



Convention on the Rights of the Child

Distr.: General
12 May 2015

Original: English
English, French and Spanish only

Committee on the Rights of the Child

Sixty-ninth session

18 May–5 June 2015

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the report submitted by Lao People's Democratic Republic under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Lao People's Democratic Republic to the list of issues*

[Date received: 27 April 2015]

Reply to the issues raised in paragraph 1 of the list of issues (CRC/C/OPSC/LAO/Q/1)

1. Accurate and comprehensive data collection on the sale of children, child prostitution and child pornography, as well as other forms of exploitation, including child sex tourism is still a challenge in Lao PDR. A data collection system on women and child victims of violence and trafficking was established within Ministry of Labour and Social Welfare in 2006, the Counselling and Protection Centre for Women and Children (under the Lao Women's Union) in 2011 and the established the National Secretariat on Anti-Human Trafficking in 2012.

2. There is no specific disaggregated data on the number of boys, including transgender boys, who have been trafficked to Thailand. However, the number of male trafficking victims repatriated from Thailand into Lao PDR is as follows:

<i>Year</i>	<i>Male</i>	<i>Total</i>
2012	26	195

* The present document is being issued without formal editing.



<i>Year</i>	<i>Male</i>	<i>Total</i>
2013	9	103
2014	2	157
Total	37	260

Source: Ministry of Labour and Social Welfare, 2015.

3. Furthermore, the numbers of child trafficking victims repatriated from Thailand to Lao PDR are as follows:

<i>Year</i>	<i>Region</i>	<i>Age 19+</i>	<i>Age 18-</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
2012	Urban	7	27	34		
	Rural	35	126	161		
	Total	42	153	195	26 (13%)	169 (87%)
2013	Urban	5	19	24		
	Rural	14	65	79		
	Total	19	84	103	9 (9%)	94 (91%)
2014	Urban	5	28	33		
	Rural	17	107	124		
	Total	22	135	157	2 (1%)	155 (99%)

Source: Ministry of Labour and Social Welfare, 2015.

Reply to the issues raised in paragraph 2 of the list of issues

4. Combatting all forms of violence, exploitation and abuse of children is a priority for the Government of Lao PDR. Over the past few years, the Government has made marked progress in strengthening the legal and policy framework to protect children from all forms of violence, exploitation and abuse. In 2014, the Government adopted a new National Plan of Action to Prevent and Eliminate Violence against Women and Violence against Children 2014-2020, which addresses all forms of violence in all settings. The National Plan of Action comprises three main programs: 1) review of policies and legislation and establishment of databases and research, 2) prevention of violence against women and violence against children, and 3) response to violence against women and violence against children to ensure access to services for its health- and protection-related consequences.

5. In response to the 2011 concluding observations of the Committee on the Rights of the Child, the Government has also developed a new Law on Preventing and Combatting Violence against Women and Children, which was passed by the National Assembly on 23 December 2014. The Law prohibits all forms of violence against women and children in all settings, including in the home, community, workplace, educational settings, and alternative care settings. It includes a series of protection measures and assistance for victims of all forms of violence against women and children, and contains concrete provisions against sexual activity with minors.

6. In response to recommendations from the Committee on the Rights of the Child and Committee on the Elimination of Discrimination against Women to raise awareness about violence, the National Commission for Mothers and Children and development partners have initiated an End Violence Communication Initiative in collaboration with civil society to raise awareness about the different forms of violence against children in Lao PDR. Key messages are being developed and disseminated through various communication channels

and a long-term social mobilization and behaviour change communication strategy is being developed to ensure that violence against children is no longer recognized as acceptable in Lao society.

7. The Government adopted a new decree 309/PM dated 14 November 2013, which includes the implementing a national campaign on patriotism and development to support families, villages and districts that practice gender equality and are free from domestic violence, particularly violence against women and children.

8. In terms of research, in 2014 the Government conducted data collection for two national prevalence studies on violence against women and violence against children with the support of United Nations agencies. These studies are a first for Lao PDR and will establish the evidence base for future policy and legislative development and for establishing effective prevention and response systems for all forms of violence against women and violence against children.

9. The dynamics of trafficking in the region are well studied and understood to the Government. The first ever study on the adolescent and youth situation analysis in Lao PDR was conducted in 2014 by the Lao People's Revolutionary Youth Union, with the support of United Nations Population Fund, to better understand the lives of young people in Lao PDR and the factors that are affecting them, both positively and negatively. The report reveals the increasing international migration of youth, most frequently to Thailand. While it is reportedly rare for boys to be involved in commercial sex in Lao PDR due to strict law enforcement against it. Some recommendations in the report will feed into the 8th National Socio-Economic Development Plan and the National Youth Development Strategy of the Lao People's Revolutionary Youth Union.

10. As a measure to prevent sexual exploitation of Lao children in Thailand, the Lao Government has concluded several memorandums of understanding (MoUs) with Thailand, including the MoU on trafficking (July 2005), the MoU on Labour Migration (2002), and the Coordinated Mekong Ministerial Initiative against Trafficking MoU, signed by the governments of the Mekong Sub-region. The Government adopted the first National Plan of Action against Trafficking in Persons in 2012 and finalized a new Agreement between Lao PDR and China on Cooperation in Preventing and Combating Trafficking in Persons in 2013.

Reply to the issues raised in paragraph 3 of the list of issues

Poverty

11. The Government is developing the 8th Five-Year National Socio-Economic Development Plan (8th NSEDP), which focuses on three key areas: sustainable economic growth, social development, and equality and human development, with a particular focus on youth. It promotes improved living standards through poverty reduction, increasing food security and reducing the incidence of malnutrition, improving access to high quality education, high quality health services and social welfare services, protecting traditions and culture, and achieving peace, order and justice in society with gender equality and women's advancement, mothers and children, and adolescent and youth development.

12. In addition, the Government is seeking to implement several strategies to promote the education of children from the poorest families. These include expansion of lower secondary schools to remote areas, school feeding programmes in selected districts and provinces, scholarships for poor students, literacy programmes and non-formal education and school block grants, which aim to discourage school authorities from asking parents to contribute towards their children's education.

13. Poverty reduction fund is one mechanism of the Government to combat poverty. These funds were used for infrastructure constructions in the target rural poor district, tenth provinces (Phongsaly, Luang Namtha, Huaphan, Oudomxay, Luangprabang, Xiengkhang, Savannakhet, Saravan, Sekong and Attapue). The beneficiaries of 1,951 villages, 44 poorest districts benefited from communities implemented projects in five sectors: education, road and electricity, agriculture, health and water supply, and training and income generation activities.

School dropout

14. The Government has paid attention on school dropout, particularly the children from the poorest families, vulnerable, shortage of food and clothing, learning material, early marriage, long distance to schools and others factors. The Government has cooperated with development partners to develop legislations, planning, programmes and projects to address school dropout issues through the education law (compulsory universal education), a national action plan on education for all, school feeding and food supplement project, ethnic boarding schools, and dormitories for secondary schools and stipends, targeted achievement to reduced school dropout rate to 2%. Actual implementation in 2011-2012 to 2014-2015, saw school dropout rate reduced from 7.8% in 2011 to 5.5% in 2015, in lower secondary schools from 11% in 2011 to 7.7% in 2015 and among upper secondary schools from 10% in 2011 to 4.9% in 2015.

15. The Education Sector Development Framework (2009-2015), implemented by the Ministry of Education and Sports, seeks to improve access to basic education for girls, children with special needs and children living in remote areas. Over the course of 2014 and 2015, the Ministry of Education and Sports with the support of development partners is drafting a new Education Sector Development Plan 2016-2020, which recognizes the importance of equity and learning for all and sets priorities on the issues of school dropout, poverty and repetition, as well as improving the quality of education by formulation of five policies, namely: 1) supporting all children to have access to and complete primary education in their hometown or nearby village; 2) enhancing the quality of teaching and learning by upgrading teacher qualifications, improving their methodology for single and multi-grades classes, building model schools, improving internal and external pedagogical advice, supporting sharing lessons learnt and helping each other within schools and school clusters and providing instruction materials; 3) enhancing the quality of school management by developing and improving legislation related to primary education, supporting participatory school development planning with teachers and communities, upgrading incomplete primary schools to become complete primary schools, and providing school block grants; 4) supporting ownership and participation of village education development committees and communities in maintaining and developing schools based on primary education quality standards; and 5) supporting health and nutrition at the school level.

16. In response to the importance of reducing dropout, particularly at grade one, a series of workshops involving staff from 88 districts (out of total 145) was implemented to inform policy development for the Education Sector Development Plan 2016-2020 to reduce grade one dropout. These workshops specifically focused on children at risk of dropping out from the first grade of primary school and identified policies to support school-aged children whose families much move location due to changing economic opportunities.

17. The Ministry of Education and Sports and the Ministry of Planning and Investment, with the support of the United Nations Children's Fund (UNICEF), are coordinating an Out of School Children Initiative study, which will be completed in 2015 and will assist in the identification of strategies by which the Education Sector Development Plan can ensure that all children complete a full cycle of basic education.

18. Malnutrition is widespread in Lao PDR and can reduce a child's potential to learn. Late entry into school is a particular barrier for girls' completion rates, as they may be taken out of school when they reach adolescence. School feeding can have a positive effect on enrolment and attendance, in particular for girls. In Lao PDR, pilot school feeding programmes demonstrated that attendance increases annually by 5.5 per cent, enrolment by 16 per cent and dropout reduces by 9 per cent.

Unsafe migration practices

19. Between 2011 and 2015, the Ministry of Labour and Social Welfare conducted publicity activities on human trafficking (children's rights, safe travel, and the causes and consequences of human trafficking) on two occasions in 20 villages with a total of 216 participants, 108 of whom were women. During the same period, joint activities took place with children and young people on protecting children from human trafficking, violence, and exploitation on seven occasions with a total of 1,375 children, of whom 720 were girls.

20. Increased attention and funding to support efforts against trafficking has resulted in numerous awareness and prevention campaigns in recent years. Ministry of Labour and Social Welfare with support from Save the Children implemented a popular cross border project in three provinces (Sayabouly, Luang Namtha and Bokeo) from 2003 to 2006, which included advocacy campaigns, data collection and analysis, established village level child protection units and supported child-led groups to raise awareness on the risk of unsafe migration and human trafficking. Although the initiative has now concluded, the Lao Youth and Women's Unions will continue to use the information, education and communication materials from the campaign and have requested that similar initiatives be supported.

21. In December 2013, the government and partner organizations conducted a 10-day public awareness campaign in three provinces, which included public talks, a media campaign, and a walk with more than 700 participants. Government print media published a variety of articles on human trafficking in 2013, covering topics such as safe migration and anti-trafficking training events. The Ministry of Foreign Affairs also distributed materials about safe migration and the risks of human trafficking to Lao citizens applying for passports. Furthermore, the Government continued to lead or co-lead training for officials funded by civil society organizations. Such trainings reached at least 445 officials covering topics such as victim protection and safe migration.

Reply to the issues raised in paragraph 4 of the list of issues

22. At the community level, Child Protection Networks in 475 villages nationwide play a key role in educating the public about child sexual exploitation. However, additional awareness-raising on sexual exploitation is needed as deep-rooted social norms and attitudes make it difficult to intervene in sensitive matters, which are considered private even if harmful to children.

23. Non-governmental organizations (NGOs), in supporting the provincial-level Departments of Labour and Social Welfare, have conducted awareness-raising campaigns among communities about the potential risks to children from human trafficking, sexual exploitation, criminal activity, drug abuse and violence. Information is disseminated by loudspeakers, written materials and radio programmes by village authorities, including the Lao Women's Union, Lao Youth Union, Child Protection Networks and Village Mediation Units.

24. Targeted outreach activities led by the Centre for HIV/AIDS/Sexually Transmitted Infections (STIs) under the Ministry of Health and international NGOs disseminate information on reproductive health, HIV and STI prevention to girls working in beer shops

and Karaoke bars and boys through peer networks and drop in centres. Through these initiatives the intention is not only to equip girls, boys and women with the knowledge and skills to make safer sex choices, but to also build rapport and trust in an effort to identify those who may be sexually exploited, and respond accordingly.

25. The Lao Women's Union has also taken an active role in disseminating laws through its units at the local level to women in different part of the country, and is actively raising awareness, including the establishment of a Centre for Legal Advice for victims of trafficking, sexual exploitation and violence within the home.

26. The End Violence Communication Initiative, led by the National Commission for Mothers and Children and UNICEF, in collaboration with civil society organizations, has also increased awareness of the different forms of violence against children at the highest levels of Government and will be rolled out further in 2015 to reach children and families with awareness raising messages at both the national and sub-national levels. As part of this communication initiative and based on the findings from the national Violence against Children Survey, a long-term social and behaviour change communication campaign will be designed to trigger a shift in the overall social norms related to violence against children in Lao PDR. This will address both the harmful social norms that contribute to violence against children, whilst reinforcing behaviours and practices that protect children from violence. It will focus on changing attitudes and practices of key stakeholders through a combination of communication approaches so that violence is no longer seen as acceptable in Lao society.

Reply to the issues raised in paragraph 5 of the list of issues

27. Current situation in Lao PDR, which young people preferred to use high technologies equipment such as smart phone, tablets, internet Wi-Fi 3G, 4G including an increasing access to social online. There is no official data specifically relating to levels of mobile phone access and use by young people, although overall use in the country is increasing rapidly and many of the users are likely to be young people, particularly in urban areas. Moreover, there is little information currently available for children and youth in Lao PDR regarding internet safety or online identity protection. Internet access and 3G, 4G technologies are expanding rapidly in Lao PDR, without measures to block child pornography and support a secure online environment. The result is a situation where technological advancement is progressing rapidly without corresponding steps taken to ensure that children are able to benefit from these new platforms and access to information within a secure online environment. Recent initiatives, such as the Lao National e-Government Project to build capacity for local e-governance (under the 2006 Lao e-Government Action Plan) by the National Authority of Science and Technology, are positive steps, but should also incorporate measures to ensure child protection along with internet access in rural areas.

28. As per decree 327/GO, dated 16 September 2014 on the management information through Internet, which details measures on disseminate information to children on safe Internet usage. Ministry of Post, Telecommunication and Communication has disseminated safety smart phone used as per guideline from the Association of Southeast Asian Nations (ASEAN) and Japan including other activities such as how to select knowledge information for society, information technology update, video warning signal from internet, poster, slogan on safety internet "awareness, prevention and unsafely on internet". In addition, targeted public awareness campaigns for young people and students have been conducted in the education setting regularly.

Reply to the issues raised in paragraph 6 of the list of issues

29. The Government has no record on the cases of girls, particularly from China and Viet Nam, being trafficked for prostitution in Lao PDR. In addition, Lao PDR has partnered with three other countries in the region (Cambodia, Thailand and Viet Nam), the Australian Agency for International Development (AusAID), the United Nations Office on Drugs and Crime (UNODC) and INTERPOL in a joint project (“Project Childhood 2010-2014”) to prevent instances of trafficking and child sex abuse and enhance law enforcement capacity to deal with child-sex offenders.

30. Lao PDR has endorsed the ASEAN Declaration against Human Trafficking, particularly Women and Children, at the 10th ASEAN Summit Meeting in 2004, joined the MoU of the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT MoU, 2004) and signed memorandums of understanding with Thailand (2005) and an Agreement with Vietnam (2010) and China (2014) to prevent, combat and assist victims of trafficking.

31. The Government has implemented the Anti-corruption law 2005, if the related organisation founded any incidents of corruption will subject to punishment by the Law. In addition, the Anti-corruption law has been publishes and distributed publicly to combat corruption and open hotline number 165 to reported to the National Assembly during official meeting.

Reply to the issues raised in paragraph 7 of the list of issues

32. There is no specific national legislation that explicitly prohibits child sex tourism in Lao PDR. However, Article 83 and Article 84 of the Law on Tourism prohibit, inter alia, human trafficking, prostitution, child sex exploitation and child sex abuse. While some training has been conducted for police officers by international agencies, including UNODC, actual capacity for addressing this issue remains still limited. The Department of Tourism continues to distribute materials produced by the World Tourism Organization on the protection of children during travel and the illegality of sex tourism. The Government has fined owners and operators of venues and shut down venues where commercial sex acts occurred.

Reply to the issues raised in paragraph 8 of the list of issues

33. The Lao Penal Code is currently under revision. The “sale of children” in Articles 2 (a) and 3, paragraph 1 (a) (i), of the Optional Protocol is defined and criminalized under Article 221 of the current Penal Code draft as child trafficking. Specifically, Article 221 of the draft defines child trafficking as the recruitment, moving, transfer, harbouring, or receipt of any child within or across national borders by any means for the purpose of forced labour, prostitution, pornography, anything that is against the fine traditions of the nation, or for any other unlawful activities. Furthermore, the Government of Lao PDR is in the process of drafting the Trafficking in Persons Law, which is expected to be completed in mid-2015.

34. “Offering, obtaining, procuring or providing a child for child prostitution” prohibited under Article 3(b) of the Optional Protocol is criminalized under Article 213 of the current Penal Code draft. Article 213 of the draft criminalizes any person who requests, provides, recruits or offers a child who is less than 18 years of age for child prostitution. Furthermore, Article 215 of the draft criminalizes producing, distributing, disseminating, importing, exporting, displaying or selling child pornography although it does not criminalize possession of child pornography. The current Penal Code draft neither explicitly mentions Internet as a possible instrument and/or a venue for sexual offences nor precludes Internet from being the instrument and/or the venue.

Reply to the issues raised in paragraph 9 of the list of issues

35. While Article 212 of the current Penal Code draft on rape does not criminalize the rape of a boy, Article 213 of the draft on sexual intercourse with a child criminalizes a person who has sexual intercourse with either a girl or boy less than 12 years of age as having committed rape.

36. In December 2014, the National Assembly passed a new Law on Preventing and Combatting Violence against Women and Children, which contains specific provisions for providing assistance to victims of violence, responding to violence and taking measures against perpetrators of violence. Article 4 of the new Law defines “rape” as to recognize a child either a boy or girl as a victim of rape.

37. The criminalization in Article 128 of the Penal Law is not limited to the “rape of a girl of 15 to 18 years old, who is under one’s guardianship or medical care”. When the victim of rape is a girl of 15 to 18 years old, who is under the offender’s guardianship or medical care, it constitutes an aggravating factor and therefore a heavier penalty of five to ten years’ imprisonment, as opposed to three to five years’ imprisonment. Article 212 of the current Penal Code draft contains the same clause, but with an increased fine.

Reply to the issues raised in paragraph 10 of the list of issues

38. In Lao PDR, the system for monitoring victims of trafficking is still not yet developed. There was no official data recorded on number of child victims of trafficking have been convicted of involvement in prostitution. Until now, there was no case in which victims of offences under the Optional Protocol have been treated as offenders instead of victims.

Reply to the issues raised in paragraph 11 of the list of issues

39. The system for reintegrating victims of trafficking in Lao PDR is still in its infancy and services for victims of trafficking are largely funded by and operated in cooperation with NGOs and international organizations. Upon their return from Thailand, victims of trafficking either stay in the transit centre for approximately one week while assessments for longer-term arrangements are conducted by the authorities, or are referred directly to shelters or other providers of medical care, counselling services, and vocational training. The Lao Women’s Union operates a shelter (for victims of a number of forms of abuse) that cares for both female and male victims, the majority of whom are subsequently returned to their home communities after a short stay.

40. Moreover, the Counselling and Protection Centre for Women and Children provides counselling and temporary shelter for women and child victims of trafficking and violence. The counselling network was recently expanded to cover 32 villages in 25 districts and five provinces. The Government plans to expand the counselling networks throughout the country.

Reply to the issues raised in paragraph 12 of the list of issues

41. Due to concerns that the existing legal framework on domestic and inter-country adoption does not yet fully comply with international standards and that the existing child protection system is still in its infancy and cannot ensure that children are adequately protected and their rights respected throughout the adoption process, the Government of Lao PDR suspended inter-country adoptions until appropriate regulations and procedures are established. To address these concerns, the Government of Lao PDR embarked on drafting a new decree on adoption to bring national adoption laws and practices in line with international standards. The Adoption Decree, which covers both domestic and inter-country adoption, was signed by the Prime Minister in June 2014. Now that the Adoption

Decree has been published in the official gazette, new adoption cases will need to be managed according to the new process and procedures outlined in the Decree. At the moment the vast majority of cases will be national adoptions and this will remain the case unless a decision to reopen international adoption is taken. A moratorium on inter-country adoptions from Lao PDR remains in force as the government needs to build the capacity of the officials and set up a body/system to respond to adoptions as stipulated in the new Adoption Decree.

42. According to Article 16 of the Adoption Decree, domestic adoption in Lao PDR is no longer solely approved by the village chief. Approval must be made only on the recommendation from the team responsible for adoption at the district level. It is prohibited for individuals or organizations to act as intermediaries in adoption. The adoption will be terminated if the adoption did not proceed according to the regulations and did not serve the best interests of a child.

43. To ensure children are protected and the best interests of children are the primary consideration during the adoption process, the new Decree defines the obligation and the process of assessment of the child, the child's family and the prospective adoptive parents. Adoptions that do not serve the best interests of the adopted child will be cancelled. The Decree also spells out that adoption should be used as a last resort.

Reply to the issues raised in paragraph 13 of the list of issues

44. The Child Mediation Decree is an important legal instrument to determine the type and quality of mediation services available for children in Lao PDR. The Government of the Lao PDR is currently finalizing the draft Decree, which defines the principles, rules and measures on mediation of child offending, as well as compensation for damage, assistance, recovery and rehabilitation, in order to protect the child's best interests and to prevent the child re-offending.

45. In addition, under the draft Decree, child offenders are punished in a way commensurate to their crimes by specifying what types of offences committed by children can be mediated and what must go through the judicial proceedings. Namely, offences committed by children that can be mediated are: 1) minor offences committed by a child aged 15 to 18 years old at the time of the offence described in law as subject to less than three years imprisonment where the child has confessed to the crime; and 2) offences committed by a child aged between 10 and 15 years old at the time of the offence that is a serious infraction, an infraction committed in a group, a capital offence, or a repeat offence which amounts to recidivism.

46. Moreover, Article 36 of the draft ensures that measures imposed on the child offender as a result of mediation are not overly harsh by providing that they shall be appropriate to the child's age, shall be constructive, shall not be humiliating or degrading, shall not infringe the labour laws, or take place when a child should be in school or exceed four hours a week or a total of 20 hours.