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STATE PARTY EXAMINATION OF LAO PEOPLE'S DEMOCRATIC REPUBLIC FIRST REPORT ON THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

69TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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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 20th 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 OPAC, welcomed the multidisciplinary delegation and the ratification of the Protocol by the State party.

General Measures of Implementation

The government stressed the fact that Lao PDR is listed as “the most heavily bombed country in the history of the world”; therefore de-mining process has had a significant impact on the

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 www.childrightsconnect.org/index.php/publications-resources/crc#countrysum 1

children. The Committee was mostly concerned with children's bearing of arms, the recruitment of children to the armed forces and military schools.

The Ministry of Justice, with participation from different sectors, has ensured the implementation and dissemination of OPAC in mostly the northern and southern areas of Lao PDR. Implementation procedures are reviewed every 6 months, in two ways:

- 1) Progress at the local level
- 2) Review in relation to domestic and international law

The Committee stressed that the CRC has to be translated into national domestic law before full implementation so that it is not in contradiction to the current national law of Lao PDR.

Legislation

The delegation stated that combating all forms of violence, abuse and exploitation against the child is unacceptable. For Laos, the protection of the child is high on the agenda. The delegation noted that they were trying their best to create an enabling environment for the protection and promotion of the child. For this purpose they launched the National Plan of Action (2014-202) which is aimed at addressing all forms of violence. The National Association also adopted a new plan on the violence against women and children.

Dissemination and training

The delegation stated that the monitoring and implementation of OPAC is within the purview of National Defence. The government has established a committee at the Ministry which is a mélange of different ministries. Measures are taken to monitor the age of children recruited to armed forces. Also, information is being disseminated among the armed personnel regarding the Convention.

Cooperation with civil society

The delegation discussed that data collection and creating awareness has been one of the major challenges when it comes to protecting the rights of the children. However, they also stated that the government is trying to strengthen the environment and is receiving support from the UN agencies and other development agencies.

Budget

When questioned by the Committee regarding the budget allocation, the delegation stated that the funds have been taken from the National Defence budget.

Prevention

The government has increased attention to the prevention of recruitment of children under the age of 18. The committee expressed concern over the lack of knowledge of new military recruits' ages as the birth certificate program is not centralized or computerized. The government admitted a lack of "reliability and sustainability", but stated that for now the government must simply rely on hand-recorded birth certificates. However, the progress has been made by the government with the creation of a coordination committee on the civil administration of civil registration and vital statistics in order to better verify the age of new armed forces' recruits.

Many children are recruited due to poverty; the government has tried to combat the issue by creating target measures to reduce poverty in Lao PDR. The delegation claims to have

provided for all ethnic people, who are poor, as well as live in remote areas and do not have a piece of land for production. In addition, the government with the help of UNDP has adopted Lao PDR-specific MDGs.

There is currently no curriculum for peace education within Lao PDR, but the delegation believed that they “have other curriculums that cover issues related to peace education.

Prohibition and related matters

The delegation stressed that they do not produce, sell or export any small arms. However, they share the international community’s concern with the sale and trade of light weapons, as criminal groups in LoA PDR use such arms.

Extradition was adopted in 2012, and is currently being implemented through a bilateral agreement established with neighbouring Thailand and Vietnam. In terms of proceeding with extradition, when an offense is committed and regarded as an offence in both countries under the agreement, a country can extradite the offender. Therefore, offenders are punished under LoA PDR law, as well as the law of their originating country.

Protection, recovery and reintegration

Besides general policy work on the age of new military recruits, no discussion was had on the future protection and proper recovery or reintegration of children involved with militaries.

International assistance and cooperation

In 2014, a regional Action Plan of Civil Registration and Vital Statistics was adopted with other Asia-Pacific countries.

The delegation claimed to receive at least “\$ 20-30 million a year from the international community” which has proven to be helpful but not enough to implement the CRC, OPAC and OPSC within LoA PDR legislation and its various communities.

Other legal provisions

The ICRC in LoA PDR disseminates information, as well as provides training on human rights and international humanitarian law. The government is working towards the greater harmonization of national laws with the CRC and the Optional Protocols. While the government has not yet signed the Rome Statute, they are “continuing to consider such a possibility”.

Concluding remarks

The Committee stated that the well-being and defence of the children of LoA PDR should be of major concern to the government. They also stated that there are serious challenges and gaps in information. The lack of data and knowledge will hamper any progress that can be made in this direction. The Committee made several recommendations and insisted that up to the age of 18, the child is always the victim. The Committee also insisted that the government seek international cooperation and technical assistance to help better implement the Convention. The delegation was positive that they would be able to make positive and constructive changes after the dialogue.