

Universal Periodic Review (35th session, January – February 2020)

Contribution of UNESCO

Lao People’s Democratic Republic

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO’s fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State Party	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	20/06/1987 Ratification			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	26/11/2009 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	05/11/2007 Accession			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. **The Constitution of Lao People’s Democratic Republic of 1991**¹ was revised in 2003. Article 38 stipulates that “Lao citizens have the right to receive education and upgrade themselves.” Article 22 states that the “State attends to developing education and implements compulsory primary education in order to build good citizens with revolutionary competence, knowledge and abilities. The State and society attend to developing high quality national education, to create opportunities and [favourable] conditions in education for all people throughout the country, especially people in remote areas, ethnic groups, women and disadvantaged children. The State promotes private sector investment in the development of national education in accordance with the laws.” Article 24 adds that “The State attends to promoting knowledge and invention in scientific and technological research and application, (...)” The Constitution ensures non-discrimination and equality in **Article 35**: “Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group” and by granting in **Article 37** that “Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs.” Moreover, **Article 29** sets out that “The State, society and families attend to implementing development policies and supporting the progress of women and to protecting the legitimate rights and benefits of women and children.” Concerning religion, **Article 43** ensures that “Lao citizens have the right and freedom to believe or not to believe in religions” and concerning languages **Article 89** provides that “The Lao language and Lao script are the language and script officially used.”

2. The **Education Law** was revised in 2015. UNESCO has not been able to access the legislation directly, but the government has reported a number of amendments, notably an increase in the period of compulsory education from five to nine years, covering both primary and lower secondary up to the age of 14.² The revised Education Law also states that all Lao citizens, regardless of ethnicity, race, religion, gender, age, and physical and socio-economic status have equitable rights to education. It further requires that poor families, disadvantaged groups, disabled learners, gifted or outstanding students, female and ethnic groups receive support.³

¹ <http://www.unesco.org/education/edurights/media/docs/b67ebbf2b49e3cd86296d9f2dd4bc1c3d1242e76.pdf>

² Concluding observations of the Committee on the Rights of the Child, 2018, p. 11.

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/LAO/CO/3-6&Lang=En

³ Combined third to sixth periodic reports submitted by the Lao People’s Democratic Republic to the Committee on the Rights of the Child, 2017, p. 12.

https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLAO%2f3-6&Lang=en

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of speech and the press is guaranteed under Article 31 of the Constitution of Lao People's Democratic Republic (1991).⁴
4. Lao PDR passed a new media law in 2008 that regulated media.⁵ Under Articles 50-53 of the law, the Ministry of Information, Culture and Technology (MICT) may ban content falling within a category of prohibited content, such as provoking destructive acts against national and public interests or defaming the truth or affecting dignity of persons or organizations.⁶
5. Defamation, libel and insult are criminal offences under Articles 87-89 of the Penal Code of the Lao PDR (1991, amended in 2005).⁷ The guilty side can be punished by three months to one year of imprisonment or a fine.
6. In 2014, Laos's government signed a Decree on Internet Information Management No. 327 introducing penalties for publishing on the internet false information about the government, or information meant to discredit it. Internet service providers can also face penalties for presenting, sending, or forwarding such information.⁸
7. A freedom of information law does not exist in the country.

Implementation of legislation:

8. The Law on Radio Frequency (2017) stipulates that the Ministry of Post and Telecommunications allocates, allots, authorizes, revokes, monitors, recollects and reserves all broadcasting licenses and radio frequencies according to the National Radio Frequency Allocation Plan, adopted by the Government. The Ministry also has a right to terminate a license in case the usage of it does not comply with the objectives of the license or violates legislation of the country.⁹

⁴ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/75323/87941/F1091614924/LAO75323.pdf>

⁵ <http://www.laoservicesportal.gov.la/index.php?r=site%2Fdisplaylegal&id=92>

⁶ <http://laoslegalonline.com/prohibited-regulated-content-laos/>

⁷ https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=96475&p_country=LAO&p_count=60&p_classification=01&p_classcount=27

⁸ <http://www.laoservicesportal.gov.la/index.php?r=site%2Fdisplaylegal&id=56>

⁹ <http://www.laoservicesportal.gov.la/index.php?r=site%2Fdisplaylegal&id=288>

Safety of Journalists:

9. UNESCO has recorded no killings of journalists in Lao PDR since systematic reporting began in 2008.¹⁰

III. Review and specific recommendations

A. Education

10. During the last UPR cycle, Lao PDR received recommendations to prioritize budgetary allocations in primary education, continue efforts in education and training on human rights, and pursue efforts to ensure equal access to quality education for ethnic groups, women and girls and those living in rural settings.

Policy Framework

The most recent policy framework is the **Education and Sports Sector Development Plan 2016 – 2020**.¹¹ Some of the main challenges and pathways the Plan sets out are:

- Continue and improve implementation of a decentralization programme
- Expand further early childhood programmes based on strong social demand
- Reduce dropout and repetition rates from Grade 1
- Support teachers to assist students who do not have Lao as their mother tongue
- Improve the efficiency of teacher deployment within all provinces, especially in rural and remote schools
- Reduce repetition with the Progressive Promotion Policy that provides remedial support and additional lessons during the vacation period
- Improve gender parity and address all out-of-school children and young people, including those with disabilities, child labourers and others unable to access education
- Improve participation in secondary education
- Improve quality of TVET programmes to increase enrolments

Access

- Universal access to primary education has been achieved, with gender parity at that level.¹²
- Enrolment rates at secondary school lag behind - net enrolment at the compulsory lower secondary level is 78%.¹³ Although there is some way to go, this is an impressive jump from 2012, at which point the enrolment rate was only 58% at lower secondary.¹⁴

¹⁰ <https://en.unesco.org/themes/safety-journalists/observatory>

¹¹ Education Sector Plan 2016 – 2020. <https://www.globalpartnership.org/content/education-sector-plan-2016-2020-lao-pdr>

¹² UNICEF LPDR webpage. <https://www.unicef.org/laos/education>

¹³ Global Education Monitoring Report, 2019, p. 292. <https://unesdoc.unesco.org/ark:/48223/pf0000265866>

¹⁴ Education for All 2015 National Review: Lao PDR, p. 368. <https://unesdoc.unesco.org/ark:/48223/pf0000231489>

- The 2015 amendments to the Education Law strengthened the right to education in Lao PDR through the introduction of equal rights to education for all citizens and by lengthening the period of compulsory education. Nevertheless, there are persistent disparities between children of different ethnic groups and between children residing in urban and rural areas.¹⁵
- Although public schools from preschool to upper-secondary education are free of charge, children living in poverty and remote, rural areas are highly educationally disadvantaged.¹⁶ Schools may not be able to offer education further than Grade 5 and costs associated with attending school, such as contributions for school resources, can make school unaffordable for some families.¹⁷

Quality

- The **Education Sector Development Plan 2011 – 2015** called for simultaneous education expansion and quality improvement, and priority was given to school construction and the recruitment of teachers.¹⁸ Between 2010 – 2011 and 2014 – 2015 there were 42,230 teachers trained.¹⁹

Gender

- Although Lao PDR has almost achieved gender parity at primary level, the GPIA at secondary level is 0.93, showing a higher level of enrolment for boys.²⁰
- The limited access to education for girls may be partly due to the “indirect costs of education, household chores, language barriers and the persistence of patriarchal attitudes and discriminatory gender stereotypes regarding their roles and responsibilities in the family and in society.”²¹
- A high prevalence of early pregnancies, in particular among girls from certain ethnic groups and from poor families, may hinder access to education.²²

Literacy

- The literacy rate has significantly increased from around 58% in 2011 to 85% today, and the gender disparity is diminishing.²³

¹⁵ Combined periodic report to the CRC, op cit. 2018, p. 4.

¹⁶ UNICEF, “Student Learning Outcomes in Primary Education in Lao PDR – Situational Analysis”, 2015 p. 6. <https://www.unicef.org/laos/media/331/file>

¹⁷ Ibid.

¹⁸ Education Sector Development Plan 2016 – 2020, pp. 24 – 25.

¹⁹ Education Sector Development Plan 2016 – 2020, p. 54.

²⁰ Global Education Monitoring Report, 2019, p. 318.

²¹ Concluding observations of the Committee on the Elimination of Discrimination against Women, 2018, p. 10. https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/LAO/CO/8-9&Lang=En

²² Concluding Observations of the CRC, op cit. p. 10.

²³ UNESCO Institute for Statistics: Lao PDR. <http://uis.unesco.org/country/LA>

Language of Instruction

- Many non Lao-Tai children are first exposed to the Lao language when they commence school, and do not have access to a curriculum tailored to assist them to develop confidence in speaking and understanding basic Lao language before learning to read and write in Lao.²⁴
- The ESDP 2016 – 2020 found that low learning outcomes in subjects such as mathematics were partly linked to poor language skills and concluded that teachers should have further support to assist students who have Lao as a second language, in learning Lao.²⁵

Early childhood care and Education

- The proportion of 3 to 5-year olds enrolled in early childhood programmes has increased from 23% to 43% during the implementation of the ESDP 2011-2015.²⁶ Feedback from district and provincial consultations indicates a strong social demand for expansion of early childhood programmes. The introduction of community-based school-readiness programmes (playgroups) is slow in some areas where there are limited learning facilities for activities, of a lack of quota recruitment in preschool teachers.²⁷

Specific recommendations:

11. Lao PDR should be encouraged to:

- Ratify the Convention against Discrimination in Education.
- Ensure equal access to education, with special attention given to children from ethnic minority groups and those residing in rural areas.
- Ensure that children who have Lao as a second language do not face barriers to learning through specialist teacher-training programmes and the continued expansion of pre-primary education where feasible.
- Tackle early pregnancies through the use of age-appropriate sexual and reproductive health education in the school curriculum and ensure that procedures are in place to aid the re-entry and retention of young parents in the education system.
- Ensure that new legislation in the field of education is published to ensure that citizens are aware of their rights and entitlements.
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Convention against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.²⁸

B. Freedom of opinion and expression

²⁴ UNICEF Student Learning Outcomes, op cit. p. 6.

²⁵ Education Sector Development Plan 2016 – 2020, pp. 5 – 6.

²⁶ Education Sector Development Plan 2016 – 2020, p. 5.

²⁷ Ibid, p. 36

²⁸ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

12. The Government is recommended to review the media and internet legislation to ensure that it is in accordance with international standards in promoting freedom of expression.
13. The Government is encouraged to introduce freedom of information legislation.
14. The Government is encouraged to decriminalize defamation and insult laws and place them within the civil code that is in accordance with international standards.
15. The Government is encouraged to assess the system for issuing broadcast licenses in order to ensure that this process is transparent and independent.

C. Cultural rights

16. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁹, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³⁰ and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)³¹, Lao People's Democratic Republic is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Lao People's Democratic Republic is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

17. Lao People's Democratic Republic did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Lao People's Democratic Republic is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-

²⁹ Periodic Report available at: <https://whc.unesco.org/archive/2012/whc12-36com-10A-en.pdf>

³⁰ Periodic Report not available.

³¹ Periodic Report available at: <https://en.unesco.org/creativity/node/16028>

discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.