



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Consideration of reports submitted by States parties under article 44 of the Convention

Concluding Observations: Lao People's Democratic Republic

1. The Committee considered the second report of the Lao People's Democratic Republic (CRC/C/LAO/2) at its 1600th and 1601st meetings (see CRC/C/SR.1600 and 1601), held on 27 January 2011, and adopted, at its 1612th meeting, held on 4 February 2011, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the second report as well as the written replies to its list of issues (CRC/C/LAO/Q/2/Add.1), and commends the frank and constructive dialogue with the high-level and multi-sectoral delegation, which allowed a better understanding of the situation of children in the State party.

II. Follow-up measures and progress achieved by the State party

3. The Committee notes with appreciation the promulgation of the Law on the Promotion of the Rights and Interests of Children (January 2007).

4. The Committee welcomes the ratification by the State party of:

(a) The International Covenant on Economic, Social, and Cultural Rights (February 2007);

(b) The International Covenant on Civil and Political Rights (September 2009);
and

(c) The Convention on the Rights of Persons with Disabilities (September 2009)

5. The Committee also welcomes the accession by the State party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000 (September 2003), and the ratification of ILO Conventions No. 138 (on the minimum age for employment) and No. 182 (on the worst forms of child labour).

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

The Committee's previous recommendations

6. The Committee welcomes efforts by the State party to implement the Committee's concluding observations on the State party's initial report (CRC/C/15/Add.78, 1997). Nevertheless, the Committee notes with regret that many of the recommendations have not been significantly addressed.

7. **The Committee urges the State party to take all necessary measures to address the recommendations contained in the concluding observations of the initial report that have not yet been implemented or sufficiently implemented, including those on such issues as independent monitoring, allocation of resources, data collection, dissemination of the Convention, cooperation with civil society, non-discrimination, birth registration, family environment, children with disabilities, health and health care (including breastfeeding), adolescent health, education and juvenile justice; and to provide adequate follow-up to the recommendations contained in the present concluding observations on the second report. In this context, the Committee draws the attention of the State party to its General comment No. 5 (2004) on general measures of implementation of the Convention on the Rights of the Child (CRC/GC/2003/5).**

Legislation

8. The Committee welcomes the promulgation in 2007 of the Law on the Protection of the Rights and Interests of Children. While noting that certain principles and provisions of the Convention have been incorporated into laws addressing fundamental rights and freedoms, the Committee nevertheless notes that the status of the Convention is unclear and that the Constitution does not give precedence to its provisions over national laws.

9. **The Committee urges the State party to ensure that adequate human and financial resources are allocated in order to fully implement the Law on the Protection of the Rights and Interests of Children. The Committee also encourages the State party to take appropriate measures to ensure that the Convention on the Rights of the Child is incorporated into its domestic laws and has prevalence over other national laws and that the provisions of the Convention are directly applicable in a court of law.**

Coordination

10. The Committee notes that the National Commission for Mothers and Children (NCMC), under the direction of the Permanent Deputy Prime Minister, has the role of encouraging, monitoring and coordinating the implementation of child-related activities at the national level, and that Regional Commissions (CRMEs) also have the mandate to support, coordinate and monitor child-related activities at the regional level. The Committee is concerned, however, that both the NCMC and the CRMEs are understaffed and under-resourced.

11. **The Committee recommends that that State party allocate adequate human and financial resources to the NCMC and the CRMEs in order to strengthen the Commissions and allow them to effectively carry out their work. The Committee also**

encourages the State party to ensure that the activity reports prepared by the NCMC and the CRMEs are widely disseminated at all levels and in all regions of the country.

National plan of action

12. While noting the development of a national plan of action against commercial sexual exploitation of children, the Committee notes with regret that there is no broader plan of action on children to address the rights of children enshrined in the Convention in their entirety.

13. **The Committee encourages the State party to adopt a National Plan of Action on Children that fully addresses all the rights of the child enshrined in the Convention, and takes into account the outcome document, “A World Fit for Children”, adopted by the United Nations General Assembly at its special session on children in May 2002, and its mid-term review of 2007. The Committee also recommends that the State party provide a specific budget allocation and adequate follow-up mechanisms for said Plan, ensure that sufficient human resources are available for its full implementation, and ensure an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies.**

Independent monitoring

14. While noting that legislation allows persons to phone in and register a complaint at the National Assembly, the Committee nevertheless regrets that there is no independent human rights institution to monitor the implementation of the Convention and to receive and investigate complaints on the violations of the rights of children.

15. **The Committee recommends that the State party establish in accordance with the Paris Principles (General Assembly resolution 48/134) an Ombudsman’s Office or other independent monitoring body. Such body should have a clear mandate to receive and investigate complaints from or on behalf of children about violations of their rights, and should be provided with the necessary human and financial resources. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and OHCHR. The Committee encourages the State party to take into account the Committee’s General comment No. 2 (2002) on national human rights institutions (CRC/GC/2002/2).**

Allocation of resources

16. While noting the rapid economic growth that has taken place in the country over recent years, the Committee is nevertheless concerned that budget allocations in the fields of health and education remain insufficient. The Committee notes, in particular, that budget allocations to the education sector are among the lowest in the world.

17. **The Committee urges the State party to take into account the Committee’s recommendations issued following its General discussion day on 21 September 2007 on the topic “Resources for the rights of the child – responsibility of States”, and prioritize and increase budgetary allocations for children, with focus on the fields of education and health. The Committee further recommends that the State party introduce budget tracking from a child right’s perspective with a view to monitoring budget allocations for children, and seek technical assistance for this purpose from, inter alia, UNICEF.**

Data collection

18. The Committee notes that progress is being made in establishing systems for collecting data on child rights. However, the Committee is concerned that data on child

rights is generally not available, and when data is available, it is often unreliable and not disaggregated by age and gender.

19. **The Committee recommends that the State party continue to develop and strengthen its mechanisms for data collection through the establishment of a national central database on children. The Committee also recommends that that the State party develop indicators consistent with the Convention in order to ensure that data is collected on all areas covered by the Convention, disaggregated, inter alia, by age, sex, ethnic origin, socio-economic background, and children in need of special protection. The Committee also recommends that the State party seek technical assistance from, inter alia, UNICEF.**

Dissemination and awareness-raising

20. The Committee notes with interest that the State party's initial report and the Committee's concluding observations were disseminated through meetings with representatives from Mother and Child Commissions, Government services and the National Assembly. However, the Committee considers that education and awareness-raising for children and the general public requires intensive attention.

21. **The Committee encourages the State party to increase its efforts to broaden the knowledge of the general public, in particular children, on the Convention, as well as on national laws formulated and approved on the basis of the Convention, and on other international or regional instruments related to the rights of the child.**

Training

22. While noting with appreciation the efforts of the State party to train professionals working with and for children on the principles and provisions of the Convention, the Committee, is concerned that such training remains inadequate.

23. **The Committee recommends that the State party carry out adequate and systematic training of all professional groups working for and with children, including law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions. In this regard, the Committee recommends that human rights education be included in the official curriculum at all levels of education**

Cooperation with civil society

24. The Committee notes with interest the adoption of the Decree on Association in 2009, which allows the establishment and registration of civil society groups and organizations. However the Committee is concerned that the registration process is slow and tedious and no organization has yet received a permanent license. In addition, while taking note of the existence of the youth union, the Committee notes with regret that there are no non-governmental organizations specifically addressing child rights.

25. **The Committee recommends that the State party take the necessary measures to simplify and accelerate the registration process for civil society groups and organizations. The Committee further recommends that the State party involve non-governmental organizations in a more systematic and coordinated manner in all stages of the implementation of the Convention, including policy making and the preparation of future reports to the Committee.**

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

26. The Committee notes that the Constitution prohibits, inter alia, ethnic and gender discrimination. Nevertheless, the Committee is concerned at reports of continuing inequalities in the treatment of certain ethnic groups in terms of access to basic services, financial and other resources, decision making and capacity development opportunities. The Committee also notes with concern that girls do not have the same opportunities in the field of education as boys.

27. The Committee urges the State party to include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference, taking into account General comment No. 1 (2001) on the aims of education (CRC/GC/2001/1). The Committee also recommends that the State party collect data disaggregated by sex, ethnic origin, social background and disability, in order to enable effective monitoring of de facto discrimination.

Best Interests of the Child

28. The Committee notes with appreciation that the State party's Constitution (art. 29) and the Law on the Protection of the Rights and Interests of Children (art. 4) have established the best interests of the child as a principle to be observed in all actions undertaken with regard to children. Nevertheless, the Committee is concerned that this principle is not regularly applied in practice, and that the judicial, administrative and legislative bodies are not taking into account the best interests of the child in all decisions relevant to children.

29. The Committee recommends that the State party take all appropriate measures to ensure that the general principle of the best interests of the child is appropriately integrated in all legal provisions, and implemented in all judicial, administrative and legislative decisions, as well as in projects, programmes and services that have an impact on children.

Respect for the views of the child

30. The Committee notes the State party's declaration that children and youth are represented in consultative meetings on their rights and interests organized at central, provincial, district or village levels. While also noting that some awareness-raising programmes on the right of the child to express his/her opinion have been conducted, the Committee regrets that no training sessions have been carried out to raise awareness of this issue among persons who work with or for children, including judges, police officers, detention centre personnel and teachers. The Committee is also concerned that the views of the child are not respected before the courts, where children do not have the right to be a witness or to bring a complaint or seek reparation without the consent of their parents.

31. The Committee recommends that the State party ensure respect for the views of the child in all settings, including in the home. The Committee encourages the State party to take the necessary steps to raise awareness among persons working with or for children on the need to respect the views of the child. The Committee also encourages the State party to put in place measures to ensure that children are not denied their legitimate right to reparation or to bring a complaint before the court,

solely because of the parental consent requirement. The Committee recommends that the State party take into account its General comment No. 12 (2009) on the right of the child to be heard (CRC/C/CG/12).

Right to life, survival and development

32. While noting the objectives of the State party's national plans for economic and social development, the Committee is concerned over the large development gap between cities and remote/isolated rural areas, as well as between different regions and different sectors of society. The Committee is also concerned that the infant mortality rate remains high compared to other countries in the region, with malaria being a main cause of child mortality, while traffic accidents and unexploded ordinance also contribute to child deaths. Taking note of the development of the National Nutrition Strategy and the National Plan of Action for Nutrition, the Committee is nevertheless concerned that the malnutrition rates in the State party are among the highest in the region, and that the prevalence of wasting among children under the age of 5 is alarmingly high, particularly in the southern provinces where the prevalence of wasting is higher than the global threshold considered an emergency situation.

33. **The Committee urges the State party to take measures to address the development gap between urban and rural areas. The Committee recommends that the State party continue and strengthen its efforts to combat child malnutrition with specific focus on children under the age of 5. The Committee also urges the State party to address the principal causes of child mortality, namely malaria, traffic accidents and unexploded ordinance, with a view to eliminating their fatal impact on children.**

C. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)

Name and birth registration

34. The Committee notes with concern that parents adopting a child under the age of 10 can change the child's first name without the consent of the child. The Committee is also concerned 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 the issuance of birth certificates is not free and that parents from rural areas often have difficulty accessing the services that provide birth certificates.

35. **The Committee recommends that the State party take appropriate legislative or other measures to ensure that the principles of the best interests of the child and preservation of the child's identity are given priority consideration with regard to all requests to have a child's name changed. The Committee also recommends that the State party ensure that civil status registries exist in all districts, including small rural districts, that it raise awareness among parents and administrative authorities in small, isolated villages about the family registration law and birth registration procedures, as well as consider introducing mobile units for birth registration and issuance of birth certificates. The Committee encourages the State party to provide birth certificates free of charge for all children born on its territory, and to ensure that parents, whether from urban or rural areas, have equal access to birth registration and birth certificate services.**

Freedom of thought, conscience and religion

36. Although the Constitution of the State party does not proclaim any official State religion, The Committee is concerned that members of religious minorities, including children, have been restricted in the exercise of their right to freedom of religion, as manifested by harassment and denial of access to public schools.

37. **The Committee recommends that the State party ensure full respect of the right to freedom of religion for all children belonging to religious minorities, and promote tolerance and inter-religious dialogue. The Committee draws the attention of the State party to the official report of the Special Rapporteur on freedom of religion or belief (A/HRC/13/40/Add.4).**

Torture or other cruel, inhuman or degrading treatment or punishment

38. While noting that corporal punishment is prohibited in primary schools, the Committee is concerned at reports that some teachers use physical punishment as a means of discipline. The Committee is also concerned that corporal punishment is lawful in the home, and is not prohibited in alternative care settings.

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

(a) **Explicitly prohibit by law all forms of corporal punishment of children in all settings, including in the family, schools, and alternative childcare and implement those laws effectively;**

(b) **Actively promote the use of alternative forms of discipline in a manner consistent with the child's human dignity, with a view to raising public awareness of children's right to protection from all corporal punishment, and decreasing public acceptance of its use in child-rearing.**

(c) **Take into account the Committee's General comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8).**

Follow-up to the United Nations study on violence against children

40. **The Committee encourages the State party to:**

(a) **Prioritize elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations study on violence against children (A/61/299), paying particular attention to gender;**

(b) **Provide information concerning the implementation by the State party of the recommendations contained in the above-mentioned study in the next periodic report, particularly the overarching recommendations formulated by the Special Representative of the Secretary-General on violence against children, namely:**

i. **The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;**

ii. **The introduction of an explicit national legal ban on all forms of violence against children in all settings; and**

iii. **The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.**

(c) **Cooperate with the Special Representative of the Secretary-General on violence against children, and seek technical assistance from UNICEF, the Office of the High Commissioner for Human Rights (OHCHR), World Health Organization**

(WHO), and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.

D. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

41. While noting the State party's policy, as indicated in article 37 of the Law on the Protection of the Rights and Interests of Children, to strengthen families and provide assistance to parents, and the development of a model of Child Protection Networks to identify and support families experiencing social difficulties, the Committee regrets the absence of services providing family counselling, parental education programmes or training for social workers. The Committee is concerned that families in some rural and remote regions lack assistance and support for their child-rearing responsibilities and capacity, notably families in situations of poverty or isolation.

42. **The Committee recommends that the State party strengthen and expand its Child Protection Networks in order to provide assistance to families, with particular focus on families in situations of poverty or isolation, including through counselling, parental education programmes and other awareness-raising programmes that would encourage a strong family environment. The Committee also urges the State party to ensure that training on child rights issues is provided on a permanent and obligatory basis to social workers, judges and others responsible for making decisions relating to a child's family environment.**

Children deprived of a family environment

43. The Committee notes that the decision regarding the placement of a child deprived of a family environment is under the jurisdiction of the chief of the village, and that under certain circumstances, the village chief or the village community might entrust a child to a "pagoda". The Committee is concerned that there is no monitoring mechanism to ensure that the child's rights are respected, including his/her right to be heard and to maintain contact with his/her family, nor to periodically review the placement of children in alternative care.

44. **The Committee encourages the State party to develop clear guidelines in order to ensure that children's rights are respected throughout the entire process of placement in alternative care, with priority given to family-type and community-based measures. The Committee also encourages the State party to set up a mechanism to ensure periodic review of the placement of children in care centres, family-type care and alternative forms of care such as "pagodas." The Committee encourages the State party to take into account, in its efforts, the Guidelines for the Alternative Care of Children, contained in United Nations General Assembly resolution A/RES/64/142 adopted on 20 November 2009.**

Adoption

45. While noting that the State party has temporarily suspended adoption requests by foreigners and that it is working on guidelines for inter-country adoptions based on amendments to the Family Law (2009), the Committee regrets that the State party does not have a mechanism to monitor national and international adoptions that have taken place, that it has not ratified the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption..

46. **The Committee urges the State party to put in place a mechanism to monitor all adoptions, national and international, in order to ensure that the rights of the children who are adopted are fully respected. The Committee also encourages the State party to consider ratifying the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.**

Abuse and neglect

47. The Committee notes the adoption in 2004 of the Development and Protection of Women Act, which gives women and children who are victims of family violence the right to lodge an official complaint. The Committee notes with concern, however, that violence against children in the home remains common and that issues of abuse, violence and neglect are still considered taboo and often remain hidden within communities and families. The Committee regrets the lack of sufficient rehabilitation and reintegration measures for child victims of abuse. The Committee also notes with concern the lack of human and financial resources, which impede the implementation of articles 19 and 39 of the Convention. The Committee is further concerned that there is no system for reporting violence, even for professionals who work with and for children.

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

(a) **Establish mechanisms to identify the number of cases and the extent of violence, sexual abuse, neglect, maltreatment and exploitation, including within the family, in schools, penal institutions and care institutions;**

(b) **Provide access and adequate services for recovery, counselling and reintegration in all regions of the country;**

(c) **Provide human, technical and financial resources to implement the provisions of the Convention in respect of abuse and neglect of children; and**

(d) **Establish a system of mandatory reporting for professionals working with or for children, including teachers, social workers, medical professionals and law enforcement officials, and ensure that these professionals receive training on their obligation to report any abuse as well as take appropriate action thereon.**

E. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

49. The Committee welcomes the ratification by the State party in September 2009 of the Convention on the Rights of Persons with Disabilities and the inclusive education policy that exists in the State party. The Committee notes that the National Commission for the Disabled, established in 1995, has the role of, inter alia, managing, monitoring and coordinating policies and efforts aimed at promoting activities in which persons with disabilities can participate fully, and that a number of activities related to persons with disabilities have been carried out over the past years. However, the Committee notes that the State party has taken no action with regard to the Optional Protocol to the above-mentioned Convention. The Committee is also concerned at the lack of quantitative and qualitative data on children with disabilities and their needs.

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

(a) **Continue, develop and strengthen programmes and services, including those providing support to families with children with disabilities, aimed at encouraging the inclusion of children with disabilities in society;**

(b) **Ensure the collection of qualitative and quantitative data on children with disabilities and their needs;**

(c) **Consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and**

(d) **Take into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96), as well as the Committee's General comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9).**

Health and access to health services

51. The Committee welcomes the State party's declaration in 2000 of its polio-free status, as well as the national measles vaccination campaign carried out in 2007, which achieved more than 90 per cent immunization, and the decrease in the infant mortality rate over the last decade. However, the Committee is concerned that infant, child and maternal mortality remains among the highest in the region. While noting with appreciation the improvements made in the provision of health services, as well as the increased number of patients with access to maternal and child health services, and the limiting of epidemics, the Committee is nevertheless concerned that:

(a) Access to health services is limited in remote areas, and free health care is limited overall;

(b) Training for some medical personnel is inadequate;

(c) Most district hospitals are only able to provide basic health care, and lack necessary equipment and medication;

(d) There is a high rate of infant and child malnutrition;

(e) There is a low number of hospital deliveries (births);

(f) There is a very low rate of routine vaccinations; and

(g) Even though malaria is a main cause of child morbidity and mortality, 21 per cent of children under the age of 5 do not sleep under insecticide-treated mosquito nets.

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

(a) **Take appropriate steps to ensure access to free primary health care in all areas of its territory, including through the recruitment of more medical personnel;**

(b) **Ensure the provision of adequate training for medical personnel, and necessary equipment and medication in all district hospitals;**

(c) **Continue and strengthen its efforts to reduce infant, child and maternal mortality;**

(d) **Take steps to ensure that district hospitals are provided with adequate equipment and supplies so that they can offer a full range of health services to the population;**

(e) **Continue and strengthen its strategies and programmes to reduce and eventually eliminate child malnutrition;**

(f) **Ensure appropriate reproductive health services before, during and after pregnancy;**

(g) **Increase its efforts to improve routine vaccination rates; and**

(h) Promote awareness among the general public on the preventive value of putting children under the age of 5 to sleep under insecticide-treated mosquito nets.

Breastfeeding

53. While noting the State party's efforts to promote exclusive breastfeeding, the Committee is concerned that less than one third of children under the age of 4 months are exclusively breastfed, and that there are disparities along regional and cultural lines. The Committee notes that it is unclear whether the State party has formally adopted the International Code of Marketing of Breast-milk Substitutes, and further expresses concern that a lack of legislative regulation has allowed companies selling infant formula to use unethical practices to promote their products, which has influenced women to stop breastfeeding and which may be linked to some infant deaths.

54. The Committee encourages the State party to strengthen its awareness-raising efforts among the public on the importance of exclusive breastfeeding of children at least up to the age of 6 months, and to formally adopt and implement the International Code of Marketing of Breast-milk Substitutes.

Harmful Practices

55. The Committee is concerned that early marriage continues to exist within certain ethnic groups even though the practice is prohibited by law, and that the State party has no statistics on the number of such marriages occurring in its territory.

56. The Committee urges the State party to enforce sanctions penalizing early marriage. The Committee also encourages the State party to collect data on the number of early marriages, disaggregated by age and sex, in order to have a clearer idea of the extent of the phenomenon and to take appropriate steps to eliminate it.

Standard of living

57. While noting that the State party has set minimum norms to ensure the safety and health of children in public and private institutions responsible for the care and protection of children, the Committee is concerned that in reality those norms are not completely respected, particularly in more isolated regions. The Committee is further concerned about the lack of adequate hygiene practices and the consumption of untreated drinking water, both of which may contribute and pose a threat to maternal and infant health.

58. The Committee recommends that the State party promote proper hygiene practices among the general public, including washing hands with soap, safe food preparation and storage, and maintaining the cleanliness of toilet facilities. The Committee further recommends that the State party take appropriate measures to ensure that the population has access to treated drinking water, and raise awareness among the population about the importance of clean drinking water, as well as educate the general public on how to treat water in order to make it suitable for consumption.

Alcohol and substance abuse

59. The Committee notes with appreciation the efforts made to combat illicit drug use, including drug prevention as a complementary part of the teaching programme in schools, awareness raising about drugs by the media, the creation of consultation services for drug users, and the establishment of a national centre for care and rehabilitation. The Committee is concerned, however, that, notwithstanding the lack of information at the national level on substance abuse by children, a 2001 United Nations study found that many students were intoxicated by solvents, tranquilizers and marijuana, and the State party has indicated that

there is a worrying spread of drugs in cities, particularly among children and students. The Committee is also concerned that there are no laws or regulations prohibiting the sale of alcohol and cigarettes to children.

60. **The Committee recommends that the State party continue and strengthen its strategy to combat drug abuse, and strengthen and create, as appropriate, laws and regulations prohibiting the sale of harmful substances, cigarettes and alcohol to children.**

F. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

61. The Committee welcomes the 2008 revision of the Law on Education and the provision for free and compulsory primary education for five years. The Committee is concerned, however, that school attendance depends on the availability of five grades in local primary schools, distance between home and the school, and the family's financial situation. While noting that primary education is free, the Committee is concerned that, in reality, parents are expected to contribute to secondary costs, such as school maintenance and everyday running expenses. The Committee is also concerned at the large number of children who do not attend school or who drop out, and the lack of vocational training in all regions of the country. The Committee is further concerned at the insufficient number of teachers, and their lack of training and qualifications.

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

(a) **Take steps to ensure universal access to compulsory education for both boys and girls, ensuring that primary education is free for all without secondary costs, and consider extending the number of years of compulsory education;**

(b) **Take measures to address the issue of children not attending school regularly, and make sure that children do not drop out of school before the end of the compulsory education period;**

(c) **Ensure that opportunities for vocational training are systematically available in all regions of the country;**

(d) **Take steps to ensure a sufficient number of well-trained and well-qualified school teachers in all areas of the country, including rural and remote areas;**

(e) **Take steps to ensure the integration of human rights, in particular the rights of the child, into school curricula at all levels;**

(f) **Seek technical assistance from UNICEF and UNESCO; and**

(g) **Take into account its General comment No. 1 (2001) on the aims of education (CRC/GC/2001/1).**

G. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention)

Economic exploitation, including child labour

63. The Committee is concerned at the disparity between the legal minimum age for employment (15 years) and the age at the end of compulsory education (11 or 12 years) as this disparity could create a situation whereby children who do not wish to continue their

schooling after completing their compulsory education start working illegally before attaining the minimum age for employment.

64. **The Committee urges the State party to take all appropriate legislative and other measures to ensure that children are not employed in situations that could be detrimental to their health, development or well-being. It also recommends that the State party take appropriate measures, legislative and other, to increase the number of years of compulsory education so that the end of compulsory education corresponds to the minimum age for employment. The Committee encourages the State party to seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office (ILO-IPEC) in this regard.**

Sexual exploitation and abuse

65. The Committee welcomes the approval in 2008 of the National Plan of Action on Commercial Sexual Exploitation of Children (CSEC), but regrets that the budget for implementing programmes under this plan is limited, and depends mostly on funding from international sources.

66. **The Committee recommends that the State party allocate sufficient resources for the implementation of appropriate policies and programmes for the prevention of sexual exploitation and abuse, and for recovery and social reintegration of child victims, in accordance with the Declaration, the Agenda for Action, and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

Sale, trafficking and abduction

67. The Committee welcomes the explicit prohibition of child trafficking under the Law on the Protection of the Rights and Interests of Children, and the positive steps taken by the State party to combat trafficking and the sale of children, including the establishment in 2004 of a committee to combat trafficking in persons. However, the Committee is concerned that the State party remains a country of origin, transit and destination for victims of trafficking for the purposes of forced labour and sexual exploitation. The Committee is further concerned that return and reintegration programmes for trafficking victims may not be structured in such a way as to ensure that victims are not trafficked again.

68. **The Committee recommends that the State party continue and increase efforts to prevent, protect children, and strengthen measures to prosecute the crimes of sale and trafficking, and in particular:**

- (a) **Fully implement the national legislation against trafficking in persons;**
- (b) **Investigate and prosecute all cases of sale and trafficking to avoid impunity and ensure that children receive adequate compensation as appropriate;**
- (c) **Strengthen measures to protect child victims and ensure access to child-sensitive social and psychological assistance for their recovery and reintegration;**
- (d) **Address the root causes, in particular by giving special attention to families in its programmes to combat poverty, and prevent school dropouts; and**
- (e) **Conduct, in cooperation with the media, awareness-raising activities for the general public, including parents and children, on the dangers of the sale and trafficking of human beings and its impact on children.**

Helplines

69. The Committee notes with regret that the State party has not yet established a toll-free, 24-hour helpline for children.

70. **The Committee recommends that the State party establish a three digit toll-free 24-hour helpline available to all children at the national level, and promote awareness on how children can access the helpline.**

Administration of juvenile justice

71. The Committee notes that children under the age of 15 are not held criminally responsible, and if they commit petty offences, they are presented before “community” courts which apply restorative measures. However, the Committee is concerned that children under the age of 15 who commit very serious offences are brought before criminal courts at the regional, provincial or national level, even if their sentence provides rehabilitative or correctional measures. While noting that a special chamber was created in 2003 in the People’s Supreme Court (*tribunal populaire suprême*) to deal with affairs specifically concerning children, the Committee nevertheless regrets that the project to establish juvenile courts in the State party is still not in place. The Committee also regrets that, despite the existence of alternative measures in the State party’s judicial system, deprivation of liberty is not used only as a last resort for children between the ages of 15 and 18 years, and that due to the current economic situation, children are held together with adults in prisons. The Committee is further concerned that the death penalty is not explicitly prohibited for children.

72. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37(b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party:**

(a) **Take all necessary measures, to ensure that children under the age of 15 who commit an offence, even a severe one, are dealt with by protection services, and that protective measures are applied in full respect of their rights;**

(b) **Take steps to improve the system of juvenile justice, including through the establishment of courts for minors in the different provinces, and ensure that the system has adequate human and financial resources in order to function properly;**

(c) **Take all necessary measures to ensure that children aged between 15 and 18 years are held in detention only as a last resort and for very serious offences;**

(d) **Take all necessary measures to ensure that detention of children is carried out in compliance with the law and respects the rights of the child, as set out under the Convention, and that children are held for as short a time as possible and separately from adults in both pre-trial detention and after sentencing;**

(e) **Take the necessary steps to ensure that persons working with children in the justice system, including juvenile judges, receive appropriate training;**

(f) **Take into account the Committee’s General comment No. 10 (2007) on the administration of juvenile justice (CRC/C/GC/10); and**

(g) **Make use of the technical assistance tools developed by the United Nations Interagency Panel on Juvenile Justice and its members, including UNODC,**

UNICEF, OHCHR and NGOs, and seek technical assistance in the area of juvenile justice from members of the Panel.

Protection of witnesses and victims of crimes

73. The Committee also recommends that the State party ensure, through adequate legislation, that all child victims, e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking, and witnesses of such crimes are provided with the protection required by the Convention and that the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005) are taken into account.

H. Ratification of International Instruments

74. The Committee encourages the State party to consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of all Persons from Enforced Disappearance.

75. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the reports of which are both overdue as of 20 October 2008.

76. The Committee also encourages the State party to fulfil its reporting obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination.

I. Cooperation with regional and international bodies

77. The Committee recommends that the State party cooperate with the Association of Southeast Asian Nations (ASEAN) Commission on Women and Children on the implementation of the Convention, both in the State party and in other ASEAN member states.

J. Follow-up and dissemination

Follow-up

78. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, members of the Government, Supreme Court, Parliament, relevant ministries and local authorities, when applicable, for appropriate consideration and further action.

Dissemination

79. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) 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 Convention, its implementation and monitoring.

K. Next report

80. The Committee invites the State party to submit its combined third to sixth periodic reports by 6 December 2016, and to include information therein on follow-up to these concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit said report, then translation of the report for purposes of examination by the treaty body cannot be guaranteed.

81. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention.
