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Lao People's Democratic Republic

The present report is a compilation of the information contained in reports of the treaty bodies and special procedures, including observations and comments by the State concerned, in reports of the United Nations High Commissioner for Human Rights, and in other relevant official United Nations documents. It is presented in a summarized manner owing to word-limit constraints. For the full texts, please refer to the documents referenced. The report does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1974)	CAT (2012)	ICCPR-OP 2
	ICESCR (2007)		OP-CAT
	ICCPR (2009)		ICRMW
	CEDAW (1981)		ICPPED (signature, 2008)
	CRC (1991)		
	OP-CRC-AC (2006)		
	OP-CRC-SC (2006)		
	CRPD (2009)		
	ICPPED (signature, 2008)		
<i>Reservations and/or declarations</i>	ICCPR (reservation, art. 22/ declarations, arts. 1 and 18, 2009)	CAT (reservations, arts. 20 and 30, para. 1/declarations, art. 1, para. 1 and art. 8, para. 2, 2012)	
	OP-CRC-SC (reservation, art. 5, para. 2, 2006)		
<i>Complaints procedures, inquiries and urgent action³</i>			ICERD, art. 14
			OP-ICESCR
			ICCPR, art. 41
			ICCPR-OP 1
			OP-CEDAW
			CAT, arts. 20, 21 and 22
			OP-CRC-IC
			ICRMW
		OP-CRPD	
		ICPPED (signature, 2008)	

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		Conventions on refugees and stateless persons ⁷ except 1954 and 1961 Conventions
	Palermo Protocol ⁴		Additional Protocol III to the

<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
Geneva Conventions of 12 August 1949 and Additional Protocols I and II ⁵		1949 Geneva Conventions ⁸
ILO fundamental conventions except Nos. 87, 98 and 105 ⁶		ILO Conventions Nos. 169 and 189 ⁹
		Rome Statute of the International Criminal Court
		UNESCO Convention against Discrimination in Education

1. In 2011, the Committee on the Rights of the Child (CRC) encouraged the Lao People's Democratic Republic to ratify the OP-CAT and ICPED,¹⁰ and recommended ratifying the OP-CRPD.¹¹ In 2012, the Committee on the Elimination of Racial Discrimination (CERD) encouraged the country to ratify the ICRMW.¹²

2. CERD encouraged the country to make the optional declaration provided for in article 14 of the ICERD.¹³ It also recommended the ratification of the amendments to article 8, paragraph 6, of ICERD.¹⁴

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Lao People's Democratic Republic accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹⁵

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that the Lao People's Democratic Republic ratify the 1960 UNESCO Convention against Discrimination in Education.¹⁶

B. Constitutional and legislative framework

5. The United Nations Country Team for Lao People's Democratic Republic (UNCT) stated that, after the previous UPR review, several important laws had been enacted or amended, including the Law on the People's Court, the Law on the Public Prosecutor, the Penal Law and the Laws on Criminal Procedure and Juvenile Criminal Procedure.¹⁷

6. CERD urged the Lao People's Democratic Republic, in line with article 2 of the 2009 Presidential Ordinance on Treaty-Making, Participation and Implementation, to incorporate the Convention's provisions into domestic law, either by adopting a comprehensive law against racial discrimination or amending existing laws.¹⁸ CRC encouraged the incorporation of the Convention into domestic laws so that it had prevalence over national laws and its provisions were directly applicable in a court of law.¹⁹

7. In the framework of follow-up to CEDAW concluding observations, the Lao People's Democratic Republic provided information relating to the adoption by the National Assembly of a plan to review existing laws and formulate new laws, many of which concerned the protection of women's and children's rights, including the Law on Development and Protection of Women, the Law on the Protection of the Rights and Interests of Children, People's Courts, the Penal Law, the Family Law, the Labour Law, the Law on Education and other legal instruments of the country.²⁰

8. CRC urged the country to allocate adequate human and financial resources to implement the Law on the Protection of the Rights and Interests of Children fully.²¹

9. UNHCR also recommended that the Lao People's Democratic Republic: reform the Law on Lao Nationality to provide protection so that all children born in the territory who

were otherwise stateless acquired Lao citizenship; and facilitate the naturalization of stateless persons.²²

C. Institutional and human rights infrastructure and policy measures

10. CERD noted the concern of the Lao People's Democratic Republic about the lack of resources required for the establishment of a national human rights institution, encouraging the country to establish a national human rights institution compliant with the Paris Principles.²³ CRC also recommended the establishment, in accordance with the Paris Principles, of an Ombudsman's Office or other independent monitoring body provided with necessary resources,²⁴ with a clear mandate to receive and investigate complaints from, or on behalf of, children about violations of their rights

11. CEDAW noted that the Lao People's Democratic Republic had established several inter-agency mechanisms established to promote and protect human rights, such as the National Steering Committee on the Preparations for the Ratification and Implementation of the International Conventions on Human Rights, the National Steering Committee on the Preparation for the Universal Periodic Review, the National Steering Committee on Reporting on the implementation of ICERD. In 2012, the National Steering Committee on Human Rights was established to enhancing inter-agency coordination in the promotion and protection of human rights.²⁵

12. UNCT recommended that the Government establish a national human rights institution in conformity with the Paris Principles. The implementation of the rights of minority groups, such as the LGBT community and persons with disabilities, remained particularly low, and those minority groups were at risk without the protection afforded by such an institution.²⁶

13. While noting the development of a national plan of action against commercial sexual exploitation of children, CRC encouraged the adoption of a National Plan of Action on Children that fully addressed all the rights enshrined in the Convention with specific budget allocation, adequate follow-up mechanisms, sufficient human resources and an evaluation and monitoring mechanism.²⁷

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies²⁸

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	March 2005	2011	March 2012	Nineteenth to twenty-first reports due in 2015
CESCR	-	-	-	Initial report overdue since 2009
HR Committee	-	-	-	Initial report overdue since 2011

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CEDAW	July 2009	-	-	Eighth and ninth reports overdue since September 2014
CAT	-	-	-	Initial report overdue since 2013
CRC	September 1997	2009 (to CRC)/2013 (to OP-CRC-AC and OP-CRC-SC)	February 2011	Combined third to sixth reports due in 2016. Initial OP-CRC-AC and OP-CRC-SC reports to be considered in 2016
CRPD	-	-	-	Initial report overdue since 2011

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2013	Investigation of violence against Hmong people; conditions of Hmong persons repatriated; and human trafficking. ²⁹	-
CEDAW	2011	Violence against women and migrant women workers. ³⁰	2013 ³¹

14. CRC encouraged the Lao People's Democratic Republic to fulfil its reporting obligations under the ICCPR, ICERD and ICESCR.³²

B. Cooperation with special procedures³³

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	No	No
<i>Visits undertaken</i>	Freedom of religion	
<i>Visits agreed to in principle</i>		Cultural rights
<i>Visits requested</i>	Summary executions Adequate housing	Freedom of peaceful assembly and of association
<i>Responses to letters of allegation and urgent appeals</i>	During the period under review six communications were sent. The Government replied to four of them	
<i>Follow-up reports and missions</i>		

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

15. While noting the provisions of article 176 of the Criminal Code on discrimination against ethnic persons and the various non-discrimination articles in other laws, CERD recommended that a comprehensive definition of racial discrimination fully in compliance with ICERD be introduced into legislation, and that direct and indirect discrimination be defined in the country's civil and administrative laws.³⁴

16. CERD regretted the fact that article 66 of the Criminal Code on “division of solidarity” did not prohibit dissemination of ideas based on racial superiority, hatred and incitement to racial discrimination and did not ban organizations or activities promoting racial discrimination. CERD recommended the incorporation into the Criminal Code of provisions giving full effect to article 4 of the Convention, and the addition of racist motivation to the aggravating circumstances for crimes under article 41 of the Criminal Code.³⁵

17. CRC regretted that the issuance of birth certificates was not free and was concerned that births in small, isolated villages might not be registered. CRC encouraged the Lao People's Democratic Republic to provide birth certificates free of charge to all children born on its territory. CRC recommended that civil status registries be established in all districts, including small rural districts, and the introduction of mobile units for birth registration.³⁶

18. UNHCR also recommended that Lao People's Democratic Republic continue efforts to modernize its birth registration system and improve access to remote locations, and evaluate if more steps were needed to ensure access to universal birth registration.³⁷

19. CERD expressed concern at the reluctance of the Lao People's Democratic Republic to discourage practices within some ethnic groups, particularly regarding inheritance and early marriages, prejudicial to the equal enjoyment and exercise of rights by each sex. It called on the Lao People's Democratic Republic to address discriminatory customs, primarily through education and other culturally sensitive strategies.³⁸

20. CERD was concerned that some ethnic groups did not have equal access to public services, such as in the areas of health and education.³⁹ CRC also expressed concern at reports of continuing inequalities in the treatment of certain ethnic groups in terms of access to basic services, financial and other resources, decision-making and capacity-development opportunities.⁴⁰ CERD called upon the Lao People's Democratic Republic to address the ethnic and geographical disparities in the delivery of, and access to, public services, and ensure that those services were culturally adequate.⁴¹

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

21. In 2012, the Special Rapporteurs on freedom of expression, human rights defenders, independence of judges and lawyers, and torture received reports of alleged torture by detention personnel, denial of legal aid for detained human rights defenders and refusal of their requests to meet with family and lawyers.⁴²

22. In 2013, four special procedures mandate holders received reports of enforced disappearance of a human rights defender working on land grabbing. The defender assisted

victims to speak out about their experiences and was involved in trying to stop threats by officials against people who publicly spoke up against land grabbing they experienced.⁴³ The Working Group on Enforced Disappearances also transmitted the case of Mr. Sombath Somphone, a human rights defender who was allegedly last seen on 15 December 2012 near a police post in Vientiane municipality. He had been working on issues of land grabbing in the Lao People's Democratic Republic, assisting victims to speak out about their experiences.⁴⁴

23. UNCT stated that the Government continued to strengthen the legal framework of tackling all forms of human trafficking through the 2005 amendment of the Penal Law, as well as through the Law on Development and Protection of Women (2014).⁴⁵ UNCT added that the latter law focused on eliminating discrimination against women, combating violence and creating an enabling environment for women's empowerment. The law also established counselling and protection mechanisms for women and children at the central, provincial, district and village levels. However, according to UNCT, the law appeared to be rarely invoked to adjudicate legal claims for the violation of the equality rights that it listed.⁴⁶

24. CRC was concerned that the Lao People's Democratic Republic remained a country of origin, transit and destination for victims of trafficking for the purposes of forced labour and sexual exploitation. CRC recommended the implementation of the national legislation against trafficking in persons; the investigation and prosecution of all cases of sale and trafficking and adequate compensation for children; and the protection of child victims and the ensuring of their access to social and psychological assistance for recovery and reintegration.⁴⁷ With respect to the UPR recommendations on measures to combat trafficking,⁴⁸ which the Lao People's Democratic Republic had voluntarily committed to follow, CERD called upon the country to address its root causes and to pay attention to any manifestation of vulnerability thereto due to ethnicity or subsequent to relocation.⁴⁹

25. CEDAW noted that the Lao People's Democratic Republic had proposed developing a specific law against domestic violence and gender-based violence, and that the National Assembly had included the anti-domestic violence bill in its legislative agenda for the 5-year term of the National Assembly (2011–2015). The National Assembly had targeted the enactment and revision of a total of 89 laws, consisting of 47 new laws and 42 amendments. Among the new laws to be considered was the draft bill on domestic violence and violence against women and children drafted by the Ministry of Justice in 2011.⁵⁰ The bill was expected to be adopted within the time frame of 2011–2013.⁵¹

26. CRC was concerned that early marriage continued to exist within certain ethnic groups, even though the practice was prohibited by law. CRC urged the Lao People's Democratic Republic to enforce sanctions penalizing early marriage and to take appropriate steps to eliminate it.⁵²

27. CRC noted with concern that violence against children in the home remained common and regretted the lack of sufficient rehabilitation and reintegration measures for child victims of abuse. CRC was further concerned that there was no system for reporting violence. CRC recommended the establishment of mechanisms to identify the extent of violence, sexual abuse, neglect, maltreatment and exploitation, including within the family, in schools, penal institutions and care institutions; the provision of access and adequate services for recovery, counselling and reintegration; and the establishment of a system of mandatory reporting for professionals working with or for children.⁵³

28. Although prohibited in primary schools, CRC was concerned at reports that some teachers used physical punishment as a means of discipline. CRC was also concerned that corporal punishment was lawful in the home and not prohibited in alternative care settings.

CRC recommended the explicit prohibition by law of all forms of corporal punishment of children in all settings and the promotion of alternative forms of discipline.⁵⁴

29. While welcoming the National Plan of Action on Commercial Sexual Exploitation of Children, CRC recommended the allocation of sufficient resources for the implementation of appropriate policies and programmes for the prevention of sexual exploitation and abuse, and the recovery and social reintegration of child victims.⁵⁵

30. CRC encouraged the Lao People's Democratic Republic to prioritize the elimination of all forms of violence against children, paying particular attention to gender. CRC requested information, namely on the development in each state of a national comprehensive strategy to prevent and address all forms of violence against children, and the introduction of an explicit national legal ban on all forms of violence against children in all settings.⁵⁶

C. Administration of justice and the rule of law

31. CRC was concerned that children under the age of 15, who committed very serious offences, were brought before criminal courts even if their sentence provided rehabilitative or correctional measures. While noting that a special chamber dealing with affairs specifically concerning children was created in 2003 in the People's Supreme Court (tribunal populaire suprême), CRC nevertheless regretted that the project to establish juvenile courts was still not in place and that children were held together with adults in prisons. It was concerned that the death penalty was not explicitly prohibited for children. It urged the country to ensure that juvenile justice standards were fully implemented and take all necessary measures to ensure that children aged between 15 and 18 years were held in detention only as a last resort and for very serious offences.⁵⁷

32. Concerned at the absence of complaints of racial discrimination in the light of the ethnic diversity of the population, CERD recommended that the Lao People's Democratic Republic verify whether the absence of such complaints was not the result of victims' lack of awareness of their rights, fear of reprisals, limited access to remedies or lack of confidence in the police and judicial authorities or the authorities' lack of sensitivity to racial discrimination. It also recommended that judicial and other remedies available to victims be effective, and, to that end, called upon the country to pay particular attention to the additional challenges faced by ethnic groups in accessing justice.⁵⁸

33. CRC recommended that all child victims, e.g. child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking, and witnesses of such crimes be provided with protection.⁵⁹

D. Right to privacy and family life

34. UNCT noted that the Family Code had been amended to remove discrimination in matters of marriage and inheritance.⁶⁰

35. CRC noted with concern that parents adopting a child under the age of 10 could change the child's first name without the consent of the child. CRC recommended that the principles of the best interests of the child and preservation of the child's identity be given priority consideration with regard to all requests to have a child's name changed.⁶¹

36. CRC regretted the absence of services providing family counselling, parental education programmes or training for social workers. It was concerned that families in some rural and remote regions lacked support for their child-rearing responsibilities. It recommended the strengthening of the country's Child Protection Networks in order to

provide assistance to families, with particular focus on families in situations of poverty or isolation, including through counselling, parental education programmes and other awareness-raising programmes that would encourage a strong family environment.⁶²

37. CRC noted that the decision regarding the placement of a child deprived of a family environment fell under the jurisdiction of the chief of village. CRC encouraged the Lao People's Democratic Republic to develop clear guidelines to ensure that children's rights were respected throughout the process of placement in alternative care, with priority to be given to family-type and community-based measures; and to set up a mechanism to ensure periodic review of the placement of children in care centres, family-type care and alternative forms of care.⁶³

38. CRC was concerned that norms to ensure the safety and health of children in public and private institutions responsible for the care and protection of children were not completely respected, particularly in more isolated regions. CRC recommended that the Lao People's Democratic Republic to ensure that the population had access to treated drinking water, and raise awareness among the population about the importance of clean drinking water.⁶⁴

39. CRC urged the Lao People's Democratic Republic to put in place a mechanism to monitor all adoptions, national and international, and encouraged it to ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption.⁶⁵

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

40. CERD was concerned at the discrimination experienced by certain ethnic groups in the exercise of their freedom of religion. CERD recommended that all persons enjoy their right to freedom of thought, conscience and religion, without discrimination.⁶⁶

41. CRC was concerned that members of religious minorities had been restricted in the exercise of their freedom of religion, as manifested by harassment and denial of access to public schools, and recommended that the Lao People's Democratic Republic ensure full respect of the right to freedom of religion for all children belonging to religious minorities, and promote tolerance and inter-religious dialogue.⁶⁷

42. UNESCO noted that the Lao People's Democratic Republic had passed a new law in 2008 that determined the roles, responsibilities and duties of foreign and domestic media, prohibitions, management, inspection, policies for contributors and penalties for violations, including disciplinary sanctions if journalists failed to act in accordance with the law. Under article 50 of the new law, the Ministry of Information, Culture and Technology could ban content falling within a category of prohibited content, such as provoking destructive acts against national and public interests, defaming the truth or affecting dignity of persons or organizations.⁶⁸

43. UNESCO noted that defamation, libel and insult were criminal offences under articles 94 and 95 of the Penal Code. It stated that a freedom of information law did not currently exist in the Lao People's Democratic Republic.⁶⁹

44. While noting the adoption of the Decree on Association in 2009, CRC was concerned that the process of registration of civil society groups and organizations was slow and tedious and no organization had yet received a permanent licence. It recommended that the Lao People's Democratic Republic simplify and accelerate that registration process.⁷⁰

45. In 2013, the Special Rapporteurs on freedom of peaceful assembly and of association and human rights defenders expressed concern with respect to the draft guidelines for the implementation of the Prime Minister's Decree on International Non-Governmental Organizations that contained several provisions compromising the enjoyment of freedom of association.⁷¹

46. CRC was concerned that the views of the child were not respected in courts, where children did not have the right to be a witness or to bring a complaint or seek reparation without the consent of their parents. It recommended that the views of the child be respected in all settings, including in the home, and encouraged the country to ensure children were not denied their rights to reparation or to bring a court complaint.⁷²

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

47. CRC urged the country to ensure that children were not employed in situations that could be detrimental to their health, development or well-being.⁷³

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

48. CRC was concerned at the large development gap between cities and remote/isolated rural areas, and between different regions and different sectors of society and urged the Lao People's Democratic Republic to address those development gaps.⁷⁴

49. CRC was concerned that budget allocations in the fields of health and education remained insufficient. It urged the country to prioritize budgetary allocations for children, focusing on the fields of education and health.⁷⁵

50. CRC was concerned at the lack of adequate hygiene practices and the consumption of untreated drinking water. CRC recommended that the country promote proper hygiene practices among the general public and ensure access to treated drinking water.⁷⁶

H. Right to health

51. UNCT noted that, despite increases, the national budget allocation for core service delivery functions, particularly for delivering preventative services, remained very low, which resulted in frequent disruptions in health-service delivery to children and women because of a lack of essential commodities or coverage of operating costs for health outreach.⁷⁷

52. CRC was concerned that access to health services was limited in remote areas and that free health care was limited overall; that most district hospitals were able to provide only basic health care and lacked necessary equipment and medication; and that there was a low number of hospital deliveries (births). It recommended that the Lao People's Democratic Republic ensure access to free primary health care in all areas of its territory, including through the recruitment of more medical personnel, and the provision of necessary equipment and medication in all district hospitals.⁷⁸

53. CRC was concerned that infant, child and maternal mortality remained among the highest in the region.⁷⁹

54. CRC was concerned that the malnutrition rates in the country were among the highest in the region. CRC recommended that the country combat child malnutrition, specifically focusing on children under the age of 5.⁸⁰

I. Right to education

55. CRC was concerned that school attendance depended, inter alia, on the availability of five grades in local primary schools and the family's financial situation. CRC was also concerned at the large number of children not attending school or dropping out and the insufficient number of teachers. While noting that primary education was free, it was also concerned that parents were expected to contribute to secondary costs.⁸¹

56. UNESCO noted that the Ministry of Education had implemented different projects supported by international organizations, non-governmental organizations and donors aimed at helping constructing schools, supporting teachers and students from poor families, supporting girls and those in rural areas, establishing facilities for ethnic students and students with disabilities, providing health and nutrition support to students, training communities to support education, promoting women empowerment, and developing curricula and teaching-learning materials.⁸²

57. UNESCO noted reports that tuition fees were officially prohibited but about half the schools still charged them. UNESCO also noted that Lao has been established as the official language, including that of instruction in schools, an arrangement that arguably discriminated against children from the 27 per cent of the population that did not have Lao as their mother tongue.⁸³ UNESCO recommended that the Lao People's Democratic Republic implement legislation prohibiting tuition fees and take all necessary measures to ensure that access to schools was truly free for all children. UNESCO further recommended that the Lao People's Democratic Republic promote access to education for all groups, regardless of their gender, ethnic groups, mother tongue, religion, belief, disability and social status, among others.⁸⁴

58. CRC was concerned at the disparity between the legal minimum age for employment (15 years) and the age at which compulsory education ended (11 or 12 years) as that disparity could create a situation whereby children who did not wish to continue their schooling after completing their compulsory education started working illegally before attaining the minimum age for employment. CRC recommended that the country increase the number of years of compulsory education so that the end of compulsory education corresponded to the minimum age for employment;⁸⁵ and make sure that children did not drop out of school before the end of the compulsory education.⁸⁶

J. Cultural rights

59. UNESCO recommended that the Lao People's Democratic Republic fully implement the relevant provisions of the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) that promote access to and participation in cultural heritage and creative expressions. UNESCO also recommended that the Lao People's Democratic Republic give due consideration to the participation of communities, practitioners, cultural actors and non-governmental organizations as well as minorities, indigenous peoples, migrants, refugees, youth and persons with disabilities, and ensure that equal opportunities were given to women and girls to address gender disparities.⁸⁷

K. Persons with disabilities

60. CRC recommended that the Lao People's Democratic Republic develop and strengthen programmes and services, including those providing support to families with

children with disabilities, aimed at encouraging the inclusion of children with disabilities in society.⁸⁸

L. Minorities and indigenous peoples

61. CERD called upon the Lao People's Democratic Republic to recognize without discrimination on the ground of ethnic origin all human rights listed in article 5 of the Convention to all members of its ethnic groups, regardless of the name given to those groups in domestic law.⁸⁹

62. CERD was concerned that the land regime of the country, whereby land was allotted for housing, farming, gardening and grazing, failed to recognize the link between the cultural identity of ethnic groups and their land. CERD called upon the Lao People's Democratic Republic to review its land regime with a view to recognizing the cultural aspect of land as an integral part of the identity of some ethnic groups.⁹⁰

63. CERD urged the country to respect the right of communities to free prior and informed consent in the planning and implementation of projects affecting their lands and resources. CERD called upon the country to ensure that the laws and regulations on consultations, impact assessments, displacement and compensation fully respect the rights of communities living in the areas where development projects were to be implemented, and that communities had the capacity to effectively represent their interests in decision-making processes. CERD recommended ensuring the effective access to redress for communities.⁹¹

64. CERD was concerned that the implementation of the relocation policy aiming to cluster and settle scattered ethnic communities of the mountainous areas in lowland villages with better access to public services and infrastructure had uprooted communities and forced them to adopt new lifestyles and livelihoods. CERD recommended the consideration of all possible alternatives to relocation, paying attention to the cultural ties of certain ethnic groups to their land.⁹²

65. CERD expressed concern at the insufficient measures taken to preserve the ethnic languages spoken in the country. CERD urged the country to preserve the cultural heritage of ethnic groups, including their languages, and recommended the documentation of ethnic languages, traditional knowledge and cultures, and development of their teaching in school.⁹³

66. Since 2003, CERD had considered the situation of Hmong people under its early warning and urgent action procedure.⁹⁴ In 2010, it expressed continued concern on the allegedly continuing military action against the Hmong people in the Phou Bia Mountain area and recommended that the country refrain from using any form of violence against the Hmong people and prevent human rights violations.⁹⁵ CERD urged the country to immediately stop any military operation and withdraw military forces from the territories mentioned.⁹⁶

67. In 2012, CERD expressed concerned that allegations of acts of violence against Hmong people were not properly investigated. CERD urged the country to investigate promptly, thoroughly and impartially all allegations of acts of violence against members of the Hmong ethnic group. CERD reiterated its previous recommendation to invite United Nations bodies to visit the areas where members of the Hmong ethnic groups had taken refuge.⁹⁷

M. Refugees and asylum seekers

68. UNHCR noted that, in 2013, nine individuals, including five children from the Democratic People's Republic of Korea were reportedly deported from the Lao People's Democratic Republic to a neighbouring country. UNHCR further noted reports that the nine individuals were ultimately returned to the Democratic People's Republic of Korea in disregard of the principle of non-refoulement.⁹⁸

69. UNHCR also noted that, in December 2009, the Government of a neighbouring country forcibly returned approximately 4,000 Lao Hmong, including 158 refugees registered with UNHCR to Lao People's Democratic Republic. UNHCR had sought unrestricted access to the areas to which the Lao Hmong returned, but to date the Government had not provided such access.⁹⁹

70. On the conditions of Hmong persons repatriated under an agreement with a neighbouring country, CERD expressed concern that some persons, considered by UNHCR as persons of concern, did not voluntarily repatriate. CERD called upon the country to ensure that repatriation of persons or groups was conducted on a genuinely voluntary basis, and to give international monitors unrestricted access to returnees.¹⁰⁰

N. Right to development and environmental issues

71. UNCT recommended that the Government continue to reinforce efforts to support inclusive growth, in particular targeting rural and mountainous areas and accelerate measures toward the achievement of the targets set for the country under the Millennium Development Goals, including increased investment in primary education and the reduction of malnutrition and maternal and infant mortality rates.¹⁰¹

Notes

- ¹ Unless indicated otherwise, the status of ratification of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Lao People's Democratic Republic from the previous cycle (A/HRC/WG.6/8/LAO/2).
- 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 |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| 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 CRPD |
| ICPPED | International Convention for the Protection of All Persons from Enforced Disappearance |
- ³ Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and ICPPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; ICPPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; ICPPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: ICPPED, art. 30.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 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); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva 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). For the official status of ratifications, see International Committee of the Red Cross, at www.icrc.org/IHL.
- ⁶ 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 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.
- ⁷ 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.
- ⁸ 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 International Committee of the Red Cross, at www.icrc.org/IHL.
- ⁹ International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.
- ¹⁰ Concluding observations of the Committee on the Rights of the Child (CRC/C/LAO/CO/2), para. 74.
- ¹¹ *Ibid.*, para. 50.
- ¹² Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/LAO/CO/16-18), para. 24. See also CRC/C/LAO/CO/2, para. 74.
- ¹³ CERD/C/LAO/CO/16-18, para. 27.
- ¹⁴ *Ibid.*, para. 28.
- ¹⁵ UNHCR submission for the UPR of the Lao People's Democratic Republic, p. 3.
- ¹⁶ UNESCO submission for the UPR of the Lao People's Democratic Republic, para. 27.1.
- ¹⁷ UNCT submission for the UPR of the Lao People's Democratic Republic, para. 2.
- ¹⁸ CERD/C/LAO/CO/16-18, para. 7.
- ¹⁹ CRC/C/LAO/CO/2, para. 9.
- ²⁰ Information provided by the Lao People's Democratic Republic in follow-up to the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/LAO/CO/7/Add.1), para. 7. See also para. 17.
- ²¹ CRC/C/LAO/CO/2, para. 9.
- ²² UNHCR submission, p. 4.
- ²³ CERD/C/LAO/CO/16-18, para. 8.
- ²⁴ CRC/C/LAO/CO/2, para. 15.
- ²⁵ CEDAW/C/LAO/CO/7/Add.1, para. 6.
- ²⁶ UNCT submission, para. 68.
- ²⁷ CRC/C/LAO/CO/2, paras. 12 and 13.
- ²⁸ The following abbreviations have been used for this document:
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| 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 |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities |
| CED | Committee on Enforced Disappearances |
| SPT | Subcommittee on Prevention of Torture |
- ²⁹ CERD/C/LAO/CO/16-18, para. 30.
- ³⁰ Concluding observations of CEDAW (CEDAW/C/LAO/CO/7), para. 58.
- ³¹ CEDAW/C/LAO/CO/7/Add.1.
- ³² CRC/C/LAO/CO/2, para. 76.
- ³³ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ³⁴ CERD/C/LAO/CO/16-18, para. 6.
- ³⁵ *Ibid.*, para. 10.
- ³⁶ CRC/C/LAO/CO/2, paras. 34 and 35.
- ³⁷ UNHCR submission, p. 5.
- ³⁸ CERD/C/LAO/CO/16-18, para. 15.
- ³⁹ *Ibid.*, para. 19.
- ⁴⁰ CRC/C/LAO/CO/2, para. 26.

- 41 CERD/C/LAO/CO/16-18, para. 19.
- 42 A/HRC/22/67, p. 72.
- 43 Communications report of special procedures (A/HRC/25/74), p. 147.
- 44 Post-sessional document of the Working Group on Enforced or Involuntary Disappearances (A/HRC/WGEID/100/1), paras. 45 and 46.
- 45 UNCT submission, para. 18.
- 46 Ibid., para. 21.
- 47 CRC/C/LAO/CO/2, paras. 67 and 68. See also CERD/C/LAO/CO/16-18, para. 13.
- 48 See supported recommendations on measures to combat trafficking in the previous UPR cycle (A/HRC/15/5, paras. 96.11, 96.12, 96.13).
- 49 CERD/C/LAO/CO/16-18, para. 13.
- 50 CEDAW/C/LAO/CO/7/Add.1, para. 17.
- 51 Ibid., para. 19.
- 52 CRC/C/LAO/CO/2, paras. 55 and 56.
- 53 Ibid., paras. 47 and 48.
- 54 Ibid., paras. 38 and 39.
- 55 Ibid., paras. 65 and 66.
- 56 Ibid., para. 40.
- 57 Ibid., paras. 71 and 72.
- 58 CERD/C/LAO/CO/16-18, para. 22.
- 59 CRC/C/LAO/CO/2, para. 73.
- 60 UNCT submission, para. 24.
- 61 CRC/C/LAO/CO/2, paras. 34 and 35.
- 62 Ibid., paras. 41 and 42.
- 63 Ibid., paras. 43 and 44.
- 64 Ibid., para. 57.
- 65 Ibid., para. 46.
- 66 CERD/C/LAO/CO/16-18, para. 14.
- 67 CRC/C/LAO/CO/2, paras. 36 and 37.
- 68 UNESCO submission, para. 18.
- 69 UNESCO submission, paras. 19 and 20.
- 70 CRC/C/LAO/CO/2, paras. 24 and 25.
- 71 A/HRC/25/74, p. 107.
- 72 CRC/C/LAO/CO/2, paras. 30 and 31.
- 73 Ibid., para. 64.
- 74 Ibid., paras. 32 and 33.
- 75 Ibid., paras. 16 and 17.
- 76 Ibid., paras. 57 and 58.
- 77 UNCT submission, para. 63.
- 78 CRC/C/LAO/CO/2, paras. 51 and 52.
- 79 Ibid., paras. 51 and 52. See also paras. 32 and 33.
- 80 Ibid., paras. 32 and 33. See also paras. 51 and 52.
- 81 Ibid., paras. 61 and 62.
- 82 UNESCO submission, para. 5.
- 83 Ibid., paras. 8 - 9.
- 84 Ibid., paras. 27.4-27.5.
- 85 CRC/C/LAO/CO/2, paras. 63 and 64. See also para. 62.
- 86 Ibid., para. 62.
- 87 UNESCO submission, para. 32.
- 88 CRC/C/LAO/CO/2, para. 50.
- 89 CERD/C/LAO/CO/16-18, para. 20.
- 90 Ibid., para. 16.
- 91 Ibid., para. 17.
- 92 Ibid., para. 18.
- 93 Ibid., para. 21.

- ⁹⁴ CERD/C/63/Dec.1 and letters from CERD to the Permanent Mission of the Lao People's Democratic Republic to the United Nations Office and other international organizations in Geneva, dated 13 March 2009, 12 March 2010 and 27 August 2010, available from http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Lao130309.pdf, http://www2.ohchr.org/english/bodies/cerd/docs/Laos_12.03.2010.pdf and http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Laos27082010.pdf.
- ⁹⁵ Letter from CERD to the Permanent Mission of the Lao People's Democratic Republic to the United Nations Office and other international organizations in Geneva, dated 27 August 2010, p. 1. See also letter from CERD to the Permanent Mission of the Lao People's Democratic Republic to the United Nations Office and other international organizations in Geneva, dated 12 March 2010, p. 1.
- ⁹⁶ Letter from CERD to the Permanent Mission of the Lao People's Democratic Republic to the United Nations Office and other international organizations in Geneva, dated 12 March 2010, p. 1.
- ⁹⁷ CERD/C/LAO/CO/16-18, para. 11.
- ⁹⁸ UNHCR submission, p. 2.
- ⁹⁹ *Ibid.*, p. 2.
- ¹⁰⁰ CERD/C/LAO/CO/16-18, para. 12.
- ¹⁰¹ UNCT submission, para. 61.
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