



**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 44 of the Convention**

**Second periodic report of States parties due in 1998**

**Lao People's Democratic Republic**

[22 April 2009]

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## Introduction

1. The Lao People's Democratic Republic (the Lao PDR) submitted its first report in January 1996; although the report ought normally to have been submitted in 1993, it was delayed for a number of reasons, including a lack of staff properly trained in drafting reports. This report covers the period from 1997 to the end of 2005. Begun in 2004, it has been drawn up in accordance with the General Guidelines of the Committee on the Rights of the Child of 20 November 1996 (CRC/C/58), in terms of both form and content, and takes account of the Committee's Concluding Observations (CRC/C/8/Add.78) and list of issues. Subsequently (in late 2005), the authors endeavoured, as far as possible, to adjust the report in accordance with the new guidelines of 3 June 2005 (CRC/C/58/Rev.1). Representatives of the young people of the Lao PDR, experts and members of the National Commission for Mothers and Children (*Commission Nationale pour la mère et l'enfant* – hereafter “CNME”), as well as the UNICEF office in the Lao PDR have also contributed to the report.

2. Currently, most of the data set out in the first report (CRC/C/8/Add.32) have ceased to be valid, as the country's general situation has changed, particularly as regards the size and make-up of the population; the Constitution and some important laws have also been amended, and new laws passed (see para. 12 below). Significant data that were not included in the first report have been highlighted in this report.

3. As regards the population of the Lao PDR, the first national census, carried out in 1985, listed 3,584,803 inhabitants. At the second census, in 1995, the number had risen to 4,575,000 including: 720,178 (15.7 per cent) children under the age of five; 697,253 (15.2 per cent) between the ages of five and nine; 60,913 (13.2 per cent) between the ages of 10 and 14; and 454,940 (9.9 per cent) between the ages of 15 and 19. Overall, children and young people accounted for approximately 54 per cent of the population. At the third census, carried out in March 2005, the population of the Lao PDR numbered 5,609,997 inhabitants, 2,813,589 of them female (50.2 per cent) and 2,796,448 male (49.8 per cent), including 2,864,598 individuals under the age of 20 (51.2 per cent), 1,418,388 of them young women and girls and 1,446,210 young men and boys under the age of 20.

4. As regards the make-up of the population, before 1981, the ethnic groups that make up the Lao national community were classified as three national and 68 ethnic groups, based on topography, namely: (a) the Lao Loum (inhabiting the plains and riverbanks and mainly engaged in the production of flood rice crops) including 12 ethnic groups; (b) the Lao Theung (inhabiting the high plateaux and mountainous slopes above 700m and practising slash-and-burn cultivation and the production of flood rice crops) including 36 ethnic groups; and (c) the Lao Soung (inhabiting the mountains above 1,000m and mainly practising slash-and-burn cultivation) including 20 ethnic groups. Since 1989, however, the Lao Front for National Construction (FLEN)<sup>1</sup> has undertaken detailed ethnological research, in conjunction with the relevant technical services and with the cooperation of the whole of the population, and has concluded that there are 49 ethnic groups belonging to four

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<sup>1</sup> The FLEN is a political organization for national unity and comprises representatives of all social strata: workers, farmers and farm workers, young people, women, intellectuals, religious figures, persons of standing, tribal chiefs, businessmen and others. Under article 7 of the Constitution, the FLEN, as well as the Lao People's Revolutionary Youth Union (OJPRL), the Lao Women's Union (UFL), the Federation of Lao Trade Unions (FSL) and the other social organization are “focal points for strengthening solidarity and mobilizing the social strata of all ethnic groups to participate in building and protecting the nation, thereby developing popular sovereignty and protecting the rights and legitimate interests of their members”.

linguistic families, namely: the Lao-Tai language, spoken by eight groups and accounting for 66.5 per cent of the population, the Mone-Khmer language, spoken by 32 groups and accounting for 23.5 per cent of the population, the Hmong-Ioumein language, spoken by two groups and accounting for 7.5 per cent of the population, and the Tibeto-Burman language spoken by seven groups and accounting for 2.5 per cent of the population. The Lao Front for National Construction has submitted this new classification to the National Assembly for official approval. Once approved, the classification previously applied (Lao Loum, Lao Theung and Lao Soung) will be withdrawn, as it does not reflect the true situation.

5. Although, in 1986, the Government adopted an economic reform programme to steer the centrally-planned economy towards a market economy, thereby encouraging the gradual expansion of the economic sector, the foundations of the national economy have yet to be consolidated, and domestic savings are at a low level; the Lao PDR remains an underdeveloped country, constantly at threat from natural disasters and the damaging effects of war. According to a study of Lao households' spending and consumption, made in 1997-1998 (see para. 102 below), some 39 per cent of the population was still living below the poverty line (in 2002, the figure had fallen to 32 per cent). Educational standards are not good enough, public health services are not yet widespread and science and technology are lagging behind. Thirty-three per cent of the population remain tightly in the grip of Animism, but about 65 per cent are Buddhists, and Buddhism has exerted far-reaching cultural influence on Lao society, teaching it to be generous and tolerant.

6. However, the gap in development between urban and rural areas, between the different regions and between the different sections of society, remains large. That said, the Lao PDR enjoys advantages and potential in several areas, including a wealth of natural resources, a fortunate geographical position in terms of communications (transit route) in the sub-region and a proper political approach to national development, particularly as regards the issue of ethnic groups, with the result that the different ethnic groups coexist in solidarity and harmony, giving the country political stability and society peace and security. Those factors foster the kind of conditions that are conducive to the country's economic and social development, and the grant of assistance from friendly countries and international organisations.

7. At a time when the Lao PDR is in the process of engaging in regional integration, these advantages may also result in a challenge that is difficult to meet: progress in economic and social development, tourism, communications and transport, the expansion of the consumer society, the disparities in incomes among the different sections of society and so on, may encourage trafficking in women and children, the exploitation of child workers, prostitution and drug-trafficking, particularly with adjacent countries. Its limited resources mean that the Lao PDR is unable to prevent and effectively control the illegal crossing of frontiers.

8. In today's world the pace of scientific and technological development is very rapid, particularly in the field of data-processing and communications, bringing all corners of the planet closer and causing everyone to recognize the so-called globalization process whose effects, both positive and negative, emanate not just from neighbouring countries but from other parts of the world.

9. Lao society, like society in the other countries of the world, has also undergone rapid changes brought about by globalization, and, as a result, the implementation of government policy on children is unable fully to meet the necessary requirements. In addition, the consequences of the economic and financial crises that hit South-east Asia in 1997, compounded by rampant inflation, also affected the Lao PDR, slowing down the development of the national economy which was already at quite a low level.

10. In those circumstances, it will not be easy for the Lao PDR to resolve child-related problems with the inadequate domestic resources at its disposal; it will, therefore, continue to need the assistance, cooperation and support of friendly countries and international organizations.

## I. General implementing measures

11. When it acceded to the Convention, on 8 May 1991, the Lao PDR did not enter any reservations and, therefore, approved all of its provisions.

12. Since 1989, as well as adopting the amended Constitution of 6 May 2003, the National Assembly has passed more than 50 laws designed to make the Lao PDR a constitutional State. Some of these laws<sup>2</sup> contain provisions to protect and guarantee the rights, freedoms and interests of Lao citizens, including children. Overall, the provisions of these laws reflect the spirit of the Convention, although they are not yet able to secure its full application.

13. Generally speaking, the status of international conventions within the domestic legal system remains unclear. According to the Constitution, the National Assembly “shall decide whether to ratify or denounce treaties and agreements entered into with foreign countries” (art. 53, para. 11); the President of the Republic “shall promulgate the ratification or denunciation of treaties and agreements entered into with foreign countries” (art. 67, para. 13); and the Government “shall sign treaties and agreements with foreign countries and manage the implementation of the treaties and agreements entered into” (art. 70, para. 8). In other words, before a treaty signed by the Government can enter into force it must be ratified by the National Assembly and promulgated by the President of the Republic; however, the Constitution has clearly specified whether a treaty to which the Lao PDR is a signatory requires a special implementing act or becomes automatically applicable in the same way as a domestic law. In practice, it is the Government that administers the application of the international obligations arising from the treaties to which the Lao PDR is a signatory. Generally, most of the provisions of these treaties have been incorporated into the relevant domestic legislation. Consequently, in the current circumstances, it is not, as yet, possible to rely directly on the provisions of the Convention before the courts, since the latter have jurisdiction solely to consider matters governed by domestic laws and regulations. In the event of conflict between a domestic law and international law, the Government tries to bring the domestic legislation into line with the international law.

14. As regards article 41 of the Convention, we consider that the Act on the Family, particularly the provisions concerning parents’ obligations to raise and educate their children, as well as to protect their rights and interests, and the Act on Lao Nationality,

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<sup>2</sup> • Criminal Code of 23/12/1989, amended on 10/4/2001 and on 9/11/2005;  
• Code of Criminal Procedure of 23/12/1989, amended on 15/5/2004;  
• Code of Civil Procedure of 29/11/1990, amended on 17/5/2004 ;  
• Act on Lao Nationality of 29/11/1990, amended on 17 /11/2004;  
• Act on the Family of 29/11/1990;  
• Act on the Family Register of 30/12/1991;  
• Employment Act of 14/3/1994, amended on 27/12/2006; \*  
• Education Act of 8/4/2000;  
• Act on Health, Preventive Medicine and Promoting Health of 10/4/2001;  
• Act on the Development and Protection of Women of 22/10/2004.

\* Texts adopted or amended after the period covered by this report.

particularly the provisions concerning the nationality of children, establish conditions that are more conducive to implementing the rights of the child, as recommended by the Convention. Coupled with Lao traditions, the Act on the Family ensures that families care as best they can for their children from birth; the Act on Lao Nationality meantime guarantees that all children possess a nationality from birth (see para. 52 below).

15. Some principles and provisions of the Convention have been incorporated into the legislation on the rights and fundamental freedoms of citizens that are currently in force. For instance, the principle of non-discrimination is enshrined in the Constitution, the Act on the Family, the Code of Criminal Procedure, the Act on the Family Register, the Education Act and the Act on Health, Preventive Medicine and Promoting Health; the principles of the best interests of the child and respect for the opinion of the child are also enshrined in the Act on the Family, the Nationality Act and the Code of Civil Procedure in relation to family issues; the principle of the right to life, survival and development is enshrined in the Constitution (the right to the inviolability of the person), the Criminal Code (illegal abortion) and the Act on Health, Preventive Medicine and Promoting Health. If cases involving these matters are referred to the courts, they must review them in the light of the principles laid down by law.

16. The rights accorded under the Convention are protected by the Criminal Code, and any violation of those rights will be punished in accordance with that Code: for example, coercion (art. 90), trafficking in persons and abduction (art. 92), attack on the freedom of the individual (art. 93), invasion of personal privacy (art. 95), failure to fulfil child maintenance obligations (art. 118), child rape (art. 119, subpara. 2), corruption of minors (art. 120), and prostitution of minors (art. 123, subpara. 2). In addition, under the Code of Civil Procedure, a person whose rights have been violated has the right to claim compensation for the resulting harm (art. 3).

17. Meeting in a national conference in May 1999, the CNME approved a national programme for mothers and children for the period 1999-2000 and the years following. The programme established 22 indicators for the survival, development and protection of children, including public health indices/indicators (infant mortality rate, mortality rate of the under-fives, maternal mortality rate, low birth weight, severe and moderate nutrient deficiency, iodine deficiency, anaemia resulting from iron deficiency, vitamin deficiency, measles, vaccination rates, neonatal tetanus, diarrhoea, acute pneumonia), drinking water and hygiene (supply of drinking water in rural and urban areas) and education (school attendance rates, moving up a class, repeating a year and non-formal education), and indicators concerning the participation and protection of children.

18. As set out in paragraphs 31 to 36 of the first report, the CNME was set up on 16 April 1992 to encourage, monitor and coordinate the implementation of the rights of women and children. As responsibilities relating to mothers and children had significantly developed to involve a number of sectors since 1996, the Government decided, on 4 October 2002, to amend the composition of the Commission once more by increasing its membership from 5 to 11 to help it to enhance its effectiveness.<sup>3</sup> The new CNME's

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<sup>3</sup> The Commission is currently chaired by the Deputy Prime Minister and permanent member of the Government; it has two deputy chairpersons, the Secretary of State for Public Health and the Secretary of State for National Education, and eight members, the Secretary of State for Justice, the Secretary of State for Information and Culture, the Secretary of State for Employment and Social Welfare, the Deputy Chairman of the FLEN, the Deputy Chairwoman of the Lao Women's Union, the Deputy Chairman of the Lao People's Revolutionary Youth Union, the representative of the Ministry of Finance and the representative of the Committee for Planning and Cooperation (henceforth the Ministry of Planning and Investment).

activities now include drafting the report on the Convention's implementation to submit to the Committee on the Rights of the Child. Meantime, the Regional Commissions for Mothers and Children (*Commissions régionales pour la mère et l'enfant* – CRME) are responsible, among other things, for supporting, coordinating and monitoring the extended vaccination programme and for other duties relating to mothers and children that fall within their remit.

a) The CNME has periodically held meetings at national level to evaluate its previous activities. The third national conference met in August 1996 and the fourth in May 1999 (see para. 17 above).

b) In addition, in October 2000, the CNME held a meeting to draw up a strategic cooperation plan between the Government of the Lao PDR and UNICEF, for the period 2002-2006, enlisting UNICEF's help with its activities in relation to child development and publicizing and promoting the Convention.

c) In December of every year, from 2001 to 2005, the CNME again arranged joint meetings between the Government and UNICEF to take stock of progress achieved in implementing the cooperation projects designed to improve the situation of Lao children and their families. The meetings also stressed that in its work at central, provincial, district and village level, as well as attending to the vaccination programme, the CNME should also attach importance to monitoring, encouraging and publicizing the Convention. The CNME also set itself a goal in terms of institutional reform, designed to secure the implementation of the rights of the child in relation to development, protection, survival and participation, working with the various services at all levels to achieve successful outcomes.

d) In addition, the successful Special Session of the General Assembly on Children, which took place in May 2002, and the programme "A World Fit for Children" were publicized during those meetings, enabling children to take part and the relevant central and regional services to discuss the difficulties encountered in applying the Convention and the procedures and measures necessary to resolve them. The two Lao children who had the opportunity of taking part in the Special Session of the United Nations General Assembly also attended those meetings. Subsequently, in conjunction with UNICEF, the CNME organized a press conference and a meeting with children with a disability. What is more, the two children had the opportunity to report to the National Assembly, meeting in ordinary session, about the success of the Special Session of the General Assembly and the various proposals made by children; this helped members of the National Assembly to understand the problems of children, and they expressed their readiness to support the Government's efforts to apply the measures relating to the survival of children, the national vaccination programme and other public health projects.

e) Similarly, in 2000, the CNME cooperated with the various central and regional services to celebrate the tenth anniversary of the entry into force of the Convention. It also completed the report on the implementation of the end-of-decade goals for the survival, protection and development of children over the past decade: the report set out the strengths and weaknesses of the relevant governmental activities. Furthermore, in implementing the Millennium Development Goals relating to the plan to create a world fit for children, the Government set up a National Committee of Experts, chaired by the Deputy Prime Minister and the Foreign Minister, to monitor their implementation in the Lao PDR and draw up a report in conjunction with United Nations Development Programme (UNDP). The report was adopted by the Government and UNDP and published in January 2004.

f) The CNME also held a number of meetings to publicize the first national report, along with the Concluding Observations of the Committee on the Rights of the Child, as well as the points made by the Lao delegation when the report was put to the



Committee. The final meeting took place on 10 March 2003 in Vientiane and was attended by the representatives of the Commissions for Mothers and Children at all levels, and of the relevant services of the Government and National Assembly.

19. In addition, a number of government departments, such as the Ministry of Public Health (*Ministère de la santé publique* – MSP), the Ministry of National Education (*Ministère de l'éducation nationale* – MEN), the Ministry of Justice (*Ministère de la Justice* – MJ), the Ministry of Employment and Social Welfare (*Ministère du travail et du bien-être social* – MTBES), the Ministry of Information and Culture (*Ministère de l'information et de la culture* – MIC), the Public Prosecutor's Office and the Committee for Planning and Investment (*Comité du Plan et de l'investissement* – CPI), are also involved with the rights of the child – particularly the Children's Cultural Centre and the Puppet Theatre, which come under the auspices of the Ministry of Information and Culture that have also publicized and promoted the rights of the child.

20. There is, as yet, in the Lao PDR, no independent organization to promote and protect the rights of the child specifically, nor are there any national NGOs, but there are the mass organizations recognized by article 7 of the Constitution (see footnote 1 to para. 4 above). Two of those organizations, namely the Lao Women's Union and the Lao People's Revolutionary Youth Union are connected with the rights of the child.

a) The Lao Women's Union represents the rights and interests of Lao multi-ethnic women and children; it has 1,011,597 members distributed throughout the country from central through to village level and has undertaken the following activities:

i) The organization of conferences, seminars and training sessions to publicize the Convention, the Convention on the Elimination of All Forms of Discrimination against Women, and the various national laws to protect women and children.

ii) The establishment, as of 1997, of an Advice Centre to deal with the problems of women.

iii) Coordination with the relevant parties to achieve widespread publicity for the Beijing Declaration on women and children, Beijing + 5 and Beijing + 10, in an effort to improve the application of gender equality both within the family and within wider society.

iv) The Lao Women's Union was also given responsibility for the children and women's development plan, forming part of the cooperation project between the Government and UNICEF, for the period 2002-2006. Working with the parties concerned at every level in 8 provinces 30 districts and 189 villages, the Lao Women's Union took an integrated approach to the plan's implementation, with the focus on the child (from birth to eight years of age), starting with the family, community and society, and focusing on a number of activities, including the development, training and expansion of working groups at central, provincial and district level. This enabled the groups to travel to study the situation of women and children *in situ*; to train villagers about planning; to work with them, guiding them in the planning process; to teach those caring for preschool children about nutrition,<sup>4</sup> health and breast-feeding; to encourage parents to have their children vaccinated and provide them with information on HIV/AIDS, etc.

b) The Lao People's Revolutionary Youth Union plays an important role in the education, training and overall development of children and young people; it has

<sup>4</sup> The Lao Women's Union gave 656 tonnes of rice to 656 villages in 8 provinces to provide a rice bank for children.

more than 270,000 members throughout the country and an organizational system that extends from central down to village level. Children and young people are represented at the consultative meetings about their rights and interests that are held at central, provincial, district and village level. They take part in the youth organizations, the various clubs, activities for the further development of education, sports, artistic and literary activities, training camps, camps to encourage the exchange of play and recreation activities, activities to deter drug use, propaganda activities and activities involved in the cleaning of public and community spaces. All of this illustrates how children and young people are trained to exercise their rights and fulfil their duties; this is how they contribute to the process of administration, with the emphasis on discipline and moral education.

21. To implement the final phase of the national action programme approved in April 1999 (see para. 17 above), the Government allocated quite substantial budgetary resources and increased investment in social development, largely in the education and public health sectors. In implementing the fourth (1996-2000) and fifth (2001-2005) five-year economic and social development plans, the Government allocated budgetary resources for the public social development investment plan as follows:

a) *In education*, the focus was placed on three long-term strategic plans, namely:

i) the programme to improve the quality and relevance of education;

ii) the programme to improve management;

iii) the programme to improve opportunities to access education which was implemented in the form of a number of projects, such as the project to educate girls and train teachers and give scholarships to poor pupils and students, the project to provide meals for pupils in primary schools, the project to eliminate illiteracy among women and children, the project to combat drugs in schools, etc;

iv) public investment (in kips) in this field has been: 1997: 23.62 billion; 1998: 28.68 billion; 1999-2000: 89.37 billion; 2000-2001: 142.19 billion; 2001-2002: 255.46 billion; 2002-2003: 299.04 billion, and 2003-2004: 390.62 billion.<sup>5</sup> For example, the Government's efforts to expand the school network to rural and isolated areas, within the limits of its financial resources and in the light of need in those areas, produced the following results in the country as a whole during the period 2002-2003:

- 820 day nurseries and nursery schools catering for 38,979 children, 19,592 of them girls
- 8,486 primary schools (one school per village for the 11,640 villages in the Lao PDR) with 875,300 pupils (including 399,570 girls), including 278,387 pupils from ethnic minorities (119,508 of them girls); there are 13 boarding schools for 5,513 ethnic minority pupils (1,331 of them girls) in receipt of Government scholarships
- 879 secondary schools (including private schools) with 348,309 pupils (145,898 of them girls), including 49,515 pupils from ethnic minorities (15,542 of them girls)

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<sup>5</sup> During the relevant period, the exchange rate varied between Kip 6,500 to 1 US\$ in 1997 and Kip10,600 to 1 US\$ in 2004.

- 10 teacher training colleges for primary and upper secondary education, with 6,886 students (3,444 of them girls), including 402 (292 of them girls) from ethnic minorities
- 31 vocational and technical schools, with 19,507 pupils (8,540 of them girls)
- the proportion of over-15s able to read and write in the target group was 73 per cent.<sup>6</sup>

b) *In the field of public health*, the objective has been to protect the health of mothers and children, teach childcare and female health care techniques to staff in the different provinces, activate the national vaccination plan and embark on the project to renovate and modernize hospital services for mothers and children; the Government invested the following sums (in kips): 1997: 19.11 billion; 1998: 23.29 billion; 1999-2000: 109.25 billion; 2000-2001: 69.53 billion; 2001-2002: 179.21 billion; 2002-2003: 229.14 billion and 2003-2004: 237.76 billion.

c) *In the field of information and culture*, Government investment was as follows: 1997: 4.90 billion; 1998: 5.96 billion; 1999-2000: 53.07 billion; 2000-2001: 52.05 billion; 2001-2002: 87.26 billion; 2002-2003: 67.48 billion and 2003-2004: 96.76 billion, including child development, the national programme to encourage reading, the project to promote culture for children and the project to provide books for the National Library and promote children's radio and television programmes, providing them with advantages and general knowledge for the future, etc.

d) *In the field of employment and social welfare*, the policy of protecting and assisting orphans, child offenders, women and children who have been the victims of trafficking and, in terms of social welfare, the prevention of child labour and the sexual exploitation of women and children, has been put into effect in a variety of projects. These include: the establishment of the child protection network at community level; the SOS children's villages; the prevention and resolution of the problem of Lao workers going to work abroad; the establishment of standards and the development of employees' abilities; the monitoring of and assistance to street children in cities; and the reception, return and assistance to women and children who have been the victims of trafficking. The State has invested the following sums in this: 1997: 17.15 billion; 1998: 20.45 billion; 1999-2000: 62.18 billion; 2000-2001: 75.74 billion; 2001-2002: 100.67 billion; 2002-2003: 124.65 billion and 2003-2004: 126.93 billion.

All in all, during the period 1997-2004, of total public investment of 11,094.28 billion (3,892.00 billion from domestic resources and 7,202.34 billion from external sources), public investment in the social development sector actually amounted to Kip 2, 829.82 billion (226.8 billion from domestic resources and 2,266.45 billion from external sources).<sup>7</sup> These figures show the efforts the Government has been making.

22. In 2002, the Lao Government signed with the Swedish International Development Cooperation Agency (SIDA), through the intermediary of UNICEF, an assistance agreement regarding the project "Implementing rights for all, promoting the Convention", designed to raise awareness of the rights of the child among State employees who work with children, including teachers at both central and regional level, and to promote the participation of children in the process of resolving the problems affecting them (by means of training, the production of information resources such as cartoon textbooks, publicity

<sup>6</sup> Information provided by the Minister of National Education.

<sup>7</sup> The exchange rate between the United States dollar and the Kip was not stable: in 1997 the rate was one dollar to 6,500 kips and, in 2004, the rate was one dollar to 10,600 kips.

through radio plays in the Hmong and Khmu languages). Project funding amounted to US\$ 477,269 over three years (2002-2005).

a) In late 2001, the Lao Government entered into a detailed general cooperation plan with UNICEF for the period 2002-2006. Under the plan, UNICEF was to help the Lao Government to meet its obligations arising from the Convention and the Convention on the Elimination of All Forms of Discrimination against Women, the objectives of creating a world fit for children and the Millennium Development Objectives. Generally speaking, the most important form of cooperation on child-related issues is with the United Nations system, mainly with UNICEF and UNDP.

b) As well as cooperation with and assistance from international organizations, the Lao PDR has also received equally important assistance from NGOs such as the Save the Children Fund Norway (SCN) and Save the Children Fund UK (SCF-UK).

i) Save the Children Fund Norway worked with the Lao People's Revolutionary Youth Union:

a. The project to ban child labour, publicize the rights of the child and prevent the employment of children within society, both at home and abroad. The project was implemented in Pakkading, in Bolikhamxay province, selecting three villages which had many problems of child labour; the activities undertaken involved training 15 child guides at village level and selecting 45 children to bring on stream the project that had a budget of US\$ 41,000 over three years (October 2002 – October 2004);

b. The children's magazine project called "Bird learns to fly" to promote the rights, talents and participation of children. The activities undertaken involved the training of 25 young journalists and the publication of 2,300 copies of the first issue of the magazine to be distributed throughout the country. The project had a budget of US\$ 91,400 over three years (November 2002 – November 2004). At the same time, the Association of Journalists of the Lao PDR drew up and published a handbook entitled "Children and the Media" and distributed copies to journalists to guide them in their activities in relation to children;

c. The study project on child labour designed to gather data and identify ways of preventing and resolving the issue of child labour; this project was carried out in Khanthabouly district, in Savannakhet province, and was divided into two stages: the first lasted from 1998 to 2001, and the second took place in 2001; the budget amounted to US\$ 70,000;

d. SCN provided the Ministry of Justice with US\$ 37,000 to help it establish an information centre for children, to publicize information about the rights of the child by facilitating public access to the centre, to promote children's understanding of their four fundamental rights and to improve the knowledge and capabilities of the staff responsible for the centre, and encourage the implementation of the rights of the child.

ii) Save the Children Fund UK provided:

a. To the Ministry of Justice, in the context of the "justice for minors project", US\$ 274,000 to help organize training sessions for a number of staff in the people's courts, the Public Prosecutor's Office, the police, mass organizations and other relevant services. So far, this training has taken place in 10 provinces, with representatives of 42 districts from these provinces taking part; the training sessions covered the Convention, dealing with wrongful acts by children, separating the wrongful act from the judicial process and the

education of children. They also drew attention to the Dispute Settlement Units at village level,<sup>8</sup> for the settlement of cases that are not serious and do not need to be referred to the courts;

b. To the Lao People's Revolutionary Youth Union and the Ministries of Employment and Social Welfare the sum of US\$175,000 to enable them to put into effect, in 2002-2003, the "project to prevent children and young people from crossing the frontier illegally" in the provinces of Luang Namtha, Bokeo and Sayabouli.

23. In addition to what was stated in the first report (paras. 39 to 42), with the assistance of the Australian Government, the Finnish Government, the European Commission and UNDP, the Department of Treaties and Law of the Ministry of Foreign Affairs had translated into the Lao language a number of international instruments concerning human rights to which the Lao PDR is a signatory. These included: the Universal Declaration of Human Rights, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural rights,<sup>9</sup> the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Political Rights of Women and the Convention on the Suppression and Punishment of the Crime of Apartheid. The above texts have been reproduced in two handbooks and distributed to State employees and the public to familiarize them with their rights and duties.

a) The abovementioned international instruments have been translated into the Lao language only because, under article 89 of the Constitution, the Lao spoken and written languages are the official languages.

b) In contrast to some countries, there are not many foreign refugees in the Lao PDR; like the majority of immigrants, such as the Vietnamese and Chinese, refugees in the Lao PDR have rights under its Constitution and laws. In schools, children learn their mother tongue and the Lao language up to upper secondary level, in accordance with the curriculum established by the Ministry of National Education. If these schools need to have the text of the Convention in Chinese, Vietnamese, French or English, they can use their own resources to obtain it.

24. In publicizing the principles and provisions of the Convention, other activities were undertaken in addition to the activities mentioned in paragraphs 18, 18 (e) and 23 above.

a) During 1997-2003, the Puppet Theatre of the Ministry of Information and Culture (see para. 19 above) created, more particularly, two plays concerning the rights of the child, entitled "Common hope" (*L'espoir commun*) and "Mina the saviour" (*Mina la salvatrice*), which were performed more than 100 times at children's festivals and major national festivals.

<sup>8</sup> A conciliation body responsible for helping the administrative authorities resolve disputes at village level. It was set up by decision of the Ministry of Justice of 7 August 1997 and comprises the head of the village as chairperson, a representative of the FLEN, a representative of the Lao Women's Union, a representative of the Lao People's Revolutionary Youth Union and between one and three persons of standing.

<sup>9</sup> The Lao PDR became a signatory to the two Covenants on 7 December 2000 and is currently preparing to ratify them with the assistance of the Finnish Government and UNDP.

b) During 2001-2002, the Children's Cultural Centre (see para. 19 above), which has 21 branches in 12 provinces, undertook the following in cooperation with the CNME and with the support of UNICEF:

i) The mobilization project of the "Union of forces and hearts to resolve the problems of children" (*Union des forces et des coeurs pour résoudre les problèmes d'enfants*), designed to resolve the problems of children, publicize the Convention at grass-roots level and create opportunities for children to take part in a variety of activities, such as music, propaganda, interviewing, information-seeking, recreation, the questions-and-answers game, drawing and theatre relating to the rights of the child. Within a period of just ten months (May 2001-February 2002), the Children's Cultural Centre was able, working with the local administrative authorities, to undertake mobilization activities on 22 occasions in 17 provinces, and almost 10,000 people, including officials, children and ordinary people, took part. Similarly, the Centre held organized technical training courses on publicizing and promoting the rights of the child for a number of local officials;

ii) The project to promote the rights of the child and show the "Mina" cartoons at the sixth and seventh national meetings and cultural activity exchanges (see para. 59(a) below);

iii) The puppet theatre project for the rights of the child of the Children's Cultural Centre for Luang Prabang province was created and worked well by giving presentations on a number of subjects such as: promoting the education of girls, the problem of drinking water and drugs, etc, attracting large audiences;

c) To promote the implementation of the rights of the child, the Children's Information Centre of the Ministry of Justice (see para. 22(b)(i)(d) above) organized training and advanced training courses for central and regional officials dealing with the Convention and with involving children in the resolution of their problems. The courses covered the following areas:

- publicizing the rights of the child in schools
- organizing cartoon competitions for children
- organizing question-and-answer games to be published in the newspapers
- producing leaflets on the rights of the child to be distributed to staff working with children and in the children's justice system
- sending newspapers to the Centre
- continuing to translate documents concerning the rights of the child into the Lao language to be supplied to the Centre
- providing the Centre, school libraries and the children's library with books and additional equipment
- improving the ability of Ministry of Justice staff to organize services and make effective use of information
- organizing information trips and training courses for the staff running the Information Centre, both at home and abroad.

d) The two-year cooperation programme (2002-2003) between the Lao People's Revolutionary Youth Union and the Development Cooperation Training Centre has a budget of US\$ 74,600 to train staff to oversee youth activities.<sup>10</sup>

## II. Definition of the child

25. As stated in the first report (part III, paras. 43 to 45), anyone aged under 18 is considered a child under the Lao legal system generally. At this age, the child is still under the care of parents or guardian, whose prior consent must be obtained before action of any sort is taken, including the following.

a) *Legal and medical advice*: these services could give rise to obligations of a contractual nature: under the Contractual Obligations Act, the under-18s do not have the right to enter into a contract without parental authorization.

b) *Medical treatment or surgical procedures*: medical treatment or surgical procedures could entail substantial expenditure or pose risks to life; children cannot commit themselves without the consent of their parents or guardian.

c) *The end of compulsory education*: at present, the system of free and compulsory education covers only primary classes and lasts for five years. Children over the age of 6 must attend school (article 8.2 of the Education Act); in principle, during the period of compulsory education, children cannot decide to leave school on their own initiative, if they are under 14.

d) *Admission to work or employment*: the Employment Act allows employers to employ children aged between 15 and 18. Children under 18 who enter employment must obtain the prior consent of their parents or guardian.

e) *Marriage*: under the Family Act, marriageable age is 18 for both boys and girls; if necessary (where the girl is pregnant), the age may be reduced to under 18, but not under 15.

f) *Sexual consent*: this is a matter not clearly defined by law, but the corruption of minors (both girls and boys) aged under 15 is a criminal offence (art. 120 of the Criminal Code).

g) *Voluntary enlistment, conscription into the armed forces and participation in hostilities*: under the Act on National Service Obligations, every male Lao citizen aged between 18 and 28 who is in good health must perform military service; where necessary, women aged between 18 and 23 may be called-up; the minimum age for army conscription is thus 18 (see also paras. 122 and 123 below).

<sup>10</sup> These activities involved:

- Organizing radio broadcasts for children to help them get involved and teach them to organize programmes by children for children; the programme is broadcast by National Radio every Sunday, from 8.30 a.m. to 9 a.m. on medium wave (AM) and frequency modulation (FM).
- Training 65 young people in Savannakhet and Xieng Khouang provinces to be youth activity leaders.
- Undertaking mobile propaganda activities in the form of theatre and question-and-answer games reflecting measures to prevent young people from becoming disenchanted and using drugs. The activities were organized in the various primary and secondary schools of Vientiane Municipality and at the drug-addiction treatment centre.

h) *Criminal responsibility*: under articles 17 and 48 of the Criminal Code, persons who have not reached the age of 15 when an offence is committed will not be held criminally responsible, but the court must take other measures in their regard (see also para. 132 below).

i) *Deprivation of liberty, including as a result of arrest, detention and imprisonment, in the context of the administration of justice, applications for asylum and the placement of children in social welfare institutions*. Where children over 15 but under 18 have committed a minor offence or a crime, the court may take the measures mentioned in sub-paragraph (h) above by sending them to a rehabilitation centre; but if they are to be prosecuted, diminished criminal responsibility will apply.

j) *Capital punishment and life imprisonment*: under articles 29 and 30 of the Criminal Code, life imprisonment or death sentences may not be handed down in relation to a person aged under 18 at the time the offence was committed.

k) *Court testimony* in civil and criminal cases: under article 30 of the Code of Civil Procedure and article 32 of the Code of Criminal Procedure, children aged under 18 do not have capacity to give testimony before the court; they may nevertheless be called to provide information to the court, but not in the capacity of a witness.

l) *Lodging a complaint and seeking redress before a court or other competent authority without parental consent*: under the Code of Civil Procedure and the Code of Criminal Procedure, a person under 18 acting alone is not entitled to lodge a complaint or seek redress before a court or other competent authority.

m) *Participation in administrative or judicial proceedings affecting the child*: according to the Code of Criminal Procedure, parents must take part in proceedings involving their child.

n) *Consent to change of identity, including change of name, modification of family relationships, adoption and guardianship*: under the Family Act, parents have the right to choose a child's forename freely, by mutual consent. Once that child has reached the age of 18, he or she can opt for the family name of the father or mother, in accordance with the legislation (art. 31). The adoption of a child must have the prior written consent of the parents (except in cases where one of the parents has been deprived of parental authority on grounds of unfitness, has been declared incapable or has disappeared). If the child has already reached the age of ten, his or her consent is also necessary (art. 38). The child must take the family name of the adoptive parents if they so request. If the adoptive parents consider the child's forename unsuitable, they can give another name, but if the child is already ten years old, he or she must consent to this (art. 41). No-one who has not reached the age of majority may be appointed as a guardian (art. 44).

o) *Access to information about one's biological family*: the Family Act provides that, where children have already reached majority, parental recognition may take place only with their consent (art. 30). In addition, the Nationality Act provides that children of unknown parents found on the territory of the Lao PDR are to be considered Lao nationals. While such children are minors, if there is proof that their parents are of foreign nationality, they will be considered to have been foreign since birth (art. 12). The implication, therefore, is that the children have the right to know about their biological families.

p) *Legal capacity to inherit and to carry out business transactions in relation to property*: under the Inheritance Act, all children, whatever their age, have the right to inherit, but not the right to renounce, give or transfer their inheritance or property to another person unless they have not already reached the age majority or have the permission of their parents or guardian.



q) *The right to form or join associations:* article 44 of the Constitution stipulates that citizens enjoy freedom of association that is compatible with the law. Consequently, children under 18 may, with the authorization of the competent authorities and their parents' permission, form associations engaged in children's or youth activities.

r) *Choice of religion or enrolment in a faith school:* article 43 of the Constitution and article 3 of Prime Ministerial Decree No. 92/PM, of 5 July 2002, provides that Lao citizens are free to profess a religion or no religion. With the exception of schools for Buddhist monks, religion is not a part of the curriculum; in family life in general, children practise the religion of their parents.

s) *Consumption of alcohol and other controlled substances:* this is a social problem, as it is in some countries which do not yet have strict regulations in this area; the Prefect of the capital and the Governors of certain provinces have issued instructions forbidding drinks outlets from serving alcoholic drinks to minors under the age of 18, or forbidding minors to enter bars, but these instructions have remained a dead letter because, as yet, people's awareness of the law is not sufficiently developed.

t) As stated in sub-paragraph (c) above, the system of free compulsory education requires children who have reached the age of 6 to go to school and lasts 5 years. Normally, children aged 11-12 should have finished compulsory education (primary classes) unless they have repeated a year. But, in reality, not all children aged 6-7 are able to go to school: this depends on their family situation and how remote or isolated their place of residence is. Sometimes they start school at the age of 10 or more; some never have the opportunity to go at all. In general, the permitted age for work (15) corresponds to the age at which compulsory education ends for the children of poor families, because most children of that age who are looking for work come from poor families and are obliged to earn money to feed their families. Circumstances of that nature are bound to have an impact on the right to education, but that right does not mean a great deal to people dying of hunger. This is why the Government has established a system of non-formal education to give all Lao citizens, regardless of age, the opportunity to get an education.

u) In the legal system of the Lao PDR, there is no discrimination between boys and girls, in relation to either marriage or to the age of sexual consent (see sub-para. (f) above).

v) The Criminal Code makes no discrimination between boys and girls in its application and does not take apply the criterion of puberty.

### **III. General principles**

#### **A. Non-discrimination (art. 2)**

26. The Lao population is composed of several ethnic groups (see para. 4 above), and the legal system of the Lao PDR therefore guarantees non-discrimination between them. The Constitution provides that "[t]he State shall pursue a policy of promoting unity and equality among all ethnic groups...All acts creating division or discriminating among ethnic groups shall be prohibited" (art. 8), and "irrespective of their gender, social status, education, faith and ethnicity, all Lao citizens shall be equal before the law" (art. 35). The principle of equality before the law, without discrimination, is cited in almost all of the laws designed to safeguard the rights, liberties and interests of Lao citizens, both adults and children. The Lao PDR has no special laws for non-Lao citizens, refugees or asylum-seekers, but article 50 of the Constitution provides that "foreigners and those having no

nationality shall have the right to have their rights and freedoms protected by the laws of the Lao PDR. They shall have the right to lodge petitions with courts and other relevant organizations of the Lao PDR, and the obligation to respect the Constitution and laws in force in the Lao PDR". The children of foreign citizens and stateless persons resident in the Lao PDR are protected by the law in the same way as Lao children.

27. Article 8 of the Constitution prohibits any act that is divisive or discriminatory in relation to ethnic groups. Similarly, article 60 of the Criminal Code provides that "inciting division or hate between ethnic groups and social strata, with the aim of undermining unity among the people, shall be punishable by imprisonment for between one and five years, and a fine of between Kip 500,000 and Kip 10,000,000". In addition, article 6 of the Constitution provides that "the State shall protect the freedoms and inviolable democratic rights of citizens. All State organizations and functionaries must propagate State policies and legislative provisions to the people and, together with the people, implement them in order to guarantee the legitimate rights and interests of citizens". Article 10 continues: "The State shall manage society on the basis of the Constitution and laws. State and Party organizations, the FLEN, mass organizations, social organizations and all citizens shall be required to respect and rigorously apply the Constitution and the law". Hence, if these organizations and officials, or an organization of any sort, pursue activities which are conducive to discrimination between ethnic groups, or encourage such discrimination, they are acting in breach of the laws of the State. Those at the head of such organizations, or the citizens concerned, will, consequently, be liable to criminal sanctions, depending on the circumstances of the case.

28. As stated at paragraph 6 above, there remains a large gap in development levels between the towns and the remote and isolated rural areas, between the different regions and between social strata. Consequently, the Government's aims in developing the country are to improve the living conditions of the multi-ethnic people and progressively reduce poverty, so as to lift the Lao PDR out of its status as one of the least developed countries by 2020. These aims have provided the absolute foundation of the Government's efforts and have been illustrated in the national plans for economic and social development, more particularly in the fourth five-year plan (1996-2000), the national programme for the elimination of poverty and the fifth five-year plan (2001-2005), the objectives of which were to reduce poverty levels in the rural zones inhabited by the different ethnic groups. In these plans, the Government placed importance on the rural development programme which is one of the eight national priority programmes,<sup>11</sup> given that rural regions constitute the bulk of the country and are inhabited by the majority of the population. Under this development programme, education and public health services were to be extended, in terms both of quantity and quality, to the very base of the multi-ethnic population, and provided to all people and families, without discrimination. Furthermore, according to Lao tradition, children are always the object of love and care on the part of their families and close relatives, whether they are legitimate, adopted or natural, have a disability or suffer from mental illness.

29. In the Lao PDR, three factors prevent girls from receiving education and developing on an equal footing with boys:

a) The educational system lacks an appropriate structure and methodology especially designed to deal effectively with the education of girl.

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<sup>11</sup> The eight priority programmes are: food production; the production of tradeable goods; stabilization of levels of slash-and-burn farming; rural development; infrastructure development; the development of relations and cooperation with foreign countries; the development of human resources; and the development of services.

b) Obligations and restrictions of an economic nature: poor families cause girls to drop out of school more than boys.

c) The cultural and traditional practices of the ethnic groups in remote and isolated regions are more favourable to the education of boys than of girls, who are better capable than boys of looking after younger siblings and of household work. With the aim of reducing such practices, the Government set up, from 1999, a project on basic education for girls in cooperation with the Asian Development Bank (ADB) and the Australian Agency for International Development (AusAID) (see also section VII below).

i) The aims of the project are to identify means of resolving the problems of education for girls by developing teaching materials and new teaching methods, so that girls can continue to follow primary classes for as long as possible. The teaching curriculum for children from ethnic groups has been devised, more particularly, using teaching in the Lao language as a means of communication between them, which improves their prospects of success. In total, 372 pupils from the ethnic minorities (264 of them girls) have taken part in the project which aims to provide teaching in a more congenial environment or ambience within these girl-friendly schools.

ii) A further aim of the project is to train girls from ethnic groups in teacher-training colleges, so that, once they have completed their studies, they will be better equipped to teach children of the same ethnic origin, few of whom speak Lao, the national language. These girls are selected from specific regions, on the understanding that they will return to their regions of origin after their studies. There are foundation-level classes in teacher-training colleges for bringing educational levels in basic subjects up to standard, so that the students concerned can take the teacher-training course. Teaching materials and courses are developed specifically to meet the girls' needs, and there is a supplementary three-year programme to allow them to undertake theoretical study at teacher-training college in the first term, and then do teaching practice in their village schools in the second term. The organization of the courses involves placing the girls as primary teachers in their regions at the end of their studies. The Government has provided them with help with food, travel costs and clothing. The teacher-training college will monitor them closely to ensure that they adapt properly to college life.

30. As stated at paragraph 18 above, the CNME is responsible for promoting and monitoring the implementation of the Convention and collecting information about children. It has branches extending to district level and its members include representatives from the Lao Women's Union and the Lao People's Revolutionary Youth Union, which are represented down to village-level by all ethnic groups. Although these representatives have not collected data regularly and systematically, they are nevertheless able to provide it if needed.

31. In the course of its history, the Lao PDR was for a long time a foreign colony, and colonialists did all they could to divide the social classes and ethnic groups in order to rule. Those actions have left traces which persist in the minds of certain groups of individuals. Although legal measures exist to prevent and punish divisive and discriminatory acts, the preferred policy of the Government largely relies on an educational approach. Responsibility for resolving questions arising from false perceptions and the actions of officials is assigned to the FLEN, which is also tasked with: correcting misunderstandings and negative developments among the population; settling disputes between individuals concerning ethnic questions, establishing the facts clearly and precisely without blurring them; vigorously encouraging the spirit of national unity and harmony between ethnic groups, as between brothers and sisters within one family; preventing divisiveness and resentment among them; and playing a part in the process of resolving differences between

members of the base population.<sup>12</sup> Generally speaking, the proper application of the Government's ethnic policy has spared the Lao PDR experience of racial hatred or xenophobia.

32. Lao society is very tolerant and loves children, who are regarded as innocents. It is true that, generally, children's behaviour depends to a large extent on how they are brought up by their parents. But allowing a child to be a victim of discrimination or to be punished for an offence committed by his or her parents or guardian is inconceivable, as it is unethical. Discrimination of that nature can be avoided by means of the education and training mentioned at paragraph 31 above. As for punishment, article 2 of the Criminal Code establishes that "only those who have intentionally or negligently committed an act constituting a danger to society, provided for in the Criminal Code and in accordance with a court judgment, shall be criminally responsible and subject to punishment under the criminal law".

33. The Lao PDR is an underdeveloped country: on the whole, the standard of education of the people remains low. Although sessions publicizing the Convention have been held for the relevant officials at all levels, it is not entirely certain that they understand it well enough to go on and publicize it more widely. There is, as yet, no systematic follow-up to and monitoring of the application of the Convention. In addition, as stated at paragraph 5 above, superstitious beliefs and outdated traditions still exercise their hold over part of the multi-ethnic population. These are problems that the Government faces, and that it will endeavour to resolve as time goes on. Basically, the problem is one of developing human resources.

## **B. The best interests of the child (art. 3)**

34. The principle of the best interests of the child is reflected in the Constitution, a number of laws and, above all, article 29 of the Constitution which provides that: "the State, society and the family shall take steps to ... protect the rights of women and children".

35. Under the terms of article 17 of the Criminal Code, a person aged under 15 who has committed an offence will not be criminally responsible (see para. 25(h) and (i) above).

a) Emphasis on the best interests of the child has also featured in the national economic and social development plans for 1996-2000 and 2001-2005, particularly in the spheres of education and public health. Examples include, in the field of education: the effective implementation of free and compulsory education; promoting education for girls and the disadvantaged; improving the development of opportunities for access to education; increasing the enrolment rate of children of school age and getting more children to attend nursery school, primary school and the first and second cycles of secondary school, while at the same time reducing as far as possible the number of children who repeat years and drop out of primary school. Examples in the field of public health include: the extension of services to mountainous and isolated regions; gradually increasing the number and quality of care services for the multi-ethnic population; measures to maintain the three cleanliness requirements<sup>13</sup> at village level, beginning with the family unit; and caring for the health of mothers and children (women, pregnant women and children must be vaccinated at the appropriate age and in accordance with the prescribed and time-limits).

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<sup>12</sup> FLEN action programme for 2001-2005, section II.

<sup>13</sup> Namely: clean drinking (boiled) water; clean eating (cooked food); and clean living (clean clothes and using latrines).

b) The interests of the child have also been emphasized in the field of social security. The Prime Ministerial Decree on social security arrangements for employees in businesses gives children of insured persons, who are under 18, assistance for medical care (art. 22), pregnant insured persons, an assistance payment in relation to the birth (art. 43) and children of deceased insured persons the right to a support grant (art. 93).

36. In family life, the Family Act protects the best interests of the child in relation to: parental divorce (art. 23); recognition of paternity (art. 30); and the duty of parents to raise their children (art. 35) and protect their rights and interests while they are minors, both before the courts and in the workplace, school and elsewhere (art. 33); the appointment of guardians (art. 44) and the conferment of rights and obligations on the latter (art. 43 and 45). Under the Education Act, the State protects the legitimate rights and interests of pupils and students (art. 4). In the regime for compulsory education, the State must take appropriate measures to ensure that children of school age are able to be educated (art. 8.2). The State has a system of support for pupils from ethnic groups from remote and isolated regions, disadvantaged girls, gifted students and good students from poor families (art. 23). Within life in society, society itself has a duty to contribute to the creation of an environment conducive to the education of children and young people with a view to their physical, spiritual and intellectual development: museums, libraries, science and technology centres, cultural and other centres have the duty to facilitate access for pupils and students who wish to study or carry out research. Radio, television and other mass media are under a duty to organize educational programmes to shape the development of pupils and students at the political, ideological, qualitative, moral, cultural, scientific and technological levels (art. 45). In addition, if a child who is a minor enters into a contract without parental consent, the latter have the right to apply to the court to have it cancelled (art. 16 of Act on Contractual Obligations).

a) In present circumstances, the Government is not in a position to allocate a specific budget for the protection of the best interests of the child, but what it can do is gradually improve developments in the social and cultural fields, in particular education and public health, which continue to be the object of very major public investment (see para. 21 above).

b) As stated at paragraph 28 above, the Government's economic and social development plan aims to eliminate poverty within the multi-ethnic population and covers all sectors comprehensively, including the communications and transport sector (which forms part of infrastructure development, one of the eight national priority programmes accounting for 47.6 per cent of total public investment), and the exploitation of natural resources alongside protection of the environment. The process of eliminating poverty is designed to secure gradual improvements in every family's living conditions: the housing problem will thus be resolved gradually, leading to an improvement in the life of children within the family.

c) As regards adoption, according to the Family Act, the child to be adopted must be a minor and the prospective adoptive parents must have reached majority and must not have been deprived of parental authority. The adoption must have the prior written consent of the child's blood parents, unless one of the two is deprived of parental authority, or recognized as incapable, or has been declared to have disappeared. If the child is more than 10 years old, his or her consent will also be necessary (art. 38). In addition, an adoption which is not in the interests of the child or the adoptive parents will be annulled (art. 42). A foreign national, an immigrant or a stateless person wishing to adopt a Lao child living in the Lao PDR must comply with the Lao Family Act (art. 51, paragraph 2).

d) Article 51 of the Constitution provides that the Lao PDR "shall grants asylum to foreigners who are persecuted for their struggle for freedom, justice and peace and for their scientific activities". A person in one of these situations who applies for asylum for

him- or herself and family will obtain authorization through the appropriate procedure. Where foreigners or refugees wish to come to establish themselves in the Lao PDR, applications will be considered on a case-by-case basis. In actual fact, there are no foreign refugees in the Lao PDR: the office of the High Commissioner for Refugees responsible for the voluntary repatriation of Lao refugees was closed in 2000 after completing its work.

e) A juvenile justice system as such has yet to be established, but the amended Act on the People's Courts stipulates that the People's Supreme Court is to be composed of a number of Chambers, including a Children's Chamber responsible for cases concerning children more particularly. This Chamber was set up in 2003 (see also paragraph 22(b)(ii) above).

f) Paragraph 35(b) above sets out the measures the Government is in a position to take in relation to social security. Under the policies of the Ministry of Public Health (MSP), health care in public hospitals is generally free for the children of poor families, but, in some cases, parents may themselves be asked to buy the medicines that the doctors prescribe.

37. In order to ensure the health and safety of children, the state has fixed minimum standards for public and private institutions and establishments that have responsibility for looking after them and providing them with care and protection. These deal mainly with construction, public health issues and staff numbers. For example, a primary school must be of solid construction, have a set number of classrooms (usually five), a teachers' staff room, a management office, toilets, running water and a teacher attached to each class.

38. In practice, however, these standards are not completely met. In remote and isolated regions, a number of villages do not yet have primary schools, and a number of the existing schools fail to comply with the set standards and do not have enough teachers. The same is true of hospitals and dispensaries in the rural regions: the number of medical personnel is insufficient, there is a shortage of medicines and medical equipment, and the equipment in use is already outdated.

39. Although the rights of the child stipulated in the Convention have not yet been incorporated into the curriculum of the National University of Laos (UNL) and other teaching institutions, the Ministry of National Education is in the process of considering the inclusion of information on the rights of the child in the teaching system, and, above all, the training of teachers in School Clusters. However, SCN has already arranged for the Convention to be publicized in 16 School Clusters in the provinces of Luang Prabang and Bolikhamxay. In addition, the project on "Implementing Rights for All", with financial assistance of the Swedish International Development Agency (SIDA), is also a project training teachers about the rights of the child.

### **C. The right to life, survival and development (art. 6)**

40. As stated in paragraphs 15 (*in fine*) and 25 (j) above, the child's right to life is protected by the law. The right to survival and development is dependent on the health of the child (see paras. 135-139 of the first report, dealing with illnesses that can lead to death in children, and the Government's policies and strategies for the public health sector). Caring for the health of mothers and children is part both of a major State policy, of the core task of the public health sector and of the duty of every person, particularly parents.

The policy described above has been given concrete form in an Act on Health, Preventive Medicine and Promoting Health<sup>14</sup> (see also para. 35(a), *in fine*, above).

41. The Government has made constant efforts to apply this policy, particularly by pursuing the Expanded Programme on Immunization (EPI). Nevertheless, in comparison with the other countries of the Western Pacific and South-East Asian region, the mortality rate among children under the age of one is still very high. A study of the deaths of 235 children in three provinces, in 1997, found that malaria was the main cause of death (24 per cent), followed by dysentery (16.6 per cent), pneumonia (15.7 per cent) and tetanus in the newborn (9.4 per cent). The results of this study showed that the majority of the children died at home (81 per cent), and that only 6 per cent died in district or regional hospitals. In general, among children under the age of five who had died, only 55 per cent had received medical treatment prior to death (see para. 93(e) *et seq* below).

a) Traffic accidents are also one of the causes of death among young people, both in and outside the towns. At present, the growth in the number of accidents, and the number of child victims, is accelerating because of the increase in the number of vehicles, especially motorcycles, and breaches of the Highway Code. These include drunken driving, the mechanical unfitness of vehicles and driving without a licence (in the majority of cases, the drivers are under the legal age for driving).<sup>15</sup> To resolve this problem, those responsible must, in future, educate people to make them understand the importance of observing the Highway Code, and the Code will be included in the school curriculum. Legal provisions requiring motorcyclists to wear helmets already exist. Those who contravene them are liable to fines and more severe penalties: offenders run the risk of incurring criminal responsibility, in addition to their civil liability.

b) Unexploded ordnance (UXO) is another cause of child mortality. According to the statistics from Project UXO Lao, between 1 January 1996 and 31 December 2005, there were 632 accidents caused by unexploded ordnance, injuring 751 (including 397 children) and causing 340 deaths (including 150 children). Among child victims, there were more boys than girls (305 injured compared with 92 and 133 deaths compared with 17). The reported figures relate to only 9 provinces, out of 17 affected in the country, in which

<sup>14</sup> Under this Act, women and children have the right to benefit from health services including health care and restorative treatment before marriage, during pregnancy, and at and after giving birth. In all cases, children, including twins and children with birth abnormalities, are to be the object of care and treatment until school age, through childhood and to puberty, with the aim of achieving good physical, mental, temperamental and social health. Girls attaining puberty are to arrange to be examined and vaccinated regularly. During pregnancy, women must monitor the health of the foetus and avoid heavy work: before and after childbirth, they must take appropriate rest in keeping with legal requirements. Childbirth is to take place in hospital, at a dispensary or at home with the assistance of a doctor or midwife. During pregnancy and childbirth, young mothers must receive adequate nutrition. Newborn children are to be fed principally on mother's milk and receive a complete course of vaccinations. In order to ensure the health of mothers, pregnancies should be spaced (art. 30). At the same time, the State attaches importance to and ensures the protection and promotion of the health of the multi-ethnic people by providing know-how and information; encourages, organizes and carries out activities in the area of health, preventive medicine and health-promotion in both the public and private sectors; and promotes community involvement in the development of an extended and high-quality system of health services (article 4), and encourages broad and open cooperation with the international community with regard to pooling experiences, staff training and assistance in the field of hygiene, preventive medicine and health-promotion (article 6).

<sup>15</sup> Here are some statistics by way of example: in 2002 there were 4,373 accidents in the country as a whole, 2,205 of them in the capital, Vientiane. These involved 1,642 pupils, 845 in Vientiane. These accidents caused 368 deaths, 126 of them in Vientiane.

Project UXO Lao operates. The true number of accidents could be greater, because there are still other provinces in which Project UXO Lao does not operate. To deal with the problem of unexploded ordnance, Project UXO Lao, with technical assistance from delivery partners and the financial help of friendly countries,<sup>16</sup> has undertaken the work of clearing devices, despatching mobile units to the locations where they are found and raising awareness in the villages of the dangers that the devices pose, as well as training technicians to perform these tasks. The clearance of unexploded ordnance is a long-term project, and the same is true of the international aid that is needed in this area

c) There are very few cases of suicide by children in the Lao PDR in comparison with other causes of death. There are also very few cases of street violence. No information or statistics are available about such cases in the Lao PDR.

#### **D. Respecting the views of the child (art. 12)**

42. Article 44 of the Constitution provides that Lao citizens shall “enjoy freedoms of oral and written expression... which are not contrary to the law”. Consequently, children, who are also citizens, also enjoy freedom of written and oral expression in relation to problems which have a bearing on their legitimate rights and interests.

43. These freedoms of expression have been reaffirmed in the following ways.

a) *In family life*, in relation to cases of recognition of paternity, adoption, change of an adopted child's name (see para. 25 (n) above) or nationality, involving children aged over 14 but under 18. These require the written consent of the child (arts. 23 and 24 of the Nationality Act);

b) *In school life*, pupils have the right to join a mass organization (art. 27.11 of the Education Act) and a students' association. This means that, as members, they have the right to express their views about the activities of the organization or association. In addition, they have the right to express their opinion to their school management (art. 27.12 of the Education Act);

c) *In the administration of juvenile justice for children* (see paras. 2 (b)(ii)(a) and 36 (e) above);

d) *In placements in institutions or other care establishments*, such as orphanages, “SOS Villages” and boarding establishments for ethnic minority children, children and pupils also have the right to express their view about the activities of the establishment concerned;

e) *In asylum application procedures* (see para. 36 (d) above).

44. The organizations in which children take part in decision-making are the Lao People's Revolutionary Youth Union (see para. 20(b) above) and the Children's Cultural Centre (see para. 24 (b) above).

45. To date, the measures taken to make families and the general public aware of the need to encourage children to exercise their rights and express their opinions, apart from the organization of seminars on the Convention, have consisted of radio and television programmes and the distribution of leaflets on the rights of the child in general. The

<sup>16</sup> Partner and donor countries are: Germany, Australia, Belgium, Canada, Denmark, Finland, Japan, Luxembourg, New Zealand, Norway, the Netherlands, the Republic of Korea, the United Kingdom and the European Union.



Government does not as yet have sufficient resources to take specific measures to promote the right of children to express their opinions by organizing training sessions for judges, police and probation officers, staff in reformatories, teachers, public health workers and other technicians.

46. In the Lao PDR, there is a slogan: “today’s children are the backbone of tomorrow’s nation”. It is the duty of adults to educate children, so that they become good members of society. The family and the various Government organizations involved have created favourable conditions in which children can express their opinions and exchange them with other children at school or in young people’s organizations. A number of their opinions have been considered pertinent and incorporated in the Government’s policy on children.

#### **IV. Civil rights and freedoms (art. 7, 8, 13 to 17 and 37(a))**

47. Further to paragraph 56 of the first report, no special law on children exists at the time of drafting in the Lao PDR, but section IV of the Constitution has defined the fundamental rights and duties of citizens, whether adults or children.<sup>17</sup>

##### **A. Name and nationality (art. 7)**

48. Under the Act on the Register of Births, Deaths and marriages, the register is kept at the administrative seat of each district (art. 2). When a birth takes place, the head of the family or his representative must declare it within 30 days, from the date of the birth, to the village chief. Should anyone find an abandoned new-born baby, they must declare it quickly to the village chief or the police officer responsible for the place where the child was abandoned. When the village chief has received the declaration, he must issue the person making the declaration with a birth certificate, enabling that person to register the birth within 30 days from the date of issue of the certificate (art. 9). This law applies to foreigners, immigrants and stateless persons living in the Lao PDR (art. 2, subpara. 2). In practice, however, it may happen that, in small, remote and isolated rural villages, births are declared to the village chief, since the villagers all know one another, but the birth certificate is not entered in the register because of communications difficulties, or because the administrative authorities of the village are unfamiliar with the legal procedures, or, in small rural districts, because no register exists.

49. As regards measures taken to raise public awareness and mobilize people to be conscious of the need to register births, see paragraph 2( a) above on the role of the Lao Women’s Union. The Government does not yet have the resources necessary to organize appropriate training for officials responsible for registers of births, deaths and marriages and other registers throughout the country: external assistance is needed in this field.

50. On matters connected with the identity of the child, including family names and forenames, see paragraph 25(n) above and paragraphs 62 and 63 of the first report.

51. The Family Act provides the following measures to secure children’s rights to know their parents and receive care from them.

<sup>17</sup> The National Assembly passed the Protection of Children’s Rights and Interests Act on 27 December 2006.

- It is the duty of parents to look after their children while still minors and to bring them up, and the same duty applies in relation to children who have attained majority but are incapable of work (art. 35, subpara. 1).
- If, after a divorce, the partners disagree about the custody and care of children, the court will allocate the children to the father or mother, taking account of their interests. The divorced parties must maintain and educate their children. The court fixes maintenance contributions for children until the age of majority, either at levels agreed between the divorced parents or by court order, if they are not able to agree on the shares that they should contribute. (art. 23).
- Where children are born to parents who are not married, paternity will be recognized (art. 30, subpara. 1).

52. In relation to measures to secure a child's right to acquire a nationality, see paragraphs 58 -61 and 64 of the first report. The fact that the parents are not married has no effect on the nationality of the child. Moreover, Lao law does not recognize dual nationality. Generally, in the Lao PDR, it is inconceivable that a child might be left without a nationality. Similarly, there have been no cases of parentless child refugees coming to seek asylum in the country. Consequently, the Nationality Act contains no provisions on such cases, but sets the following conditions governing the acquisition of Lao nationality by foreigners and stateless persons. They must:

- a) be at least 18 when their application is submitted
- b) respect the Constitution and laws of the Lao PDR
- c) have a good command of the Lao spoken and written language and be able to read it
- d) have evidence of their assimilation into Lao society and culture, and know and respect the country's good customs and traditions
- e) be in good health, have no serious contagious illness and not be addicted to drugs
- f) not have received a prison sentence
- g) have contributed to safeguarding and developing the country
- h) not have prejudiced the national interest
- i) have relinquished their previous nationality
- j) have resided continually in the Lao PDR for ten years prior to their application for Lao nationality (for workers with particular skills, this period can be reduced); and
- k) have a secure profession and a stable economic situation (art. 14).

## **B. Preservation of identity (art. 8)**

53. Measures to preserve the identity of the child are laid down in article 31 of the Family Act. See also paragraphs 62-65 of the first report and paragraphs 25(n) and 50 above. Cases which could result in the partial loss of the elements of a child's identity are abduction or kidnap (followed by change of family name and forename), which is a criminal offence (art. 92 of the Criminal Code), or change of sex, which is not yet regulated by the law in the Lao PDR.

**C. Freedom of expression (art. 13)**

54. As stated at paragraph 66 of the first report, article 44 of the Constitution defines this freedom. In relation to the freedom to seek, receive and communicate information and ideas regardless of frontiers, there is general agreement that, at present, communications technology, and especially the Internet, has progressed so quickly that children are capable of communicating with all corners of the globe. Some of the information which they can access is useful, while some could be psychologically harmful in the absence of supervision and monitoring. At present, the Lao Government does not have the means to supervise and control this field, but it believes that too much freedom in this connection could further harm children.

**D. Freedom of thought, conscience and religion (art. 14)**

55. Lao law is silent on freedom of thought and conscience because, as matters stand, they are freedoms that have yet to be manifested in the form of actions: each individual is free to think as he or she wishes because no-one else can control their thoughts. In the case of children, it is the duty of parents at home and teachers at school to educate them so that they become good members of society: that is, so that they learn to think on the right lines.

56. In relation to freedom of religion, see paragraphs 69 and 70 of the first report and paragraph 25(r) above. But the law prohibits any act liable to create religious division with the intention of disrupting society. The laws and regulations on religion apply to all Lao citizens without distinction based on ethnic group, including immigrants living in the country and foreigners who enter the Lao PDR.

**E. Freedom of association and of peaceful assembly (art. 15)**

57. Article 44 of the Constitution provides that Lao citizens, children included, “shall enjoy freedoms to meet, associate and stage demonstrations which are not against the law”. See also paragraphs 71-73 of the first report and paragraph 23(q) above. As regards the children's associations that exist at present, see paragraphs 20(b) and 24(b) above.

**F. Protection of privacy (art. 16)**

58. On the right to privacy, article 42 of the Constitution establishes that Lao citizens “shall have the right to inviolability of their person, their dignity and their home. They may not be arrested, nor may their home be searched, without a warrant issued by the competent authority, except in cases laid down by law”. Under the Criminal Code, illegal arrest and detention, illegal violation of the home (art. 94), the violation of the personal secrets of an individual, such as secrecy of correspondence (letters, telegrams and other documents) or telephone intercepts, prejudicing the interests of the person concerned, are criminal offences punishable by imprisonment and fines. Similarly, slander, defamation (art. 87) and verbal abuse (art. 88) are also criminal offences and subject to custodial penalties or non-custodial criminal penalties and fines. In the event of violation of the rights of a child causing prejudice to the child's interests, parents or guardians have the right to lodge a complaint on the child's behalf. (see para. 25(l) above).

## G. Access to appropriate information (art. 17)

59. Article 45 of the Constitution provides that Lao citizens “shall enjoy the freedom to carry out research, make use of scientific, technical and technological progress, create artistic and literary works and to engage in cultural activities which are not contrary to the law.” Consequently, children are free to make use of scientific, technical and technological progress to seek information to help them in their research or studies. To allow children to obtain the appropriate information, the Government has undertaken a number of activities including the following.

a) Each year, under the auspices of the Children's Cultural Centre (see paras. 19 and 2 (b) above), the provinces have taken it in turn to hold gatherings of children and young people to allow them to exchange ideas. These gatherings have already taken place on six occasions, each being treated as a cultural festival for children and young people and an occasion for mobilizing the movement for children's teaching and training, inculcating patriotism and an attachment to the fine achievements of Lao national culture, and encompassing a varied range of activities designed constantly to advance their knowledge. The seventh gathering was organized from 28-31 January 2003 in the province of Luang Prabang, with the participation of more than 200 representatives of the youth of all provinces. Among the participants were children from the remote and isolated regions, disadvantaged children, children from ethnic groups and children with disabilities, coming on study trips to learn about and debate children's fundamental rights and leisure issues. In addition, the children's and young people's representatives who had taken part in the United Nations General Assembly Special Session on Children were also present at this gathering and reported back on the results of the Special Session and on a variety of the problems of children. This seventh gathering had as its motto: “safeguarding civilized Lao culture and building a world fit for children” and its objectives were the following.

- Strengthening unity, friendship and progress
- Participating in the celebrations by providing reasonable activities for young people during the holidays
- Mobilizing society as a whole to concert its efforts towards the education and development of children so as to give them skills, knowledge and capacity.
- Preventing the negative social phenomena which affect children.

b) The Ministry of Justice Information Centre on the Rights of the Child (see para. 22(b)(ii)(d) and 24(c) above).

c) Cooperation with Japan's “Shanti Volunteer Association” (SVA), from August 2002 to July 2005, to produce teaching materials and training for teachers at basic level, and promote reading through the administration of public and children's libraries. The project has operated in four provinces (Luang Prabang, Vientiane Municipality, Bolikhamxay and Saravane) and will build four further libraries with the aim of developing primary school children's taste for reading, as well as the activities of the Children's Cultural Centre seeking to encourage children to understand the fine national traditions of Lao culture.

d) From 20 to 27 January 2003, the National Library (which is responsible to the Ministry of Information and Culture) ran a practical and theoretical course at Vientiane for writers and editors within the framework of the national project for the promotion of reading. This was in cooperation with the SVA and under the patronage of the Japan Foundation Asia Center. It dealt with methods of narrative construction and how to create items such as stories, poems, magazines and textual illustrations, the overall intention being to train talented writers to fulfil the need to develop further the publication of high-quality

reading-books for Lao children and young people, and to encourage a taste for reading more widely among pupils, students and the general public.

## **H. The right not to be subjected to torture, or to other cruel, inhuman or degrading treatment or punishment (art. 37(a))**

60. Article 42 of the Constitution provides that “Lao citizens shall have the right to inviolability of their person and their dignity”. Lao citizens, including children, will consequently not be subjected to torture, or to cruel, inhuman or degrading treatment or punishment. Further, deliberately causing physical injury to another person, and recourse to torture or other methods or acts contrary to the law in relation to a defendant or prisoner at the time of arrest, during trial or while a sentence is being served, are offences punishable under the Criminal Code (arts. 83 and 160 respectively). This is because punishment is not intended to inflict bodily suffering or to undermine the honour and dignity of human beings (art. 25, subpara. 2). The Code of Criminal Procedure also prohibits the torture of accused persons, and guarantees citizens' rights to submit petitions and make complaints against any unlawful action taken in the course of their official duties by the organizations responsible for investigation and preliminary judicial inquiry, the public prosecutor's office or the people's court, or by anyone belonging to one of those organizations (art. 18). Moreover, article 18(3) provides that any organization “which acts in contravention of the law must make reparation to the honour and dignity of the victim and pay compensation: the officer or person who has acted in this fashion shall be subject to either a disciplinary or a criminal sanction, depending on the seriousness of the case”.

a) In Lao society, there is as yet no systematic campaign aimed at preventing torture or cruel, inhuman or degrading treatment or the punishment of children. The teachings of Buddhism and Lao traditions forbid such acts against another person; however, mild corporal punishment of disobedient children by their parents is traditionally considered normal, and is not specifically forbidden by the law. If, however, such punishment is excessively violent and causes physical injury, it will be considered a criminal offence and punishable under the Criminal Code as assault or assault and battery.

b) In some families, and in particular families in which the husband or wife or both are alcoholics or drug-addicts, violence towards children is fairly common. If this comes to the attention of the administrative authorities, the parents will be re-educated or, in serious cases, punished by withdrawal of parental authority by the court (art. 32 of the Family Act).

c) In cases where parents were deprived of parental authority, the administrative authorities would appoint a guardian in their place, who would generally be a close family relation, with a view to taking care of the child and protecting his or her rights and interests (art. 44 and 45 of the Family Act).

d) Apart from the Lao Women's Union, the Lao People's Revolutionary Youth Union and the administrative authority of the village, there is as yet no independent system or mechanism for supervising or monitoring these matters.

## **V. Family environment and alternative care (arts. 5, 18(1) and (2), 9-11, 19-21, 25, 27(4) and 39)**

### **A. Parental guidance (art. 5)**

61. For the responsibility of the parents or guardian towards the child, see paragraph 78 of the first report. Under the provisions of the Family Act, the responsibility of the parents or guardian for giving guidance to children is proportionate to the developing capacity of the children, and requires parents to seek to educate them by inculcating patriotism, love of progress and a pure way of life, and to teach them to engage in activities which are useful to society (art. 32, subpara. 1).

62. As yet in the Lao PDR, there are no campaigns, family advisory services or programmes to educate or inform parents to help them and their children understand the rights of the child, nor are there training services for the professionals (social workers) concerned. As stated at paragraph (20) above, there have solely been short-term training sessions organized by the CNME, in coordination with the Lao Women's Union. Most participants were parents and schoolteachers, who may have passed on to their children and pupils the benefit of what they had learnt in the course of the training. The effectiveness of this method of training can be assessed by reference to the relatively low rate of juvenile delinquency in Lao society.

63. The difficulties that the Government has encountered in the implementation of article 5 of the Convention are the same as those mentioned at paragraph 33 above, added to which is a lack of resources.

### **B. Parental responsibility (art. 18(1) and (2))**

64. In general, all parents care about their children's future, and make every effort to bring them up so as to fulfil their potential, but their knowledge of the principles of the child's best interests and the child's development depends on their level of education and on the family's circumstances and economic position.

65. In addition to the legislative measures mentioned above, the Government has also seen to it, in its poverty-reduction policies, that the position in society of mothers and children is improved, in particular through the expanded vaccination programme (see para. 93 below), improvements in the quality of health care, family planning and nutritional guidance. In addition, improvements in food security (with rice banks being established in several villages), and a way of life embracing the principles of public health (latrines and running water: see para. 93(i) below) are also factors that contribute to children's health. Similarly, there are day nurseries in several public organizations and large businesses for the children of officials and employees. In emergencies or in case of need, there are specialized organizations to provide help, including the Foundation for Educational Assistance, the Foundation for Assistance to the Poor and the Lao Red Cross.

66. In general, these measures apply to all children without discrimination, but day nurseries exist only in the large towns, where there are also private kindergartens. The difficulties are that, because of budgetary constraints, not enough day nurseries and kindergartens exist to meet the needs of society, and some of them do not meet the required standards, while the women looking after the children do not have the levels of education that the work requires, above all in relation to the rights of the child. However, one of the distinctive features of Lao society is that family members, and most especially

grandparents, have a tradition of mutual assistance. If young parents are not capable of raising their children, the grandparents do it in their place. This results in a lower rate of infant mortality, and, as mentioned at paragraph 62 above, the rate of juvenile delinquency posing a danger for society (with the exception of road traffic accidents) is not high. The objective to be attained is derived from the Government's plan for general, integrated development, and is to move the country out of the category of one of the least advanced countries by 2020.

### C. Separation from parents (art. 9)

67. According to Lao law, there are only two sets of circumstances in which children could be separated from their parents while the latter are living: first, when the parents are separated or divorced, and secondly, when the parents are deprived of parental authority. Where the parents are separated or divorced, under the terms of the Family Act, "if the spouses disagree about the custody and support of the children after divorce, the court will decide to allocate the children to one or other of them, taking into account the children's interests. Divorced spouses have a duty to support and educate their children until they reach the age of majority. The court will fix the amount of maintenance payments, based either on agreement between the parents or on the court's judgment if the parents are unable to reach agreement" (art. 23). Where the parents are deprived of parental authority, the Act provides that "if the parents fail in their duty to educate their children, abuse their parental authority and act in a gross and vulgar fashion towards them, the court will deprive them of parental authority. But they will continue to have a duty to fulfil their obligations in relation to maintenance payments for the children" (art.32, subpara. 2). In both cases, the court has the power to decide, but, in the event of deprivation of parental authority or the death of the parents, the village chief has the authority to appoint a guardian (art. 44, subpara. 1).

68. The court hears cases involving the separation of children from their parents in the presence of both, who have equal rights to: bring legal proceedings; to enter a defence on the substance or to make a counterclaim; furnish evidence; take part in the proceedings; request to see a document on the case file and make a photocopy of it or of a passage judged to be of importance; choose a lawyer or other defence counsel to represent them; testify orally or in writing or appeal or seek review of the court's order, decision, judgment or finding (art. 25 of the Code of Civil Procedure). The children also have the right to attend the hearing, but, in keeping with the Family Act, the court will not ask their opinion unless they are at least ten years of age.

69. The Family Act is not very clear as to the right of the child to maintain personal relations or direct contact with parents living separately or who have been deprived of parental authority. But the fact that parents who are divorced or deprived of parental authority have a duty to continue with the child's upkeep means that the child has the right to maintain relations or contact with the father or mother or both. This is what happens in practice. In any event, the guardian takes account of the wishes of the child.

70. One measure concerning the implementation of Article 9(4) of the Convention is that if one of the parents, who is living separately from the child, has committed a criminal offence and been arrested, article 62 of the Code of Criminal Procedure provides that "any case of arrest of a person must be brought to the attention of his or her family, and of the organization or undertaking to which he or she belongs, within 24 hours at the latest: the place of detention must also be indicated provided, that this does not present an obstacle to the conduct of proceedings". Once the family has been informed by the officers engaged in investigation and preliminary judicial inquiry, it is for the family alone to decide whether or not it is appropriate to inform the child.

71. There is no information concerning the number of spouses living separately from their children because they are detained, imprisoned or in exile. In principle, a person who breaks the Lao criminal law will be punished according to the law of the Lao PDR, irrespective of gender, family status or ethnic group. Over the years, there have been convictions of foreigners who have broken the Lao criminal law, but, for humanitarian reasons, they have been expelled from the country without being made to serve their sentences. In the case of Lao citizens, cases in which parents abandon their children without anyone stepping in to look after them are rare, even where the parents are divorced, or, for one reason or another, living separately from their children. In the absence of the parents, there are still grandparents or close relatives to take care of them. If there is genuinely no-one, the village community or the village chief could entrust children (if boys aged at least six or seven) to the pagoda. In general, Lao law and traditions seem to be in conformity with the principles of article 9 of the Convention.

#### **D. Family reunification (art. 10)**

72. Between late 1975 and 1980, part of the Lao population left to become refugees in other countries. At the present time, they have practically all acquired the nationalities of their host countries. When they apply to come with their children to visit relatives in the Lao PDR, the Government authorizes them to do so. Similarly, if their relatives who live in the Lao PDR wish to visit them abroad, the Government also authorizes them to do so, and treats these matters as a humanitarian issue.

73. In considering visa applications, the Government makes no discrimination between ethnic groups: it only wishes to know whether those wishing to come genuinely have relatives within the country, and whether those wishing to go abroad genuinely have relatives there. The Government also authorizes the relatives of foreigners and stateless persons who are resident in the Lao PDR to come here to visit them. Whether they can go abroad depends on the law of their country of destination: the Lao Government does not obstruct them.

74. Lao law is silent about cases where parents and children live separately in two different countries. However, article 32 (parents' responsibilities in relation to the education of their children) and article 5 (parents' responsibilities in relation to the maintenance of their children) of the Family Act imply that children have the right to maintain regular relations and direct contact with their parents if they so wish. The exception is the case where the latter are deprived of parental authority, when the guardian or close relatives of the children concerned would not wish them to have relations with their parents until the latter had been rehabilitated.

75. Subject to article 40 of the Constitution, Lao citizens enjoy freedom of residence and freedom of movement which are consistent with the law. In practice, Lao citizens, including children, can apply to the Ministry of Foreign Affairs for an exit visa,<sup>18</sup> but a visa will be refused in the case of a child who is a minor and who would be travelling without a parent or close relative and with no-one to meet them at their destination, or in the case of civil servants who were privy to state secrets and were applying to establish themselves abroad with their families (on the grounds of the best interests of the child in the first case and of national security in the second).

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<sup>18</sup> By the time when the present report was submitted, the Lao Government had abolished exit visas for ordinary passport-holders. The effect of this is that the Lao population enjoys greater freedom to travel abroad.



### **E. Illicit transfers and non-return (art. 11)**

76. According to Lao law, encouraging people to leave the country illegally constitutes a criminal offence. Article 69 of the Criminal Code provides that “encouraging people to flee the country, or causing them to leave or enter it illegally, by lies or deception shall result in a penalty of between six months and two years imprisonment and a fine of between Kip 1 million and 10 million”. Recently, a gang came to lure young Lao nationals (boys and girls) from the central and southern provinces bordering on Thailand into going to work there. At the same time, a number of young people left of their own accord to look for work in Thailand in the hope of earning better pay than in the Lao PDR. At the moment, this problem cannot be definitively resolved because the frontier on the Mekong River is long and difficult to monitor. On 18 October 2002, the Lao Government signed a memorandum of understanding with the Thai Government on cooperation over the recruitment of labour, and it seems that the numbers of people crossing the frontier illegally have fallen. They included, as well as adults, young people aged between 15 and 18 from poor families from the rural regions, with more girls than boys. In general, the recruiters included both Lao and Thai citizens, and most were women.

### **F. Recovery of maintenance for the child (art. 27(4))**

77. Maintenance for the child (even if the child has reached majority but is unable to work) can be claimed at any time, with no limitation period. The amount of the maintenance is fixed by a special regulation, and may be modified by the court (art. 35, subpara. 2 of the Family Act).

a) If one of the spouses fails to fulfil obligations for the support of the child set by a judgment of the court, the court “may take measures by ordering his or her wages or income to be frozen, or part of his or her share of inheritance to be seized as a surety to guarantee payment of maintenance for the spouse and for the minor for whom he or she has been awarded custody” (art. 122 of the Code of Civil Procedure). These measures must be applied without discrimination so as to secure the best interests of the child.

b) The following difficulties have been encountered over the years in the recovery of maintenance for the child: (a) the case of non-divorced spouses, one of whom has abandoned the family without leaving a trace, leaving the other spouse with responsibility for bringing up the children alone; (b) the case where spouses are divorced, but where the husband has married again and has more children from his second marriage and is not able to pay maintenance for the child and first wife; and (c) the case of unmarried couples where the man is a foreigner and has returned to his home country leaving the woman the responsibility of bringing up the children. From the legal point of view, arrangements exist which would allow an action to be brought through international judicial assistance, but the procedure is too complicated for ordinary people to be able to have recourse to it. The Lao PDR, moreover, is not a signatory to international conventions on the subject.

### **G. Children deprived of a family environment (art. 20)**

78. In the Lao PDR, there are two categories of children in this position, namely those who are deprived temporarily and those who are deprived permanently of their family

environment. The first category includes those whose parents are deprived of parental authority, or are sick, or away for other reasons, leaving the children without support. Under the provisions of the Family Act, once a case of this sort has come to the knowledge of the village chief, he must nominate a guardian from among the child's close relatives within a month at the latest. If this person declines, the chief must designate someone else (art. 44: see also para. 67 above). The child will go to live in the family of the guardian, once nominated, until the parents are rehabilitated by the court or cured. The second category includes orphans (who have lost both parents), children abandoned in clinics or hospitals by mothers who have run away leaving no trace after giving birth and newborn babies abandoned in isolated or public places by unknown parents.

a) For orphans whose parents are known, guardians can be designated following the procedure described above. The public are informed about children abandoned in clinics or hospitals by their management or by the police: should a couple wish to adopt one, they could apply to do so. Children in these circumstances also appear to meet the criteria set by the SOS Villages.

b) The administrative authorities will send orphans who have no family members to care for them to the SOS Villages. Between February 1993 and the present, the Ministry of Employment and Social Welfare, in cooperation with SOS-Kinderhof International, which has its head office in Austria, has built five centres known as SOS Villages in the Vientiane Municipality, Champassak, Xieng Khouang, Luang Prabang and Hua Phan. Children are taken into these centres from birth to seven years of age. Should there be several siblings (and the youngest is aged no more than five and the eldest is no more than 16), the SOS Village could take them all together and place them in a single house. Girls and boys aged 14 or older will be sent on to youth centres, and the Villages will continue to take children who meet the criteria, subject to places being available. The project has also built complete nursery, primary and secondary schools next to the SOS Villages where the children of the Villages can study. Children can live and be educated in the villages up to the end of secondary level.

c) To give the children of the SOS Villages the opportunity to meet and get to know children from the surrounding villages, and to make them feel that they are not isolated from society, the administrative authorities have allowed the local children to attend primary and secondary classes in the Villages' schools during the day. The running of the Villages follows four principles: that those involved should be looked on as brothers and sisters with the same parents, mothers and children, and fellow-members of the same household and the village. The children are cared for in accordance with the following rules:

- i) Each house contains a house-mother or carer who takes charge of ten children and acts as if they were a family.
- ii) The house-mother takes care of the children and looks after their education.
- iii) To build a new life and a future for the children, the house-mother must rigorously observe the Convention, and particularly to the four major groups of children's rights, namely the right to survival, the right to development, the right to protection and the right to participate.
- iv) The house-mother is forbidden to strike the children or shout at them. At present, the SOS Villages can take about 700 orphans, plus about 3,000 children from outside who attend classes during the day. A study of orphans (who had lost one or both parents) carried out, during the period from 2000 to 2001, in four northern provinces suggested that there were 5,156 aged between 1 and 18, 31.5 per cent of them girls.

d) In addition to orphans, there are street-children, young beggars and disadvantaged children (who have not received education). In a study carried out, in 2001, in cooperation with UNICEF, in five provinces (Oudomxay, Vientiane province, Vientiane Municipality, Savannakhet and Champassak), the Ministry of Employment and Social Welfare (Social Welfare Department) identified 131 of these children, of whom 46 per cent were aged from 6 to 10, 75 per cent were boys, 64 were Lao Loum and 10 per cent had a disability. To help them to access their rights to survival, development and participation, the Social Welfare Department has set up a pilot child development centre in Vientiane Municipality and launched a number of activities.<sup>19</sup>

79. Apart from international aid, the Government has built boarding establishments to take abandoned orphans in the provinces of Bokeo, Luang Prabang, Xayaboury, Vientiane, Savannakhet and Champassak from within the national budget. These schools provide the full range of facilities for the children, including, for example, food, clothing, information, the means of subsistence and general education up to secondary level. They accept only disadvantaged children from poor families.

80. Comparing the number of orphanages, including the SOS Villages, with the growing number of orphans, what the State, with its limited resources, can offer is insufficient to meet the demands of the present situation. Many of them, and in particular those living in remote and isolated regions, cannot be helped. As part of its efforts to find solutions to this problem, the State has encouraged the close relatives of the children to help provide them with care and support. The Ministry of Employment and Social Welfare will cooperate with UNICEF in seeking information about orphans whose parents have died accidentally or from illness, including AIDS/HIV; when clear information is available, it will then set up a pilot project with the aim of selecting the best way of providing help for these children with the participation of their close relatives.

## H. Adoption (art. 21)

81. The relevant legal provisions, including articles 37-40 of the Family Act were mentioned in paragraphs 86-89 of the first report. In addition, the Lao adoption system is also based on the best interests of the child, as is clear from article 42, subpara. 3, of the Family Act, which provides that “an adoption which is not in the interests of the child...shall be annulled”.

a) Apart from the administrative authority of the village and the village Lao Women’s Union and the Lao People’s Revolutionary Youth Union, there is no specific mechanism for supervising, monitoring and protecting adopted children.

b) The relationship between the adoptive parents and the adopted child begin from the day the adoption is entered on the register of births, marriages and deaths.

<sup>19</sup> These activities were the following.

- Training six young volunteers to go and work with street-children and young beggars.
- Taking 25 senior staff from the Social Welfare Department at central, provincial and district level on three study trips to see how these children are dealt with in Thailand and Cambodia.
- The implementation of the project in the Centre will be in stages, first helping to re-establish and develop the children, encouraging them to return home to help their families and finding them additional sources of income; at the same time, establishing a project for community consolidation, so that the villages and families concerned can have responsibility for the solution of the problems relating to the children, who originate from within their community. Subsequently, the project will be extended to the provinces of Savannakhet, Champassak and Oudomxay.

Adopted children lose their rights and obligations in relation to their parents and families of origin. They must bear the family name of their adoptive family, if the latter so request. If they already have a forename which the adoptive parents consider unsuitable, the adoptive parents may change it. Where children are aged at least ten, their name may not be changed without their consent (art. 41 of the Family Act). As for the right of adopted children to know who their biological parents are, article 40 of the Family Act provides that confidentiality must be maintained in adoption: anyone who breaches it without the consent of the adoptive parents or (if the adoptive parents are dead) the registrar of births, marriages and deaths will be criminally liable under article 95, subparagraph 1 of the Criminal Code. This means that, unless absolutely necessary, adoptive children need not have knowledge of their biological parents.

82. On inter-State adoption, article 51 of the Family Act provides that: “a Lao national living abroad, who wishes to adopt a Lao child also living abroad, must complete the formalities at the Lao diplomatic or consular mission, in accordance with the Lao Family Act. If the adoptive parents are not Lao citizens, they must have authorization from the competent authorities of the Lao PDR. Foreigners, immigrants and stateless persons who adopt Lao children living in the Lao PDR, and Lao citizens who adopt foreign or immigrant children living in the Lao PDR, must comply with the provisions of the Lao Family Act”.

a) In practice, the Lao PDR does not yet have a system for supervising and monitoring the circumstances of children who are to be adopted by foreigners, and ascertaining whether this will be in their best interests.

b) Moreover, the Lao administrative authorities are not yet in a position to secure the rigorous application of the legal regime applicable to the adoption of Lao children by foreigners, and have no way of knowing whether it constitutes a roundabout means for parents who are in need of money to sell their children.

c) The Lao PDR has, consequently, temporarily suspended applications by foreigners to adopt Lao children.

83. To date, the Lao PDR has yet to conclude bilateral or multilateral agreements to promote the objectives of article 21 of the Convention, and is not yet a signatory to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

## **I. Periodic review of placement (art. 25)**

84. In the Lao PDR, there are four categories of residential placement centres providing children with psychological and physical protection and care.

a) The SOS Villages, under the Ministry of Employment and Social Welfare and the national SOS Committee (see para. 78(b) above).

b) The 13 boarding establishments for pupils from ethnic groups under the Ministry of National Education.

c) The National Centre for the Rehabilitation of Persons with a Disability, under the Ministry of Public Health.

d) The Kilometre 67 Cultural School, under the Ministry of Security. This used to be an orphanage and has been turned into a boarding school for the children of State employees, including orphans and children from poor families. Children in these centres receive medical attention periodically or whenever needed, as medical staff are attached to each centre.

85. The competent authorities for admitting children to these centres are as follows:

- For the SOS Villages, the staff of the Ministry of Employment and Social Welfare or the provincial Service for Employment and Social Welfare, in coordination with the relevant provincial SOS committee.
- For the boarding schools for ethnic groups, the staff of the Ministry of National Education, working with the relevant local administrative authority.
- For the national centre for the rehabilitation of disabled persons, the Ministry of Public Health, working with the Ministry of Employment and Social Welfare.
- For the Kilometre 67 Cultural School, the Ministry of Security.

At present, no national mechanism has been established for this purpose.

a) In arranging for children to be admitted to these centres, the services responsible base their actions on the circumstances of the children, including orphans and children from very poor families, without discrimination based on gender or ethnic identity.

b) There is constant oversight of the health of these children, who receive medical treatment if they fall ill. Once admitted to the centres, they will have the opportunity to pursue and complete their studies.

c) As at 2003-2004, the numbers of children in these centres was as follows: 704 in the five SOS Villages, 387 of them boys and 317 girls; 2,752 in the boarding establishments for ethnic groups, 1,421 (52 per cent) of them orphans and 280 aged under 15; and 60 patients at the national centre for the recovery of the disabled, 20 of them children.

## **J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

86. Within the current Lao legal system there is only the Criminal Code, which punishes assault and wounding (art. 83), involuntary wounding (art. 84), the rape of minors (art. 119) and the prostitution of minors (art. 123); and the Family Act, which gives the court the power to deprive of parental authority parents who are unfit (see para. 67 above).

a) By long established tradition, the right of parents to administer mild corporal punishment is considered normal (see para. 60( a) above): consequently, there have, in the past, been no laws prohibiting it. Regulations now exist prohibiting the corporal punishment of children in schools, but it still continues in certain families, especially in families where levels of education are low.

b) Violence in the family is an extremely delicate subject. Victims tend to be too afraid to report it to the administrative authorities or the police; except in serious cases, neighbours do not dare to report it either. But the Development and Protection of Women Act of 22 August 2004 gives women and children who are victims of violence in the family the right to make an official complaint. Under this Act, victims have the right to bring the case to the attention of the administrative authority of the village so that it can tell perpetrators to desist, and put a stop to their bad behaviour. The victim has the right to report serious abuse, amounting to a criminal offence, to the police to be dealt with according to the provisions of the law (art. 33). A family member who is present at or aware of an instance of violence against a woman or child, putting them in physical danger

or danger of death, must come to their assistance, or call on other persons or organizations to do so, according to the nature and degree of the violence involved and the urgency of the need to prevent it in time (art. 34).

c) The procedure for resolving violence within the family must begin with family members, close relatives, neighbours and the village's group of advisers and its conciliation unit, who will take an educational approach in conciliating between those concerned based on unity, harmony and family contentment. Should the efforts of the village conciliation unit fail, or if the use of violence amounts to a serious danger, then the unit, the group of advisers, the victim or the victim's representative has the right to inform the police. Once the case has been brought to their attention, the police must resolve it on the same principles (unity, harmony and family contentment), making every effort to educate the parties and conciliate between them to restore mutual understanding and confidence. Where this fails, the police must proceed with a prosecution, applying the measures provided in the Act. If they have evidence of a criminal offence, they must open a case and send the documents to the public prosecutor's office for consideration and prosecution in accordance with the law (arts. 35 and 36 of the Act on the Development and Protection of Women).

d) To prevent domestic violence, the Act makes it the duty of the administrative authorities, the FLEN, and the mass organizations at all levels, including the social organizations, to educate family members to live in harmony and to practise gender-equality, in the interests of stability, happiness and progress within the family (art. 37), and to create conditions favouring the development and protection of the rights and interests of women and children, while also taking part in the implementation of the various policies, laws, mechanisms and State measures relevant to combating violence within the family against women and children (art. 40).

e) The Government has entrusted the Lao Women's Union with responsibility for coordinating the supervision and monitoring of matters connected with violence against women and children, in the family and elsewhere, with the other services concerned, including public health, education, information and culture, employment and social welfare, public safety, foreign affairs, local administrative authorities, the FLEN, the Lao Trades Union Federation (FSL), the Lao People's Revolutionary Youth Union and the public prosecutor's office. Subsequently, if needed, the Government has powers to establish an ad-hoc committee to deal with supervising and monitoring the development and protection of women (art. 43). However, since the Act was passed only in October 2004, it is not yet possible to evaluate its implementation. At any event, violence in the family, neglect and rape lead a number of children to leave the family to become street-children and beggars in the large towns. We do not have the numbers of these children for the country as a whole, but the report of a working group of the Ministry of Employment and Social Welfare, which interviewed 138 of them aged between 6 and 18, established that 45 per cent were aged between 6 and 10; 75 per cent were boys and 64 per cent were Lao Loum: all came from poor families and 44 per cent said that they had been victims of abuse.

87. Social projects for helping children, and arrangements for providing treatment to children who need it, are not yet widespread. In 1995, the Ministry of Employment and Social Welfare took on responsibility for a range of projects for "children in especially difficult circumstances" (CEDC). In 1997, with financial assistance from UNICEF, SCF-UK and the Church World Service (CWS), it supervised a project to provide documentation and training in the main specialisms for dealing with children in particularly difficult circumstances, such as child drug-addicts (including children engaged in solvent-sniffing), children dropping out of school, children showing extreme bad behaviour, thieving and aggressive children, child-beggars, children working as waitresses in bars and other places of entertainment and other children in difficulty. Subsequently, in March 2000, the CWS

helped to establish the Done Koy Centre for Child Development in the Sissatanak district of Vientiane Municipality to provide help for young people with problems (children leaving school, child drug-addicts, children with extreme behaviour problems, young victims of people-trafficking and children at risk). This centre also offered emergency care, advice and supervision to a certain number of children and families in serious difficulty in certain areas of the capital.

a) Effective measures do not yet exist for detecting, reporting, referring, investigating, treating and overseeing cases of abuse; nor is there a system of compulsory reporting for professionals working with and for children.

b) Article 38 of the Act on the Development and Protection of Women provides that “to ensure the protection of their legitimate rights and interests, women and children have the right to advice and guidance from the advisory organization in the legal, ideological, ethical, health and other fields”. But this organization’s mandate has yet to be defined. Nor has it yet been possible to organize special training for the officials concerned, and, in particular, for those dealing with social security. Since 1997, the Lao Women’s Organization has run a Bureau for Advice and Guidance to help in dealing with women’s problems, but the problems referred to the centre have more to do with women’s problems than with those of children.

88. Taken as a whole, the measures taken to ensure the physical and psychological recovery of child victims of neglect, exploitation and abuse and their reintegration into society are still insufficient. Only a small number of children have been sent to the Done Koy Centre for child development (see para. 87 above) and to the psychiatric service of Mahosot Hospital in Vientiane. The capacity of these centres to take victims is still limited and cannot meet the needs of society as a whole.

89. In fact, the Government is encountering difficulties in implementing articles 19 and 39 of the Convention; prime among them the lack of human and financial resources. A solution for these problems is closely bound up with the need for an integrated solution to the nation’s economic and social problems.

## **VI. Basic health and welfare (arts. 6, 18(3), 23, 24, 26 and 27(1) to (3))**

### **A. Children with a disability**

90. The first report did not mention children with disabilities but, both under the law and in practice, they are considered to have the general status of citizens, without discrimination in relation either to rights or interests. Moreover, given that people with disabilities and the physically and mentally ill do not enjoy normal levels of health and strength, the Government believes that the family, organizations and society must take good care of their health, by providing appropriate care and creating favourable conditions in which they can live, enjoy leisure and take part in social activities (art. 32 of the Act on Health, Preventive Medicine and Promoting Health).

a) In education, the Government sets up special schools for those with serious disabilities; for those with mild disabilities, the State creates conditions which allow them to enter general education. At the same time, the State encourages the private sector and social organizations to invest in schools of this kind (art. 14 of the Education Act).

b) For those whose disabilities stem from illness, from nutritional deficiency or from birth defects, such as the deaf and dumb, the blind and others, the Ministry of Public Health has given the National Centre for the Rehabilitation of the Disabled responsibility for providing them with care in coordination with the other services concerned, including the following:

- The National Vaccination Project, which has achieved 90 per cent of its target of distributing vitamin A twice a year to children aged 15.
- The Centre for Ophthalmology, in its project to provide school for those with visual disabilities.
- The Ministry of National Education, in the implementation of the project for providing integrated teaching for children with disabilities and normal children: these activities have been rolled-out across nearly all of the country. At the same time, teachers in general education have received relevant training, and the Government has given children with a disability the opportunity to express opinions and aspirations about solutions for their problems. These opinions were presented at the Special Session of the General Assembly of the United Nations in May 2002.

c) In addition, the National Centre for the Rehabilitation of the Disabled trains its staff in physiotherapy, orthopaedics and the production and fitting of prostheses, and gives the patients themselves occupational training (for example, courses in traditional massage for blind patients) so that they have the means to earn a livelihood after their treatment. Medical treatment at the Centre is free for patients from poor families.

d) In 1995, the Government established the National Commission for the Disabled, under the chairmanship of Ministry of Employment and Social Welfare, to manage, oversee and coordinate policies and efforts aimed at promoting a variety of activities in which those with disabilities participate fully, and at the same time mobilize both internal and external finance to encourage, support and maintain them, including by building schools for the disabled and providing sport for the disabled and artistic and musical performances by the disabled. In February 1998, the Association for Disabled Women and Children was established on a voluntary footing, giving expression to the rights and interests of disabled women and children. This association had the additional task of mobilizing funding with the aim of training disabled people, so that they could become self-sufficient and thus reduce the burden on the Government.

e) As part of the project for the rehabilitation of the disabled, the Government insisted that volunteers from the villages be trained for inclusion in mobile units comprising a doctor, a social worker, a physiotherapist, and a nurse. The task of these mobile units is to go to the villages to offer guidance, with the volunteers from a village background acting as coordinators with the village administrative authority and the community.

f) These mobile units have encountered a number of difficulties in carrying out their tasks. These included lack of experience and relatively low levels of education on the part of the village volunteers, although they had taken part in several training sessions. Other difficulties were: a tendency on the part of some well-off families to conceal their disabled children; the lack of sufficient staff to make the project work; the fact that the public health network is still restricted; a lack of clear information for disabled clients about the location of the care facilities; and a lack of textbooks on disability matters for general distribution.

g) Since 1997, the Government has cooperated with Handicap International in the following activities.

- i) The clearance of unexploded ordnance (UXO).



- ii) The establishment of physiotherapy facilities at Mahosot Hospital, the Friendship Hospital (*l'hôpital de l'Amitié*), Hospital 103, the National Centre for the Rehabilitation of the Disabled and in the provinces of Luang Prabang, Oudomxay, Savannakhet and Champassak.
- iii) The training of physiotherapists.
- iv) The reintegration of people with disabilities, both adults and children, at community level.<sup>20</sup>
- v) Road safety.<sup>21</sup>
- vi) Cleft-palate surgery at Mahosot Hospital (this project will continue).
- vii) The project for integrated studies and the provision of appropriate school equipment for children with disabilities (see para. 91(a) and (b) above).
- viii) Work on and social psychological aspects.<sup>22</sup>

## B. Health and health services (art. 24)

91. Article 25 of the Constitution provides that: “the State shall endeavour to improve and develop public health services in order to maintain the health of the people; seek to establish and extensively improve the system for preventing and treating ill-health, and create conditions in which all, and particularly mothers and children, poor people and those living in remote and isolated regions may receive health care and enjoy good health”. Similarly, article 3 of the Act on Health, Preventive Medicine and Promoting Health provides that: “irrespective of ethnicity, sex, age, economic and social status, every Lao citizen shall have the right to access to health care...”, and article 30 adds: “caring for the health of mothers and children shall constitute both a major State policy, a central responsibility of the public health sector and a duty of all, especially the parents of children... children shall be cared for and maintained in all cases, including twins and children with birth defects, from birth until they reach school age, adolescence and puberty, so that they can enjoy good physical, mental, emotional and social health”. (see para. 40 above).

92. The seventh Congress of the Lao People's Revolutionary Party in 2001 adopted the strategy for basic health development from 2001 to 2020. The Ministry of Public Health had drawn up directives for gradually implementing the strategy through a policy of improving and developing the quality of health services to the base of the population, the multi-ethnic population in the focal development zones, the zones of special difficulty and the remote mountain zones, using scientific methods that are appropriate, and not unrealistically demanding or sophisticated. The general aim of the public health sector for the coming years is to make an active contribution to the national process of social and

<sup>20</sup> Including a study carried out in 1999 in seven districts, four in Vientiane Municipality and three in Vientiane province, and then trialled in the following three districts: Sikhottabong (Vientiane Municipality), Thoulakhom and Phone Hong (Vientiane province).

<sup>21</sup> An exhibition stand from the Ministry of Communications, Transport, Posts and Construction (MCTPC) at That Luang fair.

<sup>22</sup> Including work with children affected by unexploded ordnance, accidents (such as broken or amputated legs), the consequences of snakebite (such as the amputation of gangrenous limbs), and children unwilling to persevere with their studies as they have become disturbed as a result of their disabilities.

economic development with a view to achieving a 50 per cent reduction in poverty among the multi-ethnic population by 2005 and eliminating it altogether by 2010. This strategy involves:

- a) Analysing the zones covered by existing public health services.
- b) Analysing and clearly defining, based on sound scientific research principles, the zones to be covered by the public health services.
- c) Determining the appropriate volume and level of services required in relation to population and geographical factors.
- d) Getting the community at village level involved in management, the assessment of the local situation and the choice of health service providers.

In practice, the Government has concentrated above all on preventive measures and the “three cleanlinesses” at village level (see footnote 13, para. 35( a) above), beginning with the family and cooperating at base level with the mass organizations. It has improved care services in the district and provincial hospitals and in the dispensaries. Patient numbers for health services for mothers and babies increased. Epidemics such as cholera and haemorrhagic dengue fever were kept within limits, resulting in a corresponding fall in the rates of death and morbidity, especially among mothers and children; average life expectancy of the Lao population reached 61 in 2005.<sup>23</sup> The Government also built some hospitals and improved the standard of others, especially at district level, by equipping them with essential medical equipment, enabling them to carry out surgical procedures and deal with emergency births. However, the Government's efforts encountered numerous difficulties, including a less-than-satisfactory attitude on the part of some medical personnel to their responsibilities and to ethical standards. In consequence, the care provided to the poor lacked quality, there was only limited implementation of policies on paid and free health care and most district hospitals provided only basic levels of care and lacked essential equipment and medicines (see also paras. 135 to 159 of the first report).

93. The Government has actively pursued the vaccination campaign, which achieved the following vaccination rates between 1997 and 2003.

<i>Vaccines</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
BCG (children < 1)	58 %	54 %	59 %	58 %	58 %	67 %	63 %
<i>DPT Hep B3</i> (children < 1)	60 %	53 %	52 %	52 %	47 %	54 %	49 %
Polio 3 (children <1)	64 %	61 %	57 %	57 %	57 %	57 %	51 %
Measles (children 9-23 months)	67 %	67 %	65 %	60 %	85 %	78 %	
9-11 months	–	–	–	–	–	–	41 %
12-23 months	–	–	–	–	–	–	36 %
AT (women 15-45 and pregnant women)							
AT 2 + pregnant women	32 %	32 %	36 %	37 %	33 %	41 %	36 %
AT 2 + women 14-45 yrs	54 %	46 %	55 %	56 %	43 %	39 %	37 %

N. B.: the 2001 figure for measles is high because vaccination took place on National Vaccination Day.

<sup>23</sup> In 1995, average life expectancy for the Lao people was 51.

This table shows that, with the exception of National Vaccination Day in 2001, the regular vaccination of children in target groups and of girls reaching puberty and pregnant women has not achieved the 80 per cent target level. Nevertheless, in the period to 2005, infant mortality among those under the age of 1 fell from 125 to 70 per thousand live births, and, among children under 5, it fell from 182 to 98 per thousand live births. But the greatest success of the Lao PDR in the field is its status as a polio-free country, proclaimed on 29 October 2000 at Kyoto, with supervision and monitoring by experts from the World Health Organization (WHO) and the Japan International Cooperation Agency (JICA) and certified by the Regional Committee on Polio Eradication.

a) In spite of the progress that has been achieved, the position generally in relation to the health of Lao children is not good. According to the Lao Reproductive Health Survey carried out in 2000 (LRHS 2000), almost half (44 per cent) of total child deaths occurred following birth, at a rate of 36 per 1,000. Comparison of the figures for the differing regions of the country showed that the mortality rate among infants aged under one year, aged under five and among the very young is lowest in the centre (respectively 76, 99 and 35 per 1,000), followed by the south (87, 107 and 27 per 1,000) and the north (88, 118 and 44 per 1,000).

b) As regards the extension of the network of basic public health services to the remote and isolated rural regions, in 2004 there were 130 district hospitals and 664 (village) dispensaries in the country as a whole. In 2002, 1,626 villages without dispensaries had received medical kits along with medical training for village volunteers. The number of sick persons attending outpatient appointments in the dispensaries rose to 140-150 per month on average.

c) In addition, since 2002, with the assistance of the Global Alliance for Vaccines and Immunisation (GAVI), the Government has introduced anti-hepatitis B into the national vaccination schedule, starting with three pilot provinces and extending it to the entire country by the middle of 2004. Similarly, with assistance from UNICEF and the WHO, experiments were carried out at the beginning of 2003 for the elimination of tetanus in mothers and newborn children in five districts of the province of Luang Prabang and extended to all of the districts of the province of Savannakhet in 2004. Despite this, during the five years since then, the regular vaccination rate has still not been high.

d) According to the Multiple Indicator Cluster Survey, a study carried out in 2000 (MICS 2000), the main cause of ill-health in children was nutritional deficiency. Forty per cent of children aged under five were underweight (two points below the average indicator), 12.9 per cent were not especially heavy, 40 per cent were small for their age, and 15 per cent were thin for their age. Children from the south were lighter (48 per cent), smaller (44 per cent) and thinner (21 per cent) than those from other regions of the country.<sup>24</sup> According to the study, boys were lighter (40.5 per cent) and smaller (42.8 per cent) than girls (30.3 and 34.8 per cent respectively). A comparison of age groups showed that the proportion of underweight children increased starting from the group of those aged 6-11 months (23 per cent) up to the group aged 24-25 months (54 per cent). This phenomenon is linked to the age at which children cease to receive mother's milk and begin to be at risk of contact with microbes in water, food and the environment. In general, nutritional deficiencies are not a serious problem during the first six months after birth because the rate of breast-feeding for this group is high. The time during which infants are breast-fed varies: only 70 per cent of breast-fed babies receive colostrum, and, among

<sup>24</sup> The findings of this study were restricted in their scope owing to the fact that, in rural regions, babies are not weighed at birth. Based on the study, it is estimated that 3.3 per cent of newborn babies weigh less than 2,500 grams.

infants aged less than four months, only 28.1 per cent were fed exclusively on mother's milk.<sup>25</sup> In summary, the majority of infants received liquid food and other food apart from mother's milk from a very early age. But, during weaning, there is a relationship, which is dependent on nutritional factors, between deficiency in trace elements and nutrition-related illness putting infants at risk of growth abnormalities. [The study showed that] the nutritional situation of children aged under five had not been improved since around the middle of the [previous] decade, and more attention was needed. The Government therefore considered action on nutrition a strategic task if nutritional deficiency in children were to be reduced, and, with support from UNICEF, launched a project for this in 2001.<sup>26</sup> At the same time, the Ministry of Public Health is in the process of drafting a nutritional policy which will shortly be submitted for the approval of the Government.

e) According to a study carried out between 1990 and 1999, malaria was the main cause of illness and death in children aged under five. Although the rate of infection for this disease had reduced, about a third of the total population still suffered from it. There was one death per 100 sufferers, and two-thirds of fatalities were children: almost two-thirds of villages said that malaria was their main health problem. According to MICS 2000, 7 per cent of children aged under five had taken antimalarial drugs two weeks after infection. In general, 21 per cent of children under five sleep under mosquito nets which are not impregnated with anti-mosquito products. The population of the remote and isolated rural zones living in or on the borders of the forest, or along rivers in the mountainous regions, have the highest risk of infection. Nursing mothers are also more vulnerable than others. Malaria is a serious problem for poor ethnic minorities living without mosquito nets in these regions with limited access to public health services. For this reason, the public health sector established, for 2005, targets aimed at: reducing the infection rate for malaria to only 12.8 cases per 1,000 and mortality to only 3 per 100,000; giving 3,580,000 people (80 per cent of the target groups) the opportunity to sleep in impregnated mosquito nets; and making efforts to ensure that 50 per cent of district hospitals are able to provide care for serious cases and cases involving complications. The main activity consists in providing training in preventive health measures against malaria, and involves working together with other sectors, including the Lao Women's Union and the education and information and culture sectors. The work involves: tackling vectors by using impregnated mosquito nets; health care measures encouraging all target villages (including those in the rural zones) to keep a supply of drugs for treating malaria; making improvements in district hospitals and dispensaries to help them to diagnose the disease; scientific research; and the management of reporting and data-keeping. At ministry level, general responsibility for carrying out this activity lies with the Department of Hygiene and Preventive Medicine, and responsibility for technical matters with the Institute of Malaria, Parasitology and Entomology; at

<sup>25</sup> According to LRHS 2000 (the Lao Reproductive Health Survey, carried out in 2000).

<sup>26</sup> The main activities of the project were as follows.

- Increasing the awareness and understanding of mothers and nurses in relation to childcare and nutrition and promoting breast-feeding.
- Keeping track of children's growth (by keeping their weight under regular review) to encourage mothers to act properly, this activity being delivered directly by the medical staff of dispensaries and the district working groups for mothers and children.
- Working in coordination with the public information and public relations services, the Lao Women's Union and the educational and agricultural services with the aim of informing the population about which foods are beneficial, their nutritive value, guarantees of their origin, and the correct ways to prepare and consume them.
- Reducing from 40 per cent to 30 per cent in 2006 the rate of serious and moderate nutritional deficiency in children aged under 3, and reducing the rate of infection by intestinal parasites in preschool age children (2-5 year-olds) from 70 per cent to 30 per cent in the zones targeted by the project.

provincial level, these responsibilities lie respectively with the Provincial Public Health Service and the Malaria Centre; at district level, they lie with the Public Health Bureau and the district Malaria Unit. At dispensary level, the medical staff are responsible for both treatment and prevention, and, at village level, the village volunteer/nurse has responsibility for providing basic treatment and for giving advice to the local population on the prevention of malaria.

f) After malaria came dysentery, which has been the subject of an annual report under preventive monitoring arrangements since 1993. In some years, there have been few cases: in others, they have been numerous. In 2000 there were 12,440 cases, of which 520 were fatal, a figure regarded as a heavy loss of life. In 2001, there were 2,941 cases, of which 15 were fatal, and, in 2002, 2,033 cases, 5 of them fatal.<sup>27</sup> Thus, dysentery is a disease which threatens the lives of the multi-ethnic people, especially children.<sup>28</sup> The Government considers that the preventive monitoring of dysentery is an urgent priority and a duty for all sectors. Public health personnel at all levels have made every effort to reduce the aggressiveness of the disease to a level below 1 per cent for the country as a whole and to prevent its spread with general health measures. The main activities are: improving the monitoring of cases by the medical personnel of the district, dispensary and village; improving the knowledge of the population about the prevention of dysentery and cholera; improving arrangements to increase the spread of potable water supply and latrines; and coordination between the sectors. At ministry level, responsibility for delivering these activities lies with the Technical Committee for Cholera Monitoring, with the Department of Hygiene and Preventive Medicine acting as the central point. In an emergency, the Committee will call a meeting, at which planning for, and evaluation of, the various activities will be carried out. At the provincial level, there are Provincial Committees for Cholera Monitoring, chaired in some provinces by the Governor or his deputy. At the district level, there are District Committees chaired by the district chief or his deputy or the head of the district Public Health Bureau, and, at the village level, those responsible are the village volunteer, the village chief and the village nurse (see also para. 141 of the first report).

g) After dysentery came pneumonia and influenza. The proportion of children with fever or influenza diminished in direct proportion to the increasing age of the children. Among children aged 6 months, 29 per cent had fever and 30 per cent influenza, while among those aged 48 months, 15 per cent had fever and 15 per cent influenza. Girls aged under five with fever and acute pneumonia represented a smaller proportion than boys in the same age-group (20 per cent compared with 23 per cent). According to MICS 2000, 75 per cent of children suffering from influenza had been taken to the public health services: mothers of small families, living in towns and with higher levels of education were more likely to take along their sick children.

<sup>27</sup> This illness is transmitted by food and drink contaminated with faecal matter from infected persons, by shortcomings in environmental health, such as the absence or inadequacy of latrines and running water in families and schools and by food preparation practices which fail to meet proper hygiene standards, especially in remote and inaccessible rural zones.

<sup>28</sup> Children aged under 2 have a greater predisposition to the infection than older children, and boys a greater predisposition than girls (11 per cent compared with 8 per cent). Of the children aged under 5 suffering from dysentery, 81 per cent were sent for examination or treatment to the public health services within two weeks. Mothers with a high level of education or living in towns would not hesitate to take their sick children to the services. Among the children taken to the doctor, 12 per cent received oral rehydration salts (ORS), but 20 per cent received no treatment (according to LHRS 2000). In the case of children suffering from dysentery, 20 per cent increased their intake of water and continued to eat normally, which is a recommended method of home treatment (according to MICS 2000).

h) Deficiency in nutritional trace elements is widespread: 8 per cent of children aged between 6 and 8 were in the primary or secondary stages of goitre. There were more in the south (11.7 per cent) than in the north (9.1 per cent) or in the centre of the country (6.6 per cent) of the country, and more among girls (10 per cent) than boys (8.1 per cent). Seven per cent of children aged between 8 and 12 had an iodine deficiency (with a quantity of iodine in their urine lower than 5µg/dl), more of them girls (9.3 per cent) than boys (5.2 per cent). Iodized salt was being used by 94.3 per cent of households, but only 75.8 per cent of the salt contained sufficient iodine, possibly as a result of poor storage. The proportion of households making correct use of iodized salt was 57 per cent in the south and 89 per cent in the centre of the country: 81 per cent of urban households were using adequately iodized salt compared with 74 per cent of rural households. Accordingly, the Ministry of Public Health set targets for fundamentally eliminating iodine deficiency among the population, reducing endemic goitre to a residual level below 5 per cent, and encouraging the population to consume salt iodized to the proper standard so as to achieve iodine levels in urine above 100µg/dl. These aims concerned the newborn, the elderly and pregnant women, and comprised the following principal activities.

- Monitoring, encouragement and checks on salt production, on point of importation and on households.
- Informing and advising provincial and district public health personnel about the importance of iodine and including iodine supplements in their basic health care provision.

Similarly, monitoring of samples of dried blood indicated that 45 per cent of children aged under five and 30 per cent of the population of the country were suffering from a deficiency of vitamin A in their blood, with levels lower than 0.7µmol/L. These results showed that vitamin A deficiency is quite a serious problem. The Government therefore set a strategy for solving it over the coming years through distributing vitamin A to children and target groups in the following way: every six months, children aged 6 to 11 months took a tablet of 100,000 international units (IU), those aged from one to five years, a tablet of 200,000 IU, and mothers during the six weeks after giving birth, a tablet of 600,000 IU. The results also showed that only 29 per cent of children aged under five had received vitamin A.<sup>29</sup> The aim of this strategy is to increase the proportion of children aged under five taking vitamin A from 29 per cent to 90 per cent and of mothers, after giving birth, from 4.4 per cent to 30 per cent in 2006.

i) Parasite infestation is widespread throughout the population, including women and children. Parasites contribute to restricting the growth of children and to chronic anaemic illness due to blood-loss in the intestines. According to a study by the Institute of Malaria, Parasitology and Entomology between 1990 and 1999 in different regions of the country, the rate of infestation by parasites was between 77 per cent and 83 per cent.<sup>30</sup> The highest proportion of infestation by parasites was in children between the ages of two and five (70 per cent). The position on infestation by intestinal parasites had not changed in the past 25 years: it varied between one region and another, and the highest rate of infestation occurred in the remote and isolated regions, where the population's way of life did not meet proper standards of hygiene in ways including the consumption of impure

<sup>29</sup> It is well-known levels of vitamin A in children's bodies are raised sufficiently, this can reduce by up to 23 per cent the seriousness of infection levels in various diseases, and in particular diarrhoea, measles and pneumonia.

<sup>30</sup> These parasites included hookworm (18-43 per cent), threadworm (15-21 per cent), ascarids (24-46 per cent) and tapeworm (8 per cent). The parasites most commonly caught through food are liver-flukes (31-54 per cent).

water and a lack of environmental hygiene. Potable water and environmental hygiene are among the priorities for the public health sector. The Government and the people have worked hard to develop a project for supplying potable water in every province of the country. The policy for the period to 2010 is to build the system of potable water for consumption by the rural population achieving a minimum rate of progress of 2 per cent per year, to promote the construction of family latrines in both urban and rural areas at a minimum rate of progress of 3 per cent per year, and to promote the construction of latrines in primary schools in both urban and rural areas at a minimum rate of progress of 5 per cent per year, as shown in the table below. The aims of the project are to reduce morbidity and mortality rates among women and children caused by lack of clean water and environment, to contribute to promoting and improving the health and living conditions of the people, particularly the population of the ethnic regions, and to promote and improve, in a sustainable fashion, the supply of potable water and environmental hygiene in the rural areas.

<i>Years</i>	<i>2001</i>	<i>2002</i>	<i>2005</i>	<i>2010</i>
Rate of consumption of potable water	55 %	58 %	66 %	75 %
Rate of use of family latrines	40 %	41 %	47 %	58 %
Rate of use of school latrines	8 %	11 %	21 %	34 %

j) Turning to maternal health, in 1995, the death rate among mothers stood at 653 per 100,000 live births, but according to MICS 2000, by 2000 the figure had fallen to 530. In spite of the progress made, this figure remained the highest in the Western Pacific region and South East Asia. This problem is closely connected with the high reproduction rate for women (urban women have four to five children, rural women seven to eight) and to the rate of use of reproductive health services, which remains low. The proportion of births in hospital is very low (only 10 per cent), and about 10 per cent of births involved complications. In general, nine-tenths of these deaths occurred at home, indicating that women who were gravely ill were not taken to the public health services for treatment. Delivery occurred with help from qualified staff in 21.4 per cent of cases. Help with delivery was normally provided by friends and close relatives, and most deliveries took place at home. In cases where there were birth complications, women from rural regions could not be brought to the public health services. Twenty-seven per cent of the population were suffering from moderate or serious anaemia (Hb<118g/l). Numbers of cases of anaemia were high in the south (33 per cent), among women (31 per cent) and men (23 per cent), in the rural zones (30 per cent), in the under-five age group (48 per cent) and among adults over 60 (33 per cent). Anaemia was the cause of high rates of death among mothers particularly due to haemorrhage after giving birth. A study carried out in 1997 in Vientiane Municipality on anaemia among pregnant women between the ages of 15 and 49 established that the death rate from the disease was as high as 27.6 per cent (Hb<118g/l). To remedy this, the Ministry of Public Health applied a policy of distributing a medicine with an iron and folate base (60 mg of iron and 0.4 mg of folic acid) to women when they came to register their pregnancy before giving birth and until three months after the birth.<sup>31</sup> Information about women's nutrition is generally very limited, but MICS 2000 found that the prevalence of vitamin A deficiency was very high among pregnant women (9.1 per cent) and nursing mothers (5.9 per cent), and, in addition, that it was the practice of women

<sup>31</sup> The aims were: (a) to reduce anaemia; (b) to reduce the mortality rate among mothers and children; (c) to give iron-based medicine to 80,000 women during pregnancy and following birth; and (d) to help the women concerned understand the importance of the iron supplement how to follow a full course of treatment.

who had just given birth to diet (tradition forbids the mother to take normal meals for 88 days after giving birth).

k) Another measure taken by the Government to reduce mortality among mothers has involved setting up, in cooperation with UNICEF, a project on maternal safety aimed at enabling mothers to have access to and benefit from higher-quality maternal health services, in particular during the critical phase of maternity. From 1999-2001, the project focused on services at the level of the districts and the dispensaries in coordination with the strategy for educating the community in health care, covering 10 provinces, 13 districts, 22 dispensaries and 432 villages.<sup>32</sup> But, owing to the short time that it was in operation, the incompleteness of its activities and its wide geographical scope, the project did not yield very precise results. Therefore, in order to comply with the programme for cooperation between the Government and UNICEF for the period 2002-2006, the project was modified to give greater precision and focus, particularly on safety for mothers in relation to the integrated development of the child. Its coverage coincides with the incidence of poverty (for the definition of poverty, see para. 101(a) below), namely, the remote and isolated rural zones, and those inhabited by ethnic minorities and with elevated levels of maternal mortality, now covering 6 provinces, 24 districts and 172 villages. The plan is that the number of villages will be increased to 50 per cent of the total number of target villages in 2006.

l) Breastfeeding continues to be actively promoted by the public health services at every level with cooperation from the UFL. The results have been as follows: between 1997 and 2006, the number of hospitals awarded special status as “mother-and-child hospital” increased from 2 (both in central Laos) to 61 in the country as a whole, with 6 in central Laos, 16 at provincial level and 39 at district level. The aims of the promotion campaign were to contribute to reducing child morbidity and mortality, securing for children good levels of nutrition, growth and development.<sup>33</sup> The table below shows the aims pursued in the promotion of breastfeeding for the period 2000-2010.

<i>Years</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2010</i>
Percentage of children <6 months exclusively fed on mother's milk	7 %	8 %	10 %	15 %	20 %	25 %	50 %
Percentage of children aged 6-9 months having received dietary supplements	10 %	15 %	20 %	30 %	40 %	50 %	60 %
Percentage of children aged 20-23 months simultaneously receiving mother's milk and dietary supplements	46 %	50 %	55 %	65 %	75 %	80 %	80 %

(See also paras. 151-153 of the first report and para. 93(d) above).

<sup>32</sup> The aims of the project were: (a) to reduce mortality among women during pregnancy, delivery and in the 42 days following birth; (b) to increase the proportion of women examined by medical personnel during pregnancy to 50 per cent; (c) to increase the proportion of deliveries covered by the public health services to 40 per cent; (d) to increase the number of cases of at least one postnatal check by medical personnel to 30 per cent; and (e) to increase to 90 per cent the proportion of women with complications during pregnancy or delivery receiving treatment from the public health services.

<sup>33</sup> Its activities were: (a) following up and encouraging the implementation of decisions about the supervision of foods and products intended to substitute for mother's milk; (b) following up and encouraging the promotion of breastfeeding; (c) promoting and encouraging the creation of “mother and children spaces” in factories and public service locations, from central through to local level; (d) the extensive development of “mother-and-child hospitals” throughout the country; (e) training medical and midwifery staff in promoting and giving advice on breastfeeding; and (f) celebrating World Breastfeeding Week and using a variety of ways of raising awareness among the population.



m) The question of food production forms a part of the Government's strategy for the country's economic and social development. For a long time, the Government has been investing enormous sums in the agricultural sector, and particularly in rice production, by developing the irrigation system and cultivable land so as to allow two crops a year. Food production is one of the national priority aims of the Government's national economic and social development plans for 1996-2000 and 2001-2005, and among the aims of the Government's strategic poverty reduction plan (see para. 21(d) above). The Government's efforts in this area have produced the following results: in 1995, rice production for the country as a whole reached approximately 1.2-1.5 million tonnes. In 2000, it reached 2.2 million tonnes, the basic level required for self-sufficiency, and in 2003 it reached 2.5 million tonnes, or self-sufficiency plus a small reserve.

n) Family planning, and in particular the spacing of births, forms a part of health policy, contributing to reducing the death rate among women and children aged under a year, as well as to creating balance between population increase and the country's economic growth. Since 1993, the United Nations Population Fund (UNFPA) has helped the Government introduce the project promoting the spacing of births, covering 13 provinces and 84 districts, with Centre for the Health of Mothers and Children of the Ministry of Public Health acting as the implementing agency. UNFPA continued its assistance, in a second phase, for the period 1997-2001, operating through the basic health care system. The project had extended its network to the whole of the country, covering 18 provinces, 142 districts, 574 dispensaries and 5,000 villages. At present, the project is continuing to operate in its third phase (2002-2006). Although the family planning services cover the whole of the country, they are not yet in a position to cover as much as 40 per cent of needs. The project defined women of reproductive age between 15 and 45 and men [within a specific age group] as its target population, and aimed to increase the use of high-quality, coordinated reproductive health services by women, men and young people, and to provide them with the information they need to act responsibly and safely in sexual relations.

94. Turning to the spread of HIV/AIDS, the Lao PDR is one of the countries with the lowest rates of adult infection in Asia (0.05 per cent). According to the report of the National Committee for Monitoring HIV/AIDS, the first case of HIV infection in the country goes back to 1990 and the first case of AIDS occurred in 1992. Reports from 14 of the country's 18 provinces and analysis of blood samples taken from 98,063 people who came forward voluntarily for checks between 1996 and 2003 revealed 1,212 cases of HIV infection, including 670 cases of AIDS, 482 of them fatal. Most of those with HIV infection belonged to the 20-35 age group, with the infection transmitted between them by sexual relations between men and women (800 cases, or 81 per cent). Analysis by category of the statistics for persons infected with HIV showed that migrant workers accounted for 35 per cent (384 cases), making them a high-risk occupational group, building workers for 9.4 per cent (102 cases), agricultural workers for 8.7 per cent (94 cases), female domestic helpers for 8.5 per cent (92 cases), prostitutes for 5 per cent (54 cases), officials for 4 per cent (44 cases), businessmen for 3.2 per cent (35 cases), children for 1.9 per cent (21 cases) and lorry-drivers for 1.6 per cent (17 cases). In children, the infection had been transmitted by the mother. These results do not, of course, give a complete picture of the spread of HIV at the present moment, as the system of monitoring is neither adequate nor comprehensive in coverage. The general rate of HIV infection could be higher than the reported figures. This is because, over recent years, travel, both within the country and between it and other countries, has become easier, the communications and transport networks have been improved and trafficking in women and children – a high-risk group – has also increased.

a) In 1988, as part of the measures to combat the spread of the disease, the Government established the National Committee for Monitoring HIV/AIDS, with membership drawn from a various bodies and chaired by the Minister of Public Health. At

the same time, committees with a corresponding membership were set up at provincial and district levels, chaired respectively by the Governor or his deputy and by the district chief or his deputy. Reflecting the status of the struggle against AIDS as a priority task, the Government increased the membership of the national committee in January 2003 from 5 members to 14, bringing in 11 sectors and mass organizations.

b) During 2002-2005, the Ministry of Public Health adopted a strategic plan to combat the spread of AIDS, which contained detailed steps for implementing the recommendations of the special session of the General Assembly of the United Nations on AIDS (UNGASS on AIDS), held from 25 to 27 June 2001 in New York. The plan is structured as follows:

i) A national policy, containing principles consistent with those applying at international level, including non-discrimination, an integrated approach to resolving intersectoral problems, voluntary blood testing, confidentiality of counselling and identification and treatment.

ii) Goals for preventing the transmission of HIV, mitigating its effects on individuals and limiting the consequences of its spread to the lowest possible level for the economic and social development of the family, the community, the province and the country as a whole.

iii) The priorities that must be achieved, including: cross-sectoral participation; creating awareness of the national policy and strategy; strengthening the management of technical and research activities across the country as a whole; the prevention and treatment of sexually transmitted diseases; the prevention of HIV transmission (including continuing with the programme for information, education and communication – the IEC programme) for groups at high risk and the populations of all provinces; and the existing youth education programme on HIV for young people at school and elsewhere.

c) There are as yet no effective measures in place for the protection and assistance of orphaned children of parents who have died of AIDS and of children who are directly affected by the disease, but mutual assistance groups have recently been created at community level with support from the Ministry of Public Health, UNICEF and the Lao Red Cross to help children at risk and their families. These groups provide moral support of a social nature, along with low-level financial and material assistance to children and families affected by AIDS in 106 villages in three provinces.<sup>34</sup> In performing their tasks, these groups also receive advice, moral support and other practical aid from young people and from the provincial and district Committees for Monitoring AIDS. There is a recognition that this mutual assistance has strengthened the physical and moral health of participants, strengthened the economic functioning of their families and contributed to reducing the levels of contempt, slander and discrimination to which people suffering from HIV/AIDS are subject.

d) In the Lao PDR, as well as having an important religious and cultural role, the pagodas and Buddhist monks, also provide shelter and protection for a large number of (male) children who become religious novices. Large numbers of poor families have entrusted their children to the pagoda to secure them food, housing and education. The pagodas have continued to provide a measure of short-term protection for a certain number

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<sup>34</sup> They provide four main types of service: (a) advice, including mutual counselling; (b) shelter and treatment; (c) social support, through mobilizing community involvement; and (d) support of an economic nature, including revenue-generating activities.

of children at risk. In some provinces, the pagoda and Buddhist monks have the potential to support social-welfare activities linked to AIDS prevention.<sup>35</sup>

95. Genital mutilation of children, and particularly girls, do not form part of the traditions and customs of people from the Lao multi-ethnic community. However, the forced marriage of children, and even of some people who have reached majority, still takes place in certain groups and certain families, despite being prohibited by the Family Act. An important factor is the level of education both of the ethnic group and of the family involved. Acting through the Lao Women's Union, the Government has made every effort to educate the ethnic groups concerned to abandon these outmoded usages and customs.

96. In relation to the implementation of article 24(4) of the Convention, article 6 of the Act on Health, Preventive Medicine and Promoting Health provides that the State "shall encourage engagement in international cooperation relating to the exchange of experience, staff training and assistance in the fields of hygiene, preventive medicine and health promotion". Building on these provisions, and with a view to putting the rights set out in article 24 of the Convention into effect, the Government has entered into cooperation with the international community, including friendly nations, international organizations and NGOs, in a variety of fields including the following.

- The basic health project (with Australia).
- The project for improving delivery of health outcomes, health education, improving health conditions and providing support for the public health sector (with the European Union).
- Improving the public health system and preventive monitoring of malaria (with Belgium).
- Training for public health staff (with France).
- Extending public health services to the remote and isolated rural zones and improving medical technology (with Japan).
- Improving public health (with Luxembourg).
- Support for the public health sector in HIV/AIDS care arrangements for mothers with children and for other children at risk (with the United States).
- Improving the public health system and preventive monitoring of malaria in order to improve levels of health and reduce morbidity and mortality rates in selected areas of the country (with the World Bank).
- Monitoring contagious diseases, building a healthy community and population and developing the public health sector (with the WHO).

There has also been cooperation with neighbouring countries, with Lao medical staff taking study trips to expand their knowledge, and Lao students being awarded bursaries for medical studies. These various projects, lasting for a minimum of two years, have included the construction of infrastructure, including dispensaries, provincial and central hospitals, at a cost of more than US\$60 million. A number of these projects, and especially the small ones, have been entrusted to NGOs. Overall, the organization that has engaged in the most extensive activities has been UNICEF. A great many results have been obtained, as stated at paragraphs 92-94 above, prime among them the reduction in the infant mortality rate.

<sup>35</sup> Buddhist monks help: (a) with providing psychological and moral support, human warmth and advice; (b) mobilizing believers with the aim of reducing discrimination against people with HIV/AIDS; and (c) treating people suffering from HIV/AIDS with traditional medicines.

Nevertheless, in the remote and isolated regions the rate still remains high, because the percentage of hospital births is low and a great many children are still born at home without the help of medical staff; the rate of regular vaccination also remains low and incomplete. This means that some illnesses persist in a latent state, such as measles and dry cough. The percentage of newborn children weighing less than 2,500 grams is still high (around 20 per cent). In 2000, the proportion of children with a deficiency in nutritional trace elements was 40 per cent, compared with 44 per cent in 1993, demonstrating that, over a period of almost a decade, the nutritional state of children had not greatly improved. The vaccination programme remains a priority for the Government.

### **C. Social security and childcare services and facilities (arts. 26 and 18(3))**

97. At present, the social security system of the Lao PDR is still in its early days. It consists of two sectors, the public sector and the business sector. In the first, under Prime Ministerial Decree No. 178/PM of 1 January 1990, those benefiting from social insurance are civil servants, soldiers and police officers, along with their families: they must pay the fund a monthly contribution of 4.5 per cent of their salary. In the event of illness, children under the age of 18 will be reimbursed at the rate of 50 per cent of the amount that would be paid to insured persons themselves in corresponding circumstances. In the second sector, under Prime Ministerial Decree No. 207/PM of 23 December 1999, those benefiting from social insurance are workers in public or private businesses with more than ten workers or employees. The children of those insured, aged under 18, will have access to the same benefits as their parents.

98. In the system of social security for employees of businesses, the insured person will be covered in the following events: death, medical treatment, temporary loss of capacity to work, childbirth, accident at work or occupational illness, old age and unemployment. The insurance scheme also provides for a payment to the family and children in the event of an insured person's death. In all cases, the children will have access to the same direct benefits (medical treatment, midwifery, family and child assistance) or indirect benefits (of other kinds). However, at the moment, the provisions concerning child and unemployment benefits are not yet in force. Also, the system has begun to be implemented in Vientiane Municipality only and not yet in other provinces.

99. In the Lao PDR, childcare services are provided in the context of preschool education, which consists in day nurseries and nursery schools. The task of education at this level is the physical, ideological and moral development of children, along with the development of their mind, temperament and talents, to prepare them for primary education. The State encourages participation by the community and the private sector in the development of preschool education, in accordance with the law and with the principles and regulations laid down by the Ministry of Education (art. 8.1 of the Education Act). As a rule, almost all the ministries and State organizations, and some of the large businesses, in Vientiane Municipality have day nurseries for the children of their employees. In some provinces, there are also nursery schools operated by the provincial authorities, and private nursery schools. Based on the above-mentioned article 8.1, the system of preschool education will develop incrementally, in line with what the country can genuinely offer, at the same time securing the right of the child provided for by article 18(3) of the Convention.

100. The precursors of preschool education were mentioned in paragraphs 102 to 104 of the first report. When the system of agricultural cooperatives and State farms was dismantled, the day nurseries in rural areas were also closed. Agricultural workers with children like to entrust them to grandparents or to the eldest children, particularly girls, who

are better than boys at helping with household tasks. This is one of the factors that prevent girls from going to school or oblige them to leave school earlier than boys.

#### **D. Standard of living (art. 27(1) to (3))**

101. According to the Family Act, the State and society are to protect the interests of mothers and children in family life (art. 5): parents have a duty to educate their children to be patriotic, progressive and to follow a pure way of life, and to train them to engage in activities that are of use to society (art. 32); they also have a duty to raise and provide for their children while minors, as well any children who have reached the age of majority but lack the capacity to work (art. 35).

a) As stated at paragraph 5 above, 32 per cent of the Lao population still live in poverty, especially in the remote and isolated areas. Poverty means: “the lack of the main necessities of daily life, such as food (where it is not possible to provide 2,000 calories per person per day), clothing and permanent housing; the inability to pay medical fees in the event of illness, the inability to pay fees for the education of children and the lack of communications facilities”<sup>36</sup> The incidence of poverty is uneven over the country as a whole: for example, the number of poor people in some northern and central provinces is higher than in the south and Vientiane Municipality.<sup>37</sup>

b) In past years, in order to assess the financial capacity (purchasing power) of families to ensure that they have the means of existence, the Government has carried out studies of expenditure and consumption by the Lao people (the Lao Expenditure and Consumption Survey, LECS). The first survey (LECS 1) took place in 1992-1993, the second (LECS 2) in 1997-1998 and the third (LECS 3) in 2002-2003, and the Government envisages carrying out further studies at five-yearly intervals.

c) In May 2002, a poverty reduction fund of US\$19,340,000 was established with the help of the World Bank in the form of a loan at a low rate of interest. Its aims were: to give financial support for the development of small-scale infrastructure; to create revenue for target groups on the basis of widespread and active community participation; and to strengthen local institutions and organizations with the aim of making them more active and responsible in the process of planning and carrying out tasks that can help resolve the problem of poor families and communities. The fund will be used to implement a project, defined initially for five years, starting from the 2002-2003 financial year, in 5 provinces containing 22 districts and 2,300 villages, and involving about 2,340 detailed projects.<sup>38</sup> In addition, the Government, in coordination with the mass organizations,

<sup>36</sup> Definition given in Prime Ministerial Circular No. 010 of 25 June 2001.

<sup>37</sup> The realities as they affect the Lao people mean that minimum living standards for families are defined as follows: to have 16 kilos of rice to eat per person per month, along with latrines and running water; in other words, families lacking these three facilities are considered to be in poverty. At the local level, if a village has less than 60 per cent of families meeting these three criteria, there is no school in or near the village, nor a dispensary or a practitioner of traditional medicine, and the population is obliged to walk for more than six hours to reach a district hospital or dispensary, it is considered a poor village. A district is considered a poor district when it contains more than 60 per cent poor villages, more than 40 per cent of villages without schools and dispensaries and more than 70 per cent of villages without electricity.

<sup>38</sup> In the first stage, this project will be put into effect in 3 provinces and 10 districts, namely: Hua Phan (3 districts, 194 villages and 63,329 poor inhabitants), Savannakhet (3 districts, 298 villages and 65,559 poor inhabitants) and Champassak (4 districts, 162 villages and 66,401 poor inhabitants).

established a village development fund of Kip 25 million to give support and encouragement to the 47 poorest districts in the country to produce goods and create employment for their multi-ethnic population. .

d) In emergencies such as natural disasters (drought, fire or flood), the Government, in coordination with the Lao Red Cross and the Foundation for Assistance to the Poor, provides practical assistance (seed for replanting crops, food products, household goods, clothes, mosquito nets, corrugated sheeting and other materials) to give relief to victims, and poor families in particular.

102. The Government has achieved the following results in implementing its strategic plan for poverty eradication (or the improvement of living standards). LECS 1 (1992-1993) showed that the proportion of the population in poverty was 45 per cent of the total: at the time of LECS 2 (1997-1998), the figure had fallen to 39 per cent, and according to LECS 3 (2002-2003), it was no higher than 32 per cent. The implementation of the plan certainly met with a large number of difficulties, including the remoteness and isolation of the target regions, access to which was difficult, and the confused organization of the projects where there had been no precise allocation of funds. Most projects consisted in the construction of infrastructure, which did not have a direct impact on the poor; the development of the regions was not as balanced as it should have been, leaving disparities between them as a result of geographic factors; and the amount of credit on offer from the banks was insufficient to meet needs. Nonetheless, the Government decided on the following objectives.

- By 2005, poverty should be reduced by half
- By 2010, poverty should be totally eradicated.
- By 2020, the Lao PDR should have been brought out of its status as one of the least developed countries.

## **VII. Education, leisure and cultural activities (arts. 28, 29 and 31)**

### **A. Education, including training and vocational guidance (art. 28)**

103. Article, subparagraph 2, of the Constitution provides that “the State and society shall create the conditions necessary to ensure that the people receive an education, particularly the inhabitants of remote and isolated areas, ethnic groups, women, children and disadvantaged persons”. In addition, the Education Act reaffirms that “all Lao citizens, without distinction as to ethnic origin, race, religion, age or family status, shall have the right to an education” (art. 3); “all pupils and students have equal rights to education, [and] schools, educational institutes and the bodies managing education at all levels shall guarantee equality between the sexes and ethnic groups in regard the right to be admitted to study” (art. 22). The State “shall be directly responsible for developing the national education system” (art. 5, subpara. 2); in developing education, the State shall take into account the ethnic groups in remote and isolated areas, women, disadvantaged persons and gifted individuals” (art. 5, subpara. 3) and “the State shall set in place arrangements to assist pupils and students in remote and isolated areas, disadvantaged girls, excellent students and good students from poor families; it shall, at the same time, encourage people and organizations to help them in appropriate ways” (art. 23).

104. In meeting its obligations under the law, the State increased the education budget from 8.81 per cent of its total budget in 2000-2001 to 11.63 per cent in 2004-2005. Fifty per cent of those resources were allocated to primary education, which is regarded as an important responsibility; 16 per cent to lower secondary education; 8 per cent to upper

secondary education; and 7 per cent to higher education. The Government has, similarly, tried to make access to education as fair as possible. Entry to primary school classes was, for example, sufficiently extensive, but access to lower secondary level was more limited and access to other levels restricted still further, for a number of reasons, including:

- *Poverty*: fewer poor students obtain access to all levels of education than students from non-poor backgrounds;
- *Location*: in areas with proper communications facilities, greater numbers have access to education than in remote and isolated areas;
- *Population density*: the urban population has greater access to the general education system than the rural population in remote and isolated areas;
- *Gender*: more boys than girls are able to access most education sectors;
- *Language*: mother-tongue Lao speakers are represented in greater numbers than others.

a) These different reasons are bound up with one another. Communities in the remote and isolated areas are made up of ethnic minorities and are generally poor; poor families are less likely to send their children to school than the comfortably-off; and the economic and social gap in relation to access to education widens at each step up in the education system. The Government has introduced the following projects to enable disadvantaged children to have more extensive and comprehensive access to education:

i) For ethnic minority children in the remote and isolated areas, there are units with direct responsibility at both ministerial (departmental) and provincial (services) level, as well as boarding schools. These children receive scholarships from the Government. Teachers who volunteer to go and work in these regions benefit from an increase of between 15 and 25 per cent in their normal salary. Teachers teaching multigrade classes are also paid a higher salary.

ii) There are services with special responsibility, at both ministerial and provincial level, for girls from ethnic minorities; scholarships have been given to students from ethnic minorities in teacher-training colleges, and 379 students are currently being trained to become primary school teachers in their villages. The Government has trained 52 education advisers to monitor and help these girls with their studies; built schools to enable children from ethnic minorities to study *sur place* (and has planned to build more than 400); and organized training sessions and sessions publicizing the role of women in the education sector from central through to local level (school complexes, schools, directors) (see also paras. 29 (a) and (b) above).

iii) For children with economic and social problems, orphanages, notably the SOS schools, have been built in some provinces. In this project, the children live together as a family under the care of guardians, and receive an education (see para. 78(b) above). In addition, scholarships are given to children from poor families. Currently, the Ministry of National Education is working with a Japanese NGO, the Minsai Center, in four provinces (Khammouane, Savannakhet, Saravane and Sekong), giving scholarships to more than 1,500 students. The Foundation for the Promotion of Education has also given a number of scholarships to poor children and good students.

iv) The integrated education project has been set up for children with a disability, and currently covers all the country's provinces, including about 80 districts; 250 schools, in which more than 1,700 children with mental or physical disabilities study, are involved in the project. Those children attend classes alongside normal

children in their community. The possibility of increasing the salaries of teachers teaching these integrated classes is currently under review.

b) Another problem the Government has encountered in relation to education concerns the multiplicity of local dialects: approximately 35 per cent of the population do not speak the Lao language. The Khmu and Hmong ethnic groups – who are fewer in number following after the Lao-Thai ethnic group – do not even have their own written language. The Government is not yet in a position to organize the teaching of local dialects in schools; its policy is to try to train as many teachers from ethnic groups as possible, so that they can return to the villages from which they have come and teach those children (see also para. 29(b) above).

c) In order to develop the education system throughout the country, there is also a need for more teachers, as current numbers are inadequate. To take an example: of the country's 8,486 primary schools (see para. 21(b)(i) above), just 35 per cent have five teachers and five classes; the remaining 65 per cent have fewer than five teachers and have to resort to amalgamating classes and using limited resources. Some of these teachers do not meet the required standard. For instance, in 2000, primary schools had a total complement of 28,403 teachers (12,555 or 44.2 per cent of them women), and while 76.5 per cent had attended teacher training college, the remainder had not and had to undergo further training to be brought up to standard. The Government has thus paid special attention to the training and further training of teachers. During the 2001-2002 academic year, 75 per cent of primary school teachers had received training; the remainder would be trained subsequently.<sup>39</sup> In order to use the new teaching method, based on the teaching curriculum, and the newly developed textbooks and handbooks (see para. 104(g) above), training courses have been held for teachers of classes P1 to P5 at primary level 31,225 occasions/persons, and for teachers of lower secondary classes (S1-S3) 4,165 occasions/persons. All in all, during the period 1997-2002, a total of 9,346 teachers were trained, in-career development was organized for 5,056 teachers (including 1,718 women) who had not attended teacher training college, and other further training schemes for teachers of mathematics, biology, geography, French, English, physical education and multigrade classes. Similarly, the Teachers' Development Centre was set up to develop, more specifically and taking a standardized approach, the teaching curriculum, the textbooks and the teaching methods for teacher training colleges, and these have, moreover, been completed and brought into effect. At the same time, efforts have been made to build and complete, according to the established timetable, the material wherewithal for these establishments, including classrooms, libraries, laboratories, meeting rooms, student accommodation, staffrooms and the supply of the equipment needed for teaching and study purposes. There are currently 44,636 teachers accounting for 83.34 per cent of the total staff complement in the education sector. A system of education advisers has also been established and teachers who have demonstrated excellence have been selected for training: 403 education advisers have been trained at primary level and 143 at secondary level; their role is to encourage and assist their colleagues to prepare classes, recommend teaching

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<sup>39</sup> The training system has been improved to make it more fit for purpose: for example, for primary teachers, the 8 + 3 (8 years of study + 3 years' training) and 11+1 (11 years of study + 1 year of training) regimes have been organized, and are designed to make primary teachers capable of teaching all subjects allocated to primary classes; and, for secondary school teachers, the 11+3 (11 years of study + 3 years' training) regime has been established, encompassing three subject-areas, namely natural sciences, social sciences and foreign languages, and is designed to enable them to teach one of the four optional subjects, namely physical education, technology, the graphic arts and music, alongside their own field.



methods, evaluate results and encourage the production and use of study and teaching methods.

d) As regards illiteracy, according to the national report on “Education for All”, in 2002, 24 per cent of six to ten-year-olds and 26 per cent of the over-15s had not been to school (13.8 per cent fewer than in 1995-1996). In practice, however, the programme to eliminate illiteracy has not really gained momentum: the proportion of illiterates remains high; the quality of the process of eliminating illiteracy is uneven; those who have been taught to read and write fail to keep on with their studies and revert to being illiterate; and there is not enough in the way of learning and teaching resources to meet the needs of the target groups.

e) In parallel with the school system, the Government has also set up a system of non-formal education, community education centres and vocational training centres.<sup>40</sup> It has also improved teaching methods and linked studies to basic vocational training, such as weaving, dress-making, building, carpentry, poultry-farming, fish-farming, market-gardening and the production of fruit trees; over the past five years, 6,610 people have been given this form of training to improve their standard of living. In addition, three pilot centres for distance-learning have been set up in Bolikhamxay, Khammouane and Savannakhet, giving the disadvantaged the opportunity to study. In 2001, 13 districts<sup>41</sup> declared that all of their residents had completed primary level education.

f) As regards the development of preschool education and preschool education services, in academic year 2002-03, there were a total of 820 day nurseries and nursery schools (see para. 21 (b)(i) above) – an increase of 68 units compared with 2000 – but the number of children enrolled had fallen by 1.8 per cent compared with previous years as a result of the success of the birth-spacing programme (see para. 93(n) above). Another important element in the project to develop preschool education, based on the community, involved training 70,657 parents, guardians or child-minders in parenting skills for children from birth to the age of five.

g) Since the first report was submitted, there have been major changes to the education system, principal among them the creation, in 1995-1996, of the National University of Laos, as a result of the merger of various higher education institutes, and the adoption of the Education Act, by the National Assembly, on 8 April 2000. At the same time, the national system of general education was reformed by developing the teaching curriculum and establishing study methods, textbooks and teaching in accordance with a new approach to teaching practices (with the focus on the child); this was designed to foster pupil’s creativity, as their involvement in different activities gives them the courage to show what they can achieve and the independence of spirit<sup>42</sup> to express their views. Primary

<sup>40</sup> There are currently 174 of them; in addition, there has been an improvement in teaching standards in the 14 provincial cultural training schools, 33 of these schools at district level, 2 attached to the Ministry of National Defence and 1 attached to the Ministry of Security; the curriculum has been developed; 25,000 textbooks on approaches to study to eliminate (illiteracy) at primary, lower and upper secondary level have been printed; approaches to study for 14 professions developed; and a number of books and newspapers published for villagers.

<sup>41</sup> Three in Xayaboury province, one in Vientiane province, one in Bolikhamxay province and eight in Vientiane Municipality.

<sup>42</sup> Teaching and study methods were established (26 teaching instruments for the ethnic minority girls project, 6 video programmes guides on teaching multigrade classes and the broadcast of 52 television programmes on education), thereby helping students and teachers to extend and update the knowledge they need to organize study and courses in relation to: ethnic issues; working on essential abilities to enhance the quality of life; combating drug use and HIV-AIDS; watching out for unexploded ordnance and ensuring road safety; encouraging reproductive health and sexual education for young

School Clusters have also been established to encourage schools within the cluster to help each other and encourage the employment of teaching staff proportionate to pupil numbers. In the 1999-2000 academic year, there was a total of 288 primary school clusters, and the teaching of multigrade and double classes had been organized; there are currently 4,500 teachers for multigrade classes, that is 16 per cent of all teachers at primary level. The purpose of organizing the multigrade and double classes was to resolve the problem of a shortage of teachers and classrooms. To improve the effectiveness of the general education system, particularly in regard to teacher employment, the school network was reorganized by increasing the pupil/teacher ratio at primary level from 28:1 in 1995/96 to 30:1 in 2000, and, at secondary level, from 16:1 to 22:1 during the same period. Similarly, physical education activities and courses in the arts were provided for the various general education classes, as set down in the curriculum. In addition, competitions in literature and mathematics were organized at secondary level for the best students, encouraging students to develop their talents and fostering gradual improvements in teaching and studies; a vocational training development centre to develop the curriculum and improve the standard of teachers [was set up], [and] textbooks and teaching methods in this sector were improved to reflect the actual state of the labour market in this new era.<sup>43</sup> Over the past years, as well as developing State education, the Government has also had a policy of encouraging private sector involvement in education as an integral part of the national education system.

h) As regards education services and management, the Ministry of National Education both improved the rules and policies already in operation and established new ones: the grades and technical responsibilities of teachers in colleges and the university, as well as the policy towards teachers in difficult, remote and isolated regions and teachers of multigrade, double and other classes were defined. The Ministry reformed the organizational machinery through a process of standardization, from the ministry itself down to local level, and regulated working methods, defined responsibilities, placed staff at departmental and divisional level and approved the entry of new employees according to need. Currently, total staff numbers in the education sector, including teachers, amount to 53,557 individuals (see also para. 104 (c) above).<sup>44</sup> An important measure has been the establishment of a schools' inspectorate at all levels, and its members have been able to exercise their responsibilities more effectively in the education sector, particularly in regard to technical and teaching inspections and the sector's internal regulations. In addition, an education information network has been established between the Ministry of National Education and 11 provincial education services (Vientiane Municipality, Vientiane province, Oudomxay, Luang Namtha, Luang Prabang, Hua Phan, Bolikhamxay, Khammouane, Savannakhet, Saravane and Champassak), and an education map was drawn up for 141 districts to provide an important basis for managing and planning the development of education in the future. Overall, there have been many significant changes; in practice, however, the Government has also encountered many difficulties, particularly in bringing on teachers, as their training and further training does not yet match real needs.

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people; and protecting the natural environment and the national cultural heritage. The end-of-year and final examinations were changed, improved and standardized, and, more particularly, the examination topic at primary level is the same for all districts; at lower secondary level, it is the same throughout the provinces; and, at upper secondary level, it is the same throughout the country.

<sup>43</sup> What matters is that 4,843 teaching staff at elementary level and 15,524 middle school level received training, and 1,415 employees and students were sent to pursue higher studies in 25 foreign countries. In the past five years, 1,321 students have completed their studies abroad, 126 obtaining a master's degree and 37 a doctorate.

<sup>44</sup> The Ministry of National Education organized further training courses in education management for managers at departmental level and the heads and deputy-heads of the district education offices, achieving 90 per cent coverage, and 40 per cent coverage in the case of school principals.

Generally, the standard of teachers is not good and many have not attended teacher training college (20 per cent of primary school teachers); many of those who have completed their teacher training studies have not become teachers, and those who have become teachers still lack [a proper sense of] responsibility. The management of vocational, higher and university studies remains inadequate; the living conditions of teachers and students continue to be difficult – there is a shortage of the equipment needed for teaching and study purposes, and in-service training is rare; the process of developing vocational, higher and university studies remains slow and does not properly reflect labour market requirements or the increased student numbers; coordination between schools and the manufacturing base is still poor.

105. As regards primary education, the Education Act provides that “primary education shall be compulsory and free of charge for Lao multi-ethnic children from the age of six, and shall last for five years. The State shall take the appropriate measures to guarantee Lao citizens of school age the opportunity to attend school. The administrative authorities, parents and guardians must ensure that children of school age receive compulsory primary education (art. 8.2). In reality, the child’s family may be called upon to make a contribution to schooling. According to the Government’s policy, education must be in the public interest, with the State and people working together to develop it. The State provides the teachers and textbooks, and a certain amount of teaching equipment. There are two methods of school-building: either the State undertakes the entire construction or the State and people build schools together. Schools have to have a budget to maintain premises and equipment, including everyday running costs (water and electricity), but some, particularly in the villages, lack the funds to cover this, and the State is unable to meet the shortfall. The community and pupils’ parents are then asked to make an appropriate contribution, except in the case of pupils from poor families. In general, primary school attendance is between the ages of 6 and 10, and compulsory education extends from 6 to 14. According to the principle governing general education, primary school pupils may repeat classes up to the age of 14, and primary schools cannot exclude pupils below that age. Pupils over 14 may be transferred to the non-formal education sector. According to the 2000 national report on “Education for All”, the average rate of enrolment in primary classes was 76 per cent (80 per cent for boys and 72 per cent for girls), but this overall figure conceals the major discrepancies between the regions and provinces: in Sekong Province, for example, the average rate of enrolment was only 44 per cent compared with 99 per cent in Vientiane Municipality. In addition, once enrolled, children had problems in completing their primary education, resulting in 20 per cent dropping out of school and as many as 22 per cent repeating years.

a) In relation to secondary education, the Education Act provides that secondary education follows after primary education and must provide the knowledge necessary and appropriate to continue studies or engage in an occupation. Secondary education comprises two cycles: the first lasts three years and should provide general education and condensed basic technical training; the second is in two parts:

- The general or ordinary section, which lasts three years, is designed to provide general education and condensed technical training.
- Initial vocational training offering a range of appropriate subjects in various forms, with the aim of providing an occupation that is in line with the country’s socio-economic development needs, taking into account the demands of the labour market and the individual’s own occupational requirements. The State has a duty to develop secondary education in such a way as to create favourable conditions for Lao citizens to acquire the knowledge and skills that will enable them to enter an occupation. The development of vocational training must have the support and involvement of all of the public services concerned and the cooperation of both

public and private undertakings” (art. 8.3). In secondary, as in primary, education, the community and students’ parents will again be called upon to make their contribution to assist the Government. Students from ethnic minorities and poor families have received scholarships from the Government or other organizations (see para 104(a) above). At present, the Government lacks the resources to provide free secondary education, however, as part of the project for further developing education, lower secondary education may, in future, be made compulsory and free.

b) The Education Act provides that the role of higher education is “to produce technicians with the advanced knowledge and skills that will enable them to be of service to society and engage in their individual occupations. The State shall ensure that higher education is developed in accordance with the national economic and social development plan” (art. 8.5). The aim of developing higher education and vocational training is to meet the needs of the labour market in a new era. Access to higher education is by examination, depending on students’ abilities. Overall, the proportion of girls and students from ethnic minorities is not high, and the admission of students who have completed upper secondary education remains limited.

c) As regards information about educational guidance, under article 11 of the Education Act “the education sector shall include a system of student guidance or counselling on studies, at every level and in each sector, to enable students to pursue their studies in accordance with their own wishes, ability, talents, real circumstances, appropriateness and the needs of society”. In practice, however, there is, as yet, no clearly organized service in this area. Consequently, those needing information about studies have to go to the school or institute concerned to get it. Similarly, there is a lack of measures to encourage children to go to school, attend regularly and not drop out. For the period 2003-2006, with the support of the World Food Programme (WFP), the Ministry of National Education launched a School Feeding Programme to encourage poor and vulnerable children, and girls more particularly, to enrol at school in regions that are not self-sufficient in food, by offering them meals. More than 161,000 primary school pupils in the 47 poorest districts, 17,500 boarding school pupils and 73,500 girls will have benefited from this project. At the same time, 300 teachers and 100 administrators in the target schools will have been trained; these children are encouraged to be more assiduous about attending school when they are provided with full meals.

106. Children who have been unable to exercise their right to education fall into five categories: orphans, children with a disability, abandoned children, street children and children with a drug addiction.

a) Orphans: according to MICS 2 (2001), 3.5 per cent of Lao children below the age of 15 are orphans, that is a total of 85,292 individuals, 62 per cent of whom have no father, 31 per cent no mother and 7 per cent neither parent. Some have been placed in SOS Villages (see paras. 78(a) to(c), 79, 80 and 104(a)(iii) above).

b) Children with a disability fall into a number of categories: children born with a disability; children who have become disabled as a result of contagious disease; children with physical and mental conditions not caused by contagious disease; and children who have become disabled as a result of impact or other injuries; however, information on children with a disability is scarce because there is no system of regular data-collection. The most frequent cases involve children who have become disabled because of poor nutrition or as a result of unexploded ordnance (see also para. 41(b) and 104(a)(iv) above).

c) Abandoned children: generally, the strong family ties in Lao society play a particularly important role in keeping down the number of abandoned children: if parents are unable to care for their children, grand-parents, relatives or the local community will normally step in to care for them (see also paras. 78 and 78(a) above).

d) The problem of street children (who spend their time working, begging and sleeping on urban streets) is a new experience for the Lao PDR. Although there are currently no precise figures at national level, a study carried out, in 2001, by the Ministries of Employment and Social Welfare and UNICEF identified 138 street children – half of them in Vientiane Municipality. The problem is caused by poverty, family breakdown, disability, drug dependence, the increasing gap in development between urban and rural areas, the disappearance of the traditional family and the loosening of community ties as a result of urbanization. The study revealed that 55 per cent of these children had parents who were still alive; 64 per cent said that their parents knew how they were living; more than 50 per cent of parents knew where their children were living; 4 per cent only were orphans with no father or mother; 19 per cent had lost either their father or their mother; 4 per cent had a parent who had remarried; 15 per cent had parents who were divorced or separated; 44 per cent said that they had suffered physical abuse – in almost every case at the hands of the father; 22 per cent had a family member who was a drug-addict; 24 per cent had come to beg and work on the streets to help their families; and 13 per cent were doing it for their own benefit because their families were unable to feed, house and clothe them (begging netted them between Kip 4,000 and 10,000 per day). In addition, one in ten of these children had a disability of some kind and some said that their parents also had a disability (see also para. 78(d) above).

e) There is no national data on children affected by drugs, as this is a new social phenomenon. However, according to a study carried out in three of the country's cities, in 2001, by the United Nations Office on Drugs and Crime (UNODC), many students were involved in solvent abuse, using Amphetamine-Type Stimulants (ATS), tranquillizers and hashish. The age group most affected (during the 12 months prior to the study) was the 15-19 year-old group, and their involvement ranged from 2.5 per cent (in Luang Prabang) to 7.3 per cent (Vientiane Municipality). The proportion of young people who had taken narcotic drugs at some point in their lives was 5.5 per cent in Luang Prabang and 15.7 per cent in Vientiane Municipality. The level of drug abuse was higher among boys than girls, with 25 per cent of them in Vientiane Municipality. It had the highest percentage, followed by Savannakhet; Luang Prabang had the lowest percentage reflecting the differing levels of urbanization in those three centres. The situation in rural areas has yet to be studied in detail, but it seems that ATS use has spread among young people in a number of villages. The young people who were interviewed said that they had used narcotic drugs out of curiosity, as a result of peer pressure, anxiety and worries; there were also family problems (emotional distress, parents suffering from mental disorders or involved in illegal activity). According to the account of some children, it appears that levels of drug use among young people who do not attend school are higher, but a study has yet to be made.

107. As regards the provisions of article 28(2) of the Convention, the Education Act stipulates that schools and State education establishments have the right and duty to adopt rules for their own management (art. 15.2); to administer and to commend good pupils and students and refer to the disciplinary board those who commit disciplinary offences (art. 15.7); to protect the rights and legitimate interests of pupils, students and education staff (art. 15.9); and to coordinate with the parents' association, informing both parents and students of how matters stand in relation to studies and other problems (art. 15.10). The Education Act also provides that pupils and students must comply with Party policy, the laws of the State and the rules of school and education establishments (art. 27.1) and respect and abide by the advice of teachers (art. 27.4).

a) Schools and State education establishments have laid down the appropriate rules and disciplinary measures, in accordance with these provisions. In particular, as regards discipline in primary schools, corporal punishment and other disciplinary measures that offend pupils' dignity are prohibited. Private schools must comply with the Government's decree on administration (art. 15, *in fine*). There is, as yet, no independent

mechanism to monitor, control or report on how discipline is applied in schools, but, within the education system, there are a number of organizations to protect pupils' rights, such as the education inspectorate at all levels (see para. 104(h) above), the management of primary schools, comprising the principal and deputy-principal (art. 29, subpara. 2, of the Education Act), the school's youth organization and the parents' association.

b) Under the rules of these institutions, pupils and students who break the establishment's rules appear before the disciplinary board in the presence of their parents or guardians; if the act is serious enough to constitute a criminal offence, the wrongdoer will be prosecuted in accordance with the Code of Criminal Procedure. The trial will, however, take place in the presence of the individual concerned, his or her parents and defence counsel (see para. 25(h), (i) and (m) above).

108. Turning to article 28(3) of the Convention, article 6 of the Education Act provides that "the State shall encourage investment and international cooperation to develop education, exchange experience about techniques, teaching and education management services, while promoting the mutual recognition of diplomas, pass certificates and school attendance certificates". In the early 1990s, there was little international assistance for education, but since its importance in relation to poverty reduction has been recognized, assistance has gradually increased and the Government has used it to develop the education system, particularly the primary schools that are vital to gradually eliminating illiteracy. In parallel, the Government has tried to improve access to education on an equitable basis; to improve the quality of education by further training teachers; and to make education more relevant by reforming the curriculum and improving planning and management.<sup>45</sup>

109. International cooperation includes:

a) The first phase of the Education Development Project I – EDP I 1993-2000, with the World Bank, Norway and Switzerland, for the construction and equipping of 245 primary schools, 37 secondary schools and a number of premises (offices) for the provincial and district education services. In Phase II of the project, (EDP II) 2001-2010, 700 new primary schools will be built throughout the country (400 in 2000-2005 and 300 in 2006-2010) to promote fair access to education and improve the quality of primary and secondary schools.

b) The Education Quality Improvement I – EQIP I project, with the Asian Development Bank and Norway. Phase II will continue to promote equitable access to education and improve its quality from primary to upper secondary level. The project places the stress on teacher-training and raising standards in teacher-training colleges, including by developing the abilities of instructors in the various training colleges.

c) The Children's Basic Education Project, Phase I, 1992-1996, Phase II, 1998-2000 and Phase III, 2003-2007, with UNICEF, the Church World Service (CWS), Catholic Relief Services (CRS), REDD BARNA (Save the Children Norway) and SCF-UK. In order to develop education for young children and expand access to basic education in the rural areas where it is lacking, the Government has provided or improved premises and raised the standards of teachers without an academic qualification.

d) The Girls Basic Education Project 1999-2004, with the Asian Development Bank and AusAID, designed, above all, to train teachers in service, educators and school managers (see also para. 108, *in fine*, above).

<sup>45</sup> It also organized, for staff of the planning and statistical services of the six pilot districts for the girls' basic education project, training courses on education database programming – abbreviating and processing data for medium-term evaluation purposes – and on the use of computers, which benefited from the assistance of the Asian Development Bank (ADB).

- e) The Basic Skills Training Project 1995-2001, with the German Technical Cooperation Agency (GTZ).
- f) The project to build boarding schools for ethnic minority children, 1995-2000, with Vietnam.
- g) The Technical and Vocational Education Project, 1992-1999, with the GTZ.
- h) The bilingual classes project, 1995-2006, with France.
- i) The National Polytechnic Institute project, 1989-1997, with the World Bank, Switzerland and France.
- j) The Higher Technical College of Electronics Project, 1994-1995, with Japan.
- k) The project to rationalize post-secondary education, 1995-2002, with the Asian Development Bank.
- l) The Forestry Institute Improvement Project, 1994-2000, with GTZ.

Each of these projects has a value of more than US\$ 3 million, and they form part of the range of 27 bilateral and multilateral cooperation projects, including with the NGOs. The total value of these 27 projects amounts to some US\$ 220 million, US\$120 million of which comes from aid, US\$ 75 million from borrowing, US\$ 21 million by way of Government contribution and US\$ 3 million by way of community financing. For 2001-2002 alone, international assistance for education (multilateral and bilateral assistance and assistance from NGOs) amounted to approximately US\$ 38 million, accounting for more than 10 per cent of aid to the Lao PDR. Twenty per cent of aid from NGOs, 12 per cent of bilateral aid and 8 per cent of multilateral aid is allocated to education. Overall, 79 per cent of investment expenditure (school building) on education comes from international aid. In addition, the Vietnamese, Chinese, Japanese, Australian, Thai and Singaporean Governments regularly give scholarships to Lao students. The Lao Ministry of National Education has also signed cooperation agreements with the Vietnamese and Chinese Education Ministries and expanded cooperation with the ASEAN countries, particularly Singapore, Malaysia, Thailand, Myanmar, the Philippines and some Asian countries, including India, Japan, the Republic of Korea, as well as some European countries, including France, Sweden, Germany, Belgium, Luxembourg, Hungary and Poland, and with Australia. The United Nations system, particularly UNICEF, UNDP and UNESCO, have played an important role in relation to utilizing this aid, especially the multilateral aid. The NGOs have also made an important contribution, especially in developing basic education and education in rural areas.

## **B. The aims of education (art. 29)**

110. Article 22 of the Constitution provides that “the State shall ensure the application of the policy of further developing education (...) to educate the Lao people to be good and just citizens possessing revolutionary qualities, knowledge and abilities”, and article 1 of the Education Act adds that “educational activities shall consist in educating good citizens who are familiar with the Party’s policy and the laws and regulations of the State; have moral qualities and a sense of patriotism; are firmly attached to the popular democratic regime; have a sense of solidarity and harmony among ethnic groups, a knowledge of natural and social science and the ability to work hard; are devoted to and fiercely protective of the fine and characteristic national cultures and traditions and understand how to protect national resources and the environment; and have a proper understanding of international relations, enabling them to participate in protecting and gradually developing the nation, based on a process of education that is national, scientific, progressive, popular and contemporary in nature”.

111. In both the immediate and the long term, the development of education will be based on improving the quality of education to bring it closer to international standards and create conditions conducive to reducing poverty levels, because the Government considers that education is the key to developing human resources, improving people's knowledge, creating opportunities for young people to look for work and educating an appropriate number of experienced intellectuals. In order to do this, it will be necessary to: improve the quality of training for teachers at primary and secondary level; raise the level of basic qualification required by teachers who have not attended teacher-training courses, and, where necessary, extend the number of both compulsory and optional subjects in teacher-training programmes; improve the quality of instructors in colleges and teacher-training colleges in the English language, computers and essential educational technology and raise the standard of their qualification to degree level. It will also be necessary to increase the number of female and ethnic minority students in higher education and to raise the student population ratio from 350:100,000 in 2000 to 450:100,000 in 2005; develop vocational and higher education to meet the needs of today's market; select and incorporate the appropriate science and technology into the teaching curriculum; and further develop scientific research in the interest of development.

112. As regards respect for the right of individuals and organizations to set up and manage educational institutions, article 13 of the Education Act provides that "the State shall encourage individuals and social organizations to establish schools and educational institutions with the permission of the education sector. The creation of schools must be in compliance with the education map and the rules lay down by the Ministry of National Education. In the case of schools and educational institutes that fall within other sectors, the Government shall decide in accordance with the general rules laid down by the Ministry of National Education". In practice, in past years, respect for that freedom has been demonstrated by the increased development of private education, from nursery to secondary level. Similarly, vocational schools have been set up in towns, particularly to teach foreign languages, computing and business studies to degree level. By way of illustration: the number of pupils in nursery schools increased from 1,665, in 1991, to 8,337, in 2000; in primary school from 6,886 to 20,504; at lower secondary level, from 165 to 2,450; in vocational schools, from 2,695 to 6,79; and, in advanced technical training schools, from 240 to 4,207 for the same period. The involvement of the private sector has provided opportunities for people to have greater access to education, while, at the same time, enabling the Government to save some public funds and use them to help the poor and rural areas where the private sector would have no interest in opening schools.

113. The permission granted to individuals or social organizations to set up schools and educational institutions is subject to the conditions regarding the aims of education (see para. 110 above), the teaching curricula and other rules laid down by the Ministry of National Education, with which these establishments must comply. The various provisions of the Education Act that apply to State educational establishments also extend to private establishments; the difference is that in private establishments tuition fees are higher (making it hard for the poor to access them) and they are housed in premises that are possibly more congenial than State establishments. It follows that the principle of non-discrimination cannot be applied here. As regards the other principles, namely the best interests of the child, respect for the opinions of the child, and the right to life, survival and development, there is no difference compared with State establishments. Generally, these establishments have been newly built or renovated and modernized, and, as a result, technical safety and health security is taken as a given. The teaching and administrative staff should meet the requisite standards, as they are better paid than in the State sector. It often happens that teachers from State establishments work extra hours in private establishments because the curriculum is the same. Moreover, since the diplomas issued by these establishments are recognized by the Ministry of National Education and are



equivalent to those issued by State establishments, they come under the supervision of the Ministry of National Education or the provincial education service, as appropriate.

114. The Education Act entered into force in April 2000, and it is therefore difficult to assess clearly progress in implementing both the provisions of article 29 of the Convention and of article 1 of the Act. However, the main difficulties encountered (other than those described in para. 104(h) above) are:

- The major disparities that still exist between the various provinces and districts concerning access to education from nursery to upper secondary level.
- The shortfall in the number of secondary teachers needed to meet the rapid development in secondary education.
- The number of pupils repeating years and dropping out of school, especially at primary level.
- The shortage of books and teaching materials in the Lao language, particularly in technical, vocational and higher education.
- The shortcomings in the management of education at all levels and the fact that there is a shortage of properly trained managerial staff.
- The lack of regular and effective supervision and monitoring.
- Coordination between the Ministry and all levels of the education sector remains poor.

The immediate objectives are to:

- continue to apply the system of compulsory and free primary education until it has been successfully implemented and then introduce the system of compulsory and free education at secondary level
- continue to eliminate illiteracy in the target population groups and improve their standard [of education]
- continue to improve the quality of education by focusing on moral, spiritual education and education in the arts, as well as physical education and training for work
- improve the effectiveness of the national education system and gradually reduce the number of students dropping out or repeating a year
- expand education widely and reduce the gap between the regions, provinces, sexes and ethnic groups
- pay greater attention to gifted students and students with a disability.

### **C. Leisure, recreation and cultural activities (art. 31)**

115. School regulations recognize the right of the child to leisure and accord schools and educational institutes the following school holidays:

- a) Two months of summer holidays (July-August) at the end of the school year
- b) Ten days of autumn vacation (late December-early January) corresponding to the (international) New Year holiday
- c) Two weeks spring holiday (in April) marking the Lao *Pimay* (Lao New Year) holiday

d) Public holidays include the international New Year (1 January), International Women's Day (8 March), the Lao New Year (three days between 12 and 16 April, depending on the year), Labour Day (1 May), the national holiday (2 December), the traditional holidays of ethnic groups (for the specific ethnic group only) and the weekly holidays (Saturdays and Sundays) which are also school holidays. Children are thus free to enjoy their free time, as they wish.

i) Children's games and pastimes depend on environmental factors, such as family and place of residence. The Lao PDR is a country with a long history, longstanding traditions and cultures, and an abundance of nature; the 85 per cent of the population that live in the rural regions organize their life and recreation in tune with these advantages. In the Lao PDR, and especially in rural regions, the family still plays an important role in children's lives and leisure activities. Parents tell stories or recount adventures, make toys with materials to be found locally, very basic musical instruments or take children on trips to the mountains, the forests or to walk along the riverbanks in the different seasons. The pagoda, school and home courtyard provide children with places to meet and play during their free time. Children are extensively involved in the cultural activities and traditional festivals that take place throughout the year and enjoy doing so. Apart from recreational activities at school, such as music, sport, reading and so on, urban children spend their free time within the family watching television or videos or listening to the radio broadcasts they enjoy; or, sometimes, parents take their children to visit cultural parks, zoos, natural and cultural tourist attractions and public gardens, including traditional festivals in the town or vicinity. Some children spend their weekends at children's cultural centres or clubs, children's libraries and various sports grounds, including football, basketball and volleyball, etc.

ii) As regards the freedom of children to take part in the cultural arts, article 23 of the Constitution provides that "the State shall encourage the preservation of the finest cultural traditions of both the nation and ethnic groups, while also adopting selected elements of universal progressive culture, as well as activities in the area of culture, the arts, literature and creativity"; and one of the aims of education is to educate "good citizens (...) devoted to and fiercely protective of the fine and characteristic national cultures and traditions" (see also para. 110 above). The content of these artistic and cultural activities is incorporated into the form and substance of education, enabling school and educational institutes to have full control over their organization and management. Pupils and students have the right to take part in these activities.

116. Every October, the central Children's Cultural Centre has organized large-scale children's fairs to enable them to meet and exchange experiences. Disadvantaged children, orphans, children with a disability, children from rural areas and from provincial and district cultural centres, as well as their parents and the general public have been invited to attend these activities which included music, sport, story-telling, exhibitions of drawings, the preparation of food and so on. On each occasion, more than 1,000 people attended, encouraging society to become more involved in the efforts to further child development. In addition, this type of festival has become more widespread, at both central and local level, particularly on the occasion of International Children's Day, organized by the education service, the Lao People's Revolutionary Youth Union, the Lao Women's Union and the social and international organizations. Similarly, representatives of the children from the central Cultural Centre regularly made visits to the provinces to join in activities with local children, mainly in the provinces of Hua Phan, Xayaboury, Xieng Khouang, Bolikhamxay, Khammouane, Savannakhet, Champassak and Attapeu. The provincial cultural centres also engaged in the same kinds of activity in the districts and villages of

their respective provinces, thereby helping to develop knowledge, solidarity, friendship and a good atmosphere.

a) A number of national meetings have also been arranged, in past years, to enable children's cultural activities to be shared (see also para. 59(a) above). The 8<sup>th</sup> meeting was held from 26 to 28 January 2004 in Khammouane province, and was attended by the Provincial Governor, the Minister of Information and Culture, the head of UNICEF's information and media services and representatives of young people from all of the country's provinces, including more than 200 school children and 48 children who had never attended school.<sup>46</sup>

b) The Government has come up against a number of problems in implementing the provisions of article 31 of the Convention: recreation and activity centres for children are in short supply, particularly in the towns, with the result that growing problem of drugs and other negative social developments present challenges in terms of children's free time; the result is that some children neglect their studies and drop out of school, with potentially serious effects for their intellect, progress and future. Moreover, parental and societal involvement in raising, educating and caring for children remains inadequate. The public and private sectors will therefore need to work closely together to identify solutions.

## **VIII. Special protection measures (arts. 22, 38, 39, 40, 37(b) to (d), 32 to 36)**

### **A. Children in crisis**

#### **1. Child refugees (art. 22)**

117. The Lao PDR is a signatory to neither the Convention relating to the Status of Refugees, of 28 July 1951, nor to the Protocol relating to the Status of Refugees, of 31 January 1967, and has no special legislation on refugees (see also para. 36(d) above).

118. Foreigners and their families who have obtained the right to asylum in the Lao PDR, under the terms of article 51 of the Constitution, are required to respect the Constitution and laws of the Lao PDR, and enjoy the same protection for their rights and freedoms under the law as all Lao citizens.

119. The Lao Government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) to assist with the voluntary repatriation of Lao refugees who had left the country during the period 1975-1980. UNHCR completed its work in the Lao PDR several years ago (see also para. 36(d) above).

120. Since there are no refugees in the country, the Government has not adopted any special measure or machinery in relation to refugees.

<sup>46</sup> The aims of the meetings were: (1) to promote the education of girls throughout the country; (2) to enhance solidarity, friendship and the progress of children and young people during the school holidays; (3) to take part in festivities by organizing useful activities for children and young people during the school holidays; (4) to mobilize society as a whole to take care of the education of girls and to educate, train and develop children to become skilled and capable individuals; (5) to prevent the negative social developments that affect children.

**2. Children in armed conflict (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

121. The Lao PDR is a signatory to the four Geneva Conventions of 12 August 1949, as well as the Additional Protocols to the Conventions and has, in practice, always complied with the provisions of those instruments, particularly the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, Protocol I relating to the Protection of Victims of International Conflicts and Protocol II relating to the Protection of Victims of Non-International Conflicts. In past years, representatives of the Ministry of National Defence have, on several occasions, attended seminars on international humanitarian law organized by the International Committee of the Red Cross (ICRC) in San Remo, Italy; ICRC representatives have also come and organized similar seminars at the Ministry of National Defence in Vientiane. In addition, with the help of the ICRC, the Lao Red Cross has had the four Geneva Conventions and the two Additional Protocols translated into Lao and published, so that they can be distributed, for study purposes, to the various State organizations and the wider public.

122. After more than 30 years of struggle for national liberation, the multi-ethnic people of the Lao PDR have, since 1975, been able, under the people's democratic regime, to live their lives in a situation of peaceful stability, and the country maintains good relations of friendship and cooperation with all of its neighbours, thereby establishing conditions conducive to its construction and development. Although article 49 of the Constitution stipulates that Lao citizens "shall have a duty to protect and defend peace and to perform military service in accordance with the provisions of the law", article 3 of the Act on National Service Obligations provides that "male citizens of good health, aged between 18 and 28, must perform military service. Young women aged between 18 and 23 may be called upon to do so in case of need". Therefore, no children below the age of 18 are enlisted in the armed forces. In time of war, children will not be directly involved in combat, and the authorities responsible (Ministry of National defence and Ministry of security) will take the necessary measures to protect the civilian population, including children.

123. To prevent children under 18 being called up or joining the army, the Act on National Service Obligations provides that, every year, the Ministry of National Defence is to determine the number of conscripts needed (art. 5), whereupon the head of the village draws up a list of the young people in the village over 17 and sends it to the district military command post to prepare for conscription (art. 4); the latter then summons the young people over the age of 18 to attend within 20 days, at the latest, from receipt of the summons. If young women receive a summons, they too must present themselves (art. 6); following a medical check-up, the district Military Service Committee selects from among the conscripts those who are in good health, in accordance with the number stipulated by the Ministry of National Defence; in making that selection, the oldest have to be taken first (art. 7). Overall, there are two stages to the process of supervising and monitoring this situation, namely: (a) village level, at which the list of young people is drawn up; and (b) district level, at which the Military Service Committee selects the conscripts.

124. The Lao PDR is a small underdeveloped country that has no desire to quarrel with anyone: its foreign policy seeks to maintain good relations of cooperation with all countries, regardless of economic or political regime; if a dispute arises, it tries to resolve it by peaceful means, in accordance with the aims and principles of the Charter of the United Nations, in order to avoid armed conflict. As far as the Lao Government is concerned, the right to live in peace is the most basic of human rights, and prevention is better than cure. In the event of the threat of war and emergency general mobilization, the administrative authorities, the State bodies, the mass organizations and the social organizations will take care of the families of those who have been mobilized to perform their patriotic duty (art.

24, subpara. 4, of the Act on National Service Obligations ) and to protect the civilian population generally; if fighting takes place, the Government will apply the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (arts. 14 to 17).

125. The international humanitarian law applicable to the Lao PDR in such circumstances will consist in the 1949 Geneva Convention, and, more particularly, the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War to which the Lao PDR is a signatory. As for the measures to be taken to protect children, the Government does not yet know what they would be, as the Lao PDR is currently living in a time of peace, and the Lao Government has no intention of provoking anyone and will not be the first to engage in war. However, if the Lao PDR is attacked, the Government will take account of the circumstances at the time to seek humanitarian assistance from friendly countries and international organizations.

126. In the current situation where everything is normal, the Government applies the general principles of the Convention where it can; in applying the provisions of article 38 of the Convention, it will, of course, respect those principles, except in emergency situations beyond its control.

127. In the event of war, the Government will review the measures necessary for the physical and mental rehabilitation of children who are the victims of armed conflict and their social reintegration, according to the possibilities at the time.

128. Since the past 30 years have been a time of peace, children under 18 have never been the victims of war. As a result, the Government has no policy or plan to repair the physical and psychological effects of war on children and promote their social reintegration; similarly, no measure has been taken to demobilize child soldiers, as the Lao People's Army contains no soldiers below the age of 18.

129. Given that the provisions of articles 38 and 39 of the Convention do not reflect the actual situation in the Lao PDR, the Government is unable to assess the progress made or difficulties encountered in implementing those articles. It is, however, in the process of looking into the possibility of signing the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

## **B. Children in conflict with the law**

### **1. Administration of juvenile justice (art. 40)**

130. The Criminal Code refers to cases in which minors break the law, distinguishes between offences committed by children and adults and seeks appropriately to protect children's rights and interests. The aim of punishing a child who has committed an offence is to correct, educate and train that child and not punishment for punishment's sake.

131. The Criminal Code of the Lao PDR is fundamentally based on the principles of the Universal Declaration of Human Rights, and provides that "no-one (adult or child) shall be held criminally responsible or subject to a criminal penalty unless that person has committed a deliberate act or act of negligence that constitutes a danger to society as provided for in the Criminal Code and by court judgment" (art. 2).

a) In a criminal trial, "a defendant who has yet to be found guilty by final judgment of the people's court must be deemed to be innocent and treated appropriately" (art. 8 of the Code of Criminal Procedure); similarly, a defendant "has the right to be informed of the accusation made against him or her and to rebut it (if the defendant is a child, he or she also has the right to be informed of the accusation through the intermediary of his or her parents or guardian), and to take and meet with a lawyer or other defence

counsel to represent him or her before the court” (art. 28 of the Code of Criminal Procedure). If the defendant is a child under 18, who has no defence counsel, that child will be officially assigned a defence counsel by the people’s court” (art. 35 of the Code of Criminal Procedure).

b) In the case of a crime or offence for which the maximum penalty is less than three years, the officials investigating the case or preparing the preliminary judicial inquiry will gather together all of the evidence and refer the case-file with the evidentiary items and the accused to the prosecutor’s office to be passed on directly to the people’s court, without a preliminary investigation (art. 40); in such circumstances, the court must examine the case within two weeks of receiving the request from the prosecutor’s office (art. 75, subpara. 2). In the other cases (following the investigation or preparation of the preliminary judicial inquiry), the court will agree to examine the case only at the request of the prosecutor’s office, and must do so within 30 days of receiving that request (art. 75, subpara. 1). When the case is being heard, the defendant has the right to take part in the hearing (art. 28, subpara. 4.6); if the defendant is a child under 18, he or she must be accompanied by his or her parents or guardian.

c) In the process of criminal proceedings, the defendant’s confession must not be taken as the main evidence; evidence must be sought to corroborate the wrongful act. If the defendants refuse to confess, they are deemed guilty, if the evidence against them is compelling (art. 21, subpara. 3). During the hearing, the evidentiary items and proof of the offence are presented to the court, and the adversarial proceedings opened. With the permission of the president of the court, the parties have the right to examine witnesses during the trial (art. 78, subpara. 6).

d) The defendant, his or her lawyer or other counsels for the defence have the right to appeal an order, decision or judgment of the court which they consider to be unjust (art. 85, subpara. 1). If defendants (or other participants in the trial) do not speak the Lao language, they have the right to use another language via an interpreter (art. 12).

e) In principle, the hearing is held in public, except in cases involving public policy or morality, mainly offences committed by individuals over the age of 15 but below the age of 18, and some offences relating to marriage, which must take place in camera (art. 13). Consequently, in trials involving children, matters relating to their private life will not be made public.

132. For cases involving a violation of the criminal law by a child below the age of 15, see para. 25(h) above. Where a child is over the age of 15 but below the age of 18, the court can apply the same measures (see para. 133 below). To compensate for the damage caused, the rules on civil liability apply (art. 48 of the Criminal Code). Moreover, under article 4.5 of the Code of Civil Procedure, the fact that an act dangerous to society has been committed by a child below the age of 15 is a ground for not proceeding to judgment.

133. If a case against a child does not proceed to judgment, the court will take the following measures in regard to that child:

a) Oblige the child to apologize to the victim, so that the child recognizes that he or she has done wrong

b) Publicize the offence so that the child is ashamed and does not reoffend

c) Entrust the child to his or her parents for upbringing; the child will live a normal life within the family, and it is for the parents to ensure that the child does not reoffend

d) Place the child under the supervision of the administrative authorities and a social organization; in those circumstances the child may be sent to a reformatory where

freedom will be restricted but he or she will be given a suitable education and vocational training (art. 25 of the Education Act).

134. As regards juvenile justice, see para. 22(b)(ii) above. During the months of January and February 2003, in coordination with the provincial authorities, the Ministry of Justice held training courses in a number of districts.<sup>47</sup> Every session, which lasted three days, was attended by more than 30 participants from the courts, the public prosecutor's office, the police, mass organizations (Lao People's Revolutionary Youth Union, Lao Women's Union, the FLEN) and other relevant agencies. The main topics covered included the Convention, dealing with the issue of young offenders, and the distancing of young offenders from the judicial process, education and training. Hand in hand with the implementation of the SCFUK project, the juvenile justice project was established, with the support of UNICEF, and the Public Prosecutor's Office and Ministry of Security mandated to implement it. The project has been trialled in seven target provinces.<sup>48</sup> The activities undertaken since then have included: drawing up a register of the children in certain reformatories and publicizing the Convention, the Beijing Rules, the Riyadh Guidelines, the Tokyo Rules and a number of national rules on protecting children's rights and interests, and were directed towards managers and technicians in the justice sector and other relevant provincial sectors throughout the country (employment and social welfare, education, public health, youth organization and women's union); training 50 instructors for child educators selected from among the technical staff at the Ministry of Security, the Public Prosecutor's Office and the people's court, the teachers at the Law Faculty and Police Training College; creating training and teaching manuals in 14 lessons, selected from among the main issues of importance for protecting the rights and interests of children under the Convention, the Beijing Rules, the Riyadh Guidelines, the Tokyo Rules, the laws of the Lao PDR and the experiences of a number of foreign countries. In 2005, the project brought those handbooks into use, more particularly, in the training courses held in seven target provinces for the staff of rehabilitation centres and reformatories. Sixty officials from those centres, as well as 60 teachers from the Law Faculty and the Police Training College and 270 individuals from the ranks of the police and village heads took part. In addition, the project has produced joint recommendations of the Public Prosecutor's Office, the Ministry of Security and the Supreme People's Court regarding the judicial process in relation to children; drawn up forms to register young offenders; and studied and consulted with the other parties concerned on the possibility of introducing the provisions of the Convention, the Beijing Rules, the Riyadh Guidelines and the Tokyo Rules into the curriculum of the Police Training College.

N. B.: Given the importance of the matter, on 23 February 2006, the Government set up a Central Coordinating Committee on juvenile justice, comprising the Public Prosecutor's Office, the Supreme People's Court, the Ministry of Security and the Ministry of Justice, with the Public Prosecutor's Office and Ministry of Security at its core. This body provides coordination between the various parties concerned in studying policies and rules relating

<sup>47</sup> Including Khong Xedone district (Saravane province), Mahaxay (Khammouane province), Chomphet (Luang Prabang province), Bolikhanh (Bolikhamxay province), Vangvieng (Vientiane province) and Pak Ngum (Vientiane Municipality).

<sup>48</sup> Luang Prabang province (Luang Prabang, Xieng Ngeune, Nam Bak and Pak Ou districts), Oudomxay province (Muang Xai, Na Mo and Pak Xeng districts), Vientiane Municipality (Xaythany, Xaysetha, Chanthabouly, Sisattanak, Sikhottabong and Hatxayfong districts), Bolikhamxay province (Paksane, Pak Kading and Khamkeut districts), Khammouane province (Thakhek, Xebangfay, Nong Bok and Hinboune districts), Savannakhet province (Khanthabouly, Outhoumphone, Champhone and Songkhone districts) and Champassak province (Pakse, Phon Thong, Khong and Soukhouma districts).

to juvenile justice, and then submits them to the higher level for consideration, in an effort to establish conditions conducive to the activities and development of juvenile justice.

135. Juvenile justice is a new problem for the Lao PDR, and it is, consequently, still difficult to bring it into effect. In past years, the country's socio-economic development has moved forward, thereby improving people's living conditions but, at the same time, bringing a number of negative social developments that have led children and young people to break the law, while the resources and capacity of the justice system are inadequate to cope with the problem.

## 2. Treatment of children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37, (b), (c) and (d))

136. Under article 42 of the Constitution, Lao citizens have the right to inviolability of the person (...); they cannot be arrested unless their arrest has been ordered by the prosecutor's office or the people's court, except in cases laid down by law. In addition, article 5 of the Code of Criminal Procedure prohibiting any infringement of citizens' rights and freedoms stipulates that "citizens shall not be arrested or detained unless a warrant has been issued by the prosecutor's office or people's court, save where a person is arrested during the commission of an offence or in an emergency. Where a person is arrested or detained illegally, or detained for a period that exceeds the time limit laid down by law, or contrary to a decision of the people's court, the prosecutor's office must order his or her immediate release". To ensure that these rights are respected, article 5 states that any person who illegally arrests, detains or searches a person will be criminally responsible and subject to prosecution.

137. As stated in paragraph 133 above, in the case of children, four categories of measure may be used in place of deprivation of liberty, and the measure most frequently applied is placement in a reformatory. The following table provides information on young offenders under the age of 18 for the period mid-2000 to mid-2003.

N°	Location of reformatory	Number of individuals	Gender		Type of offence			
			M	F	Drugs	Theft	Rape Violence	Return from Thailand
1	Hua Phanh	40	40	0	33	7	0	-
2	ZS Xaysomboune	1	1	0	0	0	1 d)	-
3	Champassak	21	21	0	5	16	0	-
4	Department of correction	22	19	3	16	6	0	-
5	Bokeo	3	3	0	0	3	0	-
6	Phone Thanh reformatory	10	9	1	6	3	1	-
7	Bolikhamxay	8	7	1	6	2	0	-
8	Oudomxay	12	12	0	5	7	0	-
9	Khammouane	9	8	1	5	4	0	-
10	Luang Prabang	49	34	15	19	16	14	-
11	Vientiane Municipality	224	221	3	212	12	0	-
12	Immigration Department	72	0	72	0	0	0	72

Source: Immigration Department Information Service.



138. According to the Act on the Public Prosecutor's Office of the Lao PDR, that Office is responsible for:

- a) Supervising and monitoring the application of the law by the bodies investigating the case and preparing the preliminary judicial inquiry.
- b) Supervising and monitoring the application of the law throughout the proceedings, including the hearing, and in relation to the enforcement of the courts' judgments.
- c) Supervising and monitoring the application of the law in detention centres, prisons, reformatories and reformatory camps, where detention orders and other binding court orders are being enforced (art. 3), to verify that it is being applied in accordance with the law and the conditions of detention and imprisonment, as well as the enforcement of detention orders and other binding court orders (art. 16).

In carrying out its responsibilities, the Public Prosecutor's Office has the power to:

- Systematically inspect, at any time, places of detention, prisons, reformatories, reformatory camps and places in which other binding court orders are being enforced, as provided for under the law.
- Inspect documents concerning arrest, detention, imprisonment or placement in a reformatory and monitor the enforcement of other binding court orders.
- Question a person who has been detained, arrested, imprisoned or placed in a reformatory and subject to other binding court orders.
- Monitor acts by officials in relation to a person who has been detained, arrested, imprisoned or placed in a reformatory and subject to other binding court orders; if such acts are found to be illegal, the persons responsible must be informed; if they constitute criminal offences, the persons responsible must be prosecuted in accordance with the law.
- Order the immediate release of a person who has been illegally detained, arrested, imprisoned, placed in a reformatory or made subject to other binding court orders.
- Monitor the compatibility with the law of the instructions and various rules of persons running detention centres, prisons, reformatories and reformatory camps, and ascertain the reasons for [any] breach of the law (art. 19). The latter must implement the instructions of the People's Prosecutor's Office concerning observance of the rules governing detention, imprisonment and placement in a reformatory, as laid down by law (art. 16). There is, as yet, in the Lao PDR, no independent system for supervising and monitoring the situation of children in such places. The People's Prosecutor's Office has encountered problems in fulfilling its mandate: the lack of financial and human resources means that it cannot supervise and monitor all of these institutions.

139. Consequently, it is not possible to provide information on the number of children who have been illegally and arbitrarily deprived of their liberty. For those children who have been legitimately deprived of their liberty, see paragraph 137 above.

140. As far as the treatment of children (or any person) deprived of their liberty is concerned, article 62, *in fine*, of the Code of Criminal Procedure prohibits acts of violence or torture against a person who has been arrested; the Public Prosecutor's Office has the power to verify the legality of acts of officials in relation to a person who has been detained, arrested, imprisoned or placed in a reformatory (see para. 138, above).

141. The country's current economic circumstances make it impossible, as yet, to build prisons specifically for children. Large prisoner numbers and the limited prison space make it inevitable that, in some places, adults and children (of the same sex) will be held together.

a) Neither the Criminal Code nor the Code of Criminal Procedure refer specifically to the right of children who have been deprived of their liberty to maintain contact with their family, either by correspondence or by being visited by parents or relatives; in practice, however, this type of contact is usually permitted.

b) Article 18 of the Act on the Public Prosecutor's Office provides that the "proposals and petitions addressed to the Public Prosecutor's Office by the accused, defendant, prisoner or detainee shall be forwarded to the addressee by those responsible for the detention centre, reformatory or detention camp within 48 hours of receipt".

c) There are usually education and health services in prisons and reformatories (or at least in some of them). As regards education, see paragraph 133(d), *in fine*, above. As regards health care, article 114 of the Code of Criminal Procedure provides that "while a sentence is being served, the Public Prosecutor's Office or people's court may provide medical treatment for a prisoner suffering from mental derangement, mental disorder, serious illness or contagious disease, alcohol or drug abuse, that has been certified by a doctor, by sending that person to a hospital or special treatment facility. Once recovered, the person concerned must serve the remainder of the sentence unless the sentence has been completed. The period of medical treatment shall be included in the duration of the sentence". In an emergency, if the prison doctor is unable to treat the sick person, the prison management must transport that person to a public hospital and make a report to the Public Prosecutor's Office or people's court (art. 115).

d) In such circumstances, as in the case of the arrest or imprisonment of minors, as stated in paragraph 136 above, the Government endeavours to comply with the general principles of the Convention incorporated into Lao law.

142. For the measures to guarantee children's right to legal assistance, see paragraph 131(a) above. The period during which the child may obtain this assistance runs from the date when the investigators or public prosecutor begin investigations or start preparing the preliminary judicial inquiry (art. 28 of the Code of Criminal Procedure). That article also accords a child defendant the right to rebut the charge and appeal against an unjust act or decision of the investigators, officials preparing the case, the prosecutor's office or people's court. The appeal must be addressed to the prosecutor's office which has to take a decision on it within two weeks of receiving the file at the latest (art. 24 of the Code of Criminal Procedure).

143. There is, currently, no detailed information about young offenders asking for the legal assistance of lawyers or defence counsel. The Lawyers' Association of the Lao PDR has been reformed and only began work in 2002. Generally speaking, most Lao people have not yet properly grasped the role of lawyers.

144. As regards the application of article 37(b), (c) and (d) of the Convention, the appropriate provisions of Lao law do exist and, although incomplete, they nonetheless provide an adequate basis for protecting the rights of the child. Where difficulties arise, they do so because of the knowledge and understanding of the law by officials responsible for applying it, as standards of education vary between the major urban centres and rural areas. Sometimes, the acts of officials fail to comply with the law. Subsequently, once the system of juvenile justice has been established and the officials responsible fully trained, we shall see a gradual improvement in performance.

### 3. Sentencing of minors; prohibition of capital punishment and life imprisonment (art. 37(a))

145. The Criminal Code prohibits capital punishment (art. 30) and life imprisonment (art. 29) in the case of offenders who were below the age of 18 when the offence was committed (see also para. 116 of the first report); such offenders benefit from mitigating circumstances (art. 36.1).

146. Under the Lao Criminal Code, 13 types of crime may result in the death penalty (3 of them drug-related), namely:

- a) high treason (art. 51)
- b) insurrection (art. 52);
- c) espionage (art. 53);
- d) [terrorist] attack (art. 55);
- e) sabotage (art. 56);
- f) destruction of public and social activities (art. 57);
- g) robbery by an armed group (art. 61);
- h) murder with cruelty (art. 81);
- i) the looting of public property and collective assets by a group, leading to death or substantial losses (art. 98);
- j) rape followed by murder of the victim (art. 119);
- k) the manufacture and trafficking of heroin from 500 g (art. 135.1, subpara. (4));
- l) the production and preparation of and trafficking in ATS (Amphetamine-Type Stimulants) in excess of 3,000g (art. 135.2, subpara. (4));
- m) the production of and trafficking in excipients in excess of 10,000g, intended for the manufacture of drugs (art. 135.3, subpara. (4)).

Given the nature of the Lao people, it would be difficult for a child below the age of 18 to be involved in such activities. Consequently, as matters stand, there are no problems in applying Article 37(a) of the Convention.

### 4. Physical and psychological recovery and social reintegration (art. 39)

147. As regards the measures that exist for the physical and psychological recovery of minors who have been deprived of their liberty and for their social reintegration, see paragraph 167 of the first report.

148. Currently, there is no special arrangement or project to provide education and training to minors who have been released from custody. Education and training is provided in reformatories; however, once these children have been released, they are regarded as normal children, and it is for their families to choose for them the studies or vocational training which they consider appropriate. The difficulties encountered in applying article 39 of the Convention were to some extent described in paragraph 167 of the first report: some children who have been released have reoffended, particularly those involve in theft and drug-addiction.

## C. Children in situations of exploitation, including their physical and psychological recovery and social reintegration

### 1. Economic exploitation, including child labour (art. 32)

149. The Employment Act permits employers to use child labour, but limits the number of hours worked per day and per week and prohibits their employment for work that is physically taxing and a health hazard (art. 37). See also paragraph 168 of the first report.

150. According to the Act, the kind of work that represents a health hazard to children includes:

- a) mining
- b) handling chemicals, explosives or other toxic products
- c) handling corpses
- d) night work in all industrial sectors, from 10 p.m. until 5 a.m. on the following day: children must have a minimum of 11 hours rest before resuming work next day (art. 27)
- e) working directly with radiation or contagious diseases
- f) working directly with harmful fumes and smoke
- g) working in pits or tunnels, underwater or in the air
- h) working in abnormally hot or cold places
- i) working directly with instruments that produce jolts at regular intervals (art. 25)

In order to resolve the situation of the employment of minors, Save the Children Fund Norway has worked with the Lao People's Revolutionary Youth Union in the project concerning the employment of juveniles (see para. 22(b)(1) above). As far as vocational training is concerned, article 8 of the Employment Act stipulates that employers "have a direct duty to train and provide further specialist and aptitude training for Lao workers placed under their responsibility, with a view to helping them become skilled workers gradually channelled to a specialism. The work units of the various economic and social sectors must draw up an annual plan allocating specific resources to cover the costs of training and specialist training for the Lao workforce in their employment, for the short-, medium-, and long-term, within the country and abroad". In applying the Employment Act to children, the Government has endeavoured to secure compliance with the general principles of the Convention, and the principle of non-discrimination in particular, as set out in article 2: "the State shall apply, with regard to employers and employees, the principle whereby their mutual interests are guaranteed without distinction as to race, gender, religion or economic and social status. Employees must observe the discipline of work and comply with labour regulations. Employers must guarantee the payment of fair wages and safe working conditions and must comply with social security regulations".

151. Pursuant to the Employment Act, an employer may employ a child aged less than 18, but not less than 15 (see also para. 25(d) above); they may not be employed for more than 6 hours a day and 36 hours a week (art. 37). For working conditions, see paragraph 150 above.

a) A labour management body (*organe de gestion de la main-d'oeuvre*) has been set up, both centrally and at regional level, to supervise and monitor the application of employment legislation. Its main functions are to:

- determine the rules governing workforce management, employee health and safety and working relations
- monitor employment, working conditions, the application of [provisions relating to] pay, social security and safety in the workplace
- settle employment disputes (art. 42 of the Prime Ministerial Decree implementing the Employment Act)
  - b) The labour management body also has the right to:
    - monitor the accident-prevention in the workplace
    - inspect salary or wage payrolls, the various subsidies, the use of resources earmarked for employee training and further training and the work unit's social security fund
    - verify that the activities of the employment recruitment services, bodies and companies offering work to the public, in all economic and social sectors, meet statutory requirements
    - where necessary, and in the presence of witnesses, question employers, employees or other individuals about the management of the workforce or employment
    - issue a warning to employers and employees who violate the regulations on employment and suggest that the competent body take measures or bring an action against a person who has been in breach of the Employment Act and the provisions of the labour-management and employment regulations (art. 43 of the Decree implementing the Employment Act)

c) Should employees who are minors consider that they have a grievance in relation to the implementation of an employment contract, they have the right to ask the employer to rectify this within two weeks of the date on which the request was made (art. 32); the employer must meet with the minor (in the presence of his or her parents) in an effort to reach a friendly settlement of the problem within two weeks (art. 33). At the same time, the minor must immediately report the problem in writing to the trade union or representative of the employees in his or her work unit to consider, in the first instance, reaching a friendly settlement with the employer (art. 34). If the minor and employer are unable to resolve the problem with the assistance of the trade union, the minor then has the right to seek the help of the labour management body to resolve it. If the latter is unable to do so, it may refer the request to the people's court (art. 35).

d) In addition, if a work unit breaches the Employment Act (including in regard to the employment of minors), the labour management body has the right to take one of the following measures in regard to that unit:

- issue a warning
- draw up a report of the act that is contrary to the Employment Act, so that the offending unit recognizes the problem and amends its behaviour
- make it pay a fine or issue it with a special warning in regard to certain economic benefits which it has obtained
- temporarily suspend production (for no more than two weeks), paying employees their normal wages
- order the production licence to be withdrawn (art. 46)

152. In the field of employment, the Lao PDR respects and applies the principles of international employment law. The Lao Employment Act, adopted in 1994 (and currently in

force), was drawn up with the assistance of an expert from the International Labour Organization (ILO), and provides substantial protection for employees' rights and interests (including the rights and interests of employees who are minors). The Lao PDR has approved ILO Recommendation No 190, and is in the processing of reviewing the possibility of becoming a signatory to ILO Convention No 138 on the minimum age for employment and ILO Convention No 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

a) To prevent the employment of minors and combat trafficking in persons, the Ministries of Employment and Social Welfare have mobilized resources both domestically and from international organizations and NGOs for:

i) The project to establish a network to protect children at community level, in cooperation with UNICEF, which operates in five provinces (Vientiane Municipality, Vientiane province, Oudomxay, Savannakhet and Champassak), by training State officials, at central, provincial and district level, as well as volunteers wishing to help children in the villages.

ii) The project to combat the trafficking of women and children, in cooperation with UNIAP (United Nations Inter-Agency Programme), involving: establishing a record of trafficking in persons in two provinces (Xayabouli and Saravane); publicizing the issue on television and radio; publishing calendars and stories and distributing them in nine provinces that border Thailand; explaining the harmful consequences and the risks of illegally looking for work abroad; and carrying out inspections and monitoring persons who have disappeared as a result of trafficking in the five central and southern provinces.

iii) The project to help children and women who have fallen victim to trafficking, working with the International Organization for Migration (OIM), by returning them to their home villages.

iv) The project to prevent the employment of minors and combat trafficking in persons, working with the ILO-IPEC, in four central and southern provinces; the project has made grants to villagers to help them generate additional income and further publicize the issue.

v) The community activities project to prevent trafficking in minors and women to be used as labour, working with GAPE/VFI (Global Association for People and the Environment/Village Focus International) in Saravane province and Vientiane Municipality.

vi) The mobile vocational training programme in Vientiane Municipality, working with the CONSORTIUM organisation.

vii) The project to prevent workers moving illegally to Thailand, set up in February 2003 with the help of CONSORTIUM, with funding of US\$ 158,028.<sup>49</sup>

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<sup>49</sup> The project was carried out in two districts in Vientiane Municipality (Pak Ngum and Sangthong) and was designed: (1) to help young people at risk who fall victim to deception and abduction; (2) to assist and the Government and boost its capacity, by setting up a Skilled Workforce Development Centre to find a solution for those who are unemployed because they lack education and vocational training. The project took a new approach, particularly by raising awareness and creating publicity, working with the various State organizations and institutions and primary and secondary schools; within a two-year period, it had provided vocational training and an occupation providing additional income to 1,100 young people from the at-risk group in the two above-mentioned districts.

b) Cases involving the exploitation as labour of children below 15 are rare in factories and businesses because, as a rule, employers comply with the Employment Act and refuse to hire these children. The problems in relation to preventing child labour arise in families. The reality in Laos is that nearly 85 per cent of the population work on the land, and, within that environment, children take part in or make a major contribution to the family's daily work, including fetching water, collecting firewood, pounding rice, weaving, helping their parents to feed the animals, and so on. Most Lao people, particularly in rural areas, consider that by involving children in the household's daily activities they are preparing them for or teaching them about life. However, children's involvement has a negative impact on their schooling, particularly for girls who are at a greater disadvantage, as they have more work than boys (as well as the tasks described above, they have to care for their younger siblings, prepare meals, do the washing and sweep the house), with the result that they often miss school. In addition, it is also difficult to prevent people (including children below the age of 18) from going to work abroad illegally. Illegal immigration in search of work creates the kind of conditions that can lead to worker exploitation.

c) According to a study carried out, in 1997, by the Ministries of Employment and Social Welfare, the number of persons crossing the frontier illegally to seek work in Thailand was as follows: 2,500 (including 630 children) from Savannakhet province; 1,200 children from Champassak province; 1,800 (including 302 children) from Khammouane province. In 2002-2003, the figure was in excess of 70,000 people, and, in 2004, it reached 185,116. It is clear that numbers have risen considerably, and the majority are young people from the provinces bordering Thailand; 14 per cent are children below the age of 18; they go to look for work abroad because their families are poor, and tend to do so during the school holidays or after the harvest (see also para. 76 above).

## 2. Drug abuse (art. 33)

153. The Lao PDR is faced with a worrying spread of ATS and other types of drugs, especially in the towns and especially among schoolchildren and students. It has also been established that the rate of use of ATS among out-of-school groups and unemployed young people is even higher than for schoolchildren and students. A recent survey at local level in the regions, coupled with official statistics, has shown that the use of ATS has spread to all provinces, and especially to the towns in provinces with a history of opium-poppy cultivation, more particularly among workers and the young. The Government attaches very great importance to the ATS problem: it has adopted a national strategy to curb the use of drugs and called for urgent action to put it into effect. The strategy has three broad components: the collection of information about drug-addicts, prevention and treatment, and the rehabilitation of drug-addicts. The application of legal measures still plays a special part in the project – now in its final phase – for ending opium-growing and production, as well as in relation to ATS-trafficking, and they are essential to the strategy's successful implementation.

a) To protect children from the use of drugs or psychotropic substances, article 135 of the Criminal Code provides that: “anyone who consumes, buys or is in possession of a quantity of heroin smaller than two grams for his or her own consumption shall be liable to a penalty of imprisonment for between one and five years (if an adult) or to non-custodial correctional measures (if a child)” (para. 1, subpara. 5); and “anyone who consumes, buys or is in illegal possession of a quantity of ATS or other psychotropic substances smaller than three grams for his or her own consumption shall be liable to a penalty of imprisonment for between six months and three years (if an adult) or to non-custodial correctional measures (if a child)” (para. 2, subpara. 5).

b) Anyone who produces, sells, distributes or is in possession of heroin, ATS or other psychotropic substances (in quantities of 50 to 500 grams for heroin), or who imports or exports them or transports them across the territory of the Lao PDR, is liable to a penalty of imprisonment of between ten years and life; if the quantity of drugs is greater than 500 grams (for heroin) or 3,000 grams (for ATS and other psychotropic substances), he or she will receive the death sentence (para. 1 subpara. 4 and para. 2 subpara. 4). Article 37, paragraph 5, of the Criminal Code further provides that “encouraging or recruiting minors to take part in the commission of a crime shall constitute an aggravating circumstance in terms of criminal responsibility”.

154. In addition to a number of conventions and agreements on opium and other drugs inherited from France, the Lao PDR is also a signatory to the Single Convention on Narcotic Drugs of 30 March 1961, the Convention on Psychotropic Substances of 21 February 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 20 December 1988. The Lao PDR has also actively fulfilled its obligations in connection with the achievement of the objectives set by the political declaration contained in the resolution of the twentieth special session of the United Nations General Assembly devoted to countering the world drug problem together, held in June 1998, by the Declaration of the Association of Southeast Asian Nations (ASEAN) designating it as a drug-free zone by 2015, and by the action programme adopted by the Fifth Ministerial Conference of the Six Countries (Cambodia, China, Laos, Myanmar, Thailand and Vietnam) and the United Nations Office on Drugs and Crime (UNODC) held at Hanoi in 1993 with the aim of promoting cooperation to control narcotics. The Lao PDR has also expanded bilateral, trilateral and five-country cooperation with neighbouring countries and the other countries of the region to combat, along their frontiers, the traffic in drugs, excipients and other chemical substances used in the production of drugs.

a) As part of the measures to prevent drug-use, knowledge about drugs has been made an additional part of the teaching curriculum, produced by the Ministry of National Education, which has applied it across the country since 2003. At the same time, knowledge and information about drugs have been disseminated to the public by the mass media, particularly when encouraging children and young people to take part in sport and physical exercise as a way to stay away from drugs.<sup>50</sup>

b) The Government has encouraged the creation of counselling services for ATS-users, including advice about risk-reduction, and created conditions which are favourable to treatment and protection in the initial stages. Counselling is provided for individuals, groups, families and at workplaces.<sup>51</sup>

<sup>50</sup> In addition, the following activities are beginning to take shape: 1) the use of "advice-from-a-friend" methods to teach at-risk groups about the ill-effects of drugs, HIV/AIDS and hepatitis B; 2) the promotion of educational tools such as comic books as a means of conveying the ill-effects of drug-taking, sexual relations and AIDS; 3) coordination of information about drugs with activities to promote the development of life-skills (involving the organization of activities of various kinds for creating social cohesion and the ability to face up to personal problems so as to avoid drug-use and the creation of drug problems), and with education about sexual health and AIDS provided, in consultation with parents, teachers and pupils, through the teaching programmes for school and out-of-school education; and 4) the training of secondary-school pupils as "advice-from-a-friend" counsellors, dealing especially with developing life-skills, drug-use, sexual-health education and AIDS.

<sup>51</sup> The first counselling service is located at the Centre for young people's health and development in the capital Vientiane. In 2003-2004, further services were established at Luang Prabang and Savannakhet.



c) A national Centre for treatment and rehabilitation was established in 2002 in the village of Somsanga, in Vientiane Municipality, with assistance from Japan.<sup>52</sup> The Government's intention is gradually to build further centres in the provinces, as and when resources allow.<sup>53</sup>

d) To demonstrate the attention that it is paying to the drugs problem, the Government set up, on 12 October 2001, a central Committee for the fight against drugs, chaired by the Prime Minister. This Committee has a network extending to the provincial, district and village levels to pursue and collect information with a bearing on drugs. Monitoring and surveillance centres also exist in 11 provinces, and a national fund for the fight against drugs has also been set up to give impetus to the programme for dealing with the problems of drug-use at national level. Similarly, monitoring and surveillance centres for drugs also exist in the Ministry of Public Health, the Ministry of National Education, the Ministry of Foreign Affairs, the Ministry of Security and Ministry of Information and Culture, with responsibilities for the systematic supply of information about ATS and other drugs to the national clearing-house (NCH), which will be set up in Vientiane Municipality to bring this information together. Although the law and regulations that apply to trafficking in drugs are strict, there are problems implementing them. The use of ATS among schoolchildren and the young has led to the involvement of a certain number of young people in ATS-trafficking (as intermediaries in sales to their peers). For the future, there will be an overriding need to use preventive measures in relation to young people<sup>54</sup>. The widespread networks of the Lao People's Revolutionary Youth Union, the Lao Women's Union and the FLEN and of the religious organizations will play an important protective role.

e) In 1999-2000, a study carried out among schoolchildren in the 15-to-19 age group in three provinces (Vientiane, Luang Prabang and Savannakhet) indicated that the prevalence of ATS-use among boys was 4.8 per cent in Vientiane, 1.1 per cent in Luang Prabang and 2.1 per cent in Savannakhet. Another study in 2000 by the United Nations International Drug Control Programme (UNDCP) on the use of drugs among young people in

<sup>52</sup> To provide care for ATS-addicts of both sexes. There is a rehabilitation service attached to this Centre, as well as to the Centre for young people's health and development. The staff of the Centre, who are appointed by the Government, provide a twenty-four hour service which can deal with 60 patients a day. Treatment at the Centre lasts from four to six weeks and consists of psychological treatment accompanied by medication, along with counselling and physical rehabilitation. Treatment is voluntary, and both the methods and the programme for their use must be agreed between the Centre and the patients or their parents. Involving the family in rehabilitation and preventing a relapse into drug-taking are the most important factors during the rehabilitation period, as they are essential to achieving reintegration into the school environment or workplace. The period of rehabilitation will last from six weeks to twelve months, and will take place both at the Centre and in the community.

<sup>53</sup> Starting with Champassak, with aid from Thailand, and Savannakhet, with aid from the United States. The next will be Khammouane, Bolikhamxay, Luang Prabang, Oudomxay, Bokeo, Luang Namtha, Phongsaly and Vientiane province, if assistance and support are forthcoming from friendly countries.

<sup>54</sup> Including using the Centre for young people's health and development in the capital as a centre of interest for young people, with the aim of: (1) beginning to support young and adult men to engage in mutual counselling; (2) organizing and delivering education, through entertainment, to demonstrate the problems of drug-use; (3) creating more drugs-counselling units; and (4) developing education on the "advice-from-a-friend" model for at-risk groups. In addition, it will be necessary to raise the community awareness about the potential for involving drug-users in social activities, rather than marginalizing them; protect the population, and especially young people at risk, against drug-use, including use by injection; encourage ATS-abusers to express to the public their views about stimulants and alcohol, including matters relevant to sexual relations and sexually-transmitted diseases, via radio, television and the newspapers; and help parents to get involved in discussions with their children about drug-use, sexual relations and sexually-transmitted diseases.

the Vientiane Municipality revealed that 17 per cent of the young people interviewed had previously taken drugs during their lives, 7.3 per cent had taken drugs during the preceding 12 months. During the period 2003-2005, the National Committee for Drug Monitoring and Surveillance had urine tests carried out on the pupils of a range of schools in 17 provinces, obtaining the results set out in the table below.

<i>First period: six months (October 2003 to March 2004)</i>			
<i>Provinces</i>	<i>Number of pupils examined</i>	<i>Positive results</i>	<i>Girls with + results</i>
Vientiane (Municipality)	2 500	55 (2.2 %)	5
Savannakhet	856	85 (10.0 %)	*
Champassak	1 058	16 (1.5 %)	*
Xayabouli	1 009	30 (3.0 %)	2
Luang Prabang	984	35 (3.5 %)	1
Phongsaly	1 036	42 (4.1 %)	2
Oudomxay	1 004	49 (4.8 %)	0
Luang Namtha	757	25 (3.3 %)	0
Bokeo	761	32 (4.2 %)	0
<i>Second period: three months (October-December 2004)</i>			
Khammouane	800	122 (15.3 %)	3
Saravanh	495	45 (9.1 %)	*
Xekong	394	49 (12.5 %)	*
Attapeu	360	29 (8.1 %)	3
Vientiane province	602	66 (11.0 %)	*
Bolikhamxay	693	49 (7.5 %)	1
<i>Third period: one month (March 2005)</i>			
Xiegkhouang	507	147 (29 %)	6
Hua Phanh	444	116 (26.1 %)	2
<b>Total</b>			
17 provinces			
99 schools	14 260	992 (7.0 %)	25

\* Not available

155. Generally speaking, alcohol and cigarettes are freely on sale in markets or in specialized shops: as yet there are no laws or regulations forbidding the sale of alcohol and cigarettes to children or young people. In some large towns, including Vientiane Municipality, orders are in force from the Prefect or Governors forbidding bars to sell alcoholic drinks to young people, but, in practice, age checks are not carried out either by the police or the staff of the establishments concerned. For the owners and staff of these places of entertainment, only their takings matter, as most of their customers are young people. We have no figures on young alcoholics and young smokers, but, in fact, their numbers could be high, as a great many young people frequent the bars and places of entertainment concerned. In general, enforcement of the Prefect's and Governors' orders is not rigorous enough, although some establishments have had their operating licences withdrawn (see also para. 25(s) above).

### 3. Sexual exploitation and sexual abuse (art. 34)

156. Under the Criminal Code, the corruption of minors (both boys and girls) aged under 15 is punishable by imprisonment for 1-5 years and a fine of Kip 2-5 million (art. 120), and the rape of girls aged between 15 and 18 by a person who has care of them or is engaged in giving them medical treatment is punishable by imprisonment for 5-10 years and a fine of Kip 10-15 million (art. 119, subpara. 2). Anyone who prostitutes minors will also be liable to a penalty of 3-5 years' imprisonment and a fine of Kip 10-15 million (art. 23, sub para. 2). The Criminal Code is silent on inciting or forcing young girls to perform obscene acts, but obscene publications and the distribution of items incompatible with the fine traditions of national culture will be liable to a penalty of imprisonment of between three months and one year and a fine of Kip 200,000-5,000,000 (art. 127).

157. There remains a lack of precise information about the sex trade in the Lao PDR. In the period 1998-2001, the Social Welfare Department of the Ministry of Employment and Social Welfare and the Lao People's Revolutionary Youth Union, working with the Economic and Social Commission for Asia and the Pacific (ESCAP), carried out a study of the situation of sexually exploited children (child prostitution) in four provinces (Vientiane Municipality, Khammouane, Savannakhet and Champassak); and with UNICEF, towards the end of 2001, in five provinces (Champassak, Bolikhamxay, Vientiane Municipality, Vientiane province and Oudomxay). They interviewed 131 prostitutes, 60 per cent of whom were aged between 14 and 18, and 32 per cent belonged to ethnic groups (Lao Theung and Lao Soung). Most of the girls interviewed had received primary education (only 8 per cent had not received schooling), and 14 per cent had been the victims of deception. The purpose of this study was to identify the intrinsic and external factors that had brought the girls concerned into prostitution, and to seek ways to help them to abandon the trade.

a) The interviews showed that the main reasons that had brought the young women into the sex trade were poverty, economic need, lack of education, lack of opportunities for seeking employment (to feed the girls themselves and their families), family problems (such as conflict or divorce between the parents), a desire to increase the family's standard of living and also a taste for luxury.

b) With the aim of finding ways to curb the problem and prevent it getting worse, the Government has set up a project to fill gaps in the various sectors concerned.<sup>55</sup>

c) The Social Welfare Department of the Ministry of Employment and Social Welfare has set up a service for assistance to children, with a remit extending to 17 provinces and staff at local level tasked with collecting information which is relevant to social problems.

<sup>55</sup> This project has: (1) sent five technical staff working in the field of counselling and assistance for the victims of sexual exploitation and violence to receive training at regional level at Pattaya, in Thailand; (2) organized training for medical and teaching staff and staff dealing with employment and social welfare in a number of relevant areas ( methods of providing assistance in relation to sexual exploitation and violence, managing the problems of children needing special protection, preventing trafficking in women and children and the rehabilitation of victims and their return to their villages of origin) ; (3) organized two briefings for provincial and district officials on the protection of children against the risks of sexual exploitation and violence; (4) produced 30 radio broadcasts per quarter for parents about ways to ensure that their children do not become victims of sexual violence and exploitation; (5) in cooperation with UNICEF, established a strategic child-protection plan for 2002-2006 in five provinces (Oudomxay, Vientiane province, Vientiane Municipality, Savannakhet and Champassak). A related training programme was set up in 2002, as were groups of trainers at central, provincial and district level; and (6) prepared a draft national programme to combat the trafficking of children and child prostitution.

d) As stated at paragraph 156 above, the following constitute criminal offences: sexual exploitation of and sexual violence towards children, child prostitution and the corruption of minors, and the distribution or publication of obscene books, photographs, films, videos and other items.

e) Article 4 of the Criminal Code dealing with the applicability of Lao criminal law outside the territory of the Lao PDR provides that a Lao citizen “who commits a criminal offence outside the territory of the Lao PDR shall be criminally responsible if the act concerned is covered by the Lao Criminal Code. An immigrant or stateless person living or residing in the Lao PDR who commits a criminal offence outside the territory of the Lao PDR shall also be criminally responsible.” The commission of an offence outside the territory of the Lao PDR, whether by a Lao citizen or by an immigrant living in the Lao PDR, is therefore regarded as giving rise to criminal responsibility in the cases mentioned in paragraph 157(d) above.

f) To date, there have been no special units set up made of officials tasked with enforcing the law or of police officers responsible for dealing with the issue of child victims of sexual exploitation or violence, nor have they received relevant training in such matters.

g) On 13 July 2005, the Lao Government signed a memorandum of understanding with the Government of Thailand on cooperation in combating trafficking in persons, and women and children more particularly. The agreement mentions the protection of victims, the elimination of trafficking in persons, the repatriation of victims and assistance with their social reintegration. The Government intends in future to sign similar agreements with other neighbouring countries. At present, no project exists for cooperation and technical assistance with the international community on these matters, apart from the cooperation with UNICEF mentioned at paragraph 159(d) below to help victims of sexual violence or exploitation with their rehabilitation and social reintegration.

h) Sexual violence, rape and pornography are sensitive issues in the Lao PDR: it is hard to protect children because, for cultural and traditional reasons, most people regard such matters as an internal family affair and are not willing to become involved. When a case of sexual violence occurs, the administrative authorities concerned (the village chief, the representatives of the Lao Women’s Union and the Lao People’s Revolutionary Youth Union and the police) often have recourse to traditional processes of mediation as a means of settling it. Lao village society is on a small scale: villages are divided into units, each composed of about 10 households, led by a chief and a deputy. If a case is not serious, it will not be brought before the courts. This results in a lack of information about sexual ‘violence, rape and child pornography. In addition, victims’ families prefer to cover such matters up, regarding them as shameful and dishonourable. Cases are rarely brought before the authorities.

#### **4. Sale, trafficking and abduction (art. 35)**

158. Trafficking in women and children, both within the country and across its borders, in particular with Thailand (where the persons concerned can easily become assimilated into the community because of similarities of language and culture), is a growing problem. There is a robustly-organized network of traffickers, which is extending more and more into the rural regions. There are as yet no accurate statistics for the country as a whole, but it appears that, at community level, the number of victims is increasing. Deeply concerned at the danger trafficking in peoples poses for Lao children, the Government has taken a number of measures – certainly as yet insufficient – to prevent and combat it. The laws presently in force on these matters are the Criminal Code and the Act on the Development and Protection of Women of 22 October 2004.

159. Under article 24 of the Act, trafficking in women is the act of “seeking, hiding, sending or receiving a woman ... using deception, threats or force ... for purposes of exploitation through work, prostitution, obscene publications or other illegal means of profit. These acts, when committed in relation to a child aged under 18, will be regarded as child-trafficking, even if there has been no deception, use of threats or force. Trafficking in women and children shall constitute a criminal offence.” In addition, article 92 of the Criminal Code provides that: “anyone who sells a person, or abducts a person to demand a ransom, to sell them or for any other purpose, will be liable to a penalty of imprisonment for 5-15 years and a fine of Kip 5-50 million”.

a) Article 26, paragraph 2 of the Act provides that: “the organs of the party and the State, the FLEN, the mass organizations, the social organizations and families must inform and educate the whole of society about the acts that constitute trafficking in women and children and their negative effects, so that its members do not fall victim to them: they must be active in preventing and combating these acts.” For the actual practices adopted to promote awareness and direct publicity against trafficking in women and children, see subparagraph (e), footnote 57 below.

b) With the help of international organizations and NGOs, the Government has framed the following strategy to resolve the problem of people-trafficking.

i) The players mainly concerned at the central and provincial levels will develop a strategy designed to encourage people to face up to the problem and prompt a reaction against it. The intention is to increase people’s willingness to become actively involved, while giving support to existing bodies, the mass media and the community in efforts to create widespread disapprobation of trafficking in persons.

ii) Improving the collection and analysis of information for use by the networks concerned.

iii) Improving capacity for resolving the problem and combating trafficking persons in an integrated way by coordinating plans at all levels, improving cooperation between the organizations concerned and making services accessible to those who might be tempting targets for trafficking or are otherwise at risk of becoming victims.

iv) Giving assistance to selected “pilot” families.

v) Instigating the enactment of a more stringent law against people-traffickers.

c) As regards the arrangements for overseeing and monitoring the strategy’s goals, Article 6, subparagraph 3, of the Act on the Development and Protection of Women provides that “to prevent and combat the trafficking of women and children, the Government shall set up a Committee to combat people-trafficking”. The Prime Minister implemented this provision on 22 October 2004 by setting up a National Steering Committee against People-Trafficking, composed of high-level representatives of ministries and equivalent bodies (ministers, secretaries of state, deputy-presidents and directors of departments) and chaired by a Deputy Minister. In addition, in accordance with a circular from the Prime Minister’s Office, on 20 May 2005, the set up an ad-hoc working group to combat trafficking in persons, composed of seven members drawn from various sectors and chaired by the Director of the Social Welfare Department.<sup>56</sup>

<sup>56</sup> The tasks of this group are to review bilateral and multilateral cooperation and coordination on trafficking in persons with neighbouring countries and at regional and international level, requesting

d) In 2001, the Ministry of Employment and Social Welfare, assisted by UNICEF, carried out a study involving the collection of data to increase understanding of the causes of child-trafficking, designed to identify children in groups at risk of being abducted and sold on and understand how traffickers go about their business. The study took place in 17 provinces (with the exception of the Xaysomboune special zone) containing 149 villages, from Attapeu in the extreme south to Phongsaly in the extreme north of the country. Two hundred and fifty-three people who had been victims of trafficking were interviewed, along with members of their families, so that the data obtained came directly from the victims themselves.

e) In 2002-2003, the Social Welfare Department, in cooperation with the United Nations Inter-Agency Project on Human Trafficking (UNIAP) and the IOM, implemented the project to combat the trafficking of women and children in the Lao PDR.<sup>57</sup>

160. To deal with the problem of illegal emigration to seek work in Thailand, the Ministry of Employment and Social Welfare signed a memorandum of understanding with the Thai Ministry of Employment and Social Welfare on 18 October 2002, and extended it, towards the middle of 2003, to deal with the legal transfer of manpower (see also para. 76 above). In addition, the Government acceded, on 26 September 2003, to the United Nations Convention against Transnational Organized Crime, and to the additional Protocol to the Convention which aims to prevent, suppress and punish trafficking in persons, especially trafficking in women and children. However, the Lao PDR does not yet have arrangements for cooperating with neighbouring countries in relation to the justice system or the suppression of these crimes. The number of Lao children who currently go to work illegally

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international aid for activities to combat trafficking in persons and disseminating information on the prevention of trafficking at central and local level.

<sup>57</sup> The project has:

- a) Investigated the illegal crossing of the frontier in two provinces (Xayabouli and Saravane), choosing two districts in each province and two villages in each district, making a total of eight villages. The villages had 9,370 inhabitants (4,587 of them women), of whom 764 (302 of them women) had crossed the frontier. The main cause, other than deception, was economic need. At the same time, the study team also informed the population of two villages about the harmful consequences and risks involved in working illegally abroad, with about 1,800 people attending the meeting each time: the same information has been broadcast by radio and television, at a rate of 73 broadcasts a year.
- b) Printed calendars warning of the negative consequences and risks involved in going to work illegally abroad, and distributing 11,500 copies throughout the country. It also printed 11,500 copies of a book relating personal experiences of the trade and distributing them to 57 upper secondary schools in nine target provinces adjoining Thailand.
- c) Established a working capital fund used by 80 households in five pilot villages.
- d) Built reservoirs for two villages to provide work for the villagers and reduce illegal emigration in search of work.
- e) Organized three training sessions, involving 135 participants, for the staff of the Social Welfare Department, the Lao Women's Union and the Ministry of Security on methods for providing help to women who are victims of trafficking and sexually-exploited children. It is not yet possible, however, to organize special units of officials tasked with implementing the law on the prevention of trafficking in persons, and give them tailor-made training.
- f) On two occasions, sent ten officials from the Social Welfare Department for training abroad on methods for providing help to women and children who are victims of trafficking.
- g) Built a temporary reception centre in the Vientiane Municipality for children and women who have been victims of trafficking and who have been repatriated from Thailand. The Social Welfare Department is responsible for this centre, which provides psychological and educational services to clients, while giving some of them an occupational training.
- h) Provided reception arrangements for 182 victims of trafficking arriving from Thailand and 2 arriving from Malaysia.

in Thailand or who have been tricked into doing so to be sold on there remains high, given that the frontier between the two countries is long and difficult to monitor. While the statistics are not precise (see para. 158 above), it is possible to say from interviews with 253 victims of trafficking who managed to escape (see para. 159 (d) above) that 182 of them were women, 65 per cent of them aged under 18, 31 per cent were aged between 19 and 29, 62 per cent were of Lao ethnicity, 27 per cent were Mon-Khmer, 10 per cent were Yao and 1 per cent were Hmong. The difficulties that the Government has encountered in implementing article 35 of the Convention have arisen from ignorance about trafficking in persons on the part of the general population, especially in the rural regions, and of the local administrative authorities, and from gaps in legislation and poor enforcement. Accordingly, there is a pressing need to carry out an extensive information campaign to make people aware of the dangers of trafficking in persons, while at the same time improving the relevant laws and regulations, tightening them up and making them more stringent.

#### **5. Other forms of exploitation (art. 36)**

161. Apart from sexual exploitation and exploitation through work (in workshops and factories), as stated above, other forms of exploitation of the kinds mentioned in ILO Convention No. 182 are rare, but there are as yet no laws, regulations or other measures to protect children in those categories.

162. Child labour in poor families or in those where the father or mother is ill or unable to look after him- or herself. In such cases, children may have to work hard to feed their family, to the extent that they do not have the chance to go to school or have to abandon their studies. In the spirit of the Convention, this could be regarded as the exploitation of child labour, but, in the social conditions of underdeveloped countries, so long as the Government remains unable to help such families move out of poverty, it is regarded as a duty, or a demonstration of gratitude on the part of children, to look after their parents and help them.

a) Abandoned children. In Lao society, family relationships are strong, which helps to keep the numbers of cases of abandoned children low. If the parents are not capable of raising their children in the normal way, other family members or the community will take charge of them in their place. Those children who have no-one to look after them may become street-children, then be forced to join gangs – either gangs of beggars, or gangs of drug-sellers which form part of an organized drugs trade – especially in the large towns.

b) To date, no cases of this kind have come to light, and there is no precise information available.

#### **D. Children belonging to a minority or an indigenous group (art. 30)**

163. The Lao population is made up of a number of diverse ethnic, religious and cultural groups, and the legal system of the Lao PDR has consequently been developed on a model intended to protect the rights, duties and interests of all citizens without discrimination. Article 8 of the Constitution, dealing with the right of persons to enjoy their own culture, provides that “all ethnic groups shall have the right to preserve and promote the fine customs, traditions and cultures of their own tribes and of the nation”. On practising religion, the Constitution provides that “Lao citizens are free to practise a religion or to practise no religion” (art. 43); “the State shall respect and protect all lawful activities of those practising the Buddhist and other religions”, but “all acts that create divisions

between religions and the people shall be prohibited” (art. 9) (see also para 25( r) above). Each ethnic group is free to use its own language among its own members, but the official language comprises the Lao spoken and written language (art. 89 of the Constitution).

164. The composition of the Lao population has been dealt with at paragraph 4 above. As for religious practice, the majority of the Lao people practise Buddhism; other religions practised are Christianity (both Catholicism and Protestantism), Taoism, Islam and Animism.

a) As stated at paragraph 163 above, protection for ethnic and religious groups is provided by article 8 of the Constitution. Measures to prevent discrimination have been dealt with at paragraph 26 above, but, given the real situation of the country, when it comes to education and health care, it is hard, if not impossible, to speak in terms of equality, or even equality of opportunity. Whether we like it or not, the rich always have greater opportunities than the poor, and people who live in the towns have advantages compared with those who live in remote and isolated rural regions. This is a question, not so much of discrimination, as of differing financial capacity.

b) As far as can be achieved, in the application of the law and of measures concerning children, the Government has always made every effort to act in accordance with the general principles of the Convention by applying the same rule for everyone, regardless of their ethnic origin.

c) We have no information about the number of children from ethnic groups who are subject to discrimination in any particular domain. It appears that, while the numbers of members of ethnic groups in general, and of children in particular, taking part in the various activities which make up the life of society are not high compared with numbers for members of the Lao ethnic group, they are proportionate to the size of the populations of the ethnic groups concerned.

d) The fact that the Government has properly applied its policy of unity and harmony between ethnic groups can be regarded as progress in the implementation of article 30 of the Convention. For a small, underdeveloped country such as the Lao PDR, populated by 49 ethnic groups who are coexisting peacefully and in mutual understanding, this is an important factor for the country’s future development. The Government’s main objective is to try to eradicate poverty in the rural regions and the regions inhabited by the ethnic groups (see also para. 28 above).

## **Conclusion**

165. In this report, the Lao Government has made every possible effort, consistent with the reality of an underdeveloped country, to respond to the questions in the general guidelines of the Committee on the Rights of the Child (CRC/C/58 and CRC/C/58/Rev.1). There are certainly a number of questions that it has been unable to answer, or that it has been able to answer only in part because of a lack of information or of administrative machinery for the implementation of the Convention. The Lao Government is, however, prepared to provide additional information if needed.



## Acronyms

AIDS (SIDA)	Acquired Immunodeficiency Syndrome
ASEAN	Association OF Southeast Asian Nations
ATS	Amphetamine-Type Stimulant
AUSAID	Australian Agency for International Development
ADB (BAD)	Asian Development Bank
BCG	Anti-tuberculosis vaccine
CEDC	Children in Especially Difficult Circumstances
ICRC	International Commission of the Red Cross
CNME	National Commission for Mothers and Children
CRME	Regional Commission for Mothers and Children
CWS	Church World Service
DPT 3	Anti-Diphtheria/Pertussis/Tetanus toxoid vaccination 3 injections
EDP	Education Development Project
EPI	Expanded Programme of immunization
EQIP	Education Quality Improvement
FLEN	Lao Front for National Construction
GAPE/VFI	Global Association for People and the Environment/Village Focus International
GAVI	Global Alliance for Vaccines and Immunization
GTZ	German Technical Cooperation Agency
HIV	Human Immunodeficiency Virus
ILO-IPEC	International Labour Organization/International Programme on the Elimination of Child Labour
IOM	International Organization for Migration
IU	International Unit
LECS	Lao Expenditure and Consumption Survey
LRHS	Lao Reproductive Health Survey
MAE	Ministry of Foreign Affairs
MDN	Ministry of National Defence
MEN	Ministry of National Education
MIC	Ministry of Information and Culture

MICS	Multiple Indicator Cluster Survey
MJ	Ministry of Justice
MSP	Ministry of Public Health
MS	Ministry of Security
MTBES	Ministry of Employment and Social Welfare
NGO	Non-Governmental Organization
WFP	World Food Programme
UNIDCP	United National International Drug Control Programme
SNFN	Save the Children Fund Norway
SCFUK	Save the Children Fund UK
SIDA	Swedish International Development Agency
ORS	Oral rehydration salts
SVA	Shanti Volunteer Association (Japanese NGO)
UFL	Union of Lao Women
UNIAP	United Nations Inter-Agency Programme
UNICEF	United Nations International Children Emergency Fund
UNL	National University of Laos
UNODC	United Nations Office on Drugs and Crime
UXO	Unexploded Ordnance
WFP	World Food Programme
WHO	World Health Organization

## Legal reference texts

1. *The Constitution of the Lao PDR, of 5 August 1991, amended on 6 May 2003.* There are official versions of the 1991 Constitution in English and French, but the amended version has yet to be translated into a foreign language.
2. *The Criminal Code, of 23 December 1989, amended on 10 April 2001.* There is an unofficial English translation of the original version, but the amended version has yet to be translated into a foreign language.
3. *The Code of Criminal Procedure, of 23 December 1989, amended on 15 May 2004.* There is an unofficial English translation of the original version, but the amended version has yet to be translated into a foreign language.
4. *The Act on the People's Prosecutor's Office, of 23 December 1989, amended on 21 October 2003.* There is an unofficial English translation of the original version, but the amended version has yet to be translated into a foreign language.
5. *The Inheritance Act of 27 June 1990;* there is an unofficial English translation.
6. *The Family Act of 29 November 1990;* there is an unofficial English translation.
7. *The Nationality Act, of 29 November 1990, amended on 17 November 2004.* There is an unofficial English translation of the original version, but the amended version has yet to be translated into a foreign language.
8. *The Act on Contractual Obligations of 29 November 1990* exists only in the Lao language.
9. *The Code of Civil Procedure, of 20 November 1990, amended on 17 November 2004.* There is an unofficial English translation of the original version, but the amended version has yet to be translated into a foreign language.
10. *The Act on the Register of Births, Deaths and Marriages of 30 December 1991* exists only in the Lao language.
11. *The Employment Act, of 14 March 1994;* there is an unofficial English translation.
12. *The Act on National Service Obligations of 8 March 1995* exists only in the Lao language.
13. *The Education Act, of 8 April 2000;* there is an unofficial English translation.
14. *The Act on Health, Preventive Medicine and Promoting Health, of 10 April 2001;* there is an unofficial English translation.
15. *The Act on the Development and Protection of Women, of 22 October 2004.*
16. *The Act on the Protection of the Rights and Interests of the Child, of 27 December 2006\*.*
17. *The Prime Ministerial Decree on Social Security for State Employees, of 1 January 1990,* exists only in the Lao language.
18. *The Prime Ministerial Decree on the implementation of the Employment Act, of 14 December 1995,* exists only in the Lao language.
19. *The Prime Ministerial Decree on the social security regime for private sector employees, of 23 December 1999;* there is an official English translation.

20. *The Prime Ministerial Decree on the supervision and protection of religious activities in the Lao PDR*, of 5 July 2002; there is an unofficial English translation.
21. *The seventh FLEN action plan for 2001-2005*; there is an unofficial English translation.

\* N. B.: The articles of the legislative texts cited in this report have been translated into French, either from the unofficial English translations, or (where no translations exist) directly by the report's authors.

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