

# LAOS 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Lao People's Democratic Republic is an authoritarian state ruled by the only party the constitution legitimizes, the Lao People's Revolutionary Party (LPRP). The most recent National Assembly election, held in 2011, was not free and fair. Authorities maintained effective control over the security forces.

The most significant human rights problems continued to be that the government denied citizens the ability to change their government, conditions in some prisons were harsh, and corruption in the police and judiciary led to a lack of due process and arbitrary arrest and detention.

Other human rights problems continued to include: abuse of prisoners and detainees by some police and security force members; government infringements on freedoms of speech, press, assembly, and association, as well as on 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 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 continued to be no progress reported in the 2012 abduction of Sombath Somphone, a prominent civil society leader and retired founder of a nonprofit training center, by individuals in plainclothes after what appeared to be an

orchestrated stop of his vehicle by traffic police in Vientiane. The government denied knowledge of his whereabouts, and its investigation into his disappearance was neither conclusive nor transparent.

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

The law prohibits such practices. Police and security force members sometimes abused prisoners.

Authorities occasionally subjected detainees to beatings and long-term solitary confinement in completely dark rooms, and in some cases authorities placed them in leg shackles or wooden leg 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 built in 1966, according to authorities. Some prisons reportedly held juveniles with adults, although no official or reliable statistics were available on the overall population or gender of prisoners. Cells were apparently crowded. Prisoners had adequate access to potable water. Food rations were minimally adequate. Prisoners reportedly could grow fruits and vegetables to supplement their meals, and some prisons had a sundry shop where prisoners could purchase basic food and toiletries. 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 deficient. 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. Nongovernmental organizations (NGOs) reported prison officials did not allow charitable organizations to visit prisoners to provide humanitarian assistance, despite earlier permitting this practice. Villagers who lived near the Samkhe Prison confirmed a fire at the prison in October burned down a warehouse, but they reported no fatalities. Villagers believed the fire destroyed prisoners' stored personal belongings and clothing. Government officials did not confirm the incident or report any injuries. In some facilities prisoners could arrange for treatment in police hospitals, and authorities sent prisoners to these hospitals in emergencies. 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 the release of offenders convicted of nonviolent crimes 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, but authorities did not provide any facilities.

The Ministry of Public Security monitored prison and detention center conditions. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, although there were no reports prisoners, detainees, or their family members made such requests due to fear of exacerbating poor detention conditions. There were also no known investigations of complaints.

Independent Monitoring: The government did not permit regular independent monitoring of prison 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.

In 2012 the government detained and moved children and adults deemed to be beggars and homeless from Vientiane streets in an effort to prepare the capital for hosting an international summit meeting. According to the government, authorities

returned some homeless individuals to their home villages and moved others into a temporary housing facility in a Vientiane suburb. Authorities sent 21 children to the government-run facility between October 2013 and September. At year's end 49 persons remained in the facility, 19 of whom were women. The government also arranged with an international NGO to provide emergency shelter and informal education to children removed from city streets. The NGO reported it assisted 1,541 children between January and September and had some children in its shelter at year's end.

### **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, village police auxiliary, plus other armed police units. The armed forces have domestic security responsibilities, including counterterrorism and counterinsurgency.

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 of Detainees**

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 authorities to notify detainees of the charges against them and inform next of kin of their detention within 24 hours of arrest, and this generally occurred. Prisoner access to family members was not certain, but officials generally allowed it. There is a bail system, but authorities arbitrarily implemented it. There were procedures for house arrest of detainees, particularly for health reasons, and isolated reports of detainees held under house arrest. There were no reports of prisoners held

incommunicado during the year. The law provides detained, arrested, or jailed citizens and foreigners 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 that provides 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 have authorities bring all prisoners to trial within the one-year limit, but officials occasionally did not meet the requirement. The Prosecutor General's Office must authorize police to hold a suspect pending investigation. It grants authorization in three-month increments, and police must release a suspect after a maximum of one year if they lack sufficient evidence to bring charges. Authorities at times continued to detain prisoners after they completed their sentences, particularly if prisoners were unable to pay court fines. In some cases officials released prisoners after they agreed to pay fines later.

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

The law provides for an independent judiciary, but impunity and corruption continued to be problems. Some judges reportedly accepted bribes. 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 judges usually decided guilt or innocence in advance, basing their decisions on 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 involving certain types of family law or relate to national security, state secrets, or children under age 16.

The law provides defendants the right to defend themselves with the assistance of a lawyer or other persons. 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 ones involving foreigners. 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. There is no legal right of the accused to examine government-held evidence, but a defendant may request 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 may question and present witnesses and present evidence on their own behalf. Defendants have the right to refuse to testify, although authorities sometimes imposed harsher penalties on defendants who did not cooperate. Defendants have the right to appeal.

Court litigants may select members of the Lao Bar Association to represent them at trial. The association had 191 members as of October and was nominally independent but received 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 court districts 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 the court made decisions improperly.

### **Political Prisoners and Detainees**

There were no government statistics or reliable estimates available regarding the number of political prisoners, but the government confirmed that four political prisoners, Thongpaseuth Keuakoun, Seng-aloun Phengpanh, Thao Moua, and Pa Phue Khang, previously served prison sentences but were no longer in the prison registry. The government could not confirm if it had released the prisoners or if they died while incarcerated.

Thongpaseuth Keuakoun, Seng-aloun Phengpanh, and Bouvanh Chanmanivong, arrested in 1999 and tried for attempting to organize a prodemocracy demonstration, served approximately 15-year sentences for antigovernment activities. The government was unwilling to provide information of their release or whereabouts.

Pa Phue Khang, an ethnic Hmong arrested in 2003 and tried for serving as a guide for three foreign journalists, continued to serve a sentence of approximately 20 years for obstruction of justice and possession of weapons. Authorities released his colleague, Thao Moua, in 2013.

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

Authorities also reportedly detained a refugee recognized by the Office of the UN High Commissioner for Refugees (UNHCR), Moua Thoua Ter, after his deportation from Thailand and did not acknowledge UNHCR requests for access to him.

### **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 privacy 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 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 cell phones and e-mail.

The Ministry of Public Security monitored citizen activities through a surveillance network that included secret police. A police auxiliary program in urban and rural areas, operating under individual village chiefs and the police, 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.

The law allows citizens to marry foreigners only with prior government approval. Authorities may annul marriages done without approval, with both parties subject to arrest and fines. The government routinely granted permission to marry, but the process was lengthy and burdensome, offering officials the opportunity to solicit bribes. Premarital cohabitation with foreigners is illegal. Although the police do not actively enforce this law, in the past they arrested foreigners for premarital cohabitation with Lao citizens, but on a very selective basis.

The government continued to relocate some villagers to accommodate land concessions given to development projects and continued to relocate 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. While there were no reports the government forcibly relocated villagers for development purposes, there were frequent reports of individuals displaced by government projects. Although resettlement plans called for compensating farmers for lost land and providing resettlement assistance, in many cases assistance was insufficient. 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.

(For instances of forced relocation based on religious practice, see section 2.b. and 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/)).

## **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 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.

Press Freedoms: The state owned and controlled most domestic print and electronic media. Local news in all the media reflected government policy. The government permitted 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 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 onetime licensing fee, largely as a revenue-generating measure, but otherwise made no effort to restrict their use.

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 them to travel without official escorts. When the government required escorts, 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. Nevertheless, publishers reportedly were aware of what the government would approve for publication and therefore tended to continue to practice self-censorship. The Ministry of Information and Culture's Mass Media Department did not confirm if the government disapproved any publication during the year. According to mass media officials, the government must review all publications before dissemination.

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 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 websites. The government maintained infrastructure to route all internet traffic through a single gateway, thereby enabling it to monitor and restrict content, but apparently had not utilized this increased capability. 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. In September the government issued a decree prohibiting certain types of content on the internet, including deceptive statements, pornography, and statements against the government and party. The Ministry of Posts and Telecommunications has authority to direct internet service providers to terminate internet services of users found violating the decree.

Internet access was not widely available or used. According to the International Telecommunication Union, approximately 12.5 percent of the population used the internet in 2013.

### **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. During the year the government initiated a policy permitting only government-run universities to award degrees.

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 affecting the ability of state-employed academic professionals to travel for research or obtain study grants, the government actively encouraged research, study opportunities worldwide, and approved virtually all such proposals.

The government required producers to submit for official censorship films and music recordings produced in government studios. 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, but 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.

### **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 it deemed sensitive, such as "rights." The registration process was generally burdensome, and authorities restricted NGOs' ability to disseminate information and conduct activities without interference.

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. The registration process continued to be slow. As of October, 49 national-level associations had received full registration, 22 had received temporary registration, and 20 others had pending applications, while 90 associations had registration at the provincial level.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

## **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 the government imposed some restrictions. The government cooperated in some cases with the 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 must apply for passports.

Emigration and Repatriation: The government continued to refuse the UNHCR's request to re-establish an in-country presence, which it had in the 1990s, to monitor the reintegration of Hmong returnees from Thailand. The government maintained the UNHCR's mandate expired in 2001 and all former refugees had successfully reintegrated. The government 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.

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

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

The absence of comprehensive and timely monitoring by international organizations and independent observers made it difficult to verify the number and condition of IDPs; their situation, protection, and reintegration; government restrictions on them; and their access to basic services and assistance. Authorities reportedly forced a few non-Buddhist minority religious groups 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 dealt pragmatically with individual asylum cases.

Refoulement: In contrast with 2013, there were no reports of the government forcing refugees to return to countries where their lives or freedom may be threatened.

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

The law denies citizens the ability to change their government through the right to vote in free and fair elections. Although the constitution outlines a system composed of 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 law provides for a representative National Assembly, elected every five years in multi-candidate elections with universal, adult suffrage 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 almost all were party members, and the party vetted all candidates, 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 government, generally based on its 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 transparent. The National Assembly exerted increased public oversight over the executive branch. For example, the assembly publicly called on the government to improve its implementation of the National Socioeconomic Development Plan and publicly monitored the government's financial situation.

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 2011 for National Assembly members. The government did not allow independent observers to monitor the election process.

Political Parties and Political Participation: The constitution legitimizes only the LPRP. The formation of other political parties is illegal.

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. The minister of labor and social welfare and the minister of industry and commerce also were women.

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 with representation in every village. At least 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 minorities. One justice on the People's Supreme Court was an ethnic minority member.

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

Corruption: 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. Historically authorities occasionally arrested and administratively punished lower-level officials for corruption. Government-controlled media repeatedly mentioned official corruption as an outstanding problem, and in July authorities sentenced 20 education and finance sector officials in Huaphan Province over the embezzlement of 21 billion kip (\$2.6 million). The head of the government's official inspection authority estimated officials at the central, provincial, and local levels had misappropriated 1.2 trillion kip (\$149 million) from state budgets since 2012.

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

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. 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. In January the government announced a plan to require senior officials and their immediate families to declare their assets to the government within one year.

Public Access to Information: The law does not provide for public access to government information, and the government generally guarded the release of any information pertaining to its internal activities, sometimes deeming such secrecy necessary for national security. Nonetheless, the law requires publication of all national and provincial legislation and a 60-day public comment period, thus promoting some transparency and citizen understanding of rights and laws.

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

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

The United Nations or Other International Bodies: The government continued to work on implementing the 2010 UN universal periodic review recommendations it had accepted.

The government did not invite any special rapporteurs to visit during the year. Marta Santos Pais, special representative of the UN secretary-general for violence against children, visited the country in October.

Government Human Rights Bodies: The government established a National Steering Committee on Human Rights, chaired by a minister and head of the president's office, and comprised of representatives from the government, National Assembly, judicial branch, and official mass 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 the authority to review and highlight challenges and constraints in the protection of human rights. The ministry held various workshops for provincial and local officials throughout the year to teach them about the government's international treaty obligations.

## **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 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. Rape reportedly was rare, although underreporting was likely. The country does not have a central crime database, nor does it release 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, the LWU 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. From December 2012 to September 2013, the center counseled 1,441 women and girls and 749 men and boys. According to an international NGO operating a shelter for homeless children, domestic violence was a key reason children left home to live on the streets of Vientiane. Overall statistics were unavailable on the numbers of abusers prosecuted, convicted, or punished, but from December 2012 to September 2013, LWU centers assisted 27 female and 15 male victims of rape, domestic violence, or trafficking.

Female Genital Mutilation/Cutting (FGM/C): No laws prohibit FGM/C, and the practice did not occur.

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

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of children; the information and means to do so; and the right to attain the highest standard of reproductive health

free from discrimination, coercion, and violence. Access to information on contraception was generally available, although contraceptive commodities were not widely available in rural areas and were often financially out of reach. A government survey published in 2012 estimated the contraceptive prevalence rate from January to June at 30 percent, down from an estimated 50 percent in 2011. 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 the maternal mortality ratio declined from 470 (in 2010) to 357 deaths per 100,000 live births during the year. Key factors influencing this ratio included obstetrical complications and a lack of access to emergency obstetric care. Deaths related to pregnancy and childbirth were the primary causes 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 in some areas and at lower socioeconomic levels, traditional attitudes and gender-role stereotyping 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 culturally based discrimination against women persisted, with greater discrimination practiced by some ethnic minority groups in remote areas. The law requires equal pay for equal work.

The LWU operated nationally to promote the position of women in society, including conducting programs to strengthen the role of women. The programs were most effective in urban areas. Many women occupied decision-making positions in 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. 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.

Provincial, district, and village subunits of the government's Commission for the Advancement of Women have a mandate to develop actions to eliminate all forms of discrimination against women.

## **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. The village chief registers children born in remote areas, and then the local authority adds the name of the child in the family registration book. Each family in the country must have a family registration book. If parents failed to register a child at birth, they could request to add the child to the family registration book later.

Education: Education was compulsory, free, and universal through the fifth grade, but a shortage of teachers and the expectation children would help their parents with farming in rural areas prevented some children from attending school. There were significant differences among 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 the 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 re-education programs and unspecified penal measures in more serious cases. Although official reports of such abuse were rare, anecdotal evidence suggested the problem persisted.

Early and Forced 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 in cases of underage pregnancy. Cultural norms of some ethnic groups contributed to an unknown (but believed significant) percentage of women who married before reaching age 18.

Female Genital Mutilation/Cutting (FGM/C): No laws prohibit FGM/C, and the practice did not occur.

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 age 15, the age of consent) is one to five years' imprisonment and a fine of 500,000 to

three million kip (\$62 to \$370). The law does not include statutory rape as a crime distinct from sex with a child or rape of any person. Authorities do 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 (\$6 to \$25).

The continued growth 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 continued efforts to reduce demand for commercial sex through periodic raids and training workshops and to aid victims as part of a multi-year national plan. The government and NGOs hosted seminars to train tourism-sector employees, and many major international hotels in the cities of Vientiane and Luang Prabang included warnings against child sex tourism in their poster displays.

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/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

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. Although constitutional protections against discrimination do not apply specifically to persons with disabilities, regulations promulgated by the Ministry of Labor and Social Welfare and the Lao National Commission for the Disabled generally sought to protect such persons against discrimination. The prime minister's Decree on the Rights of People with Disabilities covers discrimination in employment, education, air travel and other transportation, access to health care, and provision of state services. Nonetheless, these regulations were rarely enforced.

Because of the large number of disabilities resulting from traffic accidents and unexploded ordnance accidents, the Ministry of Health continued to work extensively on the problem, especially in coordination with international NGOs. The nongovernmental Cooperative Orthotic and Prosthetic Enterprise supplies prosthetic limbs, corrects clubfeet, and provides education to persons with hearing and vision disabilities.

According to the Ministry of Public Works and Transport, the law requires construction projects begun after 2009 to provide accessibility for persons with disabilities and elderly individuals, particularly 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 resulted in the construction of additional sidewalk ramps in Vientiane during the year. While there was some progress made on accessibility, a lack of resources for infrastructure slowed the retrofitting of most buildings, and limited government staffing prevented effective implementation.

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 did not have access to special education.

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.

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

The law provides for equal rights for all minority citizens and bars discrimination against them, including in employment and occupation. Nonetheless, some societal discrimination persisted. Moreover, some critics continued to charge the government's resettlement program for ending slash-and-burn agriculture and opium production with adversely affecting many ethnic minority groups, particularly in the North. The program required resettled persons to adopt paddy rice farming and live in large communities, ignoring the traditional livelihoods and community structures of these minority groups. Some international observers questioned whether the benefits promoted by the government, such as 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 they had little voice in government decisions affecting their lands and the allocation of natural resources from their areas. In some rural ethnic minority areas, a lack of livelihoods and decent employment contributed to significant migration to urban areas and practices such as illegal logging.

Of the 49 official ethnic groups in the country, the Hmong are one of the largest and most prominent. A number of Hmong officials served in senior ranks of government and the LPRP, including one Politburo member and five members of the LPRP Central Committee. Some Hmong believed their ethnic group could not coexist with ethnic Lao, a belief that fanned their separatist or irredentist beliefs. Moreover, government leadership maintained its suspicion of the political objectives of some Hmong. 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, since 2012 there were reports of skirmishes between some of the few remaining Hmong insurgents near Khoune and Phaxai districts, Xieng Khouang Province. Residual, small, scattered pockets of insurgents and their families remained in rural areas. The government continued to reduce its efforts to combat them actively. It continued to offer amnesty to refugees from those groups who surrendered, but because of their past activities, amnestied insurgents continued to be the focus of official suspicion and scrutiny.

### **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, and there was no such official discrimination reported during the year. Nonetheless, it was likely societal stigma and concern about repercussions led individuals to withhold reporting incidents of abuse.

There were no legal impediments to lesbian, gay, bisexual, and transgender (LGBT) organizational activities, but the government discouraged those 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 lesbians faced greater societal stigma and discrimination than gay men.

### **HIV and AIDS Social Stigma**

Research conducted in 2012 for the Persons Living with HIV (PLHIV) Stigma Index found that existing stigma forced 14 percent of survey respondents to change their residence, 41 percent were the target of gossip, 27 percent experienced verbal insult, and 5 percent reported physical assault because of their HIV status. Females experienced higher frequencies of stigma than males for almost all events. Another 18 percent reported they lost a job or income due to stigma against HIV/AIDS. The nongovernmental Association for Persons Living with HIV/AIDS (in Laos) assisted PLHIV through 14 self-support groups in 12 provinces. The government actively continued to promote tolerance of persons with HIV/AIDS, and it conducted public-awareness campaigns to promote tolerance and understanding.

## **Section 7. Worker Rights**

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

The law provides for workers to form and join unions of their choice. The law, amended and adopted on October 14, defines collective bargaining and stipulates that parties resolve disputes by various means including negotiation between employee and employer, dispute resolution bodies, and the courts. The law protects the right to strike, subject to certain limitations. The law stipulates that employers may not fire employees who are employee representatives or the heads of trade unions, or who lodge complaints against employers regarding implementation of the law or cooperate with officials on law implementation and labor disputes, without prior approval of the Labor Administration Agency. Nonetheless, there is no explicit requirement for reinstatement of workers fired for union activity. The law does not exclude foreign migrant workers from these rights.

The law also 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.

There was no information on the resources dedicated to enforcement of freedom of association provisions of the labor laws, and, due to the recent changes to law, it was not clear whether labor disputes would be subject to lengthy delay or appeals.

Most workers organizations were not independent of the government or its political party and operated within the framework of the officially sanctioned Lao Federation of Trade Unions (LFTU), which is an organ of the LPRP. Multiple sources cited the existence of unions not affiliated with the LFTU. There were no reports of discrimination against LFTU-affiliated or other union members.

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 advocates, the LFTU sometimes needed government permission to enter factories and had to provide advance notice of such visits, which advocates stated undermined their ability to protect workers who had filed complaints. In emergency cases the LFTU did not need to provide notice for visits. Workplace committees and ad hoc workers groups tried to resolve complaints, as did, according to some reports, representatives of the LWU and local community leaders. There was little information available on the effectiveness of the workplace committees, although anecdotal evidence suggested some had successfully negotiated for higher wages and better benefits.

The government's overall prohibition of subversive activities or destabilizing demonstrations, lack of familiarity with the provisions of the amended labor law, and a general aversion to open confrontation continued to make workers extremely unlikely to exercise their right to strike, and there were no strikes reported during the year.

#### **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, or pursuant to a court sentencing verdict. 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. There are no explicit sentencing guidelines for forced labor violations, and there can be civil or criminal prosecutions for forced labor. Due to a limited number of inspectors and resources, the government did not effectively enforce the law.

According to anecdotal reports, the establishment of large-scale, foreign-invested agricultural plantations led to displacement of local farmers, increasing their vulnerability to forced labor. Unable to continue traditional practices of subsistence agriculture, many farmers had no recourse but to seek employment as day laborers through local brokers. These workers could face abuses indicative of forced labor, such as nonpayment or withholding of wages, intimidation, as well as long and often compulsory seasonal hours in harsh conditions.

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

### **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. Employers may employ children between the ages of 12 and 14 to perform light work. The government continued to work on a list of light and hazardous work for children. There is no specific provision criminalizing the compulsory recruitment of children for use in armed conflict. 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 a lack of inspectors and other resources. The law prescribes penalties of imprisonment ranging from three months to one year and a fine of one million to two million kip (\$125 to \$250).

In 2013 the government released the summary report of its 2010 Child Labor Survey, carried out by the Lao Statistics Bureau and Ministry of Labor and Social Welfare, in cooperation with the International Labor Organization. According to the report, approximately 90 percent of child labor occurred in the agricultural, fishing, or forestry sectors, and more than two-thirds of child laborers were involved in work defined as hazardous.

Many children helped on family farms or in shops and other family businesses, but child labor was rare in industrial (e.g., manufacturing) enterprises.

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

The law prohibits direct or indirect discrimination against workers in the workplace but does not distinguish between discrimination based on race, disability, language, sexual orientation, or gender identity. The law requires equal pay for equal work and prohibits discrimination in hiring based on a female employee's marital status or pregnancy, and it protects against dismissal on these grounds. 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.

Women faced some challenges in equal access to employment (see section 6).

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

In 2011 the government set the monthly minimum wage for private sector workers at 800,000 kip (\$100). Employers were additionally required to pay a 30,000-kip (\$3.74) meal allowance per day. The prime minister set the minimum wage for civil servants and state enterprise employees at 1.4 million kip (\$170) per month for fiscal year 2013-14. The government estimated the national poverty line at an average income of 192,000 kip (\$24) per person per month. Beginning in 2013 civil servants stopped receiving a 1.7 million kip (\$210) monthly living allowance to supplement their wages due to budget shortfalls. In addition, in some cases the government did not always pay some civil servants on time and delayed salary payments for up to three months. 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 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. The overtime pay rate varies from 150 to 350 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 deemed 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, but it does not explicitly protect a worker's right to self-remove from a hazardous situation. In case of injury or death on the job, employers are responsible to compensate 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 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 within three and four days, respectively. The law also mandates extensive employer responsibility for those were disabled while at work, and the Ministry of Labor and Social Welfare appeared to enforce this provision effectively. The law does not specify penalties for noncompliance, but they could include warnings, fines, "re-education," or suspension of business license.

There were a number of undocumented migrants in the country, particularly from Vietnam and China, and they continued to be vulnerable to exploitation by employers. The law applies equally to legal foreign and national workers with regard to working conditions, and there were no documented cases of challenges in its application. Migrants primarily worked in construction, plantations, logging, casinos, and informal service industries, sectors where wage, hour, and occupational safety and health violations are more common. The law sets the percentage of foreign laborers a company operating in the country may 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 in 2012, the Ministry of Labor and Social Welfare estimated 54,000 foreigners were working legally and illegally in the country and two-thirds of them had work permits.

In land concessions and special economic zones, discussions between the government and foreign investor companies often included negotiation of coverage of laws and policies. This meant workers in some concessions, such as the mining and entertainment sectors, had no coverage under national labor law, regardless of their nationality or immigration status.

The Ministry of Labor and Social Welfare is responsible for workplace inspections, and in 2011 (the most recent data available) its Labor Inspection Division estimated there were 200 officials with inspection responsibilities--a fivefold increase from 2010--who conducted 2,672 inspections that year. Many of these officials were district- or local-level ministry officials who managed the full

range of problems related to labor and social welfare. The ministry reported only a few professional labor inspectors working at the national level.

Officials made unannounced inspections upon notification of a violation of safe working standards and obliged employers to address violations within three to six months or face a fine. The Inspection Division reported there were five labor disputes since 2012, mostly related to salary or benefits. The division reported 103 accidents since 2012 resulting in 11 deaths.