**Lao People’s Democratic Republic**

ECPAT International has developed [a legal checklist](https://ecpat.org/wp-content/uploads/2021/09/SECTT-Checklist_ENG-1.pdf) for governments providing guidance for legal interventions and measures to adopt in order to improve their national legal frameworks. This will help to effectively address the crime of sexual exploitation of children in travel and tourism, including its online elements.

The legal checklist was developed based on the recommendations of the first [Global Study](https://ecpat.org/wp-content/uploads/2021/08/Global-Report-Offenders-on-the-Move.pdf) on sexual exploitation of children in the context of travel and tourism. Following the development of this legal checklist, ECPAT International conducted country legal analysis for Lao People’s Democratic Republic and other countries in Southeast Asia, as well as Africa, Asia and the Americas.

The country analysis serves as a baseline to indicate and track the implementation status of the legal interventions within and across the four regions. It provides governments with clear directions for improving their actions with respect to child protection against sexual exploitation in the context of travel and tourism, including its online elements.

The table below allows easy assessment of existing legislation against the 24 measures of the legal checklist. It will be updated as the laws and policies change. An [explanatory note](https://ecpat.org/wp-content/uploads/2021/08/SECTT-Checklist_ENG_Explanatory-note.pdf) and an [assessment matrix](https://ecpat.org/wp-content/uploads/2021/09/Assesment-Matrix_2021SEP_ENG_v2.pdf) can be consulted for further reference.

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|  | **Recommendations** | **Implemented** | **Legislation** |
|  | Establish by law **extra-territorial jurisdiction**, within the parameters of Article 4 OPSC, for all offences of sexual exploitation of children, including those occurring in the online environment. | No | Any individual who commits an offence within Laotian territory (whether SEC-related or not) may be charged and punished in accordance with the Penal Law or other laws of the Lao People's Democratic Republic that define criminal penalties (Penal Code Art 3).Article 4 of the Penal Code extends this to Laotian nationals or residents who commit offences outside of the territory under the active nationality principle and even to foreign nationals without a connection to the state for an offence committed outside of the territory in the case where this is provided for in international law.  |
|  | Include in extradition treaties the sexual exploitation of children as **extraditable offences** and apply when appropriate the rules of article 5 OPSC, regardless the nationality of the (alleged) offender. | ? | No translations available of the national law on extradition. Contents of treaties on extradition have not been examined.Under the Law on Nationality, Lao PDR will not extradite its own citizens to other States and Laos made a reservation to article 5(2) of the OPSC, which states that the Protocol may be considered as a legal basis for extradition where there is no existing extradition treaty between States. |
|  | Do NOT require the principle of **double criminality** for proceeding with extraterritorial jurisdiction or extradition for sexual offences against children. | No | It is unclear whether the principle of double criminality applies to extraterritoriality provisions. According to the Law on Extradition adopted on 11 July 2012, article 4(3) on principles of extradition includes the requirement for double criminality.  |
|  | Abolish **statutory limitations** for the prosecution of ALL offences of sexual exploitation of children. | Yes | There seems to be no statutory limitation on criminal offences. |
|  | Set up **conditions for any travel** by persons convicted of sexual exploitation of children. |  Yes | The Law on Immigration and Foreigner Management of Laos (adopted in 2014) in its article 12(2) and article 12(3) on provides that the foreigners and stateless people who are not allowed to enter into the Lao PDR includes individuals who have robbed or involved in intercountry robbery, act of terrorism, transnational crime, human trafficking, illegal immigration or smuggling people into and out of the Lao PDR, prostitution, prostitute trading and sexual abuse or have information on such crimes and individuals who are in the prohibited list of entry into the Lao PDR. In addition, article 13(3) prohibits departure from the Lao PDR to individuals who are involved in criminal cases or civil cases which are still in the prosecution or fine implementing process, civil compensation has not been completed, in accordance with the proposal of the investigating-interrogating organization, the office of the public prosecutors, the people’s court, relevant sectors, officials processing information or litigants  |
|  | Ensure **consistency in the definition of a ‘child’** as anyone under the age of 18 for all crimes of sexual exploitation, regardless of the age of sexual consent. | Partially  | The Law on Anti-Trafficking in Persons and the Law on the protection of the Rights and Interests of Children (hereinafter Child Protection Law) define a child as any person below the age of 18 (Article 4(30) and Article 2(1) respectively). However, according to Article 89 of the Child Protection Law, the criminalisation of sexual relations with minors when there is no exchange for money or other benefit only applies to victims under the age of 12. The Penal Law and the Child Protection Law criminalise the facilitation of prostitution (Article 131) but carries a low sentence of up to 1 year only. Article 132 criminalises the procurement of prostitution with female children carries a sentence of up to 5 years, but does not include the exploitation of male children. This should change under the new Penal Law (adopted by the National Assembly in May 2017 and awaiting promulgation), but penalties for offences will apparently still differ depending on whether the victim is male or female. The new art 133 does criminalise the forcing of a child into prostitution carrying a sentence of up to 20 years. Although there are many provisions related to sexual exploitation of children in both the Penal Law and the Child Protection Law, the criminalisation of ‘child prostitution’ does not fully cover the ‘offering, obtaining, procuring or providing’ of a child for ‘child prostitution’ as per Articles 2 and 3 OPSC.Trafficking of children in penalised in Article 134 of the Penal Law, Article 24 of the Law on Development and Protection of Women and Article 90 of the Child Protection Law.The production and dissemination of child sexual abusive materials are punishable with up to 3 years under the Child Protection Law (Article 86), however the sentence seems inadequately severe. Furthermore, the acts do not cover all criminal acts as described in Article 3 OPSC |
|  | Ensure that the **age of sexual consent** for both males and females is 18 and a close in age exemption (up to 3 years) is provided for consensual sexual relationships between adolescents in order to allow voluntary, well-informed and mutual sexual contact between close in age peers and to prevent criminalization of young people in willing sexual relationships. |  No | The age of sexual consent is set at 15 by the Penal Code (article 129). The legislation does not contain a close in age exemption.  |
|  | Have a law or regulation establishing a **mechanism for centrally registering sex offenders** that has been implemented/setup. | No  |  |
|  | Establish **bail conditions** that prohibit individual accused of sexual offences against children from traveling outside of the country. | No | According to the US Department of State’s 2016 Laos Human Rights report, there seems to be a bail system in the country, but “*authorities implement it arbitrarily*” (p.4). |
|  | Provide in law that the **mere attempt** to commit a crime of sexual exploitation of children is criminalised. | Yes | The Penal Code stipulates that “*Attempts to commit an offence shall be punished according to the articles prescribing penalties for the offence itself.”* (Article 14)According to article 89 of the Anti-Trafficking Law: “*Preparation, attempts to commit an offence shall also be subject to punishment*”. |
|  | Impose more severe sentences for **reoffending** in case of sexual exploitation against children, e.g. by defining reoffending as an aggravating circumstance, regardless of whether the crimes were perpetrated abroad or in-country. | Yes  | Reoffending or recidivism in major offences is punished by adding half of the maximum penalty according to Articles 41 and 46 of the Penal Code. |
|  | Provide for **mandatory reporting** for particular professions that have likelihood to have contact with kids who might disclose. |  Yes | Article 29 of the Law on Preventing and Combating Violence against Women and Children makes reporting of violence against children (and women) obligatory. Violence includes sexual violence (Article 4). Individuals, legal entities or organizations [that] have found or seen the use of violence against women or children shall immediately notify or report the incident to village authorities, the organization where the incidence occurred, the Lao Women’s Union, Child Protection and assistance Network or Committee for Protection and Assistance of Children or police. If medical doctors, other health care professionals, teachers, professors, care givers or other professionals have seen or know about violence against women and children they must notify or report this to their own organization or to the police where the incidence occurred. |
|  | Establish obligatory government-regulated child protection standards for the tourism industry for example, attach responsibility to an appropriate regulatory authority and/or implement industry specific **national codes for child protection** as a legal requirement for the travel and tourism industry to operate. | No | Article 69 of the Anti-Trafficking in Persons Law 2015 is responsible for disseminating evidence information on anti-trafficking in persons activities and supervising, administering and monitoring hotel and tourism businesses in order to prevent trafficking. The Law on the Preventing and Combating Violence against Woman and Children identifies the Ministry of Information, Culture and Tourism as one of the managing organisations in preventing and combating violence against women and children.The Law on the Protection of the Rights and Interests of Children does prohibit children from serving in nightclubs, guesthouses, hotels and restaurants. |
|  | Ensure the **liability of travel and tourism businesses** (in operations and supply chains) for criminal conduct including:* Organising travel arrangements or transportation that are explicitly or implicitly meant to create or facilitate opportunities to engage (involve) children in sexual activities;
* Procuring, aiding or abetting the exploitative sexual conduct with a child;
* Advertising or promoting sexual exploitation of children;
* Benefitting, by any means, from any form of sexual exploitation of a child (or children) in the context of their travel and tourism business.
 | No | The Penal Law appears to limit criminal responsibility to individuals,  and  does not extend responsibility to legal entities (Article 16). |
|  | Criminalise the **grooming of children for sexual purposes** (often called ‘solicitation’ in law) including through Internet and other communication technologies to facilitate either online or offline sexual exploitation. |  No |  |
|  | Establish legislation requiring for a **criminal background check** for every person (national or non-national) applying for work with or for children or who is currently working with or for children. Introduce legislation prohibiting convicted sex offenders to hold positions involving or facilitating contact with children. | No |  |
|  | Regulate and monitor the use of volunteers (including in **‘voluntourism’**) in settings and activities that involve direct contact with children, particularly prohibiting visits to orphanages/residential care settings in favour of redirecting the industry towards solutions that support community-based care. | No  |  |
|  | Ratify and implement relevant **regional and international instruments** related to child’s rights and sexual exploitation of children. | Partially | * Convention on the Rights of the Child (CRC) Accession in 1991
* Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography Accession in 2006
* Optional Protocol to the CRC on a Communications Procedure (OP3 CRC) Not signed
* Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Accession in 2003
* ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No.182 Ratified in 2005

United Nations World Tourism Organisation (UNWTO) Framework Convention on Tourism Ethics Not ratified |
|  | Establish **protection measures** for child victims at any stage of the legal process against the suspected offender. | Yes | Article 44 of the Child Protection Law states that children who are victims and witnesses in criminal proceedings shall have the following rights: 1. To have their dignity and human value respected; 2. To express their views, which shall be considered based on the balancing of the child’s age and level of discernment; 3. To have support from parents, guardians or legal protectors at all stages of the proceedings to protect their legitimate rights and interests; 4. To have their privacy protected; 5. To be protected from coercion, threat, and all types of danger, including their family members; 6. To have other rights as provided in the Law on the Development and Protection of Women and the Law on Criminal Procedure.The law only makes reference to children in general without specifying whether they must be Laotian nationals. |
|  | Establish **child-friendly interviewing practices by professionally trained police.**  | Partially | Article 45 of the Child Protection Law sets out the conditions that must be followed when an interview is conducted with child victims as follows:1. Use sensitive and friendly methods towards children who are victims and witnesses; 2. Allow their parents, guardians or legal protectors to participate during each interview; 3. There shall be a special separate room with no disturbance; 4. Children shall be questioned using simple language suitable to their age and level of discernment; 5. Appropriate methods shall be taken to prevent the child from having contact with the accused or defendant during the interview.A Child Advocacy Centre does not exist in the country. |
|  | Ensure that national legislation provides the **right for child victims to receive support in their recovery and rehabilitation**, including accessing re-integration services. | Partially | According to Article 63 and 64 of the Anti-Trafficking Law, the labour and social welfare sector as well as the Lao Women’s Union are responsible for the provision of, inter alia, rehabilitation and reintegration services for victims of trafficking. The Law on the Development and Protection of Women also refers to children in the trafficking context, and sets out extensive rights of victims more specifically, including the right to have access to recovery services and be reintegrated into society (article 25(1- 4)).However, these provisions are limited to trafficking cases.  |
|  | Establish a **national reporting mechanism (e.g. hotline)** that coordinates access to services, and helps to overcome reluctance to report sexual exploitation of children. | Yes | Chapter 3 of the Law on Trafficking in Persons (2015) deals with proceedings of cases related to trafficking in persons. Although the mechanism is limited to trafficking and does not exclusively covers children, nevertheless, it is important for discussion:Article 31: Trafficking in Persons Case Proceedings Trafficking in persons cases shall be proceeded as follows: 1. Case reporting; 2. Receiving of case reporting; 3. Documentation of case reporting; 4. Proceedings against offenders;5. Request for civil compensation. Further, Articles 32-26 provide detailed information about each of these steps. Article 35 provides the procedure for initiating case proceedings against the offenders. It specifically mentions that all the acts in relation to apprehending the offenders should be carried out “while maintaining confidentiality and safety of those who are involved”.Chapter 4 of the same law exclusively deals with victim protection. Article 40 deals with victim rescue. It provides:Article 42 contains safety measures for the protection of the victims and their close relatives. Article 43 ensures that information relating to victims and their families or relatives is kept confidential. It is worth noting that there are hotlines provided by Lao Women’s Union and Friends International. |
|  | Create **data retention and** preservation laws, regulations and procedures, to ensure the retention and preservation of digital evidence and enable cooperation with law enforcement which applies to ISPs, mobile phone companies, digital social media and communication companies, cloud storage companies, based in/operating in national jurisdiction. | Yes | [Law on the Protection of Electronic Data (No. 25/NA, 12 May 2017)](http://www.laoservicesportal.gov.la/index.php?r=site%2Fdisplaylegal&id=289#:~:text=Electronic%20Data%20Protection%20shall%20base%20on%20the%20following%20principles%3A&text=Keep%20the%20data%20of%20the,Lao%20PDR%20is%20a%20party.) contains certain stringent obligations in terms of handling of data. In relation to electronic data, the law obligates the individuals, businesses or legal entities which manage electronic data need to consider what authorizations and processes are required to be followed for: (i) data collection; (ii) maintenance of electronic data; (iii) utilization and dissemination of electronic data; (iv) domestic or international transmission and transfers of electronic data; and (v) deleting electronic data.But the law does not explicitly imbibe the principle of best interests of the child.  |
|  | Ensure that national legislation provides the **right for all child victims of sexual exploitation to seek compensation** in national courts from convicted perpetrators who harmed them and/or through state-managed funds.  |  Yes | Article 29 and 30 of the Criminal Procedure Law regulate the rights of the injured parties to claim compensation for losses and damage. Article 31 of the Law on Combatting and Preventing Violence against Women and Children lays out the rights of the victim, with the right to receive compensation for harm and psychological recovery included.Article 36 of the Law on Trafficking in Persons entitles the victims to request for civil compensation. It states: “The victim or civil plaintiff have the right to claim for civil compensation during criminal proceedings. Apart from civil compensation, relevant organizations shall provide necessary protection and assistance to the victim as provided for in Art. 44 of this law and in accordance with the court decision”. |

**Legal Sources:**

Criminal Procedure Law (No. 17 of 2012)

[Law on Anti-Trafficking in Persons (No. 73 of 2015)](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103108/132386/F-1601666567/LAO103108%20Eng.pdf)

[Law on the protection of the Rights and Interests of Children (No. 05/NA, 16 January 2007)](http://un-act.org/publication/view/lao-pdrs-law-on-the-protection-of-the-rights-and-interests-of-children-2007/)

[Law on the Protection of Electronic Data (No. 25/NA, 12 May 2017)](http://www.laoservicesportal.gov.la/index.php?r=site%2Fdisplaylegal&id=289#:~:text=Electronic%20Data%20Protection%20shall%20base%20on%20the%20following%20principles%3A&text=Keep%20the%20data%20of%20the,Lao%20PDR%20is%20a%20party.)

[Law on Preventing and Combating Violence against Women and Children](http://un-act.org/publication/view/lao-pdrs-law-on-preventing-and-combating-violence-against-women-and-children-2014/) (No. 56/NA, 23 December 2014)

[Penal Code](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/107516/132381/F-794985995/LAO107516%20Lao.pdf) (No. 13 of 2017)