

# LAOS 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Lao People's Democratic Republic is an authoritarian state ruled by the only party that the constitution legitimizes, the Lao People's Revolutionary Party (LPRP). The most recent National Assembly election, held in April 2011, was not considered free and fair. Security forces reported to civilian authorities.

The most significant human rights problems continued to be that the government denied citizens the right to change their government, prison conditions in some prisons were harsh, and corruption persisted in the police and judiciary.

Other human rights problems continued to include: abuse of prisoners and detainees by some police and security force members; arbitrary arrest and detention; government infringements on freedoms of speech, press, assembly, and association as well as the right to privacy; government restrictions on academic freedom; local restrictions on religious freedom; trafficking in persons; societal discrimination based on sexual orientation and against persons with HIV/AIDS; and government restrictions on worker rights.

The government did not take steps to prosecute and punish officials who committed abuses, and police and security force members acted with impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no credible reports that the government or its agents committed arbitrary or unlawful killings, including of insurgents.

There were no developments in the cases of persons allegedly killed by the military or police in previous years.

#### **b. Disappearance**

There was one reported disappearance during the year: On December 15, individuals in plainclothes allegedly abducted 60-year-old Sombath Somphone, a prominent civil society leader and retired founder of the nonprofit association Participatory Development Training Center, after what appeared to be an

orchestrated stop of his vehicle by traffic police in Vientiane. The government denied knowledge of his whereabouts, and an investigation continued at year's end.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits the beating or torture of an arrested person. In practice police and security force members sometimes abused prisoners.

Detainees occasionally were subjected to beatings and long-term solitary confinement in completely darkened rooms, and in many cases authorities placed them in leg chains or wooden stocks for long periods. Degrading treatment, the chaining and manacling of prisoners, and solitary confinement in small, unlit rooms were standard punishments in larger prisons, while smaller provincial or district prisons employed manacles and chains to prevent prisoners from escaping.

### **Prison and Detention Center Conditions**

Prison and detention facility conditions varied widely and in some prisons continued to be harsh. There was a separate prison for foreigners.

Physical Conditions: Samkhe Prison in Vientiane, the country's largest, held approximately 550 male and 150 female prisoners separated by gender in a 12-acre facility that authorities stated was built in 1966 and designed to hold 700 inmates. Some prisons reportedly held juveniles with adults, although no official or reliable overall population or gender statistics on prisoners were available. Cells were apparently crowded. Prisoners had adequate access to potable water. Food rations were minimally adequate, and prisoners reportedly could grow fruits and vegetables to supplement their meals. Some prisons other than Samkhe required inmates to reimburse authorities upon release for the cost of food eaten during incarceration. Prisoners in the larger, state-operated facilities in the capital generally fared better than did those in smaller, provincial prisons.

Although most prisons had some form of clinic, usually with a doctor or nurse on the staff, medical facilities were usually poor. Prisoners had access only to basic medical care, and treatment for serious ailments was unavailable. For example, in Samkhe Prison, there was a clinic with four sick beds and a staff of three for 700 inmates. Prisoners received vaccinations upon arrival; if sick, they had to pay medicine costs. In some facilities, prisoners could arrange for treatment in police

hospitals, and in emergencies authorities sent prisoners to these hospitals. There was no information available during the year on the prevalence of death in prisons or pretrial detention centers.

Administration: There was no information available regarding the adequacy of recordkeeping on prisoners. In certain cases the government allowed offenders convicted of nonviolent crimes to be released without formally sentencing them to prison.

There were no ombudsmen to serve on behalf of prisoners and detainees. Prison wardens set prison visitation policies. Family members generally could access prisoners and detainees once per month. Prisoners and detainees could follow some religious observances, according to the constitution, but authorities did not provide any facilities.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions, although there were no reports that prisoners, detainees, or their family members made such requests for fear of exacerbating poor detention conditions. There were also no known investigations of complaints.

Monitoring: The Ministry of Public Security monitored prison and detention center conditions; the government did not permit regular independent monitoring of these conditions. At times authorities provided foreign diplomats access to some prisons, but such access was strictly limited.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but some government officials did not respect these provisions, and arbitrary arrest and detention persisted.

Beginning in August the government began detaining and moving adults deemed to be beggars and homeless from Vientiane streets in an effort to prepare the capital for hosting an international summit meeting in November. According to the government, authorities returned some homeless individuals to their home villages and moved others into a temporary housing facility that held approximately 75 adults in a Vientiane suburb. The government also arranged with an international nongovernmental organization (NGO) to provide emergency shelter and nonformal education to children removed from city streets, but it reportedly removed only one of an estimated 250 homeless children to the shelter.

On November 19, police arrested and detained a woman in Khammouane Province for unclear reasons. At year's end she reportedly remained in custody without formally being charged.

### **Role of the Police and Security Apparatus**

The Ministry of Public Security maintains internal security but shares the function of state control with the Ministry of Defense's security forces and with the LPRP and the LPRP's popular front organizations. The Ministry of Public Security includes local, traffic, immigration, and security (including border) police, plus other armed police units. In addition communications police are responsible for monitoring telephone and electronic communications. The armed forces have domestic security responsibilities that include counterterrorism and counterinsurgency as well as control of an extensive system of village militias.

Impunity remained a problem, as did police corruption; there were no statistics available on their extent. The Ministry of Public Security's Inspection Department maintained complaint boxes throughout most of the country for citizens to deposit written complaints, but usage statistics were also unavailable.

The government continued to cooperate with international organizations to implement a national strategy to strengthen law enforcement and deal with increased drug trafficking and abuse as well as related crime and police corruption.

### **Arrest Procedures and Treatment While in Detention**

Police and military forces have arrest powers, although normally only police exercised them. The law provides detainees the right to a prompt judicial determination of the legality of their detention. The law also requires that, within 24 hours of arrest, authorities notify detainees of the charges against them and inform next of kin of their detention, and this generally occurred. Prisoner access to family members was not assured but was generally allowed. There is a bail system, but it was nonfunctioning and arbitrarily implemented. There were procedures for house arrest of detainees, particularly for health reasons, and isolated reports of detainees held in that manner. There were no reports of prisoners held incommunicado during the year.

The Law on Lawyers promulgated on January 16 provides detained, arrested, or jailed citizens the right to legal representation upon request.

Arbitrary Arrest: Police continued to exercise wide latitude in making arrests, relying on a provision of the law which provides that warrants are not necessary to apprehend persons in the act of committing crimes or in urgent cases. Police reportedly sometimes used arrest as a means to intimidate persons or extract bribes.

Pretrial Detention: There is a one-year statutory limit for detention without trial. The length of detention without a pretrial hearing or formal charges is also limited to one year. The Office of the Prosecutor General reportedly made efforts to ensure that authorities brought all prisoners to trial within the one-year limit, but the requirement was occasionally ignored. The Prosecutor General's Office must authorize police to hold a suspect pending investigation. Authorization is given in three-month increments, and a suspect must be released after a maximum of one year if police do not have sufficient evidence to bring charges. Authorities at times continued to detain prisoners after they completed their sentences, particularly in cases where prisoners were unable to pay court fines. In other cases prisoners were released contingent upon their agreement to pay fines later.

Amnesty: On December 2, the government issued a presidential decree granting amnesty to 517 prisoners, of whom 82 were women and 21 were foreigners.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but impunity and corruption continued to be problems, and some judges reportedly could be bribed. However, there were no cases reported during the year of government or party officials influencing the courts. The National Assembly may remove judges from office for "impropriety" but did not do so during the year.

#### **Trial Procedures**

By law defendants enjoy a presumption of innocence, but in practice judges usually decided guilt or innocence in advance, basing their decisions on the result of police or prosecutorial investigation reports. Most trials, including criminal trials, were little more than pro forma examinations of the accused and reviews of the evidence. Juries are not used. Trials are open, except for those that involve certain types of family law or are related to national security, state secrets, or children under the age of 16.

The law provides defendants the right to defend themselves with the assistance of a lawyer or other persons. Defense attorneys are provided at government expense only in cases involving children, cases that may result in life imprisonment or the death penalty, and cases considered particularly complicated, such as ones involving foreigners. Defendants do not have the right to be informed promptly and in detail of the charges against them, but the law does require authorities to inform persons of their rights. There is no legal right of the accused to examine government-held evidence, but a defendant may ask to view such evidence if the arresting authority has completed its investigation report. In more serious cases (such as drug cases with a life-imprisonment penalty), the arresting authority generally does not allow the accused to examine government-held evidence. There is no legal right to adequate time and facilities to prepare a defense. Defendants may have anyone assist them in preparing written cases and accompany them at trial, but only the defendant may present oral arguments at a criminal trial. Defendants are permitted to question and present witnesses and present evidence on their own behalf. Defendants have the right of appeal.

Court litigants may select members of the Lao Bar Association to represent them at trial. The association is nominally independent but receives some direction from the Ministry of Justice. The association had three legal aid clinics in Vientiane, Champasak, and Oudomxay provinces that provided legal services to citizens in need. For several reasons, including the general perception that attorneys cannot affect court decisions, most defendants chose not to have attorneys or trained representatives.

All of the country's judges were LPRP members. Most had only basic legal training, and some zonal courts had few or no reference materials available for guidance. The National Assembly Legal Affairs Committee occasionally reviewed People's Supreme Court decisions for "accuracy" and returned cases to it or the Prosecutor General's Office for review when the committee believed decisions were reached improperly.

### **Political Prisoners and Detainees**

There were no government statistics or reliable estimates available of the number of political prisoners, but the government confirmed that the following four individuals continued to serve prison sentences:

Thongpaseuth Keuakoun and Seng-aloun Phengpanh, arrested in 1999 and tried for attempting to organize a prodemocracy demonstration, continued to serve 15-year sentences for antigovernment activities.

Thao Moua and Pa Phue Khang, ethnic Hmong arrested in 2003 and tried for serving as guides for three foreign journalists, continued to serve sentences of 12 and 20 years, respectively, for obstruction of justice and possession of weapons. Authorities also arrested the journalists and deported them for attempting to cover a Hmong insurgent attack.

Authorities allowed families to visit these political prisoners, but no humanitarian organization had regular access to them.

There has been no known government or other information available for several years regarding developments in the case of former colonel Sing Chanthakoummane, an official of the pre-1975 government, who was sentenced to life imprisonment in a 1990 trial for antigovernment activities.

### **Civil Judicial Procedures and Remedies**

The law provides for judicial independence in civil matters, but enforcement of court orders remained a problem. A person may seek judicial remedy for violations of civil or political rights in a criminal court or pursue an administrative remedy from the National Assembly. Individuals may seek redress for violations of social and cultural rights in a civil court.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law generally protects privacy, including that of mail, telephone, and electronic correspondence, but the government reportedly continued to violate these legal protections when there was a perceived security threat.

The law prohibits unlawful searches and seizures. While the law requires that police obtain search authorization from a prosecutor or a panel of judges, police did not always obtain prior approval, especially in rural areas. Security laws allow the government to monitor individuals' movements and private communications, including via cell phones and e-mail.

The Ministry of Public Security regularly monitored citizen activities through a surveillance network that included secret police. A militia in urban and rural areas,

operating under the aegis of the armed forces, shared responsibility for maintaining public order and reported “undesirable elements” to police. Members of the LPRP’s front organizations, including the Lao Women’s Union (LWU), the Youth Union, and the Lao Front for National Construction, also played a role in monitoring citizens at all levels of society.

The government continued to relocate some villagers to accommodate land concessions given to development projects and continued to relocate highland farmers, most of whom belong to ethnic minority groups, to lowland areas under its plan to end opium production and slash-and-burn agriculture. While there were no reports of the government forcibly relocating villagers, there were reports of individuals displaced by government projects. Although resettlement plans called for compensating farmers for lost land and providing resettlement assistance, assistance was not available in many cases or was insufficient to give relocated farmers the means to adjust. Moreover, in some areas farmland allotted to relocated villagers was poor and unsuited for intensive rice farming. The government relied on assistance from NGOs, bilateral donors, and international organizations to cover the needs of those recently resettled, but such aid was not available in all areas.

On June 18, local authorities detained seven farmers from Ban Yeup, Thateng District, Sekong Province, during a dispute over compensation for land granted to a Vietnamese rubber plantation company through a government concession. The farmers organized and delivered a petition to the national government and legislature requesting assistance in dispute resolution. Local authorities held the farmers under house arrest but released them at the end of June. According to the government, the farmers and the company resolved their dispute after government intervention, and the company provided the farmers new land plots as compensation and offered them plantation work opportunities.

The law allows citizens to marry foreigners only with prior government approval; marriages without approval may be annulled, with both parties subject to arrests and fines. Premarital cohabitation with foreigners is illegal. The government routinely granted permission to marry, but the process was lengthy and burdensome, offering officials the opportunity to solicit bribes.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, but the government severely restricted political speech and writing and prohibited most public criticism that it deemed harmful to its reputation.

Freedom of Speech: The law provides citizens with the right to criticize the government but also forbids slandering the state, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the state.

Freedom of Press: The state owned and controlled most domestic print and electronic media. Local news in all media reflected government policy. The government permitted the publication of several privately owned periodicals of a nonpolitical nature, including ones specializing in business, society, and trade. A few foreign newspapers and magazines were available through private outlets that had government permission to sell them.

Although domestic television and radio broadcasts were closely controlled, the government did not interfere with broadcasts from abroad. Citizens had 24-hour access to international stations via satellite and cable television. The government required registration of satellite receivers and payment of a one-time licensing fee, largely as a revenue-generating measure, but otherwise made no effort to restrict their use.

On January 27, the Ministry of Information, Culture, and Tourism cancelled a popular, long-running, and often controversial call-in radio program that offered an open discussion of current events and the ability to voice complaints anonymously. Negotiations, prompted by public outcry over the cancellation, continued between the government and the radio host during the year, but the program had not returned to the air as of year's end. The government contended that the radio host failed to pay monthly broadcasting fees, which led to the cancellation.

Violence and Harassment: The government required foreign journalists to apply for special visas and restricted their activities. Authorities continued to deny journalists free access to information sources but often permitted their travel without official escorts. When escorts were required, they reportedly were at journalists' expense.

Censorship or Content Restrictions: Officials reviewed all articles in privately owned periodicals after publication (not in advance) and could penalize those whose articles did not meet government approval. The Ministry of Information and Culture's Mass Media Department confirmed that the government did not

disapprove any publication during the year. Nevertheless, publishers reportedly were aware of what the government would approve for publication and therefore tended to continue to practice self-censorship.

Authorities prohibited the dissemination of materials the ministry deemed indecent, subversive of “national culture,” or politically sensitive. Any person found guilty of importing a publication considered offensive to the national culture faced a fine of one to three times the value of the item or imprisonment for up to one year.

### **Internet Freedom**

The government controlled domestic Internet servers and sporadically monitored Internet usage, but it apparently did not have the ability to block access to Web sites. During the year authorities developed infrastructure to route all Internet traffic through a single gateway, thereby enabling them to monitor and restrict content. However, they apparently had not utilized this increased capability as of year’s end. The National Internet Committee under the Prime Minister’s Office administered the Internet system. The office required Internet service providers to submit quarterly reports and link their gateways to facilitate monitoring, but the government’s enforcement capability continued to appear limited.

Internet access was not widely available or used; in August the government estimated that 8 percent of the population used the Internet.

### **Academic Freedom and Cultural Events**

The law provides for academic freedom, but the government imposed restrictions. The Ministry of Education tightly controlled curricula in schools, including private schools and colleges.

Both citizen and noncitizen academic professionals conducting research in the country may be subject to restrictions on travel, access to information, and publication. Although the government exercised control through requirements for exit stamps and other mechanisms that affected the ability of state-employed academic professionals to travel for research or obtain study grants, the government actively encouraged research and study opportunities worldwide and approved virtually all such proposals.

The government required films and music recordings produced in government studios to be submitted for official censorship; however, uncensored foreign films and music were available in video and compact disc formats. The Ministry of Information and Culture attempted to limit the influence of Thai culture on Lao music and entertainment, but these attempts had little effect.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law provides for freedom of assembly; however, the government continued to restrict this right. The law prohibits participation in demonstrations, protest marches, or other acts that cause “turmoil or social instability.” Participation in such acts is punishable by imprisonment for one to five years (see section 1.e.).

### **Freedom of Association**

The law provides citizens the right to organize and join associations, but the government continued to restrict this right. For example, political groups other than popular-front organizations approved by the LPRP remained prohibited. Moreover, the government occasionally tried to influence the membership of civil society organizations’ boards and forced some organizations to change their names to remove words, such as “rights,” that it deemed sensitive.

By decree the government allows the registration of nonprofit civil society organizations, including economic, social welfare, professional, technical, and creative associations, at the district, provincial, or national level, depending on their scope of work and membership. Although the rate of approvals improved slightly during the year, the registration process continued to be slow. At year’s end, 32 national-level associations were fully registered, 17 were temporarily registered, and 52 others remained pending, while 70 associations were registered at the provincial level.

## **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

## **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but in practice the government imposed some restrictions. The government cooperated in some cases with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: Citizens seeking to travel to contiguous areas of neighboring countries generally obtained the required permits easily from district offices. Those wishing to travel farther abroad were required to apply for passports.

Emigration and Repatriation: The government continued to refuse the UNHCR's request to reestablish an in-country presence, which it had in the 1990s, to monitor the reintegration of Hmong returnees from Thailand. Instead, the government maintained that the UNHCR's mandate expired in 2001 and all former refugees had successfully reintegrated. During the year foreign diplomats, international organization representatives (including one senior UNHCR official), and the press visited the villages of Phonekham in Bolikhamxay Province and/or Phalak and Nongsan in Vientiane Province, where Lao Hmong, who returned voluntarily or involuntarily from Thailand in 2007-09, were resettled. During the year the government continued constructing an irrigation system for Phonekham Village (scheduled for completion in 2013) and provided the international community access, albeit controlled, to resettlement villages.

The government's policy--both for Hmong surrendering internally and for those returned from Thailand--was to return them to their community of origin whenever possible. During the year authorities reportedly released from custody Kha Yang, a Lao Hmong who was a UNHCR-recognized refugee in Thailand and was informally deported to Laos in December 2011.

The government maintained its policy of denying the right of return to persons who fled the country during the 1975 change of regime and were tried in absentia for antigovernment activities; there were no cases of such denials during the year.

### **Internally Displaced Persons (IDPs)**

In the absence of comprehensive and timely monitoring by international organizations and independent observers, it continued to be impossible to clarify the number and condition of IDPs in the country or the situation concerning their

protection and reintegration, government restrictions on them, and their access to basic services and assistance. Nevertheless, the NGO Internal Displacement Monitoring Center's report for 2010 identified three groups of IDPs that could total "between several hundreds and several thousands": (1) Hmong who fled to Thailand and were forcibly returned; (2) individuals who should be considered as civilians but were living with Hmong insurgents (see section 6); and (3) individuals, small in number, of non-Buddhist minority religious groups who reportedly were forced from their villages due to local restrictions on religious practices (see the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt)).

### **Protection of Refugees**

Access to Asylum: The law provides for asylum and the protection of stateless persons. The government did not routinely grant refugee or asylum status, but it showed some flexibility in dealing pragmatically with individual asylum cases.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

Citizens are denied the right to change their government. Although the constitution outlines a system composed of executive, legislative, and judicial branches, the LPRP controlled governance and the leadership at all levels through its constitutionally designated "leading role."

### **Elections and Political Participation**

The law provides for a representative National Assembly, elected every five years in open, multiple-candidate, and fairly tabulated elections with universal, adult-suffrage voting by secret ballot. Assembly-appointed election committees must approve all candidates for local and national elections. Candidates do not need to be LPRP members, but in practice almost all were party members vetted by the party, including the participants in the 2011 National Assembly election.

The National Assembly chooses or removes the country's president and vice president and other members of the Standing Committee, generally based on the previous Standing Committee's recommendations. The Standing Committee also supervises all administrative and judicial organizations; has sole power to recommend presidential decrees; and appoints the National Election Committee, which has authority over elections, including approval of candidates. The

activities of the Standing Committee and the National Election Committee were not fully transparent.

The National Assembly, upon the president's recommendation, formally elects the prime minister and other government ministers.

Recent Elections: The most recent national election was in April 2011 for National Assembly members. The government did not allow independent observers to monitor the election process.

Political Parties: The constitution legitimizes only the LPRP. All other political parties are outlawed.

Participation of Women and Minorities: There were 33 women in the 132-seat National Assembly, including two on the 10-member Standing Committee, and three female justices on the 13-member People's Supreme Court. The 61-seat LPRP Central Committee included five women, one of whom was also a member of the 11-member Politburo and National Assembly president. Of six ministers in the Prime Minister's Office, two were women. The minister of labor and social welfare also was a woman.

While 80 percent of the population lived in rural areas where the village chief and council handled most everyday matters, fewer than 3 percent of village chiefs were women. The LWU--the LPRP mass organization focused on women's issues with a presence in every village and at every government level--was the only organization that had representation in every village, and only one member of the LWU represented women in each village council.

There were seven members of ethnic minorities in the LPRP Central Committee, including two in the Politburo. The National Assembly included 50 members of ethnic minorities and an ethnic-minority president, while two of the 28 cabinet ministers were members of ethnic minority groups. One of the People's Supreme Court justices was a member of an ethnic minority.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corrupt activities by officials, but the government did not implement the law effectively, and corruption continued to be a serious problem. Officials often engaged in corrupt practices with impunity, since they reportedly were seldom punished. Wages of all government officials

were extremely low, and many officials, such as police, had broad powers that they could easily abuse. Many police officers used their authority to extract bribes from citizens. Some judges reportedly could also be bribed. The extent to which the National Police Academy training curriculum covered corruption remained unknown.

In theory the government's Inspection and Anticorruption Committee, with authority equal to a government ministry, has responsibility for uncovering corruption in all ministries, including the Ministry of Public Security. While authorities have historically arrested and administratively punished lower-level officials on occasion for corruption, government-controlled media rarely mentioned official corruption, and there were no reports of such cases during the year.

Central and provincial inspection organizations responsible for enforcing laws against corruption continued to lack defined roles, independence, and sufficient powers as well as adequate funding, equipment, and legal support from the government.

There is no legal requirement for public disclosure of assets and income by appointed or elected officials, although LPRP policy requires senior officials, prior to taking their designated positions, to disclose their personal assets and those of their dependents, but not their incomes, to the party's Inspection Committee. The committee inspects the officials' assets before and after they have been in their positions. Individuals not compliant with this policy are subject to unspecified measures, although the LPRP used its control of government authorities and the media to block public censure of corrupt officials who were party members.

Revised legislation during the year on customs and the automation of customs processes reduced opportunities for corruption in trade. The new law strengthens the right to appeal decisions by customs authorities and creates appeals settlement committees at regional and national levels.

The law does not provide for public access to government information, and generally the government closely guarded the release of any information pertaining to its internal activities, deeming such secrecy necessary for "national security." However, the Law on Making Legislation, promulgated on August 1, requires publication of all national and provincial legislation and a 60-day public-comment period, thus promoting transparency and citizen understanding of rights and laws.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

There were no domestic human rights NGOs.

The government only sporadically responded in writing to requests for information on the human rights situation from international human rights organizations. However, the government maintained human rights dialogues with several foreign governments and continued to receive training in UN human rights conventions from several international donors.

UN and Other International Bodies: The government maintained contacts and cooperated with the International Committee of the Red Cross in activities implementing international humanitarian law. The government also continued to work on implementing the 2010 UN universal periodic review recommendations that it had accepted.

On December 7, the government expelled the activist country director of Helvetas, a Swiss NGO focused on agricultural development, for criticizing the country's form of government in a letter sent to certain foreign missions.

As of year's end the government had not replied to a May 10 visit request by the UN special rapporteur on cultural rights.

Government Human Rights Bodies: The human rights division in the Ministry of Foreign Affairs has responsibility for investigating allegations of human rights violations, although in practice it apparently had no authority to perform investigations or direct other ministries to undertake them.

In December the government established a national Commission on the Coordination of Human Rights to advise ministries on the implementation of Lao and international human rights laws, although it lacked formal oversight and investigative powers.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution provides for equal treatment under the law for all citizens without regard to ethnicity, gender, social status, education, or faith, but there were no prohibitions of discrimination based on language, disability, sexual orientation, or gender identity. The government at times took action when well-documented,

obvious cases of discrimination came to the attention of high-level officials, although the legal mechanism whereby citizens may bring charges of discrimination against individuals or organizations was neither well developed nor widely understood.

## **Women**

Rape and Domestic Violence: The law criminalizes rape, with punishment set at three to five years' imprisonment. Sentences are significantly longer and may include capital punishment if the victim is under the age of 18 or is seriously injured or killed. In rape cases tried in court, defendants generally were convicted, with sentences ranging from three years' imprisonment to execution. Rape was reportedly rare, although it was likely underreported, as was most crime. The country does not have a central crime database, nor does it provide crime statistics.

Domestic violence is illegal, but there is no law against marital rape, and domestic violence often went unreported due to social stigma. Penalties for domestic violence, including battery, torture, and the detention of persons against their will, may include both fines and imprisonment. The law grants exemption from penal liabilities in cases of physical violence without serious injury or physical damage.

In cooperation with NGOs, LWU centers and the Ministry of Labor and Social Welfare assisted victims of domestic violence. The Counseling and Protection Center for Women and Children in Vientiane operated a nationwide hotline for individuals to report incidents of domestic violence and receive counseling over the telephone, but no statistics on its operations were available. According to an international NGO that operated a shelter for homeless children, domestic violence was one of the main reasons that children left home to live on the streets of Vientiane, (see section 1.d.). Overall statistics were unavailable on the numbers of abusers prosecuted, convicted, or punished, but during the year LWU centers assisted 58 victims of rape, domestic violence, and trafficking.

Sexual Harassment: Although sexual harassment is not illegal, "indecent sexual behavior" toward another person is illegal and punishable by six months to three years in prison. Sexual harassment was rarely reported, and its extent remained difficult to assess.

Reproductive Rights: Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception was generally

available, although the means of contraception were not widely available in rural areas and were often financially out of reach. The *Lao Social Indicator Survey* (released in October with data collected in 2011) estimated that the contraceptive prevalence rate for women of reproductive age (15-49 years) for all methods increased from 38 percent (in 2010) to 50 percent. The major factors influencing this continued low prevalence rate were a high, unmet need for skilled birth attendants and a lack of access by rural citizens to modern contraceptives. The survey report also estimated that the maternal mortality ratio declined from 470 (in 2010) to 357 deaths per 100,000 live births. The major factors influencing this ratio were obstetrical complications, the prevalence of incomplete abortions, and a lack of access to emergency obstetric care. Deaths related to pregnancy and childbirth were the primary cause of death for women of reproductive age. Very few women had access to skilled birth attendants, and very few medical centers were equipped to deal with complicated births, especially in small, nomadic, and ethnic villages.

Discrimination: The law provides equal rights for women, but traditional attitudes and gender-role stereotyping kept women and girls in subordinate positions and prevented them from equally accessing education and business opportunities. There was little government effort to redress the situation. The law also prohibits legal discrimination in marriage and inheritance, although varying degrees of culturally based discrimination against women persisted, with greater discrimination practiced by some hill tribes.

The LWU operated nationally to promote the position of women in society, including conducting several programs to strengthen the role of women that were most effective in urban areas. Many women occupied decision-making positions in the civil service and private business, and in urban areas their incomes were often higher than those of men. Poverty continued to affect women disproportionately, especially in rural and ethnic minority communities. While rural women were responsible for more than half of total agricultural production, the additional burdens of housework and child rearing also fell primarily on women.

The governmental Commission for the Advancement of Women's second national strategy document, released February 19, outlined how to translate political commitments to honor international agreements into practical actions to eliminate all forms of discrimination against women. As a step toward implementation, the government established commission subunits countrywide at all ministry, state

organization, and administrative levels (province, district, and village) to enhance policymaking and performance monitoring.

## **Children**

Birth Registration: Regardless of where they are born, children acquire citizenship if both parents are citizens. Children born of one citizen parent acquire citizenship if born in the country or, when born outside the country's territory, if one parent has a permanent in-country address. Not all births were immediately registered.

Education: Education was compulsory, free, and universal through the fifth grade, but a shortage of teachers and the expectation that children will help their parents with farming in rural areas prevented some children from attending school. There were significant differences between ethnic groups in the educational opportunities available to boys and girls. Although the government's policy was to inform ethnic groups about the benefits of education for all children, some ethnic groups considered education for girls neither necessary nor beneficial. School enrollment rates for girls remained lower than for boys, although gender disparity continued to decrease. In an effort to increase elementary school attendance by ethnic minority children, the government continued to support the establishment of dormitories in rural areas countrywide.

Child Abuse: The law prohibits violence against children, and offenders are subject to reeducation programs and unspecified penal measures in the more serious cases. Although official reports of such abuse were rare, anecdotal evidence suggested that the problem persisted during the year.

Child Marriage: The legal minimum age of marriage for boys and girls is 18, but the law allows underage marriage in "special and necessary cases," often cases of underage pregnancy. Cultural norms of some ethnic groups contributed to an unknown (but believed considerable) percentage of women who married before reaching age 18.

Sexual Exploitation of Children: The law does not contain penalties specifically for child prostitution, but the penalty for sex with a child (defined as under the age of 15, the age of consent) is one to five years' imprisonment and a fine of 500,000 to three million kip (approximately \$63 to \$377). The law does not include statutory rape as a crime distinct from sex with a child or rape of any person. Child pornography is not treated differently from pornography in general, for

which the penalty is three months to one year in prison and a fine of 50,000 to 200,000 kip (\$6 to \$25).

The continued increase in tourism in the country and a concomitant rise in child sex tourism in Southeast Asia led authorities to seek to prevent child sex tourism. The government maintained efforts to reduce demand for commercial sex through periodic raids and training workshops and to aid victims as part of a multiyear national plan. The government and NGOs hosted seminars to train tourism-sector employees, including taxi drivers and tourism police, and implemented a public relations campaign in October in advance of major international meetings in the region. For example, many major international hotels in the cities of Vientiane and Luang Prabang renovated their poster displays warning against child sex tourism.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Although constitutional protections against discrimination do not specifically apply to persons with any type of disability, regulations promulgated by the Ministry of Labor and Social Welfare and the Lao National Commission for the Disabled sought to protect such persons against discrimination. Nonetheless, these regulations continued to lack legal force.

The Ministry of Health has primary responsibility for protecting the rights of persons with disabilities. Because of the large number of disabilities resulting from unexploded ordnance accidents, the ministry continued to work extensively on the problem, especially in coordination with international NGOs, to operate the Cooperative Orthotic and Prosthetic Enterprise that supplies prosthetic limbs, corrects clubfeet, and provides education to deaf and blind persons.

According to the Ministry of Public Works and Transport, the law requires that construction projects begun after 2009 provide facilities to persons with disabilities and elderly individuals, particularly in the construction of buildings, roads, and public places. The law does not mandate accessibility to buildings built before its enactment or government services for persons with disabilities, but Ministry of Labor and Social Welfare regulations from 2011 resulted in the construction of additional sidewalk ramps in Vientiane during the year. While there was some additional progress made on accessibility, a lack of resources for infrastructure slowed the retrofitting of most buildings and limited government staffing prevented effective implementation. There were no reports of discrimination in the workplace.

The government continued to implement its strategic plan to protect the rights of children with disabilities and enable them to study alongside other children in schools countrywide.

### **National/Racial/Ethnic Minorities**

The law provides for equal rights for all minority citizens and bars discrimination against them. Nonetheless, some societal discrimination persisted. Moreover, some critics continued to charge that the government's resettlement program for ending slash-and-burn agriculture and opium production adversely affected many ethnic minority groups, particularly in the North. The program required that resettled persons adopt paddy rice farming and live in large communities, ignoring the traditional livelihoods and community structures of these minority groups. International observers questioned whether the benefits promoted by the government--access to markets, schools, and medical care for resettled persons--outweighed the negative impact on traditional cultural practices. Some minority groups not involved in resettlement, notably those in remote locations, maintained that they had little voice in government decisions affecting their lands and the allocation of natural resources from their areas.

Of the 49 official ethnic groups in the country, the Hmong are one of the largest and most prominent. There were a number of Hmong officials in the senior ranks of the government and the LPRP, including one Politburo member and five members of the LPRP Central Committee. However, some Hmong believed their ethnic group could not coexist with ethnic Lao, a belief that fanned their separatist or irredentist beliefs. Moreover, the government's leadership maintained its suspicion of Hmong political objectives. The government continued to focus

limited assistance projects in Hmong areas to address regional and ethnic disparities in income, which helped ameliorate conditions in the poorest districts.

Although not confirmed by the government, there were reports of a late-June/early-July skirmish between some of the few remaining Hmong insurgents near Phon Savanh Village, Phasai District, Xieng Khouang Province that resulted in the killing of seven insurgents and four soldiers. Residual, small, scattered pockets of insurgents and their families remained in remote jungle areas. The government continued to reduce its efforts to combat them actively. It continued to offer “amnesty” to insurgents who surrendered, but because of their past activities, amnestied insurgents continued to be the focus of official suspicion and scrutiny. The government continued to refuse most international community offers to assist surrendered insurgents directly but allowed some aid from the UN and other international agencies as part of larger assistance programs.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

There was no law prohibiting discrimination based on sexual orientation or gender identity, and there was no such official discrimination reported during the year. However, it was likely that societal stigma and concern about repercussions led individuals to withhold reporting of incidents of abuse.

There were no legal impediments to lesbian, gay, bisexual, and transgender (LGBT) organizational activities.

Within lowland Lao society, despite wide and growing tolerance of LGBT persons, societal discrimination in employment and housing persisted, and there were no governmental efforts to address it. Local activists explained that most LGBT individuals did not attempt to apply for government or high-level private sector jobs because there was a tacit understanding that employers were unwilling to hire them. Reports indicated that lesbians faced greater societal stigma and discrimination than gay men.

### **Other Societal Violence or Discrimination**

There was no societal violence or official discrimination against persons with HIV/AIDS, but societal discrimination existed. The government actively continued to promote tolerance of those with HIV/AIDS, and it conducted public-awareness campaigns to promote understanding toward such persons.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law does not allow workers to form and join independent unions of their choice; they may form unions without previous authorization only if they operate within the framework of the officially sanctioned Federation of Lao Trade Unions, which in turn is controlled by the LPRP. In addition, the law does not permit unions to conduct activities without government interference, prohibits union membership for foreign workers, prohibits trade union members from stopping or cancelling a work contract without receiving a permit from the authority concerned, and does not allow the setting up of alliances or meetings to protest.

There is no right to organize and bargain collectively. The law stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and federation representatives, with final authority residing in the Ministry of Labor and Social Welfare.

The law stipulates that employers may not fire employees for conducting legal trade union activities, lodging complaints against employers regarding implementation of the law, or cooperating with officials on law implementation and labor disputes, and there were no reports of such cases.

The government's prohibition of subversive activities or destabilizing demonstrations and its failure to provide the means to call a strike continued to make strikes extremely unlikely, and there were no strikes reported during the year.

Labor disputes reportedly were infrequent, and the ministry generally did not enforce the dispute resolution law, especially in dealings with joint ventures in the private sector. According to labor activists, the federation needed government permission to enter factories and had to provide advance notice of such visits, thereby rendering it powerless to protect workers who filed complaints. Workplace committees were used for resolving complaints, but there was no information available on how effective these committees were in practice.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor except in time of war or national disaster. However, due to a limited number of inspectors and resources, the government did not effectively enforce the law. Forced labor, including forced child labor, reportedly occurred in the agriculture industry, particularly on rubber plantations.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law allows children between the ages of 14 and 18 to work up to eight hours per day, provided such work is not dangerous or difficult. There were no known reports during the year of children working in hazardous environments. The Ministry of Public Security, the Ministry of Justice, and the Ministry of Labor and Social Welfare are responsible for enforcing child labor laws, but enforcement was ineffective due to a lack of inspectors and other resources. Many children helped on family farms or in shops and other family businesses, but child labor was rare in industrial enterprises. Forced labor of boys allegedly occurred in the agricultural sector, for example, on rubber plantations.

### **d. Acceptable Conditions of Work**

In November 2011 the government set the monthly minimum wage for private sector workers at 626,000 kip (approximately \$79). Employers were additionally required to pay an 8,000-kip (\$1) meal allowance per day. The prime minister set the minimum wage for civil servants and state enterprise employees at 500,000 kip (\$63) per month for fiscal year 2012-13. The government estimated the national poverty line at an average income of 192,000 kip (\$24) per person per month. In addition to their minimum wage, civil servants often received housing subsidies and other government benefits. Some piecework employees, especially on construction sites, earned less than the minimum wage.

The law provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities) and at least one day of rest per week. Overtime may not exceed 30 hours per month, and each period of overtime may not exceed three hours. The overtime pay rate varies from 150 to 300 percent of normal pay. The overtime law was not effectively enforced. By law the government determines public holidays. Workers employed under an employment contract for an indefinite period or for a period of more than one year and who have worked for

one full year are entitled to 15 days' annual leave. Workers in sectors involving heavy work or work that is hazardous to health, as specified by law, are entitled to 18 days' annual leave with full pay at the normal rate.

The law provides for safe working conditions and higher compensation for dangerous work. In case of injury or death on the job, employers are responsible for compensating a worker or the worker's family. Employers generally fulfilled this requirement in the formal economic sector but not in most informal businesses. The law also mandates extensive employer responsibility for those disabled at work, and this provision appeared to be effectively enforced.

The Ministry of Labor and Social Welfare is responsible for workplace inspections, and its Labor Inspection Division estimated that there were 200 inspectors in the country in 2011--a fivefold increase from 2010--who conducted 2,672 inspections that year. Officials made unannounced inspections when notified of a violation of safe working standards and obliged employers to address violations within three to six months or be fined. The Inspection Division reported that 17 workplace accidents occurred in 2011, compared with 142 in 2010, resulting in 10 fatalities.

There were a number of undocumented immigrants in the country, particularly from Vietnam, China, and Burma, and they continued to be vulnerable to exploitation by employers. These immigrants primarily worked in construction, plantations, casinos, and service industries. The law sets the percentage of foreign laborers that a company operating in the country can hire and requires approval of foreign workers but does not provide specific work-condition protections for them. Based on labor surveys conducted in all provinces, the Ministry of Labor and Social Welfare estimated on October 10 that approximately 54,000 foreigners were working legally and illegally in the country and that two-thirds of them had work permits.