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Lao PDR

Gender-Based Violence Institutional Mapping Report

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LIST OF ACRONYMS

Term	Explanation
ADWLE	Association of Development of Women and Legal Education
ASEAN	Association of Southeast Asian Nations
ATIP	Anti-trafficking in Persons
BABSEACLE	Bridges Across Borders South East Asia Community Legal Education
BCC	behavior change communication
CCT	Conditional Cash Transfers
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CGAP	Country Gender Action Plan
CPCWC	Counselling and Protection Center for Women and Children
CSO	Civil Society Organization
DP	Development Partner
DFAT	Department of Foreign Affairs and Trade (Australian)
EU	European Union
EVAW	Eliminating Violence Against Women
GBV	Gender-based Violence
GDA	Gender and Development Association
IFAD	International Fund for Agriculture and Development
ILO	International Labor Organization
INGO	International Non-Governmental Organizations
IOM	International Organisation for Migration
IPV	Intimate Partner Violence
LAOPHA	Lao People's Health Association
LGBT	Lesbian, Gay, Bisexual, Transgender
LSIS	Lao Social Indicator Survey
LWU	Lao Women's Union
MoES	Ministry of Education and Sports
MoH	Ministry of Health
MoJ	The Ministry of Justice
MoU	Memorandum of Understanding
MPES	Minimum Package of Essential Services
NCAW	National Commission for the Advancement of Women
NAPVAWC	National Action Plan on Prevention & Elimination of Violence Against Women & Children
NGO	Non-Governmental Organization
NSEDP	National Social Economic Development Plan
OSCC	One-stop Crisis Centres
PSEA	Prevention of Sexual Exploitation and Abuse
PSS	Psycho-social Services
SBCC	Social Behavioral Change Communication
SEA	Sexual Exploitation and Abuse
SEZ	Special Economic Zone
SGBV	Sexual Gender-Based Violence
SH	Sexual Harassment
SHG	Self Help Groups
SIGI	Social Institutions and Gender Index
SNL	Sub-National Level
SRH	Sexual and Reproductive Health
TAF	The Asia Foundation
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNW	UN Women
USAID	United State Agency for International Development

Term	Explanation
VAC	Violence Against Children
VAWG	Violence Against Women and Girls
VMU	Village Mediation Units
WHO	World Health Organisation

1. Introduction and Overview

Addressing Gender-Based Violence (GBV) is a priority for the Government of Lao PDR as indicated in the National Action Plan on Prevention and Elimination of Violence Against Women and Violence Against Children in Lao PDR 2014-2020.¹ There is a growing concern within the World Bank about sexual exploitation and abuse (SEA), sexual harassment (SH) and other forms of GBV which are prevalent in most countries where the Bank works, and are rooted in structural inequalities between women and men, but they are not inevitable and can be prevented with concerted efforts between government counterparts, civil society, implementing partners and Bank teams supporting them.

This *Lao PDR Gender-Based Violence Institutional Mapping Assessment* aims to inform and advise World Bank and client use in drawing upon available resources to prevent and respond to GBV in relation to World Bank activities in Lao PDR. The report covers the roles and responsibilities of Government agencies, coordination mechanisms, and major development partners (DPs) and civil society organisations (CSO) supporting GBV prevention and response.

The study leading to this report was issued using the broad scope of GBV. Since then, the WB has identified it needs to focus on SEA/SH part of the GBV spectrum for project impact assessment and implementing mitigation measures. Because the study was initiated under the broad GBV scope, this report uses this broader perspective when reporting on GBV.

Working Definition of GBV

Based on the World Bank's working definition of GBV², and the priorities for the countries covered in this assessment, the working definition for this assessment includes the following manifestations of GBV:

- Physical, emotional and sexual violence, both intimate partner violence (IPV) as well as non-partner violence
- Sexual exploitation and abuse
- Trafficking, abduction, coerced transactional sex
- Forced marriage/childbearing, early/child marriage
- Harmful practices (eg. FGM, honor killings)
- Economic abuse (denial of resources)
- Sexual harassment in the workplace
- LGBT related GBV

Working Definition of SEA

Sexual Exploitation: In World Bank-financed operations, sexual exploitation is defined as any actual or attempted abuse of a position of vulnerability differential power or trust for sexual purposes, including, but not limited to profiting monetarily, socially or politically from the sexual exploitation of another (UN Glossary 2017)

Sexual Abuse: In World Bank-financed operations, sexual abuse is the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions (UN Glossary 2017).

Sexual Harassment: Sexual harassment is “any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment.” (UN Secretary General's Bulletin on the Prohibition of Discrimination, Harassment, Including Sexual Harassment, and Abuse of Authority, 2008)

¹ Government of Lao PDR. 2016

² World Bank. 2018

Sexual exploitation and abuse is a form of GBV, where there is actual or attempted abuse of a person's vulnerability by someone that has **or is perceived to have power over** is trusted, for sexual purposes. May involve **actual** or **threatened** violence or **inducements** such as protection, food, shelter, in exchange for sex.

Sexual Harassment versus SEA: SEA occurs against a beneficiary or member of the community. Sexual harassment occurs between personnel/staff of an organization or company and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each. (As defined in the UN Secretary's bulletin – Special Measures for protection from sexual exploitation and abuse October, 9, 2003 ST/SGB/2003/13)

Mapping Framework

The report proposes a framework for mapping essential services for prevention and response to GBV based on the model created by the UN Joint Global Programme on Essential Services for Women and Girls Subject to Violence (including UNFPA, UNW, UNDP, WHO, UNODC) and which has been expanded to include additional services by the World Bank, which recommends the following interventions that should be included in a "Quality Essential Services" programme:³

Coordination and Governance

At national level activities include:

1. Law and policy making
2. Allocation of resources
3. Standard setting for establishment of local level coordinated responses (guidelines)
4. Inclusive approaches to coordinated responses
5. Facilitate capacity development of policy makers and other decision-makers on coordinated responses to Violence Against Women and Girls (VAWG)
6. Monitoring and evaluation of coordination at national and local levels

At local level, activities include:

1. Creation of formal structures for local coordination and governance of coordination
2. Implementation of coordination and governance of coordination

Prevention

1. Social awareness-raising campaigns, through village level meetings and trainings, mass media, social media, formal education.
2. Mobilization of specific groups to play a role in the prevention of VAW (local authorities, religious leaders, teachers.)
3. Addressing the secondary factors that cause VAW (alcohol, etc)
4. Codes of conduct for Private Sector (ie sexual harassment in workplace, sexual exploitation in construction camps, etc)

Response: Essential Services

Health:

1. Identification of survivors of GBV
2. First line support
3. Care of injuries and urgent medical treatment
4. Sexual assault examination and care
5. Mental health assessment and care
6. Documentation (medical-legal)

³ [UN Joint Global Programme on Essential Services for Women and Girls Subject to Violence \(2015\) Essential Services Package for Women and Girls Subject to Violence](#). This was used to define the pillars 1 and 3, and I added some suggestions for Prevention, Pillar 2.

Justice and Policing:

1. Prevention
 2. Initial contact
 3. Assessment/investigation
 4. Pre-trial processes
 5. Trial processes
 6. Post-trial processes/Perpetrator Accountability and Reparations
 7. Safety and protection
 8. Assistance and support
 9. Communication and information
- Justice sector coordination

Social services:

1. Crisis information systems
2. Crisis counselling programs
3. Help lines
4. Safe accommodations
5. Material and financial support and aid
6. Creation, recovery, replacement of identity documents
7. Legal and rights information, advice and representation, including in plural legal systems
8. Psycho-social support and counseling
9. Women-centered support.
10. Children's services for any child affected by violence.
11. Community Information, education and community outreach.
12. Assistance towards economic independence, recovery and autonomy.

Methodology and Limitations

The findings in this report are based on an initial desk review (also summarized in the Inception Report), stakeholder consultations during a one-week mission to Vientiane from 1-5 April 2019 and review of additional documents collected during the consultations (see Annex 1 Documents and Resources) The consultations and desk review focused on mapping of key stakeholders and their initiatives, gaps, and examples of good practice. Consultations were held with World Bank specialists (Social Development, Infrastructure, PRF, Transport, Trade, Operations) UNW, UNFPA, ILO, IFAD, CARE, HELVETAS, TAF, and Save the Children (see Annex 2: Stakeholders Consulted).

Some of the limitations to the research are related to availability of key stakeholders during the time of the missions to Vientiane (April 2019, July 2019). As a result, the following stakeholders could not be consulted: Government (LWU, NCAW), local NGOs (GDA).

2. Situation Analysis of GBV in Lao PDR**Overview**

The most recent data for prevalence of GBV is the Lao PDR *Violence Against Women Prevalence Study* conducted by the Lao Statistics Bureau and the National Commission for the Advancement of Women (NCAW) using the standardized World Health Organisation (WHO) methodology. The study is the country's first-ever national survey on violence against women, and provides national level prevalence data, with some specific information in rural and remote areas.⁴ Following is a summary of key findings.

⁴ National Commission for the Advancement of Women, Lao PDR 2015

Intimate Partner Violence

- 11.6 percent of ever-partnered women experienced physical violence in their lifetime, and 4 percent of them experienced it in the past 12 months.
- 1.8 percent of ever-pregnant women experienced physical violence during at least one pregnancy.
- 7.2 percent of ever-partnered women experienced sexual violence in their lifetime, and 3.3 percent of them experienced it in the past 12 months.
- 26.2 percent of ever-partnered women experienced emotional violence in their lifetime, and 10.5 percent of them experienced it in the past 12 months.
- The lifetime prevalence of overlap of physical and sexual violence among ever-partnered women is 15.3 percent (see **Error! Reference source not found.** below) , and overlap of physical, sexual and/or emotional violence is 30.2 percent, indicating more women experience multiple acts of violence. See **Error! Reference source not found.** below.
- 34.8 percent of ever-partnered women experienced controlling behaviours by their partners in their lifetime, and 6.8 percent of them experienced economic abuse in their lifetime.

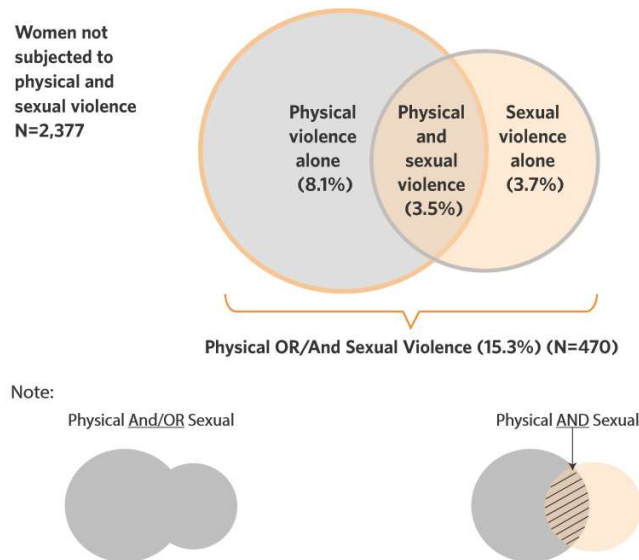


Figure 1. Lifetime physical and/or sexual violence

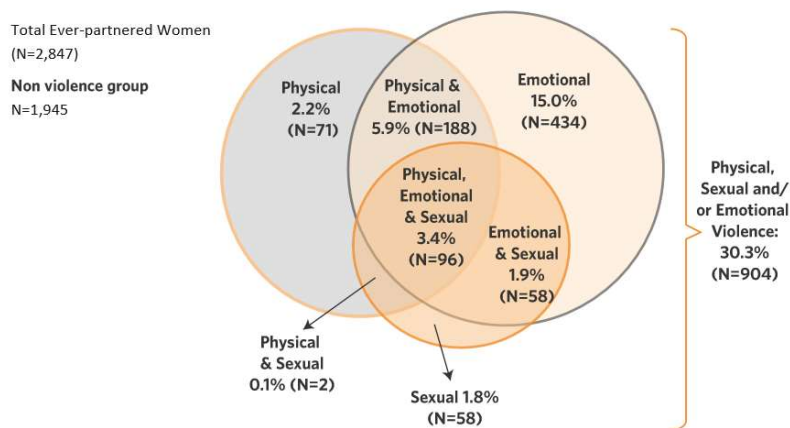


Figure 2. Physical, sexual and/or emotional violence by husbands or partners

Non-Partner Violence

- 5.1 percent of women experienced physical violence by a non-partner since age 15. Among them, female family members were the top perpetrators (34.9 percent), specifically mothers or stepmothers (26.8 percent), female non-family members (26.4%), followed by male family member (24.3%), and male non family members (23.6%). See Figure 3 below.
- 5.3 percent of women experienced any type of sexual violence, 1.1 percent had forced sexual intercourse since age of 15.
- Prevalence of women who experienced sexual abuse during childhood varied depending on the different styles of questions. Total prevalence identified from face-to-face interviews accounted for 0.9 percent whereas the figure went up to 9.9 percent when the cards were used. The combination of direct interviews and cards increased the figure to 10.3 percent.
- Prevalence of the overlap of partner and non-partner violence, with physical violence accounted for 14.4 percent, sexual violence 10.9 percent and physical and/or sexual violence 20.2 percent.⁵

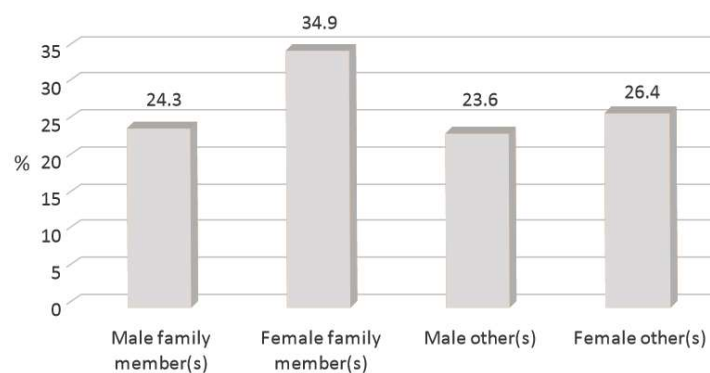


Figure 3. Perpetrators of non-physical violence

Help seeking and reporting is rare: Violence against women is prevalent and underreported in Lao PDR, only one in five female respondents (victims) notified the authorities, and only 3 percent and 4 percent respectively reached out to health services and the police. The majority (43.2 percent) of the victims were afraid to tell anyone about being abused, they usually did not report the violent incident to anyone or to any organization because they are either ashamed or are afraid of the potential social stigma.

Key determinants of violence against women include gender norms, mistrust and jealousy associated with infidelity, alcohol (according to WHO, Lao PDR has the highest alcohol consumption in ASEAN at 7 litres per capita per year), and unemployment or financial difficulties. The perception that a man should be authoritarian is more prevalent in rural areas without roads (37.1 percent) compared to rural (24.3 percent) and urban areas (16.8 percent).⁶ Studies show that men who are employed fulltime and maintain bread winner status in the family are less likely to commit violent crimes against women. The employment status of women is another indicator as to whether they are likely to fall victim to violence by their partners.⁷ The CEDAW Concluding Observations (2018) noted concern about the persistence of discriminatory gender stereotypes which contribute to the perpetuation of harmful practices, such as child marriage, and high levels of gender-based violence against women and girls including domestic violence⁸.

⁵ Mauney 2015

⁶ Mauney 2015

⁷ Open Development Mekong 2016

⁸ CEDAW 2018

Attitudes towards Violence: The *Lao PDR Social Indicator Survey (LSIS) 2012* found that 58 percent of women and 49 percent of men felt that violence against women is justified. Nearly half of women interviewed (45 percent) agreed that a husband can hit his wife if he finds out she has been unfaithful. 35.6 percent of women interviewed mentioned that a good wife obeys her husband even if she disagrees, 22.9 percent thought a man should show his masculinity (being boss), and 29.4 percent agreed with a wife's obligation to have sex with her husband particularly in rural areas and the northern region. Women in rural areas tend to agree with this more (38.9 percent). Women from the northern region are more in agreement with this (40 percent) than those from the central region (35.4 percent) and the southern region (30.2 percent).⁹ The Lao Social Indicator Survey (LSIS) 2017 showed improvements in people's perceptions, 29.5 percent of women and 16.2 percent of men reported that violence is justified, almost 30 percent women and over 16 percent men justify violence when women do not conform to traditional gender roles. Generally speaking IPV is seen as 'bad luck', but normal, while only GBV perpetrated by a stranger is considered actual violence.

The *Study on the Perceptions and Attitudes of Young Women on Issues Related to Violence against Women and Girls in Lao PDR and Thailand* found that the attitudes of young people also suggest tolerance for GBV. While many respondents say all forms of GBV are wrong, many also say that a woman could not refuse sex with a husband without a good reason. Some said violence is a private matter and sometimes it is acceptable for a man to hit his wife. GBV was justified when women dress against traditional norms, do not prepare food for the husband or care for the children. All youth respondents reported having witnessed or experienced some form of violence in their community, and 46 percent reported that they had been threatened or touched in a way that made them uncomfortable at school.¹⁰

Ethnic Minorities: About 85 percent of the population live in remote areas with significant ethnic diversity. Approximately 47 percent of the population are considered (non-Lao Tai ethnic group) Ethnic Minorities. Traditional methods of problem solving remain dominant for conflict resolution in the home and communities, particularly for ethnic groups in remote regions without access to information and services. In the Hmong ethnic group, some types of marriage arrangements were traditionally controlled by men (including for example the capture of a girl followed by approaching the girl's parents to arrange the marriage).

Having more than one wife is also common among some ethnic groups. Domestic violence is considered a family matter to be solved among relatives or members of the immediate family. Rape is viewed as a negative act and is not socially acceptable, but many ethnic groups see marriage between the perpetrator and victim as the only remedy to restore harmony.¹¹ The CEDAW Concluding Observations also raised concerns that the 'persistence of adverse norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding roles, responsibilities and identities of women and men in all spheres of life, especially within some ethnic groups.'¹²

Early and Child Marriage: Lao PDR has the highest rate of early marriage and adolescent pregnancies in Asia. In 2012, 36 percent of Lao girls were married by age 18, compared to 9 percent in Vietnam and 18 percent in Cambodia. Early marriage and child-bearing are highest in rural areas, 43 percent of all rural women are married before age 18, compared with just 23 percent in urban areas. Factors related to early marriage include social norms, the high level of poverty combined with low levels of education of adolescent girls and parents, particularly in rural areas and among ethnic groups. Child marriages are especially frequent in remote, rural and Hmong-Mien headed households, where they provide the girl's family with labour and economic support (due to the dowry paid). Early marriage and teenage pregnancy are both a cause and a consequence of a high school dropout rate and maternal mortality. Lao has the highest rate of adolescent pregnancy in South East Asia: 4 out of 10 Lao girls are pregnant before age 19. Girls who marry before the age of 18 are at increased risk of experiencing violence, as they lack status and bargaining power within the

⁹ Lao Statistics Bureau 2012

¹⁰ Barnes 2012

¹¹ UNW 2015

¹² CEDAW 2018

household. They are more likely to be physically and mentally abused by family, their husbands or in-laws, and more likely to be isolated from the community.¹³

Sexual exploitation of children: The UN Special Rapporteur on Sale and Sexual Exploitation of Children reported in 2017 that efforts to combat the sale and sexual exploitation of children had been limited by lack of funding, resources and data, and the current impunity for people trafficking or exploiting children sometimes with the complicity of officials. Some Lao girls were being forced into prostitution including in karaoke bars in cities and casinos in Special Economic Zones (SEZ). Child and forced marriages were a particular issue among some ethnic groups in the Northern provinces bordering China, with girls either sold by their families or otherwise convinced to marry across the border.¹⁴ According to the *ISS Country Factsheet for CEDAW 2018*, Laos is perceived as a “safe country” to escape criminal pursuit for child sex tourism, an estimated at 11,000 women (2013) of which 47.4 percent are girls are involved in the sex trade which happens mostly in bars, 60 percent of trafficked children are girls between 12-18, and there is an increase in reported cases of children being sold as brides in China.¹⁵ Large scale infrastructure construction projects including hydropower, mining, and transport such as roads and railways requiring an influx of male labour into poor remote communities creates a demand for local sex workers, parents often push their young daughters into this, leading to sexual exploitation, GBV and HIV.

Trafficking: According to the US State Department 2018 *Trafficking in Persons Report for Laos*,¹⁶ “the Government of Laos does not fully meet the minimum standards for the elimination of trafficking and did not demonstrate overall increasing efforts to do so compared to the previous reporting period. Although Laos met the criteria for Tier 2 Watch List, because it had been on Tier 2 Watch List for four consecutive years, it is no longer eligible for that ranking and was therefore downgraded to Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by continuing to investigate, prosecute, convict, and sentence a modest number of traffickers; providing re-integrative livelihood assistance to some returned victims; and conducting awareness-raising activities in Lao communities at elevated risk of forced labor in relation to large-scale infrastructure projects. However, some officials reportedly continued to facilitate and sometimes profit from illicit activities that are permissive or generative of trafficking vulnerabilities. Lack of awareness among front-line officers and insufficient border security measures likely prevented the identification and service provision of many Lao victims voluntarily returning or deported from neighboring countries. Poor inter-ministerial coordination and policies constraining the operations of non-government service providers continued to impede effective implementation of Laos’ national action plan to combat trafficking.”

The report recommended the following actions: “Strengthen efforts to implement the 2016 anti-trafficking law by investigating, prosecuting, and convicting traffickers, including complicit officials, as well as child sex tourists; disseminate, implement, and train police and border officials on formal victim identification and referral procedures, with a focus on vulnerable groups; screen for trafficking indicators among Lao women and girls subjected to forced or fraudulent marriages abroad; strengthen efforts to secure, formalize, and monitor unofficial (local) border crossings in remote and mountainous areas commonly used by Lao labor migrants returning from abroad, and screen for trafficking indicators among them; collaborate with civil society to implement the 2016-2020 national action plan; increase expenditures from the government anti-trafficking budget for service provisions and assistance programs for victims, in partnership with local and international organizations, increase resources and vocational training to support victims, to reintegrate into their home communities; further improve transparency by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among ministries and with non-governmental stakeholders; and strengthen efforts at diplomatic missions overseas to assist in victim identification and protection.”¹⁷

¹³ World Bank Lao PDR CGAP 2017

¹⁴ ISS 2018

¹⁵ ISS 2018

¹⁶ [US State Department 2018](#)

¹⁷ [US State Department 2018](#)

UNODC reports that although trafficking in persons from Lao PDR to Thailand is widespread, few cases are officially identified.¹⁸ Many southern and northern provinces are prone to this issue, particularly among ethnic minority groups. Vietnamese girls are trafficked into Southern Laos.

The CEDAW Concluding Observations commented on the increased risk faced by women and girls in rural and remote areas of being trafficked for the purposes of sexual exploitation or forced labour, as well as trafficking in the guise of fraudulent marriage, and the insufficient measures available to address the root causes of trafficking which include poverty and lack of economic opportunities; the lack of a formal mechanism to monitor trafficking and exploitation of prostitution, as well as insufficient early identification mechanisms and referral systems for victims; and insufficient measures to protect victims and provide them with the necessary information and support.¹⁹

Lesbian, gay, bisexual, and transgender (LGBT): There is no reported data on lesbian, gay, bisexual, and transgender (LGBT) related GBV. While homosexuality is not illegal, with a growing tolerance in Laos, it is very difficult to assess the current state of acceptance and violence that LGBT groups face. Same sex marriage is not recognized and discrimination against LGBT is not prohibited by law.²⁰ Laos has a wide perspective on gender fluidity ('lady boys', 3rd gender).

3. Legal and Policy Framework

Legal framework

Lao PDR is a party to the *ASEAN Declaration on the Elimination of Violence Against Women and Children*. The acceptance of some level of violence against women is reflected both in the legal framework and through social norms and attitudes. *The Law on the Development and Protection of Women and Children* (2004),²¹ is 'issued to guarantee and promote the roles of women, to define the fundamental contents of and measures for developing and protecting the legitimate rights and interests of women, and to define the responsibility of the state, society and family towards women with the following aims: promoting the knowledge, capability and revolutionary ethic of women, gender equality, eliminating all forms of discrimination against women, and preventing and combating trafficking in women and children and domestic violence against women and children, in order to create conducive conditions for women to participate and to be a force in national defense and development.'²² The law defines sexual violence as 'an act or attempted 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 the sending of women or children to another person for sexual purposes'. The law encompasses domestic and public violence, including in educational institutions, workplaces and alternative care settings.

This law only permits legal redress through the court system for cases of violence deemed serious (broken bones, bruises, or cuts). In cases of non-serious violence the only recourse for women is through the Village Mediation Units (VMU) which aim to 'resolve conflicts', not to address the rights of women to live free of violence.²³ The law specifies that no custom, tradition or belief can be invoked to justify violence (art. 5), and highlights the multifaceted nature of violent acts (physical, sexual, psychological, economic), listing polygamy and unequal wages as forms of psychological and economic violence towards women, respectively (art. 12-17). Article 17 Para 5 stipulates that forced sex and rape are considered as violence against women and children. The law creates a State obligation to support organisations working to combat violence against women and children, through funding, human resources, materials and transport assistance (art. 22). The law sets out comprehensive measures to protect and support victims (art. 28-44), and provides for

¹⁸ UNODC 2017

¹⁹ CEDAW 2018

²⁰ Wikipedia (accessed 6/6/19) [LGBT Rights in Laos](#)

²¹ Government of Lao PDR 2004

²² UNW 2015

²³ Barnes 2012

incentives to reward individuals or entities that have contributed to preventing and combatting violence against women (art. 74). Victims are given the choice between initiating judicial proceedings and resorting to mediation or compromise if the violent act does not contain a penalty exceeding a one-year sentence (art. 47).²⁴ Additional penalties are prescribed by the Violence Law, for marital rape and forced marriage (art. 79). Judicial proceedings must be instigated if ‘significant harm’ was caused; however, if an act of lesser violence was perpetrated the victim can opt for compromise, mediation, or the ‘re-education’ of the perpetrator (art. 47). Mediation is only permissible if the violent act does not constitute a crime or carries a penalty of less than 12 months’ imprisonment (art. 47). The law grants victims the right to receive counselling, social welfare assistance, temporary shelter, medical assistance, legal support, economic assistance, education and vocational training support, and rehabilitation assistance (art. 28-41). Victims can report incidents and receive advice through a free hotline operated by the Lao Women’s Union (LWU), and protection orders can be issued (art. 42-44).²⁵ Article 27 urges men to take responsibility in preventing violence against women and children, adapt or change the violent behaviour and stop using violence, have a good attitude, respect the rights of women and children, be aware of and implement the duties in realizing gender equality, women’s and children’s rights. In addition, men should not hold customs, traditions or beliefs to justify violence against women and children.²⁶

The other relevant articles are as follows:

- *Article 37 - Combating Domestic Violence against women and children:* For combating domestic violence, authorities, agencies and organisations need to provide information dissemination and education of family issues and gender equality for the well-being of the family.
- *Article 30 – Physical Impact:* The physical impact of violence is an act of any individual in the family that causes death, incapacity, or injury to other family members as a result of battery, torture, locking up or tying up the person, rape or other immoral acts.
- *Article 31 – Mental Impact:* The mental impact in violence is an act of any individual in the family that causes damage to the mental health of women and children in the family caused by adultery, coercion, insults, defamation, scorn, and/or control over any kind of activities, especially social activities.
- *Article 33 – Rights of Victims:* Victims of domestic violence have the right to seek assistance from family members, persons nearby and relatives, or to report to the village administration to educate the perpetrator to change the behaviour to maintain harmony within the family. In the case of serious offence, the victims have the right to report to the police based on the laws and regulations.
- *Article 50 - Measures against domestic violence against women and children:* Any individual committing domestic violence against women and children, as specified in Articles 30, 31 and 32 of this law, is re-educated and receives an official warning. In case of any offence, the offender will be punished under the Penal Law.
- *Article 35 - Settlement of Domestic Violence against Women and Children:* In case of violence of lesser severity, the first step is mediation and education of the perpetrator by family members, relatives, persons nearby, counselling unit and Village Mediation Units (VMU) in order to promote unity, harmony and happiness in the family. When the case is beyond the control of VMU, the victim or his or her representative can file a complaint to the police.
- *Article 36 - Action by Police officers:* Upon receiving such a complaint, the police will try to settle the matter respecting unity, harmony and happiness in the family. If it is not serious, police officers will try to conciliate, educate both parties for reconciliation and to promote mutual trust in the family. If the violence committed is too serious for this to be effective, the case will be forwarded by the police for legal procedures.
- Article 61 assigns the LWU and NCAW as directly responsible organizations to take lead as focal points in coordinating with the NCMC and ministries concerned such as the Ministry of Labour and Social Welfare, Ministry of Health (MoH), Ministry of Education and Sports (MoES), Ministry of Information,

²⁴ SIGI 2019

²⁵ SIGI 2019

²⁶ Government of Lao PDR to CEDAW 2017

Culture and Tourism, Ministry of Public Security, Ministry of Justice (MoJ) and local authorities concerned in the implementation.²⁷

Most actions listed in the Violence Law as examples of domestic violence are criminalised under the Penal Code, with variable penalties depending on the severity of the act (e.g. life imprisonment or the death penalty in the case of murder). Rape is criminalised under art. 128 of the Penal Code and defined as the use of ‘force, armed threats, drugs or other [substances], or other means to place a woman in a state of helplessness in order to have sexual intercourse with the woman against her will, where such woman is not [the offender’s] spouse’. Marital rape is therefore excluded from the scope of the Penal Code. However, the Violence Law provides for additional penalties to the Penal Code if a husband forces his wife to have sex (art. 79), thereby criminalising marital rape. Rape is punishable by 3-5 year’s imprisonment and a fine of 1-5 million Kip (Penal law art. 128). Aggravating circumstances include raping a woman under the age of 15 or between the ages of 15-18 years, raping a patient or a woman under the offender’s care, gang rape, rape with battery, rape resulting in the death or invalidity of the victim, and rape with murder. Discriminatory practices, such as reduced penalties for marrying the victim, are not included in the law.

Women in Lao PDR are particularly vulnerable to sexual harassment in the garment sector and at school. Sexual harassment is criminalised in educational establishments, workplaces, alternative care and other public settings under the Violence Law, as the text refers to ‘sexually indecent assault, unwanted sexual comments and sexual touching’ in its definition of sexual violence (art. 15). Moreover, the Penal Code punishes any person ‘engaging in any act that causes embarrassment of a sexual nature to another person’ by six months to three years’ imprisonment or re-education, and a fine of 100 000 – 500 000 Kip (art. 137). The 2013 amended Labour Law grants employees the right to request the cancellation of an employment contract and to receive compensation in the event of sexual harassment by the employer (art. 83).²⁸

The *Family Law* sets the legal minimum age of marriage at 18 years for women and men, although early marriages are permitted for individuals between 15-18 years of age, in ‘special and necessary cases’ (art. 9), such as teenage pregnancy. Forced marriages entered into through coercion are prohibited under the 1990 Family law (art. 3) yet are prevalent under customary law, especially among the Hmong ethnic group.²⁹

In 2015, the *Law on Anti-Human Trafficking* was adopted by the National Assembly. In addition, the prosecution of human trafficking cases is also based on Article 134 of the *Law on Development and Protection of Women, and the Law on Protection of the Rights and Interests of Children*.

National Plans and Strategies

The implementation of the Violence Law is supported by the 2014-2020 *National Action Plan on the Protection and Elimination of Violence against Women and Children* (NAPVAWC), and the 2016-2020 *National Social Economic Development Plan* (NSEDP). The NAPVAWC specifies concrete actions and activities to prevent and protect women and girls from violence through enhancement of the quality and quantity of social and health services, police and judiciary systems, with relevant trainings and advocacy to achieve gender equality and equity. Its principles state that addressing violence against women and children is the responsibility of everyone in society, and prioritises the prevention of violence against women and children and the protection and provision of assistance to women and children who are victims as well as punishment by law of those who commit violence.³⁰ The NSEDP sets a target for 80 percent of villages to be violence-free at household level by 2020. However, systems to implement the 2014-2020 NAPVAWC and the Violence Law are still being developed, and have not yet translated into direct service provision for female survivors of domestic violence³¹.

²⁷ Government of Lao PDR 2004

²⁸ SIGI 2019

²⁹ SIGI 2019

³⁰ Government of Lao PDR 2016

³¹ SIGI 2019

The Government adopted the *National Plan of Action on Human Trafficking* (2013-2015). The Government has taken part in bilateral and multilateral anti-human trafficking efforts, particularly in the ASEAN framework, the *Coordinated Mekong Ministerial Initiative against Trafficking* (COMMIT) and the *Bali Process*. Bilateral cooperation has been enforced with the following MOUs:

- *The Memorandum of Understanding (MoU) on Cooperation to Combat Trafficking in Persons, especially women and children between Lao PDR and Thailand was signed on 13 July 2005.*
- *The MoU on Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking between Lao PDR and Vietnam was signed on 3 November 2010.*
- *The MoU between Laos and the People's Republic of China was signed on 1 September 2014.*

Access to Justice

Women commonly keep quiet and do not report or tell others about violence they have experienced. The reason cited is shame (for experiencing violence) and an understanding that violence is a private matter between a man and a woman and should not be discussed outside the family. The legal framework discourages formal reporting. Findings from the *Study on Violence Against Women* revealed that:

- Among those who experienced physical and sexual violence 42.2 percent never told anyone.
- Among those who did tell someone, the first person they talked to was their family such as parents (34.2 percent), siblings (36.9 percent), followed by friends (19.5 percent).
- Only 28.6 percent of women who had experienced physical and sexual violence sought help from the local authorities. Among them 18.9 percent of women sought help from local leaders and followed by VMUs (11.7 percent). Only handful of women approached women's organisations, police and health care facilities.³²

That said, divorce and domestic violence are the most reported cases in the judicial system, followed by land conflicts, and crime, which gives some indication of the scale of the problem.

The CEDAW Concluding Observations expressed concern about: *"13.a) Persistent barriers, including stigma, fear of retribution, deep-rooted discriminatory gender stereotypes and limited legal literacy, that deter women and girls from registering their complaints regarding gender-based discrimination and violence, including domestic violence, marital rape and sexual harassment. They also expressed concern over the low rates of reporting, the persistent use of alternative dispute resolution mechanisms such as VMUs, the limited training for service providers and law enforcement officials, and the lack of shelters."*³³

Few women have knowledge about the legal system in relation to GBV. In the *Study on Violence*, women who knew both the *Law on Development and Protection of Women* and other related laws on violence against women, accounted for 16.9 percent in urban areas, 5.4 percent in rural areas, and 1.5 percent in rural areas without road access. The higher education level attained, the more knowledge of related laws women have (33.4 percent) compared to those who completed primary (5 percent) and no formal education (1.1 percent). The level of legal knowledge is clearly associated with the areas women were living and their education level.

In Lao PDR the process to address violence against women in the community is comprised of three systems: the customary system, the semi-formal justice system and the formal justice system. The customary system involves seeking help from family or village elders, the semi-formal justice system involves the VMUs and the formal system involves the police and courts. The reality, however, is that many women who experience physical and sexual violence do not tell anyone or seek any support. And when they do it is most likely through the customary system through family and friends first and later to the semi-formal system through local authorities or local leaders. The informal or customary systems are used not because of their

³² National Commission for the Advancement of Women, Lao PDR 2015

³³ CEDAW 2018

effectiveness, but due to cultural norms and likely challenges in accessing the semi-formal and formal justice systems³⁴.

Women and men have the same right to file a suit in civil and criminal proceedings, regardless of their marital status (art. 24 of the Civil Procedure Law; art. 18 and 20 of the Criminal Procedure Law). However, customary law often excludes women from participating in conflict resolution processes. Most citizens rely on customary law and village-based justice due to the limited reach of the formal justice system, for reasons including language barriers (e.g. limited Lao and literacy skills of rural women) and the low number of legal professionals (e.g. there are less than 200 lawyers nation-wide).³⁵ This informal justice system weakens women's right to redress, as VMUs and community members (family members, relatives, village elders) tend to prioritise family unity over the protection of women. Moreover, customary penalties revolve around public reprimands and apologies, as well as measures of re-education, rather than prison sentences. The resolution of disputes at grassroots level is further encouraged by the State rewarding 'case-free villages' that have not made referrals to district courts. VMUs operate under the auspices of the Ministry of Justice, relying on negotiation and mediation, and on a combination of tradition, culture, and law. The Village Chiefs and VMUs often have no training on GBV, and mediate cases of GBV using the same processes for mediating conflicts over ownership of animals or stolen property. If women do seek help for GBV the first help is sought from family and friends, when the 'problem' cannot be resolved through intervention from family the next level of support are village level authorities including the Village Chief and VMU.

What is significant in terms of access to justice for women is the consequence or penalty for committing violence against women is not meant to be restorative for women or a deterrent to prevent violence, but is meant to restore balance in the family or community. A common practice if help is sought is to try to understand the cause of the violence including what the woman did wrong; educating the man to stop the violence; making an agreement for no further violence; and finally holding a traditional ceremony to encourage understanding, which involves killing either a pig or chicken provided by the perpetrator as a type of payment.³⁶ Restoration is given only in a collective sense to the family, not to the individual. Violence against women in the informal justice systems are not seen as criminal behaviours. The penalties and the consequences found in informal legal and customary systems do not promote a culture of prevention of violence against women but instead promotes a culture of acceptance of violence by only making the perpetrator pay fines to the family.³⁷

While beneficial because they are in the community and close to women, the reality is that VMUs lack training, awareness of rights and laws and are focused on resolving issues rather than tackling injustice. If the VMU cannot resolve the case it is sent to the District Mediation Unit. A victim of domestic violence must go through four levels of mediation before a police complaint can be filed and five levels of mediation before a case reaches the court. The victim cannot approach the court or prosecutor directly. Cases are regularly discussed publicly in the village which is a disincentive to bring cases for mediation. Even cases of rape which are supposed to be directly reported to province level often get mediated at both the village and/or the district levels.³⁸ Generally, violence against women was only considered serious if a woman experienced injuries. In fact, violence without serious injuries is expected to be resolved at the local level through the informal system or the semi-formal system. Survivors cannot go to the formal legal system until they have sought mediation through the VMU.

In some of the ethnic communities, women cannot even bring a case to the legal system or utilize the customary justice system, justice for women from the different ethnic groups is primarily limited to the informal or customary justice system. If a woman wants to make any type of claim, she must ask a male relative to act on her behalf and bring the issue to the village mediation. In addition, if a woman brings a

³⁴ Mauney 2015

³⁵ OECD 2019

³⁶ Mauney 2015

³⁷ UNW 2015

³⁸ Mauney 2015

claim against a man, she is more likely to be questioned and to have her credibility damaged. Women are not given credibility or equal representation in customary practices.³⁹

Services and Support

Social services and support systems are very limited for survivors of GBV in Lao PDR. In the health system there are no protocols for responding to sexual violence, no support services and no investigative forensics. The LWU established a counselling center at its Vientiane office to assist women and girls who are victims of physical or sexual abuse. In 2006 with the support from The Asia Foundation (TAF), the first women's shelter in Lao was established in Vientiane, the Counselling and Protection Center for Women and Children (CPCWC). CPCWC offers a range of counselling services and vocational training in areas such as handicraft production, sewing, and basic business management, empowering women to rebuild their lives. While these efforts are important, women in remote communities lack financial and geographical access. Basic services and those related to violence prevention and response are inaccessible or low quality.⁴⁰

Few services are actively engaged in providing referrals to other support systems. Victims of violence are thus largely left to seek additional help on their own. Their lack of knowledge and other barriers to help-seeking result in their receiving less assistance than is available to them. UNW did an estimate of the scope and cost of services necessary for a minimum package of essential services (MPES) for victims of violence, including the following:⁴¹

- A national hotline to facilitate information sharing on support services
- One-stop crisis centres (OSCC)
- Increased numbers and geographical spread of shelters
- Special desks in police stations to allow women and children to report incidences of violence against women in private and to dedicated and trained officers
- Capacity development of stakeholders; increased infrastructural and knowledge capacity of the justice sector through special courts, mobile courts and training
- Provision of counselling services
- Expansion of existing services nationally to ensure access for women and children in rural areas and those far from the capital cities
- Strengthening capacities of the VMUs and introducing mobile mediation units.

The total cost of the proposed MPES to establish and operate services over a three-year time frame is estimated to be approximately US\$13.5 million, equivalent to 0.25 per cent of Lao GDP. While these costs are likely to increase with projected service usage over the short term, it is anticipated that costs will decrease in the long term as the provision of services will help women to mitigate the consequences of earlier violence, thus reducing the long-term impacts as well as infrastructure cost for the construction of shelters would decrease over time. Enhanced investment in primary prevention strategies would also help to reduce future violence, which would further support cost reductions in the longer term.⁴²

4. Role and Responsibility of Government in GBV Prevention and Response

The National Commission for the Advancement of Women (NCAW) was established in 2002 as the Government focal point for gender mainstreaming and assists with formulating national policy guidance and strategic action plans to promote women's advancement and gender equality. The NCAW works alongside the LWU to implement the laws protecting women in Lao PDR. 'Sub-CAW' units were established throughout the country at the provincial, district and village levels, and across line ministries to enhance central policy-making and aid in monitoring CEDAW implementation.⁴³ The sectoral and sub-national sub-CAWs are not

³⁹ UNW 2015

⁴⁰ Mauney 2015

⁴¹ UNW 2016

⁴² UNW 2016

⁴³ UNW 2015

service providers but act as coordinators. Since November 2016, the National Commission for Mothers and Children (NCMC) has merged with the NCAW to form the National Commission for the Advancement of Women, Mothers and Children. NCAW developed its second *National Strategy on the Advancement of Women for 2011-2015*, which outlines how to translate political commitments to CEDAW and other international agreements into practical actions, as well as integrate gender equality principles into national laws and policies. NCAW is working with local authorities and international organisations (e.g. UN Women) to coordinate workshops and mobilise funding to promote gender rights and raise awareness of harmful practices towards women. NCAW partnered with UNFPA on the GBV survey. In 2018 NCAW endorsed a monitoring framework to collect data on VAW from each sectoral government agency. NCAW aims to establish a MPES (see UNW costing framework above) however they cannot move forward due to lack of funding. They are currently drafting a law on Gender Equality. The *National Action Plan on Prevention and Elimination of Violence Against Women and Violence Against Children (2014-2020)* outlines the specific roles and responsibilities across government for addressing VAW/C. The NCAW and the NCMC are focal points for coordination with all relevant sectors in the implementation, monitoring, evaluation and periodic reporting to higher levels on the implementation of the NAPVAWC. The Sub-CAW and Sub-CNC at ministerial, organizational and provincial/Capital levels act as secretariats for transforming the NAPVAWC into workplans and financial plans, linking to the overall system of planning and budgeting of the respective sectors, organizations and local authorities.⁴⁴

The Lao Women's Union (LWU) is a mass organization with the mandate to enhance women's capacity for self-development and promote women's role in society and to implement related policies and plans. They are mandated to provide preventive activities on VAW and VAC, protecting and supporting victims by offering counseling, healthcare, free legal support and victim witness protection during prosecution, providing victims safe temporary shelters, vocational trainings and reintegration through the woman and child counseling and protection network at the central level, Vientiane capital, provincial, district and village level.⁴⁵ The LWU participates on the VMUs and can provide some intervention in GBV cases. LWU raises awareness about GBV in the community and changes traditional attitudes toward women. LWU works in cooperation with NCAW on their Good Family programme. They have established their own hotline, counseling center and shelter in Vientiane, and counseling centers in most provinces, although it is reported that these services are not functioning effectively and difficult to access. LWU have drafted national referral mechanisms for trafficking and GBV, currently waiting for government approval, that can be operationalized by any service provider.

The Ministry of Planning and Investment is responsible for integrating the NAPVAWC into the national socio-economic development plan and the State's annual work plan and budget. The Ministry also coordinates with relevant sectors in data collection and the establishment of databases and statistics on the current situation and trends of VAW and VAC.⁴⁶

The Ministry of Finance is responsible for allocating and providing appropriate State budget resources to ensure the successful implementation of the NAPVAWC.⁴⁷

The Ministry of Health is responsible for the establishment and implementing activities in one-stop crisis centers to provide emergency services and long-term physical and emotional treatment for women and children who are victims of violence at no cost, and provide health education to families and pre-primary school children, especially those who are victims of physical, emotional and sexual violence.⁴⁸

⁴⁴ Government of Laos 2014

⁴⁵ Government of Laos 2014

⁴⁶ Government of Laos 2014

⁴⁷ Government of Laos 2014, NAP VAW 2014

⁴⁸ Government of Laos 2014, NAP VAW 2014

The Rural Development and Poverty Eradication sector is responsible for monitoring, support, evaluation and reporting on an annual basis on the implementation of standards for developing families, villages and districts which are practicing gender equality and non-VAW and VAC.⁴⁹

The local administration has the duty to participate, collaborate, and coordinate in preventing and combating violence against women and children, settlement and assistance for victims of violence.⁵⁰

The Supreme Public Prosecutor and the Supreme People's Court is responsible for the timely proceedings of cases of VAWC, and for coordinating with relevant sectors to provide training on legal regulations for relevant officials to strengthen the monitoring of law enforcement, especially issues related to violence.⁵¹

The role of the National Assembly is to pass legislation addressing GBV. Female members of the National Assembly act as the think-tank to the National Assembly's Standing Committee by providing analysis and recommendations related to the rights and benefits of women and children, and participating in key decision-making, representing all ethnic women to monitor the enforcement of laws, policies, CEDAW, gender and woman advancement promotion efforts at the national level.⁵²

The Ministry of Foreign Affairs is responsible for coordinating with relevant government agencies and international organizations in combating the use of violence through, for example, collaboration, negotiations, record-keeping, signing of agreements, monitoring and supporting cases being made against offenders, the repatriation of victims, and securing technical assistance and funding, including relevant information from the experiences of other countries.⁵³

The Ministry of Labour and Social Welfare is responsible for prevention, assistance for victims and their reintegration into society and their home, with emphasis on vocational training, occupational skills development, and finding jobs for women, and supporting children at risk and the families and guardians of child victims.⁵⁴ The Ministry supports victims of trafficking who have been officially repatriated. The Centre for Counselling and Protection of Women and Children provides assistance to the victims and those at risk of human trafficking, including legal advice, psychological and physical health advice. They also raise awareness among the relevant authorities on implementing the *Law on Anti-human Trafficking*, including police, judicial organizations and officials in other sectors.⁵⁵

The Ministry of Education and Sports is responsible for ensuring access to education for all particularly women and girls, developing gender equality curriculum, non-gender-based discrimination and the use of non violence in conflict resolution.⁵⁶ The Ministry runs a project on GBV training for youth and teachers in Secondary School, so far just in the capital and the intention is to roll this out to provincial level. Training on gender equality has been integrated into the MoES staff training manual.

The Ministry of Justice issued a new decree on Legal Aid Clinics, and is responsible for coordinating with all relevant sectors in reviewing, creating and amending laws to bring them into line with current circumstances and in accordance with international conventions, which relate to the prevention and elimination of VAW and VAC. MoJ also publicizes and disseminates various laws and legislation, at central and local levels, to strengthen awareness of existing laws and regulations.⁵⁷

⁴⁹ Government of Laos 2014, NAP VAW 2014

⁵⁰ Government of Laos 2014, Law on Preventing and Combatting VAWC, 2014

⁵¹ Government of Laos 2014, NAP VAW 2014

⁵² Government of Laos 2014, NAP VAW 2014

⁵³ Government of Laos 2014, NAP VAW 2014

⁵⁴ Government of Laos 2014

⁵⁵ CEDAW report 2017

⁵⁶ Government of Laos 2014

⁵⁷ Government of Laos 2014

The **Ministry of Public Security** is responsible for monitoring and identifying offenders in order to initiate case proceedings and investigations into VAW/C.

The **Supreme Public Prosecutor and the Supreme People's Court** are responsible for the timely proceedings of cases of VAW/C, and coordinate with relevant sectors to provide training on legal regulations for relevant officials to strengthen the monitoring of law enforcement, especially related to violence.⁵⁸

The **Lao Front for National Construction** has mainstreamed preventive measures and the elimination of VAW and VAC into its strategy along its vertical line of command from the central to the local level.

The **Lao Trade Union and the Lao Youth Union** are the Party's mass organizations responsible for raising awareness on the Party's policy direction, the government's legislations, international conventions related to the rights of women and children including the prevention and elimination of VAW/C within their vertical line of command from the central to the local level.⁵⁹

The **National Steering Committee on Anti Human Trafficking** was established in 2011, members include high ranking officials from related ministries and agencies, including the Central LWU. The Secretariat to the *National Steering Committee on Anti-human Trafficking* is located at the Ministry of Public Security. Lao PDR also established the *Prevention and Anti-Trafficking Department* within the General Police Department and the *Prevention and Anti-Trafficking Divisions* within Vientiane Capital and provincial Police Departments across the country.⁶⁰

5. Coordination Mechanisms

There is a *Gender Network* that includes CSOs and UN agencies, a *CEDAW Task Force*, and the *Civil Society GBV Task Force* which is supported by INGOs (CARE) and consists mainly of local CSOs, but no government representation. They meet quarterly, and the chair and co-chair functions are rotated among members. The *Anti-Human Trafficking Working Group* is led by Ministry of Foreign Affairs and UNFPA, it meets quarterly and includes government and international development partners.

6. Initiatives of Key Development Partners Supporting GBV Prevention and Response

UN Agencies

UNW supported the Costing study on estimation of financial and human resources required to provide services to women and children who are victims of violence in Lao.⁶¹ UNW also supported the development of the Violence law, and works with the government to implement GBV related policies and plans, they support the Ministry of Justice to train justice officers and VMUs in 2 provinces, on how to mediate GBV cases focusing on victims' rights. They recently supported LWU to review the implementation of Beijing +25, and NCAW to develop the law on gender equality. UNW provided capacity building on Eliminating Violence Against Women (EVAW) to the Ministry of Education, to train youth and teachers on VAW, and to promote non violent communication. UNW have supported CARE to respond to VAW at community level. At regional level UNW is implementing the Safe and Fair⁶² programme, through a partnership with the ILO, under the EU Spotlight initiative, which focuses on women migrant workers in the 10 ASEAN member states, and aims to improve policies, services, data and attitudes to promote women migrant workers' rights and ensure that women migrant workers are less vulnerable to violence and trafficking and benefit from coordinated responsive quality services.⁶³ As part of this the UNW Regional Office in Bangkok is conducting a regional scoping of GBV services (not finalized yet.)

⁵⁸ Government of Laos 2014

⁵⁹ Government of Laos 2014

⁶⁰ CEDAW report 2017

⁶¹ UNW 2016

⁶² [Safe and Fair](#)

⁶³ Spotlight Initiative 2017

UNFPA previously supported the GBV survey, and development of the National GBV Action Plan. They provided support to the LWU for GBV response during the Attapeu dam emergency, and will continue to support LWU to run the women friendly space. UNFPA also supported the *Lao Social Indicator Survey 2017*⁶⁴ which includes attitudes towards GBV. UNFPA supports the LWU campaigns on 16 days of Activism. They also support Ministry of Health to train hospital staff on GBV. They support CSOs such as CARE on GBV work at the community level. They have developed a proposal for the *UN Joint Initiative on Quality Essential Services for Women and Girls Subject to Violence (2019-2023)*, based on the *United Nations Joint Global Programme on Essential Services for Women and Girls Subject to Violence*. This will focus on strengthening Government capacities, and building on existing health, police, justice and social services to address VAWG and coordinate these services. The programme will provide evidence-based technical assistance, methodologies and policy guidance to develop a clear pathway on how to deliver and coordinate quality essential services, and connect and strengthen existing services to improve the coordination and quality of GBV services.⁶⁵

ILO is collaborating with UNW (see above) on the EU spotlight initiative: *Safe and Fair Migration in ASEAN*. Their key partners include Ministry of Labour and Social Welfare, The Lao Federal Trade Union, National Chamber of Commerce and Industry. While UNW will focus on VAW, ILO will focus on migration. They have completed the scoping baseline study on gaps and needs to support violence against migrant workers. The programme will provide migration counselling services, a migration resource center, for potential migrant workers and their families to access information for safe cross border migration. They will also provide capacity development and awareness raising on VAW for recruitment agencies. ILO is also implementing the *Triangle II*⁶⁶ project (2015-2025) funded by DFAT and Canada. This programme promotes safe gender-responsive migration across ASEAN.

UNICEF produced the *Ending Violence against Children in Lao PDR: A Multi-Sectoral Response to the National Violence Against Children Survey*⁶⁷ in 2018, and are supporting Child Protection, particularly trafficking and child marriage.

UNICEF, IOM, UNODC and EU are collaborating on the *Global Action to Prevent and Address Trafficking in Persons and Smuggling of Migrants (GLO ACT)*⁶⁸ which is a four-year (2015-2019), €11 million project which aims to provide assistance to government authorities and CSOs across 13 countries including Laos to plan and implement strategic national counter-trafficking and counter-smuggling efforts through a prevention, protection, prosecution, and partnerships approach. It supports the development of more effective responses to trafficking and smuggling, including providing assistance to victims of trafficking and vulnerable migrants through the strengthening of identification, referral, and direct support mechanisms.

Other Development Partners

The EU recently launched a call for proposals from CSOs promoting human rights, which will potentially fund GBV services.

The EU has been funding *Bringing Justice Closer to Women Suffering From Gender Based Violence*⁶⁹ (EUR 400 000, 2016 – 2019) **managed by Helvetas** and implemented by the Association of Development of Women and Legal Education (ADWLE) and Bridges Across Borders South East Asia Community Legal Education (BABSEACLE) to contribute to the reduction of GBV and to increase access to justice for vulnerable women in Vientiane and Champasak Province. The project raised awareness on GBV and its consequences in communities; operationalised Legal Aid Clinics on GBV and in-house clinics within Universities; trained

⁶⁴ [Lao Social Indicator Survey 2017](#)

⁶⁵ UNFPA 2019

⁶⁶ [Triangle II](#)

⁶⁷ [Ending Violence against Children in Lao PRD: A multi-sectoral response to the National Violence Against Children Survey](#)

⁶⁸ [Global Action to Prevent and Address Trafficking in Persons and the Smuggling of Migrants \(GLO.ACT\)](#)

⁶⁹ [Bringing Justice closer to Women Suffering from Gender-Based Violence](#)

judges, professors, and law enforcement officials to ensure they are aware and able to handle GBV cases according to the law, trained law students (at National and Champasak Universities) paralegals, legal clinic staff, VMAs on how to support GBV survivors, and enhanced the capacity of civil society to deliver services and policy dialogue on GBV for vulnerable women. Throughout its implementation, the project has dealt with real cases and women victims of GBV. The project supported prevention through the GBV support group, Village authority, LWU.

USAID is funding a five-year, US\$21.5 million Counter Trafficking in Persons (USAID Asia CTIP) program, implemented by Winrock International, to strengthen cooperation between government social services, law enforcement, healthcare providers and anti-trafficking advocacy organizations to help improve the lives of trafficking survivors throughout Asia. The program will initially focus on human trafficking in the Lower Mekong countries of Burma, Cambodia, Laos, Thailand and Vietnam as well as Bangladesh.

DFAT Funds GBV initiatives through partners such as CARE, ILO (Triangle II), and others.

INGOs

CARE is the lead INGO on GBV in Lao PDR. Their flagship *Stand up and Speak out (SUSO)* programme (2017-2019, AUD 800,000, DFAT funding) works with influential male and female change agents as well as Village Mediation Unit and Village Authority members to change community gender norms, in rural remote ethnic and urban communities, using their trademark Community Dialogue Tool (CDT). Community volunteers promote a zero tolerance approach to violence through behavior change communication (BCC) materials, videos, etc.

CARE is also implementing the regional *Enhancing Women's Voice to Stop Sexual Harassment (STOP)*⁷⁰ programme (2017-2021) which is working in four Mekong countries to address sexual harassment in the garment industry. The project develops contextualised models to support industry, government, and civil society in preventing and responding to sexual harassment. The project will develop, test and adapt workplace models for the prevention of and response to sexual harassment, the package includes a workplace sexual harassment policy, implementation guide and a comprehensive multi-media training for factories to deliver to staff to prevent and report sexual harassment.

CARE is also implementing the EU/DFAT funded (US\$ 1 million, 2016-2019) project *Strengthening Civil Society to Address GBV*, through the Lao People's Health Association (LAOPHA) strengthens CSOs to influence and mobilise local authorities, communities and duty-bearers on different levels to address GBV, particularly for remote ethnic women and marginalised urban women (garment factory workers or beer sellers).

CARE is providing support to the GBV Task Force, and strengthening a wider group of CSOs. CARE is considering work on child marriage and Sexual Reproductive Health.

Save the Children International's *Strengthening Child Protection Systems to Keep Children Safe* project helps to ensure that children are protected from abuse, neglect, exploitation and violence through appropriate preventative and remedial interventions. Interventions at the village, district and provincial level are designed to contribute to the development of an effective and functioning provincial Child Protection system. Save the Children also conducts awareness raising activities on key child protection issues (e.g. physical and sexual violence against women and children, gender-based violence, exploitation, migration and neglect) and by advocating with child and youth-led groups to protect themselves and raise awareness amongst their peers. They support adolescent girls, particularly ethnic minorities, on prevention through community dialogue on early marriage.

Save the Children is implementing the US State Department funded *Comprehensive Programming to Address and Respond to Gender-based Violence in Laos and Nepal Initiative*, working with communities to reduce

⁷⁰ [Enhancing Women's Voice to Stop Sexual Harassment \(STOP\)](#)

GBV and change customary laws. They provide the National University of Laos training to teachers and students on gender and GBV and support for students' practicum internships with local NGOs.

The Asia Foundation (TAF) works with the Ministry of Justice, the National Assembly, the Lao Bar Association (LBA), BABSEACLE and ADWLE, and other government agencies and CBOs to promote the development of the legal sector and improve access to justice and the rule of law for all Lao citizens. They have supported the establishment of the 6 of the 9 nation's first legal aid clinics, and will continue to support new legal aid clinics (Attapeu, Bokeo, Champassak, Oudomxay, Phongsaly, Savannakhet, Sekong, Vientiane Capital, Xayabouly, Xaysomboun, Xiengkhuang). They are working with government to develop the legal aid decree and legal aid packages including GBV. In order to address the lack of women lawyers, they will fund scholarships for women to attend the National Institute of Justice. TAF participates in the Counter-Trafficking Working Group, they previously funded a shelter for trafficking victims in Savanaket, which has been handed over to the LWU. TAF is also working with the LWU and women's shelters to raise awareness among at-risk populations on trafficking and break the cycle of exploitation through education and vocational training.

Plan International works on child protection and child marriage, and has a project in the Bokeo SEZ area (Golden Triangle) providing GBV, trafficking and child marriage education to prevent parents selling young girls as brides to China.

Local NGOs

Gender and Development Association (GDA)⁷¹ is the lead local NGO on gender and GBV, facilitates advocacy, community awareness and women's empowerment, and has a broad network of national and international partners. They are active in the CSO GBV Task Force. They recently co-organised a *Regional Conference on Strengthening Understanding of the Impact of Gender Norms and Stereotypes on Violence Against Women in the Greater Mekong Sub-Region*⁷² in Vientiane, along with the National Commission for the Advancement of Women, Mother and Child together with the Ministry of Information, Culture and Tourism, with support from Advancing Learning and Innovation on Gender Norms (ALIGN), an initiative led by the Overseas Development Institute (ODI).

Association Development Women Legal Education (ADWLE)⁷³ works with legal professionals, teachers, students and communities to empower women and promote behavioral change through dissemination of laws related to women, mainstreaming gender in legal education and facilitating access to justice mechanisms for women. ADWLE provides legal education and training to university institutions, VMUs and village communities. They provide training on counseling victims of GBV, run mobile legal aid clinics, and train paralegals to provide support to GBV victims. In July 2015, ADWLE established the Legal Aid Clinic for Vulnerable Women, the first legal aid clinic for female victims of GBV in Lao PDR. They are also active in advocacy and policy advice on CEDAW and GBV laws.

Positive Health Association (LaoPHA) contributes to the improvement of the health, social welfare and well-being of key affected populations through the development of health care services, social support and community advocacy initiatives that improve the quality of life, remove barriers to health services, and reduce discrimination and stigmatization. They focus on key affected populations, including women living with and affected by HIV, orphans and vulnerable children, transgender people, gay persons, female sex workers, drug users, and young male populations.

7. Gaps

According to the CEDAW Concluding Observations, remaining challenges include: "a) high prevalence of gender-based violence against women, especially domestic and sexual violence and rape; b) low rates of

⁷¹ [Gender and Development Association](#)

⁷² [Regional Conference on Strengthening Understanding of the Impact of Gender Norms and Stereotypes on Violence Against Women in the Greater Mekong Sub Region](#)

⁷³ [Association Development Women Legal Education \(ADWLE\)](#)

reporting among women who are victims of domestic violence, and the social stigma associated with it; c) the persistent, although not mandatory, use of alternative dispute resolution, in particular Village Mediation Committees, for domestic and sexual violence cases; d) the limited training provided to law enforcement personnel, public health officials and members of Village Mediation Committees on identifying all forms of gender-based violence against women and addressing individual cases in a gender-sensitive manner; e) the limited number of shelters for women and girls who are victims of gender-based violence, in particular domestic violence, living in rural and remote areas; f) lack of data on cases of gender-based violence against women that were investigated and led to prosecutions and on the sanctions imposed on perpetrators, disaggregated by age and relationship between victim and perpetrator.”⁷⁴

Gaps that were observed as part of this mapping exercise include:

- A comprehensive GBV service mapping (such as this) has not been done yet.
- There are no referral pathways available.
- Despite the GBV Law endorsed in 2014, justice and law enforcement authorities are still not well informed and able to enforce the law.
- Responsibility for implementing the NAPVAWC has yet to take root within Line Ministries and government agencies (aside from NCAW and LWU). There is also no funding from government and limited funding from DPs to implement the plan. The Government does not have its own resources and programmes.
- There are some concerns about the quality of the quantitative data collection for the GBV survey due to a lack of the enumerators’ cultural understanding of the definition of GBV, and thus the results should be interpreted with caution (i.e. the actual prevalence is likely higher than what is recorded in the survey.)
- There is a lack of effective government level coordination on GBV at national and sub-national level.
- The police and judicial systems are unresponsive to survivors’ needs and the accessibility and quality of the services provided at the LWU shelters and GBV center is low.
- The informal mediation system (VMU) is not survivor-centric and prioritises family and community harmony over the victim’s rights, based on customary law, and do not involve the police.
- Prevention of child marriage and trafficking is low, and there is a growing concern about the impact of foreign construction labour on sexual abuse and exploitation, and trafficking girls to neighboring countries as brides.
- Legal aid is not understood or accepted by government, and thus it is difficult for legal aid providers to intervene in GBV cases.
- Sexual harassment as a concept is not widely understood and thus difficult to address.
- There is no data on LGBT, and limited services available.

⁷⁴ UNFPA 2019

ANNEXES

Annex 1. Lao PDR List of Reference Documents and Resources

ASEAN Regional Plan of Action on the Elimination of Violence against Women

ASEAN, Documentation of Good Practices in ASEAN Member States on the Elimination of Violence Against Women and Children

Ayuwat (2018) Influential Factors Among Male Population Associated with the Economic Violence Against Women in Laos.

Barnes (2012) Study on the perceptions and attitudes of young women on issues related to violence against women and girls in Lao PDR and Thailand.

CEDAW Committee (2018) Concluding Observations: Lao PDR, CEDAW/C/LAO/CO/8-9

CUSO/GDG Rural Domestic Violence and Gender Research: Lao PDR

EU Helvetas Project Website (2019)

EU Spotlight Initiative (2017) Safe and Fair Programme Document

Gov of Lao PDR (2017) Committee on the Elimination of Discrimination against Women Consideration of reports submitted by States parties under article 18 of the Convention Eighth and ninth periodic reports of States parties due in 2014.

Gov of Lao PDR (2017) Committee on the Elimination of Discrimination against Women (CEDAW) Report

Government of Lao PDR (2004) The Law on the Development and Protection of Women and Children

Government of Lao PDR (2014) Law on Preventing and Combatting Violence against Women and Children

Government of Lao PDR (2016) National Action Plan on Prevention and Elimination of Violence Against Women and Violence Against Children in Lao PDR 2014-2020

ISS (2018) Country Fact Sheet for CEDAW

Lao PDR. Sexual Violence Research Initiative. Website

Lao Statistics Bureau (2012) Lao PDR Social Indicator Survey.

Mauney (2015) Gender Based Violence in CARE's Remote Ethnic Target Communities, CARE

National Commission for the Advancement of Women, Lao PDR (2015) Summary Report: a study on Violence Against Women in Lao PDR, Lao National Survey on Women's Health and Life Experiences.

OECD Development Centre (2019) Social Institutions and Gender Index (SIGI)

Open Development Mekong (2016) website

UNFPA (2019) the UN Joint Initiative on Quality Essential Services for Women and Girls Subject to Violence (2019-2023)

UNICEF (2018) Ending Violence Against Children in Laos

UNOCHR (2018) Committee on the Elimination of Discrimination against Women reviews the report of the Lao People's Democratic Republic.

UNODC (2017) Trafficking in Persons from Cambodia, Lao PDR and Myanmar to Thailand.

UNODC (2017) Trafficking in Persons from Cambodia, Lao PDR and Myanmar to Thailand.

UNW (2015) Access to Justice for Women in Lao PDR, Using Customary Rules and Laws in Ethnic Communities in 3 Provinces.

UNW (2016) Estimating Resource Requirements for Responding to Violence against Women in South-East Asia

US State Department (2018) Trafficking in Persons Report for Laos

Wikipedia (accessed 6/6/19) LGBT Rights in Laos

World Bank (2017) Lao PDR World Bank Country Gender Action Plan FY2017-2021

Annex 2. Meetings in Vientiane, Lao PDR

Institution	Name and Position
World Bank	Alkadevi Morarji Patel, Senior Specialist – Social Risk & Sustainability
UN Women	Ms. Sisouvanh Vorabouth, National Coordinator
UNFPA	Mr Phonexay Sithirajvongsa, M&E analyst
IFAD	Soulivanh, Pattivong, Programme Officer
UNFPA Bangkok	Ms Kiran Bhatia, former Regional Gender Advisor
CARE	Tanya Barnfield, Assistant Country Director, CAR
HELVETAS Swiss Intercooperation	Viengkone KETLOUAY (Ting) Project Manager “Bringing Justice Closer to Women Suffering from Gender Based Violence”
World Bank	Henrike Brecht, Senior Infrastructure Specialist (CLM)
PRF	Mr. Sengphet Vannavong, Community Dev Specialist
The Asia Foundation	Mr. Todd Wassel Country Representative Sophia Cason, Chief of Party Thip Nouansyvong, Law Prog Officer
World Bank	Mr. Sybounheung Phandanouvong Sr Soc Dev Specialist
World Bank	Ms. Viengsamay Srithirath (Nou) Country Officer
Independent consultant	Ms Christi Lane-Barlow, GBV specialist
DFAT	Ms. Sophie Wilkinson, 2 nd Secretary
ILO	Khemphone Phaokhamkeo, Coordinator Viengprasith Thiphasouda, Safe & Fair Coord. Vongtavanh, Coord, Triangle
World Bank	Sombath Southivong Infrastructure, Roads Mombert Hoppe - Trade
CARE	Suzi Chinnery, Regional Project Director - Enhancing Women's Voice to Stop Sexual Harassment (STOP)
Save the Children International	Lara Giuriato, Head of Sector for Child Protection

Meetings not able to take place

LWU, GDA, National Commission for the Advanced Women, and the Legal Aid Clinic (ADWLE)

Annex 3. Mapping, Lao PDR

Functions & Services	Gov Responsibility	Stakeholder Actions: who is doing what
Coordination and Governance		
Research and data collection	NCAW MPI	UNFPA/WHO: GBV survey UNW: MPES costing study UNICEF: Ending VAC Survey and Response
Policy & Advocacy	NCAW: develop & oversee implementation of laws, policies, CEDAW Sub-CAWs: translate policies into plans LWU: implementation of policies and plans MPI: integrate GBV in national plans, budget MoF: allocate state budget for GBV MoJ: develop laws	UNW: NPA-VAWC, DV Law, Beijing+25, Law on Gender Equality UNFPA: NPA-VAWC UNICEF: Ending VAC Survey and Response UNICEF, IOM, UNODC and EU: GLO.ACT (anti-trafficking) GDA ADWLE
Coordination Mapping	NCAW: overall coordination across government sub-CAWs in ministries and districts: coordination	CARE, GDA, ADWLE: Civil Society GBV Task Force Ministry of Foreign Affairs and UNFPA: Anti-Human Trafficking Working Group UNW: Safe and Fair regional mapping UNFPA: UN Joint Initiative on Quality Essential Services for Women & Girls Subject to Violence
Guidelines	LWU: referral mechanisms	UNFPA: UN Joint Initiative on Quality Essential Services for Women and Girls Subject to Violence CARE: STOP Sexual Harassment in Factories
Prevention		
Women's empowerment	LWU MoES: promote gender equality and EVAW in education	UNW/ILO/EU: Safe and Fair Migration ILO: Triangle II: safe migration UNFPA EU: funding for CSOs for Human Rights USAID/Winrock: Anti-trafficking CARE: SUSO: community dialogue, BCC, VMUs CARE: STOP Sexual Harassment in Factories CARE/LAOPHA: Strengthening CSO to address GBV CARE: Child Marriage Save the Children: Child Protection, early marriage, customary laws TAF: anti-trafficking Plan: Child Protection ADWLE
Men's awareness	LWU MoES: promote gender equality and EVAW in education Lao Trade Union and Lao Youth Union	UNW supported MoES to train youth and teachers on EVAW CARE: SUSO community dialogue, BCC, VMUs CARE: STOP Sexual Harassment in Factories CARE/LAOPHA: Strengthening CSO to address GBV
Integrated GBV/SRHR	MoH MoES	UNFPA CARE
Local Authorities	LWU Sub-CAWs VMU MoRDPR Lao Front for National Construction Lao Trade Union and Lao Youth Union	UNW/ILO: Safe and Fair Migration UNW/UNODC/IOM: Anti-Trafficking UNICEF: Child Protection USAID/Winrock: Anti-trafficking CARE: SUSO: community dialogue, BCC, VMUs CARE/LAOPHA: Strengthening CSO to address GBV Save the Children: Child Protection, early marriage, customary laws Plan: Child Protection ADWLE: mobile legal aid clinics, train paralegals, students, VMUs, communities LAOPHA: advocacy for key affected populations

Functions & Services	Gov Responsibility	Stakeholder Actions: who is doing what
LGBT		LAOPHA: health services for key affected populations
Response: Essential Services		
Health	MoH: OSCC, free health treatment for victims. LWU	UNFPA: UN Joint Initiative on Quality Essential Services for Women and Girls Subject to Violence USAID/Winrock: Anti-trafficking LAOPHA: health services for key affected populations
Justice, Policing	LWU: participates on VMU VMU MoJ Public Security, Police Supreme Public Prosecutor Supreme People's Court	UNW: Training of justice officers and VMUs USAID: Anti-trafficking UNICEF, IOM, UNODC and EU: GLO.ACT (anti-trafficking) EU, Helvetas , ADWLE, BABSEACLE: Bringing Justice Closer to Women Project: legal aid clinics, training universities. USAID/Winrock: Anti-trafficking Save the Children: Child Protection, early marriage, customary laws TAF: supports MoJ, the National Assembly, the Lao Bar Association (LBA), BABSEACLE and ADWLE promote rule of law and access to justice ADWLE: mobile legal aid clinics, train paralegals and students, VMUs, communities
Social Services: Counselling and PSS	LWU: hotline, referral, counselling MLSW: reintegration, trafficking	UNFPA: UN Joint Initiative on Quality Essential Services for Women and Girls Subject to Violence UNICEF, IOM, UNODC and EU: GLO.ACT (anti-trafficking) USAID/Winrock: Anti-trafficking CARE/LAOPHA: Strengthening CSO to address GBV Save the Children: Child Protection, early marriage, customary laws LAOPHA: social and health services for key affected populations
Shelter/safe house/OSSC	LWU MoH	UNFPA: UN Joint Initiative on Quality Essential Services for Women and Girls Subject to Violence
Case management and referral	LWU MoH	UNFPA: UN Joint Initiative on Quality Essential Services for Women and Girls Subject to Violence UNICEF, IOM, UNODC and EU: GLO.ACT (anti-trafficking) USAID/Winrock: Anti-trafficking
Legal Aid Access to Justice	LWU MoJ	UNFPA: UN Joint Initiative on Quality Essential Services for Women and Girls Subject to Violence EU, Helvetas, ADWLE, BABSEACLE: Bringing Justice Closer to Women Project: legal aid clinics, training universities. USAID/Winrock: Anti-trafficking TAF: supports BABSEACLE and ADWLE promote rule of law and access to justice, legal aid clinics ADWLE: mobile legal aid clinics, train paralegals and students, VMUs, communities