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## Human Rights Council

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Universal Periodic Review

### Report of the Working Group on the Universal Periodic Review\*

#### Lao People's Democratic Republic

Addendum

**Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review**

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\* The present document was not edited before being sent to the United Nations translation services.

## **The consideration by the Lao Government of the 48 Recommendations**

### **I. The recommendations in the Report of the Working Group on the UPR ref. No. A/HRC/WG.6/8/L.4 dated 6 May 2010 to enjoy the Lao PDR support:**

1. Recommendations 98(8) (Egypt), 98(16) (Spain), 98(22) (Brazil and Hungary), 98(26) (Germany), 98(37) (New Zealand), 98(35) (Italy and the Netherlands), 98(38) (France), 98(39) (United Kingdom), 98(40) (Australia), 98(41) (Canada), 98(47) (Mexico), 98(48) (Luxembourg), 98(23) (Slovenia), 98(43) (Italy) and 98(44) (Slovakia).

### **II. The Lao PDR supports the following Recommendations in part:**

#### **Recommendation 98(6) (Canada, France and Luxembourg).**

##### *Explanations*

2. The Lao PDR supports the principles enshrined in the ICC Statute. The ratification of the Rome Statute is accordingly in line with the Government's policies. The Master Plan on the Development of a Rule of Law State adopted by the Government has an emphasis on consideration of the ICC. The Lao PDR has also conducted a series of seminars and educational workshops on the ICC. However, the country needs time for a more in depth study of the treaty, to raise awareness and understanding of the ICC among Lao officials and the public at large and at the same time to improve its penal law to criminalize the serious international crimes under the ICC jurisdiction and to establish jurisdiction of the Lao PDR national court to prosecute those crimes in accordance with the ICC principle of complementarity. The country also needs to build capacities of the Lao judiciary to be prepared for the implementation of the Rome Statute in the future. Given the country's present circumstances with particular reference to its capacities, the Lao PDR is not in a position to ratify the Rome Statute. The Lao PDR will, however, continue its efforts in this regard to educate and inform the relevant officials in the judiciary, the military and the law enforcement agencies about the Rome Statute and its principles.

#### **Recommendation 98(10) (Canada).**

##### *Explanations:*

3. Given its unique history as a victim of unexploded ordinances more so than any other nation, the Lao PDR takes the issue of the landmines very seriously in its national policy. The Lao PDR Government implements currently a humanitarian policy to help its citizens affected by UXO dropped in the Laos during the Indochina war. UXO is a major obstacle to the national development and continues to cause loss of life and injuries to the Lao people. Ratification of the Ottawa Convention is, therefore, clearly in line with Lao Government's policies. However, the country needs time to be ready for the implementation of the Convention once it is ratified. Given the current challenges and great burden in dealing with the UXO, the Lao PDR is not yet ready to become a party to this treaty. We will continue to study it thoroughly to prepare for its implementation once conditions are ripe for ratification.

**Recommendation 98(11) (Finland).***Explanations:*

4. Over the past year, the Government has paid great attention to the harmonization of the country's international obligations under the respective conventions with the national legislation, achieving steady results with the assistance of its development partners. The country will continue to further integrate treaty obligations into national laws in accordance the Master Plan on the Development of a Rule of Law State.

5. The Lao PDR is already party to six core UN treaties and 2 protocols in the field of human rights among the hundreds of bilateral, regional and multilateral treaties signed and ratified by the country. Being party to treaties, the country is focusing on their effective national implementation including putting in place institutional mechanisms for enforcement, dealing with complaints at the domestic level.

6. The current priority and focus of the government is, therefore, to establish appropriate and effective national institutional infrastructure to deal with human rights related complaints. Since the individual complaints mechanism at the international level requires the exhaustion of domestic remedies as a condition, the Lao PDR sees its focus on the establishment and or strengthening of its domestic institutional complaints mechanism as an important condition to its ratification of the instruments allowing for individual complaints. The Lao PDR will study such instruments and will further adopt measures to strengthen the national procedures for dealing with human rights complaints and raise awareness of relevant officials before becoming party to these instruments.

**Recommendation 98(12) (Germany).***Explanations:*

7. The Lao Government recognizes the important role of civil societies in the national development, including the promotion and protection of human rights in the country. In 2009, the Lao PDR adopted the Decree on Associations to assist and enhance the participation of civil societies in the promotion and protection of human rights. Over the past years the Government has paid attention to raising awareness on the human rights conventions to which Lao PDR is party to among officials and the public. Dissemination of human rights information has been and will continue to be undertaken by the relevant ministries, national commissions and committees, mass, social and professional organisations according to their respective plans of action. The Lao PDR, therefore, accepts, in principle, the Recommendation regarding action plans. However, it notes that the development of a national human rights plan of action is a comprehensive national undertaking and a difficult task with significant resource implications for the country. In doing so, Lao PDR needs resources to develop meaningful and effective national plan of action.

**Recommendation 98 (21) (Mexico).***Explanations:*

8. The Lao PDR has established a National Steering Committee and is preparing a national action plan on human trafficking. The Lao PDR is party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime and is in the process of its implementation. The country is also actively cooperating with other countries in the region in fighting human trafficking. The Lao PDR supports the Recommendation in so far as it relates to the evil crime of trafficking in human beings. With its unique position

in being neighbour to more developed Nations, Lao PDR suffers from this crime and was among the first countries in the region to ratify the Protocol. The Lao PDR, however, stressed that for historical reason and multi ethnic aspect, no ethnic group is more indigenous than the others. Lao PDR, therefore, is unable to accept the term: “indigenous women” contained in the Recommendation. The Lao PDR takes this opportunity to stress that it is striving hard within its resources to combat human trafficking with particular emphasis on the protection of women from all its 49 ethnic groups.

**Recommendations 98(27) (Denmark), 98(28) (Slovakia), 98(25) (New Zealand), 98(24) (Hungary).**

*Explanations:*

9. The policies, constitution and laws of Lao PDR ensure the equality and non-discrimination among the 49 ethnic groups in the Lao PDR. No ethnic group is inferior to any other. Representatives of ethnic groups, including the Hmong hold office at different levels of government. The Hmong, like any other ethnic group, have the rights and duties as enshrined in the Constitution and laws and they are part of this harmonized and inclusive Lao society. No ethnic group in the Lao PDR is classified as indigenous. Therefore, the Lao PDR is not supporting the part of this recommendation mentioning indigenous people.

10. The Lao PDR supports this Recommendation with the understanding, and stresses that the Hmong, like all ethnic groups in the Lao PDR enjoy the protection of the law in the country. The Lao PDR’s constitution and laws guarantee the rights and freedoms to all Lao citizens without discrimination on the ground of ethnicity, including the Hmong which is one among the 49 ethnic groups living in this harmonized and inclusive Lao society. The Lao PDR is party to several human rights treaties and is paying great attention to their implementation at the national level. Lao PDR welcomes appropriate engagement of the international community on this issue. Lao PDR hopes that the international community will continue in its cooperation and assistance towards creating conditions for better human rights for the Lao people of all ethnic groups in accordance with the international human rights instruments to which the country is party to. Such conditions include poverty reduction, UXOs clearance, employment, infrastructure such as schools, hospitals, etc according to the national socio-economic development plans of the country.

11. The Lao PDR supports this Recommendation because all groups in the Lao PDR receive equitable treatment. The Lao PDR, however, notes that the term minority is normally referred to the inferior status of such group as opposed to the rest of the population. The Constitution of the Lao PDR provided for the equality of all ethnic groups in the county as a multi ethnic society. Accordingly, all laws and policies of the government stress on equality of all 49 ethnic groups before the law. Any reference to ethnic groups in Lao PDR that focus on ‘minorities’ runs counter to the aspirations of multi-ethnic people of Lao PDR. With regard to the visit of the Independent Expert on Minority Issues, the Lao PDR notes that it has hosted the visit of the Special Rapporteur on Religious Freedoms recently. It will, therefore, consider further inviting Independent Experts at appropriate time.

**Recommendations 98(29) (France), 98(31) (United Kingdom, New Zealand, Australia and Canada).**

*Explanations:*

12. The Lao PDR supports in part the recommendations 25, 26 because it is in line with Lao Government’s policies to provide humanitarian assistance to the group of Lao Hmong who returned from Thailand. There are no grounds in international law to consider them

refugees as they were merely economic migrants seeking better economic conditions but are illegal immigrants according to Thai law. The Lao PDR will continue to organise visits by the international community. As of today several foreign delegations including US Congressmen, US Government and UNHCR officials have visited villages where Hmong returnees are living.

**Recommendation 98(32) (The Netherlands).**

*Explanations:*

13. The Lao PDR's constitution and laws guarantee the right to freedom of movement and residence, including the right to leave and return to the country in accordance with Article 12 of the ICCPR. Lao citizens without discrimination based on ethnicity, gender, age or any other grounds may apply for travel documents at any time. Thousands of Lao citizens travel daily abroad. The Hmong who were repatriated from Thailand benefit the same rights like other Lao citizens.

**Recommendation 98(33) (Spain).**

*Explanations:*

14. The Government attaches importance to building capacities of law enforcement and judiciary officials in human rights in effort to strengthen the Rule of Law. Human Rights training programmes were conducted for judges, prosecutors and police officers. Recently 18 Lao judges received training in human rights and criminal justice in The Hague while judges, prosecutors, lawyers and police officers increased their awareness and understanding of international fair trial practice through the recent workshop on the right to a fair trial organized in the Lao PDR in collaboration with the International Commission of Jurists. Human rights trainings will be further conducted in the country. With regard to the access of the international community to the country penitentiary and detention centres, the Lao PDR will consider it on a case-by-case basis. As of today several members of diplomatic corps and representatives of the international organisations and foreign delegations have visited these centres and the Government will continue to do so if requested.

**Recommendation 98(34) (Switzerland).**

*Explanations:*

15. The Lao PDR will implement this recommendation within its national resources, conditions and abilities according to its national socio-economic development. The Lao PDR will continue to cooperate with the ICRC on a case-by-case basis.

**Recommendation 98(46) (Australia).**

*Explanations:*

16. The Lao Government encourages mass, media, professional and social organisations to get involved in human rights education, advocacy and monitoring. These organisations actively participated in the preparations of the national report on the UPR and the periodic reports under relevant treaties. The Lao PDR supports the recommendations with the understanding that the human rights activities of these societal sectors shall be within the national constitution and laws, especially the Law on Mass Media and the Decree on Associations.

### **III. The recommendations which do not enjoy the Lao PDR support:**

#### **Recommendation 98(1) (Canada, Luxembourg and Spain).**

*Explanations:*

17. The Lao PDR has recently ratified the ICCPR. The Lao PDR intends to concentrate its efforts on the effective and successful implementation of the ICCPR provisions, including creating national institutional mechanisms in dealing with individual complaints at this stage.

#### **Recommendations 98(2) (Australia and Slovenia), 98(3) (Italy), 98(17) (Germany), 98(18) (Spain), 98(19) (Belgium), 98(20) (France and Finland).**

*Explanations:*

18. With regard to the recommendations 32,33,34,35,36,37 above concerning death penalty, the Lao PDR is not ready to abolish this capital punishment as it is an effective deterrent to most serious offenses especially drug trafficking. The Lao PDR is a party to the ICCPR and will review the scope of the offenses in its present criminal law to be in line with Article 6 of the ICCPR.

#### **Recommendation 98(4) (Switzerland and Spain).**

*Explanations:*

19. Lao PDR will consider becoming party to the CAT first and wishes to implement the treaty first before considering its Optional Protocol.

#### **Recommendation 98(5) (Canada and Spain).**

*Explanations:*

20. Lao PDR recognizes the importance of gender equality and has pursued a proper policy in this regard. Women play an increasing role in the political, economic, social and cultural life of the nation. As part of its democratisation strategy in the treaty adoption process, the Lao National Commission for the Advancement of Women has organised a workshop to discuss the content of the Optional Protocol to CEDAW to gather comments and opinions from all stakeholders on the Protocol. The workshop which was participated by women's organisations and representatives of Government ministries and institutions has made a conclusion that Lao PDR needs more time to study the Protocol, to raise awareness among officials, women's organisations and the public at large. At the same time, the country needs to put in place domestic remedies in order that the country is ready to implement the Protocol in the future.

#### **Recommendation 98(7) (Spain).**

*Explanations:*

21. The Lao PDR has recently ratified the CRPD and wishes to implement the Convention first before considering its Optional Protocol.

**Recommendation 98(9) (Switzerland).***Explanations:*

22. The Lao PDR is not yet ready to ratify this important treaty as the country will focus on the implementation of the many equally important human rights treaties its has ratified.

**Recommendations 98(13) (Brazil and Armenia), 98(14) (Spain and Canada), 98(15) (Norway).***Explanations:*

23. With regard to the recommendations 42, 43, 44 above, Lao PDR will consider extending invitation to the UN Special Procedures on a case-by-case basis. Regarding the standing/open invitation, currently less than 70 states have issued such invitation and very few have done so in the Asia-Pacific. Recently the Lao PDR hosted the UN Special Rapporteur on freedom of religion or belief which has demonstrated the country's good will in dialogue and cooperation with the Special Procedures.

**Recommendation 98(36) (Denmark).***Explanations:*

24. Lao PDR constitution and laws ensure the freedom of religion. Lao citizens have the right to believe or not to believe in any religion. The only limitations on the practice of this freedom provided for in the Lao legislation are deemed to be allowed by the ICCPR.

**Recommendation 98(42) (France).***Explanations:*

25. The Lao constitution and law, especially the Law on Media guarantee the freedom of expression. The Lao Government is of the view that the limitations contained in the Law on Media are deemed permissible under the ICCPR in regard to freedom of expression. The Government needs some time to identify gaps or weaknesses (if any) through the implementation of the Law. Regarding the activity of civil society and human rights organisations, the activity of these organizations is regulated by the national legislation especially the Decree on Associations.

**Recommendation 98(45) (New Zealand).***Explanations:*

26. No legislation in the Lao PDR allows for suppression of freedoms of expression. The constitution clearly provides for the freedoms of speech, writing and peaceful assembly not contrary to the law. The Law on Media provides details for the exercise of the freedom of expression. Individual or groups of individuals in the Lao PDR also exercise freedom of expression through the members of the National Assembly as well as through the hotline operated by the National Assembly.

**Recommendation 98(30) (Brazil).***Explanations:*

27. The Lao Government recognises the important role of this global humanitarian agency in assisting refugees worldwide, including the repatriation of the Lao refugees in the

past. However, since none of the Lao Hmong who returned from Thailand are refugees according to the definition of refugee in international law, the Government does not see any need for the UNHCR to get involved in the matters relating to the Hmong who have returned from Thailand. The Government will continue dialogue on this matter through bilateral engagement and also through the UN Human Rights Council as and when necessary.

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