

Country session: Lao People's Democratic Republic

Date of session: 20th – 21st September 2018

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

Audio file

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	24 Jan 1996
Updated document	10 Mar 2010

CRC	
No. of report	3 rd to 6 th
Due date	6 th December 2016
Submission	7 th March 2017

Written replies	
Submission	<u>18 June 2018</u>
Due date	<u>15 June 2018</u>

Public reports from children's rights defenders

Alternative reports	
NGOs	<ul style="list-style-type: none"> • Alliance For Democracy in Laos • Child Monk Project • Global Initiative to End Corporal Punishment

State delegation

The delegation was large and composed by a mix of high and technical level staff. The delegation was headed by Alounkeo Kittikhoun, Minister to the Prime Minister's Office and supported by included representatives of the National Commission for the Advancement of Women, Mothers-Children; Ministry of Justice, Ministry of Public Security, Ministry of Foreign Affairs, Ministry of Defence, Lao Women's Union, and members of the Permanent Mission of Lao People's Democratic Republic to the United Nations Office at Geneva.

Committee's Task Force members

Name & Last Name	Country
Velina Todorova (Coordinator)	Bulgaria
Benyam Dawit Mezmur	Ethiopia

Dialogue description

i. Character of the dialogue

The atmosphere of the dialogue was honest, constructive and interactive with in depth and technical and political discussions. The delegation was open to receive recommendations.

ii. General assessment made by the Committee

The inclusion of the Sustainable Development Goals on National plan strategy was seen by the Committee as a proof of willingness to progress. The participative approach including children in the preparation of the report, was also very well received. However, the Committee was concerned over Lao's structural problem: an unequal distribution of income; unequal access to health, basic needs, education and unequal participation in decision-making of children from ethnic communities living in remote area. The Committee expressed also concern of the high number of children victims of violence, neglect, sex trafficking and child pornography. Finally, it concluded by stressing the need to address the problem of violence against children, the situation of residential care and to implement the rights of children with disabilities.

iii. Main issues discussed:

- **General Measures of Implementation:** The Committee asked whether the reservation on the article 5 of the OPSC was still valid and if the delegation had plans to ratify the OPIC. It also raised the question of an independent National Human Rights Institution, following the Paris Principle. On the reservation the delegation replied that it had been entered due to extradition, which was linked to (sensitive) diplomatic relations with countries. With regard to NHRI, the government had already established numerous commissions to monitor the implementation of human rights.
- **Definition of the child:** More than one third of women were married before the legally age of 18. The Committee expressed concern about the exception of marrying before the legal age and asked what the criteria were, who could decide, whether the best interest of the child was taken into account and which measures were taken to tackle early marriages. The delegation replied that there was no exception to the legal age for marriage; marriages under 18 were punishable and invalid.
- **Principle of non-discrimination:** The Committee questioned the delegation how far the non-discrimination principle was ensured in the country regarding the different ethnic group and how the authorities guaranteed that children from all ethnic groups had access to basic services. Moreover, the lack of funding for the strategy

on non-discrimination and equality was also raised. The delegation replied that discrimination is punishable under the penal law and a law for gender equality was drafted.

- **Right to life, survival and development and Best interest of the child:** The Committee was alarmed by the large number of injured and death due to unexploited bomb and road accident and recommended to government to take more systematic measures to overcome these problems. The delegation replied by saying that a national action plan to combat road accidents had been adopted and awareness campaigns on road safety were being undertaken, especially in schools. With regard to ordinances, the delegation explained that there was a national institution putted in place and an awareness campaign in contaminated area was launched.
- **Right to be heard:** The Committee recognized that the government made efforts to implement this principle. However, it asked how the government ensured that children from different ethnic group have the same access and chance to participate in all the decision affecting their lives. Here the delegation highlighted again the participation of children in the CRC reporting cycle and that the government planned to launch child-lead projects thank to a fund from Australia.
- **Civil rights and freedoms:** The Committee welcomed the State's commitment to raise at 70% the birth registration rate by 2024 but it asked what was the actual situation and what were the measures taken to register children in rural areas. Moreover, it requested to remove nominal fees. The delegation replied that registration was free and a law was introduced for more efficient procedure in district offices. On freedom of expression the Committee questioned to what extent the constitutional provision affects the freedoms of children. The delegation replied that the provision was compliant with the ICCPR and allowed to ensure the quality of information and national security.
- **Corporal punishment and sexual violence against children:** The Committee asked whether the definition of corporal punishment under the Penal code prohibited all type of corporal punishment. According the delegation the definition also included the lightest forms of corporal punishment. Based on the national survey on violence against children, the Committee questioned about the progress in implementing initiatives to combat sexual violence against children, the number of social workers and the budget allocated to overcome this issue. Furthermore, the Committee asked the sexual abuse of children among Buddhist monk. The delegation replied that authorities monitored the conditions in temples and reacted if anything illegal happened. Emergency hotlines were open to anyone to report abuses, including monks.
- **Children without parental care:** The Committee was concern over the increase of children in residential care and asked about measures to address this issue and about mechanism monitoring the situation of children living under alternative care and in monasteries. Moreover, it asked about the progress of the law on adoption and on surrogacy.
- **Health and environmental health:** The Committee was concern over the high rate of infant mortality especially in rural areas and asked whether the budget for health was increased. The issues of air and water pollution as well as the access to clean water sanitation in remote areas were also raised. The delegation said that there were also programmes addressing these issues; however, poor water and sanitation quality and maternal and infant mortality were linked with geography and climate and the change of dry and wet seasons.
- **Children with disabilities:** The Committee recommended the ratification of the CRPD and setting up a national body for children with disabilities. The effectiveness of the national plan for inclusive education and, thus, the low rate of children with disabilities enrolled in school was a matter of concern for the Committee. Moreover, the Committee asked which support received the families and what happened to children that could not be cared for their families.
- **OPSC:** The Committee expressed concern over the high number of children victim of trafficking and exploitation and the issues of sell of children for marriage to China as well children forced into prostitution and sex tourism were raised. Moreover, the Committee commended a plan of implementation of the OPSC and to implement the cooperation with Interpol to tackle the child pornography. It also asked if there were a code of conduct for the tourism sector to fight the sexual exploitation. The delegation replied that the government cooperated with neighborhood countries to tackle human trafficking and made awareness raising on trafficking. Moreover, the delegation highlighted that the Tourism Act clearly prohibited hotels from offering prostitution activities.

Recommendations of the Committee

In its Concluding Observations, the Committee drew attention to the need of urgent measures concerning the following six areas:

- Right to life, survival and development:** the Committee urges the State party to step up its efforts to demine former conflict areas, including through international cooperation, and increase its assistance to and rehabilitation services for child victims of unexploded ordnances, including risk education programmes; to continue to address the development gap and intensify its efforts to combat child malnutrition and multi-drug resistant malaria. It recommends strengthening its efforts to educate children on road safety risk factors and on adequate behaviour in traffic to prevent accidents. Moreover, it urges to strengthen and enforce regulations related to road safety.
- Birth registration:** the Committee strongly urges the State party to further raise awareness on the importance of birth registration and simplify the procedure, including by continuing to establish mobile registration structures. Furthermore, it recommends to eliminate hidden fees and costs associated with registration that negatively affect birth registration rates and urges also to allocate adequate human and financial resources, in particular to the Ministry of Home Affairs, with a view to further accelerate the birth registration of children and issuance of birth certificates.
- Children deprived of a family environment:** the Committee recommends that the State party speed up the adoption of the guidelines on children left without parental care and urges the State party to ensure that residential care is used as a measure of last resort. Moreover, it recommends to ensure systematic periodic review of the quality of care and regular training of relevant professionals, including on children's rights, while taking into account the Guidelines for the Alternative Care of Children is another recommendation made by the Committee. It also urges to State party to ensure that the child's right to be heard is guaranteed during the placement in alternative care process, that he/she is able to maintain contact with his/her family, and establish a monitoring mechanism and periodic review of the decision to place a child in alternative care. The same rights should apply to children in "pagodas".
- Children with disabilities:** The Committee urges the State party to allocate financial and human resources to implement the National Plan of Action on Persons with Disabilities; to provide regular cash benefits to children with disabilities as a basic social protection and organize the collection of data on children with disabilities, in order to put in place appropriate policies and programmes for children, especially targeting children with psycho-social and intellectual disabilities, including those from minority ethnic groups and rural areas. It also recommends to strengthen coordination and referral mechanisms and improve the quality of services available to children with disabilities and their families, including early identification and intervention programmes, especially targeting children from minority ethnic groups, rural areas and living in poverty; to set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes. Increase resources in mainstream schools and develop an efficient system for identifying the individual support needs of children with disabilities. Moreover, it recommends to State party to train specialized teachers and professionals and assign them to integrated classes providing individual support; to undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.
- Health and health care services:** The Committee urges the State party to address the regional disparities in terms of health care by increasing health sector funding and increasing access, including through improving the road infrastructure, towel-equipped and adequately stocked facilities; to increase the number of health care professionals, improve their access to quality training and develop programmes in local languages for different ethnic groups. Moreover, it commends to implement existing programmes aimed at reducing child mortality and morbidity rates, including by adopting quality standards for maternal and new-born care; to take into account the technical guidance from OHCHR on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years. Finally, recommends continuing to seek financial and technical assistance regarding child health from, among others UNICEF and WHO.

- Follow-up to the Observation and recommendation on OPSC:** The Committee recommends to enforce the legislation, by identifying, investigating and prosecuting offences under the Optional Protocol, sanctioning the perpetrators and compensating child victims, while ensuring that child victims are treated in a child-friendly manner in such cases. It also commends to conduct a study on the scope of the offences under the Optional Protocol that also addresses root causes and risk factors, including poverty, conflict, discrimination, violence—including gender-based violence—and the absence of parental care. Based on the study, it also requests to develop a national policy and strategy covering all the offences under the Optional Protocol, such as the sale of children, and include a gender perspective and a monitoring mechanism; to systematically undertake awareness-raising campaigns to prevent offences under the Optional protocol, and adopt prevention measures targeted at children in marginalized or disadvantaged situations. Moreover, the Committee recommends to establish a data base to systematically collect data on offences under the Protocol, including reports, investigations, prosecution and sentences; to adopt specific measures, including legislation, to prevent the sale of children in the context of commercial surrogacy and to encourage the travel and tourism sectors to sign the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. Finally, the delegation is requested to strengthen protection, recovery and social reintegration programmes, allocate adequate resources and ensure that the programmes for child victims of sexual exploitation are in accordance with the outcome documents adopted at the World Congresses against the commercial sexual exploitation of children.

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 1.1 and 1.2 on eradicating extreme poverty and reducing by half the proportion of people living in poverty
- 2.2 on ending all forms of malnutrition
- 3.2 on ending preventable deaths of new-borns under 5 years of age
- 4.1 and 4.2 on ensuring that all girls and boys complete free, equitable and quality primary and secondary education and have access to quality early childhood development, care and pre-primary education.
- 5.2, on eliminating violence against all women and girls, including sexual and other types of exploitation
- 16.2 on ending all forms of violence against children
- 16.5 on reducing corruption and bribery in all their forms.
- 16.9 on providing legal identity for all, including birth registration.

Next State report

CRC	
No. of report	7th
Due date	6 th June 2023

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