
LAOS

Lao People's Democratic Republic

Population: 5.9 million (2.8 million under 18)

Government armed forces: 29,100

Compulsory recruitment age: 18

Voluntary recruitment age: 18

Voting age: 18

Optional Protocol: acceded 20 September 2006

Other treaties ratified (see glossary):

CRC, GC AP I and II, ILO 138, ILO 182

The minimum age for conscription and voluntary enlistment was given by the government as 18. There continued to be reports of the use of children as soldiers by armed Hmong groups.

Context

The government continued attacks against thousands of ethnic minority women, men and children living in scattered groups in the Lao jungles and hiding from the authorities, particularly from the military. These predominantly Hmong groups were a remnant of an armed faction who fought alongside the USA in its war against the North Vietnamese, which spilled over into Laos and Cambodia. The Lao People's Army reportedly launched an attack on 6 April 2006 in northern Vientiane province which killed 26 Hmong belonging to a jungle group, of whom 17 were reportedly children and several women. The Hmong groups denied being currently involved in attacks on the military, and after 2004 there were very few reports of such attacks by anti-government groups. While reliable information was very hard to obtain, it appeared that the groups no longer posed a serious military threat to the government.¹ Hmong asylum-seekers in Thailand, mostly children, who had been forcibly returned to Laos in December 2005, were detained for over a year on their return to Laos.²

Government

National recruitment legislation and practice

The 1991 constitution states that "Lao citizens have the obligation to defend the country, to maintain the people's security and to fulfil military obligations as prescribed by law" (Article 36). The president may authorize general or partial military conscription and declare a state of emergency nationwide or in a particular locality (Article 53).

According to the government declaration on ratification of the Optional Protocol, the Law on Obligations of National Defence Service stipulated that "all young men of Lao nationality between 18 and 28 years of age, having good health conditions, shall be obliged to serve for a short-term in national defence forces. In case of necessity, young women between 18 and 23 years of age may also be called upon to serve for a short-term in national defence" (Article 13). These provisions, however, were rarely enforced, and there was little or no military service in practice.³

The Law on Obligations of National Defence Service also stated that, following medical checks, a selection process would take place at district level to select voluntary recruits, with good health, for short-term defence services, according to the recruitment number officially set forth on a yearly basis (Article 7). The government declaration on ratification of the Optional Protocol stated that the minimum age at which it would permit voluntary recruitment into its national armed forces was 18.⁴

Armed groups

Sporadic reports continued to be received of the use of children as soldiers by armed Hmong groups. One journalist who was able to visit the groups clandestinely in October 2006 described and photographed boys apparently aged as young as 15 armed and acting as guards.⁵ It remained unclear what other military duties such children performed or what training they had received, and whether they were involved in any attacks on government forces or armed resistance to government attacks.

Developments

In October 2007 Laos endorsed the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups and the Paris Principles and guidelines on children associated with armed forces or armed groups. The two documents, which were previously endorsed by 59 states at a February 2007 ministerial meeting in Paris, reaffirmed international standards and operational principles for the protection of and assistance to child soldiers, following a wide-ranging global consultation jointly sponsored by the French government and UNICEF.

International standards

Laos ratified the Optional Protocol in September 2006, stating in its declaration that the minimum age for entry into the national armed forces, both voluntary and obligatory, was 18.⁶ It was not known what, if any, implementing legislation had been drafted, or whether the recruitment and

use of children as soldiers had been specifically criminalized in national legislation.

Laos ratified the ILO Minimum Age Convention 138 and the ILO Worst Forms of Child Labour Convention 182 in June 2005. The government was preparing to ratify the Rome Statute of the International Criminal Court, and had reportedly drafted implementing legislation as a prerequisite for ratification under its own laws.⁷

-
- 1 Amnesty International (AI), “Hiding in the jungle – Hmong under threat”, 23 March 2007.
 - 2 AI, “The Missing Children of Laos”, 22 March 2007.
 - 3 Confidential source, March 2007.
 - 4 Declaration of Laos on acceding to the Optional Protocol, 20 September 2006, www2.ohchr.org.
 - 5 Roger Arnold, “Laos: Still a secret war”, Digital Journalist, October 2006, <http://digitaljournalist.org>.
 - 6 Declaration, above note 4.
 - 7 International Labour Organization (ILO), International Labour Standards, www.ilo.org (ilolex database); “Rome Statute of the International Criminal Court Ratification and Implementation in Asia: Some Prospects and Concerns”, International Centre for Criminal Law Reform and Criminal Justice Policy, February 2007, www.icclr.law.ubc.ca.