

# Access to Justice for Sexual and Gender-Based Violence in the Lao People's Democratic Republic: Baseline Study

Executive Summary

March 2026



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Published in March 2026

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## Executive Summary

Sexual and gender-based violence (SGBV)<sup>1</sup> remains a serious, pervasive, and largely underreported human rights plight in the Lao People's Democratic Republic (Lao PDR). Albeit comprehensive and up-to-date national data about it is lacking, available evidence demonstrates that SGBV continues to affect a significant proportion of the population of the country, particularly women and girls, and detrimentally impacts at-risk groups disproportionately, including women with disabilities.

Survey data also reveals the prevalence of SGBV and points to deeply entrenched social norms that tolerate or normalize violence, particularly within intimate and family relationships. Such norms include shared social beliefs that domestic violence is a private matter, that women should endure abuse to preserve family unity, and that the lack of physical resistance by victims/survivors in the face of SGBV actually negates sexual violence. Such attitudes directly contribute to SGBV's low reporting rates and limited engagement by victims/survivors with formal justice mechanisms.

This baseline study, conducted by the International Commission of Jurists (ICJ) with the support of the Embassy of the Kingdom of the Netherlands, examines the extent to which Lao PDR's laws, policies and practices enable or obstruct access to justice and effective remedies for victims/survivors of SGBV. It identifies systemic shortcomings in the legal framework, institutional responses, and available support services, and provides concrete recommendations aimed at strengthening survivor-centred, rights-based responses to SGBV.

### Legal framework pertaining to SGBV

Lao PDR's response to SGBV is primarily governed by the Law on Preventing and Combatting Violence against Women and Children (LPCVWC) and the Penal Code. While these laws establish a basic framework for addressing violence, they leave significant gaps that undermine its effectiveness and, in some cases, actively deter victims/survivors from seeking justice.

A fundamental shortcoming of the legal framework is its limited recognition of who may be considered an SGBV victims/survivor. The LPCVWC, by definition, applies only to women and children, while many relevant Penal Code provisions, or their implementation in practice, similarly restrict the scope of who may be considered a victim to women and children. As a result, men and gender-diverse persons, who may also experience SGBV, are largely excluded from legal recognition as victims/survivors of SGBV and/or are denied protection.

Furthermore, definitions of what qualifies as sexual violence under Lao law fall well short of what international law and standards require with respect to SGBV. For example, rape is not defined on the basis of lack of freely given consent, but rather on the use or threat of force, or deception, without adequately recognizing coercive circumstances that affect consent, and is limited to narrowly defined non-consensual forms of penetration of a sexual nature. Marital rape is treated as a separate and less serious offence, carrying significantly lighter penalties, and remains eligible for mediation.<sup>2</sup> Such shortcomings reinforce harmful gender stereotypes, diminish the gravity of sexual violence within marriage, and undermine victims/survivors' autonomy and protection. Rape that is followed by murder may also be punished by the death penalty. With respect to this, the ICJ considers that, while under international human rights law and standards States are obliged to take all necessary measures to respond effectively to SGBV, including by conducting prompt and impartial investigations with a view to bringing those responsible to justice, as well as securing meaningful protection and support for victims/survivors, these objectives can and must be pursued without resorting to capital

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<sup>1</sup> Definitions for the various terms used in relation to SGBV are contained in the Glossary of the report. The International Criminal Court (ICC)'s Office of the Prosecutor (OTP) defines gender-based violence as "*an umbrella term for any harmful act that is perpetrated based on socially ascribed differences based on gender, usually because of a person's actual or perceived gender, sex, or sexual orientation.*" The OTP notes that it includes acts that inflict physical, sexual, or mental harm or suffering; threats of such acts; coercion; and deprivation of liberty. This conduct can occur in public or private settings and violates a person's human rights. Rooted in structural gender inequalities and power imbalances, gender-based violence is both a symptom of gender inequity and a tool used to reinforce it. It includes sexual violence and reproductive violence.

<sup>2</sup> Under the LPCVWC, "mediation" may be used as forms of settlement and may be conducted only by established bodies, such as the Counselling and Protection Unit for Women and Children, police investigators, public prosecutors, or the People's Court, and is limited to conduct for which the punishment prescribed by law constitutes a minor offence or carries a maximum term of imprisonment of less than one year (see Part 3.2).

punishment. The ICJ opposes capital punishment in all cases without exception. The death penalty constitutes the ultimate cruel, inhuman and degrading punishment and a fundamental violation of the right to life.<sup>3</sup>

The legal framework also fails to adequately address sexual harassment and technology-facilitated gender-based violence (TFGBV). There is no specific criminalization of sexual harassment; instead, the authorities rely on legal provisions scattered across the Labour Law, LPCVWC and the Penal Code, many of which are inadequately framed, undefined, or limited to non-criminal measures. Key Penal Code terms such as “sexual embarrassment” and conduct “contrary to fine tradition” are undefined and overly broad, resulting in inconsistent interpretation and weak enforcement. As a result, victims/survivors often encounter legal uncertainty, refusals to register complaints, or a lack of meaningful investigation of the incidents reported to the authorities, while some Penal Code provisions are applied in overly broad ways that risk restricting lawful expression instead of addressing harm effectively.

In addition, several Penal Code provisions criminalize conduct that disproportionately affects women and deters victims/survivors from reporting SGBV. These include the criminalization of abortion, of “incest” victims, sex work, adultery and other instances of consensual sexual relations, such as sex with monks, novices, nuns or hermits. Albeit abortion is allowed in certain circumstances, it remains regulated under criminal law, and access to safe and legal abortion services is severely constrained in practice.

### **Reliance on Informal Justice and Mediation**

Another major barrier to justice for victims/survivors of SGBV is the widespread reliance on community-based informal or traditional justice mechanisms, presented as avenues of alternative dispute resolution. The LPCVWC permits “re-education”, “compromise”,<sup>4</sup> and mediation in a broad range of cases, including some involving very serious forms of SGBV. In addition, even in cases where under international human rights law such processes may exceptionally be permitted,<sup>5</sup> domestic law lacks clear criteria for determining which instances would be eligible for them and does not consistently require independent assessments to ensure victims/survivors’ free and informed consent.<sup>6</sup> Interviews conducted for this study indicate widespread confusion among local authorities regarding which cases must proceed through the formal justice system, with even serious crimes—such as rape—sometimes diverted to mediation, resulting in de facto impunity.

In addition, in practice, mediation is frequently conducted by village-level actors who lack specialized training and often hold deeply entrenched patriarchal views. These processes commonly prioritize family unity and reconciliation over victim/survivor safety, accountability, and access to effective remedies.

### **Practical and Resource-Based Barriers**

Beyond legal deficiencies, victims/survivors of SGBV face substantial practical obstacles in accessing justice. Harmful gender stereotypes and victim-blaming attitudes remain pervasive among police officers, prosecutors and judges. Victims/survivors are frequently subjected to insensitive or stigmatizing questioning, repeated

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<sup>3</sup> The right to life is guaranteed by all major international and regional human rights instruments, including the Universal Declaration of Human Rights (Article 3), the International Covenant on Civil and Political Rights (Article 6), the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, the European Convention on Human Rights (Article 2), Protocol No. 6 to the European Convention on Human Rights abolishing the death penalty in peacetime and Protocol No. 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances. The death penalty is irreversible, prone to error, and has the potential to disproportionately affect marginalized and vulnerable communities. Its application is therefore not only incompatible with the values enshrined in various international human rights legal instruments, but it also undermines the pursuit of justice and the advancement of a fair and humane legal system. The death penalty does not fulfill what should be the primary objective of sentencing in criminal proceedings, which is to reintegrate individuals into society. Moreover, evidence does not support the idea that the death penalty serves as an effective deterrent against crime. The abolition of the death penalty is not only a crucial step towards building a world where the inherent worth of every individual is respected, and justice is pursued in a manner that upholds the principles of fairness, humanity, and the rule of law, but also contributes to the fostering and protection of human dignity and human rights. The ICJ, therefore, urges all countries where the death penalty still exists to abolish it and, pending this, to impose a moratorium on it, and to adhere fully to the right to life.

<sup>4</sup> Under the LPCVWC, “re-education” or “compromise” may be used as forms of settlement carried out by family members, close relatives, village elders, or an organization to which the victim or the perpetrator of violence belongs, where the conduct “does not cause much harm.”

<sup>5</sup> CEDAW Committee, ‘General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (1992)’, UN Doc. CEDAW/C/GC/35, 2017, para. 32 (b); and CEDAW Committee, ‘General recommendation No. 33 on women’s access to justice’, UN Doc CEDAW/C/GC/33, 3 August 2015, para. 57.

<sup>6</sup> The use of alternative dispute resolution mechanisms is elaborated further in Part 3.2 of the study.

interviews, and assumptions calling into question their credibility, contributing to secondary victimization<sup>7</sup> and discouraging reporting.

Justice institutions generally lack gender-sensitive procedures and safeguards. Victims/survivors often report the absence of private reporting spaces, psychological support, protection against retaliation, separate entrances from the alleged perpetrator, closed hearings, or the provision of testimony remotely or via communication equipment during investigations and trials. Many victims/survivors are required to confront alleged perpetrators directly during judicial proceedings, further exacerbating their trauma.

Capacity constraints further compound the plight of survivors/victims of SGBV. There is a severe shortage of trained female police officers and lawyers, particularly outside urban centers. Access to legal representation remains limited, and lawyers frequently encounter unjustified restrictions on access to case files and evidence. In addition, forensic examinations often require victims/survivors to bear the cost of forensic medical evidence themselves.

Support services for victims/survivors are critically under-resourced. Places in State-run shelters are extremely limited in number, dedicated funds for reparations are absent, and access to interpreters—particularly for minority languages and for sign language—is inadequate. Victims/survivors with disabilities face additional, compounded barriers, including reliance on caregivers that may prevent them from reporting abuse, inaccessible infrastructure, lack of procedural accommodations, limited access to information in accessible formats, and insufficient disability-sensitive referral and support mechanisms.

### **Summary of key recommendations**

To align Lao PDR's legal framework and practices with its international human rights law obligations and ensure effective access to justice and remedies for SGBV victims/survivors, this baseline study recommends that Lao PDR:

- Strengthen the legal framework on SGBV by amending the Penal Code and the LPCVWC to ensure that protection be extended to all victims/survivors, including men and gender-diverse persons.
- Reform sexual violence laws, including by adopting a consent-based definition of rape where consent refers to voluntary agreement as the result of a person's free will, treating marital rape as a crime of at least equal gravity, criminalizing sexual harassment and TFGBV, and abolishing the death penalty in all circumstances. Pending abolition, impose a moratorium on capital punishment, and to adhere fully to the right to life.
- Repeal discriminatory criminal provisions that deter reporting and detrimentally affect women victims/survivors of SGBV disproportionately, including laws criminalizing abortion, "incest" victims, sex work, adultery and other instances of consensual sexual relations.
- Restrict the use of alternative dispute resolution in SGBV cases by ensuring that "re-education", "compromise", and "mediation" are not prioritized over judicial proceedings and are used only in exceptional cases when permitted under international human rights law and standards, with the victims'/survivor's free and informed consent, appropriate safeguards, and trained professionals.
- Improve justice sector responses through specialized SGBV units within police and prosecution services; provide mandatory, gender-sensitive training for justice actors; increase participation of trained female officers in handling SGBV cases; and discontinue practices that result in secondary victimization or expose victims/survivors to retaliation.
- Expand victim support, including shelter places, legal aid, forensic services, disability-inclusive accommodations, interpreters, and dedicated funds for reparations and assistance, particularly in rural areas and among marginalized communities, including minority ethnic communities, whose members are not fluent in Lao, and persons with disabilities.

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<sup>7</sup> Secondary victimization refers to victimization that occurs not as a direct result of the criminal act, but through the responses of institutions and individuals—including during contact with the criminal justice system and related systems—to the victim/survivor.

- Strengthen implementation, monitoring, and data collection by establishing a system for the regular collection and publication of disaggregated data on all forms of SGBV.





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January 2026

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