



# General Assembly

Distr.: General  
22 February 2010

Original: English

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Eighth session**  
Geneva, 3–14 May 2010

**National report submitted in accordance with  
paragraph 15 (a) of the annex to Human Rights Council  
resolution 5/1\***

**Lao People's Democratic Republic**

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

## **I. Methodology and consultation process**

### **A. Methodology**

1. The national report of the Lao People's Democratic Republic (the Lao PDR) under the Universal Periodic Review (UPR) was prepared and drafted in accordance with the general guidelines stipulated in Resolution 5/1 of 18 June 2007 and Decision 6/102 of 27 September 2007 of the Human Rights Council. This report focuses on the development and implementation of laws and regulations, the State's institutions, policies and practices, as well as the challenges, constraints and national priorities in the promotion and protection of human rights in the Lao PDR.

2. In preparation of this report, the Ministry of Foreign Affairs was the focal point for coordination and wide consultations amongst the relevant state agencies and all other stakeholders. The Government set up a National Steering Committee on the preparation of a national report under the UPR. Under this Committee, a task force on the UPR was established comprising representatives of government ministries and institutions, the National Assembly, the People's Supreme Court, the Office of the Supreme People's Prosecutor, the Lao Front for National Construction and the mass organizations concerned.

### **B. Consultation process**

3. In the preparation process for the UPR, the Lao Government sent its delegations to attend a number of regional workshops and seminars on the Universal Periodic Review. Lao delegations went on study visits to some countries to learn from their experience in regard to the UPR. National workshops to raise awareness of the UPR among central and local authorities and stakeholders were conducted. A series of consultations on the national report drafting were conducted which were participated by line-ministries and institutions, the Lao Front for National Construction, mass organizations, civil society organizations, professional organizations, educational, research institutions, and international organizations based in the Lao PDR. The Regional Representative of the High Commissioner for Human Rights for South East Asia was invited to facilitate as a resource person in the preparation process.

## **II. Introduction to the Lao PDR**

### **A. Overview of the Lao PDR**

4. Laos has a long history and the Lao people have long lived on this land where they built a prosperous country at different times of history. Laos had been a vassal state of its neighbour for over a hundred of years before it fell under the yoke of colonial domination for more than sixty years and then suffered interference and invasion by the powers of neo-colonialism for almost twenty years. During those bitter periods of Laos' history, the Lao people of all ethnic groups were exploited by foreign invaders, lost national independence and the right to be masters of the country. They were deprived of their rights and the opportunity to participate in political life of the country. During those times, the rights of the Lao people were not respected, promoted and protected, and were seriously violated. After the establishment of the Lao People's Democratic Republic in 1975 the Lao people of all ethnic groups have indeed become the masters of their own country. They now live in an independent and sovereign country, where they fully enjoy the right to self-determination

which creates conditions for the promotion and protection of human rights of Lao people throughout the country.

5. The Lao PDR is a least developed and landlocked country, situated in Southeast Asia, with a population of about 6 million. The total area of Laos is 236,800 square kilometers of which two-thirds is mountainous. The Lao PDR shares borders with 5 countries, namely the People's Republic of China in the North, the Kingdom of Cambodia in the South, the Socialist Republic of Vietnam in the East, the Kingdom of Thailand in the West, and the Union of Myanmar in the North West.

6. The population of the Lao PDR consists of 49 ethnic groups, living scattered from the North to the South, and is classified into 4 ethno-linguistic groups, namely Lao-Tai, Mon-Khmer, Hmong-Imien, Sino-Tibetan. The multi-ethnic Lao people live in peace and harmony. They enjoy solidarity and equal rights before the law.

7. According to the 2005 Census, 67 per cent of Lao people are Buddhist, 1.5 per cent are Christian and less than 1 percent are followers of Islam and Bahai. Besides religious followers, 30.9 per cent are animists and others.

## **B. Political structure**

8. The Lao PDR adopted its first Constitution in 1991, and amended it in 2003 in order to meet the needs of the socio-economic development, as well as regional and international cooperation and integration. The Constitution clearly establishes such a political system that the Lao PDR is a people's democratic state; all powers belong to the people, and are exercised by the people and for the interests of the Lao multi-ethnic people. The rights of the Lao multi-ethnic people as masters of the country are exercised and guaranteed through the functioning of the political system which the Lao multi-ethnic people have chosen on the basis of the right to self-determination through the election of a body that represents their powers and interests called the National Assembly.

9. The administrative system of the Lao PDR consists of the organs of state powers, namely the National Assembly, the Government, the People's Courts and the People's Prosecutor Offices. In addition to the organs of state powers, the Lao Front for National Construction, mass organizations such as the Lao Federation of Trade Unions, the Lao People's Revolutionary Youth Union, the Lao Women's Union, the Federation of Military Veterans, and other social and professional organizations operate in the country with a view to uniting and mobilizing the Lao multi-ethnic people of all social strata in carrying out the tasks of protection and development of the country, to protecting the rights and legitimate interests of the respective organizations' members.

10. The National Assembly is a state organ representing the rights and interests of the Lao multi-ethnic people. The National Assembly is the supreme organ of state powers and also the legislative branch with the powers to make decisions on fundamental issues of the country, to oversight the activities of the executive organs, the people's courts and the offices of the people's prosecutors. The election of the National Assembly members is carried out on the basis of the principles of universality, equality, direct suffrage and secret ballot.

11. The Government is the executive branch of state powers. The Government administers in a unified manner the implementation of the State's duties in all fields such as political, economic, cultural, social, national defense and security, and foreign affairs. The Government of the Lao PDR consists of 14 Ministries and 2 Ministry-equivalent organizations. The local administration is composed of 16 provinces and the Capital City of Vientiane, 143 districts and 8,955 villages.

12. The Lao PDR always pursues a consistent policy to guaranteeing human rights of the Lao multi-ethnic people. The struggle for national independence in the past as well as the national protection and development at the present time always have an aim to guaranteeing equal rights, freedoms and democratic rights of the Lao multi-ethnic people which cannot be violated by anyone. The national socio-economic development over the past three decades and at the present time, which has yielded a gradual success, has improved the livelihoods of the people. Currently, the Government is concerting efforts to improve and enhance the people's democratic regime so that state mechanisms truly serve the nation and the people, creating favourable conditions for the Lao people to fully enjoy and exercise their rights.

13. The people's courts constitute the judicial branch of the State, consisting of the People's Supreme Court, regional courts, provincial courts, district courts, and the military courts. The People's Supreme Court is the highest judicial organ of the State. The people's courts make decisions in a collective manner. In their adjudication, judges must be independent and strictly comply with the laws. Final court judgments are to be respected by all organizations of the Party, the State, the Lao Front for National Construction, all mass and social organizations, enterprises, and all citizens. Individuals and organizations concerned must strictly implement them.

14. The Office of the People's Prosecutor has the duty to monitor the implementation of the laws. The Office of the People's Prosecutor consists of the Offices of the Supreme People's Prosecutor, regional, provincial, district prosecutors and military prosecutors. It has the rights and duties to monitor and to supervise the correct and uniform implementation of laws and regulations by all ministries, ministry-equivalent organizations, organizations attached to the Government, the Lao Front for National Construction, mass organizations, social organizations, local administrations, enterprises, civil servants and citizens; and to exercise the right of public prosecution.

### **C. Promotion and protection of human rights at the national level**

15. The Constitution of the Lao PDR, which is the supreme law of the country, provides for fundamental rights and duties of the citizens (Chapter IV, Article 34-51) including civil, political, economic, social and cultural rights. Based on the Constitution, the National Assembly has adopted about 90 laws, many of which concern the promotion and protection of human rights, including development and protection of women, protection of children's rights and interests, and freedom of the media, among others. There are also a number of relevant sub-laws and regulations issued by the executive.

16. After the national liberation in 1975, the Lao Government has focused on the implementation of many tasks to heal the wounds of the aggressive wars and to improve the living conditions of the Lao multi-ethnic people. In 1986, the Government adopted the New Economic Mechanism, transforming the central-planned economy to a market-oriented economy, resulting in the gradually progress being recorded in the national economic development. The Government defined periodic strategies by setting a clear vision for socio-economic development which has been materialized through the implementation of the various programmes adopted by the Government such as the National Growth and Poverty Eradication Strategy (NGPES), the periodic five-year National Socio-Economic Development Plans (NSEDPP), the Vision and Strategy for Education by 2020, the Strategy for Public Health by 2020, the Master Plan for the Development of the Rule of Law by 2020, the national targets for achieving the Millennium Development Goals (MDGs). All these affirmative actions by the Government are aimed at considerable eradication of poverty of the Lao multi-ethnic people by 2015 and to graduating the country from least developed country status by 2020.

17. The Lao PDR is a party to six core human rights conventions and two optional protocols: International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of Persons with Disabilities (CRPD), Convention on the Rights of the Child (CRC) and the latter's two Optional Protocols regarding the Sale of Children, Child Prostitution and Child Pornography, and the Involvement of Children in Armed Conflict. The Lao PDR also signed the Convention for the Protection of All Persons from Enforced Disappearance. In principle, the provisions of these human rights treaties have been largely incorporated into the Lao PDR's national laws and regulations.

18. Furthermore, the Lao PDR is a party to other conventions in the fields of human rights, international humanitarian law and labour law such as the four Geneva Conventions of 1949 and the two Protocols thereto, namely Protocol Additional to the Geneva Conventions, relating to the Protection of the Victims of International Armed Conflicts (Protocol I) and Protocol Additional to the Geneva Conventions, relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II). In addition, the Lao PDR is also a party to eight conventions of the International Labour Organization (Conventions No. 4, 6, 13, 29, 100, 111, 138, 182), the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention Against Transnational Organized Crime.

19. The Lao PDR has established inter-agency mechanisms to promote and protect human rights such as the National Steering Committee on the Preparations for the Ratification and Implementation of the International Covenants on Human Rights, and the National Steering Committee on the Preparations for the UPR, the National Steering Committee on reporting under and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the National Commission for the Advancement of Women, the National Commission for Mothers and Children, the National Committee for Disabled People, the National Committee for Rural Development and Poverty Alleviation, and the National Committee Against Human Trafficking.

20. In May 2008, the Lao PDR officially opened its Permanent Mission to the United Nations Office and Other International Organizations in Geneva, Switzerland. This enables the country to closely coordinate with the Geneva-based offices responsible for human rights of the United Nations and more actively participate in and follow the activities of the human rights mechanisms of the United Nations.

21. On the basis of its consistent and constructive foreign policy, the Lao PDR has welcomed the UN Special Rapporteur on Freedom of Religion or Belief, Ms. Asma Jahangir, who visited the Lao PDR from 23-30 November 2009. The Lao PDR is also considering extending invitations to other thematic special rapporteurs in the future. At the regional level, the Lao PDR has actively participated in and made meaningful contributions to the process leading to the establishment of the ASEAN Intergovernmental Commission on Human Rights. At the same time, at bilateral level, the Lao PDR has conducted human rights dialogues with foreign countries namely Sweden, Australia and also with the European Union, to exchange lessons, experience and good practices in the promotion and protection of human rights in order to promote mutual understanding and enhance cooperation and technical assistance in the field of human rights.

22. The Lao PDR attaches importance to human rights study and research. The Ministry of Education has developed a human rights education curriculum and established a Human Rights Unit at the Faculty of Law and Political Science of the National University of Laos in order to improve the Faculty's curriculum applying basic knowledge of human rights to the teaching at the Faculty. Besides, a Human Rights Research Centre has been set up

within the National Academy of Social Sciences to conduct research in human rights. The Lao PDR has actively conducted dissemination of human rights principles and norms contained in international human rights law, such as the UN Charter, the Universal Declaration of Human Rights (UDHR), and the human rights treaties to which the Lao PDR is a party, in parallel with dissemination of national laws and regulations among civil servants, government officials at the central and local levels, as well as the general public, including children and the youth. On the occasion of Human Rights Day, Anti-Corruption Day, International Day of the World's Indigenous Peoples and other occasions relating to the promotion and protection of human rights, the Lao Government together with the UN and other development partners organized respective commemorative events to disseminate relevant information and further raise awareness of the respect for and the protection of human rights.

### **III. Implementation of human rights in various areas**

#### **A. Economic, social and cultural rights**

##### **1. Development and eradication of poverty**

23. The Lao PDR is among the Least Developed Countries (LDC) in the world, ranking the 133<sup>rd</sup> of the 182 countries, according to the UNDP's Global Human Development Index (HDI) of 2008. The Government therefore adopted a vision on development from 2001-2020, aiming at extricating the country from the LDC status and eradicating poverty. In order to translate the government's vision into reality, the Lao PDR is currently implementing the National Socio-Economic Development Plan (NSED) for the period from 2006-2010, which is part of the Ten-year Development Plan for 2001-2010. The most significant objectives of the NSED are to remove negative practices and obstacles to development, such as slash-and-burn farming, opium poppies growing, etc. To that end, the Government has adopted and is implementing the National Growth and Poverty Eradication Strategy (NGPES) 2006-2010, focusing on alleviation of poverty in the 47 poorest districts in the country. The Government has adopted and is implementing 11 programmes, 111 projects concerning all aspects of socio-economic development during the five-year period from 2006-2010. Every district and province has designated 2-3 focal development areas. Many of these focal development areas have become models of comprehensive rural development being the centers of economic and cultural development cluster villages, bringing about changes in many aspects to the rural areas. In addition, the Government has organized and guided the personnel working on rural development from the central to local and grassroots levels in pursuit of the government's policy of reaching out to localities. At the grassroots level, volunteers on rural development in villages have actively worked in the focal development areas. As a result, the local people living in the said areas receive vocational training leading to their new and better livelihoods.

24. The Government has considered poverty alleviation a top priority in its socio-economic development policy, making large investments annually in rural development and poverty alleviation. Especially in 2008-2009, the investment value in this regard amounted to 344,12 billion kip (Lao currency). Over the past five years, the Government has mobilized and allocated funds in this work with the total value of 1,895 billion kip or about US\$190 million. At the same time, the Government has set up a Poverty Reduction Fund since 2003 covering 19 districts in 6 provinces, and provided village development funds to address poverty in remote areas (from 2004-2007) with a total value of 41.7 billion kip, benefitting 47 districts, 459 villages and 22,809 households. This effort by the Lao Government has contributed to the sustained annual economic growth of 7 per cent on average, per capita income of \$810 (2008), compared to \$300 per capita in the 1970s

before the introduction of the New Economic Mechanism . The poverty of the population has decreased from 48 per cent in 1990 to 26.8 per cent in 2008.

## **2. The right to work**

25. The right to work of the Lao multi-ethnic people is guaranteed by the Constitution and the Labour Law of the Lao PDR. To help the people enjoy the right to work, the Government has endeavoured to develop labour skills and vocational training for the people by establishing, and authorizing the private sector to set up, vocational training centres. At present, there are 152 training centres throughout the country, of which 60 and 92 are owned by the public and private sectors respectively. In addition to promoting employment within the country, the Government cooperates with other countries to send Lao workers to work abroad. To date, 16,390 Lao workers, 4,156 of which are women are working abroad, contributing to a decreased unemployment rate in the country, which in 2005 stood at 1.4 per cent of the national workforce.

26. The working people without distinction as to gender, social strata and other grounds enjoy improved working conditions, safe for their health, appropriate to their age; and equal pay for work of equal value. The National Assembly adopted the Law on Trade Unions in 2008, while the Government adopted several decrees which together with the Constitution and laws are conducive to the protection of the rights and legitimate interests of workers, both women and men.

## **3. The right to education**

27. Education is an important right of the Lao citizens, being prioritised in the development policies of the Lao PDR. The right to education is provided for in the Constitution and in the Law on Education, as amended in 2007, which materializes the constitutional provisions by setting out the principles for the development and administration of education, aimed at enabling all people to access education without any discrimination, ensuring the rights and obligations of the citizens in the education field. The Government has considered education the core of human resource development. The Government implements the policy of effective access to education, creating opportunities for all people to receive education, especially those living in rural remote areas, women, children, the disadvantaged. The Government has also created conditions for more citizens to receive vocational training.

28. The education system of the Lao PDR is under reform and being improved so as to meet the needs of national socio-economic development. Education is central to human resource development and one of the priorities in the NGPES. During the last decade, the Government has adopted the National Strategy on Education for 2001–2020, the National Action Plan on Education for All for 2003-2015, the National Education System Reform Strategy for 2006-2015, and the Educational Sector Development Framework, which share the main goal of expanding the opportunity of access to education for Lao people of all ethnic groups across the country from pre-school to higher education.

29. The annual survey conducted by the Centre of Education Statistics and Information Technology in 2009 shows that at the present time there are 1,123 nurseries and kindergartens, 8,871 primary schools, 1,125 secondary schools (722 lower secondary schools, 35 upper secondary schools, 368 full secondary schools), 39 vocational schools, 152 public and private higher educational institutions and universities; the literacy rate of citizens aged 15-40 years is 83.8 per cent; the literacy rate of citizens aged above 15 years is 78.51 per cent; pre-school rate is 19.7 per cent; net school enrolment is 91.6 per cent; lower secondary school enrolment is 62.7 per cent; upper secondary school enrolment is 36.8 per cent; and the ratio of higher education students is 1,977 per 100,000 persons of the country's population.

#### **4. The right to health**

30. The public health sector is another sector the Government has paid attention to. The right to health is guaranteed in the Constitution, the Law on Health Care, and other related laws of the Lao PDR. Article 25 of the Constitution sets out the government's policy and duties on development of the public health sector to promote increasing health standards for Lao citizens. The Government is taking measures to promote access to healthcare, especially for those living in rural remote areas, and for the poor so that they have greater access to health care. The Government has established networks to provide assistance to victims of the wars as part of the Indochina War, including disabled persons, and to those affected by the outbreak of diseases, and also has focused on providing relief for those affected by natural disasters. Up to now, health care infrastructure is improving and continuously expanding. There are 4 central hospitals, 4 regional hospitals and 3 treatment centres (Eye Treatment Centre, Dermatology Centre, and National Disabled Persons Rehabilitation Centre), 16 provincial hospitals, 126 district hospitals, 775 healthcare centres, of which 742 healthcare centres are in operation, covering 742 cluster villages, consisting of 3,728 villages. In addition, 5,688 medical kits are provided to villages located far from hospitals and healthcare centres. As a result, the public health service now covers 98 per cent of the villages in the country. There are 13,907 village health promotion volunteers, of whom 2,780 are women, and there are 5,094 traditional midwives, 504 village nurses, and 791 traditional therapists across the country. At the village level, village health committees have been established to lead the village activities on hygiene and disease prevention.

31. The Government has taken effective measures to enhance the health of children by organizing free of charge vaccination and immunization campaigns each year. The Government has appointed mobile vaccination teams to give vaccination and immunization to people living in remote areas, living far from hospitals and for those who are not aware of vaccination. Besides, national campaigns have been conducted on health education, disease prevention such as prevention of communicable diseases, clean water usage, hygiene toilets, and other healthcare promotion. As a result, maternal and child mortality rates are gradually decreasing. Child mortality rate has decreased from 530 in 2000 to 405 in 2005 per 100,000 newborn babies. In 2005, the life expectancy of the population was 61 years, whereby 63 years for women, and 59 years for men, compared to 52 years for women, 50 years for men in 1995.

32. According to the survey of maternal mortality in 2000, disparities existed between rural and urban areas. In rural areas, the maternal mortality rate was 580 per 100,000; while in urban areas, it was 170 per 100,000. Therefore, the Government has paid special attention to people living in rural remote areas, so as to better access to health care service through various strategies, especially the strategy on assistance to mothers, comprehensive service for mothers and new born babies, reduction of malnutrition by implementing the National Nutrition Strategy and the National Action of Plan on Nutrition for 2010-2015, as well as other health care promotion activities.

#### **5. Cultural rights and the right to information**

33. The Lao PDR has a clear policy on culture and information, which is provided for in the Constitution and relevant laws such as the Law on Media, the Law on Publication, the Law on National Heritage, the Prime Minister's Decree on National Artists, etc. ,with an aim to promote development of the culture and information sector. This legal framework is the basis in ensuring the rights and obligations of citizens to enrich the national culture and to receive and disseminate information.

34. Under the above-mentioned policy, Lao citizens enjoy the right to access to information in an increasingly wider manner. Mass media has been developed which has



led to an increase in numbers of State and private-funded daily, weekly, monthly, and quarterly newspapers. At the present time, there are more than 80 newspapers in the country. At the same time, electronic media such as radio, TV, internet and so on have been encouraged and promoted for their continuous development. Nowadays, radio and TV broadcasts cover 80 per cent and 60 per cent respectively of the total area of the country and are set to be increased in the future. By 2015, radio and TV broadcasts is expected to cover 100 per cent of the country's territory. In the country, there are 37 radio stations and 29 TV stations at the central and local levels. At present, the programmes of national and some local radio and TV stations are also broadcast in non-official national languages, such as Hmong and Khmu languages. Apart from the media in the country, Lao people of all ethnic groups can also access information from various foreign sources such as prints, websites, Radio Australia, Radio and TV of Vietnam, China, and Thailand, RFI, VOA, BBC, CNN, CNBC, etc.

35. To ensure the right to information of the people, libraries and reading rooms have been expanded to localities, village offices and schools; mobile libraries, book shelves, boxes, vehicles, boats helped the people receive information through these means.

36. As part of the poverty alleviation plan, the Government has focused on the creation of cultural villages, which is a step in establishing development villages. Up to the present time, more than 150,000 families have become cultural families, more 580 villages and 3 cluster villages have become cultural villages and cultural cluster villages, and 35 cultural centres for children have been established nationwide.

## **6. The right to adequate housing**

37. The Constitution provides for this right in Article 28 and 40. The Government has made efforts to provide housing and land to civil servants within the State budget availability and has pursued a proper policy and adopted appropriate laws and regulations concerning the settlement and housing provision. The Lao Government has been implementing a policy on the establishment of development villages and cluster villages by allocating land and forest land to the local people for the purpose of cultivation; providing permanent land and residence to poor people in the rural, mountainous and remote areas, who used to practice slash-and-burn farming and opium poppy growing; and by providing necessary infrastructure to them. The policy on relocation and resettlement in the mountainous and remote areas is aimed at reducing poverty and creating favourable conditions for the people to have permanent means to make their living with access to social and economic services provided by the State such as education, healthcare, transportation and communication, etc. Those people who have been affected by large development projects have received appropriate compensation and assistance in their resettlement according to the Government's regulations.

## **B. Civil and political rights**

### **1. The right to participate in public affairs**

38. The rights to vote and run for election are stipulated in the Constitution and Law on the Election of Members of the National Assembly (NA). All Lao citizens, without distinction as to gender, ethnicity, religions, beliefs, social status, residence, occupation, who reach the age of 18, have the right to vote and those reaching the age of 21 have the right to run for election to the National Assembly. At the election to NA 6<sup>th</sup> legislature in April 2006, the turnout was more than 99.76 per cent which has indicated the popular consensus and trust in the people's democratic regime which corresponds to the historical background and realities, the level of economic, social and cultural development of the country. This also exhibited the fulfillment of the right to mastery of the country and of

the democratic rights of the Lao people in their self-determination. All Lao people play a role in the administration and management of the country through their elected representatives to the National Assembly, especially the people are actively involved in socio-economic planning, law-making and in defining Government's policies on the national and international activities of the country. The 6<sup>th</sup> legislature of the National Assembly consists of 115 members, including representatives of ethnic groups and women. Each National Assembly session is broadcast on television and radio, and a hotline is set up for the citizens to make complaints, express their opinions and comments, make petitions to seek justice, and raise matters affecting their rights and interests as a result of the activities and performances by authorities.

39. The Lao PDR continues the governance and public administration reforms at all levels to fully provide public services and increase service coverage through improving the governance machinery to be more efficient, transparent, fair and accountable. At the present time, the Lao PDR is in the process of studying the feasibilities and appropriateness for the establishment of Administrative Courts and Local People's Councils to enable the multi-ethnic people across the country to have their representative organs at all levels to protect their rights and legitimate interests.

## **2. The right to life, personal security and safety**

40. The right to life of the citizens is provided for in the Constitution and relevant laws, especially the Penal Law. Death penalty is an exceptional measure of the punishment for most serious criminal offences.

41. The rights to inviolability of the citizens in terms of their bodies, honour and houses, and the right to personal security are protected and observed according to the Constitution and laws.

## **3. Prohibition of torture**

42. According to the Lao PDR's legal framework, torture is an illegal act. Acts of torture, illegal measures and maltreatment in relation to suspects and prisoners are criminal offences. According to the Criminal Procedures Law, in the interrogation of the accused or defendants and other parties who participate in the proceedings, the officers are prohibited to use force, coercive measures, threats, torture or other illegal measures. The Criminal Law clearly states that the objective of the punishment of an offender is to re-educate him/her to change to be a good citizen but not for the purpose of torturing. With this in mind, the relevant bodies are currently working on the improvement of detention and re-education centres within the economic conditions and realities of the country. At the same time, studies are underway to prepare a draft law on detention centres. Prison officers have been trained in the international minimum standards on prison management and treatment of offenders. Over the past years, some foreign delegations and representatives of international organizations were allowed to visit detention and re-education centres in Vientiane and some provinces.

## **4. The right to a fair trial**

43. The Lao PDR is pursuing a policy of building a Rule of Law state and of ensuring a fair trial. The related bodies have taken appropriate measures to ensure the right to equality of the citizens before the law and the court in accordance with the Constitution and laws. The right to a fair trial is ensured in the justice system according to the relevant laws, especially Law on Criminal Procedure and Law on Civil Procedure. The Lao Bar Association is being strengthened to provide legal aid to ensure a fair trial.

**5. Freedom of religion or belief**

44. The right to freedom of religion or belief is guaranteed by the Constitution and laws. Article 9 and 43 of the Constitution provides for this right. In addition, the Prime Minister's Decree No. 92/PM on the Management and Protection of Religions in Lao PDR protects and regulates the activities of religious organizations and religious followers in Lao PDR. All Lao citizens have the right to believe or not to believe in any religion.

**6. Freedoms of speech, writing, assembly and association**

45. The freedoms of speech, writing, assembly and association are guaranteed by the Constitution and relevant laws. The Constitution, in Article 44, stipulates that Lao citizens have the rights and freedoms of speech, press and assembly; and have the right to set up associations and to stage demonstrations which are not contrary to the laws. The relevant laws and legal instruments guaranteeing these rights and freedoms include the Law on the Media, the Law on Publication, the Law on Trade Unions and the Prime Minister's Decree on Associations, etc. Violation of freedoms of speech, writing, assembly and association is a criminal offence, and the perpetrator shall be punished proportionately to the severity of the offence. The exercise of these freedoms shall not affect the rights and freedoms of others.

**7. The right to lodge complaints and petitions and seek justice**

46. The Lao PDR has taken legal and administrative measures to ensure the rights of the people to lodge complaints and petitions and seek justice with regard to the conducts of State officials. State organizations, officials and citizens have the obligation to comply with the Constitution and laws. The State protects the inviolable freedoms and democratic rights of the people. The Lao Constitution prohibits all acts of tyranny or authoritarian acts that can be detrimental to the people's dignity, physical well-being, lives, conscience and property. All people whose freedoms are violated by the acts of the State as well as of third parties can lodge complaints, petitions and seek justice. The Lao PDR's legal framework that guarantees this right includes the Law on Criminal Procedure, the Law on Civil Procedure, the Law on People's Courts, the Law on Offices of People's Prosecutors and other specific laws. To enable the people effectively exercise their right to lodge complaints and petitions, the National Assembly in 2006 adopted the Law on Handling Petitions, which concretises the rights and procedures for the multi-ethnic people to lodge complaints and petitions to concerned officials. This law protects the interests of individuals and collective entities. This is a new legislative measure in the Lao PDR's justice system that sets out detailed regulations for individuals and organizations in submitting a request without difficulties and in a uniform manner so that such a request is considered for an effective solution by the relevant organization. According to the Law, there are three types of petition: a request (submitted to the administrative authorities), a claim (submitted to the judiciary) and a petition for justice (submitted to the National Assembly). This new law which has been well received by the public is contributing to creating the Lao society to be a society of equality and justice without discrimination based on social status, gender, age, race, nationality, ethnicity, religion and other grounds. In the Lao PDR's justice system, cases of a trivial nature are solved without resort to the court but by referring to local customs and traditions, especially through village mediation units, established throughout the country. Village mediation units solve conflicts and minor offences.

## **C. Rights of specific groups**

### **1. Rights of ethnic groups**

47. The Lao Government pursues an unswerving policy of enhancing the solidarity and equality among the Lao multi-ethnic people. In order to ensure that the Lao society is free from discrimination as to race or ethnicity, the Constitution, Article 8, stipulates that the State pursues a policy of promoting unity and equality among all ethnic groups; all ethnic groups have the right to protect, preserve and promote the fine customs and cultures of their own tribes and of the nation; all acts creating segregation and discrimination among ethnic groups are prohibited; the State implements every measure to gradually develop and upgrade the socio-economic development levels of all ethnic groups. Division of solidarity among ethnic groups, discrimination, prevention from participation, exclusion or selectivity based on ethnicity are criminal offences (Article 66 and Article 176 of the Penal Law). Ethnic groups in the Lao PDR live in peace and harmony; they are equal before the law.

48. The Government has paid great attention to poverty alleviation of each ethnic group to gradually improve their living conditions. In this endeavour, the Government put emphasis on human resource development, elimination of illiteracy amongst the ethnic people in rural, remote and mountainous areas, dissemination of necessary techniques of cultivation, livestock raising and cash production, encouraging ethnic people to change their livelihoods based on the nature and their prejudicial customs, creating development villages and cluster development villages, establishing village revolving funds, building roads in rural areas, expanding education and healthcare networks to remote areas, providing slash-and-burn farmers with permanent housing and sustainable employment, solving the problems of unregulated movements and the nomadic livelihoods of certain ethnic groups. To create further opportunities to receive education for the ethnic and disadvantaged people, the Government pays attention to and has adopted, for example, measures on the promotion of education of ethnic people in remote areas by establishing primary and secondary ethnic schools and schools for orphans in all provinces.

49. Ensuring equality amongst ethnic groups is a task associated with the functions and responsibilities of all government ministries and institutions, mass and social organizations, including the Lao Women's Union, the Lao Youth Union, the Lao Trade Unions, the Federation of Military Veterans, and the Lao Red Cross Society. The core institutions in the promotion and protection of the rights of ethnic groups comprise the National Assembly Ethnic Affairs Committee, the Lao Front for National Construction, and the National Academy of Social Sciences.

### **2. Women's rights**

50. The Lao Government pays attention to promoting the advancement of women and equality between men and women which is provided for in the Constitution, Article 24, and other relevant laws, in particular the Law on the Development and Protection of Women, the Penal Law, the Labour Law, the Law on Education and other legal instruments of the country. The Lao PDR has developed and is actively implementing the National Strategy for the Advancement of Women (2006-2010) in line with the national realities. The country is also actively implementing the Beijing Platform for Action, the Convention on the Elimination of All Forms of Discrimination against Women and the MDGs. The national policy in this regard aims at removing obstacles to the advancement of women. The Government has embarked on gender mainstreaming in its development programmes, plans and projects. Especially, women are given the opportunity to be involved together with men in the conduct of research, analysis and in solving of issues in the process of socio-economic development planning.

51. The organizations that have functions and responsibilities relating to the promotion and protection of women's rights comprise the Ministry of Education, the Ministry of Labour and Social Welfare, the Lao National Commission for the Advancement of Women, the Lao Youth Union, the Lao Women's Union, etc. These organizations operate at the central, local and grassroots levels. The Lao Women's Union set up a Gender Resource Information and Development Centre in 1997 and in 2004 set up a Counseling Centre for Women and Children with an aim to providing counseling services to women and children, who fall victims of human trafficking, domestic violence and sexual exploitation. Since its establishment, the Counseling Centre has provided counseling services to 441 persons of whom 144 were victims of human trafficking who had returned from Thailand. To date, the Centre has provided 1,563 face-to-face and online counseling services, covering 280 topics.

52. The Lao PDR has made significant progress in ensuring of women's rights. Of the 115 members of the National Assembly 6<sup>th</sup> (present) legislature, 29 are women accounting for 33.5 per cent. Today, women holding high ranking posts in the Government are increasing in numbers. Over 35,000 women are civil servants accounting for 38.9 per cent; Women in the economic field make up 54 per cent. Women are entitled to take a three-month maternal leave with pay and other benefits. Women are entitled to have their name together with their husband's affixed in a land title document and other certificates. They have the right to keep their surname after marriage; they have the right to inherit heritages, etc. The Lao PDR submitted its combined 6<sup>th</sup> and 7<sup>th</sup> national reports under the Convention on the Elimination of All Forms against Women (CEDAW) and presented the report before the UN CEDAW Committee at the end of 2009. Currently, the National Commission for the Advancement of Women is in the process of following up on the concluding comments and recommendations of the Committee.

### **3. Children's Rights**

53. The Lao PDR attaches importance to promotion and protection of the rights and interests of children. The Government has adopted measures to implement the principles and provisions of the Convention on the Rights of the Child by endeavouring to translate them into reality. The Constitution, Article 29, contains the provisions consistent with the Convention on the Rights of the Child; the Lao PDR has improved the existing laws and adopted new laws relating to the rights and interests of children, including the Penal Law, the Law on Criminal Procedure, the Law on Education, the Labour Law, the Law on Hygiene, Sanitation and Health Promotion, the Law on Lao Nationality, the Law on Military Service, the Law on Inheritances, the Law on Civil Procedure, the Law on Contracts, the Law on the Development and Protection of Women, and most importantly the Law on the Protection of the Rights and Interests of Children. The provisions of the aforesaid laws are consistent with, and aimed at implementing, the principles and provisions of the Convention on the Rights of the Child.

54. The Government has paid attention to the promotion of healthcare for mothers and children, comprehensive development and protection of the rights and benefits of mothers and children by setting up a national coordination mechanism to be the secretariat to the Government, called the National Commission for Mothers and Children (NCMC), chaired by the Standing Deputy Prime Minister and composed of Vice-Ministers and Vice-Minister-Equivalents from all relevant ministries and organizations as vice-chairman or members. The Commission has organizational networks throughout the country from the central to local levels, under the supervision of the provincial governors or vice-governors at the provincial level, district chiefs or deputy district chiefs at the district level. Apart from the said National Commission, the ministries and institutions which have functions and responsibilities relating to the promotion of healthcare, education development for children and protection of the rights and benefits of children comprise the Ministry of

Public Health, the Ministry of Education, the Ministry of Labour and Social Welfare, the Ministry of Justice, the Ministry of Public Security, the Lao Front for National Construction, the Lao Women's Union, the Lao Youth Union, the Lao Disabled People's Association etc. These organizations operate at the central and local levels in the country.

55. The Lao PDR has progressively made achievements in ensuring the rights and interests of children. The country has adopted and is implementing policies, programmes and strategies relating to children such as the National Plan of Action for Children, the National Programme on Anti-Trafficking in and Sexual Exploitation of Children (2007-2011), the National Nutrition Strategy, etc. The Government has attached a top priority to healthcare of mothers and children with vaccination and immunization being the core in integrating primary healthcare with other activities relating to mothers and children. Annual national campaigns for vaccination and immunization to women and children are organized with attendance by top leaders including the President, the Prime Minister, the President of the National Assembly and other high ranking officials. The efforts towards promotion and protection of children have been put into socio-economic development plans and strategies, which enable children across the country to exercise their rights. Free treatment and medical check-up and other measures to reduce child mortality and to increase nutrition have been implemented effectively. Furthermore, the Government focuses on human resource development as a priority for the national development in both short and long term, setting education as the core in this process. School enrolment rate of children has been increasing gradually. Also, the disabled and normal children are now studying together. Currently, the country has 20 ethnic boarding schools, taking in a total of 7,034 children. Apart from this, 4,569 children who need special attention are studying in the inclusive education programme.

56. The Government is actively implementing the principles and provisions of the Convention on Rights of the Child by enhancing attention to the care for and protection of children from dangers, abuses, labour and sexual exploitation, human trafficking, drug trafficking, UXOs and other war remnants from the wars as part of the Indochina War, and also in court proceeding. The Government has created conditions and opportunities for Lao multi-ethnic children and the youth to participate in social activities inside the country and abroad to exchange opinions on children and youth's issues and the rights of children.

#### **4. Rights of persons with disabilities**

57. There are some 120,000 persons with disabilities living in the Lao PDR, many of whom are victims of UXOs and other war remnants. The Lao Government has promoted, and created conditions for, persons with disabilities to enjoy on an equal basis with others civil, political, economic, social and cultural rights. Persons with disabilities increasingly receive assistance from the State and society in respect of their living conditions, rehabilitation, social integration and participation in the society. In addition, persons with disabilities enjoy their rights provided for in the laws, especially the Law on Labour, the Law on Education, etc, relating to healthcare, physical and mental rehabilitation and suitable employment.

58. The Lao PDR has ratified the Convention on the Rights of Persons with Disabilities in 2009. A draft Decree on Persons with Disabilities had been prepared by the responsible sector and is now pending adoption by the Government. The organizations that have functions and responsibilities relating to the protection and promotion of the rights of persons with disabilities comprise the Ministry of Labour and Social Welfare, the National Committee for Disabled People, etc. The rights of persons with disabilities are promoted actively through the activities of the Lao Disabled People's Association, the Lao Blind People's Association, the Disabled People Rehabilitation Centre, the Training Centre for Disabled People, the Inclusive Education Centre, etc.

## IV. Achievements, constraints and challenges

### A. Achievements

59. Over the past 30 years of the national protection and development, the Lao PDR has enjoyed the political stability, and peace, which are the important factors conducive to the promotion and protection of human rights in the country.

60. The Constitution and laws guarantee and create conditions for the multi-ethnic people to enjoy their various human rights. State organs have been established and are carrying out their functions and responsibilities in accordance with the laws. Furthermore, based on the laws and regulations regulating their activities, the political alliance organization, i.e. the Lao Front for National Construction, and the mass organizations have enhanced their roles and duties to further forge solidarity among the multi-ethnic people, and to encourage and mobilise the mass to participate in the socio-economic development and to effectively implement laws and regulations. Thanks to the principled political and economic renovation policy, including on regional and international cooperation and integration, the Lao PDR's economy has enjoyed a continuous growth rate of no less than 6 percent on average per year over the past two decades.

61. More than 90 laws and amended laws have been adopted covering various sectors, the implementation of which have contributed directly and indirectly to the promotion and protection of human rights. The on-going implementation of the Master Plan on the Development of the Rule of Law in the Lao PDR, which has been endorsed recently by the Government, serves as a firm basis for the enhancement of the rights of the multi-ethnic people as the masters of their country.

62. The Lao PDR has successfully implemented the immunization and vaccination programmes and health education projects throughout the country. As a result, child and maternal mortality rates have dropped considerably. Furthermore, the Lao PDR has officially declared herself to be a polio-free country.

63. The Lao PDR has endeavoured to develop the national education system, enhancing both its quantity and quality, which resulted in the increased school enrolment in primary, secondary and higher education. In addition, state and private educational institutions have increased in numbers.

64. The Lao PDR is a party to many of the core UN human rights conventions and other conventions relating to human rights. The country accepts and implements obligations and responsibilities set forth in the conventions. This is reflected, among others, in the dissemination of convention provisions, revisions of domestic laws for compliance, and formulation and submission of national reports.

65. The Lao PDR has constructively cooperated with and provided information on the realisation of human rights in the Lao PDR in various fields to the UN Human Rights Council; the country has hosted the visit of the Special Rapporteur on Freedom of Religion or Belief at the end of 2009. This first ever visit by a UN Special Rapporteur has further enhanced the understanding of the realities in the Lao PDR with regard to respect for human rights, including freedom of religion or belief.

66. The Lao PDR has benefited from bilateral dialogues on human rights with Australia, Sweden and the European Union in the exchange of lessons and experience in the promotion and protection of human rights.

## **B. Constraints and challenges**

67. The major part of country's territory is mountainous with 80 per cent of the country making up rural areas, which have yet to be appropriately developed. This is a major obstacle for the development of necessary infrastructure in the national economy, creating difficulties for the efforts undertaken to disseminate, raise awareness and understanding of Government's policies, socio-economic development plans and laws. Furthermore, this reality hinders the Government's efforts to ensure access by the multi-ethnic people to public services in order to promote and protect their rights and to improve their livelihoods.

68. That the country had been under the feudal and foreign rules and colonial domination for a long periods of time, and then affected by the wars and armed conflicts resulting from the foreign invasions served as the factor that brought about the underdevelopment and poverty to the country. The adverse effects of the destructive wars and armed conflicts, especially of UXO and other war remnants, constitute the major obstacle to the national socio-economic development and to improvement of the living conditions of the people in remote rural areas. UXO and other war remnants are a main cause for the loss of lives and damage to property of the people and also have made a large number of people become disabled.

69. The awareness and understanding of the laws, regulations and State's policies among many officials, civil servants and officers at the central and local levels and the people in mountainous and remote areas are still limited due to the fact that their education level is not high. Likewise, the dissemination of domestic laws and information of human rights and other international legal obligations of the country has not yet been conducted widely enough, because of limited funds among other difficulties.

70. The beliefs and old-fashioned stereotypes that still exist in many local areas remain obstacles for people to access to and gain benefits from public services such as healthcare, education and information in various areas.

71. The negative impact of the globalization has resulted in an increase in movement of citizens, as well as socio-economic gap between the rich and the poor. This has posed difficulties on the ways to guarantee full enjoyment of human rights by the people. In addition, communicable and infectious diseases and social ill phenomena such as human and drugs trafficking are still the problems that need to be solved in a prompt and appropriate manner.

72. Climate change and natural disasters periodically occurring as its consequence such as tropical storms, floods and droughts directly affected the development in various sectors, especially the agriculture and forestry. The floods in 2008 and Ketsana typhoon in 2009, for example, have made food production lower than the targets which were set in the agricultural and forestry development plan, making production insufficient to meet the country's needs in terms of foods.

## **V. National priorities, commitments and technical assistance needs**

### **A. National priorities**

73. The Lao PDR will continue its efforts to achieve the country's poverty alleviation goals by moving forward with the implementation of the strategic plans and programmes on poverty alleviation, especially the National Growth and Poverty Eradication Strategy (NGPES) and the Millennium Development Goals (MDGs).



74. The Lao PDR will continue the on-going reforms of governance and public administration and of the country's legal system, and will enhance its efforts and further strengthen its capacity to effectively implement domestic laws, in order to gradually build a Rule of Law state, enhance the democratic rights of the people, the legal culture and vigilance in the country, and to protect the legitimate interests of citizens, creating the Lao society a society of equity, justice and civilization. Furthermore, the Lao PDR will continue to improve its court and prosecutors' office systems for these institutions to be more effective and strong in serving the people.

75. The Lao PDR will continue to implement the national health care programme for the multi-ethnic people, implement policies, programmes and measures to promote health care and prevention of disease, including vaccination for women and children in order to reduce their mortality rates continuously and to increase life expectancy.

76. The Lao PDR will continue to improve the quality of education, increase access to education for the Lao multi-ethnic people by means of actively implementing the National Education Strategic Plan, National Action Plan on Education for All and National Strategic Plan on Education System Reform and allocating 18 per cent of state budget (based on the amended Law on Education) for investment in the education sector.

77. The Lao PDR will continue to create opportunities and favorable conditions for occupation and job creation to the multi-ethnic people in urban and rural remote areas, including establishing and expanding vocational trainings in various areas across the country; will continue to improve and develop the social security system in public and private sectors.

## **B. Commitments**

78. The Lao PDR will consider signing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (CAT), ratifying the Convention on the Protection of All Persons from Enforced Disappearance, acceding to human rights conventions and other conventions such as the International Labour Organizations (ILO) conventions, etc.

79. The Lao PDR will endeavour to incorporate provisions of the conventions to which it is a party into domestic legislation, and to enhance the implementation of those conventions in the country in a more effective way.

80. The Lao PDR will continue to disseminate information about human rights conventions to officials, civil servants, officers at the central and local levels and to the general public, including the youth and children.

81. The Lao PDR will cooperate and support the work of the UN human rights mechanisms, including the Human Rights Council, fulfill the reporting obligations under human rights treaties, cooperate with the Special Procedures by extending invitation to Special Rapporteurs on thematic issues to visit the country as appropriate.

82. The Lao PDR will continue to exchange lessons and experiences with the international community in order to enhance cooperation and technical assistance to promote and protect human rights.

**C. Technical assistance needs**

83. The Lao PDR hopes that the international community will continue to exchange lessons and provide assistance toward the Lao PDR's socio-economic development, national capacity development, including providing opportunities for short term and long term human rights trainings to the Lao PDR.

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