Committee on the Rights of the Child
Sixty-ninth session
Summary record of the 2004th (Chamber B) meeting
Held at the Palais Wilson, Geneva, on Wednesday, 27 May 2015, at 10 a.m.
Chairperson: Ms. Winter (Vice-Chairperson)

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (continued)

Consideration of the initial report of the Lao People’s Democratic Republic on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/LAO/1; CRC/C/OPSC/LAO/Q/1 and Add.1)

1. At the invitation of the Chairperson, the delegation of the Lao People’s Democratic Republic took places at the Committee table.

2. Mr. Viphongxay (Lao People’s Democratic Republic) said that his Government continued to work to bring national laws more fully in line with the Convention and its Optional Protocols and that significant progress had been made in implementing the two Optional Protocols. In recent years, there had been major advances in strengthening the legal and policy framework to protect children from all forms of violence, including the adoption of the National Plan of Action to Prevent and Eliminate Violence against Women and Violence against Children 2014–2020 and the adoption of the Law on Preventing and Combating Violence against Women and Children, which criminalized forced and commercial prostitution.

3. In 2014, the Government had collected data for a study on the prevalence of violence against children, which would establish an evidence base for the future development of policy and legislation. The Government had adopted the first National Plan of Action against Trafficking in Persons in 2012 and had finalized a new agreement with China on cooperation in preventing and combating trafficking in persons in 2014. It was currently drafting the Trafficking in Persons Law, which should be finalized in 2015. In April 2015, it had signed the Third Joint Declaration of the Coordinated Mekong Ministerial Initiative against Human Trafficking in an effort to build strategic partnerships to end human trafficking. There were further improvements planned in the areas of prevention and early identification, assistance and protection for victims, the prosecution of perpetrators and capacity-building within the police and welfare services.

4. The Ministry of Labour and Social Welfare and the National University of Laos had signed a memorandum of understanding to establish social work as a recognized profession in the country. Social work training was being offered to key staff in the Ministry of Labour and Social Welfare and would soon be extended to other civil servants. Committees for the protection and assistance of children were being established at the central, provincial and district levels, and the existing child protection networks were being strengthened, while new ones were being established in additional villages. An assessment of the child and family welfare system was currently being finalized, with special consideration given to at-risk children. The current draft Penal Code criminalized the rape of both girls and boys as well as the use of child prostitutes of either sex. Pursuant to a new adoption decree signed by the Prime Minister in June 2014, significant investments were being made to build capacity among government officials and set up a system to respond to adoption applications. A two-week training of trainers course had been conducted for the Central Adoption Committee in April 2015.

5. His Government would welcome any documentation the Committee might have that would enable it to take action on reports that children from ethnic groups were being recruited by the armed forces. The State had joined the ministerial declaration to “Get every one in the picture” in Asia and the Pacific in 2014 and had adopted the regional Action Plan on the Civil Registration and Vital Statistics Decade, 2015–2024. At the national level, the Government had established a national coordination committee on civil administration in
2012 and had developed a national civil registration and vital statistics system to help verify the age of new recruits.

6. Institutional and capacity constraints, including in the area of data collection, posed a major challenge in the effort to promote and protect children’s rights, and public awareness about laws, regulations and public policies remained limited. Nevertheless, his Government remained committed to improving the well-being of all children in the country.

7. Mr. Cardona Llorens (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that, while much progress had been made in the State party in recent years with respect to children’s rights, serious challenges remained, such as the lack of relevant data. He asked what steps the State party had taken in recent years to establish data-collection systems. He wished to know if there was a mechanism in place to coordinate the efforts by various government bodies to implement the Optional Protocol. He asked what measures were being taken to protect children in particularly vulnerable situations from the crimes set out in the Optional Protocol.

8. Pointing out that human trafficking was only one aspect of the sale of children, he asked whether the sale of children as such was criminalized in national law, along with related crimes such as the sale of organs. He asked whether the possession of child pornography was prohibited or whether that prohibition covered only sale and distribution. He wished to know whether an aggravating circumstance was recognized in rape cases where the victim was between 15 and 18 years of age. He enquired about the current status of the amendments to the Criminal Code criminalizing the rape of boys and the use of boys as prostitutes.

9. He wished to know more about the 2014 decree that had brought national laws on adoption into line with international law. Specifically, he asked whether there was a central authority in charge of adoption matters and whether private agreements between biological families, prospective adoptive families and local authorities were still permitted. He requested further information about the use of mediation in cases of child sexual exploitation. He enquired about the current status of the amendments to the Criminal Code criminalizing the rape of boys and the use of boys as prostitutes.

10. Ms. Ayoubi Idrissi asked about the objectives set out in the National Plan of Action to Prevent and Eliminate Violence against Women and Violence against Children 2014–2020 and the resources allocated for its implementation, and she wished to know about the steps being taken to raise awareness about violence against children, particularly among poor people, people living in rural areas and children from broken homes.

11. Given the absence of any independent follow-up mechanism, she asked what channels were available to child victims or potential child victims of sexual violence who wished to file complaints. Since statistical data was not available, she asked the delegation to give a rough estimate of the number of such complaints filed. She asked about measures taken to provide access to justice for child victims and to assist them and remove them from harm during the judicial proceedings.

12. Ms. Oviedo Fierro requested further information about the training provided to all professionals who came in contact with child victims, so as to ensure that they respected and restored the rights of those children. She asked whether there were any training programmes in schools to teach children about potential risks of sexual exploitation, including on the Internet, and whether such training was funded and assessed on an ongoing basis.
13. She wished to know if current prevention campaigns made any attempt to change harmful cultural values whereby prostitution was accepted and children were viewed as property. Lastly, she asked whether emergency services were in place to provide immediate protection and reintegration assistance for child victims of sexual exploitation.

14. **Mr. Nogueira Neto** said that he wished to know more about the dissemination of information to judges and prosecutors. He asked whether multidisciplinary training that addressed cultural and psychological aspects of the problem was provided to public officials, local communities, civil society organizations and child victims of sex crimes.

15. **Mr. Rodríguez Reyes** requested information on the results of the training provided and asked whether tourists in the country were made aware of the legal consequences of engaging in sex tourism and of the damage such tourism caused to children.

16. **Mr. Kotrane** emphasized that the definitions of crimes set out in national law should mirror those in the Optional Protocol, particularly with respect to the sale of children. He asked whether child victims were able to bear witness in a court of law. Lastly, he requested updated information about the situation of children deprived of a family environment and whether they were still entrusted to “pagodas”.

17. **Mr. Cardona Llorens**, noting that sex tourism was not criminalized as such, asked whether the State party was planning to criminalize it. What measures was the State party taking to prevent people from uploading indecent images of children from their mobile phones onto the Internet? Were the awareness-raising campaigns conducted in secondary schools widespread? Did they cover both urban and rural areas?

18. **Ms. Oviedo Fierro** said she would like to know whether the National Plan of Action Against Trafficking in Persons covered trafficking for the purposes of sexual exploitation of children or child pornography. Did the Plan include measures specifically aimed at protecting children and adolescents?

19. **The Chairperson** asked whether persons could be extradited to or from the Lao People’s Democratic Republic on the basis of the Optional Protocol? The Committee had received reports that journalists and human rights defenders who had reported human rights violations related to trafficking and sex tourism had been harassed by law enforcement officials and, in some cases, imprisoned and subjected to ill-treatment. Had the State party taken measures to protect journalists and human rights defenders from attacks and reprisals?

The meeting was suspended at 11 a.m. and resumed at 11.20 a.m.

20. **Mr. Boupha** (Lao People’s Democratic Republic) said that the Government would try to incorporate the sale of children, child prostitution and child pornography into its draft Penal Code and define them as offences. The Code was currently being drafted and would replace the Penal Law once it had been adopted by the National Assembly in 2016. The Government would publish the draft Penal Code on the Internet and welcomed any input concerning its provisions.

21. The State party attached great importance to the rights of the child and provided authorities, such as police officers and prosecutors, with training in that regard. The training was aimed at helping authorities to be better informed about the offences and victims of the sale of children, child prostitution and child pornography in order to ensure that children were protected and their rights respected.

22. With regard to access to justice for children, child victims could file complaints themselves. If, for some reason they were unable to contact law enforcement officials directly, they could report offences to village authorities or women’s associations. Where the perpetrators were children, the State party based its approach on the provisions of the Optional Protocol. Minor offences committed by children were addressed through
mediation at the village level, whereas more serious offences were subject to prosecution and normal criminal proceedings.

23. **The Chairperson** asked how many people had been prosecuted for trafficking in children.

24. **Mr. Boupha** (Lao People’s Democratic Republic) said that the State party did not have any figures on the number of serious offences that had been committed by children. Lao legislation did not provide for juvenile courts, but for juvenile chambers in courts known as child court chambers.

25. **The Chairperson** explained that she was not asking how many children had been brought to court, but rather, how many adults had been brought to court for offences such as trafficking in children and sale of children.

26. **Mr. Boupha** (Lao People’s Democratic Republic) said that the relevant figures had been provided in the written replies to the list of issues (CRC/C/OPSC/LAO/Q/1/Add.1).

27. **The Chairperson** recalled that the replies had referred to four cases, which seemed rather low. The State party should provide the Committee with updated information.

28. **Ms. Ayoubi Idrissi** asked for information on whether residents of the Lao People’s Democratic Republic engaged in sex tourism and committed offences under the Optional Protocol. According to the State party’s report (CRC/C/OPSC/LAO/1), so-called minor offences against children were addressed through mediation, even though the Optional Protocol called for their criminalization. Did the use of mediation not lead to impunity and give rise to more offences against children?

29. **Mr. Boupha** (Lao People’s Democratic Republic) said that only minor offences were addressed through mediation and that the penalties for such offences were fines. Prison sentences were reserved for serious offences.

30. **Mr. Cardona Llorens** asked what forms of sexual abuse were considered minor offences and addressed through mediation. For the Committee, rape and all forms of sexual abuse were serious offences.

31. **Mr. Boupha** (Lao People’s Democratic Republic) said that sexual abuse and rape of children were considered criminal offences and would result in prosecution.

32. **Mr. Cardona Llorens** asked which offences under the Optional Protocol were addressed through mediation.

33. **Mr. Boupha** (Lao People’s Democratic Republic) said that offences related to the sale of children, child prostitution or child pornography were addressed through mediation.

34. **The Chairperson** asked what would happen to a 16-year-old child who committed an offence under the Protocol, such as trafficking in children.

35. **Mr. Boupha** (Lao People’s Democratic Republic) said that the Penal Law applied to persons over the age of 15.

36. **The Chairperson** asked whether a 15-year-old child who was caught engaging in prostitution would be treated as a victim or offender.

37. **Mr. Hongkham** (Lao People’s Democratic Republic) said that the child would be interviewed by the police in a friendly manner and that the child’s parents would be present during questioning. An attorney would also be present, if necessary. The child would be treated as an offender only if it was determined that he or she had committed a criminal offence.
38. **The Chairperson** asked what would happen to a 12-year-old child who was caught engaging in prostitution under the supervision of an adult. What would happen to the adult?

39. **Mr. Hongkham** (Lao People’s Democratic Republic) said that the child would be provided with assistance and protection and that the adult would be charged.

40. **The Chairperson** asked what would happen to a 16-year-old child who was caught engaging in prostitution, where the adult who was sexually exploiting him or her was not charged with an offence. The Committee had received reports that such children were treated as perpetrators, not victims, and punished accordingly.

41. **Mr. Hongkham** (Lao People’s Democratic Republic) said that such reports were false. If a child had been forced to engage in prostitution, he or she would be provided with assistance and brought back to his or her parents.

42. **Mr. Rodríguez Reyes** emphasized that the Committee was trying to gain a clear understanding of the legal system in order to provide the State party with appropriate recommendations. It would welcome clarification on which offences under the Optional Protocol were addressed through mediation and resulted in fines.

43. **Mr. Boupha** (Lao People’s Democratic Republic) said that mediation was used for minor offences committed by children. Mediation was not used for serious offences.

44. **Mr. Cardona Llorens** stressed that the Committee was referring to offences committed against children by adults. If a biological family was caught putting their child up for adoption in exchange for money, would the case be addressed through mediation or in a criminal court?

45. **Mr. Boupha** (Lao People’s Democratic Republic) said that the sale of a child would be considered an offence and would entail court proceedings.

46. **Mr. Hongkham** (Lao People’s Democratic Republic), referring to questions on data collection, said that the Secretariat of the National Steering Committee on Human Trafficking collected data on trafficking in women and children and worked with anti-trafficking divisions, district networks, international organizations and neighbouring countries. The data was disaggregated by sex and age, but not by ethnic group, and also by rural and urban areas.

47. Turning to sex tourism, he said that the significant increase in the number of foreign tourists who visited Lao People’s Democratic Republic had led to an increase in sex tourism. The Ministry of Information, Culture and Tourism had drafted a Law on Tourism and revised that law in 2013. The law regulated tourist operators and agencies and prohibited activities such as sexual exploitation and sexual abuse. The delegation did not have any statistics on the number of tourists who had been arrested for committing such offences.

48. **Ms. Ayoubi Idrissi** asked how the responsible tourism charter had been drafted and whether the private sector had taken part in its elaboration. Was the charter widely distributed? She asked whether the State party had established a complaints mechanism and whether it was providing persons who worked in the tourist industry with training on how to detect and report sex tourism.

49. **Mr. Cardona Llorens** said that sex tourism generated a lot of wealth and was difficult to combat because it often led to corruption involving large sums of money. What steps was the State party taking to combat corruption among tourism operators and the police?

50. **Mr. Hongkham** (Lao People’s Democratic Republic) said that legislation was in place to protect victims of sex tourism. Information on the Law on Tourism and the rights
of women and children had been disseminated to businesses and workers in the tourism sector through various channels, including workshops and seminars and an agreement with the Asia Pacific Tourism Association enabled hotels to provide training for staff on sex tourism. Public officials found to be cooperating with businesses engaged in sex tourism would be punished under criminal law.

51. Ms. Ayoubi Idrissi asked whether there was a strategy for training and awareness-raising regarding sex tourism, including targeted training modules, and whether support had been received or requested from international organizations in that regard.

52. Mr. Cardona Llorens asked how many cases of corruption linked to sex tourism had been brought before the courts.

53. Mr. Nogueira Neto asked how the State party worked to prevent and detect all offences under the Optional Protocol at the international level and punish the perpetrators.

54. Mr. Hongkham (Lao People’s Democratic Republic) said that the National Administration of Tourism provided training and disseminated information on the Optional Protocol and the Government’s policy on tourism. Efforts were also being made to prevent human trafficking and promote the rights of women and children. A law to prevent and combat human trafficking was being drafted, and the State party participated in the Australia-Asia Program to Combat Trafficking in Persons.

55. Ms. Ayoubi Idrissi asked what was being done to raise awareness of the Optional Protocol among children and to combat poverty, which made children vulnerable to exploitation.

56. Ms. Oviedo Fierro asked what measures to combat sex tourism and related crime were planned for the future.

57. Mr. Cardona Llorens asked whether measures had been adopted so that internally displaced children did not become victims of the crimes addressed by the Optional Protocol.

58. Ms. Nuanthasing (Lao People’s Democratic Republic) said that the Adoption Decree had established a national commission responsible for ruling on children’s eligibility for adoption. The Decree provided for criminal prosecution or fines for crimes relating to adoption and defined all prohibited conduct for agencies and adoptive and biological parents. The country was not yet party to any international agreements on adoption but was considering the ratification of such an agreement in the near future.

59. Mr. Cardona Llorens asked whether any other bodies were involved in regulating adoption and whether village leaders continued to provide mediation in adoption cases.

60. Ms. Nuanthasing (Lao People’s Democratic Republic) said that while village leaders had previously been involved in adoption, all cases must now comply with the Adoption Decree.

61. Ms. Chantharanonh (Lao People’s Democratic Republic) said that the implementation of the Convention on the Rights of the Child and its optional protocols was monitored by the National Commission for Mothers and Children. A ministerial commission ensured that the provisions of the Convention and its optional protocols were incorporated into sectoral plans, budgets and strategies, and plans and committees protected children at the provincial and village levels. A coordinating committee would be established to develop national policies, strategies and action plans to be included in sectoral plans, which were reviewed and approved on an annual basis. Training and dissemination were addressed through the National Plan of Action, to which the Government had allocated funding and which would be incorporated into annual sectoral plans, along with provisions for children.
62. The Ministry of Information, Culture and Tourism played a lead role in preventing the sexual exploitation of children, and technical support was provided by international organizations, including the United Nations Children’s Fund (UNICEF), in order to implement long-term communication strategies. Training was given to teachers on the provisions of the Convention and its optional protocols, and progress and shortcomings regarding the rights of the child were evaluated at an annual event. Work was being done to detect offenders using mobile telephones and websites, and information campaigns had been launched on websites and using well-known spokespersons.

Consideration of the initial report of the Lao People’s Democratic Republic on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/LAO/1; CRC/C/OPAC/LAO/Q/1 and Add.1)

63. Mr. Gastaud (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked why the State party, on ratification of the Optional Protocol, had made an interpretative declaration with regard to the age of majority and whether it would be withdrawn. He wished to know what position the Convention and its optional protocols held within the country’s legal system and whether the effect of efforts to disseminate the provisions of the Optional Protocol had been measured; the Committee had been informed that the population knew relatively little about them. He wished to know where children could lodge complaints of violations of their rights under the Optional Protocol in the absence of a human rights institute in the State party.

64. In view of the country’s shortcomings in birth registration, he asked how the risk of minors being enrolled in the Armed Forces was mitigated and how those who recruited children to armed groups were punished, given that the offence was not specifically defined in law.

65. He requested confirmation that the regions not listed in the report as currently undergoing demining were therefore free of mines and asked whether efforts to raise awareness of the risks posed by mines had been measured. The number of child mine victims who had received care seemed quite low, and he invited the delegation to comment on those figures. How were the activities of organizations working in mine clearance coordinated?

66. He asked whether the schools for the children of military personnel were military or civilian schools. He found it strange that private security companies in the State party were permitted to recruit children from the age of 14 but did not do so and that their employees were unarmed, and he requested clarification on the matter. He asked whether there were any companies manufacturing small arms or light weapons in the State party and whether those weapons were exported to conflict zones abroad where children might be involved in hostilities. Lastly, he asked why Lao courts did not have extraterritorial jurisdiction and whether that shortcoming would be rectified.

67. Mr. Nogueira Neto asked how the implementation of the Optional Protocol was coordinated by the Ministry of National Defence at the national and local levels.

68. Ms. Oviedo Fierro asked whether information on the Optional Protocol had been disseminated to public and law enforcement officials, whether training existed and was systematic, whether funding had been allocated to courses and whether international humanitarian law and peace education were taught in schools. She requested information on mechanisms to identify children who might have been recruited to armed groups or involved in hostilities abroad and information on foreign children in the State party; what measures were in place to protect them?
69. **Ms. Ayoubi Idrissi** asked whether the Optional Protocol was disseminated to the general population via alternative channels, including in minority languages; whether international humanitarian law was a component of training on the Optional Protocol and taught in schools; and whether the State party worked with the International Committee of the Red Cross to develop training modules. She asked whether there were plans to conclude additional extradition and judicial assistance agreements with other countries so as to better investigate violations of the Optional Protocol and whether the State would prosecute perpetrators of crimes against children, regardless of who they were and where the acts took place.

70. **Mr. Kotrane** asked whether the State party would ratify the Rome Statute of the International Criminal Court so as to prosecute war crimes committed against children under 15 and whether the State party had extraterritorial jurisdiction to prosecute offences committed abroad when the victim or perpetrator had a link to the State party.

*The meeting rose at 1 p.m.*