



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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President's Office

No. 04/PO

**DECREE**  
*of the*  
**PRESIDENT**  
*of the*  
**LAO PEOPLE'S DEMOCRATIC REPUBLIC**

**On the Promulgation of the  
Law on the Protection of the Rights and Interests of Children**

Pursuant to Chapter 6, Article 67, point 1 of the Constitution of the Lao People's Democratic Republic adopted by the National Assembly;

Pursuant to Resolution No. 05/NA, dated 27 December 2006, of the National Assembly of the Lao People's Democratic Republic on the adoption of the Law on the Protection of the Rights and Interests of Children; and

Pursuant to Proposal No. 04/NASC, dated 10 January 2007, of the National Assembly Standing Committee.

**The President of the Lao People's Democratic Republic  
Decrees That:**

**Article 1.** The Law on the Protection of the Rights and Interests of Children is hereby promulgated.

**Article 2.** This decree is effective from the day it is signed.

Vientiane, 16 January 2007  
President of the Lao People's Democratic  
Republic

*[Seal and Signature]*

Choumaly XAYASONE



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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National Assembly

No. 05/NA  
27 December 2006

**LAW ON THE PROTECTION  
OF THE  
RIGHTS AND INTERESTS OF CHILDREN**

**Part I  
General Provisions**

**Article 1. Objectives**

The Law on the Protection of the Rights and Interests of Children defines principles, rules and measures relating to the administration, monitoring and inspection of the implementation of the protection of the rights and interests of multi-ethnic children, including measures against those committing offences towards children, in order to ensure that children are whole in body, mind and spirit<sup>1</sup>, so that children have good attitude, knowledge and ability and are able to have good lives in the society and become good successors of the nation.

**Article 2. Definitions**

The various terms used in this law shall have the following meanings:

1. A child is any person below 18 years of age;
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;
3. Disabled children means children who are not whole in body, mind or spirit so as to cause suffering and affect their growth and

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<sup>1</sup> The literal translation of this term is "perfect in physical, moral and mental health conditions".

- development. Such disability may exist at the time of birth or after the birth of the child;
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;
  5. Abandoned children means children whose parents or guardians do not provide guardianship, care and upbringing;
  6. Half-orphaned child means a child whose father or mother is deceased;
  7. Orphaned child means a child whose parents are both deceased;
  8. Physically-abused children means children who have been beaten or tortured by their parents, guardians or other persons;
  9. Sexually-abused children means children who have been raped, or are victims of sexual relationships or obscenity;
  10. Children affected by HIV/AIDS means children who are infected with HIV/AIDS, children who have been half-orphaned or orphaned due to HIV/AIDS, or children living with an HIV/AIDS positive family member;
  11. Disadvantaged children means children who lack the conditions necessary to support or facilitate the development of their knowledge and abilities;
  12. Child offenders means children who are subject to criminal proceedings: as suspects, defendants or convicted persons;
  13. Guardians<sup>2</sup> means persons who have responsibilities towards children similar to their parents’;
  14. Social workers means persons who are appointed by relevant State agencies to provide assistance to children in need of special protection;
  15. Child torture means any act or omission that physically or morally harms the child, sexual abuse against a child, or incitement of a child to commit a crime or to do something that physically or morally harms the child;
  16. Child protection means the activities performed by individuals or organisations to ensure that children live, grow up, have access to development of good attitudes, knowledge and abilities, receive protection of rights and interests, and are able to efficiently participate in social activities;
  17. Assistance to children means activities performed by individuals or organisations to help children who are in danger, to respond to the needs of children, to reintegrate children into their families and enable them to adapt to society;
  18. Vocational training centre for child offenders means a centre for the ideological and behavioural re-education of children, including

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<sup>2</sup> This is a reference to persons formally appointed as guardians under Chapter 3 of the Family Law.

providing professional training aimed at changing them to good members of society;

19. Investigation<sup>3</sup> means investigation in juvenile cases.

### **Article 3. The Rights of the Child**

Every child shall have the following basic rights:

1. [To have] a safe life and suitable physical and moral development;
2. To be registered at birth, have a first name and family name and to acquire a nationality;
3. To be recognised and cared for by parents, and not to be separated from parents unless it is necessary to protect the child's interests;
4. [To have] access to health care, medical treatment and rehabilitation of health when ill;
5. To obtain education so that they can have good attitudes, knowledge, abilities, talents, professional training, labour skills and employment;
6. [To have rights to] speech and to the expression of [their] opinions; to socialise and exchange good experiences with other children; to participate in social, artistic, literary, sports and recreational activities that are appropriate for the age of the child;
7. To have access to and learn information that is suitable for the age and level of development of the child and to be protected from harmful information;
8. To be protected from all forms of physical and moral abuse;
9. To receive special protection in legal proceedings;
10. To obtain other rights as stipulated in the laws.

### **Article 4. Best Interests of Children**

The best interests of the child shall be the deciding factor in making decisions, in particular about issues relating to child care, appointment of guardians, adoption, education, medical treatment and the conduct of criminal proceedings against [the child].

### **Article 5. Responsibilities of Children**

Children have the following main responsibilities:

1. To respect their parents, guardians, family members, teachers, leaders, and elders, and the rights of others;

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<sup>3</sup> The Lao word for “investigation” is a compound word: “investigation-interrogation”, where investigation has the sense of inquiries through means other than the questioning of witnesses. Since the English word “investigation” does not connote a similar exclusion or carve-out, the translators have translated the compound word (and its variants) simply as “investigation”.

2. To help their parents, families, friends, elderly persons and disabled persons according to their abilities;
3. To study diligently and achieve at least primary education, and to strictly observe school rules;
4. To care for their [own] health and hygiene, and to protect public property and the environment;
5. To respect and implement the Constitution, and the laws and regulations of the State;
6. To be honest, patriotic, love the nation, love persons having good deeds towards the nation, and respect fine national culture and customs;
7. To contribute to social activities based on their individual abilities.

**Article 6. Non-Discrimination against Children**

All children are equal in all aspects without discrimination of any kind in respect of gender, race, ethnicity, language, beliefs, religion, physical state and socio-economic status of their family.

**Article 7. Participation of Children**

The State, society and family shall create conditions for children to participate in various activities and to express their views in all matters affecting them. Those views shall be given due and balanced<sup>4</sup> consideration based on the age and discernment<sup>5</sup> of the child.

**Article 8. Responsibilities of the State**

The State considers the importance of children in the protection and development of the nation. The State shall[:] formulate policies on education and building the capacity of children to ensure that children are patriotic and love the nation[;] pay attention to establish sufficient formal and professional schools, and treatment facilities[;] promote children to participate in social activities[;] [and] create and improve measures to protect children from exploitation, neglect, torture and other abuses.

**Article 9. Responsibility of Society**

The society has the responsibility to contribute to the physical and mental building and development of children, especially to participate in building facilities for treatment and education, [to contribute] in the activities of sports,

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<sup>4</sup> The term “balanced” in the Lao text has the connotation of “the opposite of strict or definite” to indicate that in matters relating to children, decisions should be more flexible.

<sup>5</sup> The term “discernment of the child” is a translation of the phrase “ability of the child to identify the truth”.

arts, and literature, and [to contribute] in the protection of children from various social shortcomings.

**Article 10. Responsibilities of Parents and Guardians**

Parents and guardians have the following responsibilities:

1. To care for and bring up [their] children, to ensure the safety of the children, to encourage and promote full development of the children and to protect the children from danger, such as: violence, being taken advantage of, and all forms of exploitation;
2. To ensure primary health care for [their] children;
3. To encourage, promote, create conditions and facilitate [their] children to complete at least primary education;
4. To educate [their] children to be good members of the family and society and to be successors in undertaking the mission of the nation;
5. To be the lawful representatives of [their] children, and to protect the rights and interests of the children in court proceedings and other places;
6. To be good role models for their children;
7. To have other responsibilities in accordance with the laws.

**Article 11. Fund**

To ensure the development of children and the protection of the rights and interests of children, the State considers it necessary to create a fund.

The sources of the fund are obtained from:

- The State budget;
- Contributions from individuals and domestic organisations;
- Assistance from foreign countries and international organisations;
- Other sources.

The organisation and operation of the fund are determined in specific regulations.

**Article 12. International Relations and Cooperation**

The State promotes international relations and cooperation concerning the protection of the rights and interests of children through the exchange of best practices and information, the building and upgrading of officials, the attracting of assistance and others<sup>6</sup>.

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<sup>6</sup> The term “and others” is a literal translation and is not subject to further specificity.

**Part II**  
**Health Care, Family Registration and Raising of Children**

**Chapter 1**  
**Health Care for Children**

**Article 13. Provision of Health Information**

Children have the right to learn and have access to appropriate and sufficient information on health from radio, television and other sources of mass media.

The public health, education and information-culture sectors<sup>7</sup>, mass media organisations and various social organisations, including the State and the private sector, are responsible for, or have to contribute to, providing health information to children on a regular basis.

**Article 14. Health Care and Nutrition for Pregnant Women**

The State pays attention to ensuring that pregnant women have access to pre-natal and post-natal health care in accordance with regulations, in particular, by providing regular examinations and proper monitoring of risks to pregnant women, and birth assistance.

Individuals and organisations shall contribute to providing pregnant women with knowledge and understanding on nutrition, especially on the consumption of food that is useful and not harmful, in order to enable the newborn child to be whole in body, mind and spirit.

**Article 15. Primary Health Care for Children**

The State shall create conditions to provide children with health care services as follows:

1. Pre-natal health care services;
2. Full immunisations according to the age of the child;
3. Sufficient and safe nutrition, clean drinking water, and life in a good environment free from pollution that is hazardous to the health;
4. Access to health information and education that is consistent with the child's age and level of understanding;

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<sup>7</sup> The term “sector” is used in many Lao laws to refer to the cluster of government ministries or agencies engaged in a particular activity. In this paragraph, this first use of the term is in such governmental sense. The second use (“including the State and private sectors”) is in the more familiar sense of “a part of branch of a nation’s economy” generally.

5. Access to health services for the treatment of illness and rehabilitation of health;
6. Regular medical checkups and monitoring.

**Article 16. Monitoring and Provision of Health Care for Children**

After birth, children have the right to examination of their health and monitoring of their growth on a regular basis.

Children from 15 years of age to 18 years of age have the right to decide on the method and place of appropriate medical treatment, except for children who are under the control of an authority or who are mentally disabled.

Disabled children, abandoned children and children from poor families, while ill, shall receive health examinations and treatment in various treatment facilities with the service fees to be paid by the State social welfare fund.

**Article 17. Care of Children Affected by HIV/AIDS**

The State and society shall create conditions for children affected by HIV/AIDS to have access to health care and education, to live with their family and to be protected from all forms of discrimination from the community and society.

The State must create conditions for children affected by HIV/AIDS to receive policies<sup>8</sup> on health protection and care as follows:

1. Take measures to prevent transmission of HIV/AIDS, particularly mother-to-child transmission of HIV/AIDS;
2. Provide counselling for children infected with HIV/AIDS. Children should not be forced to be tested for HIV/AIDS, and their HIV/AIDS status should be kept confidential;
3. Provide care and treatment to children infected with HIV/AIDS, including providing them with antibiotics and other medicines;
4. Encourage the society and community to support and assist children infected with HIV/AIDS.

**Article 18. Responsibility of the State to Protect Children from Accidents**

The State has the responsibility to lay down regulations and measures, and to encourage and monitor [their] implementation, to protect children from accidents that may cause harm to their health or life, in particular, [regulations and measures on] the order and safety of road traffic and safety in kindergartens.

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<sup>8</sup> The term “policies” in this context takes the meaning of “privileges”.



## **Chapter 2 Family Registration**

### **Article 19. Registration of Births**

The hospital where a child is born shall issue a birth certificate for the child[;] then the father or mother shall bring the certificate to notify the head of the village where the parents live or where they have registered their family book in order to register the birth of the child.

If a child is born in a place other than a hospital, the father or mother must notify the head of the village where the parents live or where they have registered their family book in order to register the birth of the child.

In the case where a child is born in a foreign country, the father or mother must notify the Lao embassy or consulate accredited in the relevant country to register the birth of the child.

The registration of a child shall be done within 30 days after the date of birth.

Additionally, the Family Registration Law shall be applied.

### **Article 20. First Name and Family Name of Children**

Every child has the right to a name and surname as prescribed by Article 31 of the Family Law.

### **Article 21. Children's Nationality**

A child's nationality is determined by its parents' nationality if they have the same nationality.

If the parents have different nationalities, the child may take the nationality of either the father or the mother, in conformity with the Law on Lao Nationality.

### **Chapter 3 The Care and Raising of Children**

#### **Article 22. Provision of Care to Children**

Parents, guardians, other members of the family, relatives, the society and relevant organisations shall provide warm care to children by being close to and loving [the children], and providing counselling, education, assistance and others to physically, morally and mentally develop the children.

Divorced parents shall continue to maintain a personal relationship with their children, especially with those who have not reached the age of maturity.

#### **Article 23. Guardians**

Children without parents shall have the right to be cared for by a guardian appointed in conformity with Articles 43 to 46 of the Family Law.

#### **Article 24. Obligations of Parents or Guardians**

The father and mother shall have the joint obligation to care for and raise their children independent of their marriage status pursuant to Article 35 of the Family Law.

Parents or guardians have the obligation to create and provide the best conditions for children to have good health, to develop and to have a bright future. If parents or guardians experience a problem in raising children and cannot solve the problem by themselves, they may seek counselling and assistance from relevant organisations.

#### **Article 25. Responsibilities of the State in the Raising of Children**

The State is responsible for the care and raising of children without parents or guardians, or who are abandoned by their parents, by building or developing orphanages, boarding-schools and others.

### **Part III Child Development**

#### **Chapter 1 Education for Children**

#### **Article 26. Promotion of Child Education**

The State has policies to promote and create conditions to ensure that children receive education by expanding formal education, professional training

centres and skills training centres from both State and private sectors, and by providing sufficient teachers, textbooks and materials, aimed at developing children's knowledge, abilities, attitudes and talents, in order that children become successors in the mission for the efficient protection and development of the nation.

Parents, guardians and social organisations have the obligation to promote and create conditions for children to attend school and remove obstacles [obstructing] children from obtaining an education.

**Article 27. Child-Friendly Schools**

The State has the policy to create child-friendly schools that are popular for children and attract them to learn. A child-friendly school is a place with a good environment that promotes learning and study by children, where they can receive attention, counselling and assistance from teachers, with friendly solidarity among students[; and where they are] protected from the use of violence, physical punishment or inappropriate words or acts that affect the dignity of children, [and] from discrimination or bias, and work that exceeds their abilities.

**Article 28. Promotion of Children with Talent**

The State, society and families shall promote children who have talent by creating favourable conditions for the children to fully expand their talents alongside general education.

**Article 29. Education for Disadvantaged Children**

The State has policies on free learning and providing necessary materials, assistance and exemptions of fees to support disadvantaged children, children in remote areas, and children from poor families. These children shall at least achieve primary education, and shall have access to vocational training.

**Article 30. Education for Children with Disabilities**

Disabled children shall have access to education and vocational training without discrimination through a policy of education for all.

The State promotes and creates conditions for disabled children to receive education and encourages the private sector, social organisations and various organisations, both domestic and foreign, to assist in the education of disabled children.

**Article 31. Education for Children Affected by HIV/AIDS**

The State creates conditions for children affected by HIV/AIDS to receive education and to participate in various activities in school without discrimination.

Disclosure of the HIV/AIDS status of children is forbidden.

**Chapter 2  
Child Participation**

**Article 32. Child Participation in Various Activities**

All children have the right to participate in various activities that are useful for physical, moral and mental development, such as: educational, socio-cultural, artistic, literary, sports and recreational activities in the community.

Schools and local administrative authorities are responsible for drawing up the plans for, and for arranging, places for the above-mentioned activities.

**Article 33. Child Participation in Creative [Activities]**

The State formulates policies that promote all children to be creative in presenting their work, which is useful and a good example to other children, in expressing their opinions, in participating in society and in expressing their ability through different forms.

**Article 34. Child Participation in Decision Making**

All children have the right to study and express their opinions in decision-making, especially on issues relating to their futures and fates. Individuals and concerned organisations shall facilitate them in such expressions of opinion, and shall consider such opinions, based on the balancing of the age and the discernment of the child.

**Part IV  
Protection and Assistance to Children**

**Chapter 1  
Responsibilities of the State in Protection and Assistance to Children**

**Article 35. Policies on Protection and Assistance to Children**

The State has policies to prevent and combat acts of child violence or exploitation, by adopting protective measures and assistance to children at risk of violence or exploitation, by assigning the Ministry of Labour and Social Welfare

to actively collaborate with other relevant sectors, such as: organisations in public health, education, justice, foreign affairs, public security, the Office of the Public Prosecutor, mass organisations and other concerned organisations.

The Ministry of Labour and Social Welfare shall issue regulations and instructions on protection and assistance to children, and establish the Committee for Protection and Assistance to Children<sup>9</sup>, aimed at implementation, including monitoring, inspecting and encouraging [such] implementation.

**Article 36. Rights and Duties of the Committee for Protection and Assistance to Children**

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 centres 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 summarise on the execution of its own work and regularly report to the higher authority.

**Article 37. Policy on Strengthening Families**

The State promotes the self-strengthening of families, promotes solidarity, provides assistance to parents in performing their duties of care, raising and educating their children, and identifies weak families and children or those at high risk, in order to provide protection and assistance.

The strengthening of families has the following contents:

1. Provision of assistance to parents to build their capacity to perform their obligations in caring for and educating their children, [to assist parents] to provide for the well-being and best interests of their children and of the family, and to create solidarity within the family;

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<sup>9</sup> The Lao language does not require nouns to contain information as to whether they are singular or plural. Since the committee has not yet been established, the translators are unable to definitively resolve whether there will be a single committee or several committees at different levels. Based on examples of other similar committees, it is likely that there will be a single committee with divisions or offices. The translators have therefore translated these provisions on that basis.

2. Prevention of external impacts on families and children, and provision of appropriate recommendations, consultation and assistance to families and children with problems;
3. Creation of public awareness on the dangers and bad impact of child abuse and exploitation.

## **Chapter 2**

### **Protection and Assistance to Children in Need of Special Protection**

#### **Article 38. Reporting**

A network system shall be established under the direction of the Committee on Protection and Assistance to Children in order to keep track of situations happening in the children's community and the society, and to identify situations that cause children to need special protection.

The main duties of the network are the following:

- 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;
- To facilitate and collaborate with relevant sectors concerning protection and assistance to children.

In addition, any person or organisation 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.

#### **Article 39. Determination of Methods for Protection and Assistance to Children**

Upon discovering or receiving a report on a child in need of special protection, the Committee for Protection and Assistance to Children shall consider a plan, and determine the necessary types and methods of assistance, based on the opinion of the child, and its age and level of discernment.

**Article 40. Urgent Measures for Child Protection**

Upon discovering, or receiving a report on, a child in need of special protection, in order to remove the child from such harm, the Committee on Protection and Assistance to Children shall undertake immediate measures as follows:

1. Inspect any place where it is suspected that there is a child in need of special protection;
2. Take the child away from its parents or guardians and put it temporarily in a safe place, or in a child shelter if its parents or guardians have problems;
3. In the case where the child in need of special protection is taken from another place, the child shall be given to the care of its parents or guardians, unless the parents or guardians have problems.

**Article 41. Procedures for Protection and Assistance to Children**

Depending on each child's individual circumstances, the Committee on Protection and Assistance to Children shall adopt the following procedures:

1. Place the child in a shelter;
2. Provide counselling, health care, education, vocational training, and other necessary support to the child to assist in the child's physical and moral recovery and social reintegration;
3. Identify the parents or guardians and return [the child] to them;
4. Provide assistance and counselling to the child's parents or guardians to enable [them] to perform their obligations to give good care and education to their children[;] help in income-generation[;] and provide financial and other necessary support;
5. Monitor and pay regular home visits to inspect the quality of care to the child by parents or guardians.

**Article 42. Alternative Care for Children**

Childcare has many alternatives, and consideration of the use of such alternative care shall be based on the following conditions:

1. The best interests of the child shall be the main factor to be taken into consideration;
2. In appointing the guardian, preference shall be given to members of the family, and close relatives living near the child, except if it is in conflict with the child's best interests;
3. The need to preserve the culture, language, religion and racial background of the child;

4. Placement of the child in a residential care institution, such as an orphanage, boarding-school or other institutional establishment shall be a measure of last resort;
5. The views of the child shall be taken into consideration, based on a balancing evaluation of the age and the discernment of the child;
6. Children affected by HIV/AIDS shall be cared for by their family and should not be isolated from other children and society.

**Article 43. Monitoring and Review of Alternative Childcare**

The Committee on Protection and Assistance to Children and village administrative authorities shall monitor and review the implementation of alternative care prescribed in Article 42 of this law to ensure that children benefit fully from alternative care and that they receive sufficient care and protection.

Shelters and other places that accept children for care shall regularly monitor and review their performance in order to ensure that children effectively and quickly reintegrate into society.

**Chapter 3**  
**Interviewing Children Who Are Victims and Witnesses**

**Article 44. Rights of Children who are Victims and Witnesses**

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<sup>10</sup> 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<sup>11</sup>;
6. To have other rights as provided in the Law on the Development and Protection of Women and the Law on Criminal Procedure.

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<sup>10</sup> Readers may wish to refer to Article 35 of the Law on Criminal Procedure for information on the role of the legal protector.

<sup>11</sup> The translators were unable to definitively resolve whether the phrase "including family members" means that the family members are also entitled to protection or that the child is entitled to be protected from the family (although the former is, obviously, by far the more likely intention).



**Article 45. Interview of Children**

The interview of children in cases where the children are the victims and witnesses shall be conducted by specially trained investigators and public prosecutors in collaboration with social workers.

In the course of the interview, the investigator and public prosecutor shall act 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.

**Chapter 4**

**Prevention, Treatment and Rehabilitation of Substance-Addicted Children**

**Article 46. Prevention of Substance Addiction**

The State has the policy, and adopts regulations and laws, to prevent addiction to substances, such as: narcotic drugs, alcohol, beer and other intoxicating substances, and to encourage the society and families to participate actively in such prevention, including providing methods for education, and enhancing awareness and consciousness about the harmful effects of addictive substances.

**Article 47. Treatment and Rehabilitation of Substance-Addicted Children**

The State formulates policies, creates favourable conditions and organises the treatment, therapy and rehabilitation of substance-addicted children, alongside vocational training, by encouraging the participation of the society, schools and family.

The treatment and placement of substance-addicted children in hospitals or rehabilitation centres shall be a measure of last resort and shall be for no longer than the time necessary for the treatment and rehabilitation.

Admission of substance-addicted children into treatment and rehabilitation centres shall be in strict compliance with regulations that shall be approved by the Committee on Protection and Assistance to Children.

## **Chapter 5 Prohibitions**

### **Article 48. Prohibitions for Children**

The basic prohibitions for children are as follows:

- Consuming narcotic drugs, drinking alcohol or beer, smoking cigarettes, and [consuming] other narcotic substances;
- Serving in nightclubs, guesthouses, hotels, and restaurants;
- Using services in nightclubs, guesthouses, hotels, and restaurants in wrongful ways, such as for consuming narcotic drugs, or drinking intoxicating substances;
- Being infatuated with pornographic and obscene things;
- Playing games that are outside of the curriculum during school time;
- All kinds of gambling;
- Bearing all kinds of weapons or explosives;
- Other prohibitions as provided by the laws and regulations.

### **Article 49. Prohibitions for Parents, Guardians and other Persons**

Prohibitions for parents, guardians and other persons are as follows:

- Obstructing children from receiving medical treatment, immunisation, [or] education or from participating in various activities for the physical, moral or mental development of the children or the development of their knowledge or ability;
- Causing serious physical injury, insulting children;
- Being bad examples for the children;
- Using children to buy or advertise narcotic or intoxicating substances;
- Allowing children to use or provide services in nightclubs, guest houses, hotels and gambling places;
- Allowing children to enter their restaurants that serve alcoholic drinks, beer, or other intoxicating drinks;
- Allowing children to be infatuated with pornographic and obscene things;
- Putting up signs to advertise alcohol, cigarettes, beer, or other intoxicating substances near schools or children community areas;
- Other prohibitions as provided by the laws and regulations.

**Part V**  
**Solutions Relating to Problem Children**

**Chapter 1**  
**Child Offenders**

**Article 50. Children Who Have Not Reached the Age of Penal Responsibility**

A child under fifteen years of age at the time of commission of an offence will not be considered as an offender, as provided in Article 7 of the Penal Law.

**Article 51. Rights of Child Offenders**

A child who is a suspect or defendant has the following rights during the criminal proceedings:

1. To have the case proceed outside the judicial process in the event that it is not a serious offence;
2. To be informed of the allegations against it and to receive the right to a defence;
3. To have legal assistance from a lawyer or legal protector and to have its parents or guardians present at all stages of the criminal proceedings;
4. To receive appropriate treatment with no threat, coercion or use of foul language at all stages of the criminal proceedings;
5. To be protected and guarded by concerned officials in respect of its safety;
6. To have the case proceed confidentially, specifically concerning the personal history and information of such child;
7. To have other rights as stipulated by various laws.

**Chapter 2**  
**Solving of Juvenile Cases without Referring to the Court**

**Article 52. Offences by Children That Need Not Be Referred to the Court**

An offence committed by a child that is not sent to the court is a minor offence or a major offence<sup>12</sup> punishable by imprisonment of less than three years.

**Article 53. Sectors Involved in Solution**

Sectors that have the right to solve an offence committed by a child without referring to the court include:

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<sup>12</sup> The terms “minor offence” and “major offence” refer to the categories of offences set out in Article 8 (New) of the 2005 Penal Law.

1. Village child mediation units;
2. District or municipal justice offices;
3. Investigation agencies;
4. Offices of the Public Prosecutor.

In the event that a village child mediation unit has not been established, the village mediation units shall be responsible.

**Article 54. Methods of Solving Cases without Referring to the Court**

An offence committed by a child can be solved by the following methods without referring to the court:

1. Warning, re-educating the child offender;
2. Requiring the child to apologise to the injured party in an appropriate manner;
3. Mediation between the child offender and the injured party;
4. Compensation by the parents or guardians for the damage caused by the child;
5. Requiring the child to perform community service work based on the ability and age of the child.

**Chapter 3  
Mediation of Juvenile Cases**

**Article 55. Responsibilities of Village Child Mediation Units**

In a case where a juvenile case is not referred to the court, the village child mediation unit has the following main rights and duties:

1. To warn, re-educate the child offender;
2. To mediate civil cases relating to children;
3. To mediate criminal cases relating to child offenders as stipulated in Article 52 of this law;
4. To monitor, encourage compensation for damages;
5. To monitor child offenders, including child offenders who have served [their] sentences.

**Article 56. Rights and Duties of District and Municipal Justice Offices Relating to Mediation of Juvenile Cases**

The justice office at each district or municipality has the rights and duties to re-educate, compromise and mediate in juvenile cases submitted by village child mediation units as a result of an unsuccessful mediation as stipulated in Article 55 of this law, and shall comply with the provisions of Articles 79 and 80 of the Civil Procedure Law.

In the event of unsuccessful mediation, the parties are entitled to lodge a claim in court.

**Article 57. Principles for Mediation of Juvenile Cases**

The mediation of a juvenile case shall be conducted in accordance with the following principles:

1. There must be precise, clear evidence of the offence and the child has admitted its offence;
2. There must be participation of the child offender, parents or guardians each time.

**Chapter 4  
Investigation of Juvenile Cases**

**Article 58. Rights and Duties of Investigation Agency in Juvenile Cases**

The investigation of a juvenile case shall be conducted by a specialised investigation agency.

In conducting criminal proceedings against a child, the investigation agency, in addition to performing its rights and duties stipulated in the Law on Criminal Procedure and other relevant laws, shall have the following rights and duties:

1. To summarise and consider referring the juvenile case to the village child mediation unit for solution, if it is found that the offence is one of those offences defined in Article 52 of this law;
2. To mediate the juvenile case at its own level within thirty days from the date of receiving the petition from a party whose case cannot be mediated at a district or municipal justice office. In the event that the investigation agency cannot mediate the case, it shall undertake an investigation of juvenile case and summarise the case to send it to the public prosecutor for consideration and conduct of criminal proceedings;

3. In cases where the law prescribes punishment by imprisonment of three years or more, to undertake investigation, summarise the juvenile case and send to the public prosecutor for consideration;
4. To monitor, inspect, give advice and manage the list of child suspects and prisoners within its responsibility.

**Article 59. Principles for Investigation of Juvenile Cases**

In conducting criminal proceedings against children, the investigation agency shall use investigation measures provided in the Law on Criminal Procedure and shall comply with the following principles:

1. In investigation, questioning of a child offender shall be conducted in a smooth and appropriate manner based on the age and discernment of the child;
2. Parents, guardians or other support persons of the child must participate in the questioning and testimony of the child; and the parents, guardians or other support persons have no right to make testifying statements on behalf of their children but have the right to make proposals on issues, as they deem appropriate;
3. The taking of testimony from a child shall be conducted openly in a special room, without coercion or threat, and avoiding the use of terms or language which affect the dignity and spirit of the child;
4. Each questioning [session] shall not be conducted for more than ninety minutes;
5. Investigation in juvenile cases shall be completed within thirty days and can be prolonged for thirty days by the decision of a public prosecutor.

**Chapter 5**  
**Use of Preventative Measures<sup>13</sup> Against Children**

**Article 60. Preventative Measures Against Children**

Preventative measures against children are general measures defined in Article 59 of the Law on Criminal Procedure, namely:

1. Issuance of warrant;
2. Detention;
3. Arrest;
4. Remand;
5. Pre-sentencing release.

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<sup>13</sup> The term “preventative measures” is the same term translated as “coercive measures” in Chapter IV of the Law on Criminal Procedure.

**Article 61. Issuance of Warrant**

In the event that an investigation agency, public prosecutor or juvenile court has summoned a child three times to appear before it, but the child has failed, without reason, to appear, the child will be subject to a warrant to be brought to appear, accompanied by its parents or guardians.

**Article 62. Detention of a Child**

If necessary, a child will be detained for no more than forty-eight hours where the child has allegedly committed a serious crime punishable under the law by imprisonment of three years or more, [but]<sup>14</sup> there must be sufficient evidence.

If it is necessary to keep a child in detention, the investigator shall observe the following principles:

1. The child shall be informed of the reasons for the detention and guided on its rights under the law;
2. The child's parents or guardians shall be notified immediately;
3. It is prohibited to use all forms of violence, threat by weapons or by other things, foul language and defaming language towards a child offender;
4. The child shall be referred for a medical examination to check the health and mental condition of the child in detail, and the result shall be kept confidential, except where the concerned authorities have ordered the disclosure;
5. The child's safety shall be ensured while in detention facilities;
6. The detained child must be kept in a specific child detention area separated from the other gender.

**Article 63. Arrest**

The arrest of a child must be accompanied by an order in writing from a public prosecutor or juvenile court, except for cases where the child is seen committing a serious crime or in other urgent cases.

The public prosecutor or court shall issue an order of arrest against a child only as a measure of last resort, where all of the following conditions are satisfied:

1. All components of a crime are presented;
2. The child is alleged to have committed a serious crime punishable under the law by imprisonment of three years or more;
3. The evidence is clear and precise;

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<sup>14</sup> The literal translation is “and”.

4. There is reason to believe that the child may flee or destroy evidence, or commit further serious crimes, or harm victims or witnesses, or be harmed by others.

In the arrest of a child, the investigator shall comply with the requirements stipulated in Article 62 of this law.

#### **Article 64. Remand of Children**

Remand of a child shall be based on the following reasons and conditions:

1. There must be an order in writing from a public prosecutor or juvenile court, which complies with the conditions stated in Article 63 of this law;
2. Parents, guardians, relatives, friends and protectors shall be allowed to visit the child offender.

The duration of remand of a child must be no more than one month commencing from the date of issuance of the remand order. If it is necessary to undertake further questioning, the public prosecutor or juvenile court may extend the custody for one more month but the total duration of remand shall not be more than four months for a major offence and eight months for a crime<sup>15</sup>.

#### **Article 65. Pre-sentencing Release of Children from Detention**

The pre-sentencing release of children from detention is considered as a priority in juvenile criminal proceedings, particularly when conditions for remand are not met. The pre-sentencing release of children from detention shall take place on the request of their parents, guardians, or close relatives, or by a public prosecutor or juvenile court. No bail for the release, except in necessary cases, shall be required.

The investigators must give their opinion regarding the request of parents, guardians, or close relatives of the child for the release of a child within 24 hours after receiving such request, and send the request with their opinion to the public prosecutor or juvenile court no later than 24 hours.<sup>16</sup> If the public prosecutor or juvenile court decides to release the child, the latter must be released immediately.

A child released from detention shall be placed under the supervision of a parent, guardian or relative who has agreed to be responsible for the child.

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<sup>15</sup> A “crime” is the third category of offences (in addition to major and minor offences) defined in Article 8 (New) of the 2005 Penal Law.

<sup>16</sup> It is not entirely clear whether the investigator has a total of 24 hours or 48 hours to consider a request, form an opinion and send the request and opinion onwards. In the Lao text, 24 hours is repeated (as translated here).



There will be no release from detention when a crime is alleged to have been committed.

## **Chapter 6**

### **Proceedings Conducted by Public Prosecutors in Juvenile Cases**

#### **Article 66. Proceedings Conducted by Public Prosecutors in Juvenile Cases**

In conducting criminal proceedings against a child, the public prosecutors, in addition to performing their rights and duties stipulated in the Law on Criminal Procedure and in other laws, shall have the following rights and duties:

1. To undertake measures, within the scope of their authority, to protect the rights and interests of the child;
2. To consider referring the case to the village child mediation unit for solution;
3. To solve cases at their own level through mediation, and to prosecute in the juvenile court, if the mediation is unsuccessful;
4. To consider issuing an arrest warrant or order of remand in the case of necessity and when the offence is punishable by imprisonment of three years or more;
5. To consider issuing an order of pre-sentencing release.

In order to ensure the performance of its rights and duties, the Supreme Public Prosecutor may establish special juvenile units to deal specifically with juvenile cases.

#### **Article 67. Timeframe for Undertaking of Juvenile Cases by Public Prosecutors**

The public prosecutors shall consider a case received from the investigation agency within ten days, commencing from the date of receiving such case file, and shall decide as follows:

1. Return the case file to the investigation agency for additional investigation;
2. Prosecute the case in the juvenile court.

In the event that the public prosecutors decide to mediate the juvenile case at their own level, they must complete the case within thirty days from the date of receiving the case file.

## **Chapter 7 Juvenile Courts**

### **Article 68. Establishment of Juvenile Courts**

A juvenile court shall be established in each province and city as approved by the National Assembly Standing Committee; it shall be under the direct supervision of the People's Supreme Court and have first instance jurisdiction. The juvenile divisions of the Court of Appeal and of the People's Supreme Court will serve as courts of appellate instance and cassation respectively.

In the event that the juvenile courts have not been established, the juvenile divisions of the people's courts are assigned to consider juvenile cases.

### **Article 69. Cases Considered by Juvenile Courts**

Juvenile courts have the right to consider the following cases:

1. Criminal cases committed by children;
2. Cases concerning child labour;
3. Civil cases relating to children;
4. Other cases relating to children.

### **Article 70. Principles of Juvenile Court Proceedings**

Juvenile courts shall conduct proceedings in accordance with the following main principles:

1. The court hearing shall be conducted in secret and in an appropriate room which is different from the ordinary court room;
2. The child shall have the right to participate in the proceedings, to express its views, which shall be considered based on the balancing of the age and discernment of the child;
3. The proceedings in the court must be conducted in the Lao language and use simple words that are easy to understand, and if the child does not know the Lao language an interpreter must be provided;
4. The child shall have the right to legal assistance from a lawyer or other legal protector, and to have its parents or guardians participate;
5. Follow other principles as prescribed by the Law on Criminal Procedure and other relevant laws.

### **Article 71. Timeframe for Proceedings in Juvenile Courts**

A juvenile court proceeding shall proceed with the case within fifteen days from the date of receiving the order of prosecution from the public prosecutor.

**Article 72. Penalties to be Imposed on Children**

In addition to applying the general principles on the imposition of penalties as stipulated in the Penal Law, juvenile courts may undertake such measures and impose such penalties as are appropriate to the child's age and level of discernment as follows:

1. Applying court measures against the child pursuant to Article 53 (New) of the Penal Law;
2. Staying of execution pursuant to Article 47 of the Penal Law and sending child offenders to parents or guardians, [or] village administrative authorities for re-education;
3. The penalty of imprisonment imposed on children shall only be as a measure of last resort, except for a crime;
4. Children shall not be subject to the death penalty or life imprisonment. In cases of necessity where a penalty of imprisonment is required, the juvenile court may impose a half-term of the penalty that would otherwise be imposed on that child under the Penal Law; or the court may impose a lighter penalty than that prescribed by the Penal Law pursuant to Article 44 of Penal Law.

**Article 73. Juvenile Court Proceedings in Civil and Other Matters**

Juvenile court proceedings in civil and other matters shall be conducted in conformity with the Law on Civil Procedure and other relevant laws.

**Chapter 8  
Child Offender Vocational Training Centres**

**Article 74. Rights and Duties of Vocational Training Centres for Child Offenders**

Child offenders sentenced by the court to imprisonment will be sent to vocational training centres for child offenders.

The rights and duties of such vocational training centres are:

1. To educate children on ideology and attitudes; to provide education, vocational training and other necessary services, particularly health services, to assist the child to become a good person and to reintegrate into society;
2. To organise work that is appropriate to the age of the child;
3. To liaise, cooperate and coordinate with relevant organisations to conduct activities in performing its duties;
4. To exercise such other rights and perform such other duties as prescribed by the laws.

The establishment and activities of vocational training centres for child offenders are regulated by specific regulations.

**Article 75. Rights of Children in Vocational Training Centres**

A child offender placed in a vocational training centre shall have the following rights:

1. To have accommodation and appropriate food;
2. To have suitable clothing consistent with the climate;
3. To receive medical treatment, education and vocational training;
4. To engage in sports and leisure activities;
5. To meet with its parents, guardians, protectors, relatives and friends;
6. To receive useful information;
7. To be protected from all forms of abuse and maltreatment.
8. To have other rights as stipulated in the laws.

**Article 76. Responsibilities of Children in Vocational Training Centres**

A child offender sent to a vocation training centre shall have the following main responsibilities:

1. To respect and strictly follow the internal regulations of the centre;
2. To behave in such a way as to become a good child;
3. To pay attention to education, work and vocational training;
4. To respect and pay attention to the rights of other people in the same facility.

**Article 77. Monitoring and Inspection of Vocational Training Centres**

The State pays attention to the regular monitoring and inspection of vocational training by assigning the offices of the Public Prosecutor, in collaboration with other relevant agencies, to monitor and inspect the performance of duties of these vocational training centres, in order to ensure that the centres carry out their duties and activities effectively and in conformity with the laws and regulations.

**Article 78. Encouragement and Support to Children Released from Centres**

Children released from vocational training or rehabilitation centres shall be provided with support and assistance from the Committee for Protection and Assistance to Children by monitoring, education, counselling and assisting children to finding work in order to give them the opportunity to quickly reintegrate into society.

**Part VI**  
**Administration and Inspection on the**  
**Protection of Rights and Interests of Children**

**Article 79. Organisations Responsible for Administration and Inspection**

The government uniformly administers and inspects the implementation of activities on the protection of the rights and interests of children throughout the country.

The government assigns responsibilities to relevant sectors at central and local levels, especially the Ministry of Justice, the National Commission for Mothers and Children, the Ministry of Labour and Social Welfare, the Ministry of Public Health, the Ministry of Education, the Ministry of Information and Culture, the Ministry of Public Security, the Ministry of Foreign Affairs, the Lao Front for National Construction, the mass organisations, the Office of the Supreme Public Prosecutor, and the People's Supreme Court as the organisations to administer and inspect the protection of the rights and interests of children.

In the administration and inspection of the protection of the rights and interests of children, the Ministry of Justice shall act as the focal point for coordinating with relevant sectors.

**Article 80. Rights and Duties of Organisations Responsible for Administration and Inspection**

The organisations responsible for administration and inspection of the protection of the rights and interests of children have the following rights and duties:

1. To formulate strategies, policies, regulations and laws relating to the protection of the rights and interests of children;
2. To propagate and disseminate the policies, regulations and laws relating to the protection of the rights and interests of children;
3. To build and train officers specialising in activities concerning the protection of the rights and interests of children;

4. To supervise, encourage, monitor and inspect the implementation of policies, regulations and laws relating to the rights and interests of children;
5. To collect statistics and data relating to children;
6. To coordinate with relevant sectors on activities concerning the protection of the rights and interests of children;
7. To liaise and cooperate with foreign countries and international organisations concerning activities relating to the protection of the rights and interests of children;
8. To summarise and report on activities relating to the protection of the rights and interests of children to the government;
9. To exercise such other rights and perform such other duties as prescribed by the laws.

## **Part VII**

### **Policies Towards Persons with Outstanding Achievements and Measures Against Violators**

#### **Article 81. Policies Towards Persons with Outstanding Achievements**

Individuals or organisations with outstanding achievements [relating to] this law will be rewarded, complimented or receive other policies as determined by regulations.

Children who are good role models for friends in exercising rights and performing responsibilities will be rewarded, complimented or receive other policies as appropriate.

#### **Article 82. Measures against Violators**

Individuals or organisations that violate this law will be subject to various sanctions, such as: re-educational, administrative or penal measures, based on the nature of the violation, including compensation of civil damages.

#### **Article 83. Re-education Measures**

Individuals or organisations that violate this law will be re-educated when acting as follows:

- Obstructing children from receiving medical treatment, immunisation or education; [obstructing children] from participating in various activities for their physical, moral and mental development and for the development of their knowledge and ability;
- Behaving as bad examples for children;
- Using children to buy or advertise narcotic or intoxicating substances;

- Putting up signs to advertise alcohol, beer, cigarettes and other intoxicating substances near schools or in children community areas;
- Negligence in the performance of duties by staff responsible for the protection of the rights and interests of children;
- Employing a child under 14 years of age;
- Other violations that are not serious in nature as prescribed in this law.

**Article 84. Administrative Measures**

Individuals or organisations that violate this law will be fined or subject to disciplinary sanctions when acting as follows:

- Violations referred to in Article 83, that continue after re-education;
- Allowing children to enter a restaurant serving alcohol, beer or intoxicating drinks;
- Allowing children to take part in pornographic and obscene activities;
- Employing children over the limit of hours or to perform heavy work as prescribed by the Labour Law;
- Other violations stated in this law, which are administrative violations.

Besides the above-mentioned measures, the violators may be subject to suspension or withdrawal of business license.

Fines are determined in specific regulations.

**Article 85. Disclosure of Children’s Privacy**

Any person who reveals the identity or personal information of a child who is a victim, suspect, defendant, or convicted person shall be punished by imprisonment from three months to one year or re-educated without deprivation of liberty and fined from 500,000 Kip to 2,000,000 Kip.

**Article 86. Disseminating Child Pornography**

Any person who produces, distributes, disseminates, imports, exports, displays or sells magazines, photographs, films, videos, VCDs, DVDs and other items of child pornography, shall be punished by imprisonment from one year to three years and fined from 2,000,000 Kip to 6,000,000 Kip.

**Article 87. Using Child Labour**

Any person using child labour in hazardous sectors, and who has been subject to administrative measures but has repeated the offence, shall be punished

by imprisonment from three months to one year and fined from 1,000,000 Kip to 2,000,000 Kip.

If such use of child labour causes disability or death to the child, [such person] shall be punished by imprisonment from three years to seven years and fined from 3,000,000 Kip to 7,000,000 Kip.

**Article 88. Abandonment of Children**

Any person who intentionally abandons a child shall be punished by six months to two years imprisonment and fined from 600,000 Kip to 2,000,000 Kip.

If the abandonment results in disability or death to the child, [such person] shall be punished by imprisonment from three years to seven years and fined from 3,000,000 Kip to 7,000,000 Kip.

**Article 89. Sexual Relations with Children**

Any individual who has sexual relations with a girl or boy under eighteen to fifteen years of age by paying or giving any type of benefit shall be punished by imprisonment from three months to one year or re-educated without deprivation of liberty and fined from 1,000,000 Kip to 2,000,000 Kip.

Any individual who has sexual relations with a girl or boy from under fifteen to twelve years of age by paying or giving any type of benefit shall be punished by imprisonment from one year to five years and fined from 2,000,000 Kip to 5,000,000 Kip.

Any individual who has sexual relations with a girl or boy under twelve years of age by any means shall be considered as having committed rape and that person shall be punished by imprisonment from seven years to fifteen years and fined from 7,000,000Kip to 15,000,000 Kip.

Any individual who has requested, received, recruited or offered children under eighteen years of age to become prostitutes, shall be considered as an offender and shall be punished as stipulated in Article 134 (New) of the Penal Law.

**Article 90. Trafficking in Children**

Any person who commits an offence of trafficking in children shall be punished by imprisonment from five years to fifteen years and fined from 10,000,000 Kip to 100,000,000 Kip and shall have his assets confiscated as provided in Article 134 of the Penal Law.



**Article 91. Civil Measures**

In addition to the penalties stipulated in Articles 85 to 90 of this law, the offender shall pay compensation for damages such as medical treatment, moral injury, sick leave, travel, food and accommodation and other damages.

**Part VIII  
Final Provisions**

**Article 92. Implementation**

The government of the Lao People's Democratic Republic is to implement this law.

**Article 93. Effectiveness**

This law shall become effective after ninety days from the date of the promulgating decree of the President of the Lao People's Democratic Republic.

Any provisions that contradict this law are repealed.

Vientiane, 27 December 2006  
President of the National Assembly

*[Seal and Signature]*

Thongsing THAMMAVONG