



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Reports of States parties due in 2008

Lao People's Democratic Republic*

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Introduction

On 20 September 2006, Lao People's Democratic Republic (Lao PDR) ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. According to Article 8, paragraph 1, of the Protocol on the involvement of children in armed conflict, and Article 12, paragraph 1, of the Protocol on the sale of children, child prostitution and child pornography, Lao PDR should have submitted its first report on the implementation of the provisions of the protocols to the Committee on the Rights of the Child by September 2008. However some difficulties prevented the timely submission of the report.

This report covers the period between 2006 and 2012; it is presented in two parts. Part I contains the report on the implementation of the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/LAO/1), while Part II contains the report on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/LAO/1).

I. General measures of implementation

1. The present report has been drafted with the participation of the National Commission for Mothers and Children (NCMC)¹ and provincial Commission for Mothers and Children (CMC), representatives of the National University of Laos (NUOL) and secondary school students and representatives of United Nations agencies (including UNDP, UNICEF, UNODC, UNFPA and UNIAP), the international diplomatic community and some international NGOs active in the field of women and child protection (including Save the Children, AFESIP, World Vision, Friends International, COPE and Child Development Centres).
2. Generally, the status of this Protocol as well as other international conventions is that these instruments cannot be applied directly in domestic Courts; normally, their provisions are incorporated in relevant domestic laws (see also the Second National Report on the implementation of the Convention on the Rights of the Child, Part I, para. 13).
3. Lao PDR is a unitary State, made up of 17 provinces, including Vientiane Capital that is designated as a Prefecture. The present Protocol, as well as other international conventions to which Lao PDR is a party, is applicable throughout the country.
4. When Lao PDR ratified this Protocol, it did not make any reservations, except for a statement saying: "According to Lao PDR law, the minimum age of Lao citizen for

¹ At present, the NCMC includes 22 members from various government Agencies, as follows: 1. The Prime Minister's Office (now Government Office); 2. The Ministry of Planning and Investment; 3. The Ministry of Education and Sports; 4. The Ministry of Public Health; 5. The Lao Women's Union (LWU); 6. The Ministry of Labour and Social Welfare; 7. The Ministry of Finance; 8. The Ministry of Information, Culture and Tourism; 9. The Ministry of the Interior; 10. The Ministry of Public Works and Transports; 11. The Ministry of Foreign Affairs; 12. The Ministry of Justice; 13. The Ministry of Public Security; 14. The Ministry of Agriculture and Forests; 15. The Ministry of Industry and Trade; 16. The People's Supreme Court; 17. The People's Supreme Prosecutor's Office; 18. The Lao Front for National Construction; 19. The Lao Youth People's Revolutionary Organization; 20. The National Steering Committee on Rural Development and Poverty Eradication; 21. The Bank of Lao People's Democratic Republic; 22. The Head Secretary of the NCMC. The NCMC is presided by the Minister attached to the Prime Minister's Office.

recruitment in the National Armed Forces is 18 years”. Lao PDR sees that this statement is consistent with the provisions of the Protocol, therefore, Lao PDR does not deem it necessary to withdraw it.

5. Given the fact that Lao PDR has enjoyed peace over more than 30 years, it did not proceed to voluntary recruitment into armed forces. But, Article 14 of the Law on National Defence Obligations provides that: “a conscript, who intends to continue serving in the armed forces as a regular soldier, may submit his intention to the Commanding Officer of his place of assignment not later than three months before completing his military service”. That means voluntary recruitment is possible only after completion of the military service, which lasts two years.

6. The government department having primary responsibility to implement the Law on National Defence Obligations (which concurrently implements the Protocol) is the Ministry of National Defence, in coordination with the local Authorities (see para. 11, below).

7. Until present, the Optional Protocols have been disseminated widely along with the Law on National Defence Obligations to all concerned parties, such as the Armed Forces, including the Police, the Militia, the Self-defence forces, the Reserve forces, the Administrative authorities at all levels, the Judiciary staff, students and the public.

8. As mentioned above, since the Lao people had the opportunity to enjoy peace, there are no children under the age of 18 serving in the armed forces, no armed groups distinct from the State, no children involved in armed conflict, no children charged for having committed war crimes. There are no refugee and asylum-seeking children in the armed forces, because there are no refugees and asylum-seekers in Lao PDR (see Second National Report on the implementation of the Convention on the Rights of the Child, Part VIII, para. 120).

9. There is no monitoring by human rights organizations on the implementation of the Law on National Defence Obligations. The local authorities with parents and relatives of conscripts only organize a ceremony in accordance with the fine Lao traditions before handing over conscripts to the Military Commander of the district (see para. 11 below).

10. Since there is no involvement of children in armed conflict in the country, Lao PDR has no difficulties in implementing the Law on National Defence Obligations, and accordingly, in implementing its obligations under the Protocol.

II. Prevention (arts. 1, 2, 4 (2) and 6 (2))

11. With respect to the conscription procedure, the Law on National Defence Obligations provides that each year, the village Head shall draw up a list of persons over 17 years old in his village to be sent to the Military Command of the district, in preparation for the conscription (art. 4).² Each year, on 20 January, the District Military Command shall inform the young males of 18 years in its list to report no later than 20 days after receiving the notice (art. 6). The Ministry of National Defence shall fix the number of conscripts each year (art. 5). After a medical check-up, the District Military Service Committee shall select those who are fully healthy in accordance with the fixed number. In the selection process,

² Although birth registration may be omitted in the family Register of some remote districts, at the village level, the local Authority keeps a “Family Book” of all villagers. When the village Head sends the list to the Military Command, he does it according to what he has in the “Book”, with the possibility of showing the conscript’s birth certificate if needed (see Second National Report on the Convention on the Rights of the Child, para. 48). Insert information from the Ministry of Home Affairs to improve the civil registration system (check with Social Policy Section).

the oldest ones will be selected first (art. 7). Once the selection is done, the selected conscripts will be officially handed over to the Army. So, it is not easy for children under 18 years to pass through the selection. (see also the Second National Report on the Convention, Part VIII, para. 123.)

12. As mentioned in paragraph 5 above, Lao PDR has no procedures for voluntary recruitment. Military service is a duty for every Lao citizen (see para. 4 above). Therefore, children under 18 years are not concerned with voluntary Military service. Those in the People's Security Protection Forces (the Police) – which are also a part of the armed forces – proceed to voluntary recruitment. However, Article 21 of the Law on the People's Security Protection Forces provides that enlisted men in the Police must be Lao nationals over 18 years old, having completed Secondary School, gained work experience, possess a good resume, and fully healthy.

13. In some provinces, there are schools operated by the Army and the Police for children of enlisted officials. These schools are not military schools, but ordinary ones teaching general curriculum provided by the Ministry of Education and Sports. Some of them end schooling after completing the primary degree, while others continue to the secondary level. Since enlisted men in the Army and the Police include all ethnic groups without any discrimination, their children in those schools are not subject to discrimination. After completing their studies, they may go on to University or other Higher Education Institutions, including Military or Police Officer Schools, depending on their individual capability, or enter an occupation of their preference.

14. The internal security situation in Lao PDR is generally peaceful, and there is no report on the existence of any armed group activities, and recruitment of children under 18 years old.

15. In the implementation of the Law on National Defence Obligations, village Authorities and District Military Command around the country receive clear instructions not to recruit children under 18 years old for military service. So, in the present circumstances, the concerned authorities would never disregard such official instructions.

16. Over the past three decades, the Lao people have enjoyed peace and good relationships with neighbouring countries, so no armed conflict has occurred. When tracking down criminals, such as plunders, armed robbers, traffickers, the Police never attack civilian objects such as schools, hospitals, pagodas or markets.

17. After more than 30 years of war, Lao PDR knows the harmful consequences of war. Now that the Nation is united and the Lao multi-ethnic people are enjoying national concord and solidarity, the aspiration of the Government is to maintain internal peace, as well as peace with neighbouring countries. This aspiration has been laid out in Article 12 of the Constitution as follows: "Lao PDR practices a foreign policy of peace, independence, friendship and cooperation; developing relationship and cooperation with all countries on the basis of the principles of peaceful coexistence, respect for each other independence, sovereignty, territorial integrity, non-interference in the internal affairs of others, equality and mutual advantages". The Constitution also provides that all government agencies and officials must disseminate government policies and laws to the people, and train them in their implementation, in order to guarantee the equitable rights and interests of the people.

III. Prohibition and related matters (arts. 1, 2, 4 (1 and 2))

18. There is no provision punishing offences against recruitment of children in armed forces, in the Penal Law, because when the Code was adopted in 2005, the country already enjoyed a period of peace, and there was no such recruitment before that. But, Article 87 of

the Law on the Protection of the Rights and Interests of the Child concerning child labour, may punish the offenders with 3 months to 1 year imprisonment and a fine of 1 to 2 million kip.

19. As mentioned in paragraph 14 above, we affirm that there is no report on the existence of armed groups causing instability in the country. If such events happen and the perpetrators are caught, they will be prosecuted and punished under the Penal Law, according to the case, as follows:

- *Article 60 - Attack*: 5 to 20 years imprisonment and a fine of 10 to 100 million kip; if the offence entails the death of people: life imprisonment or death penalty, with possibility of seizure of property.
- *Article 61 - Sabotage*: 8 to 20 years imprisonment and a fine of 5 to 100 million kip ; possibility of seizure of property, life imprisonment or death penalty.
- *Article 62 - Sabotage of State and society's activities* (such as industry, commerce, transportation, agriculture, finance, economic infrastructure): 5 to 20 years imprisonment and a fine of 3 to 100 million kip; possibility seizure of property, life imprisonment or death penalty.
- *Article 67 - Banditry*: 5 to 20 years imprisonment and a fine of 5 to 100 million kip; possibility seizure of property, life imprisonment or death penalty, in serious case.

20. If there is evidence that the offenders have involved children less than 18 years old in their gangs, they may be sentenced for using child labour (see para. 18 above). Furthermore, according to Article 41, paragraph 5, inducement of children to commit an offence, or mobilization of children to participate in committing an offence, constitutes circumstances aggravating penal liability.

21. Article 29 of the Constitution is in line with the Convention on the Rights of the Child. Revisions to existing laws and new laws have been developed providing protection of the rights and interests of children, such as the Penal Law, the Family Law, the Law on Education, the Law on Labour, the Law on Hygiene, Disease Prevention and Health Promotion, the Law on Lao Nationality, the Law on Inheritance, the Law on Criminal Procedure, the Law on Civil Procedure, the Law on Contract and Tort, the Law on Development and Protection of Women and the Law on Protection of the Rights and Interests of Children.

22. In addition, Lao PDR also has the Law on National Defence Obligations and the Lao President's Statute No 01/ LP, dated 5 October 2009 on the development, ratification and implementation of international conventions, which provides the means to ensure the implementation and accordingly to the Protocol.

23. In Lao PDR, there are no laws and regulations constituting an obstacle to the implementation of the Protocol, since the Lao Government has no policy for the recruitment of children under 18 years old in its Armed Forces.

24. Lao PDR is a party to Additional Protocols I and II to the 1949 Geneva Convention, and to the International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1998), but it is not yet a party to the Rome Statute of the International Criminal Court. The Government is now preparing the necessary conditions to be able to sign the Statute by making a comparative study between the provisions of the Statute and Lao national legislation.

25. There is no private military in Lao PDR, only some private security companies established under the Investment Law, which provide guard services under contract to offices and commercial buildings. They are under the control of the Ministry of Public

Security, and their employees do not carry weapons. In principle, the Labour Law authorizes employers (private companies) to hire children between 14 and 18 years old to work in their factories.³ In practice, security companies do not recruit children under 18 years old on their staff. If they do, the manager, or the members of the company Board will be liable for the offence based on the Penal Law.

26. Laws prohibiting recruitment of children under 18 years old in the armed forces are the Law on National Defence Obligations (see para. 11 above), and the Law on the People Security Protection Forces (see para. 12 above). At the same time, the Department of the People's Supreme Prosecutor monitors and controls the correct implementation of these laws by State departments or bodies.

27. The laws mentioned in paragraph 24 above are applicable only within the territory of Lao PDR. But, according to Article 4 of the Penal Law, a Lao citizen committing a criminal offence outside the territory of Lao PDR shall have penal responsibility, if such offence is prescribed in the Penal Law or another law of the Lao PDR providing penal sanctions. To date, Lao PDR has never exercised this extraterritorial jurisdiction over recruitment of children by Lao citizens living abroad.

28. Since there are no issues related to offences referred to in the Protocol in Lao PDR nor in the neighbouring countries, Lao PDR has no specific extradition agreement on these issues. If there is a request from a State party for extradition of an offender hiding in the country, the Government will consider the request according to national laws and the principles of international law. So far, Lao PDR has never received such a request, and has never submitted such a request to another State party.

IV. Protection, recovery and reintegration (art. 6 (3))

29. As mentioned above, since there is no recruitment of children in the armed forces, there are no measures to implement the provisions of Article 6, paragraph 3, of the Optional Protocol.

30. Likewise, in the Lao Armed Forces, there are no foreign children or mercenaries. Conscription is related to national dignity.

V. International assistance and cooperation (art. 7 (1))

31. Lao PDR has no international cooperation regarding the implementation of Article 7 of the Protocol.

32. There is no specific legislation prohibiting the trade and export of small and light arms; but according to Article 77 of the Penal Law, illegal trade of war weapons or explosive constitutes a criminal offence.

33. Lao PDR has no cooperation with the Office of the Special Representative of the Secretary-General for Children in Armed Conflict.

³ According to Article 41, it is forbidden to utilize children for the following work: ore deposit exploitation; assembling of chemical products, explosive or injurious matters; cleaning of corpses; working overtime; working in an over noisy place; in place serving alcoholic drinks; gambling place; night work from 22.00 to 5.00 next day; exposure to radiation or contagious disease; in hole, tunnel, under water or in the air; in place abnormally hot or cold; using instrument with constant vibrations.

34. The Lao Government has not received any notice from the Secretary-General that the country has been identified in his reports to the Security Council in accordance with Resolution 1612 (2005).

VI. Other legal provisions (art. 5)

35. While there is no national law that is more conducive to the realization of the rights of the child than the provisions of the Protocol, we nevertheless consider that the laws mentioned in Sections I and II above help to implement the Protocol. Furthermore, Lao PDR is not a party to any main international instruments of humanitarian law relating to the recruitment of children in hostilities, nor has it undertaken any other international or regional commitments concerning these issues.

VII. Conclusion

36. What is reported in this document reflects the efforts of the Lao Government in implementing its international obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Should the Committee on the Rights of the Child require additional information, the Lao Government is prepared to provide it to the extent possible.
