



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by the Lao People's Democratic Republic under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

1. The Committee considered the initial report of the Lao People's Democratic Republic (CRC/C/OPAC/LAO/1) at its 2006th meeting (see CRC/C/SR.2006), held on 27 May 2015, and adopted the following concluding observations at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/LAO/Q/1/Add.1). The Committee expresses its appreciation for the constructive dialogue held with the high-level delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the second periodic report submitted by the State party under the Convention on the Rights of the Child (CRC/C/LAO/CO/2), adopted on 4 February 2011, and on the initial report submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/LAO/CO/1), adopted on 5 June 2015.

II. General observations

Positive aspects

4. The Committee welcomes the ratification by the State party, on 18 March 2009, of the Convention on Cluster Munitions.

5. The Committee welcomes the Law on National Defence Obligations of 2009, which facilitates the implementation of the Optional Protocol at the national level.

* Adopted by the Committee at its sixty-ninth session (18 May–5 June 2015).



III. General measures of implementation

Coordination

6. The Committee notes that the Ministry of National Defence has primary responsibility to coordinate the implementation of the Law on National Defence Obligations, the principal piece of national legislation for implementing the Optional Protocol. However, the Committee remains concerned that, in practice, the Ministry of Defence has not fully taken into account the Optional Protocol in discharging its mandate.

7. The Committee recommends that the State party ensure that the coordinating responsibilities of the Ministry of National Defence fully include the effective coordination and monitoring of the implementation of the Optional Protocol across ministries, including at the provincial level.

Independent monitoring

8. The Committee is concerned about the lack of an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) to regularly monitor progress in the fulfilment of children's rights under the Optional Protocol and to receive and address complaints from children.

9. In the light of its previous recommendations (CRC/C/LAO/CO/2, para. 15), the Committee urges the State party to establish an independent mechanism to monitor the fulfilment of rights under the Optional Protocol and to deal with children's complaints in a child-friendly and expeditious manner.

Dissemination, awareness-raising and training

10. While welcoming the dissemination of the Optional Protocol and the the Law on National Defence Obligations to its military personnel, the Committee regrets that training is not systematic and that limited efforts have been made to disseminate information on the Optional Protocol among relevant ministries, children and the general public. The Committee also notes with concern that training courses are not systematically conducted and participation has been limited to military personnel.

11. The Committee recommends that the State party:

(a) **Enhance its dissemination efforts to make the principles and provisions of the Optional Protocol well-known among government officials and law enforcement officers, including at the provincial level;**

(b) **Develop specific information campaigns to raise awareness among parents, teachers, students, children and members of civil society;**

(c) **Include systematic and comprehensive education modules on the provisions of the Optional Protocol and on international humanitarian law for all relevant professional groups, in particular officers from migration authorities, law enforcement personnel, lawyers, judges, medical professionals and social workers;**

(d) **Allocate adequate human, technical and financial resources for the above-mentioned tasks.**

Data

12. The Committee regrets the lack of a mechanism for systematically collecting, analysing and monitoring data from all areas covered by the Optional Protocol.

13. The Committee recommends that the State party establish a comprehensive data collection system on all areas relevant for the implementation of the Optional Protocol and use the information and statistics collected as a basis for designing comprehensive policies and programmes for the protection of children affected by and/or involved in armed conflicts.

IV. Prevention

Age-verification procedures

14. The Committee reiterates its concern that births in small isolated villages may not be registered due to communication difficulties or lack of knowledge of legal procedures on the part of parents and administrative authorities in villages or the absence of a civil status registry in small rural districts (see CRC/C/LAO/CO/2, para. 34). The Committee also regrets that parents from rural areas often have difficulty accessing the services that provide birth certificates, which hinders the application of effective age verification procedures. Furthermore, the Committee is concerned that the system for issuing birth certificates in the State party has yet to be computerized.

15. The Committee calls on the State party to:

(a) Continue and strengthen its efforts to ensure the birth registration of all children, including through mobile units, as a measure to prevent the recruitment of children for armed conflict, including children living in remote areas and villages and children in street situations, as previously recommended by the Committee (see CRC/C/LAO/CO/2, para. 35);

(b) Remove all impediments to universal access to birth registration procedures;

(c) Allocate adequate human, technical and financial resources to computerizing its system for birth registration;

(d) Ensure that existing recruitment procedures are strictly adhered to by all military and police institutions recruiting professional or contracted personnel and by all military schools, and establish measures to detect the use of forged documents by persons under the age of 18;

(e) Seek international assistance, including from the United Nations Children's Fund (UNICEF) and the United Nations Development Programme, to ensure the computerized and centralized universal registration of births.

Human rights education

16. The Committee notes as positive the efforts of the State party to instil a culture of peace through its educational initiatives on the negative effects of conflict. However, the Committee is concerned about the absence of specific modules on human rights education and international humanitarian law from the curricula of primary and secondary schools.

17. With reference to its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party undertake efforts to systematically include education on human rights and international humanitarian law in the school curricula, with special reference to crimes specified under the Optional Protocol.

V. Prohibition and related matters

Criminal legislation and regulations in force

18. The Committee notes that the State party's Law on National Defence Obligations and the Law on the People Security Protection Forces prohibits the recruitment of persons under the age of 18 years into the military. However, the Committee is concerned that, under this legislation, criminal liability is not explicitly provided for the recruitment of children into the State military. The Committee is also concerned that there is no legislation explicitly criminalizing the recruitment of children by non-State armed groups or private security services.

The Committee urges the State party to explicitly criminalize the recruitment and use of children under the age of 18 years in hostilities by the armed forces, as well as armed non-State groups and private security services.

Extraterritorial jurisdiction and extradition

19. The Committee is concerned that the State party does not exercise jurisdiction over violations of the Optional Protocol outside its territory. The Committee also regrets that extradition is subject to the double criminality requirement.

The Committee recommends that the State party take all legal and practical measures necessary to ensure that its domestic legislation enables it to establish and exercise extraterritorial jurisdiction over all offences covered by the Optional Protocol, including conscripting or enlisting children into the armed forces or armed groups, or using them to participate in hostilities. The Committee further recommends that the State party repeal the double criminality requirement for extradition for offences under the Optional Protocol.

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

20. The Committee regrets the lack of mechanisms in place to identify children who may have been recruited or used in hostilities abroad, particularly among asylum-seeking, refugee, migrant and unaccompanied children present in the territory of the State party.

21. The Committee recommends that the State party put in place mechanisms and procedures to ensure the full protection of asylum-seeking, refugee, migrant and unaccompanied children under the State party's jurisdiction, by identifying at an early stage children who may have been involved in armed conflict and ensuring that personnel responsible for such identification are trained in children's rights, child protection and child-friendly interviewing skills. The Committee further recommends that the State party ensure that such children are provided with adequate assistance for their physical and psychological recovery and their social reintegration.

Land mines and unexploded ordnance

22. While acknowledging the efforts of the State party to establish the National Regulatory Authority for Unexploded Ordnance and Mine Action, the Committee expresses its concern at the continuing high risk faced by children of being killed and/or maimed by mines and unexploded ordnance. It is further concerned that current programmes for victims of mines and unexploded ordnance do not sufficiently provide rehabilitation for child victims or address their specific needs.

23. The Committee recommends that the State party strengthen its mine awareness programmes and demining activities in order to protect children against mines and unexploded ordnance. The Committee also recommends that the State party consider developing child-friendly programmes in order to ensure the provision of adequate services tailored to child victims' specific needs, in particular children with disabilities caused by remaining mines and unexploded ordnance, and to provide them with physical and psychological rehabilitation, as well as social assistance.

VII. International assistance and cooperation

International cooperation

24. The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore the possibility of increasing cooperation with UNICEF, the Office of the United Nations High Commissioner for Human Rights and other United Nations entities in the implementation of the Optional Protocol.

VIII. Ratification of the Optional Protocol on a communications procedure

25. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

IX. Follow-up and dissemination

26. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the parliament, relevant ministries, including the Ministry of National Defence, the Supreme Court and local authorities, for appropriate consideration and further action.

27. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

X. Next report

30. In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.
