





Country factsheet for the Committee on the Elimination of Discrimination against Women

COUNTRY: LAO PEOPLE'S DEMOCRATIC REPUBLIC

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| REPORT N° | Eighth and ninth periodic reports |
| SESSIONS | <ul style="list-style-type: none"> ▪ Pre-session No.71 (12th to 16th March 2018) ▪ Session No.71 (22nd October to 9th November 2018) |
| LAWS (HC-1993, GUIDELINES, DOMESTIC LAWS) | <p><i>International instruments:</i></p> <ul style="list-style-type: none"> ▪ UN Convention on the Rights of the Child: accession 8 May 1991; ▪ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: accession 20 September 2006; <p><i>Domestic legislation:</i></p> <ul style="list-style-type: none"> ▪ Decree on Adoption of Children, N° 194./Gov., 12 June 2014; ▪ Family Law (2008); ▪ Law on Anti-Trafficking in Persons (2016); ▪ Law on Preventing and Combatting Violence against Women and Children (2015); ▪ Education Law (2015); ▪ Law on the Protection of the Rights and Interests of Children (2007); ▪ Law on Development and Protection of Women (2004); ▪ National Plan of Action on the Prevention and Elimination of Violence against Women and Violence Against Children (2014-2020); ▪ The National Commission for Mothers and Children Strategy (2016-2025); ▪ Civil Registration and Vital Statistics Strategy (2016-2025). |
| GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY | <ul style="list-style-type: none"> ▪ Total population estimated at 7,126,706 million people (in July 2017), of which nearly 34% are under 14. ▪ The National Plan of Action on Violence (2014-2020) includes a project on prevention of violence against children in childcare facilities. Main concerns related to children include child marriage as a traditional/customary practice, which concerns an average of 33% of girls; child sex tourism, for which Laos is perceived as a safe country to escape criminal pursuit; child prostitution, estimated at 11,000 women in 2013, which happens mostly in bars, of which 47.4% are girls; trafficking of children which is a regional phenomenon (main destination is Thailand – 200 reported victims in 2014/2015 – 60% of trafficked children are girls between 12-18 – including in prostitution, domestic labour, factory work, work on fishing boats); reported case of children being sold as brides in China; malnutrition; birth registration (only 75% of children are registered); domestic violence including for educational/disciplinary purposes; limited number of social workers; drug and alcohol abuses; child labour with 15% of children economically active/working children; limited access to health and education services for children with disabilities and gap poverty between children living in rural and urban area. ▪ Child protection: Child protection is still an emerging sector, lacking clear strategy, professional social workers and a formal care system. It seems that the majority of individuals involved in child protection networks (CPNs - currently 496) are volunteers who therefore lack professional experience and means to bring change. ▪ Impunity: Prosecution of foreign traffickers is rare. <p><i>Sources:</i> CIA Factsheet; Second to Sixth periodic reports of Lao to the Committee on the rights of the Child, CRC/C/LAO/3-6; ECPAT (2017). Global Monitoring status of action against sexual exploitation of children in Laos; Concluding Observations on the report submitted by Lao under article 12(1) of the OPSC, CRC/C/OPSC/LAO/CO/1; Laos' report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, CRC/C/OPSC/LAO/1; ISS (2011). Report Mission to Laos; ISS (2015) Country Situation; Ruiz-Casares, M. (2013). <i>Alternative Care in Laos: An Explanatory Study with Children and Caregivers</i>. Vientiane Lao P.D.R.:</p> |

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| | <p>Save the Children, McGill University/CSSS de la Montagne and National University of Laos; Eighth and ninth periodic reports of Lao to the Committee on the Elimination of Discrimination against Women, CEDAW/C/LAO/8-9.</p> |
| <p>ALTERNATIVE CARE OPTIONS</p> | <ul style="list-style-type: none"> ▪ A rapid situation assessment of children without parental care has been initiated in 2016. ▪ Widespread existence and use of informal alternative care options: the majority of children are living with their families and extended families. ▪ Monitoring and reviewing of children in alternative care are the responsibility of the Committee on Protection and Assistance to Children and village administrative authorities. According to the government, provincial and district levels monitor and inspect childcare facilities on a continuous basis to prevent violence against children. ▪ Informal kinship care: positive child-care practices and strong family and community ties result in most children being raised within their families. Orphans are generally cared for by relatives, and may also be adopted by them. Support to relatives who take care for children is however limited. ▪ Foster care/adoption: References to families following all the steps indicated are rare and a common use of the term ‘adoption’ to refer to any care provided by relatives and non-relatives regardless of duration and level of formalisation is widespread. ▪ Residential care: Decisions to send children to residential care are generally made by parents, often in consultation with relatives, the head of the village and ministry officials. Children are not always consulted. When relatives are not available, the village authority may appoint a guardian or send the child to an SOS Children’s Village or an Ethnic Minority Boarding School. <p>Sources: Unicef Annual Report 2016; Second to Sixth periodic reports of Lao to the Committee on the rights of the Child, CRC/C/LAO/3-6; ISS (2011) Report Mission to Laos; ISS (2015) Country Situation; Ruiz-Casares, M. (2013). <i>Alternative Care in Laos: An Explanatory Study with Children and Caregivers</i>. Vientiane Lao P.D.R.: Save the Children, McGill University/CSSS de la Montagne and National University of Laos.</p> |
| <p>ADOPTION</p> | <ul style="list-style-type: none"> ▪ Legislation: Decree on Adoption of Children, N^o 194/Gov., 12 June 2014; Family Law and Law on the Protection of the Rights and Interests of Children. ▪ Domestic adoption: Because adoption’s rules are currently not well enforced, a manual for Domestic Adoption Decree has been developed to provide with a step-by-step approach to the adoption process, and training has occurred on it. Indeed, oftentimes adoptions are currently discussed orally and include payment’s exchange with the relatives of the child. On this financial aspect, no information is available on the amount that has to be paid for the adoption of the child; and ISS would like to highlight that unregulated payments occurring in adoption could lead to the sale and trafficking in children. On occasions, the adoption is formalised with ‘permission notes’ or letters from village authorities. This means that the adoption procedure results practically in the certification of an agreement already made between the adoptive family and the biological family. Another unofficial way to adopt is to register at hospital in cases where a birth mother does not want to care for her child. In those cases, adoption will cost approximatively 200\$. Even if domestic adoption is largely used in Laos, this practice is sensitive and surrounded by secrecy. ▪ Intercountry adoption: The country has not ratified the 1993 Hague Convention Intercountry Adoption. A moratorium on intercountry adoption was in place in Laos from February 2012 until August 2017. ▪ Adoptions by expatriates: There is anecdotal evidence of expatriate adoptions occurring in Laos – where the domestic procedures are being used to undertake private adoptions. As a consequence, there is no screening of the potential adoptive parents, no professional matching and no surveillance of the exchange of money. ▪ As mentioned in the State’s report to the OPSC, there are no legal or other measures to prevent intermediaries from attempting to persuade mothers or pregnant women to relinquish their children for adoption. <p>Sources: UNICEF Annual Report 2016; ISS (2015) Country Situation; Ruiz-Casares, M. (2013). <i>Alternative Care in Laos: An Explanatory Study with Children and Caregivers</i>. Vientiane Lao P.D.R.: Save the Children, McGill University/CSSS de la Montagne and National University of Laos; ISS (2011). Report Mission to Laos; Second to Sixth periodic reports of Lao to the Committee on the rights of the Child, CRC/C/LAO/3-6; Laos’ report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, CRC/C/OPSC/LAO/1.</p> |
| <p>SURROGACY</p> | <ul style="list-style-type: none"> ▪ According to several sources, Laos has become the new Asian country of destination for individuals looking to contract an international surrogacy arrangement, due to the prohibition of this practice in several countries, the latter being Cambodia in 2016. ▪ Laos has not yet regulated surrogacy, leaving the door open for abuses from fertility clinics, exploitation of surrogate mothers and potential violation of children’s rights including the sale of children. |

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| | <ul style="list-style-type: none"> ▪ The process of establishing parental rights in Laos is like any baby conceived naturally. The birth mother will be considered the legal parent, and the intending father may also be granted partial parental rights. The birth certificate will be issued with the name of the surrogate and the intending father. The intending mother has no legal standing under Laotian law. ▪ While one of the agencies advertised the screening of surrogate mothers, it is not a uniform practice. Such aspect is essential to ensure among others that surrogates are adults, informed of the various effects of surrogacy and agreed to such procedure. ▪ Issue of ‘travelling surrogacy’: It appears that surrogate mothers are often Thai women crossing borders to be inseminated and going back to Thailand to give birth, raising the issue of human trafficking. <p>Sources: Cambodia Daily of November 30, 2016; New Genetics Global; Talent IVF; World Fertility Services; "Womb for rent business flourishes in communist Laos"; Sensible surrogacy</p> |
| STATISTICS | <ul style="list-style-type: none"> ▪ There is a clear lack of data on vulnerable children. According to ECPAT, ‘though often research includes all of the Mekong Region and the data is not disaggregated among Cambodia, Lao PDR, Thailand and Vietnam; meaning figures specific to Lao PDR are often unknown’. ▪ Residential care: Residential care is rarely used in Laos. There are currently six SOS Children’s Villages with approximately 1,000 children and some boarding schools with approximately 530-630 children. ▪ Domestic adoption: According to UNICEF, although there are no official figures on domestic adoption in Laos, domestic adoption is not unusual. Adoption mostly involves infants but older children are sometimes adopted too. ▪ Intercountry adoption: Before the moratorium in 2012, a significant increase in intercountry adoption had been noticed, from seven intercountry adoptions in 2008 to 31 in 2011, showing the foreign interests to adopt children from Laos. Since then, one intercountry adoption has been registered in 2012 to the USA, 13 to France in 2013, 1 in 2014 to France, 1 in 2015 to France, and 1 to France in 2016. <p>Sources: ISS 2011 Report Mission to Laos; Second to Sixth periodic reports of Lao to the Committee on the rights of the Child, CRC/C/LAO/3-6; Ruiz-Casares, M. (2013). <i>Alternative Care in Laos: An Explanatory Study with Children and Caregivers</i>. Vientiane Lao P.D.R.: Save the Children, McGill University/CSSS de la Montagne and National Universtiy of Laos; Laos’ report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, CRC/C/OPSC/LAO/1; ISS (2015) Country Situation; US Department of State; Mission de l’Adoption Internationale (France).</p> |
| RISKS | <p>Exploitation & trafficking: The UN Special Rapporteur on Sale and Sexual Exploitation of Children has, in 2017, conducted a country visit in Laos. According to her, “Efforts to combat the sale and sexual exploitation of children had been limited by lack of funding, resources and data, the Special Rapporteur said. Urgent action was needed to tackle the lack of an integrated child protection system, and end the current impunity for people trafficking or exploiting children. (...) There are no child-friendly mechanisms to report sexual abuse and exploitation, and no systems to refer child victims to support services. Moreover, while child victims are blamed for their situation, the exploiters continue acting with utter impunity, sometimes with the complicity of officials (...). She highlighted the fact that many children were driven by poverty to neighbouring countries, in particular Thailand, leaving girls at particular risk of sexual exploitation (...). Some Lao girls were being forced into prostitution in their own country, including in karaoke bars in cities and casinos in Special Economic Zones, a problem that was little-acknowledged but which also needed urgent attention, she added. Child and forced marriages were a particular issue among some ethnic groups in the Northern provinces bordering China, with girls either sold by their families or otherwise convinced to marry across the frontier.”</p> <p>Family Support: According to UNICEF, significant work remains to be done to build the institutional and human capacities to deliver family support and community based child protection services.</p> <p>Alternative Care: No mechanisms are in place to ensure the quality of care and the protection of the children placed. Of particular concern in institutional care settings is the lack of follow-up and ongoing assessment of the placement as well as variable standards of care.</p> <p>Adoption: There is a real lack of enforcement of domestic adoption’s rules. As a consequence, adoptive parents are not evaluated, prepared and followed, which could potentially endanger several children’s rights: for example, domestic slavery and sale of children. Further, individuals cannot be prosecuted for having persuaded mothers to relinquish their children. Such legal gap is worried, particularly as Laos has lifted its moratorium on intercountry adoptions. Regarding more precisely intercountry adoption, there are concerns as to the governmental capacity to implement the Decree on adoption, potentially leading to serious risks of</p> |

children’s abuses, those latter being reinforced by the fact that Laos has not ratified the 1993 Hague Convention.

Surrogacy: While the country is becoming the new country of destination for international surrogacy arrangements, there is yet no regulation. Such legal gap might lead to exploitation of women, human cross-border trafficking, as well as sale of children, issues that have occurred in other countries which have now issued regulation on this subject. More specifically, it is important to ensure the full knowledge by surrogates of the process and their informed consent to it as to avoid any form of exploitation of vulnerable women.

Sources: Unicef Annual Report 2016; Ruiz-Casares, M. (2013). *Alternative Care in Laos: An Explanatory Study with Children and Caregivers*. Vientiane Lao P.D.R.: Save the Children, McGill University/CSSS de la Montagne and National University of Laos; [Lao must make child protection a core issue to combat sexual exploitation, UN expert urges](#).

POTENTIAL QUESTIONS

- Are steps being taken towards the ratification of the 1993 Hague Convention to ensure adequate safeguards for all the parties involved?
- What have been the measures taken to improve internal implementation mechanisms and establish monitoring mechanisms for intercountry adoptions?
- While there is any legal provision sanctioning the persuasion for a mother to give her child for adoption, what legal pathway can be used to sanction such action?
- What is the State doing to ensure that surrogacy does not lead to the sale of children and exploitation of women by way of legislation policy and practice?
- What is the accreditation process of fertility clinics?
- Who is in charge of monitoring the fertility clinics?