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# STATE PARTY EXAMINATION OF LAO PEOPLE'S DEMOCRATIC REPUBLIC FIRST REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

69<sup>TH</sup> SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD  
27<sup>TH</sup> MAY 2015

## Content

Opening Comments.....	1
General Measures of Implementation.....	1
Prevention.....	2
Prohibition and related matters.....	3
Protection of the rights of victims.....	3
International assistance and cooperation.....	3
Concluding remarks.....	4

*Lao PDR ratified the optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) and the Optional Protocol to the Convention on the Rights of the Child on the 20<sup>th</sup> September 2006.*

## Opening Comments

The delegation of Lao PDR was led by Khammoune Viphongxay, Vice Minister of Home Affairs and the Commissioner of the Lao National Commission for Mothers and Children, as well as representatives of the National Assembly, Ministry of Public Security, Ministry of National Defence, Ministry of Foreign Affairs, Lao Women's Unions, Ministry of Labour and Social Welfare and of the Permanent Mission of Lao People's Democratic Republic to the United Nations Office at Geneva.

Mr. Jorge Cardona Llorens and Bernard Gastaud, the Country Rapporteurs for the OPSC, welcomed the multidisciplinary delegation and the ratification of the Protocol by the State party.

## General Measures of Implementation

Note: This report is prepared at the discretion of Child Rights Connect. The content is designed to give a summary of the key discussions during the session of the Committee on the Rights of the Child but it is neither an official nor fully comprehensive report. More reports and further information can be found at 1

[www.childrightsconnect.org/index.php/publications-resources/crc#countrysum](http://www.childrightsconnect.org/index.php/publications-resources/crc#countrysum)

The Committee noted that the government of Lao PDR has “many serious challenges and gaps in regards to both OPSC and OPAC”. There was an obvious lack of data in their report as well as limited public awareness about the CRC in Lao PDR. Therefore there is a lack of knowledge on certain issues by the government, UN bodies and monitoring NGOs. Most of the Committee’s final recommendations will “stem from the need to collect data and ensure that data collection is systematized in the future”.

Important to note was the Committee’s advice that the government should never consider a child of Lao PDR as a “delinquent because [the child] has been subject to prostitution or pornography” and that until 18, “the child is always a victim”. The delegation was commended on the progress in criminalizing the rape of boys and girls, the use of child prostitutes and the trafficking of children.

### ***Legislation***

The Committee noted that like other International Treaties, the Convention is not directly applicable. It stated that the Convention must be integrated with the national legislation and it must include international law. The government plans to review best practices of other UN member states in order to fully harmonize Lao PDR legislation with the CRC.

### ***Coordination and monitoring***

In response to the Committee’s concern over issues of coordination, the delegation responded by saying that they had bodies for coordination at different levels. They said that they had National Commissions for Mothers and Children, for the implementation of the CRC, they have a Ministry Commission at the ministerial level, in addition to the provincial and the village level committee. Each of these Committees has its own mandate, agenda and budget. The National Plan was designed and efforts are being made to implement it in the spirit it was created.

### ***Dissemination and training***

The Committee asked if there is any training for professionals who work with children. They also asked questions pertaining to the frequency at which training was given and if children had access to it. The delegation responded that the government was working together with UNICEF and other international organizations in this respect and providing training and improving understanding.

### ***Data collection***

When questioned about how data was collected, the delegation stated that they had a central mechanism through which they collected data about trafficked women and children. This team coordinated with the provincial committee working at the district and the provincial level. There are village authorities and police officers who receive information from family of victims, neighbours and concerned citizens. The central committee also works with neighbouring countries too. The collected data is disaggregated by sex and age but not by ethnic groups and rural-urban divide.

### **Prevention**

The #1 item on the government's agenda for children is trafficking and violence. The goal is to "prevent, identify, report, refer and assist children at risk or in situations of harm". Subsequently, Committees for the Protection and Assistance of Children were established at central, provincial and district levels. These Committees improve the collaboration and coordination efforts across sectors for development of the child and family welfare system.

The Ministry of Labour and Social Welfare is currently finalizing a comprehensive assessment of the child and family welfare system in Lao PDR, which will map and define the different components, as well as the roles and responsibilities of the child and welfare system. This assessment will help to identify "key bottlenecks and opportunities in the delivery of child and family welfare services to all children".

### **Prohibition and related matters**

As noted before, Article 219 of the Penal Code now criminalizes the rape of both boys and girls. Also Article 220 now criminalizes the use of prostitutes who are both boys and girls under the age of 18.

### **Protection of the rights of victims**

The delegation stated that during 2011-2015, they have helped "125 women and children, yet the Committee pointed out how low this number is in reality. Initially, assistance was provided to child victims by bringing them to a Centre for safe shelter. Following this, an interview was conducted on how the victim was originally trafficked. To avoid having the child be victimized again, the delegation believed it was best practice to "have the parent pick up the child" or send the child "back home, by government transportation if remote". Medical care was provided to victims if their "situation seemed of serious offence". While Committee members did not question the government's practices, there was an apparent ingenuousness of the government on the issue of the trafficking of children and the proper rehabilitation and recovery of child victims.

By mid-2016, training on the trafficking of children, and a para-professional course on social work would be rolled out by the government and Child Protection Specialists" in selected pilot provinces.

The government expressed a desire to strengthen the existing Child Protection Networks in Lao PDR, as well as establish such Networks in additional villages. Efforts are currently being made to improve the social welfare of the victims of exploitation, abuse and violence.

The Committee expressed concern for children who have been displaced because of industry (e.g. mining, hydro project etc.), therefore making particularly vulnerable for trafficking and sex work. The delegation responded that such families, such as those affected by hydro projects; have been provided with counselling and other resources, such as food for a period of one year in order to set up a new life in a new location.

### **International assistance and cooperation**

In 2014, an agreement with China to prevent trafficking was finalized. In April 2015, the government signed the third joint Mekong Ministerial declaration against Human Trafficking. Through a fourth sub-regional Plan of Action for 2015-2018, a preliminary framework has

been established for the six country anti-trafficking system. This system was established to expand cooperation to prevent and address human trafficking.

### **Concluding remarks**

The head of delegation Khammoune Viphongxay, Vice Minister of Home Affairs and the Commissioner of the Lao National Commission for Mothers and Children noted that the world is diverse in terms of political, economic, social, cultural and historical realities. He reiterated Lao PDR's commitment to the universality, indivisibility, interrelatedness and interdependence of all children rights. He further stated that the children's rights are best realized through relying on the local institutions and legal frameworks, taking into account the realities on the ground and the aspirations of the people.

In the end he thanked the Committee for the constructive discussion.