Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Lao, People's Democratic Republic - 8th Session - 2010
4th May, 3pm to 6pm

National Report

17. The Lao PDR is a party to six core human rights conventions and two optional protocols: International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of Persons with Disabilities(CRPD), Convention on the Rights of the Child (CRC) and the latter’s two Optional Protocols regarding the Sale of Children, Child Prostitution and Child Pornography, and the Involvement of Children in Armed Conflict. The Lao PDR also signed the Convention for the Protection of All Persons from Enforced Disappearance. In principle, the provisions of these human rights treaties have been largely incorporated into the Lao PDR’s national laws and regulations.

19. The Lao PDR has established inter-agency mechanisms to promote and protect human rights such as the National Steering Committee on the Preparations for the Ratification and Implementation of the International Covenants on Human Rights, and the National Steering Committee on the Preparations for the UPR, the National Steering Committee on reporting under and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the National Commission for the Advancement of Women, the National Commission for Mothers and Children, the National Committee for Disabled People, the National Committee for Rural Development and Poverty Alleviation, and the National Committee Against Human Trafficking.

27. Education is an important right of the Lao citizens, being prioritised in the development policies of the Lao PDR. The right to education is provided for in the Constitution and in the Law on Education, as amended in 2007, which materializes the constitutional provisions by setting out the principles for the development and administration of education, aimed at enabling all people to access education without any discrimination, ensuring the rights and obligations of the citizens in the education field. The Government has considered education the core of human resource development. The Government implements the policy of effective access to education, creating opportunities for all people to receive education, especially those living in rural remote areas, women, children, the disadvantaged. The Government has also created conditions for more citizens to receive vocational training.

28. The education system of the Lao PDR is under reform and being improved so as to meet the needs of national socio-economic development. Education is central to human resource development and one of the priorities in the NGPES. During the last decade, the Government has adopted the National Strategy on Education for 2001–2020, the National Action Plan on Education for All for 2003-2015, the National Education System Reform Strategy for 2006-2015, and the Educational Sector Development Framework, which share the main goal of expanding the opportunity of access to education for Lao people of all ethnic groups across the country from pre-school to higher education.

29. The annual survey conducted by the Centre of Education Statistics and Information Technology in 2009 shows that at the present time there are 1,123 nurseries and kindergartens, 8,871 primary schools, 1,125 secondary schools (722 lower secondary schools, 35 upper secondary schools, 368 full secondary schools), 39 vocational schools, 152 public and private higher educational institutions and universities; the literacy rate of citizens aged 15-40 years is 83.8 per cent; the literacy rate of citizens aged above 15 years is 78.51 per cent; pre-school rate is 19.7 per cent; net school enrolment is 91.6 per cent; lower secondary school enrolment is 62.7 per cent; upper secondary school enrolment is 36.8 per cent; and the ratio of higher education students is 1,977 per 100,000 persons of the country’s population.
53. The Lao PDR attaches importance to promotion and protection of the rights and interests of children. The Government has adopted measures to implement the principles and provisions of the Convention on the Rights of the Child by endeavouring to translate them into reality. The Constitution, Article 29, contains the provisions consistent with the Convention on the Rights of the Child; the Lao PDR has improved the existing laws and adopted new laws relating to the rights and interests of children, including the Penal Law, the Law on Criminal Procedure, the Law on Education, the Labour Law, the Law on Hygiene, Sanitation and Health Promotion, the Law on Lao Nationality, the Law on Military Service, the Law on Inheritances, the Law on Civil Procedure, the Law on Contracts, the Law on the Development and Protection of Women, and most importantly the Law on the Protection of the Rights and Interests of Children. The provisions of the aforesaid laws are consistent with, and aimed at implementing, the principles and provisions of the Convention on the Rights of the Child.

54. The Government has paid attention to the promotion of healthcare for mothers and children, comprehensive development and protection of the rights and benefits of mothers and children by setting up a national coordination mechanism to be the secretariat to the Government, called the National Commission for Mothers and Children (NCMC), chaired by the Standing Deputy Prime Minister and composed of Vice-Ministers and Vice- Minister-Equivalents from all relevant ministries and organizations as vice-chairman or members. The Commission has organizational networks throughout the country from the central to local levels, under the supervision of the provincial governors or vice-governors at the provincial level, district chiefs or deputy district chiefs at the district level. Apart from the said National Commission, the ministries and institutions which have functions and responsibilities relating to the promotion of healthcare, education development for children and protection of the rights and benefits of children comprise the Ministry of Public Health, the Ministry of Education, the Ministry of Labour and Social Welfare, the Ministry of Justice, the Ministry of Public Security, the Lao Front for National Construction, the Lao Women’s Union, the Lao Youth Union, the Lao Disabled People’s Association etc. These organizations operate at the central and local levels in the country.

55. The Lao PDR has progressively made achievements in ensuring the rights and interests of children. The country has adopted and is implementing policies, programmes and strategies relating to children such as the National Plan of Action for Children, the National Programme on Anti-Trafficking in and Sexual Exploitation of Children (2007-2011), the National Nutrition Strategy, etc. The Government has attached a top priority to healthcare of mothers and children with vaccination and immunization being the core in integrating primary healthcare with other activities relating to mothers and children. Annual national campaigns for vaccination and immunization to women and children are organized with attendance by top leaders including the President, the Prime Minister, the President of the National Assembly and other high ranking officials. The efforts towards promotion and protection of children have been put into socio-economic development plans and strategies, which enable children across the country to exercise their rights. Free treatment and medical check-up and other measures to reduce child mortality and to increase nutrition have been implemented effectively. Furthermore, the Government focuses on human resource development as a priority for the national development in both short and long term, setting education as the core in this process. School enrolment rate of children has been increasing gradually. Also, the disabled and normal children are now studying together. Currently, the country has 20 ethnic boarding schools, taking in a total of 7,034 children. Apart from this, 4,569 children who need special attention are studying in the inclusive education programme.

56. The Government is actively implementing the principles and provisions of the Convention on Rights of the Child by enhancing attention to the care for and protection of children from dangers, abuses, labour and sexual exploitation, human trafficking, drug trafficking, UXOs and other war remnants from the wars as part of the Indochina War, and also in court proceeding. The Government has created conditions and opportunities for Lao multi-ethnic children and the youth to participate in social activities inside the country and abroad to exchange opinions on children and youth’s issues and the rights of children.

63. The Lao PDR has endeavoured to develop the national education system, enhancing both its quantity and quality, which resulted in the increased school enrolment in primary, secondary and higher education. In addition, state and private educational institutions have increased in numbers.

UN Compilation


11. The UNCT noted the establishment of coordinating mechanisms and bodies tasked with promoting core human rights treaties to which Laos is party, and preparing related reports, including the Lao National Commission for the Advancement of Women and the National Commission for Mothers and Children, which receive support from agencies including UNIFEM, UNFPA and UNICEF. Organizations recognized by the Constitution are likely to remain the main actors in these areas in the medium term, it added.31 CEDAW was concerned at the unclear mandates and lack of coordination among the various national organizations32 and urged Laos to provide adequate resources to them, and to forge strong links with civil society.33

14. CRC was concerned at the insufficient measures to ensure the full enjoyment by all children of their rights, particularly in access to education and health services, and protection against exploitation.38 The UNCT recommended coordinated, multi-sectoral approaches in this regard and the establishment of a child and family-focused welfare system at national and sub-national levels, based on lessons learned from existing initiatives at community level.39

23. CRC called for a more active approach to eliminate discrimination against certain groups, particularly girls, minority children and children born to unmarried parents.61

30. CEDAW,80 like CRC in 1997,81 expressed concern at the persistence of trafficking and sexual exploitation, particularly given that 60 per cent of the victims are reportedly girls between 12 and 18. In 1999, the Special Rapporteur on the sale of children warned that if
Laos did not put in place preventive measures to protect children as a matter of priority, the country might find itself in the same situation as some of its neighbours, with a conflagration of child exploitation and abuse. In 2007, the Special Rapporteur on the human rights of indigenous peoples expressed concern at the increasing numbers of indigenous women who had become victims of sexual trafficking and prostitution.

32. The UNCT noted that children under the age of 18 constituted nearly half of the population of Laos and were among the most vulnerable to abuse, violence and exploitation. CRC was concerned at the persistence of corporal punishment within the family and its acceptance by society. The UNCT cited the adoption of the Children’s Law, adding that a child protection policy framework would further strengthen implementation of the law.

33. CRC was concerned at the economic exploitation of children, including in the informal sector. It encouraged, inter alia, the development of a system of social workers and harmonizing the age of the end of compulsory education with the minimum age for work, by raising the former to 15.

36. CRC was concerned at the lack of a legal framework for administration of juvenile justice, that the grounds for arrest and detention of children can include prostitution, the absence of specialized judges, and the lack of social workers and qualified legal defenders. It recommended reform, and encouraged Laos to explore alternatives to institutional care, as well as traditional mechanisms of conciliation.

62. According to the UNCT, child-friendly juvenile justice procedures have been established in some provinces, and efforts were ongoing to expand their reach. A juvenile coordinating committee has been established, overseeing the application of juvenile procedures and guidelines. Guidelines for mediation of such cases have been approved and will shortly be disseminated.

Stakeholder Compilation

22. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment in the home is lawful, and that provisions against violence and abuse in the Penal Code (1990), the Family Law (1990), the Law on the Protection of the Rights and Interests of Children (2006) and the Law on Development and Protection of Women are not interpreted as prohibiting all corporal punishment in childrearing. Corporal punishment is considered unlawful in schools under article 27 of the Law on the Protection of the Rights and Interests of Children, which confirms the State’s policy to create “child-friendly” schools in which students are protected from corporal punishment. In the penal system, corporal punishment as a criminal sentence is unlawful, and although there is no explicit provision, it is considered unlawful as a disciplinary measure in penal institutions. GIEACPC further noted that there was no prohibition of corporal punishment in alternative care settings.

26. LWU noted that women had limited access to legal information, making it difficult for them to protect their rights. It recommended creating opportunities for more women to take part in the judicial administration through appointment as judges, prosecutors, lawyers and members of village mediation units, so that they will be able to effectively promote and protect the rights and interests of women and children.

Conclusion and Recommendations – To Follow