

LAOS 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Lao People's Democratic Republic is an authoritarian centralized one-party state ruled by its only constitutionally authorized party, the Lao People's Revolutionary Party. National Assembly elections held in February 2021 were not free or fair. The ruling party selected all candidates and voting was mandatory for all citizens. In March 2021 the National Assembly approved Phankham Viphavan as 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 generally maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: arbitrary detention; political prisoners; serious problems with the independence of the judiciary; serious restrictions on free expression and media, including censorship and the use of criminal defamation laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association; inability of citizens to change their government peacefully through free and fair elections; serious restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence including but not limited to domestic or intimate partner violence; and outlawing of independent trade unions.

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.

the free expression of the will of the people. Although the constitution outlines a system comprising executive, legislative, and judicial branches, the constitution grants the LPRP control of governance and leadership in all branches and at all levels.

Elections and Political Participation

The National Assembly appointed election committees which approve all candidates for local and national elections. Candidates do not need to be LPRP members, but almost all were, and the party and National Election Committee vetted all candidates. Of the 164 members elected to the National Assembly in February 2021, 158 were LPRP members; six identified as independent.

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

Recent Elections: The most recent elections for National Assembly members were in February 2021. The government prohibited independent observers from monitoring polling stations, claiming this was due to COVID-19.

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 Members of Minority Groups: No laws limit participation of women and members of historically marginalized groups 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.

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. Many officials continued to engage

in corrupt practices with impunity, and there were numerous reports of government corruption during the year.

Corruption: Official corruption was widespread and found at all levels of government. Corruption was particularly problematic in government development and investment projects, especially those involving construction. In August provincial authorities in Champasak Province found 14 officials involved in corruption through an audit of development projects in the province, but only one person was sentenced to prison. Details about the specific charges and the length of the sentence were not made public. Observers reported that the vice governor of Luang Namtha Province was removed for corruption allegedly involving drug smuggling. The government anticorruption hotline reportedly was used often, and members of the public frequently reported government officials' inappropriate or suspicious activities on social media; such postings were not censored or removed.

Section 5. Governmental Posture Towards 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. The government maintained human rights dialogues with some foreign governments and continued to receive training in UN human rights conventions from international donors.

Retribution against Human Rights Defenders (HRDs): See section 1.e., Transnational Repression.

NGOs generally exercised self-censorship, particularly after the 2012 disappearance of an internationally respected civil society advocate (see section 1.b.). NGOs stated they also tried to avoid saying anything that might further delay government approval needed to carry out their work.

Government Human Rights Bodies: The government continued to support a National Committee on Human Rights, chaired by the deputy prime minister, who also holds the position of foreign minister, 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 and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of “a person” and provides for penalties of four to six years’ imprisonment; there is no law against spousal rape. Sentences are significantly longer and may include life imprisonment if the victim is younger than 18 or is seriously injured or killed. Rape cases tried in court generally resulted in convictions with sentences ranging from three years’ to life imprisonment.

Domestic violence is illegal but often went unreported due to social stigma. Enforcement of the domestic violence law varied, and observers reported that gender-based violence 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 government did not effectively enforce laws on rape and domestic violence. The Lao Women’s Union and the Ministry of Labor and Social Welfare, in cooperation with NGOs and the Counseling and Protection Center for Women and Children in Vientiane, assisted victims of domestic violence by operating shelters, providing a hotline telephone number, and employing counselors.

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.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The United Nations Population Fund (UNFPA) reported that information on and access to sexual and reproductive health services were limited, especially for unmarried youth. Social and cultural barriers restricted access to contraception. Contraceptive commodities were not widely available in rural areas and were often unaffordable.

The government provided limited access to sexual and reproductive health services to survivors of sexual violence, including access to emergency contraceptives, but such services were not widely available.

According to the most recent UN estimates, in 2017 the maternal mortality rate was 185 deaths per 100,000 live births, and the lifetime risk of maternal death was one in 150. Pregnancy and childbirth remained a leading cause of death among women of reproductive age due to limited prenatal and obstetric care and services as well as high rates of adolescent pregnancy, especially in rural areas. According to UNFPA, very few medical centers were equipped to deal with obstetric emergencies, especially in small or ethnic minority villages. The adolescent birth rate remained high at 83 births per 1,000 girls between ages 15 and 19.

Discrimination: The law provides equal rights for women and men and equal pay for equal work, and prohibits discrimination in marriage and inheritance, but the government did not enforce the law effectively. In some regions traditional attitudes about gender roles kept women and girls in subordinate positions and prevented their equal access to education, employment, and business opportunities. Varying degrees of culture-based discrimination against women persisted, with greater discrimination practiced by some ethnic minority groups in remote areas.

The Lao Women's Union 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 were frequently higher than those of men. Poverty continued to affect

women disproportionately, especially in rural and ethnic minority communities.

Systemic Racial or Ethnic Violence and Discrimination

The law provides for equal rights for all members of national, racial, and ethnic groups and bars discrimination against them, including in employment and occupation. The government did not enforce these laws effectively; societal and governmental discrimination persisted against minority ethnic groups.

The country is home to many different ethnic groups; most do not consider themselves indigenous. The Hmong are one of the largest and most prominent of the 50 officially recognized ethnic groups in the country. Hmong officials serve or have served in senior ranks of government and the LPRP. Amnestied former Hmong insurgents were subject to official suspicion and scrutiny, and government leadership remained suspicious of the political objectives of some Hmong.

Human rights experts said that authorities increased their intimidation of Hmong community members in Xaysomboun Province after a UN report was released in December 2021 that described prior reprisals against the Hmong in relation to the 2020 disappearance of four community members (see section 1.a.).

Critics continued to charge that the government's resettlement program for ending slash-and-burn agriculture adversely affected 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.

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 may 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: By law 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. For some families, fees for books and school uniforms are prohibitively expensive. There were significant differences among ethnic groups in educational opportunities available to children. According to a 2020 UNICEF study, access to early childhood education was slightly higher for girls than boys, and dropout rates slightly lower for girls than boys in primary school. 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 from remote locations, the government continued to support the establishment of boarding schools in rural areas countrywide.

Child Abuse: The law prohibits violence against children, and offenders are subject to re-education programs and unspecified penal measures in more serious cases. There were no reports of cases brought to court under this law.

Child, 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. According to the most recent UNICEF data, in 2017 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: There is no legal age of consent for minors engaging in consensual sex. In cases involving minors, the law distinguishes between possible consensual sex and rape and poses varying penalties between three and 20 years' imprisonment depending on the age of the victim and

perpetrator. The penalty for possession of child pornography is three months to one year's imprisonment; the penalty for the dissemination of such material is one to three years. Authorities did enforce the law.

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.

Antisemitism

There was no significant Jewish community in the country, and there were no reports of antisemitic acts.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: There were no known reports of such acts. Observers said societal stigma and concern about repercussions led lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals to refrain from reporting incidents of abuse.

Discrimination: No law prohibits discrimination based on sexual orientation, gender identity or expression, or sex characteristics in housing, employment, or government services. Societal discrimination in employment and housing reportedly persisted; there were no government efforts to address it. Local activists said most openly LGBTQI+ persons did not apply for government or high-level private-sector jobs because there was tacit recognition that employers would not hire them. LGBTQI+ advocates said that while the country still had a conservative

and traditional society, gay and lesbian persons were becoming more integrated, although the transgender population continued to face high levels of societal stigma and discrimination.

In September the Lao Youth Union (the youth wing of the LPRP) barred individuals who were not “true men or women” from participating in beauty pageants domestically or abroad.

Availability of Legal Gender Recognition: Individuals were not able to change their gender identity marker on legal and identifying documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no known reports of such acts in the country.

Restrictions on Freedom of Expression, Association, or Peaceful Assembly: There were no legal impediments to organized LGBTQI+ groups or activities, but local activists reported they did not attempt to hold activities they believed the government would deem sensitive or controversial.

Persons with Disabilities

Persons with disabilities could not access education, health services, public buildings, or transportation on an equal basis with others. Advocates for persons with disabilities said the law broadly defined the rights of such persons but did not indicate how outcomes such as accessible facilities and public transportation or increased employment opportunities would be achieved. The law requires construction projects provide accessibility for persons with disabilities, particularly to buildings and public transportation services. The law does not mandate accessibility to buildings built before 2009, but government regulations resulted in construction of additional sidewalk ramps during the year.

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 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; however, children with disabilities attended school at significantly lower rates than other children, especially in rural areas. The nongovernmental Lao Disabled People's Association noted that in many cases students with disabilities lacked access to appropriate educational resources.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law permits workers to form and join unions, but only within the framework of government control. The government recognizes only the Lao Federation of Trade Unions (LFTU), an organ of the LPRP. There were no independent unions, and no legal means to establish them. The law defines collective bargaining but does not set out conditions, and it requires the approval of all collective bargaining agreements by the Labor Administration Agency. The law does not provide for the right to strike and forbids striking during ongoing mediation of labor disputes. The law does not address the legality of striking if labor disputes cannot be resolved through mediation or legal channels. The law does not permit police, foreigners, or members of the armed forces to form or join unions. There is no explicit prohibition against antiunion discrimination. There is no explicit requirement for reinstatement of workers fired for union activity.

Trade union law allows workers in the informal economy and workers who are self-employed to join LFTU-affiliated unions. It also establishes 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."

The law requires LFTU representation in all workplaces employing 10 or more workers. A dual system of representation effectively ensures government control over union activity. Laborers who serve as representatives of the LFTU in their workplace are known as "grassroots representatives" in the LFTU organization structure. The LFTU also employs district and provincial representatives, on government payroll, to train and organize the workplace (grassroots) representatives. Both government-employed LFTU representatives and workplace

(grassroots) representatives may bargain collectively with employers on matters including working conditions, recruitment, wages, welfare, and other benefits.

Penalties under law for infringing on workers' freedom of association include fines, incarceration, business license revocation, or some combination of these. Penalties were less than those for other laws involving civil rights and were not applied against violators. The law permits affiliation between unions of separate branches of a company but does not explicitly allow or disallow affiliation at the industry, provincial, or national levels.

To obtain representation in a labor dispute, the LFTU representative in the enterprise must first raise the issue with her or his supervisor and employer. Only after this interaction can workers obtain support from district and provincial level LFTU officials. Labor disputes were reportedly infrequent, and workers' engagement with LFTU officials outside the workplace was rare. 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.

By law workers who join an organization that encourages protests, demonstrations, and other actions that might cause "turmoil or social instability" may face prison time. The government used force to put down labor protests (see section 2.b.).

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The law criminalizes forced labor, and the penalties for perpetrating forced labor may include fines, suspension from work, revocation of business licenses, and imprisonment. There may be civil or criminal prosecutions for forced labor violations. Due to limited numbers of inspectors, among other factors, the government did not effectively enforce the law.

With no oversight by local authorities, foreign and Lao workers at or near foreign-owned or foreign-operated agricultural plantations, including banana and rubber plantations, on railway construction sites, and in special economic zones (SEZs) were vulnerable to forced labor. In February and March, the government announced new labor regulations for SEZs to combat labor exploitation, including mandatory registration of workers and work contracts, which must be written in the

workers' native languages. Observers reported irregular enforcement and labor exploitation remained an issue.

Many workers who accepted jobs in the Golden Triangle SEZ reported finding themselves facing unexpected exploitive labor conditions. Many workers in the Golden Triangle were employed by telecommunication companies operating crypto currency scams. Some of these employees became human trafficking victims when they did not meet the sales quotas set by employers. These workers most often faced forced labor and debt bondage. In more extreme cases, workers who did not meet sales quotas were sold to other companies and forced into sex work.

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 all the worst forms of child labor. 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. Children ages 12 to 14 may perform light work that does not affect their health or school attendance. The law applies only to work undertaken in a formal labor relationship, not to self-employment or informal work.

The Ministries of Public Security, Justice, and 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 commensurate with analogous crimes, such as kidnapping. The Ministry of Labor and Social Welfare conducted public awareness campaigns as part of its effort to implement the national plan of action for the elimination of the worst forms of child labor.

Child labor was prevalent throughout the country, mostly associated with family subsistence farming.

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

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, religion, disability, ethnicity, language, sexual orientation, gender identity, political opinion, national origin or citizenship, social origin, age, language, and HIV or other communicable disease status. The law prohibits actions by an employer that are biased or limit an employee's opportunities for promotion. This law was not effectively enforced.

The law requires equal pay for equal work, although a gender wage gap persisted. The law prohibits the employment of pregnant women and new mothers in occupations deemed hazardous to women's reproductive health and requires the transfer of women working in such jobs to less demanding positions, without a wage or salary reduction (see also section 6, Women, Discrimination).

The law prohibits discrimination in hiring based on a woman's marital status or pregnancy and protects against dismissal on these grounds. During the year the government did not prioritize enforcement of prohibitions against employment discrimination or requirements for equal pay, but penalties under law included fines and were commensurate with those for civil rights abuses. Penalties were not applied against violators.

Discrimination is widely known to be prevalent in hiring practices throughout the country, especially based on sex and age, and often based on religion, disability, ethnicity, sexual orientation, or gender identity. For example, participants in focus group discussions described incidents of being denied interviews based on their appearance and being perceived as persons with disabilities or members of the LGBTQI+ community.

e. Acceptable Conditions of Work

Wage and Hour Laws: On August 1, the government raised the monthly minimum wage for all private-sector workers from one million kip (\$59.60) to 1.2 million kip (\$71.50). The minimum wage was not above the poverty level. Some piecework employees, especially on construction sites, earned less than the

minimum wage. The minimum wage increase did not provide pay raises for informal workers.

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 Safety and Health: Occupational health and safety (OSH) standards existed and were appropriate for existing industries. 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.

The law mandates extensive employer responsibility for workers who become disabled at work: In case of injury or death on the job, employers are responsible for compensating the worker or the worker's family; the law also 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.

Wage, Hour, and OSH Enforcement: The Ministry of Labor and Social Welfare is responsible for enforcing wage, hour, and OSH laws but did not effectively do so. The law does not specify penalties for noncompliance with labor law, but states they could include warnings, fines, "re-education," or suspension of a business license. Penalties were less than those for similar crimes, such as fraud. Penalties were not applied against violators.

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. Inspectors have the authority to make unannounced inspections and initiate sanctions.

Informal Sector: The International Labor Organization estimated that more than 93 percent of workers in the country were employed in the informal economy, mostly in plantation agriculture, construction, mining, and hospitality work.

According to NGOs, as local subsistence farmers were displaced by large-scale, foreign-financed agricultural plantations, many farmers sought employment as day laborers through local brokers, many of whom operated informally and thus left workers vulnerable to exploitation.

Both Lao workers and undocumented migrant workers from neighboring countries such as Vietnam, China, and Burma, worked in construction, logging, mining, online marketing, and agricultural sectors where wage and occupational safety and health violations were common. The Ministry of Labor and Social Welfare reported that it was difficult for authorities to collect accurate data on workers inside some of the country's SEZs (see section 7.b.).