THE MANAGEMENT OF DOMESTIC VIOLENCE AT VILLAGE LEVEL: A CASE OF SANGTHONG DISTRICT, LAO PDR*

Somsouk Sananikone
Ph.D. Candidate of Development Science, Faculty of Humanities and Social Sciences, Khon Kaen University, Thailand.

Dusadee Ayuwat**
Assistant Professor, Department of Sociology and Anthropology, Faculty of Humanities and Social Sciences, Khon Kaen University, Thailand.
dusayu@yahoo.com

ABSTRACT

The objective of this study aimed to describe the management of domestic violence in Sangthong District of Laos. This study was a qualitative study by employing the in-depth interviews of 15 male perpetrators and 15 key informants – e.g., police officers, lawyers, village heads, social workers, the Lao Women’s Union, and the Village Mediation Units. Research area was in Ban Nasaonang Village, Sangthong District, which had high prevalence of domestic violence according to the existing studies. The data was collected during January to June 2013 and analysis based on content analysis technique.

This study found that community mainly used education and focused more on family and reconciliation when addressing family disputes, rather than using the formal legal system or focusing on the legal rights of an individual woman. The study also reflected that, in addressing and managing of family violence problems, villagers were relying on the Village Mediation Units. Based on its findings, this study supports the argument that, in general, there is still a need for a broader quantitative study to systematically and empirically depicting the prevalence and severeness of the issue.

Keywords: Domestic Violence, Laos, Primary Prevention, Protective Factors, Risk Factors, Sangthong District, Violence Against Women (VAW).

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** Corresponding Author.
INTRODUCTION

Domestic violence, or violence against women, is both a social phenomenon and current public issue the world over – a pandemic, pervasive threat affecting individuals in every continent, country and culture, regardless of age, economic status, race, religion or educational background (Barnett, 2011). As explicitly remarked by the UN Secretary-General, Mr. Ban Ki-moon, on 28 November 2012, at the official commemoration of International Day for the Elimination of Violence against Women, at the UN Headquarters:

“Violence against women is one of the world’s most pervasive human rights violations. This threat is rooted in discrimination, impunity and complacency. Violence stems from social attitudes that belittle women and girls. It is tolerated through indifference, ignorance and fear of speaking out. And it thrives where families and communities pressure women to suffer in silence.”

According to the WHO’s fact sheet on violence against women, №239, dated November 2012, “between 15–71% of women aged 15-49 years reported physical and/or sexual violence by an intimate partner at some point in their lives.” On average, globally, at least one in every three women is beaten, coerced into sex or otherwise abused by an intimate partner in her lifetime. (UNSG’s Unite Campaign Fact Sheet, UN Department of Public Information – DPI/2498, Feb. 2008.) At the regional level, based on the UNWOMEN’s Issue Briefs on Women’s Human Rights in the ASEAN Region 2010, violence against women in the form of domestic violence is considered to be one of the most common forms of violation of human rights, which are usually under-reported or unreported to the authorities. Majority of victims of domestic violence are women; and most violators or perpetrators of domestic violence are the victims’ own husband or intimate partners. For example, up to around 96 percent in Indonesia, 95 percent in Vietnam, 57 percent in Malaysia, and 44 percent in Thailand, of all cases of domestic violence are being committed by the victims’ own husband or intimate partners.

At national level, based on the public interview of the President of the Lao Women’s Union by the Vientiane Times on November 24, 2009, domestic violence or violence against women is “hidden and is still a new issue for Lao society”. Violence between husband and wife is considered a private matter – a long-standing social problem. According to CEDAW report 2009, there is a high prevalence of violence against women and girl or domestic violence in Laos; cases of violence are usually left unreported or settled out of courts due to the “culture of silence” in Lao society at large. As remarked by the President of the Lao National Assemble in Vientiane Times on November 28, 2012, violence against women “has now becoming a serious social problem” in Lao society. It is a serious public phenomenon that hindering social and economic progress in general. It is rooted in our “long-held traditions, norms, harmful practices, beliefs, poverty, social perceptions towards women, and lack of education”. This form of violence is exceptionally and disproportionally harmful to women’s physical and psychological wellbeing. Due to its sensitive nature, there is a limited public discussion on the issue of domestic violence.

Currently, in Lao society there is a process to address the VAW. This process comprised of three justice systems: customary justice system, semi-formal justice system, and formal justice system. The customary justice system is based on the traditional norms and practices of seeking advices from the village elders or family elders or relatives to resolve domestic disputes and especially domestic violence, which are occurring in the family between wives and husbands. The semi-formal justice system is based on mediation principle. The government has set up a village mediation unit (VMU) in all villages in Laos. The VMU is under the direct supervision of the ministry of justice. The last component of the justice system
is the formal legal system, which comprised of courts, judges, prosecutors and police at village, district, provincial and central level. There are key stakeholders within all these three justice system, which include the Lao Women’s Union, the National Commission for the Advancement of Women and the Women’s Caucus at the National Assembly. These three bodies are the national women’s machinery in Laos. The focus of this paper is on how the three existing justice works in reality and how they are complimentary to one another in addressing issues relating to domestic violence. By studying how the justice systems work, key stakeholders working in this system will also be studied to gain more understanding on how these organizations coordinate and manage to work together to address VAW in Laos.

**OBJECTIVE OF THE STUDY**

The objective of this study aimed to understand and describe the management of domestic violence at a village level in Lao PDR.

**SCOPE OF STUDY**

In 1986, one of the most comprehensive reviews of the literature on violence against women by Lewis Okun pointed out at least 20 distinct theories. Since then, almost 26 years have passed and many more theories on either family violence, intimate partner violence, or other types of violence in conjugal relationships, have been developed and tested. However, no one conceptual framework can explain adequately what causes violence against women in their own family (Renzetti, 2011). Given the myriad availability of perspectives involved and for a practical reason, it makes sense to be selective in this review. The ecological model and the feminist theory are selected as the key assessing frameworks for this article in order to better understanding on how the local villagers in Laos manage or deal with the issue of domestic violence.

Around 2002, the World Health Organisation (WHO) has proposed the use of an ecological theory to provide a conceptual framework for understanding the nature and causes of violence against women. The ecological theory addresses multiple levels of influence and maintains that violence against women should be examined within a nested set of environmental contexts or systems. It considers that behaviour does not take place in a vacuum, and addresses the relationship of the individual to their environment, including the interpersonal relationships (family or microsystem), community (exosystem) and societal (macrosystem) influences (DeKeseredy, 2011). At the core of the model is the individual, and the personal characteristics which make them more or less at risk of violence. Around the individual are their close relationships, with partners, family members or others, and how far these relationships might increase or decrease the risk of violence.

Figure 1: The three-level of influence based the ecological model of WHO.
Feminist Theory

According to feminist theory, cultural acceptance of violence allows or even promotes violence. In another word, men beat women because they can get away with it in their particular society (Barnett & Miller, 2011). The feminist theory encourages an examination of the societal structure that is designed encourage and perpetuate the superiority of men over women (Renzetti, 2011). It focuses exclusively on patriarchy, or sexual system of power in which the male possesses superior power and economic privilege, as the cause of violence toward women.

As aforementioned in the introduction part, in Laos, there is a process that manages domestic violence; this process is comprised of three justice systems: customary justice system, semi-formal justice system (based on mediation principle), and formal justice system. Since most cases of family disputes have been commonly and publicly known to be addressed or managed by the semi-formal justice system or the Village Mediation Units, the focus of this study is on the mediation model, or the semi-justice system. According to Allison Taylor (2002), a mediation model is a specific way of resolving conflicts that rest on a key basic element: the mediator’s central core beliefs. Folberg and Taylor (1984) proposed a seven-stage mediation process: 1. Introduction – creating trust and structure; 2. Fact finding and isolation of issues; 3. Creation of options and alternatives; 4. Negotiation and decision-making; 5. Clarification and writing a plan; 6. Legal review and processing; 7. Implementation, review and revision. The first five stages are assumed to take place with the mediator’s presence during the session while acting as a neutral third party. The mediator’s key roles are to ensure valid information, free and informed choice, and internal commitment to the choice for those making the decisions so that they take responsibility for implementing the decisions that are reached (Schwartz 1994). The sixth stage was meant to be done by consultation of an advising attorney or judicial or authority figure. The final stage was seen as being done by the participants or disputants themselves, with the potential help of the mediators. Folberg and Taylor view these stages as universal to all mediation efforts.

Relevant to this study, R. J. Rummel (1976) provided an explanation on why the disputants used mediation process as a preferred approach for addressing family conflicts or domestic violence. Rummel (1976) believed that each person (or group entity or system) has its own unique set of thoughts or central core beliefs, which he called their sociocultural space. Conflicts can occur when people do not understand, tolerate, or respect each other’s sociocultural space. These naturally occurring oppositions can lead to a situation of conflict, where the individuals involved realize their differences but are unwilling to do anything to change the situation. Eventually, a trigger event, or series of events, will lead to a state of uncertainty that they can no longer ignore or deny existing conflicts. At this point, they will enter into the process of balancing their differences in view and beliefs. Rummel identified three major approaches through which individuals attempt to balance their differences: 1. Coercive force (physical, social, financial, or legal intervention); 2. Accommodation (mutual behavioral change done by agreement between the disputants by means of direct dialogue and negotiation); and 3. Noncoercive processes (mediation, facilitated dialogue where disputants make their own decisions).

The conceptual framework for showing how the conflict or domestic violence could be started and how it is managed effectively or ineffectively could be depicted in the diagram in Appendix 1.
This research is conducted in one village of Sangthong district, Vientiane municipality. The selected village is called Ban Nasaona ng. Sangthong district is situated about 65 kilometers south from Vientiane City, bordering Hinheub district to the north, Sykhotthabong district to the south, Phouphanang mountain range to the east, and the Mekong River to the west. Like most districts in Laos, Sangthong district has been affected by the recent rapid economic transformation across the country. Sangthong is the poorest district in Vientiane Prefecture and is listed amongst the 47 poor districts of Laos (GDG, 2004). According to the 2011 national statistic, there are 37 villages in total, which is made up of 4,503 households, and has a total population of 23,349 people. Of this, 11,434 are females. While Sangthong district is close to Vientiane city, access is very poor. In the dry season, people leave the district to find better jobs in Vientiane city or across the river in to Thailand. The majority of their populations are farmer on rice cultivation. However, its main income generating activity is plaited bamboo sheets to be used for walls. These are sometimes sent to Thailand or otherwise are sold in the village.

The main reason for the selection of Sangthong district as the study area is based on the availability of the known cases of domestic violence as reported in the GDG’s 2004 and 2011 studies, especially in the Ban Nasaonang village. Nasaonang Village: Established in 1987, two ethnic groups form this community, Khamu and Lao Loum. It is 9km from the district centre. There is a population of 426 people (209 women) with 81 households. In a rapidly changing economy such as Laos is currently experiencing, many people, especially the working class men and women, are being driven to migrate from their homes in rural to urban communities. In this situation, those men who found themselves unable to economically support their families in the new environment and unable to live up to their culturally defined role as a bread winner usually develop certain levels of stress as a precondition for committing violence against their spouse.

The qualitative research method was selected and used in this study in order to gain a comprehensive understanding on the management of domestic violence at the village level. The village heads, representatives from the Village Mediation Units, and local civil society groups (including the mass organization such as the Lao Women’s Union) were purposively selected as key informants of this study. Purposive sampling is very useful for this step of study where it needs to reach persons who could provide rich information for the study.
Moreover, those selected people are primary accountable persons in preventing violence. With respect to this, the village chief is a key gate keeper in the community as well as a significant decision maker on overall functions of the community initiatives and efforts. As for the sampling selection, the snowball technique was applied to attain diverse perspectives from community members, such as the male perpetrators. Applying this technique, the researcher asked the key informants to suggest other individuals known to them, who could provide information useful to the study (Creswell, 2003). Therefore, total sample size for the in-depth interview concerning the community-based issues for this qualitative study is 24 key informants.

The unit of analysis for this study is at the family and community levels. For the data collection, an in-depth interview based on specific interview guideline was applied in order to elicit rich and detailed information concerning the community-based issues. To the study’s concerns, the political context of the community including political commitment and support, policy formulation and accountability, formation and enforcement of rule and regulation, and the local institutional contexts of the community including distribution of responsibilities and authorities, organizational resource, organizational capacities, and relationships between organization and institutions at different levels are assessed. Moreover, community-based issues such as physical, social-cultural, and economical conditions of the victims and perpetrators were investigated. In addition to community-based issue analysis, attitudes and opinions of the community leaders and venerable groups (victims and perpetrators) were reviewed.

General basic interview guidelines was created to obtain information from participants at two different levels: the ‘What’ or direct experience level, and the ‘Why’ and ‘How’ reflecting on experience level. And questions focusing on probing or sharing direct experiences included: can you say more about this, is there anything else you want to add to this, are there any questions about this, could you be more specific, or what happened, And the questions focusing on thinking level or reflecting on direct experiences included: how did you feel when you are experiencing this, did anyone else feel the same way about that, do you realize that, why didn’t you response to that.

After the entire data collect process is accomplish, the data from different sources and data collection methods were categorized based on their similarity and themes; and then data were analyzed using content analysis technique. All field notes taken during interview were converted into fine notes so that the meaning and essence would not be lose. The key informants’ words, observed scenario, documented charts and figures were used to highlight the main points.

**RESULTS AND DISCUSSION**

Lao PDR was established in 1975 under the leadership of the Lao People’s Revolutionary Party. In the following period, emphasis was placed on nation building and establishing an administrative structure to restore and remedy damages sustained during the war. Hence the administrative mandate during this period was to achieve socio-economic development through the application of the Party policy and administrative decrees. In 1986, the country adopted the ‘New Economic Mechanism’ to transit from a centrally planned to a market oriented economy. This transition marked a shift in emphasis - socio-economic development was now to be achieved through the Constitution and laws. Hence the period post 1986 witnessed the enactment of a slew of legislation, including, significantly, the adoption of the Constitution in 1991. As a result of these developments, the legal system in Laos is of relatively recent origin.
There are three forms of justice systems in Lao PDR- the formal, the semi-formal and the informal or the customary system. Formal Justice System is constituted by the People’s Court, the Office of the Public Prosecutor and the police.

1. **Formal Justice System**

The system of the People’s Court consists of the People’s Supreme Court, Provincial and Prefecture Court, and District Courts. The People’s Supreme Court is the supreme adjudicating body and is also responsible for supervising courts at all levels, including controlling judgments granted by lower courts. Although there were plans to establish courts of first instance in all districts, due to the paucity of judges, district courts were consolidated into 39 area courts in 2010 (UNDP, 2010).

**Police**

The police are under the supervision of the Ministry of Public Security. They are also required to work in close collaboration with the Office of the People’s Prosecutor. Police functions include maintaining public peace, law enforcement, crime investigation and managing detention facilities. At the village level, village security is constituted by—the “phokosor ban” in charge of public security; and “khorlorn ban”, representing the military and providing protection from external threats to the community. Police determine whether violence is serious or minor. Only when injuries are deemed serious is the woman taken to health facilities and investigations initiated. In a majority of cases, women are encouraged to take cases to the village levels for mediation.

2. **Semi-Formal Justice System**

The semi-formal system is administered by the Ministry of Justice (MoJ) and constituted primarily by the Village Mediation Units (VMU). VMUs are traditional dispute resolution systems at the village level, which are under the MoJ’s jurisdiction. The VMU’s line of supervision is depicted in the adjoining diagram.

Headed by a chairman and his/her deputies, the VMU draws its members from the following:

- National Front for Construction
- Village Authority
- Veteran’s federation
- LWU
- Lao Youth Union
- Village elders, leaders of ethnic groups
- Village security

According to the Mediation Guidelines issued by the MoJ the role of a VMU is to help settle disputes at the village levels through the use of mediation and traditional practices, create legal awareness, implement and enforce court orders and assist the village authority in creating a “case-free” village (CFV). The VMU’s jurisdiction extends over civil and minor criminal matters. A village is declared to be case free (CFV) if it is able to resolve all matters within its jurisdiction without reference to the formal justice system. CFV villages are entitled to additional development assistance. Once vested with CFV status, all disputes are to be resolved within the village, either by the VMU or the customary mechanism. One of the aims of the CFV policy is to strengthen harmony and solidarity within the family and in the village.
3. Customary law system

Customary law and practice of various ethnic groups constitute the informal or the customary law system. Although there is no official recognition of this system, it is an important part of people’s lives particularly in the rural areas. Customary tribunals are appointed from within the community to dispense justice in this system. These tribunals do not distinguish between criminal and civil matters and may handle both. Akin to the VMUs, remedies under this system are aimed at reconciliation, reciprocity, compromise, consent, etc. with an emphasis on preserving the interests of the community. Other remedies include compensation and restitution. Sanctions include ostracism, labor or community service. Imprisonment is rarely imposed. Orders are enforced through community pressure.

Management of Domestic Violence

There is strong emphasis on mediation and conciliation and not on litigation and determination of claims on the basis of law. This position has a significant bearing on cases relating to violence against women; particularly domestic violence, since family disputes and violence within the family are mostly referred to mediation (UNDP, 2009). Hence the formal justice system can be approached only after mediation or attempts at reconciliation have failed. As discussed later, this places significant hurdles in accessing the formal justice system.

Other factors also impede access to court directed remedies. For instance, courts are at a major distance (area courts being nearest to villages), which is a significant hurdle on account of travel expenses and loss of work hours. Even in cases that a person is able to reach courts and obtain an order, there is no certainty that such orders will be enforced. In these circumstances, complaints to the village chief are preferred to using the formal system.

National Machinery for Women

Lao PDR does not have a designated ministry to deal with issues relating to women. However it has a mass organization – the Lao Women’s Union, and a National Commission for the Advancement of Women to promote women’s rights and interests in all sectors and levels of governance.

Lao Women’s Union

Established in 1955, the Lao Women’s Union is a constitutionally recognized mass organization working to promote equal rights and advancement of women under the slogan of ‘three goods’ – ‘being a good citizen, being good in development, having a good cultural family’. The LWU’s core mandate is the political mobilization of Lao Women. It also strives to create legal awareness on rights and benefits and protect Laotian culture and tradition. Another of LWU’s significant functions is to oversee the implementation of all government’s policies and programs related to women’s development and gender issues.

The LWU’s organizational structure has a presence from the center to the grassroots level. Other than politically mobilize women at the local level, LWU members also participate in VMUs to represent women’s rights and interests. The LWU also bears the key responsibility of managing and monitoring domestic violence. The LWU is mandated to ensure coordination between the different relevant agencies.

National Commission for the Advancement of Women (NCAW)
In 2004, a Prime Ministerial Decree established the National Commission for the Advancement of Women (NCAW) as a focal point for gender mainstreaming in government and to assist the Government in formulating national policy and strategic plans of action to promote the advancement of women. The decree also mandates the establishment of Sub-Commissions for the Advancement of Women (Sub-CAW) in each ministry, as well as public organizations, governmental departments, etc. at all levels. Among its many functions, the NCAW is mandated to monitor and advice the government on the implementation of laws to realize women’s equality.

**Interventions sought in cases of domestic violence**

In a number of cases, women do not take any action in cases of domestic violence. The most common step taken by women in situations of violence is to confide in family members and ask them to intervene. Other than family members, women also approach the Village Chief for assistance. However, in most cases, women are advised to stay with their husbands to share responsibilities and improve family relations. Few women mentioned approaching the formal justice system to claim legal rights. As result, domestic violence would appear to be socially legitimized and accompanied by a culture of silence and impunity; that cases of violence are thus underreported; and those that are reported are settled out of court, including through village mediation units. The distinction between severe and none severe violence raises some significant concerns: How is the severity of violence to be decided? For instance, in cases where there are more than one form of violence—e.g. in cases where a series of minor acts of violence, such as continuous insults, scorn or negligence, result in serious health consequences. This decision appears to focus on single incident and does not account for domestic violence being a continuum of isolated incidents that impact adversely on women’s overall wellbeing.

**Procedure for accessing justice**

Unless the violence is severe, a victim has to exhaust the procedure laid out for reconciliation at the village and the mediation unit for settling cases of domestic violence, prior to approaching the police and courts. The steps include:

1. Meditation and education of the abuser by family members, close relatives or persons nearby.
2. Mediation and education by the counseling unit.
3. Mediation by VMU.
4. If the problem remains unresolved or if the violence is severe then the VMU may file a complaint with the police.

If the VMU is unable to mediate a settlement, the case is sent to District Justice Office for a second mediation. Each step in the aforementioned sequence has to be attempted in the order set out. If after completing the sequence, no settlement is reached, parties have the right to approach the People’s Court. Prior to approaching the court, the parties have to get a certificate from the VMU. It has been observed that VMUs are reluctant to issue certificates allowing victims approach courts. This is, in most cases, to preserve the CFV status, which is granted for resolving all disputes at the village level.

A victim of domestic violence has to go through four levels of mediation before a police complaint can filed and five levels of mediation before a matter reaches court. (Please see Diagram in Appendix 3.) The victim has no right to directly approach the Public Prosecutor or the Courts.
The procedure is different in cases involving severe domestic violence, allowing victims to directly approach the police. Even so, whether or not violence is of a severe form has to be determined by each of the entities responsible for settling the case. The absence of clear guidelines for determining severity there is a strong possibility that most cases of domestic violence are not investigated and/or reach courts.

It is clear that domestic violence is not treated as a crime and is regarded merely as a family dispute. Moreover, it must be borne in mind, it is not only the VMUs that conduct mediation - in rural and remote areas, customary tribunals also mediate matters involving domestic violence using customary law principles. The Khamu ethnic group in Ban Nasaonang regards domestic violence as a family matter rather than a criminal one. Domestic violence is not viewed as an offence and the primary objective of addressing domestic violence is to promote family harmony.

Victims of domestic violence can approach courts only after exhausting mediation procedures prescribed. This places onerous burdens on victim’s access to justice and denies them their right to choose appropriate remedies. This approach is not in consonance with international principles, which call for prioritizing victim’s rights over considerations of conciliating families. On the basis, it is concluded that domestic violence is not criminalized by law in practice and mediation is the only ‘relief’ available to victims of domestic violence.

Mediation in cases of domestic violence

The procedure for conducting mediation in cases of domestic violence includes:

1. Upon receiving a complaint or request, the VMU must study the complaint in coordination with concerned authorities within seven days. Mediation sessions are also planned during this period.
2. There may be one or more mediation session. Proceedings in each session have to be recorded and witnessed by the attendees. A service fee of 50,000 Kip is charged on each party for each session.
3. If a settlement is not reached, the VMU notes its observations and forwards the case to the District Justice Office for a second mediation.
4. If a settlement is not reached even after the second mediation, parties may file a case in court.

VMU mediations are conducted in accordance with MoJ guidelines. These guidelines apply to all kinds of disputes brought to the VMUs and there are no special guidelines for cases of domestic violence. This is highly problematic as mediation is conducted on an assumption that parties have equal bargaining power, which does not exist in cases of domestic violence (UNDP, 2011). A number of problems arise when mediation is utilized in cases of violence against women. It removes cases from legal scrutiny, presumes that both parties have equal bargaining power, reflects an assumption that both parties are equally at fault for violence, and reduces offender accountability.

CONCLUSION

Internationally, it is recommended that mediation be prohibited in cases of VAW, both before and during legal proceedings. However, there is extensive debate on whether mediation
should be allowed in cases of domestic violence. It is argued that mediation is a viable option as long as there are procedural and substantive safeguards in place and the choice of mediation is left to the victim. To make an informed choice, victims must have knowledge of their rights and available legal measures as well as effective access to justice. Hence, mediation cannot be the only redress offered to victims of domestic violence or made mandatory at the pre or post litigation stages. Further, even if a woman opts for mediation in cases of violence, the law should contain provisions that ensure her protection and safety from further acts of violence during the course of mediation, and after, by ensuring that settlement terms are given effect to. Regard to both these aspects will serve to promote women’s agency and prevent re-victimization.

In the Lao context, resolutions reached through mandatory mediations are ‘causing diversion from courts and criminal procedures. This may remove the recognition of domestic violence as a human rights violation. Further allowing police to mediate in domestic violence cases may give rise to a conflict of interest if there is no resolution and criminal proceedings are required subsequently. The police should be prohibited from conducting mediations or participating in mediation forums, such as VMUs.

Although mediation may be by-passed in cases of severe violence, it has been observed that in the absence of specific guidelines on what constitutes serious forms of domestic violence, there is a scope for patriarchal attitudes influencing the determination of what constitutes a serious offence. It is, therefore, important to respect the agency of the woman, and understand her requirements prior to initiating any reconciliation processes.

It is important to distinguish between mediation and reconciliation. The goal of any mediation is to reduce conflict between the parties and not reconciliation. Reconciliation may be one of many outcomes of mediation and not the sole aim of any mediation. The context of domestic violence raises concerns of power and control, wherein the abuser holds considerable power over the victim. Mediators must be trained to be mindful of these concerns. It is recommended that reconciliation measures must be attempted only after the perpetrator demonstrates to the satisfaction of decision makers that no further acts of violence would be committed.

In Laos most cases of domestic violence are filed in court as cases of family disputes. In such cases, as with all other cases of divorce, the court or the Public Prosecutor will attempt to reconcile the parties. It leads to concerns of bias decision making in cases where attempts to reconcile fail. It is, therefore essential that adjudicatory and mediation processes are kept separate and judges appoint third party mediators.

Victims of domestic violence require more than legal protection and access to legal remedies. They need timely access to health care, shelter and support services to respond to short-term injuries, be protected from further violations and address long-term needs. Minimum standards of services recommended are: telephone hotlines where women can get assistance over the phone and referrals to services and health care.

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REFERENCES


Appendix 1: Conceptual Framework for Domestic Violence Management

- **Difference in Socio-cultural Space**
  - No
  - Yes

- **Conflicts / dysfunctional**
  - Denied → Manage/address
  - Ignored

- **Manage/address**
  - Coercive
  - Renegotiated
  - Accommodate
  - Compromised
  - Reconciliation (customary justice system)
  - None Coercive
  - Non-negotiable
  - Mediated
  - Reconciliation (semi-justice system)

- **Legal procedures (formal justice system)**

- **Access to formal legal system**
Appendix 2: Map of Ban Nasaonang Village, Sangthong District, Lao PDR

1. Xieng Lit
2. Tao Don
3. Nang Buaton
4. Nang Pin
5. Tao Kai
6. Tao Jantee
7. Village Head
8. Village Party Head
9. Tao Kampa
10. Xieng Lai
11. Tao Kai
12. Tao Pouvong
13. Nang Ton/Tao Oui

C1 = Case 1 Xieng Pet
C2 = Case 2 Tao Ki
C3 = Case 3 Tao Latee / Nang Pon

Rice field

400 m

250 m

Temple

Rice mill

4 HA of rubber plantation

900 m

Grocery store

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**Appendix 3: Mediation Procedures**

*Article 33 (LWU Law):* For a serious case, victim has right to report to police officers. Victim has right to supports from family members/persons nearby/relatives/village administrations focusing on united/harmonious/happy family.

**FEES/FINE/PUNISHMENT**

- **Step 1:** Mediation at the family or elders level – no fee being charged to either wife or husband. (Customary Justice System)
- **Step 2:** Mediation at the Counseling Units or Village Authority – some non-mandatory cost. (Customary Justice System)
- **Step 3:** Mediation at the Village Mediation Units – mandatory fee 100,000 kip / session, and with fine less than 500,000 kip. (Semi-Formal Justice System)
- **Step 4:** Mediation at the District Justice level, or Village Cluster – with fine more than 500,000 kip to 10,000,000 kip. (Formal Justice System)

*Article 35 (LWU Law):* For non-serious case, solution starts from education focusing family harmony, each step be attempted in order.