



ngo group for the crc

STATE PARTY EXAMINATION OF LAO PEOPLE'S DEMOCRATIC REPUBLIC'S SECOND PERIODIC REPORT

56TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

17 JANUARY – 4 FEBRUARY 2011

Contents

Opening Comments	1
General Measures of Implementation.....	2
Definition of the Child	4
General Principles	4
Civil Rights and Freedoms	5
Family Environment and Alternative Care.....	6
Education, Leisure and Cultural Activities.....	8
Special Protection Measures	9
Concluding Remarks	10

Lao People's Democratic Republic ratified the Convention on the Rights of the Child (CRC) on 8 May 1991. On 27 January 2011, the Committee on the Rights of the Child (the Committee) examined the second periodic report of Lao People's Democratic Republic. It was last examined on 16 January 1997.

Opening Comments

The delegation of Lao People's Democratic Republic (Lao PDR) was led by Ms. Sysay Leudedmounsone, President of the Lao Women's Union and Standing Vice-Chairperson of the National Commission for Mothers and Children. She was supported by representatives from the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Labour and Social Welfare and the Permanent Mission in Geneva.

Ms. Leudedmounsone provided an overview of the current situation in Lao PDR. She said that Lao PDR gave great importance to the provision of healthcare for women and children and that the National Strategy for Growth and Poverty Eradication had been incorporated into the sixth Five-Year Plan for National Socio-Economic Development to achieve economic growth of 7.5 per cent or more. There had been a decrease in mother and child mortality rates, an increase in life expectancy, increased diligence in the production of goods, socio-economic development and gradual alleviation of household poverty. She attributed these achievements to the implementation of the CRC, the Millennium Development Goals and the "A World Fit for Children" programme and noted that the National Commission for Mothers and Children had been established as a national coordination mechanism to work on children's rights.

Ms. Leudedmounsone noted the most recent policies and legislation including the National Strategy on Nutrition, the Strategic Programme on Comprehensive Services for Mother and Child, the policy on the Prevention Against Mother-to-Child Transmission, the Law on

Preventing and Combating HIV/AIDS and the mobilisation efforts for immunisation against measles.

With regard to education, Ms. Leudedmounsone reported that the budget had been increased from 11.6 per cent in 2005 to 12.17 per cent in 2008. Additionally, teachers were being trained to provide quality education to the children of Lao PDR, particularly within the poorer districts. The number of children enrolled in primary school had increased from 84.2 per cent in 2005 to 93.6 per cent in 2009; gender equality education was promoted simultaneously. Furthermore, Lao PDR was drafting a National Policy on Participatory Education, which would focus on the holistic development of school-going children. Ms. Leudedmounsone also commented on Lao PDR's progress with regard to protection and assistance. She noted that there were community-based Child Protection Networks and said the State was conducting research, and monitoring and assessing the situation of child victims of trafficking.

Ms. Leudedmounsone said the State provided various opportunities for children to participate in social and cultural activities and that the CRC had been translated into Lao. To conclude, she stated that Lao had ratified five international human rights conventions, including the two Optional Protocols to the CRC, to affirm its commitment to the international community to protect women and children.

Ms. Varmah, the Country Rapporteur, thanked the head of delegation for her opening statement, which confirmed the commitment of the State to fulfilling its obligations with respect to children's rights. Ms. Varmah noted that Lao PDR was one of the Southeast Asian countries classified as a Least Developed Country (LDC). She said the Committee appreciated the approach of Lao PDR to direct its efforts towards lifting itself from the LDC group by 2020. Ms. Varmah noted that the GDP of Lao PDR was growing steadily, due to regional integration that opened new opportunities for advancement, but said that the benefits of economic growth had not been distributed evenly across the urban and rural wealth divides or ethnic groups. The particular situation of underdevelopment in some areas of Lao PDR was directly related to the failure to implement policies and laws there, despite the achievements of the country as a whole. In these areas, children did not have access to quality education and healthcare. Ms. Varmah stated that Lao PDR needed to address issues of hunger, malnutrition, neonatal policies and child protection. To conclude, Ms. Varmah welcomed the ratification of ILO Conventions 138 and 182, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Convention on the Rights of Persons with Disabilities and asked whether the State had intentions of ratifying the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Hague Convention on Intercountry Adoption.

General Measures of Implementation

The Committee asked why the data of the second report stopped in the year 2005 even though the report had been submitted in 2008. The Committee also asked whether children were consulted in the preparation process of the State Party report.

The delegation explained that the State lacked human resources to submit the report at the given date and asked the Committee for assistance and human resources to build the capacity to ensure the next periodic report could be submitted within the correct time frame. The delegation said it had consulted adolescents in the preparation of the second periodic report and that for the next periodic report, as well as for the reports on the Optional Protocols, it would seek to improve the participation of children.

Legislation

The Committee asked for more information about the implementation of the Act on the Protection of the Rights and Interests of the Child, the legal measures that were taken in cases of child abuse and the mandates of local authorities. The Committee also asked whether there was an internal national action plan directed towards the advancement of children and asked how the State would handle a conflict between national law and the CRC.

The delegation explained that the CRC had been integrated into national law and featured in local legislation in rural areas. In the case of conflict between the CRC and local legislation, the CRC would prevail. The delegation also reported that the rights of children had been expanded from four to nine rights and the topic of 'Girls, Women and the Role of Gender' had been incorporated into the seventh Socio-Economic Plan.

Children's ombudsman

The Committee asked if Lao PDR intended to create an independent body that monitored the implementation of children's policies and programmes and that could receive complaints from children. The delegation explained that the National Commission for Mothers and Children had the mandate to monitor, implement and supervise the full range of activities related to the CRC.

The Committee stated that the National Commission for Mothers and Children was a state organisation and did not qualify as an independent monitoring mechanism under the Paris Principles. The delegation said there was no ombudsman in the State because it was an LDC.

Budget

The Committee recognised the increase in the health, education and child protection budgets allocations, but noted that, according to the World Bank 2009 figures, the budget allocated for health was 2.3 per cent and education was 0.6 per cent. These figures were low and the Committee asked for an explanation of how the State intended to improve the budget allocations for these sectors.

The delegation said that the State had allocated 35 per cent of its budget to social services sectors such as education and health care. The Committee asked for the budget to be provided in terms of the percentage of the GDP.

Dissemination and training

The Committee asked whether the CRC was recognised as an instrument for regulating and dictating rules to help guarantee children's rights. The Committee noted that the CRC had been disseminated only in the centre of the State and not in rural areas. The Committee also noted that some judges and law officials were not fully aware of, or acquainted with, the existence of the CRC and asked how the State aimed to make the CRC more available to the society, for example by translating it into different languages.

The delegation explained that the CRC was integrated into the school curriculum and disseminated in the official language and local dialects. Additionally, there were radio programmes, television shows, brochures and magazines – in different languages – to help teachers prepare lessons on the contents of the CRC. Due to financial constraints, the State was unable to disseminate information to all the focal points within the country.

Monitoring and coordination

The Committee asked why data collection had failed and requested more information about

the demographics of the State. The Committee asked who was responsible for coordinating the policies on children and human trafficking and asked to what extent the National Commission for Mothers and Children was able to coordinate among the different regions.

The delegation stated that between 2000 and 2008, the State had conducted a survey regarding ethnicity and linguistic groups. Based on the results of the survey, the State had categorised the 49 ethnic groups as belonging to four linguistic groups.

The role of non-governmental organisations

The Committee asked about the registration procedures for non-governmental organisations and specifically wanted to know how many such organisations had received permanent licenses within the State. The Committee also inquired as to whether civil society organisations had been involved in the preparation of the State Party report.

The delegation explained that there were three categories of non-profit associations: NGOs, mass organisations, and organisations that dealt with specialised associations, such as lawyers. The State took into account all requests for registration from non-profit associations and said that more precise statistics would be provided to the Committee at a later date.

Definition of the Child

The Committee noted that the definition of a child incorporated all the children below 18 years, but that children below this age were prohibited from gaining confidential medical counselling or seeking legal advice without parents' or guardians' consent. The Committee asked if the State had any intentions to alter this law.

General Principles

Non-discrimination

The Committee noted that discrimination seemed to be particularly prevalent in rural areas, based on gender, ethnicity, poverty and differences in language. The Committee asked whether there was an independent complaints mechanism that dealt with discrimination. The Committee noted that some ethnic groups and refugees lacked access to basic services, such as education, decision-making, identification papers and capacity development opportunities. The Committee wanted to know whether the State planned to introduce multilingual education.

The delegation said the State respected the provisions of the conventions related to refugees, even though it was a signatory to neither the Convention on Status of Refugees nor its Protocol. The delegation clarified that there were no Hmong refugees left in Thailand but that there were between 7,000 and 8,000 illegal Lao migrants in Thailand. Illegal migrants who returned to the State were sent to their native villages or placed in settlement camps. Hmong refugees and their children had access to health care, education and registration.

Best interest of the child

The Committee asked if the 'best interests' principle was considered and applied in all state policies and laws. The Committee also asked how legal decision-makers (family, criminal courts and regional courts) interpreted the 'best interest of the child' principle.

The delegation acknowledged that the State lacked officials and experts to ensure that the rights of the child were protected, but said there were training programmes for social workers

to promote the rights of the child within the State.

Respect of the views of the child

The Committee asked how the child's right to be heard was ensured and asked whether parents and local authorities were trained to consider the opinions of children. The Committee noted that children did not receive training on how to participate in the State and did not have the right to be witnesses, make complaints or seek repatriation in court without the assistance of their parents. The Committee asked if the State was working to rectify this.

The delegation said the State had implemented laws to ensure that children would have the right to be heard. The opinion of the child was sought in cases of divorce.

Survival and development

The Committee asked whether measures were being taken to ensure that motorcyclists wore helmets and wanted to know why there were so many fatal road accidents involving children. The delegation affirmed that there were a high number of road accidents, which were caused by, among other things, poor roads and transportation infrastructure.

Civil Rights and Freedoms

Access to appropriate information

The Committee asked whether the State controlled information that was available to children through the internet. It asked how the media presented information that concerned child victims of violence and asked whether anonymity was provided. The delegation explained that there was a national committee on internet, composed of all public, private and mass organisations, in order to provide safe access and protect internet users from drug trafficking, false publicity and pornographic information.

Child abuse

The Committee noted that the age of sexual consent was 15 years and asked the State to raise the age of consent in order to protect all children from sexual abuse. The Committee pointed out that there was a tremendous amount of violence against children by family members and other individuals in the child's immediate environment. It asked what measures were being taken to protect against, and prevent, abuse and neglect of children and asked for more information on the National Plan of Action for Combating Sexual Exploitation.

The delegation explained that family members and neighbours could report violence against children to the head of the village. Furthermore, there was a counselling body within the Lao Women's Union that supported victims of rape and violence and provided education for the children. The delegation stated that there were legal penalties for child abuse.

Birth registration

The Committee noted that the State required all children to be registered within 30 days after birth, but that children in remote areas were not registered due to poor infrastructure that made it difficult for families to travel to registration centres. The Committee wanted to know whether there was a specific institution responsible for birth registration and what measures were being taken to ensure that birth certificates were issued to all children. The delegation said that since 1992, it was mandatory for each child to be registered at birth, but that it was

difficult for the State to implement this law. The delegation welcomed the Committee's recommendations.

Corporal punishment

The Committee noted that excessive corporal punishment was prohibited, but that it was still an acceptable form of discipline in schools and other institutions. The Committee asked how the State was addressing corporal punishment and other forms of degrading punishment.

The delegation stated that corporal punishment and torture were prohibited within the State and that they were punishable by law. The State was educating society and was raising awareness regarding corporal punishment. The State added that it was considering the ratification of the Convention against Torture.

Freedom of thought, conscience and religion

The Committee noted that in principle the State had no religion, but that Buddhism was sometimes referred to as a state religion, which led to discriminatory treatment of Christians. The delegation noted that while the majority of the population was Buddhist, there were also Muslims, Christians, Baha'i and Animists. There was perceived discrimination because community activities occurred on Sundays while Christians were at church. Where discriminatory reactions had occurred against Christians based on this issue, local authorities had intervened and imposed measures to prohibit discrimination.

Family Environment and Alternative Care

Alternative care

The Committee asked if there was any legislation that determined how children were placed outside of the family environment.

The delegation stated that children outside of the family environment lived in SOS Children's Villages or at the pagodas (temples). Children in pagodas mainly sought to learn, while children in SOS Villages were either orphans or suffered from malnutrition. The heads of the pagodas monitored the treatment of children there and could respond to cases of abuse. Additionally, there were village authorities available to receive complaints.

Adoption

The Committee noted that decisions concerning adoption were made in the adoptive parents' best interest, not the child's. As the State had not ratified the Hague Convention on Intercountry Adoption, the Committee asked whether there was a monitoring mechanism to ensure that all adoptions were in the best interest of the child.

The delegation stated that adoptions were based on the consent of the parents and foster parents. The child's consent was only necessary in cases where the child was over the age of 12. The delegation explained that adoptions within the State were mostly amongst relatives of the child or children concerned and that inter-country adoption rates were low. The State was analysing and considering ratification of the Hague Convention on Intercountry Adoption.

Basic Health and Welfare

Health and health services

The Committee asked how the State planned to resolve structural problems within the health sector and whether there were plans to strengthen primary care and community-based health care in rural communities. The Committee also asked whether there was a plan to counteract nutritional deficiencies and whether there were adolescent healthcare programmes. The Committee also asked for clarification on the CEDAW report, which reported annual increases in the HIV/AIDS prevalence rate.

The delegation said the State aimed to reduce malnutrition in the five-year Socio-Economic Plan of 2011-2015, to less than four per cent. It noted that the Lao Women's Union provided training for women and children about nutrition and food and organisations such as UNICEF distributed vitamins to women and children. The delegation said the HIV/AIDS prevalence rate was low and that there were substantive advertisement campaigns to raise awareness on HIV/AIDS and to prevent stigmatisation. The delegation stated that the government and private companies provided social welfare funds for children and there was free healthcare for poor children. The delegation said it would provide statistics to show that the health budget had been increased to 35 per cent.

The Committee stated that there was inadequate reporting of HIV/AIDS cases and noted the prevalence of mother-to-child transmission. The delegation explained that the State had testing centres in all provinces and that HIV/AIDS advocacy programmes were run by the Centre for Communicable Diseases.

Children with disabilities

The Committee asked about the State's initiative to develop rehabilitative services for children with disabilities and whether there were evaluations of children with disabilities who live with their families and those who live in residential institutions. The Committee asked for more information on the Children's Protection Network and whether there were plans to decentralise care for children with disabilities.

The delegation explained that to improve the situation of children with disabilities, the State ratified the Convention on the Rights of Persons with Disabilities in 2009. The State was still in the process of formulating inclusive education for children with disabilities, but there were associations that taught children with disabilities and their parents, skills such as sign language or Braille, and offered social activities for children with disabilities. The State aimed to expand the Children's Protection Network to central and southern parts of the country through collaboration with UNICEF and NGOs in different provinces.

Maternal health

The Committee noted that between 1990 and 2008, the estimated statistic of 185 maternal deaths per thousand live births was the highest in the region. The Committee also noted that the traditional practice of giving birth in the bush was still observed and asked whether there were pre- and post-natal services to combat maternal death. The Committee observed that breastfeeding rates were low, particularly within the central and southern regions, as only 26 per cent of mothers practiced exclusive breastfeeding within the first six months after the birth of the child. The Committee asked if there were efforts to prosecute private companies that did not adhere to the International Code of Marketing of Breast Milk Substitutes when advertising breast milk substitutes.

The delegation explained that there were campaigns in different languages to promote breastfeeding and raise awareness among mothers. The State had trained more than 4,000 workers to educate mothers regarding the benefits of breastfeeding.

Child mortality

The Committee noted that the mortality rate among children under the age of five was mostly caused by pneumonia, diarrhoea and birth asphyxia. In 2005, the rate of infant mortality was 70 per thousand live births and the mortality rate among children under the age of five was 98 per thousand live births. The Committee also noted that there were no vaccinations for deadly diseases and the use of antibiotics was non-existent in poor areas. It asked what measures were being taken to ensure that all infants and children received vital healthcare services.

The delegation explained that the State provided inclusive healthcare for mothers and children to reduce maternal and infant mortality. There were also campaigns to disseminate information on how to prevent childhood diseases through vaccinations.

Harmful traditional practices

The Committee asked whether steps were being taken to combat early marriage and whether there were statistics on the number of early marriages. The delegation explained there were no statistics regarding early marriage as it was not legal and not recognised within the State.

Education, Leisure and Cultural Activities

Education

The Committee asked if primary school education was free and whether human rights were incorporated into the curriculum. The Committee also asked about the availability of schools, books and the salary of teachers in remote areas. The Committee noted that the five years of compulsory education were not provided everywhere and added that this was a short period that should be extended. The Committee noted that the State needed to increase its education budget tenfold to establish a universal education system from per-school to university. The Committee asked about the State's plans to increase the education budget.

The delegation stated that there was free and compulsory primary education in the State. Regardless of economic status, all children had equal access to education. Furthermore, teachers' training had been improved and there were incentives for teachers to teach in rural areas. The delegation said the State had difficulty in providing teaching material, but nevertheless, the budget for education for 2010-2011 covered more than seven per cent of the State's national budget.

School Attendance

The Committee asked whether there was early childhood care and educational policy that prepared children for primary school, as this may help reduce the drop-out rates. The Committee asked whether there were alternatives for children who dropped out of school. The Committee asked for further explanation on the mobile vocational training.

The delegation reported that the drop-out rate for primary schools was 17 per cent and that mainly children in rural areas dropped out of school. The State was working to provide schools and educational facilities to improve education for young children in remote areas. There was also a project on early childhood development and children were able to learn the Lao language, from Village Assistants, before entering school. There were vocational training facilities for children who dropped out.

Leisure, recreation and cultural activities

The Committee noted that children needed libraries and playgrounds and asked whether children had access to leisure and recreational activities, and whether there were plans to increase access to leisure and cultural facilities. The delegation reported that there were libraries in each province and that some villages had mobile libraries with various materials on developing children's skills and human rights.

Special Protection Measures

Child labour

The Committee was pleased that there were community-based child protection networks, but noted that 12 per cent of children between the age of 5 and 12 worked in the agricultural and domestic sectors. The Committee asked whether the labour inspection system was adapted to situations of informal labour and added that the minimum age for labour (14 years) contradicted the compulsory age of schooling (15 years).

The delegation explained that the population was very poor, which encouraged child labour, predominately in traditional activities such as plantations and raising animals. Children between the ages of 14 and 18 could be employed to work underground or with chemicals, but their labour was limited to six hours per day. Child labour was punishable by law.

The Committee noted that the State had ratified the Optional Protocol on the Involvement of Children in Armed Conflict, Optional Protocol on the Sale of Children and ILO Convention 138 and asked the State to criminalise the recruitment of children under 18 into armed forces. The delegation said the recruitment of children into armed conflict was prohibited.

Street children

The Committee asked for statistics regarding street children. The Committee also asked whether there were help lines for street children and about the role of civil society.

The delegation said there was a hotline for complaints and that there were facilities that enabled street children to access education, clothes and health. The State also worked with the parents of street children to enable them to support their children and generate income. Organisations, such as UNICEF and Friends International, helped the State to provide support and jobs for street children.

Illicit transfer and return

The Committee asked how the State ensured that children transferred outside of the State or entering the State were able to return to their home countries and asked whether there were bilateral agreements with neighbouring states to ensure safe return. The delegation explained that the State had signed a moratorium of understanding with Thailand regarding illicit transfer of children and child labour. The delegation noted that sharing borders with five countries made it difficult to monitor illegal transfers.

Deprivation of liberty

The Committee asked for information regarding children with parents in prison. The delegation explained that children with only one parent in prison, stayed with the parent not in prison. In rare cases where both parents were in prison, the child could stay with their parents. Prison officials within the detention centres would help children attend school.

Human trafficking

The delegation stated that there was a National Plan of Action against Trafficking in Persons and Child Exploitation. In the future, the State would enact a law against human trafficking and perpetrators of trafficking would be punished. The delegation noted that more than 1600 people had been trafficked between the years 2001 and 2007, the majority of which were children. Minority groups were also vulnerable. There was collaboration between different ministries and the Lao Women's Union to combat human trafficking.

Juvenile justice

The Committee noted that in practice no child was sentenced to death and asked whether the State wished to change its legislature to state that the death penalty could not be applied to children. The Committee wanted clarification on who was involved in the juvenile justice processes. The Committee noted that there was only one court that dealt with juvenile justice. The Committee asked for statistics regarding children in conflict with the law and asked whether children in the juvenile justice system had rights. The Committee wanted to know what happened to children under the age of 15 who committed offences and emphasised that detention of children with adults should be avoided.

The delegation stated that complaints regarding offences by children were taken to the head of villages and offences by children under 15 were resolved through the Village Reconciliation Units. These children were re-educated and reintegrated into the community. Children under 15 were not punished by the law. The delegation said that detention of children with adults was rare and that over half of the police officers had been trained with regard to juvenile justice. The Committee reiterated that the State should not lower the age of criminal responsibility.

Concluding Remarks

Ms. Varmah, the Country Rapporteur, thanked the delegation for the exhaustive dialogue. She noted considerable progress despite some challenges. She stated that nearly all the issues of concern had been discussed and said the Committee would take this into consideration as it made recommendations because the Committee recognised that the State was working towards the best interest of the children.

The head of delegation thanked the Committee for reviewing its second periodic report, for the positive and constructive comments and for understanding the concerns and challenges that the State was facing in carrying out the rights of the child. Ms. Leudedmounsone said the State would provide the Committee with any relevant data that was not available in the session. She emphasised that as a developing country with a sensitive economy, the State faced many challenges. These challenges had slowed the achievement of the Millennium Development Goals. The State was working to mobilise domestic and foreign funding to further infrastructure, women's development, healthcare and education to children and the rights of the child were a priority of the State. However, the State needed assistance from the international community to meet its obligations to protection women had children. To conclude, Ms. Leudedmounsone expressed gratitude towards the international community for its support in the past and reaffirmed the State's commitment to creating a world in which children were able to enjoy their rights.