



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the combined third to sixth periodic reports of the Lao People's Democratic Republic\*

#### I. Introduction

1. The Committee considered the combined third to sixth periodic reports of the Lao People's Democratic Republic (CRC/C/LAO/3-6) at its 2318th and 2319th meetings (see CRC/C/SR.2318 and CRC/C/SR.2319), held on 20 and 21 September 2018, and adopted the present concluding observations at its 2340th meeting, held on 5 October 2018.

2. The Committee welcomes the submission of the combined third to sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/LAO/Q/3-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

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

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of or accession to international instruments, in particular the ratification, in 2012, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee also notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, in particular the adoption of the Law on Juvenile Criminal Procedure, in 2014, and of the Law on Preventing and Combating Violence against Women and Children, in 2015, as well as the revision of the Law on Education, in 2015, and of the Anti-Trafficking Law, in 2016. It further welcomes the information that maternal, neonatal and child health care has been free of charge since 2014 for pregnant women and children under 5 years of age.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: right to life, survival and development (para. 17), birth registration (para. 20), children deprived of a family environment (para. 27), children with disabilities (para. 30), health and health-care services

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\* Adopted by the Committee at its seventy-ninth session (17 September–5 October 2018).



(para. 32), and follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (para. 45).

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Legislation**

5. The Committee welcomes the progress made by the State party in strengthening the legal and policy framework related to children's rights and notes the continuing efforts by the State party to incorporate the provisions of the Convention into its national laws. Recalling its previous recommendations (see CRC/C/LAO/CO/2, para. 9), the Committee recommends that the State party ensure that the Convention is directly applicable in courts of law, and that it provide adequate financial and human resources to fully implement the Law on the Protection of the Rights and Interests of Children. The Committee further recommends that the State party complement its child-related legislation by executing regulations and guidelines.

### **Comprehensive policy and strategy**

6. While noting with appreciation the adoption of the National Strategy for Mothers and Children (2016–2025) and the National Plan of Action for Mothers and Children (2016–2020), the Committee remains concerned that the State party has not adopted a comprehensive national strategy and policy on all the rights in the Convention, including a comprehensive child protection system. Recalling its previous recommendation (see CRC/C/LAO/CO/2, para. 13), the Committee recommends that the State party adopt a comprehensive national strategy with a specific budget allocation and adequate follow-up mechanisms, ensure that sufficient human resources are available for its full implementation, and put in place an evaluation and monitoring mechanism to regularly assess progress achieved and identify possible deficiencies.

### **Coordination**

7. The Committee notes that the merger of the National Commission of Mothers and Children with the National Commission for the Advancement of Women into the new National Commission for the Advancement of Women, Mothers and Children has entailed the move of its secretariat from the Office of the Prime Minister, which may have weakened its position and decreased its capacity for coordination. The Committee therefore recommends that the State party ensure that:

(a) The authority and capacity of the National Commission for the Advancement of Women, Mothers and Children to coordinate the implementation of the Convention and its Protocols stays intact;

(b) The funding and capacity of the provincial and local branches of the National Commission for the Advancement of Women, Mothers and Children are increased in order to maintain the ability to fulfil their mandate.

### **Allocation of resources**

8. While the Committee welcomes the information that investment in the social sector has increased during the reporting period, it notes that the State party still falls short of the objective of 9 per cent spending in the health sector, as decided by the National Assembly, and the minimum of 17 per cent spending in the education sector, set in the Law on Education. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recalls its previous recommendations (see CRC/C/LAO/CO/2, para. 17), and recommends that the State party:

- (a) Substantially increase the budget allocations in the areas of health and education to at least the minimum levels established by the National Assembly and in the Law on Education, as well as in the area of child protection;
- (b) Strengthen capacities to mainstream child care and protection issues into national and local planning and budgeting;
- (c) Develop costing estimates and a sustainable funding plan for new institutions, laws and policies;
- (d) Take effective measures to prevent and eliminate any corruption and mismanagement of public resources affecting children's rights, taking note of target 16.5 of the Sustainable Development Goals on substantially reducing corruption and bribery in all their forms;
- (e) Seek internal sources of funding to reduce dependence on official development assistance.

#### Data collection

9. While the Committee welcomes the fact that statistics centres have been established in all provinces and districts in the State party, it regrets that no progress has been made in establishing a national central database. With reference to its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

- (a) Expediently establish a national data-collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographical location, ethnic origin and socioeconomic background in order to facilitate analysis of the situation of all children, particularly those in situations of vulnerability;
- (b) Ensure that the data and indicators are shared among the ministries concerned and are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;
- (c) Conduct more in-depth research where information is lacking, in particular on children with disabilities, commercial sexual exploitation of children, children in detention and children without parental care;
- (d) Take into account the conceptual and methodological framework set out in the Office of the United Nations High Commissioner for Human Rights (OHCHR) report entitled *Human Rights Indicators: A Guide to Measurement and Implementation* when defining, collecting and disseminating statistical information;
- (e) Strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and regional mechanisms.

#### Independent monitoring

10. Taking into account the view expressed by the State party in the context of the second cycle of the universal periodic review of the country, in 2015, that it intended to study the experience of other countries that have a successful national human rights institution and to consider establishing a national human rights institution in the future (see A/HRC/29/7/Add.1, para. 121.51), and with reference to the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee recalls its previous recommendation (see CRC/C/LAO/CO/2, para. 15) that the State party establish an independent monitoring mechanism that is compliant with principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Such a 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.

#### Dissemination, awareness-raising and training

11. Recognizing the efforts made by the State party to carry out awareness-raising programmes and children's rights campaigns, to distribute booklets, posters and cartoons and to run workshops and seminars for decision makers, and recalling its previous recommendations, the Committee recommends that the State party:

(a) Continue to disseminate information on the Convention, in particular to legislators and judges to ensure the application of the Convention in the legislative and judicial processes;

(b) Conduct specific training sessions on the Convention and its Optional Protocols for relevant groups of professionals, including the judiciary, law enforcement and military personnel, teachers, health-care personnel, social workers and the media.

#### Cooperation with civil society

12. Recalling its previous recommendation (see CRC/C/LAO/CO/2, para. 25) and the Human Rights Committee recommendation relating to freedom of association (see CCPR/C/LAO/CO/1), the Committee urges the State party to take all necessary legislative, judicial and administrative steps to simplify and accelerate the registration process for civil society organizations working on children's rights. The Committee further recommends that the State party establish a formal mechanism for policy engagement with civil society with regard to the implementation of the Convention.

#### Children's rights and the business sector

13. With reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (see A/HRC/17/31, annex), the Committee recommends that the State party:

(a) Establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environmental and other standards, particularly with regard to children's rights;

(b) Establish a clear regulatory framework for the industries operating in the State party, in particular the construction, excavation, farming and tourist industries, to ensure that their activities do not negatively affect children's rights or endanger environmental and other standards;

(c) Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and children's rights impacts of their business activities and their plans to address such impacts.

### B. General principles (arts. 2, 3, 6 and 12)

#### Non-discrimination

14. The Committee welcomes the amendments to the Constitution in 2015, which incorporated a policy of solidarity and equality between ethnic minorities, as well as the revisions to the Law on Education, which introduced equal rights to education for all Lao citizens. However, the Committee is seriously concerned at the persistent disparities between children of different ethnic groups and between children residing in urban and rural areas. The Committee urges the State party to adopt a proactive and comprehensive strategy containing specific and well-targeted actions, including affirmative social actions to eliminate discrimination against children in marginalized or vulnerable situations — including girls, children belonging to ethnic or religious minorities and children living in rural areas.

### **Best interests of the child**

15. While noting with appreciation that the State party has integrated the principle of the best interests of the child into several laws and as a basis for action in several key sectors such as health, education and justice, the Committee is concerned that this principle is not properly applied in practice and that the judicial, administrative and legislative bodies do not take into account the best interests of the child in all decisions relevant to children. With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party establish compulsory processes for ex ante and ex post impact assessments of all laws and policies relevant to children.

### **Right to life, survival and development**

16. The Committee is deeply concerned that, despite all efforts, the number of child victims of unexploded ordnance remains high, and that chronic malnutrition remains a serious problem in the State party. The Committee is also concerned at the worsening situation concerning multidrug-resistant malaria and at information that road traffic accidents are the primary cause of death for young people.

17. Recalling its previous recommendation (see CRC/C/LAO/CO/2, para. 33), the Committee urges the State party to:

- (a) Step up its efforts to demine former conflict areas, including through international cooperation, and increase its assistance to and rehabilitation services for child victims of unexploded ordnance, including risk education programmes;
- (b) Continue to address the development gap and intensify its efforts to combat child malnutrition and multidrug-resistant malaria;
- (c) Further strengthen its efforts to educate children about road safety risk factors and about appropriate behaviour in traffic to prevent accidents;
- (d) Strengthen and enforce regulations related to road safety.

### **Respect for the views of the child**

18. While welcoming the increasing number of forums where children can make their voices heard, the Committee is concerned that not all children in the State party have such opportunities to participate in public life, and that while the Law on Juvenile Criminal Procedure stipulates that children have the right to participate in legal proceedings, this is not always followed in practice. With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

- (a) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, the community and schools, including within student council bodies, with particular attention to girls and children in vulnerable situations;
- (b) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for persons working with or for children, such as social workers, and courts, to comply with this principle;
- (c) Carry out adequate and systematic training of all professional groups working with and for children, including law enforcement officials, teachers, health personnel, social workers and personnel of childcare institutions.

## C. Civil rights and freedoms (arts. 7, 8 and 13–17)

### Birth registration

19. While the Committee takes note of the Strategic Plan for Civil Registration, which includes a plan to introduce mobile registration units for rural areas, and the efforts undertaken to raise awareness about birth registration in the National Plan of Action for Mothers and Children, it remains concerned that of the 75 per cent of children under the age of 5 who are registered, only 33 per cent have a birth certificate. It is also concerned at the costs associated with registration, which are a barrier, as well as at the discrepancy between urban and rural areas as regards the number of children with a birth certificate.

20. **Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, the Committee strongly urges the State party to:**

- (a) **Further raise awareness about the importance of birth registration;**
- (b) **Simplify the procedure, including by continuing to establish mobile registration structures;**
- (c) **Eliminate hidden fees and costs associated with registration that negatively affect birth registration rates;**
- (d) **Allocate adequate human and financial resources, in particular to the Ministry of Home Affairs, with a view to further accelerating birth registration of children and the issuance of birth certificates.**

### Freedom of expression

21. While noting that article 44 of the Constitution provides for the right to freedom of expression, the Committee considers that Decree 327 adopted on 16 September 2014, which criminalizes the dissemination and circulation of untrue information, may hinder the enjoyment of the right to freedom of expression of children if applied outside of the context of article 13 of the Convention. The Committee recommends that the State party undertake awareness-raising activities to empower children about the right to freedom of expression and the limitations of the right, including on social media, and that it ensure that the implementation of these laws does not violate the rights of children as enshrined in the Convention.

## D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

### Corporal punishment

22. The Committee notes with appreciation the adoption in 2015 of the Law on Preventing and Combating Violence against Women and Children, which prohibits all forms of violence against women and children in all settings, but it is concerned that corporal punishment is still practised in the State party. Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party ensure that corporal punishment, however light, against children in all settings is explicitly prohibited in the draft Penal Code. Furthermore, the Committee recommends that the State party conduct awareness-raising programmes for parents, professionals and the public in general to promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment. The programmes should include awareness of the physically and psychologically harmful effects of corporal punishment.

### Violence, abuse and neglect

23. The Committee welcomes the establishment of the social work profession in the State party and the execution of the national survey on violence against children. The Committee regrets, however, the high prevalence of physical, sexual and mental

violence against children, the absence of a national information management system and the still low number of social workers, particularly at the local level. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:

- (a) Ensure the allocation of adequate human, technical and financial resources to implement long-term programmes addressing the root causes of physical, sexual and mental violence against children;
- (b) Take further awareness-raising measures to break the silence around sexual abuse and ensure that child victims are not blamed;
- (c) Establish a child-friendly complaints mechanism for all kinds of abuse, exploitation and violence against children;
- (d) Train professionals on the obligation to report cases of physical, sexual and mental violence against children, to ensure that children are protected effectively;
- (e) Step up its efforts to establish a national database on all such cases;
- (f) Intensify its efforts to increase the number of social workers and other specialized professionals and ensure that they can function effectively throughout the country, especially at the local level, including by allocating the funding needed.

#### **Harmful practices**

24. The Committee is deeply concerned that although the minimum age for marriage is set at 18, child marriage remains highly prevalent, especially among girls in certain ethnic groups. With reference to the joint general recommendation No. 31 (2014) of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee urges the State party to:

- (a) Enforce the minimum age of marriage set in the Family Law at 18;
- (b) Develop awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of children, targeting girls and boys, households, communities, local authorities, religious leaders, and judges and prosecutors;
- (c) Encourage children to use helplines or village protection networks (child protection networks) for help when the marriage issue arises;
- (d) Develop the capacity of village protection mechanisms, such as child protection networks and village mediation units, to protect girls and boys from marriage under the age of 18.

### **E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

#### **Family environment**

25. While welcoming the development of the child protection networks, the Committee reminds the State party that the networks perform important community tasks and should be staffed with properly trained personnel and not just with volunteers, and should not substitute for essential government institutions responsible for protecting children. Recalling its previous recommendation (see CRC/C/LAO/CO/2, para. 42), the Committee recommends that the State party, while continuing to support the child protection networks, at the same time expand the assistance that it provides itself to families, with a particular focus on families in situations of poverty or living in remote areas.

**Children deprived of a family environment**

26. While the Committee welcomes the steps taken by the State party to develop a legal and regulatory framework in line with the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex), it remains concerned that:

(a) The guidelines on children left without parental care have not yet been formally adopted, and personnel working with neglected children or children left without parental care have not been informed of or received training on the Guidelines for the Alternative Care of Children;

(b) Children without parental care are increasingly being placed in residential care;

(c) A system for monitoring the placement of children with their extended family and in residential care is lacking in the State party;

(d) The child's right to be heard is not adequately taken into consideration when a child is placed with members of his or her extended family, in residential care or in a "pagoda";

(e) The State party did not fully address the previous recommendations by the Committee with respect to children in "pagodas", in particular with respect to the absence of a monitoring mechanism and the child's right to maintain contact with his or her family.

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

(a) **Speed up the adoption of the guidelines on children left without parental care;**

(b) **Ensure that residential care is used as a measure of last resort;**

(c) **Ensure systematic periodic review of the quality of care and regular training of relevant professionals, including on children's rights, while taking into account the Guidelines for the Alternative Care of Children (see General Assembly resolution 64/142, annex);**

(d) **Ensure that the child's right to be heard is guaranteed during his or her placement in alternative care, and that the child is able to maintain contact with his or her family, and establish a monitoring mechanism and periodic review of the decision to place a child in alternative care. The same rights should apply to children in "pagodas".**

**Adoption**

28. **Noting the low level of awareness of the 2014 Adoption Decree, the Committee recommends that the State party conduct awareness-raising activities among relevant stakeholders on the Adoption Decree, and that it ensure that clear and transparent adoption procedures prevent violation of the rights of children placed for adoption and particularly any possibility of using adoption for the purpose of the sale of children. Also, taking into account the increase in the number of intercountry adoptions, the Committee recommends that the State party consider acceding to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, of 1993.**

**F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)****Children with disabilities**

29. The Committee commends the State party's efforts to ensure the implementation of the rights of children with disabilities, including through the adoption of the Decree on Persons with Disabilities in 2014 and the ratification of the Convention on the Rights of Persons with Disabilities. The Committee is, however, concerned at:

(a) The strong correlation between poverty, ethnicity and disability in the State party, and the fact that children with disabilities are still stigmatized in society which may impede their access to education, health care and future employment;

(b) The absence of a systematic data-collection system to gather information on the situation of children and families affected by disability;

(c) The insufficient coordination and lack of quality services to provide early identification of disability and the necessary rehabilitation and other services to assist the social inclusion of children with disabilities;

(d) The lack of teachers trained to teach children with learning or developmental difficulties and the lack of adequate teaching equipment and materials.

**30. Recalling its previous recommendations (see CRC/C/LAO/CO/2, para. 50), and taking into account its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:**

**(a) Allocate financial and human resources to implement the National Plan of Action on Persons with Disabilities;**

**(b) Provide regular cash benefits to children with disabilities as a basic social protection;**

**(c) Organize the collection of data on children with disabilities, which is necessary in order to put in place appropriate policies and programmes for children with disabilities, especially targeting children with psychosocial or intellectual disabilities, including those from minority ethnic groups and rural areas;**

**(d) Strengthen coordination and referral mechanisms and improve the quality of services available to children with disabilities and their families, including through early identification and intervention programmes, targeting especially children from minority ethnic groups and rural areas and children living in poverty;**

**(e) Set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;**

**(f) Increase resources in mainstream schools and develop an efficient system for identifying the individual support needs of children with disabilities;**

**(g) Train specialist teachers and professionals and assign them to integrated classes providing individual support and all due attention to children with learning difficulties;**

**(h) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and to promote a positive image of such children.**

#### **Health and health-care services**

31. While noting with appreciation the provision of free maternal, neonatal and child health care since 2014, the Committee remains concerned that under-5 mortality is still very high, that the majority of deaths are preventable and that child mortality rates vary by geographical location, ethnic group, the mother's education and socioeconomic status.

**32. With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:**

**(a) Step up its efforts to address the regional disparities in terms of health care by increasing health sector funding and increasing access, including by improving the road infrastructure, to well-equipped and adequately stocked facilities;**

**(b) Increase the number of health-care professionals and improve their access to quality training, and develop programmes in local languages for different ethnic groups;**

(c) Effectively implement existing programmes aimed at reducing child mortality and morbidity rates, including by improving the skills of midwives and adopting quality standards for maternal and newborn care;

(d) Take into account the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);

(e) Continue to seek financial and technical assistance regarding child health from, among others, UNICEF and the World Health Organization.

#### Adolescent health

33. The Committee is concerned at the high prevalence of early pregnancies, in particular among girls from certain ethnic groups and from poor families, and at reports about difficulties in accessing health education and contraceptives. With reference to its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections;

(b) Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, paying particular attention to boys;

(c) Make contraceptives accessible to adolescents and ensure access to free and safe abortion;

(d) Address the incidence of drug use by children and adolescents by, *inter alia*, providing children and adolescents with accurate and objective information as well as life skills education on preventing substance abuse.

#### Mental health

34. The Committee recommends that the State party implement nationwide policies and strategies for the prevention of mental health problems among children, as well as the treatment and recovery of children and adolescents with mental health problems, involving families and communities in such policies.

#### Nutrition and breastfeeding

35. The Committee is concerned that chronic malnutrition and stunting are serious problems in the State party and that improvements in this area have been slow due to inadequate feeding practices, the low level of coverage of priority nutrition interventions, poor hygiene and sanitation, and poor health care for mothers and poor maternal nutrition. Recalling its previous recommendations (see CRC/C/LAO/CO/2, paras. 52 and 54), the Committee urges the State party to:

(a) Allocate sufficient financial, human and technical resources for the implementation of the National Nutrition Strategy and Plan of Action, and ensure leadership and coordination, while swiftly adopting its envisaged new national food and nutrition policy, giving critical importance to maternal, infant and young child nutrition in rural areas;

(b) Step up efforts to promote exclusive and continued breastfeeding by providing access to information materials and by fully implementing the International Code of Marketing of Breast-milk Substitutes, promote exclusive breastfeeding of infants for the first six months of their lives, with the aim of reducing mortality among newborns and children under 5 years of age, adjust the duration of maternity leave to at least 14 weeks and increase the number of hospitals with a baby-friendly licence.

### Environmental health

36. The Committee is concerned about the consequences for children of polluted or contaminated drinking water, deforestation and the unrestrained construction of dams, which leads to forced displacement, degradation of biodiversity and erosion of riverbanks, severely affecting the life and subsistence possibilities of people in the area. The Committee recommends that the State party take the measures necessary to ensure children's access to safe drinking water, to curb deforestation and to restrict the construction of dams based on a child rights impact assessment, and that it involve children in discussions on these matters.

### Standard of living

37. The Committee draws attention to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures for all, and recommends that the State party:

- (a) Take steps to improve the standard of living of children as a matter of priority, paying particular attention to housing, water and sanitation;
- (b) Allocate sufficient funds to counteract persistent inequality, effectively reduce the disparities and improve the extremely low standard of living, in particular of families living in rural and remote areas;
- (c) Make increased access to basic services a priority target, including clean running water and sewage disposal, especially in rural areas;
- (d) Seek technical cooperation from, inter alia, UNICEF for regular monitoring of the poverty of children and take urgent measures to address all negative indicators.

## G. Education, leisure and cultural activities (arts. 28–31)

### Education, including vocational training and guidance

38. The Committee welcomes the adoption of the revised Law on Education, which makes primary and lower secondary education compulsory and raises the age of compulsory education to at least 14 years, as well as the reaching of near universal coverage. The Committee notes the important disparities still remaining between girls and boys, urban and rural areas, and between ethnic groups. With reference to target 4.5 of the Sustainable Development Goals on eliminating gender disparities in education and ensuring equal access at all levels of education and vocational training, and especially for children in vulnerable situations, the Committee recommends that the State party:

- (a) Take the necessary measures to improve the accessibility to and quality of education, including for early childhood care and education;
- (b) Provide quality training for teachers, with a particular emphasis on rural areas;
- (c) Undertake additional and concerted efforts to eliminate "secondary costs";
- (d) Continue its efforts to improve the technical and vocational education and training programme with a view to making it market-driven, affordable and flexible, and prepare children to have better employment opportunities during adulthood;
- (e) Ensure that child rights education is taught at all levels of the education system as appropriate.

**Rest, leisure, recreation and cultural and artistic activities**

39. The Committee recommends that the State party strengthen its efforts to create more safe public places at the community level for sports, cultural, leisure and recreational activities, with particular emphasis on children coming from disadvantaged circumstances and children in “pagodas”.

**H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)****Children in migration**

40. The Committee is concerned about the challenges to children’s rights caused by increased migration, especially among Association of Southeast Asian Nations (ASEAN) countries. With reference to joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:

- (a) Strengthen access to services for migrant children regardless of their nationality;
- (b) Enhance awareness-raising and training for relevant sectors, including the Ministry of Labour and Social Welfare and recruitment agencies, to ensure that mechanisms are in place to prevent child labour and sexual exploitation in migration;
- (c) Strengthen the dissemination of knowledge for preventing trafficking and exploitation through Ministry of Labour and Social Welfare employment service centres and migration information centres;
- (d) Advocate for the development of a unified ASEAN policy on issues regarding migrant workers, refugees, stateless persons and unaccompanied and separated children.

**Economic exploitation, including child labour**

41. Noting that the amended Labour Law sets the minimum age for employment at 14, the Committee remains concerned that this age is still lower than the compulsory schooling age and that an exception is made for light work from the age of 12 without defining it, and therefore recommends the State party to:

- (a) Align the definitions of child labour contained in the Labour Law with international standards;
- (b) Raise awareness in schools and communities about the harmful effects of child labour and the value of education, in order to prevent child labour.

**Sale, trafficking and abduction**

42. While noting with appreciation the adoption of the Anti-Trafficking Law in 2015 and the National Plan of Action to Prevent and Combat Trafficking in Persons (2016–2020), the Committee recommends that the State party:

- (a) Provide the necessary financial and human resources to implement the Anti-Trafficking Law and the National Plan of Action, focusing on vulnerable groups of children, including children from poor or low-income families;
- (b) Strengthen the capacity of, inter alia, police officers, border guards, consular service officials, labour inspectors and social workers to identify child victims of trafficking;
- (c) Promote measures for increased collaboration among autonomous communities and increased resources to provide child victims with free legal aid and

the support of child psychologists and social workers in shelters that cater for the needs of child victims;

- (d) **Ensure accountability by prosecuting trafficking offences.**

#### **Administration of juvenile justice**

43. **The Committee welcomes the adoption in 2014 of the Law on Juvenile Criminal Procedure, which introduced child-friendly and gender-sensitive procedures for children in contact with the law as alleged offenders, victims or witnesses and raised the minimum age of criminal responsibility to 15 years of age. With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends that the State party:**

- (a) **Establish specialized units at the central, provincial and district levels as provided under the Law on the Protection of the Rights and Interests of Children and the Law on Juvenile Criminal Procedure;**

- (b) **Ensure that the juvenile justice system is equipped with adequate human, technical and financial resources and that designated specialized judges, prosecutors, police officers and the Village Child Mediation Committees receive systematic and appropriate education and training;**

- (c) **Ensure that, in cases where detention is unavoidable, children are not detained together with adults and that detention conditions comply with international standards, including concerning education and health services;**

- (d) **Strengthen legal and social assistance for children in conflict with the law, including access to legal representation and services for their reintegration.**

#### **Follow-up to the Committee's previous concluding observations and recommendations on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography**

44. **Recalling the recent statement made by the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, the Committee is seriously concerned at the insufficient measures taken by the State party to address the persistence of the sale of children for sexual and labour exploitation, child marriages and prostitution of children in the State party, as well as unregulated commercial surrogacy which may amount to the sale of children.**

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

- (a) **Enforce the legislation, by actively identifying, investigating and prosecuting offences under the Optional Protocol, punishing the perpetrators and compensating child victims, while ensuring that child victims are treated in a child-friendly manner in such cases;**

- (b) **Conduct a study on the scope of the offences under the Optional Protocol which also addresses root causes and risk factors, including poverty, conflict, discrimination, violence — including gender-based violence — and the absence of parental care;**

- (c) **On the basis of the study, develop a national policy and strategy covering all the offences under the Optional Protocol, such as the sale of children, and include a gender perspective and a monitoring mechanism;**

- (d) **Systematically undertake awareness-raising campaigns to prevent offences under the Optional Protocol, and adopt prevention measures targeted at children in marginalized or disadvantaged situations;**

- (e) **Establish a database to systematically collect data on offences under the Optional Protocol, including reports, investigations, prosecutions and sentences;**

(f) Adopt specific measures, including legislation, to prevent the sale of children in the context of commercial surrogacy;

(g) Encourage the travel and tourism sectors to sign the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism;

(h) Strengthen protection, recovery and social reintegration programmes, allocate adequate resources and ensure that the programmes for child victims of sexual exploitation are in accordance with the outcome documents adopted at the World Congresses against Commercial Sexual Exploitation of Children.

Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocol on the involvement of children in armed conflict

46. The Committee remains concerned about the presence of explosive ordnance, mostly affecting children from ethnic minorities or living in rural areas. The Committee urges the State party to strengthen the information and early warning systems with a view to providing adequate, immediate and efficient institutional responses and to allocate adequate resources for mine-risk education and care programmes for child victims.

## **I. Ratification of the Optional Protocol on a communications procedure**

47. 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 a communications procedure.

## **J. Ratification of international human rights instruments**

48. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments to which it is not yet a party:

(a) The International Convention for the Protection of All Persons from Enforced Disappearance;

(b) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

## **K. Cooperation with regional bodies**

49. The Committee recommends that the State party cooperate, among others, with the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

## **V. Implementation and reporting**

### **A. Follow-up and dissemination**

50. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

## **B. National mechanism for reporting and follow-up**

51. The Committee recommends that the State party establish a national mechanism for reporting and follow-up as a standing government structure that is mandated with coordinating and preparing reports to and engaging with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with civil society.

## **C. Next report**

52. The Committee invites the State party to submit its seventh periodic report by 6 June 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

53. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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