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Report of the Working Group on the Universal Periodic Review*

Lao People's Democratic Republic

Addendum


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

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Responses to UPR recommendations

The Government of the Lao PDR has carefully examined the 196 recommendations that it received during the twenty-first session of the Working Group on the Universal Periodic Review of the Human Rights Council on 20 January 2015. The Government of the Lao PDR accepts 116 recommendations including those that have already been put into practice and in line with the Lao PDR's Constitution, laws, policies and practice. The remaining recommendations are noted by the Government of the Lao PDR as they are inconsistent with the reality in the country. The positions on the specific recommendations are as follows:

<u>Recommendations</u>	<u>Positions</u>
121.1	Accepted
121.2	Accepted
121.3	Accepted
121.4	Noted As the Second Optional Protocol concerns the death penalty, please see 121.85 in which the reasons and explanations why the Lao PDR is not ready to repeal provisions on death penalty.
121.5	Noted See 121.4
121.6	Noted The Lao PDR ratified the ICCPR, CAT and ICESCR and has been concentrating its efforts on the effective and successful implementation of the conventions provisions as the first priority. At this stage, the Lao PDR is not ready to become a party to their optional protocols.
121.7	Noted See 121.4
121.8	Noted See 121.4
121.9	Noted See 121.4
121.10	Noted The Lao PDR recognizes the importance of gender equality and has pursued a proper policy in this regard. Women play an increasing role in the political, economic, social and cultural life of the nation. The Lao PDR is a party to CEDAW and has been successfully implementing its provisions. The Lao PDR needs more time to study the Optional Protocol to CEDAW in order to raise awareness and understanding of its provisions among officials, women's organisations and the public at large. At the same time, the country is putting in place effective domestic remedies in order that the country is ready to implement the Protocol in the future.
121.11	Noted See 121.10

121.12	Noted See 121.6
121.13	Noted The Lao PDR accepts this recommendation in part. As mentioned in 121.6, the Lao PDR is not ready to ratify the Optional Protocol to CAT.
121.14	Noted The Lao PDR accepts this recommendation in part (see 121.6) For the Rome Statue of ICC, the Lao PDR supports the principles enshrined in the ICC Statute. The ratification of the Rome Statute is accordingly in line with the Government's policies. The country also needs in particular to build capacity of the Lao judiciary to be prepared for the implementation in the future. The Lao PDR will continue to study the ICC and to educate and inform the relevant officials in the judiciary, the military and the law enforcement agencies about the significance of the ICC and its principles.
121.15	Noted The Lao PDR is a party to 7 UN Core Human Rights Conventions and a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance. This is already a huge burden for the country with its limited resources to fulfill treaty obligation including the reporting obligations under the ratified treaties. Also, the Lao PDR needs more time to study the International Convention for the Rights of Migrant Workers and their Family Members to prepare for its implementation.
121.16	Noted See 121.15
121.17	Noted See 121.15
121.18	Noted See 121.15
121.19	Noted See 121.6 and 121.15
121.20	Accepted
121.21	Accepted
121.22	Noted At this moment, the Lao PDR is considering to ratify CED. The Lao PDR at this stage is unable to declare whether it will ratify it without any reservation or not. The Lao PDR will be able to do so only after a thorough study of the convention.
121.23	Noted Currently the Lao PDR is considering ratifying CED. The alleged cases have been investigated by related authorities and found out that such allegations are not true.
121.24	Noted

	See 121.23
121.25	Noted See 121.23
121.26	Note See 121.23
121.27	Accepted
121.28	Noted The Lao PDR has ratified the CRPD and CAT. The country intends to concentrate its efforts on the effective and successful implementation of the conventions as the first priority, and will consider Optional Protocols in the future.
121.29	Noted See 121.14
121.30	Noted See 121.14
121.31	Noted See 121.14
121.32	Noted See 121.14
121.33	Noted See 121.14
121.34	Noted See 121.14
121.35	Noted See 121.14 and 121.15
121.36	Accepted
121.37	Noted The first part of the recommendations are acceptable for the Lao PDR as it is currently in the process of creating a new Penal Code trying to ensure that the country's relevant human rights obligations are reflected in the new Penal Code, but the country cannot accept the second part of the recommendation, simply because no Laws and Decrees in the Lao PDR, including the Media Law and the Internet Decree have provisions that criminalize the exercise of basic human rights.
121.38	Accepted
121.39	Accepted
121.40	Accepted
121.41	Accepted
121.42	Accepted
121.43	Accepted
121.44	Accepted
121.45	Accepted

121.46	Accepted
121.47	Accepted
121.48	Accepted
121.49	Accepted
121.50	Accepted
121.51	<p>Noted</p> <p>The Lao PDR will concert efforts to strengthen its existing national human rights arrangements mechanisms, including those mechanisms that deal with human rights complaints. Among, other human rights mechanisms, the Lao National Steering Committee on Human Rights functions to coordinate human rights activities in the Lao PDR such as making proposals for ratification of human rights treaties and dealing with issues related to the promotion and protection of human rights of the Lao people. The Committee will strengthen its capacity to supervise and coordinate the implementation of human rights obligations and commitments of the Lao PDR in a more effective and efficient way, including coordinating the translation of such obligations and commitments into national laws, policies and actions. Meanwhile, the Lao PDR also has other specific Committees/Commissions that deal with specific human rights. In addition, the Lao PDR's judiciary has jurisdiction to adjudicate human rights related cases, while the National Assembly receives human rights-related and other legitimate complaints from the people. Putting together the existing human rights arrangements and mechanisms, in effect the Lao PDR has national mechanisms that deal with human rights, almost similar to the Paris principles-based NHRI. Nevertheless, the Lao PDR will study experience of other countries that have a successful NHRI and may consider NHRI in the future.</p>
121.52	<p>Noted</p> <p>See 121.51</p>
121.53	<p>Noted</p> <p>See 121.51</p>
121.54	<p>Noted</p> <p>See 121.51</p>
121.55	<p>Noted</p> <p>See 121.51</p>
121.56	<p>Noted</p> <p>See 121.51</p>
121.57	<p>Noted</p> <p>See 121.51</p>
121.58	<p>Noted</p> <p>See 121.51</p>
121.59	<p>Noted</p> <p>See 121.51</p>

121.60	Noted See 121.51
121.61	Accepted
121.62	Accepted
121.63	Accepted
121.64	Accepted
121.65	Accepted
121.66	Accepted
121.67	Noted The Lao PDR is in the process of drafting national reports under the Treaty Bodies, including ICCPR, ICESCR and CRPD. The Government intends to submit all overdue reports in the near future. As for inviting special procedures, see 121.68.
121.68	Accepted
121.69	Accepted
121.70	Noted The Lao Government is currently preparing for inviting special rapporteurs to visit the country by organizing seminars to raise awareness and understanding of the roles and functions of the special procedure among Government officials and stakeholders. The Lao PDR plans to invite the UN Special Rapporteur on Adequate Housing to visit the country in the near future and will consider inviting other Special Rapporteurs on a case by case basis.
121.71	Noted See 121.70
121.72	Noted See 121.70
121.73	Noted See 121.70
121.74	Noted See 121.70
121.75	Noted See 121.70
121.76	Noted See 121.70
121.77	Accepted
121.78	Accepted
121.79	Accepted
121.80	Accepted
121.81	Accepted

- 121.82 **Accepted**
- 121.83 **Accepted**
- 121.84 **Accepted**
- 121.85 **Noted**
 The Lao PDR retains death penalty in its legal system merely as a measure to deter the most serious crimes. However, in reality the Lao PDR has been practicing a moratorium on execution for a long time thanks to Lao Government's humanitarian policy. Under the Penal Law, death penalty is not imposed on a person under 18 years old and a pregnant woman. Over the past years, many persons sentenced to death have their sentence reduced to life imprisonment due to their good behaviors. As a practice, every year the President of the Lao PDR grants amnesties, sentence reductions or pardons to a large number of prisoners including Lao citizens and foreigners. The Lao PDR is in the process of creating a new comprehensive Penal Code. In this process, the list of offenses subject to death penalty under the current Penal Law is being revised so as to be fully in compliance with Article 6 of the ICCPR.
- 121.86 **Noted**
 See 121.85
- 121.87 **Noted**
 See 121.85
- 121.88 **Noted**
 See 121.85
- 121.89 **Noted**
 See 121.85
- 121.90 **Noted**
 See 121.85
- 121.91 **Noted**
 See 121.85
- 121.92 **Noted**
 See 121.85
- 121.93 **Noted**
 See 121.85
- 121.94 **Noted**
 The reason why the Lao PDR does not accept this and other recommendations on the missing case is that these recommendations partly contain the language or wording that do not reflect the reality in the Lao PDR.
 Following the missing of Mr. Sombath Somphone, the the Government set up an investigation committee to promptly conduct an investigation to locate his whereabouts. The Investigation Committee undertook all the necessary steps in the investigation under the law of the Lao PDR. The

Committee was opened to views or suggestions from all interested parties, especially the Committee met with and informed all interested parties, especially Ms Ng Shui Meng from time to time in the investigation process.

The investigation authorities issued reports to the public through the media on the progress of the investigation. The Lao Government confirms that the concerned authorities of the Lao PDR are still thoroughly conducting the investigation and will continue to do so in order to find out the truth and bring perpetrators to justice in accordance with the law of the Lao PDR.

121.95	Noted See 121.94
121.96	Accepted
121.97	Noted See 121.94
121.98	Accepted
121.99	Accepted
121.100	Accepted
121.101	Noted See 121.94
121.102	Noted See 121.94
121.103	Accepted
121.104	Accepted
121.105	Noted With regard to the access by ICRC to local and central authorities as well as the penitentiary and detention centres, the Lao PDR will consider requests for such access on a case-by-case basis in accordance with the Law of the Lao PDR.
121.106	Accepted
121.107	Accepted
121.108	Accepted
121.109	Accepted
121.110	Accepted
121.111	Accepted
121.112	Accepted
121.113	Accepted
121.114	Accepted
121.115	Accepted
121.116	Accepted

121.117	Accepted
121.118	Accepted
121.119	Accepted
121.120	Accepted
121.121	Accepted
121.122	Accepted
121.123	Accepted
121.124	Accepted
121.125	Accepted
121.126	Accepted
121.127	Accepted
121.128	Accepted
121.129	Noted

The Lao PDR constitution and law guarantee the freedom of expression. No legislation in the country allows for suppression of freedoms of assembly and expression. For this very simple reason, the Lao PDR cannot accept this and other similar recommendations.

In 2014, the Government issued a Decree on Internet in order to manage and facilitate internet use as well as the social media. This Decree forms a legal basis in the enjoyment of the right to access to information and expression of opinions in a responsible manner which is in line with international law, including the provisions and permissible limitations in Article 19 of the ICCPR.

The Lao Government encourages mass, media, professional and social organizations to be involved in human rights education, advocacy and monitoring. These organisations participated in the process of UPR, periodic reports under treaties. Particularly, local NPAs were consulted on the UPR recommendations of the second cycle review before the Government gave final consideration to the recommendations.

The Lao Government has adopted the Guidelines on the implementation of the Prime Minister's Decree on INGOs. The drafting of the Guidelines were undertaken in consultation with a wide range of stakeholders including INGOs, international organisations and development partners. The Guidelines are not aiming at restrictions but effectively managing and facilitating the activities of INGOs which have made meaningful contributions to the development of the Lao PDR. The concerns raised by some INGOs concerning the Guidelines, especially tax issue have been addressed to the satisfaction of all parties.

121.130	Accepted
121.131	Accepted

121.132	Noted The Lao PDR respects and protects the right to freedom of religion and all lawful religious activities, according to the Lao PDR's constitution prohibits acts of discrimination based on religions or beliefs. The constitutional provisions are detailed in the Decree on the Management and Protection of Religious Activities in the Lao PDR, which regulates and protects all the religious activities, with a view to ensuring that all religions are equal before the law and enjoy equal protection of the law. The Decree is being revised currently to ensure its practicality with the current conditions, and better implementing the country's international obligations and commitments including Article 18 of the ICCPR, the relevant UPR recommendations, the recommendations from the Special Rapporteur on Freedom of Religion and Beliefs who visited the Lao PDR some years ago. In undertaking amendments to the Decree consultations with representatives of all religions and faiths were held. The Drafting Committee under the Ministry of Home Affairs integrated inputs from the consultations in the finalization of the draft Decree, which has already been submitted to the Government for approval.
121.133	Accepted
121.134	Accepted
121.135	Noted See 121.129
121.136	Accepted
121.137	Noted See 121.129
121.138	Accepted
121.139	Accepted
121.140	Noted See 121.129
121.141	Noted See 121.129
121.142	Accepted
121.143	Noted See 121.129
121.144	Accepted
121.145	Accepted
121.146	Noted See 121.129
121.147	Noted See 121.129
121.148	Noted See 121.129

121.149	Noted See 121.129
121.150	Noted See 121.129
121.151	Noted See 121.129
121.152	Accepted
121.153	Accepted
121.154	Accepted
121.155	Noted See 121.129
121.156	Noted See 121.129
121.157	Accepted
121.158	Accepted
121.159	Accepted
121.160	Accepted
121.161	Accepted
121.162	Accepted
121.163	Accepted
121.164	Accepted
121.165	Accepted
121.166	Accepted
121.167	Accepted
121.168	Accepted
121.169	Accepted
121.170	Accepted
121.171	Accepted
121.172	Accepted
121.173	Accepted
121.174	Accepted
121.175	Accepted
121.176	Accepted
121.177	Accepted
121.178	Accepted
121.179	Accepted
121.180	Accepted

121.181	Accepted
121.182	Accepted
121.183	Accepted
121.184	Accepted
121.185	Accepted
121.186	Accepted
121.187	Accepted
121.188	Accepted
121.189	Accepted
121.190	Accepted
121.191	Noted The constitution, laws and policies of the Lao PDR ensure the equality and non-discrimination among the 49 ethnic groups in the Lao PDR. No ethnic groups are inferior to the others. Representatives of ethnic groups hold official positions at different levels of Government and State organs. At local levels, people potentially affected by development projects participate in consultation and express their views. No ethnic group in the Lao PDR is considered as indigenous and all the 49 ethnic groups are equal. Therefore, the Lao PDR does not support the part of a recommendation that contains “indigenous people”.
121.192	Noted The Lao Government recognises the important role of UNHCR as a global humanitarian agency in assisting refugees worldwide. The Lao PDR still continues cooperation with UNHCR in various ways even though there is no refugee issue in Laos. On the ratification of 1951 Convention relating to the Status of Refugee, the Lao PDR needs more time to study the convention, but at this stage the convention is not directly related to the present day of the Lao PDR.
121.193	Accepted
121.194	Accepted
121.195	Accepted
121.196	Accepted
