



Convention on the Rights of the Child

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Committee on the Rights of the Child Fifty-sixth session

Summary record of the 1600th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 27 January 2011, at 10 a.m.

Chairperson: Ms. Lee

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* No summary record was issued for the 1599th meeting.

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

Consideration of reports of States parties *(continued)*

Second periodic report of the Lao People's Democratic Republic on the implementation of the Convention on the Rights of the Child (CRC/C/LAO/2; CRC/C/LAO/Q/2; CRC/C/LAO/Q/2/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. **Ms. Leudedmounsone** (Lao People's Democratic Republic) said that the situation of children in the Lao People's Democratic Republic had improved in many areas in recent years. The National Strategy for Growth and Poverty Eradication had been incorporated into the sixth five-year national plan for economic and social development (2006–2010). Coordination of action concerning children had been strengthened with the establishment of the National Commission for Mothers and Children, the membership of which had been increased from 5 to 21 in 2007 to cope with the development of activities in that field.
3. The authorities had approved a series of texts relating to health, in particular the National Strategy on Nutrition, the Strategic Programme on Comprehensive Services for Mother and Child, the policy on prevention of mother-to-child HIV/AIDS transmission, and the law on the prevention of and combat against HIV/AIDS. Access to primary health care in remote and isolated regions had been improved, as had access to potable water and the percentage of homes and schools equipped with sanitary facilities. Under the vaccination campaign against measles, launched in 2007, more than 2 million children under 15 had been vaccinated in 12 days. Specialized units had been set up throughout the country to provide targeted health services to mothers and children, including family planning and nutrition.
4. With a view to increasing staff in the education sector, declared a priority in the short- and long-term, the budget share for education had been raised to 12.2 per cent in 2008. The National Strategy on Education System Reform 2006–2015 and the Education Development Framework 2009–2015 were being implemented. Training had been provided to upgrade teachers' qualifications and improve teaching quality; the network of nursery schools, primary schools and vocational schools had been expanded to cover the entire country, including remote areas. The proportion of pupils enrolled in primary school had consequently risen from 84.2 per cent to 93.6 per cent between 2005 and 2009. The authorities were endeavouring to promote education for girls and were in the process of drawing up a national policy on participatory education and a national policy on the comprehensive development of preschool children, which would shortly be submitted to the National Assembly.
5. A national plan of action against trafficking in persons and child exploitation had been adopted in 2008. Child protection networks in the communities had been developed and three emergency care centres had been set up to provide assistance and protection to victims of slavery, sexual exploitation and violence. Emergency assistance had been provided in 2008 to young victims of floods. Projects on legal protection of children and juvenile justice had been implemented and included training for police and judges and the establishment of reconciliation units in villages and of a juvenile court. A handbook on positive discipline had been translated into Lao and distributed to day-care centres and schools.
6. The National Assembly had adopted the Youth Act on 26 November 2009 and the Government had provided opportunities for children and young people to participate actively in social and cultural activities, by, for example, setting up a radio station dedicated to young people, hosting the 25th South-East Asia Games, attended by large numbers of

young people, and organizing in the province of Champasak the tenth children's cultural festival, focused on intercultural and inter-ethnic exchanges. Two child and youth representatives had attended the United Nations General Assembly special session on children in 2002, the results of which had been reported to the National Assembly. Children's rights were now an integral part of training for police officers and judges, and the Convention, which had been translated into Lao, had been broadly disseminated among public officials, teachers and the population in general, including children. The Lao People's Democratic Republic had ratified the two optional protocols to the Convention.

7. **Ms. Varmah** (Rapporteur for the Lao People's Democratic Republic) noted that the State party was still on the list of the least developed countries and had set itself the goal of being struck off the list by 2020. Regional integration had led to sustained GDP growth and infrastructure and tourism development, but the products of economic growth were not shared equitably and there were still marked disparities, especially between rural and urban areas and between ethnic groups. Greater governmental efforts were needed to ensure social welfare and the effective implementation of laws and policies. Immediate action was called for in the areas of hunger, malnutrition, maternal and neonatal mortality, and child protection.

8. The Committee wished to know whether non-governmental organizations (NGOs) had been involved in preparation of the report under consideration, why the procedures for registering non-profit associations were so long, and how many of them had received final authorization to date. The Committee would also like to know whether the Lao People's Democratic Republic planned to ratify the Convention against Torture, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and the Rome Statute of the International Criminal Court.

9. Given that the lack of reliable data made it difficult to plan, monitor and assess government action, it would be useful to know why so little reliable and disaggregated data was available and what measures were planned to remedy that situation.

10. Dissemination of the principles of the Convention appeared still to be limited to cities and the country's central region and some judges and other legal professionals were only slightly familiar with them, or not at all. More information was needed on the steps taken to raise the awareness of the entire population in all ethnic groups, and to train professionals in the fields of law, health and education and professionals working for and with children. The principle of the best interests of the child, in particular, was clearly not properly understood, as evidenced by the existence of corporal punishment, early marriage and institutionalization and detention of minors.

11. Persistent discrimination against girls and women, certain ethnic and linguistic groups, and disabled and poor people led to the question of whether an independent complaint mechanism had been established and measures to prevent discrimination instituted. Ethnic minorities and Hmong repatriates in remote areas had practically no access to essential services, owing in part to language barriers. It was therefore important to know whether it was possible to introduce multilingual education into the education system, and to have additional information on the treatment of refugees in the Lao People's Democratic Republic. The question arose, in particular, as to whether Hmong refugees repatriated from Thailand were being provided with identity papers and were authorized to go abroad.

12. The Committee wished to know which public institution was responsible for registering births; whether a birth certificate was systemically issued for all registered children; and whether, in an effort to solve the problem of access, mobile registration units were deployed in rural areas. Because the accident rate was very high, the authorities should enforce the law making it compulsory for cyclists to wear a helmet.

13. **Mr. Koompraphant** asked how the law on the protection of children's rights and interests was implemented locally; who monitored its enforcement; what intervention and protection measures did the law provide in cases of violence against children; whether the perpetrator of such violence could be removed and what punishments he or she faced.

14. **Mr. Guran** asked whether the Government planned to reduce the dependence of national children's programmes on foreign funding; who was responsible for coordinating policies relating to children and whether there were plans to establish an independent body to ensure respect for children's rights and consider their complaints. He would appreciate more information on the population structure and wished to know whether a census based on international standards would be conducted.

15. **Mr. Krappmann**, noting that, according to the World Bank, the share of GDP earmarked by the Lao People's Democratic Republic for health, education and protection was the smallest among the low-income countries, asked whether it was planned to allocate more resources to those sectors and whether, within the limits of the State's resources, the necessary measures to give effect to economic, social and cultural rights had been taken.

16. **Mr. Zermatten** asked how judicial and administrative decision makers and legislative bodies took into account the best interests of the child, a principle reflected in the Constitution and in several laws and plans, and whether the courts had already handed down decisions referring to the best interests of the child. He noted with concern that according to paragraph 36 (c) of the report, adoption decisions were taken in the best interests of the child or of the adoptive parents.

17. The Committee would appreciate more detailed information on prevention and assistance measures relating to child victims of violence, on efforts made to prohibit all forms of corporal punishment and on the problem of abuse, or even torture, during interrogations at police stations.

18. The delegation was also invited to explain what was being done to guarantee freedom of religion and to combat discriminatory practices and intolerance, in particular towards Christians, to which the Special Rapporteur on freedom of religion or belief had referred in a recent report.

19. It would also be useful to know what was being done to control children's access to the Internet in order to prevent them from consulting sites with harmful content, and to ensure that the media respected the right to privacy of child victims.

20. **Ms. Maurás Pérez** asked whether the national strategy for growth and poverty eradication had a section on children; whether specific resources were earmarked for its implementation and monitoring; what role the National Commission for Mothers and Children actually played in coordinating the sectors and authorities concerned and what was being done to combat sexist violence.

21. **Ms. Al-Asmar** asked how respect for children's opinions was guaranteed and what the State party was doing to ensure that children could be heard in court without parental consent.

22. **Mr. Pollar** wished to know how a child was defined in the Lao People's Democratic Republic and whether children had the right to consult a lawyer or physician without parental consent. The law on corruption of minors protected children against sexual abuse, but the age of sexual consent was not clearly defined.

23. **Ms. Ortiz** asked whether traditional chiefs, who bore the responsibility for deciding where a child would go in the event of a family crisis or if the child was orphaned, were aware of the need to listen to the child's opinion.

24. **Mr. Citarella** asked whether the Convention was disseminated to the population and whether it took precedence over domestic law.

The meeting was suspended at 11.05 a.m. and resumed at 11.40 a.m.

25. **Ms. Leuedmounsone** (Lao People's Democratic Republic) said that the Convention was disseminated mainly through being incorporated into education programmes and through audio-visual programmes, brochures and magazines. Brochures were used to raise the awareness of parents, teachers and children's representatives with regard to children's rights. Owing to lack of financial resources, awareness-raising aimed at people living in the country's regions and provinces was limited.

26. The National Commission for Mothers and Children coordinated five organizations working in the field of children's rights. Children of multi-ethnic origin were taught in Lao and in certain dialects. Sensitization to children's rights through audio-visual means was carried out in several languages. Teachers were natives of the region in which they taught. The National Commission for Mothers and Children was involved in the implementation of the seventh five-year plan for economic and social development, in particular with respect to education and health care; the seventh plan included education programmes for girls in order to guarantee equal access to education for boys and girls.

27. **Mr. Kiattisak** (Lao People's Democratic Republic) said that the Convention had been incorporated into domestic law and that the Ministry of Justice and the Ministry of Employment and Social Welfare were doing everything possible to make its provisions known. Account was taken of children's rights and the principle of the best interests of the child in all legislation, including at the local level. Activities to make judges, prison staff and social workers more aware of children's rights had been carried out. Nevertheless, the Lao People's Democratic Republic lacked experts on the ground to ensure promotion of and full respect for all the rights of the child. For approximately the last two years, social workers had been invited to attend training on the Convention at the State University. Laws expressly mentioned the rights of the child and the principle of the best interests of the child.

28. Children were detained only in the most serious cases, since the State preferred to re-educate and reintegrate juvenile delinquents rather than punish them. Few children had legal proceedings brought against them and children were not treated like adults under the legal system. Some 130 lawyers were available to help children and provide them with advice. In the case of conflicts between children and parents giving rise to violence, family members or neighbours could report the problem to the village chief who would then work, usually directly, with the parents and children to find a solution. For the most serious offences, children could naturally submit a complaint to the police and bring their case to court. Individuals under 18 had access to free health care.

29. **Mr. Filali** asked what happened in the case of a conflict between a Convention norm and a national law.

30. **Ms. Ortiz** asked what was being done to ensure that children were heard.

31. **Mr. Kiattisak** (Lao People's Democratic Republic) said that the Convention took precedence over domestic law in the event of a normative conflict. Children's right to be heard and the principle of the best interest of the child were ensured by law and by public policy.

32. **Mr. Citarella** asked if children were heard in divorce cases.

33. **Mr. Kiattisak** (Lao People's Democratic Republic) said that children had the right to be heard in divorce cases and could indicate, in particular, if they wished to live with

their mother or father. However, in practice, care of the child was usually entrusted to the mother.

34. **Mr. Phommachanh** (Lao People's Democratic Republic) said that there were three major categories of non-profit organizations in the Lao People's Democratic Republic: official organizations, such as the Front for National Construction, the Women's Union, the Youth Union and the Trade Union Federation; civil society organizations such as students and lawyers associations, which were under the authority of the Ministry of the Interior; and international non-governmental organizations, which were under the authority of the Ministry for Foreign Affairs. He did not have exact figures concerning the number of registered national NGOs, but all requests for registration were examined by the competent authorities.

35. The Lao People's Democratic Republic had not ratified the Convention relating to the Status of Refugees but respected all its provisions in practice. All the Hmong refugees living in camps in Thailand had been repatriated and the camps had been closed. In recent years, some 7,000 to 8,000 Hmong had left for Thailand, but they were illegal migrants who did not fall within the province of the Office of the United Nations High Commissioner for Refugees (UNHCR). All Hmong people repatriated to the Lao People's Democratic Republic enjoyed the same rights as other citizens; those who no longer had homes there were living in a camp and were not subjected to any discrimination.

36. **The Chairperson** asked whether repatriated Hmong children had access to education and health care and pointed out that no international organization had been authorized to meet with Hmong repatriates.

37. **Mr. Phommachanh** (Lao People's Democratic Republic) said that Hmong repatriates were considered to be full-fledged citizens of the Lao People's Democratic Republic. Most of them had returned to their village of origin and had been able to resume a normal life. Some 5,000 persons had chosen not to return to their village of origin and had requested State assistance; they had been registered and three new villages had been created for them.

38. Most of the population was Buddhist, although the country had Muslim, Christian, Baha'i and animist minorities. Christians refused to participate in collective work in the village on Sundays, which was a source of conflict. To encourage people to practice Buddhism, rice and clothing was offered to them, which also resulted in conflict. The authorities had therefore to intervene at times, which had given rise to the erroneous idea that any religion other than Buddhism was prohibited.

39. **Mr. Kiettisak** (Lao People's Democratic Republic) said the 1992 law on registration of births had been amended in 2010 but was not yet effectively implemented. The Committee's recommendations in that respect were welcome.

40. **Ms. Southichack** (Lao People's Democratic Republic) said that the National Commission for Mothers and Children was tasked with providing support to mothers and children as well as monitoring, supervising and supporting activities relating to the implementation of children's rights.

41. **The Chairperson** pointed out that an independent monitoring mechanism could not coordinate activities and monitor them at the same time and encouraged the State party to establish an independent body to which children could submit complaints.

42. **Mr. Guran** added that the National Commission for Mothers and Children did not comply with the Paris Principles concerning national human rights institutions, because it was a public body that was not independent.

43. **Ms. Southichack** (Lao People's Democratic Republic) said that a representative of NGOs worked with the Ministry for Foreign Affairs to ensure independent coordination of activities conducted by international NGOs to implement the Convention. Her Government would examine the possibility of setting up an independent monitoring mechanism, but it did not have enough resources to establish all the bodies recommended by the Committee members; priority was given to the protection and education of children.

44. **Ms. Leudedmounsone** (Lao People's Democratic Republic) said that the advisory body set up to assist children and women victims of rape or domestic violence provided them with psychological support and accommodation, and provided funds for the education of child victims. NGOs worked with the State in that area.

45. **Mr. Kiattisak** (Lao People's Democratic Republic) said that corporal punishment and torture were prohibited by law and punished, and that individuals were aware of the penalties they might incur for such practices.

46. **Mr. Chanthalangsy** (Lao People's Democratic Republic) said that 49 ethnic groups had been identified in a study undertaken by the State in 2000, at the initiative of ethnic groups, to update a previous study conducted in the 1950s, which had identified 68 groups even though it had not been possible to reach certain regions. The results of the new study, adopted in 2008 by the Lao Front for National Construction, had led to the current classification which was based on four language groups: Lao-Thai, Mon-Khmer, Sino-Tibetan and Hmong-Mien.

47. Access to the Internet was available throughout the country for a modest price. A national committee comprising representatives of the public and private sectors was responsible for setting up the necessary infrastructure and protecting users from misleading advertising and pornography, among other things.

48. **Ms. Varmah** (Rapporteur for the Lao People's Democratic Republic) asked whether the State party's national and international adoption procedures were in compliance with international standards and best practices, taking into account the best interests of the child.

49. She wished to know what the State party was doing or planned to do to ensure provision of prenatal, postnatal and obstetrical services to communities, with a view to reducing maternal mortality and preventing disabilities, and to guarantee to all children, including newborns, essential health services at the community level throughout the country and without discrimination based on social status. She also wished to know whether it was planned to recruit more medical staff to improve the quality of care and ensure health services for all and to reintroduce regular vaccination campaigns and provide antibiotics to patients. Was health care free of charge?

50. She asked the delegation to describe the measures taken to promote exclusive breastfeeding in all the country's regions, since currently only 26 per cent of infants under 6 months benefited from it, and to indicate whether a mechanism has been set up to ensure respect for the International Code of Marketing of Breast-milk Substitutes and what measures were taken in case of violations.

51. She wished to know whether primary education was free and compulsory, whether human rights were part of the academic curriculum, whether teachers in all regions were qualified and trained, whether they were well paid, and the level of teaching quality. Did pupils have books and other materials and access to public libraries? What was being done to promote education from early childhood on, to reduce inequalities between girls and boys and to tackle the causes of the elevated school drop-out rate? The Committee would also like to know whether the State had managed to attract more women from ethnic communities into the teaching profession and would welcome additional information on the education development project and development policies for young children.

52. **Mr. Puras** asked whether the State party had made efforts to foster the development of community services to reintegrate disabled children and provide aid to their parents as an alternative to institutionalization. What was the current situation of disabled children, whether living at home or in an institution?

53. **Ms. Ortiz** wished to know how the State party ensured the dissemination of the Convention to the country's 49 ethnic groups.

54. **Ms. Aidoo** asked how the State party intended to resolve structural problems in the health sector by allocating to it only 3 per cent of the budget for the national plan for economic and social development; reduce geographic and socio-economic disparities in access to health services and strengthen primary health care and assisted delivery services at community level, included in remote and isolated areas. She wished to have more detailed information on measures taken to reduce the very high infant mortality rate and to know whether there was a coordination mechanism designed to ensure effective implementation of the national nutrition strategy, which formed part of the national plan for economic and social development, given that 50 per cent of children suffered from chronic malnutrition.

55. The delegation should indicate whether the State had drawn up a global adolescent health policy and programmes to provide adolescents with appropriate information on that subject; was endeavouring to promote healthy lifestyles and ensure the confidentiality of health services for adolescents; and had taken or planned to take measures to put a stop to harmful traditional practices, such as early marriage, which was illegal and led to the problem of early pregnancy.

56. **Mr. Koompraphant** asked for more detailed information on the mechanisms set up to prevent and identify cases of child abuse and negligence and on the support that children and families could obtain from the State or local authorities in such cases.

57. **Mr. Pollar** wished to know whether the State party planned to ratify the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction; whether it had entered into agreements with neighbouring countries for the purpose of repatriating child victims of illicit transfer; and how it dealt with the cases referred to under article 11 of the Convention.

The meeting rose at 1 p.m.