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Lao People's Democratic Republic

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	22 Feb. 1974	None	Individual complaints (art. 14): No
ICESCR	13 Feb. 2007		-
ICCPR	25 Sept. 2009	Yes (arts. 1,18, 22)	Inter-State complaints (art. 41): No
CEDAW	14 Aug. 1981	None	-
CRC	8 May 1991	None	-
OP-CRC-AC	20 Sept. 2006	Binding declaration under art. 3:18 years	-
OP-CRC-SC	20 Sept. 2006	Yes (art. 5, para.2)	-
CRPD	25 Sept. 2009		-

Core treaties to which Laos is not party: OP-ICESCR³, ICCPR-OP1, ICCPR-OP2, OP-CEDAW, CAT, OP-CAT, ICRMW, CRPD-OP, and CED (signature only, 2008).

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	No
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocol III
ILO fundamental conventions ⁷	Yes, except Nos. 87, 98, 105
UNESCO Convention against Discrimination in Education	No

1. According to the United Nations Country Team in the Lao People's Democratic Republic (UNCT), the recent ratification of ICCPR, welcomed by the Special Rapporteur on freedom of religion or belief,⁸ the CRPD and signature of the CED demonstrates the country's increased engagement with the international framework.⁹

2. In 2009, the Committee on the Elimination of Discrimination against Women (CEDAW) invited Laos to accept the amendment to article 20 of the Convention,¹⁰ and called for ratification of OP-CEDAW, CAT, ICRMW and CED.¹¹

3. In 2005, the Committee on Elimination of Racial Discrimination (CERD) recommended ratifying the amendment to article 8 of the Convention¹² and making the optional declaration provided for in article 14.¹³

4. In 1997, the Committee on the Rights of the Child (CRC) suggested ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.¹⁴

B. Constitutional and legislative framework

5. The United Nations Country Team (UNCT) noted that, under the Constitution, the Lao People's Revolutionary Party was the nucleus of the one-party political system; Article IV sets out the rights and obligations of citizens.¹⁵ Since 1989, the Lao National Assembly has adopted a number of laws covering areas relevant to human rights.¹⁶ The UNCT observed that although domestic legislation was not yet fully harmonized with the international conventions ratified, these laws were substantive contributions towards implementation.¹⁷

6. CEDAW,¹⁸ CERD¹⁹ and CRC²⁰ recommended harmonizing national legislation with Laos' international obligations under the respective conventions.

7. According to the UNCT, the Government had recently finalized an Ordinance on Treaty Making, establishing clear procedures on treaty making, participation and implementation, and clarifying the status of international law vis-à-vis the Lao legal system, providing that international law prevailed over national legislation in the event of a conflict.²¹ The UNCT recommended adoption and implementation of this ordinance.²²

8. CEDAW²³ and the UNCT²⁴ called for including a definition of discrimination in the Constitution or other legislation, encompassing direct and indirect discrimination in public and private spheres.

9. CERD noted the absence of legislative provisions criminalizing acts of violence and incitement to violence on racial grounds²⁵ and recommended adopting a definition of racial discrimination in line with the Convention.²⁶ In its follow-up reply, Laos cited the adoption of a revised article 176 of the penal code in this regard.²⁷

C. Institutional and human rights infrastructure

10. As of January 2010, Laos did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).²⁸ Like CERD,²⁹ CEDAW encouraged Laos to consider establishing such an institution in accordance with the Paris Principles, with a broad mandate, sufficient resources, and gender-sensitive composition and activities.³⁰

11. The UNCT noted the establishment of coordinating mechanisms and bodies tasked with promoting core human rights treaties to which Laos is party, and preparing related reports, including the Lao National Commission for the Advancement of Women and the National Commission for Mothers and Children, which receive support from agencies including UNIFEM, UNFPA and UNICEF. Organizations recognized by the Constitution are likely to remain the main actors in these areas in the medium term, it added.³¹ CEDAW was concerned at the unclear mandates and lack of coordination among the various national organizations³² and urged Laos to provide adequate resources to them, and to forge strong links with civil society.³³

12. The UNCT noted the importance of providing the existing inter-ministerial groups preparing treaty body reports with adequate mandates, capacities and resources to follow up on concluding observations.³⁴

D. Policy measures

13. The UNCT noted that Laos should establish a national human rights plan of action³⁵ to improve awareness of conventions to which it is party and encourage civil society engagement on human rights issues in treaty reporting and regional forums.³⁶ CEDAW

called for the integration of a gender perspective in efforts aimed at achieving the Millennium Development Goals (MDGs).³⁷

14. CRC was concerned at the insufficient measures to ensure the full enjoyment by all children of their rights, particularly in access to education and health services, and protection against exploitation.³⁸ The UNCT recommended coordinated, multi-sectoral approaches in this regard and the establishment of a child and family-focused welfare system at national and sub-national levels, based on lessons learned from existing initiatives at community level.³⁹

15. The UNCT noted the adoption in 2005 of the Plan of Action (2005-2009) for the World Programme for Human Rights Education focusing on the national school system⁴⁰ and appointment of the Human Rights Education Committee at the school level.⁴¹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body⁴²</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2004	April 2005	Submitted May 2006	Combined seventeenth and eighteenth reports overdue since March 2007
CESCR	-	-	-	Initial report overdue since June 2009
HR Committee	-	-	-	Initial report due Dec. 2010
CEDAW	2008	Aug. 2009	Requested for Aug. 2011	Combined eighth and ninth reports due 2014
CRC	1996	Oct. 1997	-	Second report received March 2008
OP-CRC- AC	-	-	-	Initial report overdue since Oct. 2007
OP-CRC- SC	-	-	-	Initial report overdue since Oct. 2007
CRPD	-	-	-	Initial report due Oct. 2011

16. The UNCT noted that the Government, supported by UNICEF, had made efforts to align legislation and internal structures with the CRC and its Optional Protocols.⁴³ Laos was finalizing its reports to CERD and CESCR, supported by UNDP and OHCHR.⁴⁴ The UNCT supports the Government's efforts towards reporting to CEDAW in 2011.⁴⁵

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on freedom of religion or belief (23-30 Nov. 2009) ⁴⁶ Special Rapporteur on the sale of children, child prostitution and child pornography (21-25 Sept. 1998). ⁴⁷
<i>Visits agreed upon in principle</i>	-
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on extrajudicial, arbitrary or summary executions (requested March 2006) Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (requested July 2009)
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on the sale of children ⁴⁸ and the Special Rapporteur on freedom of religion ⁴⁹ expressed appreciation for the cooperation and assistance extended to them by the Government.
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, seven communications were sent. The Government replied to all of them.
<i>Responses to questionnaires on thematic issues</i>	Laos did not respond to any of the 21 questionnaires sent by special procedures mandate holders. ⁵⁰

3. Cooperation with the Office of the High Commissioner for Human Rights

17. OHCHR noted that its Regional Office for Southeast Asia in Bangkok covered Laos. In 2008, the priorities of the Regional Office included supporting the creation of human rights structures at national and regional levels, improving coordination of human rights activities, providing technical support on the Universal Periodic Review and reporting obligations to treaty bodies, and in a number of thematic areas.⁵¹

B. Implementation of international human rights obligations

1. Equality and non-discrimination

18. CEDAW expressed serious concern at the disadvantaged position of women in rural and remote areas - the vast majority of women in Laos - characterized by poverty, illiteracy, difficulties in access to health, education and social services, and lack of participation in decision-making. Development projects may not always include a gender perspective, and traditional stereotypes are most prevalent in rural communities.⁵² It called upon Laos to strengthen women's participation in designing and implementing local development plans, and in decision-making processes.⁵³

19. CEDAW was concerned at the persistence of adverse norms, practices and traditions, especially within some ethnic groups,⁵⁴ and urged Laos to put in place without delay a comprehensive strategy to modify or eliminate such discriminatory traditional

practices and stereotypes.⁵⁵ The UNCT highlighted that inequality in women's access to resources is a concern.⁵⁶

20. CEDAW urged Laos to implement measures to ensure that the Convention is known and applied by all branches of Government as a framework for all laws, court verdicts and policies on gender equality and the advancement of women. It also recommended that women have access to the courts on equal terms and that information on the Convention is provided to women, including in rural and remote areas.⁵⁷ It encouraged the Government to familiarize officials with the concept of temporary special measures, recommending specific legislation on their application in public and private sectors.⁵⁸

21. The UNCT also noted reports of racial discrimination by the Government, in the name of preserving social order, including cancelling visa-on-arrival services for citizens of certain countries, and exclusion of "undesirable" non-documented migrants from Vientiane.⁵⁹

22. CERD recommended that Laos recognize the rights of persons belonging to minorities and indigenous peoples in accordance with international law, regardless of the name given to them in domestic law, and invited Laos to take into consideration how groups defined themselves.⁶⁰

23. CRC called for a more active approach to eliminate discrimination against certain groups, particularly girls, minority children and children born to unmarried parents.⁶¹

2. Right to life, liberty and security of the person

24. In 2007, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people expressed concern at reports of alleged deaths of civilians, including children, as a result of the struggle of Hmong rebel groups with the Government. Information was cited that approximately twenty rebel groups had been surrounded by the military and reduced to starvation and disease in the forest, where they had sought refuge.⁶² Similar concerns were raised jointly by the Independent Expert on minority issues, the Special Rapporteurs on the right to food and on adequate housing and the Special Representative of the Secretary-General on the human rights of internally displaced persons.⁶³ In 2006, the Special Rapporteur on summary executions had drawn attention to reports alleging the killing of 26 ethnic Hmong by troops in an attack in northern Vientiane province.⁶⁴

25. Previously, in 2005, CERD expressed concern at reports of serious acts of violence against the Hmong, in particular allegations that soldiers brutalized and killed a group of five Hmong children on 19 May 2004. It strongly recommended that United Nations human rights bodies be allowed to visit the areas where Hmong have taken refuge.⁶⁵ In its follow-up response, Laos indicated that no complaint on the incident had been brought to Lao concerned authorities' notice.⁶⁶

26. The Special Rapporteur on indigenous peoples also noted reports of arbitrary arrests, false criminal charges and other forms of threats and intimidation against indigenous and tribal peoples, as a result of their mobilization to defend their rights.⁶⁷ The Special Rapporteur and CERD⁶⁸ noted that repression persisted against ethnic Hmong as a consequence of their involvement in cold-war conflicts more than three decades ago.⁶⁹ CERD called for measures to quickly find a political and humanitarian solution to this crisis and create the necessary conditions for the initiation of a dialogue. It strongly encouraged Laos to authorize United Nations agencies to provide emergency humanitarian assistance to this group.⁷⁰ In its follow-up reply, Laos reiterated that there was no conflict between the Government and Hmong, citing that there had been acts of banditry.⁷¹

27. The UNCT noted that while Laos was considering becoming party to CAT, occurrences of torture have been reported. Constitutional provisions did not include protection of the right to life, nor did they guarantee the inalienability of fundamental rights, safeguard against arbitrary arrest and detention, protect people deprived of their liberty nor provide for fair trials. Access to prisons or legal counsel is restricted, it noted,⁷² expressing further concerns on the possibility of detention of up to one year and three days without charge.⁷³

28. CEDAW expressed concern at the high prevalence of violence against women and girls, including domestic violence; that such violence would appear to be socially legitimized and accompanied by a culture of silence and impunity; and that cases that are reported are settled out of court, including through village mediation units.⁷⁴ It urged priority attention, including a specific law on domestic violence and gender-based violence against women, and a multi-sectoral national action plan, developed through a participatory process with non-governmental sectors. It requested Laos to remove impediments to victims' access to justice, redress and protection, and recommended training for the judiciary and public officials, and Village Mediation Units, as well as quality counselling services and additional shelters for victims.⁷⁵

29. CEDAW urged Laos to widen the definition of rape in its Penal Code to include any sexual relations without the woman's consent, and remove the exception for marital rape,⁷⁶ a call echoed by the UNCT.⁷⁷ CEDAW was further concerned at the reported practice of raping girls before puberty in certain ethnic groups.⁷⁸ It recommended wide consultation with women's groups in reforming laws and procedures relating to rape and sexual abuse.⁷⁹

30. CEDAW,⁸⁰ like CRC in 1997,⁸¹ expressed concern at the persistence of trafficking and sexual exploitation, particularly given that 60 per cent of the victims are reportedly girls between 12 and 18. In 1999, the Special Rapporteur on the sale of children warned that if Laos did not put in place preventive measures to protect children as a matter of priority, the country might find itself in the same situation as some of its neighbours, with a conflagration of child exploitation and abuse. In 2007, the Special Rapporteur on the human rights of indigenous peoples expressed concern at the increasing numbers of indigenous women who had become victims of sexual trafficking and prostitution.⁸²

31. CEDAW urged Laos to adopt and implement a comprehensive national action plan for combating trafficking, and improve implementation of the 2005 Memorandum of Understanding with Thailand on trafficking, especially along the border areas, a call echoed by the UNCT.⁸³ They also recommended that information and training on the anti-trafficking legislation be provided to the judiciary, officials and social workers, and that trafficked women and girls have access to quality medical care, counselling, financial support, adequate housing, opportunities for further training, and access to free legal services.⁸⁴ The Special Rapporteur on the sale of children made similar recommendations, noting that specific attention should be paid to the needs of ethnic minorities.⁸⁵ CERD⁸⁶ and CEDAW⁸⁷ commended legal and policy measures already undertaken to combat trafficking in persons.

32. The UNCT noted that children under the age of 18 constituted nearly half of the population of Laos and were among the most vulnerable to abuse, violence and exploitation.⁸⁸ CRC was concerned at the persistence of corporal punishment within the family and its acceptance by society.⁸⁹ The UNCT cited the adoption of the Children's Law, adding that a child protection policy framework would further strengthen implementation of the law.⁹⁰

33. CRC was concerned at the economic exploitation of children, including in the informal sector.⁹¹ It encouraged, inter alia, the development of a system of social workers⁹²

and harmonizing the age of the end of compulsory education with the minimum age for work, by raising the former to 15.⁹³

3. Administration of justice and the rule of law

34. According to the UNCT, the rate of judgment enforcement in the Lao legal system remains very low in spite of the recent adoption of a Law on Judgment Enforcement.⁹⁴ It noted that capacities should be strengthened to implement a criminal justice system in accordance with basic human rights principles.⁹⁵ It noted that in 2009, the Government finalized the country's first legal sector plan, a frank statement of the current needs of the Lao legal system, providing guiding principles and actions for developing a State governed by the rule of law.⁹⁶

35. CEDAW urged Laos to strengthen its legal complaints system to ensure that women, especially ethnic minorities, have effective access to justice.⁹⁷ The UNCT echoed this call, adding that the Government must develop the capacities of village mediation forums to oversee disputes and complaints in accordance with basic human rights principles.⁹⁸

36. CRC was concerned at the lack of a legal framework for administration of juvenile justice, that the grounds for arrest and detention of children can include prostitution, the absence of specialized judges, and the lack of social workers and qualified legal defenders.⁹⁹ It recommended reform, and encouraged Laos to explore alternatives to institutional care, as well as traditional mechanisms of conciliation.¹⁰⁰

4. Right to marriage

37. CRC suggested adopting measures, including awareness-raising among parents and communities, on the negative effects of early marriage on children.¹⁰¹

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

38. The UNCT noted that freedom of religion is officially guaranteed by the Constitution. Outside the three official Christian churches and the national religion of Buddhism, permission, determined by local government, is required to meet, build places of worship, and, in some cases even to practise religion.¹⁰²

39. In 2010, following her November 2009 mission to Laos, the Special Rapporteur on the freedom of religion concluded that the people of Laos were generally very tolerant in religious matters, but over the last 12 years, the mandate had received a number of serious allegations of human rights violations by Laos, such as arrests on the basis of religion, or official campaigns aimed at forcing Christians to renounce their faith.¹⁰³ CERD expressed similar concerns with regards to religious freedom of minorities, particularly Christians.¹⁰⁴ While the situation seemed to have vastly improved recently, the Special Rapporteur remained concerned at individual cases and certain policies clearly violating the freedom of religion or belief. Noting that members of religious minorities seemed to have little or no access to higher education, she recommended extending to them the affirmative action schemes which already existed for ethnic minorities. She added that bureaucratic controls over liberty of movement in the context of religious activities should be discontinued. Laos should also provide detention facility personnel with training on their duty to promote and respect international human rights standards, including freedom of religion or belief.¹⁰⁵

40. Furthermore, the Special Rapporteur recommended a review of Decree No. 92/PM for the Management and Protection of Religious Activities,¹⁰⁶ and that any law should avoid imposing vaguely worded obligations on religious communities. She suggested that explanatory policy directions be passed on to the provincial and district levels to avoid any discriminatory interpretation.¹⁰⁷

41. According to the UNCT, the Lao media is primarily State-owned and controlled, but recent changes, such as the 2008 media Law, point to new opportunities for a more pluralistic and inclusive media situation, including the possibility of private ownership. Information flow and access have increased through the introduction of internet cafes and satellite and cable television broadcasting networks,¹⁰⁸ but rural populations have limited access to information and the national media outreach has not reached the majority.¹⁰⁹

42. CEDAW remained concerned that Laos lacks lively, autonomous and active women's and human rights organizations. However, it took note of the Decree on the establishment of associations signed by the Prime Minister of 29 April 2009,¹¹⁰ which, as the UNCT also noted, would allow local not-for-profit associations to register and operate as independent entities for the first time and provide a guideline for officials considering such applications.¹¹¹ CEDAW urged Laos to take concrete steps to create an enabling environment for civil society and women's groups.¹¹² CERD made similar recommendations,¹¹³ as did CRC.¹¹⁴

43. The UNCT noted that while the Constitution guarantees freedom of assembly, in practice, movement and assembly is subject to increased surveillance during high-profile national events through decrees and other regulations.¹¹⁵

44. CEDAW was concerned at the very low participation of women in all areas of public, political and professional life, mainly at senior levels¹¹⁶ and called for sustained policies to promote such participation, including through temporary special measures,¹¹⁷ a call echoed by the UNCT.¹¹⁸ Given that almost 80 per cent of the population live in rural areas and that the village chief and council handle most matters, CEDAW was concerned that little over 1 per cent of chiefs were women,¹¹⁹ urging measures to empower village women to participate equally.¹²⁰

6. Right to work and to just and favourable conditions of work

45. The UNCT noted that Laos was in a transition from a state-owned to a market economy,¹²¹ and the fundamental requirements of a functional labour market, freedom of association and the right to collective bargaining, remained in their infancy.¹²²

46. CEDAW expressed concern at the poor work conditions in garment factories, where 80 per cent of workers are young rural women. It was also concerned about labour force segregation, and that women usually engage in temporary and seasonal employment with less job security, and women in small- and medium-sized enterprises face a number of challenges compared with their male counterparts.¹²³ The UNCT noted that Laos was promoting gender equality and non-discrimination in employment,¹²⁴ citing also the ILO Recommendation that the Government bring its legal framework into conformity with the provisions of ILO Conventions Nos. 100 and 111, particularly through recognition of "equal pay for the work of equal value" and a clear definition of discrimination in national law.¹²⁵

47. The UNCT stated that the 1994 Labour Code prohibits any form of "using workers by obligatory measures," but does not provide a definition of forced labour.¹²⁶ The ILO Committee of Experts on the Application of Conventions and Recommendations requested information on penalties applicable to the illegal exaction of forced or compulsory labour.¹²⁷

48. According to the UNCT, with regards to child labour, Laos, with ILO support, was formulating a national child labour survey and a national plan of action.¹²⁸

7. Right to social security and to an adequate standard of living

49. Referring to the 2008 Millennium Development Goals, the UNCT noted that while the country is on target to halve poverty by 2015, malnutrition remains serious; 23 per cent of the population are undernourished.¹²⁹ The UNCT called for special attention to protection of vulnerable populations, particularly women and children, especially among ethnic communities in remote rural areas. Concerns have been raised relating to the effects of foreign direct investment on livelihoods, proper use of land and environmental conservation, all directly linked to rural food security.¹³⁰ The UNCT highlighted that while the National Nutrition Policy recognized the need for multi-sectoral coordination, further emphasis on accountability was needed.¹³¹ CERD noted that the low level of economic, social and cultural development of certain ethnic groups might indicate de facto discrimination.¹³²

50. According to the UNCT, relocation of populations associated with development policies such as land forest allocation, village consolidation, opium eradication, and eradication of slash-and-burn agriculture has, when poorly implemented, contributed to adverse effects on human health, livestock disease, and shortage of land for cultivation.¹³³ CEDAW was also concerned at reports that the drug eradication programmes of Laos, involving banning of opium growing without substitution by sustainable alternatives, have led to large-scale food shortages and migration.¹³⁴ It recommended that it ensure the development of sustainable alternative livelihoods for the local communities.¹³⁵

51. According to the UNCT, Government spending in the health sector remained low. Although a decree has been issued that poor people do not have to pay for health service, in practice, this policy is not always applied.¹³⁶

52. CEDAW¹³⁷ and the UNCT¹³⁸ expressed serious concern at the high rates of maternal and infant mortality, especially in rural areas, urging reduction of these rates as a priority through a number of measures. CEDAW called upon Laos to, inter alia, strengthen food security, primary health care and adequate sanitation, especially in rural areas, and sex education, and ensure that family planning education programmes take due account of traditions and physical barriers faced by women in rural areas.¹³⁹ CRC expressed similar concerns.¹⁴⁰

53. While noting existing plans to combat HIV/AIDS, CEDAW was concerned that the number of women infected reportedly increases at an average of eight per cent per year, and that certain groups, including women involved in prostitution and migrant women workers, are at a high risk. Current policies and legislation may not adequately take into account gender-specific vulnerabilities.¹⁴¹ The UNCT noted that while HIV/AIDS prevalence in Laos remained low, the rapid increase in internal and cross-border travel, as well as socio-economic changes, increase the country's vulnerability to an AIDS epidemic.¹⁴²

54. The UNCT noted limited access to improved drinking water and sanitation facilities in rural areas, but that positive steps have been taken.¹⁴³ UNICEF and UN-HABITAT provide support in the WASH sector, especially for schools, only 24 per cent of which have access to water and sanitation.¹⁴⁴

8. Right to education

55. While noting a variety of measures and projects related to education, CEDAW and the UNCT¹⁴⁵ remained seriously concerned at the very high illiteracy rates of women (37 per cent), especially disparities among ethnic groups, and between urban and rural women. They also expressed concern at the high number of incomplete school buildings, limited number of qualified teachers, and the marked difference in the quality of, and access to, education between urban and rural areas, as well as traditional attitudes constituting

obstacles to girls' education.¹⁴⁶ The UNCT added that primary school completion rates at 68.4 percent remained a concern and accelerated efforts were needed to achieve universal primary education by 2015.¹⁴⁷ It recommended providing adequate resources to the education sector, in line with the Amended Education Law of 2007.¹⁴⁸

56. CERD noted with concern reports that a major obstacle to the education and vocational training of, and access to social services for, persons belonging to ethnic groups is the fact that education is provided only in Lao.¹⁴⁹

9. Minorities and indigenous peoples

57. Since 2006, the Special Rapporteur on the human rights of indigenous peoples has expressed concern at instances of resettlement, forced displacement and relocation of indigenous peoples within the framework of economic "modernization",¹⁵⁰ as part of programmes to eradicate drug plantations,¹⁵¹ and in connection with the construction of the Nam Theun 2 dam in Khammouane province.¹⁵² With regard to the latter project, the Special Rapporteur on the right to food raised similar concerns.¹⁵³ Similarly, CERD noted that the Laos had adopted a policy of resettling members of ethnic groups from the mountains and highland plateaux to the plains. It recommended that Laos study alternatives to avoid displacement; ensure that the persons concerned are fully aware of the reasons for and modalities of their displacement and of measures taken for compensation and resettlement; and that it endeavour to obtain their free and informed consent. Laos should pay particular attention to the close cultural ties binding certain indigenous or tribal peoples to their land. A legislative framework in this regard would be particularly useful.¹⁵⁴

10. Migrants, refugees and asylum-seekers

58. CEDAW was concerned that Lao women constitute some 70 per cent of the country's migrants, and that women workers who migrate through informal channels remain vulnerable to exploitation, violence and trafficking.¹⁵⁵ It urged Laos to adopt a comprehensive gender sensitive migration policy. It requested Laos to ensure that potential women migrants are fully aware of their rights and potential risks and introduce gender-responsive policies, legislation and programmes to protect outgoing, returning and incoming women migrant workers from violations, and take a comprehensive approach to addressing the root causes of women's migration.¹⁵⁶

59. According to the UNCT, in 2008, some 1,675 Lao Hmong individuals, to whom the United Nations did not have access, reportedly "returned voluntarily" from a neighbouring country to Laos. In 2009, some 1,270 individuals had allegedly returned under similar arrangements. The voluntary character of returns could not be verified in the absence of direct and meaningful access to the population concerned.¹⁵⁷

60. In December 2009, the Secretary-General urged the Government to take all necessary steps to respect the rights of 158 Hmong refugees, as well as of a larger group of Lao Hmong including individuals reportedly assessed as in need of protection, who were deported from a neighbouring country back to Laos. He called on the Government to facilitate humane solutions.¹⁵⁸

III. Achievements, best practices, challenges and constraints

61. According to the UNCT, in 2008 and 2009 the Government, has through ratification of core treaties, committed, inter alia, to enact laws and other measures to improve the lives of the disabled including cluster munitions victims; protect all individuals within its jurisdiction from torture and arbitrary arrest and detention; actively protect individuals against all forms of discrimination and promote equality before the law; promote freedoms

of belief, speech, press association, and hold assembly and political participation.¹⁵⁹ The challenge was to ensure realization of these rights in legislation, policy and implementation.¹⁶⁰

62. According to the UNCT, child-friendly juvenile justice procedures have been established in some provinces, and efforts were ongoing to expand their reach. A juvenile coordinating committee has been established, overseeing the application of juvenile procedures and guidelines. Guidelines for mediation of such cases have been approved and will shortly be disseminated.¹⁶¹

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

63. In 2009, CEDAW requested Laos provide, within two years, written information on steps undertaken to implement recommendations on violence against women and migrant women workers.¹⁶²

64. In 2005, CERD asked for information within one year on follow-up to the recommendations on the definition of racial discrimination, the situation of the Hmong minority in the mountains, and violence against the Hmong minority.¹⁶³ A reply was received in 2006.¹⁶⁴

V. Capacity-building and technical assistance

65. According to the UNCT, a domestic version of the Paris Declaration, the Vientiane Declaration on Aid Effectiveness and Harmonization was signed in December 2006. The draft Country Action Plan includes actions to ensure strategies consistent with human rights.¹⁶⁵

66. CEDAW recommended that Laos avail itself of technical assistance in implementing its recommendations and the Convention, and strengthen further cooperation with the United Nations system.¹⁶⁶ Similarly, CERD¹⁶⁷ welcomed cooperation between Laos and the UNDP on ratification and implementation of international human rights instruments. CERD¹⁶⁸ and CRC¹⁶⁹ invited Laos to consider seeking further technical assistance from relevant international organizations.

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;

OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1 of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ A/HRC/13/40/Add.4.
- ⁹ United Nations Country Team submission to the UPR on Laos, p. 4.
- ¹⁰ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/LAO/CO/7), para. 52.
- ¹¹ *Ibid.*, para. 57.
- ¹² Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/LAO/CO/15), para. 26.
- ¹³ *Ibid.*, para. 27.
- ¹⁴ Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.78), para. 46.
- ¹⁵ United Nations Country Team submission to the UPR on Laos, p. 1.
- ¹⁶ These include: Penal Code (1989); Law on Criminal Procedure (1989, amended 2004); Law on Lao Nationality (1990); Family Law (1990); Law on Family registration (1991); Labour Law (1994); Law on Education (2000); Law on Sanitation, Protection and Promotion of Health (2001).

- 17 United Nations Country Team submission to the UPR on Laos, p. 1.
 18 CEDAW/C/LAO/CO/7, para. 10.
 19 CERD/C/LAO/CO/15, para. 11.
 20 CRC/C/15/Add.78, para. 8.
 21 United Nations Country Team submission to the UPR on Laos, p. 1.
 22 Ibid., p. 10.
 23 CEDAW/C/LAO/CO/7, para. 10.
 24 Ibid., p. 11.
 25 CERD/C/LAO/CO/15, para. 14.
 26 Ibid., para. 10.
 27 Comments by the Government of the Lao People's Democratic Republic on the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/LAO/CO/15/Add.1), para. 2
 28 For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
 29 CERD/C/LAO/CO/15, para. 12.
 30 CEDAW/C/LAO/CO/7, para. 14.
 31 United Nations Country Team submission to the UPR on Laos, pp. 1–2.
 32 CEDAW/C/LAO/CO/7, para. 17.
 33 Ibid., para. 18.
 34 United Nations Country Team submission to the UPR on Laos, p. 11.
 35 Ibid.
 36 Ibid.
 37 CEDAW/C/LAO/CO/7, para. 55.
 38 CRC/C/15/Add.78, para. 15.
 39 United Nations Country Team submission to the UPR on Laos, p. 12.
 40 See General Assembly resolution 59/113 B of 14 July 2005 and Human Rights Council resolution 6/24 of 28 September 2007.
 41 Letter from the Ministry of Education, Lao People's Democratic Republic dated on 6 July 2007, letter from the Lao National Commission for UNESCO dated on 21 November 2007, and letters from the High Commissioner for Human Rights dated on 9 January 2006 and 10 December 2007, see <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009>. See also General Assembly resolution 59/113 B of 14 July 2005 and Human Rights Council resolution 6/24.
 42 The following abbreviations have been used for this document:
 CERD Committee on the Elimination of Racial Discrimination;
 CESCR Committee on Economic, Social and Cultural Rights;
 HR Committee Human Rights Committee;
 CEDAW Committee on the Elimination of Discrimination against Women;
 CRC Committee on the Rights of the Child.
 43 United Nations Country Team submission to the UPR on Laos, pp. 3–4.
 44 Ibid., p. 2.
 45 Ibid., p. 3.
 46 A/HRC/13/40/Add.4.
 47 See E/CN.4/1999/71/Add.1.
 48 Ibid, para. 2.
 49 A/HRC/13/40/Add.4, para. 2.
 50 The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 January 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, relating to the following questionnaires: (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, 2005; (b) report of the Special Rapporteur on the sale of

children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs, 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants, 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities, 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people, 2007; (h) report of the Working Group on the use of mercenaries (A/62/301), questionnaire on measures adopted and envisaged, including legislation, regarding mercenaries, 2007; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation, 2007; (j) report of the Special Rapporteur on violence against women (A/HRC/7/6), questionnaire on indicators on violence against women, 2007; (k) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations, 2007; (l) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, 2008; (m) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council, (A/HRC/11/9), questionnaire on Cash Transfer Programmes, 2008; (n) report of the Special Rapporteur on the right to education (A/HRC/11/8), questionnaire on the right to education for persons in detention, 2009; (o) report of the Special Rapporteur on violence against women (A/HRC/11/6), questionnaire on violence against women and political economy, 2008; (p) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour, 2009; (q) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography, 2009; (r) report of the Special Rapporteur on the right to food (A/HRC/12/31), questionnaire on world food and nutrition security, 2009; (s) report of the Working Group on Arbitrary Detention (A/HRC/13/30), questionnaire on the detention of drug users, 2009; (t) joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), questionnaire on secret detention, 2009; (u) report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), questionnaire on the security and protection of human rights defenders, 2009.

⁵¹ OHCHR 2008 Report on Activities and Results, p. 105.

⁵² CEDAW/C/LAO/CO/7, para. 44.

⁵³ *Ibid.*, para. 45.

⁵⁴ *Ibid.*, para. 21.

⁵⁵ *Ibid.*, para. 22.

⁵⁶ United Nations Country Team submission to the UPR on Laos, p. 3; see also, Lao Women's Union, 2008.

⁵⁷ CEDAW/C/LAO/CO/7, para. 12.

⁵⁸ *Ibid.*, para. 16.

⁵⁹ United Nations Country Team submission to the UPR on Laos, p. 4.

⁶⁰ CERD/C/LAO/CO/15, para. 17.

⁶¹ CRC/C/15/Add.78, para. 40.

⁶² A/HRC/6/15/Add.3, paras. 30 and 32. A/62/286, para. 55.

⁶³ A/HRC/7/5/Add.1, paras. 68-69; A/HRC/7/23/Add.1, paras. 29-31.

⁶⁴ A/HRC/4/20/Add.1, p. 194.

⁶⁵ CERD/C/LAO/CO/15, para. 22.

⁶⁶ CERD/C/LAO/CO/15/Add.1, para. 7.

⁶⁷ A/HRC/6/15/Add.3, para. 36.

⁶⁸ CERD/C/LAO/CO/15, para. 21.

⁶⁹ A/HRC/6/15/Add.3, para. 32.

- 70 CERD/C/LAO/CO/15, para. 21.
71 CERD/C/LAO/CO/15/Add.1, para. 3.
72 United Nations Country Team submission to the UPR on Laos, p. 4.
73 Ibid.
74 CEDAW/C/LAO/CO/7, para. 23.
75 Ibid., para. 24.
76 Ibid., para. 26.
77 United Nations Country Team submission to the UPR on Laos, p. 11.
78 CEDAW/C/LAO/CO/7, para. 21.
79 Ibid., para. 26.
80 Ibid., para. 27.
81 CRC/C/15/Add.78, para. 51.
82 A/HRC/6/15/Add.3, para. 46.
83 CEDAW/C/LAO/CO/7, para. 28: United Nations Country Team submission to the UPR on Laos, p. 11.
84 Ibid.
85 E/CN.4/1999/71/Add.1, para. 66 (i).
86 CERD/C/LAO/CO/15, para. 5.
87 CEDAW/C/LAO/CO/7, para. 5.
88 United Nations Country Team submission to the UPR on Laos, pp. 3–4.
89 CRC/C/15/Add.78, para. 20.
90 United Nations Country Team submission to the UPR on Laos, p. 4.
91 CRC/C/15/Add.78, para. 26.
92 Ibid., para. 33.
93 Ibid., para. 50.
94 United Nations Country Team submission to the UPR on Laos, p. 5.
95 Ibid., p. 4.
96 Ibid., p. 5.
97 CEDAW/C/LAO/CO/7, para. 14.
98 Ibid., p. 11.
99 CRC/C/15/Add.78, para. 29.
100 Ibid., para. 53.
101 Ibid., para. 42.
102 United Nations Country Team submission to the UPR on Laos, pp. 5–6.
103 A/HRC/13/40/Add.4, p. 2.
104 CERD/C/LAO/CO/15, para. 20.
105 A/HRC/13/40/Add.4, p. 2.
106 Ibid., p. 2.
107 Ibid, para. 66.
108 United Nations Country Team submission to the UPR on Laos, p. 6.
109 Ibid.
110 CEDAW/C/LAO/CO/7, para. 19.
111 United Nations Country Team submission to the UPR on Laos, pp. 1–2; see also, Decree on Associations, 2009.
112 CEDAW/C/LAO/CO/7, para. 20
113 CERD/C/LAO/CO/15, para. 13.
114 CRC/C/15/Add.78, para. 13.
115 United Nations Country Team submission to the UPR on Laos, p. 6.
116 CEDAW/C/LAO/CO/7, para. 31.
117 Ibid., paras. 32.
118 United Nations Country Team submission to the UPR on Laos, p. 11.
119 CEDAW/C/LAO/CO/7, para. 31.
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121 United Nations Country Team submission to the UPR on Laos, p. 6.
122 Ibid.
123 CEDAW/C/LAO/CO/7, para. 35.

- 124 United Nations Country Team submission to the UPR on Laos, p. 7.
125 Ibid.
126 Ibid.
127 ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning ILO Forced Labour Convention, 1930 (No. 29), 2009, Geneva, doc. No. (ILOLEX) 092009LAO029, third paragraph.
128 United Nations Country Team submission to the UPR on Laos, p. 7.
129 Ibid.; see also, WFP Comprehensive Food Security and Vulnerability Analysis 2008.
130 United Nations Country Team submission to the UPR on Laos, pp. 7–8.
131 Ibid., p. 8.
132 CERD/C/LAO/CO/15, para. 16.
133 United Nations Country Team submission to the UPR on Laos, pp. 7–8; Participatory Poverty Assessment, National Statistics Centre/ADB 2006.
134 CEDAW/C/LAO/CO/7, para. 44.
135 Ibid., para. 45.
136 United Nations Country Team submission to the UPR on Laos, p. 8.
137 CEDAW/C/LAO/CO/7, para. 37.
138 United Nations Country Team submission to the UPR on Laos, p. 7.
139 CEDAW/C/LAO/CO/7, para. 38.
140 CRC/C/15/Add.78, para. 23.
141 CEDAW/C/LAO/CO/7, para. 40.
142 United Nations Country Team submission to the UPR on Laos, p. 8.
143 Ibid., p. 8.; see also, MICS3 2006.
144 United Nations Country Team submission to the UPR on Laos, p. 8.
145 Ibid., p. 9; CEDAW/C/LAO/CO/7, para. 33.
146 Ibid., p. 8; Ibid., para. 33. See also CRC/C/15/Add.78, paras. 24 and 48.
147 United Nations Country Team submission to the UPR on Laos, p. 8; see also, Ministry of Education figures, 2009.
148 United Nations Country Team submission to the UPR on Laos, p. 11.
149 CERD/C/LAO/CO/15, para. 19.
150 A/HRC/6/15/Add.3, para. 28; A/62/286, para. 47.
151 A/HRC/6/15/Add.3, para. 27.
152 A/HRC/6/15/Add.3, para. 26; A/HRC/4/32, para. 18; A/HRC/4/32/Add.1, paras. 272-297; A/HRC/9/9/Add.1, paras. 257-269; A/HRC/12/34/Add.1, paras. 192-206.
153 A/HRC/4/32/Add.1, paras. 272-297; A/HRC/9/9/Add.1, paras. 257-269; A/HRC/12/34/Add.1, paras. 192–206.
154 CERD/C/LAO/CO/15, para. 18.
155 CEDAW/C/LAO/CO/7, para. 42.
156 Ibid., para. 43.
157 United Nations Country Team submission to the UPR on Laos, p. 10.
158 Statement attributable to the Spokesperson for the Secretary-General, New York, 29 December, 2009.
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160 Ibid.
161 Ibid., p. 5.
162 CEDAW/C/LAO/CO/7, para. 58.
163 CERD/C/LAO/CO/15, para. 29.
164 See CERD/C/LAO/CO/15/Add.1.
165 United Nations Country Team submission to the UPR on Laos, pp. 1–2.
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167 CERD/C/LAO/CO/15, para. 7.
168 Ibid.
169 CRC/C/15/Add.78, para. 54.