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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Lao People's Democratic Republic*

The present report is a summary of 14 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

I. Background and framework

A. Scope of international obligations

1. The Lao Disabled People's Association (LDPA) noted the ratification by the Lao People's Democratic Republic of the Convention on the Rights of Persons with Disabilities in September 2009.²
2. Amnesty International (AI) noted that Lao People's Democratic Republic had not yet ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Rome Statute of the International Criminal Court.³
3. AI called on the Government to ensure that national legislation and its implementation uphold obligations of the Lao People's Democratic Republic under international law, including the International Covenant on Civil and Political Rights.⁴ The Joint Submission notes that the Lao Government has so far failed to fulfil its obligation to apply the international treaties it has signed or ratified, as well as several provisions of the Universal Declaration of Human Rights.⁵
4. The Lao Women's Union (LWU) recommended coordinating with international organizations in advocacy for, and dissemination of, the various human rights treaties, particularly international conventions concerning the rights and interests of women and children, human trafficking and violence against women.⁶

B. Constitutional and legislative framework

5. According to AI, the Constitution as amended in 2003 and domestic law provide for freedom of speech, press, assembly and association. In practice, however, the authorities continue to restrict these rights, and domestic legislation imposes additional restrictions. The Penal Code contains vaguely worded provisions prohibiting propaganda and slander against the State, distorting its policies or those of the Lao People's Revolutionary Party, inciting disorder, and undermining national solidarity.⁷
6. AI welcomed the Government decree on registration of domestic associations signed in April 2009, which would, for the first time, enable the formation of civil society groups and organizations.⁸ It further noted that the National Assembly passed a new media law in July 2008, allowing foreign media outlets to establish offices in the country. The law had yet to be implemented and the current restrictions remained in place.⁹
7. Christian Solidarity Worldwide (CSW) noted that domestic law in the Lao People's Democratic Republic concerning freedom of religion was very limited and failed to guarantee international standards.¹⁰ CSW cited the Decree Regarding Governance and Protection of Religious Activity, as well as its implementation guidelines, as the principal instrument governing religious practice in the country.¹¹
8. DPA noted the new prime ministerial decree resolution 61 on the establishment and role of the National Committee for Disabled people.¹²

C. Policy measures

9. LDPA noted that it organized consultation workshops on development of ministerial disability action plans, in which Government line ministries and local Governments were involved.¹³

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

10. AI noted that a number of periodic reports to the human rights treaty bodies were overdue, including the 16th and 17th periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination. Members of the Committee on the Elimination of Racial Discrimination held a workshop in Vientiane in April 2008 on reporting; however, the reports, due since 2007, had not yet been submitted by the Government.¹⁴

2. Cooperation with special procedures

11. AI called on the Government to facilitate promptly the visit by the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.¹⁵

12. CSW welcomed the November 2009 visit by the Special Rapporteur on freedom of religion or belief.¹⁶

B. Implementation of international human rights obligations

1. Equality and non-discrimination

13. Jubilee Campaign (JC) noted that Lao officials had denied schooling to Christian children from the Boukham Church in Savannakhet Province and cut off access to public medical care and village wells for members of the Church.¹⁷

14. The Lao Front for National Construction noted that it supported the efforts of the Government to promote the legitimate equal rights of the Lao ethnic groups and to promote and protect human rights in the country.¹⁸

15. LDPA noted the absence of accurate or precise data collection on disability nationwide and that there was a big gap between the knowledge, awareness and education of persons with disabilities in the cities and in the rural areas.¹⁹

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

16. AI noted that, in December 2007, the Lao People's Democratic Republic abstained in the vote on United Nations General Assembly resolution 62/149 which sought to establish a global moratorium on the use of the death penalty, and expressed disappointment that the State supported a statement in which 58 countries disassociated themselves from the resolution.²⁰ AI called on the Government: immediately to impose a moratorium on executions, with a view to complete abolition of the death penalty, in line with General Assembly resolutions 62/149 and 63/168; commute all outstanding death sentences; make public all information about the imposition and use of the death penalty;

and encourage discussion among National Assembly members and other appropriate legislative institutions on abolition of the death penalty for all crimes.²¹

17. According to the Joint Submission, articles 50 and 59 of the Criminal Code, which on account of their vague wording can be used to punish any sort of divergent opinion, have been invoked on numerous occasions to justify the arbitrary arrest of human rights defenders, political dissidents and members of ethnic and religious minorities.²²

18. According to the Society for Threatened People (STP), in the Lao People's Democratic Republic the situation of Hmong prisoners is a key issue, as many of them are detained without clear legal basis after their capture in the jungle or repatriation from a neighbouring country. It cited one example of a group of 26 Hmong children deported back to Laos from a neighbouring country without their parents in December 2005, who were regularly beaten, had their hair pulled, were forced to eat rotten food or faeces, raped and left without proper medical care. Before they were released, they were warned to tell the public how well they had been treated and that they had received regular food.²³ STP further noted that several Hmong leaders were believed to be imprisoned in the country, but there had been little information on what prisons they were located in and no access had been granted to outsiders so far to check on their well-being.²⁴

19. The Congress of World Hmong People (CWHP) added that the Government classified Hmong as "bandits" so that they could be legally killed, and that conspiracy tactics were used by soldiers wearing civilian clothes to hide their identities to kill Hmong in remote regions like the Xaysombun Special Zone.²⁵

20. According to AI, despite the secrecy of the authorities, credible reports have emerged of harsh conditions in the State's prisons and police detention facilities. There is a shortage of food and clean water and reports of guards beating and isolating prisoners as punishment; in some prisons, wooden shackles are used.²⁶ AI called on the Government to allow unfettered access to independent human rights monitors to all places of detention.²⁷

21. LWU indicated that because of economic hardship, some women have had to migrate to a neighbouring country illegally to seek employment, where some have been exploited while others are sold to prostitution. It noted the high risk of trafficking in women and children.²⁸ JC stated that the State must find resources to improve the training of its officials and systems to better identify trafficking victims in transit and also prosecute more traffickers as they are identified.²⁹

22. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment in the home is lawful, and that provisions against violence and abuse in the Penal Code (1990), the Family Law (1990), the Law on the Protection of the Rights and Interests of Children (2006) and the Law on Development and Protection of Women are not interpreted as prohibiting all corporal punishment in childrearing. Corporal punishment is considered unlawful in schools under article 27 of the Law on the Protection of the Rights and Interests of Children, which confirms the State's policy to create "child-friendly" schools in which students are protected from corporal punishment. In the penal system, corporal punishment as a criminal sentence is unlawful, and although there is no explicit provision, it is considered unlawful as a disciplinary measure in penal institutions. GIEACPC further noted that there was no prohibition of corporal punishment in alternative care settings.³⁰

3. Administration of justice, including impunity, and the rule of law

23. The European Centre for Law and Justice noted that the Lao Constitution governed the judicial system, establishing the People's Supreme Court as the highest court, followed by the Provincial, municipal People's Court, and finally the district people's Court.³¹

24. The Joint Submission notes that there is no separation of powers between the executive and the judiciary. The administration of justice is marked by serious disfunction, ongoing corruption at all levels, and arbitrary arrests and torture.³²

25. JC noted that abuses of authority are punishable by law in the Lao People's Democratic Republic. The law stated that an offender could be punished and imprisoned for three to five years and fined from 2 million kip to 7 million kip (US\$240 to US\$840) for such abuses. Citing a number of incidents of harassment and crackdown on the Christian community, JC noted that there had been no justice for those affected.³³ JC recommended that the State adhere to the Constitution in respect of punishment of officials who abuse authority by use of force, weapons, torture, indecent words or acts affecting the honour and reputation of the victim.³⁴ JC further recommended that the State not grant impunity to its officials who persecute the Christian minority.³⁵

26. LWU noted that women had limited access to legal information, making it difficult for them to protect their rights.³⁶ It recommended creating opportunities for more women to take part in the judicial administration through appointment as judges, prosecutors, lawyers and members of village mediation units, so that they will be able to effectively promote and protect the rights and interests of women and children.³⁷

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

27. The Institute on Religion and Public Policy (IRPP) noted that the freedom to believe or not believe in a religion one chooses existed, but one could only practise one's religion within the limitations set forth by the Government, and with its approval. The approval process was challenging and respect for religion did not exist in many parts of the country.³⁸ IRPP further noted that religious practices had to be approved by Lao Front for National Construction (LFNC), a cover organization for the Lao's People's Revolutionary Party. The LFNC was responsible for the oversight of all religious practice, and because they had the ultimate right to approve religious practices, they could also restrict them. One of the major hurdles in gaining approval was proving that a religious practice served the Lao People's Democratic Republic's national interests, such as education or development.³⁹

28. JC noted that Christians comprised only 1 per cent of the population in the country, but the Government had taken action with impunity against churches, church leaders, and Christian citizens regarding the practice of their faith.⁴⁰ JC further noted that only three churches in the Lao People's Democratic Republic were recognized: the Lao Evangelical Church, the Seventh-Day Adventist Church, and the Roman Catholic Church. Church leaders experienced arbitrary arrests, threats and kidnappings. The greatest persecution was suffered by Protestants, who were considered a "threat" to the Government. Many Christians in the country had been banished from their towns.⁴¹ STP also noted that the Government's tolerance of religion varied from region to region. Particularly, Evangelical Protestants associated with the Lao Evangelical Church had faced restrictions and harassment. Although the degree of religious freedom had increased over the past few years, indigenous Protestants who belong to churches recognized by the authorities were especially harassed, threatened, arrested, forced to relocate or to renounce their faith. Those who were released after signing a document renouncing their faith were kept under the close surveillance of the authorities.⁴²

29. AI noted reports that local officials in Savannaketh and Saravan provinces had tried to force Christians to recant their faith, including through interrogation, harassment and death threats. In the period between July and September 2008, the prosecution of Christians intensified and at least 90 Christians, from mainly evangelical congregations, were arrested and detained without charge or trial. Some were held for several weeks, but at least two were released after being forced to renounce their faith.⁴³ AI called on the Government to

ensure that relevant authorities, including at the local level, are aware of their duty to protect individuals' right to freedom of religion, and to impose legal sanctions on officials, including police, who are found to have arbitrarily detained or otherwise punished persons solely on the basis of their religion or religious activities.⁴⁴

30. According to CSW, the impetus for harassing or persecuting a Christian community typically originates from any of a variety of authorities, either within a village, or at a higher level. This enhances the vulnerability of Christians to arbitrary mistreatment.⁴⁵ CSW recommended that the Government undertake to prevent the forcible eviction of Christian communities and forced renunciations of faith and ensure that such infringements of religious freedom are properly investigated and punished.⁴⁶

31. The Becket Fund for Religious Liberty recommended that the Government endeavour to protect all citizens from discrimination regardless of their religious affiliation; be commended for its efforts to educate police and provincial officials on laws relating to religion and for intervening in certain cases of abuse of minority groups by local officials; hold local officials accountable for protecting the rights of religious believers; and address the legal ambiguity that allows local officials to oppress minority religious groups.⁴⁷

32. AI noted that the authorities strictly controlled public debate, including in the media and on the Internet. Journalists and authors appeared to exercise a considerable amount of self-censorship, due to fear of reprisals. The Government owned most domestic print and electronic media, and maintained strict controls over these. Some publications of a non-political nature were allowed, although officials reportedly scrutinized their contents. Facilities to monitor Internet usage and block sites deemed politically sensitive were in place.⁴⁸

33. The Joint Submission also notes that there is no independent press in the Lao People's Democratic Republic. The written press, radio and television are Government-owned or owned by one of the single political party's satellite organizations that control them. While the French- and English-language weeklies *Le Rénovateur* and *Vientiane Times* sometimes dare to print articles about socio-economic problems such as corruption and deforestation, the remaining media (*Paxaxon*, *Vientiane Mai*, *Khaosane Pathet Lao*) often publish identical articles, word for word, that are supportive of the Communist regime. It is prohibited to criticize "friendly countries". Self-censorship is widespread. In 2007, a group of journalists and investors tried to launch an English-language economic newspaper, but the authorities ordered it to be supervised by the Ministry of Information and Culture.⁴⁹

34. According to the Joint Submission, the Government restricts the right of association, except for associations related to the single political party. Some commercial associations — international NGOs working to promote agriculture or combat poverty, for example — are authorized, but are closely monitored by the Government. A decree signed in May 2009 by the Prime Minister authorized the establishment of local NGOs as from November 2009. Real evidence of their independence, however, has yet to be shown.⁵⁰

35. According to the Joint Submission, the osmosis between the State and the single political party in power, the Lao People's Revolutionary Party, is clearly reflected in article 3 of the Constitution: "The people's right to rule their multi-ethnic nation is exercised and guaranteed through the functioning of the political system, headed by the Lao People's Revolutionary Party." This provision recognizes, institutes and imposes, in practice, the monopoly of a single political party, the PPRL, thereby precluding the very foundation of the democratic system of political pluralism, which is clearly incompatible with the principles of democracy and a blatant violation of the international conventions signed and ratified by the Lao People's Democratic Republic.⁵¹

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

36. According to the Joint Submission, despite the legislation on trade unions that entered into force in February 2008, supplementing the 2006 labour legislation, the freedom to join a trade union is virtually non-existent in the Lao People's Democratic Republic. The 2008 legislation on trade unions defines a "Lao trade union" as a "mass organization of the political system of the democratic centralist unified leadership of the Lao People's Revolutionary Party". The only trade union in the country is closely linked to the PPRL, the single political party. Work stoppages and strikes are prohibited by law, and no industrial unrest is ever reported. The systematic non-implementation of labour legislation means that Lao workers are deprived of their rights. Trade unions must be affiliated to the Federation of Lao Trade Unions, which is authorized by the Government and which operates as a mass organization directly controlled by the PPRL.⁵²

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

37. According to the Joint Submission, women — especially those living in rural areas — do not have access to health care, education or information on the prevention of HIV/AIDS. Regional AIDS experts speak of the increasing prevalence of this disease in the Lao People's Democratic Republic, calling it an "invisible epidemic".⁵³

38. According to the Joint Submission, only 7 per cent of pregnant women give birth in a health centre. Young mothers living in remote rural areas do not have a balanced diet, and only half of them have access to drinking water. In these conditions, mortality rates for mothers and children are extremely high, and young children are especially vulnerable to disease. Maternal and infant mortality rates remain very high.⁵⁴

39. According to LWU, although the maternal mortality rate has decreased, many women still face poverty, hard work, lack of knowledge and skills, illiteracy and limited access to health care.⁵⁵ It recommended creating conducive conditions for women to participate in legal, health, credit, employment and welfare services.⁵⁶

7. Right to education

40. According to the Joint Submission, primary education is compulsory, and free of charge, for children up to 10 years of age. A number of practices have become widespread, willingly or unwillingly approved by the Government, which appear to undermine in practice the principle of free education. Pupils must buy their school textbooks and uniforms from schools, which are the sole suppliers. The high cost of books and supplies means that many inhabitants cannot afford education. For Lao families, particularly those living outside towns, most of whom have several children, sending children to school becomes expensive, and sometimes financially impossible. Girls are often the first victims of this situation and have to leave school. In some provinces, it is estimated that only approximately 30 per cent of children go to school.⁵⁷

41. LWU noted that some negative traditions prevent women from going to school and participating in social activities. Women in rural areas still have limited levels of education, labour skills, and access to credit and business information. They usually engage in temporary and seasonal employment.⁵⁸

8. Minorities and indigenous peoples

42. STP noted that the concept of "indigenous peoples" is not recognized by the Lao Government, as all ethnic groups officially have equal status. In November 2008, after much controversy, the Government recognized 49 ethnic groups.⁵⁹

43. STP noted that ethnic minorities most often lacked the opportunity to influence or participate in Governmental decisions, even where these affected the minorities' traditional lands and the allocation of natural resources. It cited as one example a huge project, the controversial Nam Theun II Hydropower Dam, which required massive amounts of land and therefore a relocation of the people living there.⁶⁰

44. The Joint Submission notes that the Government continues to perpetrate acts of violence against Hmong people, on the grounds that their parents or grandparents fought alongside the United States of America during the Viet Nam War.⁶¹ CWHP made a similar observation.⁶² The Hmong are a decimated people, now reduced to a few thousand individuals, who try to survive on "shoots and leaves" in the jungle, in the region of Saysomboune, in the north of the country, since they cannot farm or build permanent housing, for fear of being detected and persecuted by the Army. The Government continues to offer "amnesty" to those who give themselves up to the authorities. Of the Hmong who left the jungle and have given themselves up to the authorities since 2005, several men have been imprisoned or have disappeared, which creates a climate of terror in the population. The Government continues to refuse the presence of international observers in the area in question.⁶³ CWHP also noted that the Lao People's Democratic Republic had continued to deny and violate the economic, social and cultural rights of Hmong indigenous people.⁶⁴

9. Migrants, refugees and asylum-seekers

45. STP noted that, due to fear of death, torture, rape or capture, thousands of Hmong have tried to flee to a neighbouring country, indicating the presence of about 5,000 such refugees there. It expressed concern at reports of the repatriation of these refugees to Laos.⁶⁵ AI expressed concern that the resettlement sites for the Hmong people from a neighbouring country did not have adequate facilities and resources to cope with the large influx. Independent observers had not been allowed unfettered access to these areas and the situation of most of the returnees was not known,⁶⁶ as also noted by STP.⁶⁷

III. Achievements, best practices, challenges and constraints

46. The Lao Red Cross indicated that around 200,000 people benefited from its projects relating to, inter alia, clean water supply, primary education and non-formal education for women in remote areas, as well as access to micro-credit, access to health services in hospital and HIV/AIDS projects.⁶⁸ It cited the frequency of disasters, increase in population and rural-urban migration, and the possible outbreak of communicable diseases and HIV/AIDS as challenges.⁶⁹

47. The Lao Women's Union stated that the Government invested considerable efforts to encourage, promote and protect the legitimate rights and interests of Lao women in all fields: political, economic, social, cultural and family as provided for in the policy of the Government, the Constitution and laws.⁷⁰

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

Civil society

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| AI | Amnesty International*, London, United Kingdom; |
| Becket Fund | Becket Fund for Religious Society, Washington D. C., USA; |
| CSW | Christian Solidarity Worldwide, Surrey, United Kingdom; |
| CWHP | Congress of World Hmong People; |
| ECLJ | European Centre for Law and Justice, Strasbourg, France; |
| GIEACPC | Global Initiative to End All Corporal Punishment of Children, London, United Kingdom; |
| IRPP | Institute on Religion and Public Policy, Washington D. C., USA; |
| JC | Jubilee Campaign*, Surrey, United Kingdom; |
| Joint Submission | Joint submission by FIDH* (International Federation for Human Rights), Paris, France; and Movement Laotien pour les Droits de l'Homme (MLDH); |
| LDPA | Lao Disabled People's Association, Thongsang Nang village, Laos; |
| LFNC | Lao Front for National Construction, Laos; |
| LRC | Lao Red Cross, Laos; |
| LWU | Lao Women's Union, Laos; |
| STP | Society for Threatened People*, Göttingen, Germany; |

² LDPA, p. 3.

³ AI, p. 3.

⁴ AI, p. 5.

⁵ Joint Submission, p. 1.

⁶ LWU, para. 31.

⁷ AI, p. 3.

⁸ AI, p. 3.

⁹ AI, p. 3.

¹⁰ CSW, para. 9. See Becket Fund, para. 2.1, ECLJ, p. 1, IRPP, paras. 7–8.

¹¹ CSW, paras. 12–13. See also Becket Fund 2.2, IRPP para. 9, Joint Submission, p. 4.

¹² LDPA, p. 3.

¹³ LDPA, para. 15.

¹⁴ AI, p. 3.

¹⁵ AI, p. 5.

¹⁶ CSW, para. 27.

¹⁷ JC, p. 1.

¹⁸ LFNC, p. 3.

¹⁹ LDPA, p. 4.

²⁰ AI, p. 5.

²¹ AI, p. 6. See also Joint Submission, p. 5.

²² Joint Submission, p. 2.

²³ STP, p. 3. See also CWHP, p. 2.

²⁴ STP, p. 3.

²⁵ CWHP, p. 2.

²⁶ AI, p. 4.

²⁷ AI, p. 6.

²⁸ LWU, para. 19.

²⁹ JC, p. 2. See also Joint Submission, p. 6.

³⁰ GIEACPC, p. 2.

³¹ ECLJ, p. 3.

³² Joint Submission, p. 2

³³ JC, para 6.

³⁴ JC, p. 3.

- ³⁵ JC, p. 2.
³⁶ LWU, para. 17.
³⁷ LWU, para. 30.
³⁸ IRPP, para. 1.
³⁹ IRPP, para. 10. See also STP, p. 3.
⁴⁰ JC, p. 1.
⁴¹ JC, p. 2.
⁴² STP, p. 3.
⁴³ AI, p. 4. See also CSW, paras. 19–22 and 25, Joint Submission, p. 4.
⁴⁴ AI, p. 6. See also JC, paras. 2–5.
⁴⁵ CSW, para. 18. See also Becket Fund, para. 3.1.
⁴⁶ CSW, para. 27 (I) (b).
⁴⁷ Becket Fund, para. 5.
⁴⁸ AI, p. 4.
⁴⁹ Joint Submission, pp. 2–3.
⁵⁰ Joint Submission, pp. 3–4.
⁵¹ Joint Submission, p. 1.
⁵² Joint Submission, p. 4.
⁵³ Joint Submission, p. 5.
⁵⁴ Joint Submission, pp. 5–6.
⁵⁵ LWU, para. 17.
⁵⁶ LWU, para. 32.
⁵⁷ Joint Submission, p. 5.
⁵⁸ LWU, paras. 17–18.
⁵⁹ STP, p. 1.
⁶⁰ STP, p. 1.
⁶¹ Joint Submission, p. 5. See also STP, p. 2.
⁶² CWHP, p. 1.
⁶³ Joint Submission, p. 5. See also STP, p. 2.
⁶⁴ CWHP, p. 3.
⁶⁵ STP, p. 2.
⁶⁶ AI, p. 4. See also STP, p. 2.
⁶⁷ STP, p. 3.
⁶⁸ LRC, p. 3.
⁶⁹ LRC, para. 13.
⁷⁰ LWU, para. 3.
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