

# LAOS 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Lao People's Democratic Republic is ruled by its only constitutionally legitimate party, the Lao People's Revolutionary Party (LPRP). The most recent National Assembly election held in 2016 was not free and fair. The LPRP selected all candidates, and voting is mandatory for all citizens. Following the election the National Assembly approved Thongloun Sisoulith to be prime minister.

The Ministry of Public Security maintains internal security and is responsible for law enforcement; the ministry oversees local, traffic, immigration, and security police, village police auxiliaries, and other armed police units. The armed forces, under the Ministry of Defense, also have some domestic security responsibilities, including counterterrorism, counterinsurgency, and border security. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included: arbitrary detention; political prisoners; censorship; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; corruption; and trafficking in persons.

While the government prosecuted and punished officials for corruption, there were no prosecutions or punishments for officials who committed other abuses, and police and security forces committed human rights abuses with impunity.

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no credible reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

In December 2018 three Thai political dissidents who were living in the country, Surachai Danwattananusorn, Phu Chana, and Kasalong (one name only),

disappeared, having last been seen in Vientiane two days before a visit by the Thai prime minister. Later in the month, the bodies of Phu Chana and Kasalong were found near the Mekong River, on the Thai side of the border. The bodies were reportedly bound, disemboweled, and filled with concrete, and the faces beaten beyond recognition. As of November the killers and the place of death remained unknown and Surachai remained missing. The government made no public comment on the case and told the diplomatic community that the investigation into the deaths was a Thai responsibility. International media reported that the government had assured Thai officials they would closely monitor and prevent Thai activists living in the country from engaging in activities against the Thai military government.

Two other Thai political activists, Wutthipong Kachathamkhun and Itthipol Sukpaen, remained missing after being abducted in 2017 and disappearing in 2016, respectively. The government continued to state it was not aware of these abductions, had not investigated them, and had received no request from the Thai government to investigate the matter. These are the latest in a number of cases involving the disappearance of Thai activists in recent years.

There was no progress in the 2012 abduction of Sombath Somphone, a prominent civil society leader and retired founder of a nonprofit training center who was abducted in 2010, by persons in plainclothes after what appeared to be an orchestrated stop of his vehicle by traffic police in Vientiane.

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

The constitution and law prohibit such practices. Civil society organizations and lawyers claimed some prisoners were beaten or given electric shocks. One human rights activist reported a Christian was arrested and given an electric shock when he refused to renounce his faith; the prisoner suffered temporary hearing loss. International media reported that prisoners arrested for protesting loss of access to land were subjected to electric shocks following their arrest and suffered from malnourishment and poor health after being jailed for over a year. In April, Sy Phong, imprisoned since 2011 for leading land protests in Salavan Province, died; the government said his death was from natural causes, but others claim he was tortured.

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

Prison and detention facility conditions varied widely and in some prisons were harsh due to minimal food supply, overcrowding, and inadequate medical care.

Physical Conditions: Prison cells were crowded, with beds no wider than 20 inches. Some prisons reportedly held juveniles with adults, although no official or reliable statistics were available on the overall population or gender of prisoners countrywide. Due to a lack of space, pretrial detainees and convicted prisoners were held together. There was no information available on the prevalence of death in prisons or pretrial detention centers, although one lawyer claimed some prisoners had died at a recently opened prison in Vientiane Province due to overheating. In May international media reported on the April death of a prisoner in Salavan Province who was held in prison for eight years. Human rights groups called on the government to investigate the death.

Some prisons forced inmates to reimburse authorities upon release for the cost of food eaten during incarceration. Prisons generally provided inadequate food that families and friends had to augment.

Although most prisons had a clinic, usually with a doctor or nurse on the staff, medical facilities were usually deficient. Prisoners had access only to basic medical care, and treatment for serious ailments was unavailable. Prisoners received vaccinations upon arrival; if sick, they had to pay for necessary medicine. In some facilities, prisoners could arrange for treatment in police hospitals in emergencies.

Administration: The Ministry of Public Security is responsible for monitoring prison and detention center conditions. Authorities permitted prisoners and detainees to submit complaints to judicial authorities and to request investigation of credible allegations of problematic conditions, although there were no reports of prisoners, detainees, or their family members making such requests due to fear of exacerbating poor detention conditions.

There was no ombudsperson to serve on behalf of prisoners and detainees. Prison wardens set prison visitation policies. Family members generally had access to prisoners and detainees once per month. Prisoners and detainees could follow some private religious practices, but authorities did not provide any facilities for communal worship.

Independent Monitoring: Government officials did not permit regular independent monitoring of prison conditions.

#### **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.

#### **Arrest Procedures and Treatment of Detainees**

Both police and military forces have arrest powers, although generally 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 authorities to notify detainees of the charges against them and inform next of kin of their detention within 24 hours of arrest, but this did not always occur, especially in rural areas. There is a bail system, but authorities implemented it arbitrarily. There are legal procedures for house arrest, particularly for health reasons. The law provides detained, arrested, or jailed persons the right to legal representation upon request. These provisions are often not respected. International press reported, for example, that Houayheuang Xayabouly, arrested in September for criticizing the government on Facebook (see section 2.a.), was not allowed to meet with her family and friends while the investigation was ongoing.

Arbitrary Arrest: Police continued to exercise wide latitude in making arrests, relying on a provision of the law that permits warrantless arrests in urgent cases. Police reportedly used the threat of arrest to intimidate persons or extract bribes.

In November police arrested seven activists affiliated with a prodemocracy group, who had planned--but then canceled--a rally to draw attention to government “land grabs” and advocate for free speech. The activists were released after being held for four days and were not charged with any crimes.

At times authorities detained prisoners who had completed their sentences, particularly if they were unable to pay court fines.

Pretrial Detention: The law limits detention without trial to one year. 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 have authorities bring all prisoners to trial within the one-year limit, but officials occasionally did not meet the requirement. The exact number of detainees held more than a year was unknown.

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

The law provides for an independent judiciary, but corruption and judges acting outside the law with impunity continued. Some judges reportedly accepted bribes. According to a local lawyer, it is becoming “difficult for people with less money” to win a court case due to widespread corruption. The legal framework provides for defense counsel, evidentiary review, and the presumption of innocence. Despite these provisions, judges reportedly decided guilt or innocence in advance of trials, basing their decisions on police or prosecutorial investigation reports. Most defendants chose not to have attorneys or trained representatives due to the general perception that attorneys cannot influence court decisions.

### **Trial Procedures**

The law provides for the right to a fair and public trial, although the judiciary did not always uphold this right. The law provides defendants a presumption of innocence. Most trials, including criminal trials, were primarily pro forma examinations of the accused and reviews of the evidence. Defendants do not have a legal right to know promptly and in detail the charges against them, but the law requires authorities to inform persons of their rights. Trials are public, except for those involving certain types of family law or related to national security, state secrets, or children younger than age 16.

The law provides defendants the right to defend themselves with the assistance of a lawyer or other persons, but there remained a lack of qualified lawyers. Lawyers sometimes were unwilling to defend sensitive cases due to fear of retaliation by local authorities. A civil society advocate noted that the police sometimes intimidated or sought to discredit witnesses. A defense attorney’s role is limited to such actions as asking the court for leniency in sentencing or appealing a technical matter, rather than arguing the merits of the case, challenging evidence, or mounting a true defense. Authorities provided defense attorneys at government expense only in cases involving children, cases likely to result in life imprisonment or the death penalty, and cases considered particularly complicated, such as those involving foreigners. There is no legal right to adequate time and facilities to prepare a defense.

For a fee, the government allows interpreters to provide explanations of laws and defendant rights to ethnic minority citizens and foreigners who cannot communicate in the Lao language.

Defendants may have someone other than an attorney assist them in preparing written cases and accompany them at trial. Defendants may question and present witnesses, and present evidence on their own behalf. Defendants may refuse to testify, although authorities reportedly imposed harsher penalties on defendants who did not cooperate. There is no right of appeal.

### **Political Prisoners and Detainees**

There were no government statistics or reliable estimates available regarding the number of political prisoners. In June, nine citizens from Sekong Province were sentenced to from two to six years' imprisonment for their 2017 protest of the government's decision to give a Vietnamese company a concession for a rubber plantation on land that had previously been used for farming. Civil society organizations and international media reported on three political prisoners in 2018. Somphone Phimmason, Soukan Chaithad, and Lodkham Thammavong were convicted and sentenced in 2017 to 20, 16, and 12 years' imprisonment, respectively, on multiple charges including treason, propaganda against the state, and gatherings aimed at causing social disorder.

### **Politically Motivated Reprisal Against Individuals Located Outside the Country**

On August 26, Od Sayavong, a Lao prodemocracy activist living in Thailand, disappeared; his whereabouts were unknown as of November. He had been critical of the Lao government and was seeking asylum in a third country. The United Nations special rapporteur on human rights defenders stated Od may have "been disappeared."

### **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 a 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.

### **Property Restitution**

Some families relocated due to a rail project linking Vientiane to China complained that they were not adequately compensated. (See section 1.d.)

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

The law generally prohibits such actions, but the government continued its broad use of security law exemptions when it perceived a security threat.

The law prohibits unlawful searches and seizures, but in many cases does not require a warrant. Although the law requires police to 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 mobile telephones and email without a warrant (see section 2.a.).

The Ministry of Public Security monitored citizens' activities through a surveillance network that included secret police. A police auxiliary program in urban and rural areas, operating under individual village chiefs and local police, shared responsibility for maintaining public order and reported "undesirable" persons to police. Members of the LPRP's affiliated organizations, including the Lao Women's Union (LWU), the Lao Youth Union, and the Lao Front for National Development, also monitored citizens.

The law allows citizens to marry foreigners only with prior government approval. Authorities may annul marriages entered into without approval, with both parties subject to arrest and fines. The government normally granted permission to marry, but the process was lengthy and burdensome, offering officials opportunities to solicit bribes. Premarital cohabitation with foreigners is illegal, although it was rarely prosecuted.

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

### **a. Freedom of Expression, Including for the Press**

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

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

September 16, police arrested Houayheuag Xayabouly on charges of defaming the country when she criticized on Facebook the government's response to flooding in Champassak and Salavan Provinces. She had previously used social media to criticize graft and greed among government officials. She pled guilty and in November was sentenced to five years in prison and a 20 million kip (\$2,260) fine.

Nongovernmental organizations (NGOs) generally exercised self-censorship, particularly after the 2012 disappearance of an internationally respected civil society advocate. NGOs said they also tried to avoid saying anything that might further delay government approval of a Memorandum of Understanding (MOU) needed to carry out their work. NGOs reported that citizens are taught at an early age not to criticize the government.

Press and Media, Including Online Media: The state owned and controlled most domestic print and electronic media. Local news reflected government policy. The government permitted publication of several privately owned periodicals of a nonpolitical nature, including ones specializing in business, society, and trade. By law foreign media must submit articles to the government before publication; however, authorities did not enforce these controls. The government did not allow foreign news organizations to set up bureaus in the country, except those from neighboring communist states China and Vietnam.

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

The government restricted the activities of foreign journalists. Authorities denied journalists free access to information sources and at times required them to travel with official escorts.

Censorship or Content Restrictions: Officials reviewed all articles in privately owned periodicals after publication and by law could penalize those whose articles did not meet government approval. Publishers and journalists were generally aware of what content the government would approve for publication and practiced self-censorship. The Ministry of Information, Culture, and Tourism's Mass Media



Department did not confirm whether the government disapproved any publication during the year.

Authorities prohibited dissemination of materials deemed subversive of national culture or politically sensitive. Any person found guilty of importing a publication considered offensive to national culture was subject to a fine of one to three times the value of the item or imprisonment of up to one year.

### **Internet Freedom**

The government controlled domestic internet servers and sporadically monitored internet usage but did not block access to websites. The government maintained infrastructure to route all internet traffic through a single gateway, thereby enabling it to monitor and restrict content, although the government's technical ability to monitor internet usage was limited. The National Internet Committee under the Prime Minister's Office administers the internet system. The office requires internet service providers to submit quarterly reports and link their gateways to facilitate monitoring.

The cybercrime law criminalizes dissent and puts user privacy at risk by requiring individuals to register on social media sites with their full names, making it difficult to share news articles or other information anonymously. Authorities continued to detain or arrest persons who criticized the government.

Authorities individually warned social media bloggers to stop posting stories that they perceived to be critical of government policies, including posts on the government's response to flooding and corruption.

The law prohibits certain content on the internet, including deceptive statements and statements against the government and the LPRP. The Ministry of Posts and Telecommunications has authority to direct internet service providers to terminate internet services of users found violating the law.

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

The law provides for academic freedom, but the government imposed restrictions. The Ministry of Education tightly controlled curricula, including in 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. The government required exit stamps for state-employed academic professionals to travel for research or to obtain study grants.

The government requires producers to submit films and music recordings produced in government studios for official review. The Ministry of Information, Culture, and Tourism attempted to limit the influence of Thai culture on local music and entertainment, but these attempts had little effect.

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

The government restricted the freedoms of peaceful assembly and association.

### **Freedom of Peaceful Assembly**

The law does not provide for the right of freedom of peaceful assembly and prohibits participation in demonstrations, protest marches, or other acts that “cause turmoil or social instability,” without explicit government permission. Participation in such activities is punishable by a maximum five years’ imprisonment; however, this was infrequently enforced. In October 2018 police in Savannakhet shut down a benefit concert at which performers and attendees wore T-shirts with the slogan “No bribes for jobs.”

### **Freedom of Association**

The law tightly restricts the right of freedom of association. For example, political groups other than organizations approved by the LPRP are prohibited. Moreover, the government occasionally influenced board membership of civil society organizations and forced some organizations to change their names to remove words it deemed sensitive, such as “rights.”

Government registration regulations apply to 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. The registration process for NGOs was burdensome, in practice often taking over two years, and authorities restricted NGOs’ ability to disseminate information and conduct activities without interference. NGOs are also required to obtain Ministry of Foreign Affairs approval to receive foreign funding greater than \$60,000. NGOs also must accept “advice and assistance”

from the government to ensure their operations are in line with party policy and the law.

Taxation of NGOs, including nonprofit organizations, varied from organization to organization. Taxation requirements for international and local NGOs that receive foreign funding could be cumbersome and varied, depending heavily on prenegotiated MOUs.

Some ministries appeared more open to engagement with civil society organizations, illustrated by an increase in invitations to attend meetings at ministries, government participation in donor working group meetings, and ministries actively seeking input from NGOs as they draft legislation. The government also invited NGOs to the National Assembly's intersession and plenary. Despite some positive steps, civil society organizations still faced many challenges to carrying out their roles.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The government restricted freedom of internal movement, foreign travel, emigration, and repatriation.

In-country Movement: Citizens traveling for religious purposes, including to minister, give advice, or visit other churches are required to seek permission from central and provincial authorities. This process can take several weeks. Christian groups reported problems obtaining permission to travel within the country, although many chose to ignore this requirement.

The government's policy for Hmong separatists who either surrendered internally or returned from Thailand was to offer them amnesty and return them to their community of origin whenever possible.

### **e. Internally Displaced Persons**

The absence of comprehensive and timely monitoring by international organizations and independent observers made it difficult to verify the number and

condition of internally displaced persons (IDPs); their situation, protection, and reintegration; government restrictions on them; and their access to basic services and assistance. The collapse of a dam under construction in Attapeu Province in July 2018 displaced an estimated 6,000 persons; as of November approximately 1,000 remained displaced. Southern provinces experienced heavy flooding during the monsoon season, with up to 40,000 persons still displaced as of November. The government was working with international partners to provide housing for these persons.

The government continued to relocate some villagers to accommodate land concessions given to development projects and relocated highland farmers, mostly from ethnic minority groups, to lowland areas under its plan to provide better access to roads and health and education services, and to end opium production and slash-and-burn agriculture. Families frequently reported the government displaced them for government projects, for example a railway linking Vientiane with China. Others were forced to move away from productive agricultural land and lost their access to land and livelihoods in the process.

Ongoing hydropower projects also caused many families to relocate. In many cases, the government moved families to higher (and less productive) ground. In one case, 100 families were relocated to a hilly area to allow for construction of a dam were reportedly rehoused in homes in danger from landslides. A UN special rapporteur in March issued a report criticizing the government for focusing on “large scale initiatives including infrastructure projects and industrial plantations that have separated people from their land, often resulting in hardship and debt.”

The government relied on assistance from NGOs, bilateral donors, and international organizations to cover the needs of those it resettled, but aid was not available in all areas.

## **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated in some cases with the Office of the United Nations 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. For example, in August, four Thai activists living in Laos applied for and received asylum in France. As mentioned earlier (section 1.b.), however, Thai political activists living in the country have disappeared in recent years.

Access to Asylum: The law provides for the granting of asylum or refugee status, but the government has not established a system for providing protection to refugees. The Ministry of Public Security did not routinely grant refugee or asylum status but dealt with individuals on a case-by-case basis.

### **Section 3. Freedom to Participate in the Political Process**

The law denies citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and it did not provide for the free expression of the will of the people. Although the constitution outlines a system comprising executive, legislative, and judicial branches, the LPRP controlled governance and leadership at all levels through its constitutionally designated leading role.

#### **Elections and Political Participation**

The National Assembly appointed election committees, which must approve all candidates for local and national elections. Candidates do not need to be LPRP members, but almost all were, and the party vetted all candidates.

The National Assembly chooses or removes the country's president, vice president, and other members of the government. The National Election Committee manages elections, including approval of candidates. The activities of the National Election Committee were not transparent.

Recent Elections: The most recent election for National Assembly members was in 2016. The government allowed independent observers to monitor certain polling stations; the LPRP selected all candidates. Several of the observers were members of the diplomatic corps and foreign press. The government determined which polling stations observers could visit, and these selected polling stations were reportedly better prepared and organized than others not under observation.

Political Parties and Political Participation: The constitution designates the LPRP as the sole legal party. The formation of other political parties is illegal.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Women's leadership roles were limited, especially in rural areas. Of the population, 80 percent lived in rural areas where the village chief and council handled most

routine matters, and fewer than 3 percent of village chiefs were women. The LPRP's Party Congress elections in 2016 increased the number of ethnic minority members in the 69-member LPRP Central Committee from seven to 15, and from two to three in the 11-member Politburo. There are currently seven women in the committee. The number of ethnic minority ministers in the 27-member cabinet increased from two to six, including a deputy prime minister. Three women are in the cabinet.

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

The law provides criminal penalties for corruption by officials and the government made some progress in addressing corruption. Some officials continued to engage in corrupt practices with impunity.

Corruption: Official corruption was widespread and found at all levels of government, and was acknowledged by government-controlled media. In March local media reported that investigating agencies discovered more than 1,000 cases of corruption in 2018, with 1,285 persons involved (including 970 government officials and 315 persons from the private sector). The government established an anticorruption hotline that reportedly was often used, and members of the public frequently raised awareness of government officials' inappropriate or suspicious activities on social media; such postings were not censored or removed.

In 2018 the government prosecuted 55 persons in cases that cost the government \$113.6 million, up from \$45 million in 2017. Many cases involved bribery or theft in connection with infrastructure development projects. In March, 18 state employees in Attapeu Province were dismissed for embezzlement and property theft. In April, 19 party members and state employees were dismissed for embezzlement and 21 were disciplined for involvement with illegal timber trading. Earlier in the year, authorities in Xayaburi Province disciplined 102 provincial government workers for violating LPRP rules. In May, Xiengkhouang Province authorities punished officials for embezzling several million dollars by "re-educating" 16 officials, demoting two, and issuing a warning to nine others.

Financial Disclosure: 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. Persons not compliant with this policy are subject to

unspecified sanctions, although the LPRP used its control of government authorities and media to block public censure of corrupt officials who were party members.

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

Domestic and international human rights groups operated only under government oversight, and the government limited their ability to investigate or publish findings on human rights abuses.

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

Government Human Rights Bodies: The government continued to support a National Committee on Human Rights, chaired by the minister to the Prime Minister's Office, and composed of representatives from the government, National Assembly, the judiciary, and LPRP-affiliated organizations. The Department of Treaties and Legal Affairs in the Ministry of Foreign Affairs acts as the secretariat for the National Human Rights Steering Committee and has authority to review and highlight challenges in the protection of human rights.

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

#### **Women**

Rape and Domestic Violence: The law criminalizes rape and provides for penalties of three to five years' imprisonment; there is no law against spousal rape. Sentences are significantly longer and may include capital punishment if the victim is younger than age 18 or is seriously injured or killed. Rape cases tried in court generally resulted in convictions with sentences ranging from three years' imprisonment to execution. A 2016 UN Population Fund study found that one in seven women experienced physical or sexual violence and most of those women said they had experienced such violence multiple times. Only 4 percent of women who had experienced violence contacted the police.

Domestic violence is illegal but often went unreported due to social stigma. In June an advocate for women's rights said gender-based violence was widespread and engrained into cultural norms. Enforcement of the domestic violence law varied, and observers reported that violence against women in rural areas was rarely investigated. Penalties for domestic violence, including battery, torture, and 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.

The LWU and the Ministry of Labor and Social Welfare, in cooperation with NGOs, assisted victims of domestic violence by operating shelters, providing a hotline phone number, and employing counselors. The Counseling and Protection Center for Women and Children in Vientiane operated a countrywide hotline for reporting domestic violence that also provided victims with counseling.

Sexual Harassment: The law does not criminalize sexual harassment, but indecent sexual behavior toward another person is illegal and may be punished by six months to three years in prison. Victims rarely reported sexual harassment, and its prevalence remained difficult to assess.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides equal rights for women and men and equal pay for equal work, but in some regions traditional attitudes about gender roles kept women and girls in subordinate positions and prevented them from equally accessing education, employment, and business opportunities. The law also prohibits discrimination in marriage and inheritance, although varying degrees of cultural-based discrimination against women persisted, with greater discrimination practiced by some ethnic minority groups in remote areas.

The LWU operated countrywide to promote the position of women in society, including by conducting programs to strengthen the role of women; programs 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 frequently were higher than those of men. Poverty continued to affect women disproportionately, especially in rural and ethnic minority communities.

## **Children**



Birth Registration: Children acquire citizenship if both parents are citizens, regardless of where they are born. 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. Parents did not register all births immediately. The village chief registers children born in remote areas, and then the local authority adds the name and date of birth of the child in the family registration book. Every family must have a family registration book. If parents fail to register a child at birth, they may request to add the child to the family registration book later.

Children born in the country to parents who are unable to certify their citizenship but who are integrated into society can request citizenship. This requires multiple levels of government approval, including the National Assembly. Not all children born in the country who would otherwise be stateless are able to acquire citizenship.

Education: Education is compulsory, free, and universal through fifth grade, but a shortage of teachers and the societal expectation that children would help their parents with farming in rural areas prevented some children from attending school. There were significant differences among ethnic groups in educational opportunities available to boys and girls. Instruction was not offered in any language other than Lao, which discouraged ethnic minority children from attending school. To increase elementary school attendance by ethnic minority children, the government continued to support the establishment of boarding schools in rural areas countrywide. School enrollment rates for girls were lower than for boys, although the gender disparity continued to decrease. According to 2016 data, 17 percent of school-age girls, compared with 11 percent of school-age boys, never attended school.

Child Abuse: The law prohibits violence against children, and offenders are subject to re-education programs and unspecified penal measures in more serious cases.

Early and Forced Marriage: The legal minimum age of marriage for boys and girls is 18, but the law allows marriage as young as 15 with parental consent. Approximately 35 percent of girls married before they reached 18, and 9 percent married before they were 15, a practice particularly common among certain ethnic groups and impoverished rural families.

Sexual Exploitation of Children: The age of consensual sex is 15. The law does not provide penalties specifically for child prostitution, but the penalty for sex with a child (defined as younger than age 15) is one to five years' imprisonment and a fine of 500,000 to three million kip (\$57 to \$340). The law does not include statutory rape as a crime distinct from sex with a child or rape. Authorities did not treat child pornography 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 (\$5.65 to \$22.60).

The country was a destination for child sex tourism. The government continued efforts to reduce demand for commercial sex through periodic raids and training workshops. The government and NGOs hosted seminars to train tourism-sector employees and provided many major international hotels in Vientiane and Luang Prabang with posters 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. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

There was no significant 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 <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

Although constitutional protections against discrimination do not apply specifically to persons with disabilities, a December 2018 law spells out the rights of persons with disabilities to education, health care, and public transportation, while also providing tax exemptions for small businesses owned by persons with disabilities. It includes a provision for persons with disabilities to receive an identification card as part of an effort to collect data on disabilities so the government can provide better and more comprehensive services for the disabled. Advocates for persons

with disabilities said the law did not do enough to address lack of employment opportunities for persons with disabilities. Little information was available regarding discrimination in the workplace, although persons with disabilities reported it was difficult sometimes to access basic services and obtain employment.

The Ministry of Labor and Social Welfare has primary responsibility for protecting the rights of persons with disabilities. The Ministry of Health is also involved in addressing health-related needs of persons with disabilities and continued to coordinate with international NGOs.

The law requires construction projects begun after 2009 to provide accessibility for persons with disabilities, particularly buildings, roads, and public places. The law does not mandate accessibility to buildings built before 2009, but Ministry of Labor and Social Welfare regulations resulted in construction of additional sidewalk ramps.

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. The nongovernmental Lao Disabled People's Association noted that in many cases students with disabilities lacked access to separate education.

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

Societal discrimination persisted against minority ethnic groups, despite law and policy providing for equal rights for all members of national, racial, and ethnic groups and barring discrimination against them, including in employment and occupation.

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. Some minority groups not involved in resettlement, notably those in remote locations, maintained 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. Several Hmong officials served in senior ranks of government and the LPRP; these include one Politburo member and several

members of the LPRP Central Committee. Some Hmong maintained separatist or irredentist political beliefs, and small, scattered pockets of insurgents and their families remained in rural areas. Reports of government combat against insurgents declined and the government continued to offer amnesty to those who surrendered. Amnestied insurgents continued to be the focus of official suspicion and scrutiny, and the government leadership remained suspicious of the political objectives of some Hmong.

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

No law prohibits discrimination based on sexual orientation or gender identity in housing, employment, or government services. There were no reports of discrimination, but observers said societal stigma and concern about repercussions led some to withhold reporting incidents of abuse.

There were no legal impediments to organized lesbian, gay, bisexual, transgender, and intersex (LGBTI) groups or activities, but local activists reported they did not attempt to hold activities that they believed the government would deem sensitive or controversial.

Some societal discrimination in employment and housing reportedly persisted, and there were no government efforts to address it. Local activists explained that most openly LGBTI persons did not attempt to apply for government or high-level private-sector jobs because there was a tacit recognition that employers would not hire them. LGBTI advocates said that while the country still has a conservative and traditional society, gay and lesbian persons are becoming more integrated, but the transgender population continue to face high levels of societal stigma and discrimination.

## **Section 7. Worker Rights**

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

The law does not provide for the right of workers to form and join worker organizations independent of the Lao Federation of Trade Unions (LFTU), an organ of the LPRP. The law defines collective bargaining but does not set out conditions, and it requires the examination of all collective bargaining agreements by the Labor Administration Agency. The law provides for the right to strike, subject to certain limitations. The law does not permit police, civil servants,

foreigners, and members of the armed forces to form or join unions. There is a general prohibition against discrimination against employees for reasons unrelated to performance, although there is no explicit prohibition against antiunion discrimination. There is no explicit requirement for reinstatement of workers fired for union activity.

The law requires a workforce of 10 or more workers to elect one or more employee representatives. Where a trade union exists, the head of the union is by default the employee representative. Both representatives and trade union heads may bargain collectively with employers on matters including working conditions or recruitment, wages, welfare, and other benefits.

Trade union law allows workers in the informal economy, including workers outside of labor units or who were self-employed, to join LFTU-affiliated unions. It also established rights and responsibilities for “laborer representatives,” which the law defines as “an individual or legal entity selected by the workers and laborers in labor units to be a representative to protect their legitimate rights and interest.”

There was no information on the resources dedicated to enforcement of freedom of association provisions of the labor laws. Penalties under law for infringing on workers’ freedom of association include fines, incarceration, and/or business license revocation; these penalties were sufficient to deter violations, although violations and enforcement were rare.

The government reported the law permits affiliation between independent unions of separate branches of a company but that it does not explicitly allow or disallow affiliation at the industry, provincial, or national levels. There were reports that unions not affiliated with the LFTU existed in some industries, including the garment industry, light manufacturing, and agricultural processing. These unions were not allowed to strike.

Labor disputes reportedly were infrequent, and the Ministry of Labor and Social Welfare generally did not enforce the dispute resolution section of the labor law, especially in dealings with joint ventures in the private sector. In February 2018 the government issued a decree to help resolve labor disputes, including disputes related to salaries and working hours.

According to local law, workers who join an organization that encourages protests, demonstrations, and other actions that might cause “turmoil or social instability”

can face prison time. The government's overall prohibition of activities it considered subversive or demonstrations it considered destabilizing, workers' lack of familiarity with the provisions of the amended labor law, and general aversion to open confrontation continued to make workers extremely unlikely to exercise their right to strike.

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

The law prohibits all forms of forced or compulsory labor. The law prohibits private employers from using forced labor, and the penalties for perpetrating forced labor can include fines, suspension from work, revocation of business license, and prosecution. The law allows for prisoners to work. There may be civil or criminal prosecutions for forced labor violations. Penalties for trafficking in persons, which includes forced labor, consist of imprisonment, fines, and confiscation of assets. Such penalties were sufficiently stringent to deter violations. Due to limited numbers of inspectors, among other factors, the government did not effectively enforce the law.

According to civil society organizations, the establishment of large-scale, foreign-financed agricultural plantations led to displacement of local farmers. Unable to continue traditional practices of subsistence agriculture, many farmers sought employment as day laborers through local brokers.

Also, see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

The law prohibits the worst forms of child labor. Child labor is outlawed except under very strict, limited conditions that ensure no interference with the child's education or physical well-being. Age 14 is the minimum for employment. The law allows children from ages 14 to 18 to work a maximum of eight hours per day, provided such work is not dangerous or difficult. Employers may, however, employ children from ages 12 to 14 to perform light work. The law applies only to work undertaken in a formal labor relationship, not to self-employment or informal work.

The Ministry of Public Security and Justice, and the Ministry of Labor and Social Welfare are responsible for enforcing child labor laws, including in the informal economy, but enforcement was ineffective due to the lack of inspectors. The law

prescribes penalties of imprisonment and fines, which were not sufficient to deter violations. The Ministry of Labor and Social Welfare conducted public awareness campaigns, organized workshops with the National Commission for Mothers and Children in the northern and southern provinces, and collected data on child labor as part of its effort to implement the National Plan of Action for the elimination of the worst forms of child labor.

There were reports of commercial sexual exploitation of children (see section 6, Children).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits direct or indirect discrimination by employers against employees based on sex, but does not explicitly prohibit employment discrimination based on race, disability, language, sexual orientation, gender identity, political opinion, national origin or citizenship, social origin, age, language, and HIV or other communicable disease status. The law does prohibit actions by the employer that are biased or limit opportunities for promotion on the part of the employee. This law was not effectively enforced.

The law requires equal pay for equal work, although a gender wage gap persisted, and prohibits discrimination in hiring based on a woman's marital status or pregnancy, and it protects against dismissal on these grounds. The government enforced prohibitions against employment discrimination or requirements for equal pay; penalties under law included fines but were insufficient to deter violations.

#### **e. Acceptable Conditions of Work**

In May 2018 the government raised the monthly minimum wage for all private-sector workers; it is higher than the estimated national poverty line.

The law provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities). Overtime may not exceed 45 hours per month, and each period of overtime may not exceed three hours. Employers may apply to the government for an exception, which the law stipulates workers or their representatives must also approve.

Occupational health and safety standards existed, but inspections were inconsistent. The law provides for safe working conditions and higher compensation for dangerous work, but it does not explicitly protect the right of

workers to remove themselves from a hazardous situation. In case of injury or death on the job, employers are responsible to compensate the worker or the worker's family. The law requires employers to report accidents causing major injury to or death of an employee or requiring an employee to take a minimum of four days off work to the Labor Administration Agency. The law also mandates extensive employer responsibility for workers who became disabled while at work. The law does not specify penalties for noncompliance with occupational safety and health provisions, but they could include warnings, fines, "re-education," or suspension of business license.

The law also prohibits the employment of pregnant women and new mothers in occupations deemed hazardous to women's reproductive health. The law requires the transfer of women working in such jobs to less demanding positions, and they are entitled to maintain the same salary or wage.

The government did not always effectively enforce the law.

The Department of Labor Management within the Ministry of Labor and Social Welfare is responsible for workplace inspections. The number of inspectors was insufficient to enforce compliance.

Some piecework employees, especially on construction sites, earned less than the minimum wage. The overtime or wage law was not effectively enforced.

There were a number of undocumented migrant workers in the country, particularly from Vietnam and Burma, who were vulnerable to exploitation by employers in the logging, mining, and agricultural sectors. Migrants from China and Vietnam also worked in construction, plantations, casinos, and informal service industries, sectors where wage and occupational safety and health violations were common.

In October an explosion at a cement plant owned by a Chinese company killed one person and injured at least 20 persons living nearby. International media quoted a resident who said, "The Chinese factory never warns villagers of the blasts in advance." In August a spillway at a small hydropower project that was under construction collapsed, causing some flash flooding in surrounding communities. No injuries were reported but raised concerns about the safety of unregulated hydropower projects.