

LAO PEOPLE'S DEMOCRATIC REPUBLIC

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		8 May 1991 a	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography		20 Sep 2006 a ¹	
Protocol to Prevent, Suppress and Punish Trafficking in Persons		26 Sep 2003 a ²	
UN Optional Protocol on the Involvement of Children in Armed Conflict		20 Sep 2006 a	
UN Convention for the Protection of All Persons from Enforced Disappearance	29 Sep 2008		
Hague Convention on International Child Abduction			

In the Lao People's Democratic Republic, there are three laws that refer directly or indirectly to missing children:

1. Penal Law of 1989, as amended in 2005;
2. Law on Development and Protection of Women of 2004; and
3. Law on Protection of the Rights and Interests of Children of 2006.

General Child Protection

Lao PDR has taken important steps to protect at-risk children by establishing the Committee for Protection and Assistance to Children under the Ministry of Labor and Social Welfare. This Committee, created by the 2006 Law on the Protection of the Rights and Interests of Children, is responsible for receiving reports of at-risk children and children in need of special protection, to identify and use emergency measures to protect and assist them, and to advise and monitor their progress and their relationships with "various centers and relevant places and to collect statistics on children in need of special protection and children at risk in the area under its responsibility."³

¹ Laos Reservation upon signature: "The Lao People's Democratic Republic [...] does not consider itself bound by Article 5 (2) of the said Optional Protocol."

² *Id.*

³ Lao People's Democratic Republic on the Promulgation of the Law on the Protection of the Rights and Interests of Children No. 95/NA, Dec. 27, 2006, Article 36: "The Committee for Protection and Assistance to Children has the following main rights and duties: (1) To receive reports on children who are at risk and children in need of special protection, and to identify and use emergency measures to protect and assist them; (2) To create conditions and provide assistance to the families of children in need of special protection and children at risk to enable them to solve the problem in the right way by themselves; (3) To advise, monitor and regularly inspect the care and assistance to children provided by various centers or relevant places; (4) To collect statistics on children in need of special protection and children at risk in the area under its responsibility, to summarize on the execution of its own work and regularly report to the higher authority."

Definition of “Missing Child”

The legislation of Lao PDR does not provide a definition for a “missing child.” However, Article 2 of the 2006 Law on the Protection of the Rights and Interests of Children (hereinafter referred to as the Children’s Law) defines children in need of special protection,⁴ neglected children,⁵ and abandoned children.⁶ The Children’s Law also requires that a network system be established⁷ to:

monitor children who have been neglected or taken advantage of; to collect data and statistics relating to children in need of special protection and regularly report to the Committee on Protection and Assistance to Children; to provide counselling and recommendations to children in need of special protection; and to facilitate and collaborate with relevant sectors concerning protection and assistance to children. In addition, any person or organization that knows of or observes any situation regarding any child at risk of needing special protection or any child in need of special protection must promptly notify or report on that situation to the Committee on Protection and Assistance to Children or to an investigation agency if it is a criminal offence.⁸

In 2004, the first Child Protection Networks (CPNs) in Lao PDR were established and, as of 2010, they were functioning in 244 villages in 5 provinces.⁹ The CPNs create a safety net for children by building the capacity of communities to identify, address, and assist victims of child abuse and exploitation.¹⁰ While CPNs do not exclusively protect missing children, missing children may be considered “children in need of assistance and protection” and, thus, prime candidates to receive assistance.

Kidnapping and Abduction

The Lao PDR Penal Law of 1989, as amended in 2005, has provisions for rape, human trafficking, and the “trade and abduction of human beings for ransom, sale or other purposes.”¹¹ However, the language is not particularly detailed; it does not provide a general definition for abduction or the confinement of a child, nor does it provide for other kinds of abduction aside from kidnapping for ransom.

Reporting Mechanism

There does not appear to be a clear mechanism for reporting a missing child to the police, CPNs, or the Committee for Protection and Assistance to Children. However, in December 2009, the Lao

⁴ Lao People’s Democratic Republic on the Promulgation of the Penal Law of 1989, as amended in 2005, Article 2 (2): “Children in need of special protection means those who are half-orphaned, orphaned, abandoned, neglected or without parental care; children who are victims of physical abuse, sexual abuse, prostitution, human trafficking; children who work in hazardous conditions seriously affecting their life or health; exploited and displaced children; drug-addicted children; children affected by HIV/AIDS; and children adversely affected by legal proceedings.”

⁵ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Article 2 (4) – Neglected children means children whose parents or guardians do not provide care, education, encouragement, and conditions necessary for the development of the children, such as: health, sufficient and hygienic nutrition, safe shelter, education, and moral development, based on the economic condition of the family.

⁶ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Article 2 (5) – Abandoned children means children whose parents or guardians do not provide guardianship, care, or upbringing.

⁷ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Article 35 – Policies on protection and assistance to children.

⁸ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Article 38 – Reporting.

⁹ UNICEF LAO PDR, *Country Office Annual Report 2010*, at http://www.unicef.org/eapro/2010_ANNUAL_REPORT_LAO_PDR1.pdf (last visited Feb. 22, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁰ *Id.*

¹¹ Penal Law of 1989, as amended in 2005, *supra* note 164, at Article 100 – Trade and Abduction of Human Beings.

National Tourism Administration launched hotline 192 following a country-wide symposium on tourism and child protection.¹² This 24-hour hotline is staffed by a specially trained team of tourism police with the aim of keeping children safe from sexual exploitation. The hotline launch was preceded by an awareness campaign focused on schools and the public via billboards and banners.¹³

Since 2012, the Counseling and Protection Centre for Women and Children in Vientiane has operated a nationwide hotline for the public to report incidents of domestic violence and receive counseling. Domestic violence in the home has been shown to be one of the primary reasons children end up on the streets in Lao PDR.¹⁴ Data is not publically available regarding the number of calls received from children.

Investigation of Missing Child Cases

Lao PDR law forbids the use of private investigative agencies to search for a missing child. One NGO official working in the country explained that “by the letter of the law all investigative functions are reserved to the state security apparatus.”¹⁵

Although, Lao PDR law does not specifically mandate the immediate investigation of a missing child case, under Articles 39 and 40 of the Law on the Protection of the Rights of Children, if the Committee on the Protection and Assistance to Children receives a report of a child in need of special protection, the Committee will take “immediate measures.”¹⁶ Article 38 also states that any person or organization that knows of or observes any situation in which a child is being put at risk must contact the authorities or the Committee, but does not provide clear contact information or an explanation of what information must be provided. It also is unclear who decides in which situations a child is in need of special protection and what response “immediate measures” would entail.

Trafficking

The Law on the Development and Protection of Women of 2004 provides a definition for “trafficking in women” and specifically states that a child under 18 years of age, regardless of whether there is deception, threat, or force, is considered a victim of human trafficking if he or she has been involved in pornography, prostitution, or forced labor.¹⁷

In addition, Article 134 of the Penal Law of 1989, as amended in 2005, defines the offense of human trafficking as the:

recruitment, moving, transfer, harbouring, or receipt of any person within or across national borders by means of deception, threats, use of force, debt bondage or any other means [and using such person in] forced labour, prostitution, pornography, or

¹² Lao PDR’s Tourism Authority sets up a Child Protection Hotline, UNITED NATIONS OFFICE ON DRUGS AND CRIME, Dec. 7, 2009 (on file with the International Centre for Missing & Exploited Children).

¹³ *Id.*

¹⁴ U.S. DEP’T OF STATE, *Country Reports on Human Rights Practices for 2012 – Laos 17*, at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204213> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁵ Email Correspondence between anonymous contact and the International Centre for Missing & Exploited Children, Dec. 7, 2013 (on file with the International Centre for Missing & Exploited Children).

¹⁶ Law on the Protection of the Rights and Interests of Children No. 95/NA, *supra* note 163, at Articles 39 and 40.

¹⁷ Lao People’s Democratic Republic On the Promulgation of the Law on Development and Protection of Women, Nov. 15, 2004, Article 24 – Trafficking in Women and Children (on file with the International Centre for Missing & Exploited Children).

anything that is against the fine traditions of the nation, or removing various body organs [of such person], or for other unlawful purposes.

...

Any of the above-mentioned acts committed against children under 18 years of age shall be considered as human trafficking even though there is no deception, threat, use of force, or debt bondage.

Where human trafficking is performed as a regular profession or in an organised group, where the victims are children, where there are two or more victims, where any victim is a close relative of the offender, or where any victim suffers serious injury or becomes an invalid or insane...¹⁸

The Lao Anti-People Trafficking Unit (LAPTU) was created in 2005 as part of national law enforcement and an additional six provincial anti-trafficking units were formed in 2006 and 2007.¹⁹

With the increase of child sex tourism and trafficking in the region,²⁰ in 2010, Lao PDR signed an agreement with Vietnam on Bilateral Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking.²¹ One such initiative, World Vision's End Trafficking in Persons Program, is working in the Greater Mekong Sub-region to help reduce human trafficking by lowering the risk to vulnerable populations and offering survivors needed rehabilitative services.²² In November 2012, the Prime Minister signed a long-awaited National Plan of Action on Human Trafficking, signifying a nationwide commitment to the issue.²³

¹⁸ Penal Law of 1989, as amended in 2005, *supra* note 164, at Article 134.

¹⁹ UNITED NATIONS INTER-AGENCY PROJECT ON HUMAN TRAFFICKING IN THE GREATER MEKONG SUB-REGION (UNIAP), *COMMIT Sub-Regional Plan of Action – Achievements in Combating Human Trafficking in the Greater Mekong Sub-Region 2005-2007* 14, at http://www.no-trafficking.org/reports_docs/commit/commit_spa1_achievements.pdf (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

²⁰ *Project Childhood introduced to Lao PDR*, UNITED NATIONS OFFICE ON DRUGS AND CRIME (Jan. 11, 2012), at <http://www.unodc.org/southeastasiaandpacific/en/2012/01/childhood-lao-pdr/story.html> (last visited Feb. 22, 2016).

²¹ Tackling Human Trafficking in the Greater Mekong Sub-region, *supra* note 134.

²² Email correspondence with Ms. Le Viet Anh, Policy/Advocacy Coordinator at End Trafficking in Persons, World Vision Vietnam, Mar. 24, 2014 (on file with the International Centre for Missing & Exploited Children).

²³ *Id.*