



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 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*

1. The Committee considered the initial report of the Lao People's Democratic Republic (CRC/C/OPSC/LAO/1) at its 2004th meeting (see CRC/C/SR.2004), 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/OPSC/LAO/Q/1/Add.1). The Committee appreciates the constructive dialogue held with the State party's high-level and multisectoral delegation.

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 involvement of children in armed conflict (CRC/C/OPAC/LAO/CO/1), adopted on 5 June 2015.

II. General observations

Positive aspects

4. The Committee notes with appreciation the State party's ratification of the following:

- (a) The Minimum Age Convention, 1973 (No. 138) in June 2005;
- (b) The Worst Forms of Child Labour Convention, 1999 (No. 182).

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



5. The Committee welcomes the measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including the adoption, in December 2014, of the Law on Preventing and Combating Violence against Women and Children.

6. The Committee also welcomes the progress achieved in the creation of institutions and the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including:

(a) The adoption of the National Plan of Action to Prevent and Eliminate Violence against Women and Violence against Children 2014–2020;

(b) The adoption, in 2012, of the first National Plan of Action against Trafficking in Persons and, in 2013, of the new Agreement between the Lao People's Democratic Republic and China on Cooperation in Preventing and Combating Trafficking in Persons.

III. Data

7. The Committee is concerned about the lack of disaggregated data on children who are vulnerable to being sold and to being used for prostitution and pornography, such as children from ethnic minorities, particularly Mon-Khmer and Tibeto-Burman, migrant and refugee children, children living in institutions, transgender boys, children working in exploitative conditions, children from rural areas and children living in poverty. The Committee is also concerned about the lack of a comprehensive data collection system covering all offences under the Optional Protocol, which would enable the State party to identify the extent to which children are being sold or used for prostitution and pornography, and the specific forms of those crimes.

8. The Committee recommends that the State party develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment on all areas covered by the Optional Protocol. The data should be disaggregated by, inter alia, sex, age, nationality and ethnic origin, region and socioeconomic status, and particular attention should be given to children who are at risk of becoming victims of crimes under the Optional Protocol. Data should also be collected on the profile of perpetrators and the number of prosecutions and convictions, disaggregated by the nature of the offence.

IV. General measures of implementation

Comprehensive policy and strategy

9. The Committee notes that, while several plans and programmes have been adopted and implemented to combat trafficking, notably cross-border trafficking, an overall strategy for implementing the Optional Protocol and eliminating the sale of children, child prostitution and child pornography is lacking.

10. The Committee recommends that the State party develop a new national plan of action to address comprehensively all the issues covered by the Optional Protocol, taking into account the outcome documents of the first, second and third World Congresses against Commercial Sexual Exploitation of Children.

Coordination and evaluation

11. The Committee notes that there are several government departments or agencies with responsibilities for the implementation of the Optional Protocol, such as the National Commission for Mothers and Children and the provincial branches of the National Steering

Committee on Human Trafficking and of the anti-trafficking divisions of the Ministry of Public Security, but it is concerned at the insufficient level of coordination among these bodies, as well as the inadequate coordination among government agencies and non-governmental organizations (NGOs) working in the areas covered by the Optional Protocol.

12. The Committee recommends that the State party strengthen coordination among the different agencies and government departments working in the areas covered by the Optional Protocol, at the central, provincial and district levels. The State party is also encouraged to strengthen coordination with NGOs in the implementation and evaluation of the Optional Protocol.

Dissemination and awareness-raising

13. While noting the State party's initiatives to raise awareness about human trafficking, the Committee is concerned that the Optional Protocol has not been sufficiently promoted and disseminated, in particular among officials of the implementing agencies, border police officers, social workers, legislators, parents, teachers, law enforcement personnel, children and the public at large. The Committee also notes with concern that issues related to the Optional Protocol are not yet included in the school curricula for children.

14. The Committee urges the State party to take all measures necessary to make the provisions of the Optional Protocol widely known. To this end, the State party should, in particular:

(a) **Develop and conduct, in consultation with communities, civil society organizations and children, long-term educational and awareness-raising programmes on measures to prevent, and on the harmful effects of, all the offences covered by the Optional Protocol, including on assistance and reporting mechanisms established to prevent children from becoming victim to the offences in the Optional Protocol;**

(b) **Disseminate systematically the Optional Protocol among government officials at the national, provincial and district levels, as well as to all relevant professional groups, especially border police officers, judges and prosecutors;**

(c) **Incorporate issues related to the Optional Protocol into the curricula of primary and secondary schools.**

Training

15. While noting that training activities have been conducted on human trafficking in collaboration with intergovernmental and non-governmental organizations, the Committee is concerned that not all offences under the Optional Protocol are adequately covered by training activities, that they have not reached all professionals working with and for children, especially in remote and rural areas, and that the relevant professionals, in particular the border police and those working in the administration of justice, have not received sufficient training on the provisions of the Optional Protocol.

16. The Committee recommends that the State party:

(a) **Allocate adequate resources to ensure systematic and targeted training specifically on the provisions of the Optional Protocol and their implementation for all relevant professional groups working with and for children, as well as border police officers, judges, prosecutors, police officers and civil servants, including at the provincial and district levels;**

(b) **Ensure that such training includes multidisciplinary training programmes developed in consultation with communities, civil society organizations and child victims;**

(c) **Conduct regular assessments of its training activities to ensure that the knowledge and skills acquired are translated into practice in order to effectively identify victims and protect children from the offences covered under the Optional Protocol;**

(d) **Seek technical assistance from international organizations and NGO partners for the implementation of these recommendations.**

Allocation of resources

17. The Committee is concerned that the State party has not allocated sufficient resources for the implementation of policies and plans related to the Optional Protocol. The Committee is also seriously concerned that a high prevalence of corruption in the State party has greatly diverted resources from essential plans and policies related to the implementation of the Optional Protocol and compromised the Government's ability to prevent and fight the sale of children, child prostitution and child pornography.

18. **The Committee strongly recommends that the State party increase budget allocations for the implementation of the Optional Protocol, including by earmarking human, technical and financial resources from the regular budget to set up programmes relating to its provisions, in particular criminal investigations, legal assistance and assistance for the physical and psychological recovery of victims. The Committee urges the State party to immediately take measures to efficiently prevent and combat corruption and prosecute those involved in acts of corruption.**

Civil society

19. The Committee is deeply concerned about the obstacles faced by NGOs and the limited scope for human rights defenders and journalists to monitor and report on children's rights covered under the Optional Protocol, due to their frequent intimidation, harassment, arbitrary arrests, ill-treatment and prison sentences handed down. The Committee further notes with serious concern the lack of progress in the investigation of the disappearance of Sombath Somphone, a leading social activist who, inter alia, worked to tackle the root causes of child trafficking and exploitation by improving children's access to education.

20. **The Committee strongly recommends that the State party:**

(a) **Take immediate action to allow journalists, human rights defenders and all NGOs, including children's groups, to monitor, investigate and report children's rights violations as well as exercise their right to freedom of expression and opinion without any kind of threat, harassment or repercussion;**

(b) **Urgently end all forms of intimidation and retaliation against human rights defenders, including children, and enact specific laws and policies to recognize and protect the work of human rights defenders;**

(c) **Combat impunity by undertaking a thorough, impartial and effective investigation of all allegations of enforced disappearance, including that of Sombath Somphone, and all violations against human rights defenders, and ensure the prosecution of perpetrators and access to effective remedies for victims.**

V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

Measures adopted to prevent offences prohibited under the Optional Protocol

21. The Committee notes that the State party has made some efforts to prevent sexual exploitation of and trafficking in children, including through awareness-raising campaigns in communities about the risk of child trafficking and sexual exploitation. However, the Committee is seriously concerned that the State party is primarily a country of origin for human trafficking, with the primary destination being Thailand, that an overwhelming majority of victims of sexual exploitation are girls aged between 10 and 18 years and that most of them are forced into child prostitution. The Committee is particularly concerned that:

(a) The current policies and programmes are inadequate to address the underlying root causes of the sale of children, child prostitution and child pornography, such as discrimination against children belonging to ethnic minorities, poverty, a high rate of school dropouts, lack of access to free education, children living in street situations and unsafe labour migration, particularly to Thailand;

(b) The construction of hydropower dams and the operations of large-scale extractive industries are leading to the displacement of communities, particularly children from ethnic minorities, and consequently exposing them to abuse, sexual exploitation and trafficking;

(c) Despite the increasing birth registration, around 67 per cent of registered children do not possess birth certificates and birth registration among Hmong-Mien households is particularly low, leaving them vulnerable to the offences under the Optional Protocol;

(d) Lack of public awareness of crimes of sexual exploitation of children, including among parents and children themselves, and the social and cultural tolerance of sexual exploitation of children in communities are preventing the reporting and prosecution of such crimes;

(e) There is a lack of child participation mechanisms in the development of legislation, policies and programmes to address sexual exploitation of and trafficking in children.

22. **The Committee urges the State party to adopt a comprehensive approach to addressing the root causes of offences under the Optional Protocol and target families and children in the most vulnerable situations, including members of the Mon-Khmer and Tibeto-Burman ethnic groups. In particular, the Committee recommends that the State party strengthen its poverty reduction strategies and supportive social protection measures for families in disadvantaged and marginalized situations, including child-centred early intervention programmes, to support parents in better performing their care and protection responsibilities towards children. It further urges the State party to:**

(a) **Prevent and/or end the displacement of indigenous children owing to the construction of hydropower dams and the operations of large-scale extractive industries, and mitigate the risk of children being exposed to the offences under the Optional Protocol and enable access to effective judicial and non-judicial mechanisms to provide remedy for them and their families when their rights have been violated;**

(b) **Expand the State party's existing legal requirement to conduct impact assessments that explicitly address children's rights and include the differential**

impact on certain categories of children, such as indigenous children, using the framework of the Optional Protocol and relevant concluding observations and general comments issued by the Committee;

(c) Continue and strengthen its measures to ensure that all children, including children from Hmong-Mien households, are registered at birth;

(d) Carry out intensive awareness-raising activities through mass media and community participation, including mobilization of community leaders, local teachers and youth and children's groups to change attitudes about sexual exploitation of children, including child pornography, and encourage reporting of such crimes;

(e) Incorporate child participation mechanisms when developing legislation, policies and programmes to effectively prevent sexual exploitation of and trafficking in children. To this end, the Committee further recommends that the State party create an enabling environment, free of intimidation and reprisals, to encourage and support children to participate and freely express their views.

Adoption

23. The Committee notes that the State party has passed a new decree to regulate both domestic and intercountry adoption. However, the Committee regrets that the State party lacks a mechanism to monitor national and international adoptions and that it has not ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

24. **The Committee reiterates its previous recommendations (see CRC/C/LAO/CO/2, para. 46) and calls on the State party to put in place a mechanism to monitor all adoptions, national and international, in order to ensure that they fully comply with the principles and provisions of all relevant international standards. The Committee also encourages the State party to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

Child pornography

25. The Committee is extremely concerned that:

(a) Child pornography is easily available for download to mobile phones and memory sticks from shops selling CDs in many locations in the State party and that the Security Emergency Response Team at the National Internet Centre lacks the capacity to identify or block child pornography websites or images;

(b) An increasing number of teenagers are recording images of themselves engaging in sexual acts on their mobile phones and that there is no policy or specific plan in place to address issues of child pornography.

26. **The Committee recommends that the State party:**

(a) **Effectively prevent publication and dissemination of pornographic materials concerning children through surveillance of shops selling CDs and establish mechanisms to automatically block offending Internet service providers and other media;**

(b) **Strengthen the capacity of the Security Emergency Response Team to identify or block child pornography websites or images;**

(c) **Carry out large-scale campaigns to raise awareness among teenagers of the harmful effects of pornography.**

Child sex tourism

27. The Committee is seriously concerned that many children are being sexually exploited by foreign paedophiles in the State party. The Committee is particularly concerned about:

- (a) The lack of specific national legislation that explicitly prohibits child sex tourism and the lack of capacity in the Government to effectively address this issue;
- (b) The weak legal framework and insufficient coordination between the State party and international agencies working to identify and prosecute child pornographers and paedophiles and the fact that the State party remains among the main destination countries for child sex tourism;
- (c) The insufficient awareness-raising about child sexual exploitation in travel and tourism, and inadequate regulation of and engagement with the private sector, especially the travel, hotel and tourism industry, to prevent and combat child sex tourism.

28. **The Committee recommends that the State party take all measures necessary to identify children who are especially vulnerable of becoming victims of the crimes covered by the Optional Protocol, such as children from ethnic communities, children living in rural areas and children affected by poverty, and link these measures to existing child protection programmes and poverty reduction strategies. It urges the State party to:**

- (a) **Explicitly prohibit organized child sex tourism in the national legislation and strengthen the knowledge and capacity of law enforcement officers about child sex tourism, including through training and collaboration with United Nations agencies, particularly the United Nations Children's Fund and the United Nations Office on Drugs and Crime;**
- (b) **Take all measures necessary to strengthen the surveillance of unregistered tourist accommodations and clandestine activities related to child sexual exploitation;**
- (c) **Regulate and engage with the private sector, particularly the tourism industry, in preventing, monitoring and reporting cases of child trafficking and the sexual exploitation of children to relevant authorities. The State party should also ensure that the Department of Tourism effectively monitors compliance by hotels and travel and tour agencies and operators with the contractual agreements that it has signed with them on the prohibition of child sex tourism and child protection in general;**
- (d) **Widely disseminate the Charter of Honour for Tourism and the Global Code of Ethics for Tourism among travel agents and tourism agencies and encourage them to sign up to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.**

VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3), 5, 6 and 7)

Existing criminal or penal laws and regulations

29. The Committee notes with serious concern that the domestic legislation does not fully list and incorporate all offences covered by the Optional Protocol. The Committee is particularly concerned that:

(a) Not all forms of the sale of children, including for the purpose of transfer of organs of child, covered by articles 2 (a) and 3 (1) (a) (i) of the Optional Protocol have been classified as offences distinct from human trafficking;

(b) Some provisions of the Penal Law punishing crimes under the Optional Protocol, in particular child prostitution, only protect children up to the age of 15 and penalties under the Penal Law and the Child Protection Law for such crimes do not adequately reflect the severity of the offences;

(c) The State party does not have legislation specifically criminalizing the possession of child pornography and the solicitation of children for sexual purposes (grooming), including by means of information and communications technology;

(d) The Penal Law criminalizes only the rape of girls, not that of boys, resulting in impunity for crimes related to the sexual exploitation of boys.

30. The Committee recommends that the State party continue to revise its Criminal Code and other relevant legislation and bring it into full compliance with articles 2 and 3 of the Optional Protocol. In particular, the State party should:

(a) **Define, regulate and criminalize all forms of sale of children, including for the sale of organs, a concept which is similar, but not identical, to trafficking in persons;**

(b) **Ensure that all children under the age of 18 are fully protected by the Penal Law and the Child Protection Law and that penalties for crimes under the Optional Protocol adequately reflect the severity of the offences in order to deter such crimes and ensure justice for victims;**

(c) **Criminalize all offences under the Optional Protocol, including the solicitation of children for sexual purposes (grooming) and the possession of child pornography;**

(d) **Explicitly define and criminalize rape of all children under 18 years of age, including that of boys.**

Impunity

31. The Committee is alarmed about the large number of cases of trafficking in and sexual exploitation of children not leading to a conviction owing to traditional out-of-court settlements at the village level and the failure of the judicial authorities to enforce the law. The Committee is specifically concerned that the prosecution of foreign traffickers is rare and impunity remains pervasive in the context of child prostitution- and trafficking-related investigations and prosecutions, primarily because of corruption and, sometimes, owing to the alleged complicity of law enforcement, judiciary and immigration officials in human trafficking.

32. The Committee urges the State party to effectively combat corruption and impunity and fully apply the laws in force, which impose severe penalties for perpetrators of offences under the Optional Protocol. The Committee specifically recommends that the State party immediately address the issue of corruption and impunity as a matter of priority, including through rigorous investigation and prosecution of government officials for their complicity in such crimes.

Extradition

33. The Committee is seriously concerned that the State party lacks a specific law on extradition and that it still maintains a reservation on article 5 (2) of the Optional Protocol.

34. The Committee recommends that the State party adopt comprehensive legislation in order to consider, in all cases, the crimes under the Optional Protocol as crimes that are subject to extradition and consider withdrawing the reservation on article 5 (2) of the Optional Protocol.

VII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol

35. The Committee is seriously concerned that child victims of trafficking and prostitution are often treated as offenders instead of victims, and that their privacy and safety are not guaranteed during the criminal justice process. The Committee further expresses its concern about reports that child victims of trafficking within the State party and those used in prostitution are treated as criminals or convicted for involvement in prostitution.

36. The Committee urges the State party to ensure a comprehensive, integrated approach that included legislation and a national strategy to protect the rights and interests of child victims of offences in the State party. It particularly urges the State party to:

(a) Ensure that all persons below the age of 18 who are victims of any of the offences under the Optional Protocol are, because they are minors, neither treated as criminals nor penalized at the central, provincial and district levels. To this end the Committee recommends that the State party ensure that protection for child victims is given up until 18 years, and not below;

(b) Ensure that child victims of the offences under the Optional Protocol are considered as victims and not offenders, and that personnel responsible for the identification of child victims, including border police officers, judges, prosecutors, law enforcement officers, social workers, medical staff, migration officials and other professionals working with child victims, are trained in children's rights, child protection and interviewing skills.

Recovery and reintegration of victims

37. The Committee is concerned about the State party's overreliance on NGOs and international organizations to provide funding and other support for the recovery and reintegration of child victims. Furthermore, the recovery and reintegration measures are limited to victims of trafficking and do not adequately take into account the needs of child victims of offences covered under the Optional Protocol, especially at the district level, owing to a lack of resources and an insufficient number of adequately trained staff and

officials. The Committee also regrets the absence of State-run rehabilitation and reintegration programmes and that social reintegration and assistance are tasks carried out mainly by NGOs and United Nations agencies.

38. **The Committee recommends that the State party:**

(a) **Ensure that adequate services, such as medical care (including access to sexual and reproductive health services), counselling, financial support and adequate housing services are available for all child victims of the offences covered by the Optional Protocol, including for their full social reintegration and their full physical and psychological recovery, in accordance with article 9 (3) of the Optional Protocol;**

(b) **Take measures to ensure appropriate training, in particular legal and psychological training, for persons who work with victims of the offences prohibited under the Optional Protocol, in accordance with article 8 thereof;**

(c) **Ensure that all child victims of the offences described in the Optional Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9 (4) of the Optional Protocol.**

VIII. International assistance and cooperation (art. 10)

Multilateral, bilateral and regional agreements

39. **The Committee welcomes the various memorandums of understanding signed by the State party with its neighbouring countries in an effort to prevent and combat human trafficking, including trafficking in children. In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures for, and mechanisms to coordinate, the implementation of such arrangements, with a view to improving prevention and the detection, investigation, prosecution and punishment of those responsible for any of the offences covered by the Optional Protocol.**

IX. Ratification of the Optional Protocol on a communications procedure

40. **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.**

X. Follow-up and dissemination

41. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations by, inter alia, transmitting them to the relevant government ministries, the parliament and national and local authorities, for appropriate consideration and further action.**

42. **The Committee recommends that the report and written replies submitted by the State party and the related concluding observations adopted 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.

XI. Next report

43. In accordance with article 12 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report to be submitted in accordance with article 44 of the Convention.
