



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 Lao under article 8, paragraph 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 Lao (CRC/C/OPAC/LAO/1) at its 2006th meeting (see CRC/C/SR.2006), held on 27 May 2015, and adopted at its 2024th meeting (see CRC/C/SR.2024), held on 5 June 2015, the following concluding observations.

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 State party's second periodic report under the Convention on the Rights of the Child (CRC/C/LAO/CO/2), adopted on 4 February 2011, and on the initial report 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 of the Convention on Cluster Munitions (CCM) on 18 March 2009.

5. The Committee welcomes the Law on National Defence Obligations of 2009 which facilitates the implementation of the Optional Protocol at 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 as the principal national legislation for implementing the 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 Defence fully include the effective coordination and monitoring of the implementation of the Optional Protocol across ministries, including at provincial level.**

Independent monitoring

8. The Committee is concerned about the lack of an independent national human rights institution in line with the principles relating to the status of national human rights institutions (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 its corresponding national legislation (the Law on National Defence Obligations) to its military personnel, the Committee regrets that such training is not systematic and that limited efforts have been made in order 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 systematic and have 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 provincial level;**

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

(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 migration authorities, law enforcement personnel, lawyers, judges, medical professionals and social workers; and,**

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

Data

12. The Committee regrets the lack of a systematic mechanism of data collection, analysis and monitoring of 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 with respect to the protection of children affected by and/or involved in armed conflicts.

IV. Prevention

Age verification procedures

14. The Committee reiterates its concern (CRC/C/LAO/CO/2, para. 34) 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. The Committee also regrets that parents from rural areas often have difficulty accessing the services that provide birth certificates, resulting in a situation which hinders effective age verification procedures. Furthermore, the Committee is concerned that the system for birth certificates in the State party has yet to be computerised.

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 in armed conflict, including children living in remote areas and villages and children in street situations, as recommended by the Committee in its previous Concluding Observations (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 computerise 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; and,

(e) Seek international assistance, including from UNICEF and UNDP, for the computerised and centralised universal registration of births.

Human rights education

16. The Committee notes as positive the efforts of the State party to inculcate a culture of peace through its educational initiatives on the negative effects of the conflict. However, the Committee is concerned about the absence of clear modules on human rights education and international humanitarian law in 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 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 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 this legislation does not explicitly provide for criminal liability for recruitment of children into the State military. The Committee is also concerned that there is no legislation explicitly criminalising the recruitment of children by non-State armed groups or private security services.

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

Extraterritorial jurisdiction and extradition

20. 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.

21. 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 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

22. 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 within the territory of the State party.

23. 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 on 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 ordinances

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

25. The Committee recommends that the State party strengthen its mine awareness programmes and demining activities in order to protect children against mines and UXO. 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 UXO, and to provide them with physical and psychological rehabilitation, as well as social assistance.

VII. International assistance and cooperation

International cooperation

26. 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 increased cooperation with the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities in the implementation of the Optional Protocol.

VIII. Ratification of the Optional Protocol on a Communications Procedure

27. 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 (OPIC).

IX. Follow-up and dissemination

28. 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 to local authorities, for appropriate consideration and further action.

29. 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 and awareness of the Optional Protocol, its implementation and monitoring.

X. Next report

30. In accordance with article 8, paragraph 2, 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 under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
