and regulations [,] participate in carrying out the activities to prevent and combat violence against women and children [,] and taking ownership of a collaborative and cooperative role with relevant organizations in order to implement the relevant policies and laws and regulations effectively.

### **Article 25. Responsibilities of Family members**

Members of the family have responsibilities to re-educate, [and] alert a family member to respect the rights of women and children, promote gender equality, combat all forms of act of using domestic violence and violence in society[, and] to encourage women and children in a family to develop in all aspects.

### **Article 26. Responsibilities of Women**

Women shall take ownership in self-development and strengthening physically, psychologically, mannerly, social behavior, education, professional and labor skills training, uphold their own roles in political, economic, social and cultural affairs; [and in] national defense – public security and foreign affairs.

Women have responsibilities and shall take ownership to protect the rights and legitimate interests of themselves and of other women, encourage and participate in preventing violence against women and children. In addition [women] should not take beliefs and tradition to obstruct self-development.

### **Article 27. Responsibilities of Men**

Men have responsibilities and [shall] take ownership in preventing violence against women and children, adapt-change the violence behavior and stop using violence, have a good attitude, respect the rights of individual women and children, aware of and implement their obligation in realizing the gender equality rights and children's rights. In addition men should not hold customs, traditions or beliefs to justify violence against women and children.

Men should take ownership in raising awareness, build knowledge on preventing and combatting violence against women and children



**Part IV**  
**Protection, Assistance, and Protection Measures for Victims of Violence**  
**Chapter 1**  
**Protection and Assistance to the Victims**

**Article 28. Primary Protection and Assistance to the Victim**

Family members, individuals, legal entities or organizations that have seen or know about the use of violence against women or children must protect and assist the victim, in accordance with the characteristic of violence and the urgency, by intervening to stop the violence, obstructing the violence, re-educating the parties, or requesting other individuals or organizations to help or assist in a timely manner. In cases where the violence caused injury, the victim should be referred to hospital.

Individuals, legal entities or organizations [that] have been requested to protect and assist the victim shall protect and assist the victim based on their abilities [and] by the means as mentioned in the above paragraph. Those who protect and assist the victim with good faith will be protected under the laws and regulations.

**Article 29. Reporting**

Individuals, legal entities or organizations [that] have found or seen the use of violence against women or children shall immediately notify or report the incident to village authorities, the organization where the incidence occurred, the Lao Women's Union, Child Protection and assistance Network or Committee for Protection and Assistance of Children or police.

If medical doctors, other health care professionals, teachers, professors, care givers or other professionals have seen or know about violence against women and children they must notify or report this to their own organization or to the police where the incidence occurred.

In cases where the victim is a child, the organization who received the report must cooperate with the Child Protection and Assistance Network or Committee for Protection and Assistance of Children to intervene in protecting and assisting children promptly.

**Article 30. Response and Referral System**

Organizations or police who received the report or notification about the incident of violence against women and children must immediately intervene to stop the violence and assist the victim, ask, interview, collect data and assess the situation of the victim. If necessary, [they shall] coordinate with other concerned agencies to refer the victim and accompanied children [if there is accompanied children] to ensure that the victim receives the necessary protection and assistance as stipulated in Article 32 of this law.

**Article 31. Rights of the Victim**

The victim of violence has the following rights:

- To request or receive assistance from family members, nearby persons, village authorities, the organization to which the victim or offender belongs, Lao Women's Union, Child Protection and Assistance Networks or Committee for Protection and Assistance of Children, police officers or other relevant competent authorities;
- To have his/her rights respected and to be treated in a caring and sensitive/friendly manner;



- To report the violence to the village authorities, the police, Women’s Union, or Child Protection and Assistance Networks or Committee for Protection and Assistance to Children to receive protection and assistance, or take judicial proceedings against the perpetrator;
- To choose the method to solve the issue of violence as stipulated in Article 47 of this law;
- To request and receive protection from coercion, threats or all forms of harm including [for] family members or accompanied children;
- To receive necessary assistance, such as counseling, safe temporarily accommodation shelter, medical assistance, legal assistance, education, vocational training, and reintegration to family and society;
- To receive compensation for the harm and psychological recovery;
- To [have their information] be kept confidential;
- To receive protection and assistance from the State, National Front Construction, mass organizations and social organizations in according to the laws and regulations;
- To have other rights as prescribed under the laws and regulations.

**Article 32. Necessary Protection and Assistance**

After seeing and receiving the report on the incident of violence against women and children, the concerned agencies and sectors must protect and assist the victim of violence and accompanied children as follows:

- Social welfare assistance;
- Counseling assistance;
- Assistance in a safe temporarily shelter;
- The assistance on care of children;
- Medical assistance;
- Legal assistance;
- Economic assistance;
- Education and vocational training assistance;
- Assistance with re-integration into family and society .

**Article 33. Social Welfare Assistance**

Social welfare assistance can be provided by the social welfare staff or social worker whenever there is use of violence against women and children. Such assistance shall include:

- Assess the victim's situation, such as the risks, the [victims'] development and then make an assistance plan for the victim;
- Coordinate with concerned authorities to provide necessary protection and assistance and monitor such protection and assistance;
- Report on the situation of the victim and propose the solution to the concerned authorities
- Participate in interviews, taking testimony from the victim, monitor mediation and judicial proceedings against the perpetrator of violence

#### **Article 34. Counselling Assistance**

Psychological counselling, legal advice and health counselling assistance should be provided at any time to respond to the problem caused by the use of violence against women and children, including provision of information on women's and children's rights or victim' rights.

#### **Article 35. Assistance in Temporary Safe Shelter**

Victims who need to be separated from the perpetrator of violence who do not have shelter and have accompanied children shall receive assistance with temporary safe shelter from Lao Women's Union and Labour and Social Welfare sector with collaboration with other agencies, including food, medicine, clothes and other personal necessities according to the real situation.

#### **Article 36. The Assistance on Care of Children**

Child victims of violence committed by their parents or guardians shall receive assistance from Social Welfare sector with collaboration with other agencies, if there is a risk that violence will continue and extended family/relatives do not have the capacity/conditions for taking care of the children.

#### **Article 37. Medical Assistance**

Victims of violence who are physically and psychologically harmed should receive medical assistance as follows:

1. To receive the medical examination, treatment and certification of health;
2. To receive psychological and psychiatric treatment and therapy;

In case of female victims, the medical examination should be carried out by a female doctor, if female victims are examined by a male doctor, a female social worker or female nurse should be presented.

In case a forensic medical examination is required by the concerned authorities, there must be consent from the victim before carrying out the examination.

If the victim is a child under 10 years of age there must be consent from a child's parents or guardian.

The victim's medical records and information shall be kept confidential, except for the provision to the authorized State authorities.

#### **Article 38. Legal Assistance**

The victim should receive legal assistance, such as legal counselling and advice, and have a lawyer or other legal protector who can protect their rights and act as the victim's representative to defend the case in court.

In the case that the victim cannot speak the Lao language, she or he should receive interpretation and translation assistance by a translator when requested, including the translation of necessary legal documents.

Victims from poor families shall receive legal assistance free of charge

#### **Article 39. Economic Assistance**

A victim who is poor and has no economic opportunities shall receive economic assistance from concerned sectors and concerned local community, such as primary financial assistance, access to financial resources or any type of work in order that the victim is able to generate an income and be economically self-sufficient.

#### **Article 40. Education and Vocational Training Assistance**

Child victims, women victims who are still in education or children accompanying the victim shall receive opportunities to continue their education in schools or in educational institutes where the victim is studying or in safe schools or educational institutes, which the Education and Sport sector and other concerned organizations shall facilitate and provide assistance according to the actual situation.

Victims who do not have the opportunity to continue their education, have the right to receive vocational training in order that they can get a job, earn an income and be able to improve their living conditions, which the Labour and Social Welfare sector shall coordinate with other relevant sectors and organizations under their roles and responsibilities.

#### **Article 41. Assistance to Reintegrate into the Family and Society**

Victims shall receive assistance to reintegrate into family and society, for which the social welfare staff or social worker or other concerned authorities must assess the victim's situation, family situation, organization and environment in which the victim resides in. If the victim is ready to re-integrate into the family, organization and environment, the social welfare staff or social worker or other concerned authorities must coordinate with the concerned authorities or concerned organizations for reintegration into the community and conduct regular periodic monitoring.

In case the victim cannot be reintegrated into the community or the victim does not want to go back to their family or community, the social welfare staff or social worker must coordinate with the concerned authorities or concerned organizations to seek a safe and appropriate place for the victim according to the actual situation and capacity.

## **Chapter 2 Protection Measures for Victims**

#### **Article 42. Protection Measures for Victims**

In all stages of solving the problem of violence against women and children, if necessary there must be protection measures for the victims. Protection measures for the victims include:

- Prohibiting the perpetrator of violence to continue using violence against victims;
- Asking the perpetrator of violence to stop any behavior that threatens, intimidates the victim or family members of the victim;
- Asking the perpetrator of violence to provide necessary financial assistance to the victim, including the use of transportation and necessary materials or equipment;

- Prohibiting the sale, transfer, destruction of property that parties have the rights to or matrimonial property;
- Asking the perpetrator of violence to participate in a rehabilitation program if the perpetrator addicted to alcohol, drugs, has mental problem;
- Custody, arrest or detain of the perpetrator of violence and take legal proceeding against perpetrator;
- Providing assistance, temporary shelter, medical assistance, legal assistance, vocational training, education assistance, and reintegration of the victim into family and society on a case by case basis.
- Using other protection measures as needed.

#### **Article 43. Request for or Propose Protection Measures**

The victim, their representative or an organization that the victim belongs to having seen that the victim is at further risk of being violated or at risk of further harm, can make a proposal or request to the police officers or concerned organizations to consider using protection measures promptly.

An organization or police officials who receive a report or notification of violence against women and children must propose or request the concerned organizations to consider using protection measures.

After receiving the request or proposal, the People's Court must consider issuing a protection measure for the victim within three (03) official working days from the date of receiving the request or proposal.

#### **Article 44. Emergency Protection Measures**

After receiving a report, notification of violence against women and children, the police investigation-interrogation officer must reach to incident occurred, assess the situation of the victim and the risk of violation continuing. If necessary and urgent the police investigation-interrogation officer can immediately use the protection measures for the victim and accompanied children. ~~then report to the People's Court.~~

### **Part V Prohibitions**

#### **Article 45. Prohibitions for Officers or relevant Organizations**

Officers or relevant organizations are strictly prohibited to act as follows:

- Taking advantage of carrying out activities to prevent and combat violence against women and children for their own benefit, which is against the law;
- Ignoring, closing, not settling or settling the problem of violence against women and children in an unlawful way and against regulations;
- Disclosing information about the victims without their permission;
- Taking sides or favoring someone in performance of their duties;
- **Abusing his/her authority or duties to other**
- Engaging in any behavior that violates the laws and regulations.

#### **Article 46. Prohibitions for Individuals, Legal Entities or Other Organizations**

Individuals, legal entities, and other organizations are strictly prohibited to act as follows:

- Using violence as defined in Article 17 of this law;
- Forcing, supporting, persuading or assisting other individuals to use violence;
- Taking revenge threatening to take revenge against those who protect and assist the victims;
- Obstructing persons who have seen the incidents to give testimony or cooperation in settlement of violence;
- taking advantage over opposed party or taking favoring to their own relatives and friends;
- Other acts that violate the laws and regulations.

### **Part VI**

#### **Settlement of Violence against Women and Children**

#### **Article 47. Type of Settlement of Violence against Women and Children**

Settlement of violence against women and children is conducted in two ways as follows:

- Re-education, compromise or mediation
- Judicial proceedings

For violence that ~~is not serious or~~ does not cause much harm either type of settlement can be applied but if the violence is serious it must be settled by judicial proceedings only.

### **Chapter 1**

#### **Re-education, Compromise or Mediation**

#### **Article 48. Re-education, [or] Compromise**

Violence against women and children that ~~is not serious or~~ does not cause much harm can be settled by re-education, [or] compromise.

Re-education, [and] compromise can be conducted by:

- Family members, close relatives or elders of the village
- An organization that the victim or perpetrator of violence belongs to

#### **Article 49. Re-education, [or] Compromise by Family Member, Close Relatives or Village Elder**

Family members have the responsibility to educate, compromise and find timely solutions to violence between family members to maintain the family status, security, and family solidarity aimed at preventing future violence and respecting the rights of family members.

In cases that cannot be solved by family members themselves, if there is a request by a family member [,] a trusted close relative or village elder can organize re-education, [or] compromise including providing advice, assistance and encouraging parties to understand each other, love each other, reconcile and stop using violence.

In cases that cannot be solved, the victim can request mediation by the Village Mediation Committee or the Counselling and Protection of Women and Children Unit.

#### **Article 50. Re-education, [or] Compromise by an Organization**

An organization that the victim or perpetrator of violence belongs to has the responsibility to re-educate, [or] compromise in cases of violence against women and children that ~~are not serious or~~ do not cause much harm if they occurred within the organization in order to maintain sodality, reconciliation, cooperation and to stop the use of the violence.

In cases where the violence continues, [the organization] shall report to the police for proceeding with the settlement.

Each re-education[or] compromise session should be recorded.

#### **Article 51. Violence that can be Mediated**

Violence against women and children that can be mediated is:

- Violence that is not a criminal offence
- Violence for which punishment by law is defined as a minor offence or imprisonment of less than one year.

#### **Article 52. Organizations that have the Rights to carry out Mediation**

Mediation for violence against women and children can be conducted by the following organizations:

- Village Mediation Committee
- Counselling and Protection Unit for Women and Children
- Police Interrogation-investigation official
- The Public Prosecutor
- People's Court

#### **Article 53. Principles for Mediation**

Mediation shall proceed according to the following principles:

- Have agreement[consent] from the victim after they are informed of their rights and options for handling the case;
- Have information, comprehensive, thorough and objective evidence ;
- Admission by the perpetrator of violence;
- Consider the rights and safety of the victims as the priority;
  
- The acceptance of the outcome of mediation should be made voluntary by the victim;
- The victim can propose to stop mediation at any time during the mediation;
- All issues that are raised or discussed at the mediation session should be kept confidential.

#### **Article 54. Measures against Perpetrator of Violence**

In mediating [cases of] violence against women and children, organizations that have the right to mediate can use the following measures against perpetrators of violence:

- Apology to the victim, the victim's family, and other affected persons;
  
- Warning; re-educating the perpetrator of violence to understand the negative impact of his/her action and to stop that behavior;
  
- Management of the behavior that caused the violence such as psychological rehabilitation, rehabilitation for alcohol and drug abuse;

- Community service or society at certain duration;
- Other measures as needed.

**Article 55. Regulations and Mediation Process**

In addition to the provisions under this chapter, mediation should follow the regulations and process of mediation prescribed in other separate regulations.

**Article 56. Mediation Minutes**

After completion of mediation, minutes should be made on all issues discussed and agreed, and issues that cannot be agreed through mediation including the measures that will be used for the perpetrator; the mediation minutes shall be read to the participants of mediation; if they agree with the minutes ask both parties and village mediation committee to sign and/or seal with their thumbprint.

**Chapter 2**  
**Judicial Proceedings in Cases of Violence against Women and Children**

**Article 57. Prosecution or Filing a Petition**

Filing a petition [in cases of] violence against women and children can be made verbally or in writing to the police investigation-interrogation officer.

Persons that have the rights to file a complaint or petition are:

- The victim, victims’ representation or the organization that the victim belongs to
- Parents or guardians of the child victim
- Individuals, legal entities or organizations that have found or seen the violence against women or children
- Medical doctors, Labour and Social Welfare staff members or social workers, teachers, professors, care givers, police officials and other professionals who have found or seen the violence against women or children

**Article 58. Consideration of Prosecution or Filing a Petition**

Police investigation-interrogation officers must consider the filed petition within three official working days from the date of receiving the filled petition, whether to mediate or take judicial proceedings against the perpetrator of violence.

Mediation can be conducted only when there is agreement [consent] from the victim or parents or guardians of a child victim and mediation should follow chapter 1 under Part VI of this law and other concerned regulations.

In cases that do not meet the criteria/conditions for mediation, the police investigation-interrogation officer shall open the investigation-interrogation as prescribed in the Criminal Procedures Law.

**Article 59. The Principles of Judicial Proceeding in Cases of Violence against Women and Children**

The judicial proceeding in cases of violence against women and children at any stage of investigation-interrogation and court proceedings shall follow the principles stipulated under the Criminal Procedures Law.



In cases where the victim is a child or the perpetrator of violence is a child the judicial proceeding shall follow the principles stipulated under the Juvenile Criminal Procedures Law.

**Article 60. Complaint for Civil Compensation**

Complaint for civil compensation that involves a criminal offence shall proceed together with the criminal proceedings. In cases of violence against property or economic violence, the victim of such violence has the right to claim for civil compensation to the People's Court and the civil proceeding shall follow the Civil Procedure Law.

**Part VII**  
**Management and Monitoring**  
**Chapter 1**  
**Management of Preventing and Combating Violence**

**Article 61. Managing Organizations**

The Government manages work to prevent and combat violence against women and children centrally and uniformly throughout the country by delegating and mandating the Lao Women's Union and the National Commission for the Advancement of Women and the National Commission for Mothers and Children, line ministries and relevant organizations such as the Ministry of Labour and Social Welfare, the Ministry of Health, the Ministry of Education and Sports, the Ministry of Information, Culture and Tourism, the Ministry of Public Security, the Ministry of Justice, ~~the Lao Women's Union~~, other sectors [and] the local administration for the implementation.

**Article 62. The Rights and Duties of the Lao Women's Union**

In carrying out activities to prevent and combat violence against women and children, the Lao Women's Union has the following key rights and duties:

- To make and improve policies, strategic plans, and laws related to preventing and combatting violence against women and children, gender equality and the elimination of all forms of violence against women and children [and] present these to the Government for consideration;
- To make and implement plans, [and] activities to prevent and combat violence against women and children;
- To raise awareness, disseminate policies, strategic plans, laws and regulations related to gender equality, upholding women's rights and the protection of women from violence including the concerned international conventions and treaties, to which the Lao PDR is party;
- To supervise, support, manage and monitor the performance of staff or social workers under the Lao Women's Union;
- To collect research and analyze data related to violence against woman and children;
- To provide counselling and protection for women and children, in order that women and children receive assistance, know about conditions and ways to access the justice process;
- To create activities to promote gender equality and uphold women and children's rights in families and society;
- To establish mechanisms and coordination systems to provide timely assistance to women victims and accompanied children;

- To provide assistance on counselling, safe temporary shelters, legal assistance, education, vocational training and re-integration into the community for victims, [and] represent victims during judicial proceedings free of charge;
- To coordinate, support and monitor ministries, local administrations, and other concerned agencies in implementing work to prevent and combat violence against women and children;
- To cooperate with foreign countries, at the regional level and internationally relating to preventing and combatting violence against women and children;
- To summarize and report on its own work performance to higher level.
- To implement the rights and other duties as defined under the laws [of Lao PDR].

**Article 63. The Rights and Duties of the National Commission for the Advancement of Women and the National Commission for Mothers and Children**

In carrying out activities to prevent and combat violence against women and children, the National Commission for the Advancement of Women has the following key rights and duties:

- To research, propose the making and improvement of policies, strategic plans, laws and regulations related to preventing and combating violence against women, promoting gender equality and combatting violence against women and children;
- To create and implement national action plan and activities to combating and preventing violence against women and children
- Raise awareness, disseminate policies, strategic plans, laws and regulations related to violence against women and children, [and] gender equality including the concerned international conventions and treaties, to which the Lao PDR is party;
- To be central coordination, support and monitor line ministries, local administration and other relevant sectors in relation with the implementation of combatting violence against women and children;
- To gather, research and data analysis on combatting violence against women and children
- To cooperate with and coordinate with foreign countries with regard to preventing and combating violence against women and children;
- To summarize and report on its own work performance to higher level regularly;
- To implement the rights and other duties as defined under the laws [of Lao PDR].

**Article 64. The Rights and Duties of the Ministry of Labour and Social Welfare**

In carrying out activities to prevent and combat violence against women and children, the Ministry of Labour and Social Welfare has the following key rights and duties:

- To implement the policies, laws and regulations with regard to the prevention, assistance and reintegration of victims of violence into the society and families;
- To raise awareness and disseminate laws and regulations with regard to preventing and combating violence against women and children under its responsibilities;
- To establish and manage the Child Protection and Assistance Networks or Committee for Protection and Assistance of Children to protect and assist child victims;
- To supervise, encourage, manage and monitor the work performance of staff or social workers;
- To supervise and manage the work of preventing and combating violence in factories, enterprises and other working spaces;

- To set up coordination mechanisms and systems to provide timely assistance to child victims;
- To provide vocational training, enhance labour skills and seek employment for the victims;
- To organize trainings and enhance knowledge on preventing and combating violence for staff and employees of their own organization such as the social welfare units;
- To summarize and report on its own work performance to higher level regularly;
- To implement the rights and other duties as defined under the laws [of Lao PDR].

#### **Article 65. The Rights and Duties of the Ministry of Health**

In carrying out activities to prevent and combat violence against women and children, the Ministry of Health has the following key rights and duties:

- To conduct research, propose the making of or revise policies, laws and regulations regarding medical assistance for the victims;
- To raise awareness, disseminate laws and regulations on preventing and combating violence against women and children under its responsibility;
- To supervise and manage the health care services, [and] primary health care education as necessary for families, organizations, in particular for the victims of physical, psychological and sexual violence;
- To create favorable conditions for women and children to access health care services.
- To establish and manage medical services system to provide assistance to victims and accompanied children at the same place;
- To summarize and report on its own work performance to higher level regularly;
- To implement the rights and other duties as defined under the laws [of Lao PDR].

#### **Article 66. The Rights and Duties of the Ministry of Education and Sports**

In carrying out activities to prevent and combat violence against women and children, the Ministry of Education and Sports has the following key rights and duties:

- To conduct research, propose the making of or revise policies, laws and regulations regarding education that promote gender equality and child development in all aspects;
- To raise awareness, disseminate laws and regulations on preventing and combating violence against women and children under its responsibility;
- To create favorable conditions for women to be able to access education at all levels, research on content with regard to gender equality, gender-based non-discrimination and combatting violence against women and children integration into the education curriculum ;
- To supervise and manage the work to prevent and combat violence against women and children in schools and education settings;
- To provide training and enhancement of knowledge for staff members, teachers and professors on work to prevent and combat violence against women and children;
- To summarize and report on its own work performance to higher level regularly;
- To implement the rights and other duties as defined under the laws [of Lao PDR].

#### **Article 67. The Rights and Duties of the Ministry of Information, Culture, and Tourism**

In carrying out activities to prevent and combat violence against women and children, the Ministry of Information, Culture, and Tourism has the following key rights and duties:

- To raise the awareness, disseminate policies, laws and regulations with regard to preventing and combating violence against women and children, and the fine national culture and traditions;
- To disseminate [information about] the negative impacts and risks of using violence against women and children;
- To combat the production and distribution of media containing pornographic content that violate the law, [and] regulations and contradicts fine national culture and traditions. Limit media advertisements and dissemination that will cause or lead to the use of violence against women and children;
- To provide training and enhancement of knowledge for staff members, media personnel at all levels with regard to preventing and combatting violence against women and children;
- To summarize and report on its own work performance to higher level;
- To implement the rights and other duties as defined under the laws [of Lao PDR].

#### **Article 68. The Rights and Duties of the Ministry of Public Security**

In carrying out activities to prevent and combat violence against women and children, the Ministry of Public Security has the following key rights and duties:

- To monitor, search, collect information and initiate the judicial proceeding against the perpetrators of violence against women and children in a quick, accurate and correct manner;
- To re-educate, [and] mediate the perpetrators of minor violence or violence that does not cause much harm;
- To supervise and manage the use of methods and measures of investigation-interrogation or protection measures of victims, such as the arrest, detention, remand or prohibition of perpetrators to be close to the victims;
- To assist and rescue the victims and coordinate with other relevant sectors;
- To summarize and report on its own work performance to higher level regularly;
- To implement the rights and other duties as defined under the laws [of Lao PDR].

#### **Article 69. The Rights and Duties of the Ministry of Justice**

In carrying out activities to prevent and combat violence against women and children, the Ministry of Justice has the following key rights and duties:

- To research, propose the making of or revise laws related to preventing and combating violence against women and children in accordance with the actual situation of the country and the international conventions and treaties to which the Lao PDR is party;
- To raise awareness, disseminate laws and regulations on preventing and combating violence against women and children under its responsibility;
- To provide legal assistance to victims of violence;
- To provide training and enhance knowledge of laws related to preventing and combating violence against women and children for its staff members and organizations belonging to the Ministry of Justice such as the District Justice Offices, the Lao Bar Association, and the Village Mediation Units;

- To summarize and report on its own work performance to higher level regularly;
- To implement the rights and other duties as defined under the laws [of Lao PDR].

**Article 70. The Rights and Duties of the Local Administration and Other Relevant Sectors**

The Lao National Front for Construction, Lao Youth Unions, Lao Trade Union, Women National Assembly Members, other sectors, [and] local administration have the rights and duties to participate, collaborate, and coordinate in preventing and combating violence against women and children, settlement and assistance for victims of violence according to their roles.

For Offices of Public Prosecutor and People's Court shall be carried out the judicial proceeding in accordance with the law.

**Chapter 2  
Inspection for Preventing and Combatting Violence**

**Article 71. Inspection Organizations**

The inspection organizations consist of the following:

- Internal inspection organizations are the same as the managing organizations of preventing and combating violence against women and children as determined in Article 61 of this law;
- External inspection organizations are the National Assembly, the State Inspection and anti - corruption Organization, ~~and~~ the Offices of Public Prosecutor, The Lao National Front for Construction and mass organization.

**Article 72. Contents of the Inspection**

The main contents of the inspection of work to prevent and combat violence against women and children are as follows:

- The implementation of laws and regulations related to preventing and combating violence against women and children;
- The implementation of rights and duties of the managing organizations [,] including the use of legal measures against the perpetrators;
- The prevention, protection and assistance of victims, settlement and other relevant matters.

**Article 73. Forms of Inspection**

There are three types of inspection as follows:

- Regular inspection;
- Inspection with advance notice;
- Emergency inspection.

Regular inspection is the inspection under a regular plan and at a set time that must be conducted at least once per year.

Inspection with advance notice is an unplanned inspection [,] which shall be conducted when deemed necessary, and subject to giving such notice to the persons that will be inspected at least twenty four hours prior to commencement of the inspection.

Emergency inspection is the inspection conducted through necessity and on an urgent basis and without prior notice to the monitored person.

## **Part VIII**

### **Policies for Persons with Outstanding Performance and Measures against Perpetrators**

#### **Article 74. Policies for Persons with Outstanding Performance**

An individual, legal entity or organization with outstanding performance in implementing and participating in preventing and combating violence against women and children [,] including protection and assistance to the victims shall be rewarded and receive policies [incentives] in accordance with relevant laws and regulations.

#### **Article 75. Measures against the Violator**

An individual, legal entity or organization that violates the provisions of this law particularly prohibitions as determined in Articles 45 and 46 of this law, shall be re-educated, disciplined, and be liable for fine, civil compensation or criminal punishment according to the nature and degree of severity of the violation.

#### **Article 76. Re-education Measures**

An individual, legal entity or organization that has committed violence against women or children within the family, their staff member, employee or other people [,] that does not cause much harm and it is the first time [,] shall be warned and re-educated with record.

#### **Article 77. Disciplinary Measures**

A public servant or government official [,] who has committed violence against women or children or violates the provisions of prohibitions as defined in Article 45 of this law [,] [and such behavior] is not a criminal offence [,] shall have any of the following disciplinary measures imposed on a case by case basis according to the regulation on public servants:

- Being blamed, warned and [such behavior or act] shall be recorded in her or his personnel records;
- Having his or her promotion, salary level, [and] awards suspended;
- Being dismissed from his or her position or transferred to another lower position;
- Being dismissed from public service without any incentive.

#### **Article 78. Civil Measures**

An individual, legal entity or organization [,] that has committed violence against women or children causing physical, health, life or property harm such as physical assault, obstruction to perform rights and obligations, illegal dismissal from work, forced sex [,] must be liable for civil compensation of damage caused such as costs of medical treatment, psychological rehabilitation, loss of income.

#### **Article 79. Criminal Measures**

Any individual [,] who has committed violence against women or children as defined as a criminal offence, will have legal proceeding taken against them and punished as stipulated in the

Criminal Law. In addition, the following perpetrators of violence will be also punished as follows:

- Any individual who forces his own wife to have sex will be imprisoned from three months to one year or punished without deprivation of liberty and will be fined from 300,000 Kip to 1,000,000 Kip. In cases where forced sex caused serious injury the punishment will be one year to five years imprisonment and will be fined from 1,000,000 Kip to 3,000,000 Kip.
- Any individual who has sex with girls or boys below eighteen years old to fifteen years old will be imprisoned from three months to one year or punished without deprivation of liberty and will be fined from 1,000,000 Kip to 2,000,000 Kip. Cases where a person has sex with children below 15 years old to 12 years old will be imprisoned from one year to five years and will be fined from 2,000,000 Kip to 5,000,000 Kip. Cases where a person has sex with children below 12 years old will be considered as child rape and will be punished from seven to fifteen years imprisonment and will be fined from 7,000,000 Kip to 15,000,000 Kip.
- Any individual who forces any person under his/her care to get married, [or] divorced or obstruct a marriage or divorce will be punished by imprisonment of three months to one year or punished without deprivation of liberty and will be fined from 300,000 Kip to 1,000,000 Kip. In cases where a person forces a child under 18 years of age to get married [that person] will be punished by imprisonment of one year to three years and will be fined from 1,000,000 Kip to 3,000,000 Kip.
- Any individual who discriminates against children will be punished by imprisonment of one year to three years and will be fined from 1,000,000 Kip to 3,000,000 Kip.

#### **Article 80. Criminal Measures against Those who do not Assist the Victim**

Any Individual [,] who does not assist women or child victims of violence that are serious [cases of] violence where she or he is capable of giving such assistance, shall be liable for criminal responsibility as provided for in the Penal Law.

### **Part IX Final Provisions**

#### **Article 81. Implementation**

The Government of the Lao People's Democratic Republic and Lao Women Union are assigned to implement this law.

#### **Article 82. Effectiveness**

This law shall enter into force when the President of the Lao People's Democratic Republic has issued a decree to promulgate it and it is printed in the Official Gazette within 15 days.

Regulations and provisions that contradict this law shall be void.

President of the National Assembly