



# General Assembly

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## Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material on her mission to Lao People's Democratic Republic**

**Comments by the State\***


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\* The present document is being issued without formal editing.

GE.19-01174(E)



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**1. Para 3**

Government's comment: According to the Constitution of the Lao PDR, all ethnic groups are equal and thus the "minority" status is not applicable nor recognized as it is deterrent to the purpose of unity, harmony and equality. Therefore, we would prefer this report to respect and reflect the actualities of the Lao PDR and use the term "ethnic group (s)" instead.

**2. Para 4**

Government's comment: The Lao PDR has in place, laws and regulations on providing facilitation and space for all NGOs to function according to their mandate and purpose.

**3. Para 13**

Government's comment: Article 9 of the Family Law (2008) does not provide for any "special and necessary cases" or any "exceptional cases". The Special Rapporteur may have been supplied with the previous version of the law (the Article 9 of the Family Law of 1990) which has been replaced by the 2008 amended version and no longer has any applicable "exceptional cases"

Furthermore, Article 269 of the newly promulgated Penal Code (2017) penalizes "Child Marriage" (the offender who is over the age of 18) as well as those who allowed for child marriage to take place shall also be punished.

**4. Para 28**

Government's comments: Please refer to the newly promulgated Penal Code (2017) Article 252 which criminalize "marital rape" with possible imprisonment from 3 months to 1 year with fines; and if resulting injuries then it is 1 year to 5 years with fines.

Article 250 and 251 of the newly promulgated Penal Code (2017) stipulate against crimes of sexual intercourse with persons aged below 18 (children) regardless of "rape" is found or not, as well as using schemes to have sexual intercourse with persons under care of the offender, including children (those under 18). These articles also stipulate heavy penalties against those crimes.

**5. Para 31**

Government's comment: Article 9 of the Family Law (2008) does not provide for any "special and necessary cases" or any "exceptional cases". The Special Rapporteur may have been supplied with the previous version of the law (the Article 9 of the Family Law of 1990) which has been replaced by the 2008 amended version and no longer has any applicable "exceptional cases". Furthermore, Article 269 of the newly promulgated Penal Code (2017) penalizes "Child Marriage" (the offender who is over the age of 18) as well as those who allowed for child marriage to take place shall also be punished.

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