



# ***MONEY OVER LIVES, LIES OVER THE TRUTH:***

**THE STATE OF ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS IN LAOS**





Joint Civil Society CESCR Report to inform the List of Issues to be considered by the UN Committee on Economic, Social and Cultural Rights (CESCR), during the Pre-Sessional Working Group for its 73th Session

## SUBMISSION BY

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# Money over Lives, Lies over the Truth: The State of Economic, Social and Cultural Rights in Laos

**Joint Civil Society CESCR Report to inform the List of Issues to be considered by  
the UN Committee on Economic, Social and Cultural Rights (CESCR),  
during the Pre-Sessional Working Group for its 73th Session**

**(16 October 2023 – 20 October 2023)**

The 2023 CESCR report to inform the List of Issues (LOIs) was collaboratively developed by Manushya Foundation and Lao activists and partners strongly dedicated to improving the human rights situation in Lao PDR. To ensure the safety and anonymity of our partners, the final report was anonymously submitted to the United Nations. As a result, only Manushya Foundation appears in the publicly available version of the report.

## A. INTRODUCTION

1. The purpose of this Parallel Report is to assist the Committee on Economic, Social and Cultural Rights (73 Pre-Sessional Working Group, 16 Oct 2023 - 20 Oct 2023) in its review of the Lao People Democratic Republic's upcoming Periodic Report on the implementation of the International Covenant on Economic, Social and Cultural Rights. Lao PDR signed the CESCR on 7 December 2000 and ratified it on 13 February 2007.
2. [Manushya Foundation](#) was founded in 2017 as an Intersectional Feminist human rights organization reinforcing the power of Humans, in particular, local communities and women human rights defenders to be at the heart of decision-making processes that concern them and to speak truth to power. Manushya defends local communities and seeks justice with them before the United Nations, focusing on women's rights and gender equality, digital rights, and climate & environmental issues.<sup>1</sup>
3. The comprehensive analysis and data presented in this report are a direct result of the diligent monitoring and substantial efforts undertaken by Manushya Foundation and Lao activists, strongly dedicated to advancing the rule of law and the state of human rights in Lao PDR.

## B. PROPOSED LIST OF ISSUES



## I. The Plight of Indigenous Peoples

### Article 1: Right of Self-determination

#### (1). Lack of Recognition of Indigenous Peoples (IPs)

4. Lao PDR is home to more than 49 official ethnic groups, which can be further divided into more than 160 subgroups.<sup>2</sup> In spite of being the most ethnically diverse nation in mainland Southeast Asia, the Lao government categorizes Indigenous Peoples as "ethnic groups" and does not formally acknowledge their indigenous status.<sup>3</sup> The assertion that Lao PDR embodies a 'multi-ethnic' society results in Indigenous Peoples being denied opportunities for self-determination and specific rights.
5. According to data and a classification from Indigenous World, Lao PDR is home to four distinct ethnolinguistic families, with Lao-Thai language-speaking communities constituting approximately two-thirds of the population. The remaining third speaks languages affiliated with the Mon-Khmer, Sino-Tibetan, and Hmong-Ew-Hmien families, collectively referred to as the Indigenous Peoples of Lao PDR.<sup>4</sup>
6. Recognizing Indigenous Peoples' legal status is crucial as it would enable Lao authorities to enact specific legislation to address the inequalities that exist and continue to persist among the various groups. Indigenous communities within Lao PDR, particularly speakers of Hmong-Ew-Hmien languages, are exposed to significant vulnerabilities spanning territorial, economic, cultural, and political contexts. Their lands and resources face increasing threats due to government policies and commercial resource utilization, leading to disparities in education, healthcare, and access to fundamental necessities like clean water and sanitation.<sup>5</sup> Notably, 20-32.5% of Indigenous individuals rely on unimproved or surface water, in contrast to 8.5% among Lao-Thai speakers, who constitute the ethnic majority.<sup>6</sup>

#### (2). Lack of Free, Prior, and Informed Consent in Development Projects Impacting Indigenous Peoples (IPs)

7. The lack of recognition of IPs leads to their systemic exclusion from meaningful participation in decision-making processes in the country, which in turn exacerbates the occurrences of enforced evictions and land grabbing under the pretext of conservation, development, and investment.<sup>7</sup> The government's consistent failure to ensure that IPs are properly consulted in regard to development projects is in direct violation of their right to Free, Prior, and Informed Consent (FPIC) protected under the United Nations Declaration on the Rights of the Indigenous People<sup>8</sup>, the 1995 Mekong Agreement<sup>9</sup> and other national frameworks such as the 2019 Decree on Environmental Impact Assessments<sup>10</sup> and the 2018 Law on Resettlement and Vocation<sup>11</sup> which guarantees the right of resettled people to receive information on development projects.
8. For instance, the Xe-Pian Xe-Namnoy dam project in 2017 resulted in the displacement of indigenous communities residing near the construction site.<sup>12</sup> In that same year, a video created by a Lao blogger, who



conducted interviews with those affected, quickly went viral on Lao social media platforms.<sup>13</sup> During the interviews, the communities shared their experiences of being unfairly deceived and cheated out of their lands. Notably, one woman recounted being offered a mere \$1,000 for a 10-hectare land deal.<sup>14</sup> The communities were not included in any discussions or consultation processes regarding compensation. Instead, they were subjected to pressure, manipulation, and threats if they refused the offers presented to them.

9. In another case, located on the Mekong River in Champassak Province, the Don Sahong dam which started operation in 2020<sup>15</sup> has disrupted the livelihoods of Indigenous Peoples and ethnic minorities residing nearby as they were forced to relocate.<sup>16</sup> The Lao government carried out the project without providing the necessary information to the affected community, and no apparent effort was made to solicit their free, prior, and informed consent.<sup>17</sup>

10. Hence, the Lao government's claim in its initial CESC State report submitted in 2022 regarding its commitment to safeguarding and advancing the rights of local communities in socio-economic development rings false (§5). Specifically, the assertion that individuals impacted by development initiatives are given the chance to partake in consultations on project viability, address socio-environmental repercussions, and contribute to decisions about project execution is clearly contradicted by these cases.

#### **11. Questions:**

- What legislative and policy measures has the government undertaken to recognize and protect the rights of Indigenous Peoples, including their right to self-determination, land, and resources?
- Could you provide examples of successful instances where indigenous communities have been involved in decision-making processes related to business activities on their lands, and how their FPIC was sought and respected?
- Has the government taken steps to address discrimination, violence, and other human rights violations faced by Indigenous Peoples, and what measures have been implemented to provide effective remedies and access to justice for affected communities?

## **II. Land-grabbing in profit of businesses**

### **Article 1: Right to Self-determination**

#### **Communities frequently disposed of their lands because of development projects**

12. According to Article 17 of the Lao Constitution (2015) and Article 3 of the 2019 Land Law, all land in the country is « the ownership of the national community where the State represents the ownership holder and manages lands in a centralized and uniform manner». Therefore, registering ownership of land is necessary for individuals, but rural and indigenous communities face obstacles in conforming to this obligation mainly



due to language barriers and challenges tied to accessing the registration process. This situation ultimately undermines the customary land rights of these communities and leaves them with little to no avenue for remedy in case of rights violation.<sup>18</sup>

13. Further, under the Law on Resettlement and Vocation, no.204/P issued in August 2018,<sup>19</sup> compensation is owed to individuals who face land displacement due to development projects, covering lost income, property, crops, and plant life. Project owners have the responsibility to ensure that the living conditions of those displaced will be maintained at a level that is at least equivalent to, if not better than, their circumstances prior to the initiation of the project.
14. The prevailing legal framework in Lao PDR, which designates the State as the primary holder of land ownership in the country, coupled with inadequate enforcement of laws like the 2018 Law on Resettlement and Vocation, results in countless instances where local villagers are displaced and dispossessed from their lands for development projects, with little to no meaningful and effective participation or consultation process being held. As of 2018, reports indicate that the government of Lao PDR has granted over 1750 land concessions to different companies. These concessions involve the use of lands owned by local communities for prolonged periods, with some agreements stretching as far as 100 years.<sup>20</sup>
15. The following cases highlight the challenges faced by affected communities as they are forced to give up their lands, leading to disruptions in their livelihoods and social structures.

#### **(1) Ban Yeup Villagers from Sekong Province**

16. On July 25, 2017, Lao authorities arrested 14 individuals, which included 15-year-old teenagers, for cutting rubber trees on the land that had previously been confiscated from them and subsequently leased to a Vietnamese rubber company, in a show of protest.<sup>21</sup> The origins of the dispute between the villagers and the Vietnamese company traced back to 2006 and the Lao government consistently failed to address the concerns voiced by the local communities. Following their arrest, some detainees faced alleged physical abuse, including beatings and electric shocks.<sup>22</sup> One of them, Mr. Somsavanh died on January 29, 2018, under disputed circumstances— officials claimed suicide, while relatives cited torture due to visible bruises on Mr. Somsavanh.<sup>23</sup> As of October 2019, at least six of the 14 villagers arrested in 2017 remain under custody.<sup>24</sup>

#### **(2). Lao-China Railway Project**

17. Nearly two years following the completion of the Laos-China Railway project, certain residents in Vientiane Capital continue to await compensation for the land parcels they had to give up for its construction.<sup>25</sup> Lengthy delays in reimbursement and instances of inadequate payment have been reported by several villagers. For instance, some villagers were extended an offer by local authorities of 80,000 KIP (about USD\$4.12) per meter while they are asking for 150,000 KIP (approximately USD\$7.70) per meter.<sup>26</sup>



### **(3). Luang Prabang Dam project**

18. Villagers located in northern Lao PDR who were displaced to make way for the Luang Prabang hydropower project<sup>27</sup> faced compensation challenges.<sup>28</sup> Some villagers are requesting compensation at a rate five times higher than the compensation offered by the government. The authorities of Oudomxay province have proposed a compensation amount of 30 million KIP (US\$1,780) per hectare for residential and agricultural land while residents are asking for a compensation rate of about 150 million KIP (US\$8,900) per hectare.<sup>29</sup>

### **(4). Pak Lay Dam Project**

19. Another instance involves the Pak Lay Dam, a project led by Sinohydro Corp, a Chinese company. In this case, the government has granted approval for the construction of essential infrastructure, yet it has not provided any clear details regarding relocation plans or offered specific compensation for those who will be affected.<sup>30</sup>

### **(5). Xe-Pian Xe-Namnoy Dam Collapse**

20. On July 23, 2018, the collapse of the Xe-Pian Xe-Namnoy dam in Attapeu province, Southern Laos, displaced more than 7,000 people and resulted in the loss of at least 71 lives. Even five years after the dam collapse, survivors continued to face challenging circumstances, residing in crowded temporary shelters and struggling to access sufficient food, clean drinking water, and secure housing.

#### **21. Questions:**

- In line with the 2020 UPR Recommendation made by Germany to Lao PDR, can you provide information on the specific steps taken to ensure that the adoption and enforcement of the Land Law of 2019 are in line with international human rights law and standards, particularly in relation to economic, social, and cultural rights?
- Can you provide information on the government's initiatives to ensure meaningful participation and consultation with local communities in land-related decision-making processes that may affect their rights and livelihoods?
- What mechanisms have been established to investigate and provide remedies for cases of land grabbing, including addressing conflicts over land, displacement, and loss of access to natural resources for local communities?
- Has the government taken steps to strengthen legal frameworks, law enforcement, and monitoring mechanisms to prevent and hold accountable individuals, companies, or entities engaged in land grabbing or related human rights violations?



### III. Lack of Corporate Accountability

#### Article 2: Actions taken to gradually fulfill the rights under the Covenant

22. The Lao Constitution does contain provisions related to environmental protection such as Article 19 and Article 21. The Lao government has also adopted a series of laws aimed at protecting the environment or mitigating the impacts of human activities on the environment. These include the 2022 Decree on Environmental Impact Assessment,<sup>31</sup> the 2017 Law on Minerals,<sup>32</sup> and the Environmental Protection Law of 2012.<sup>33</sup> For example, these laws stipulate that a proper impact assessment must be conducted before project development, or that projects should be carried out while respecting the environment. However, the reality is that in many cases, proper Environmental Impact Assessments (EIAs) are not conducted adequately or not conducted at all. Additionally, Lao PDR lacks a comprehensive legal framework to hold businesses accountable for the harm caused by their activities, resulting in investors prioritizing business and profit over people and the planet with impunity.<sup>34</sup>

23. It should also be noted that Lao PDR is in the process of formulating a National Action Plan on Business and Human Rights (NAP-BHR),<sup>35</sup> following a recommendation from Norway during Lao PDR's 2020 Third Universal Periodic Review (UPR) cycle. Yet, the effectiveness of the NAP's approach could be limited due to its voluntary nature.<sup>36</sup> If Lao PDR genuinely wishes to hold businesses accountable when they violate human rights, then it should consider implementing mandatory human rights and environmental due diligence legislation.

#### (1). Lack of accountability of foreign investors operating in Lao PDR

24. In Lao PDR, the local communities often bear the brunt of the government's energy strategy, aiming to become the "Battery of Southeast Asia".<sup>37</sup> Indeed, Lao PDR is deeply invested in hydroelectric projects for electricity export,<sup>38</sup> boasting 79 operational dams and ambitious plans for 100 dams in operation by 2030.<sup>39</sup> Nevertheless, this heavy reliance on large-scale hydropower sometimes overlooks proper environmental assessments, as highlighted tragically by the 2018 Xe-Pian Xe-Namnoy dam collapse that resulted in 71 fatalities and the displacement of countless villagers.<sup>40</sup> The ongoing lack of accountability for those implicated remains an alarming concern half a decade later, as survivors still await fair and adequate compensation (kindly refer to the Joint Submission by KTNC Watch and Manushya Foundation for further information).

#### (2). Unregulated SEZs development turning into human trafficking rings

25. Rampant corruption, coupled with a clear lack of law enforcement, has contributed to the emergence of several Special Economic Zones (SEZs) in Northern Lao PDR as hotspots for human rights abuses. These abusive practices disproportionately impact vulnerable populations, driving them further into poverty.



26. For instance, the Golden Triangle Special Economic Zone in Lao PDR serves as a hotspot for criminal enterprises like prostitution, scams, and drug trade, with local authorities facing significant challenges in curbing these activities, according to workers and police sources.<sup>41</sup> The Golden Triangle SEZ, founded in 2007 and led by Chairman Zhao Wei of the Dok Ngiew Group, is exempt from most national-level economic regulations, receives tax breaks, and is governed by different labour laws. In 2018, the U.S. Treasury labeled Zhao Wei's network a "transnational criminal organization," sanctioning him for various illicit activities including trafficking, money laundering, and bribery, often tied to the Kings Romans Casino within the SEZ.

#### 27. Questions:

- What mandatory measures has the government taken to ensure that businesses operating within the country adhere to human rights standards and corporate accountability, particularly in regard to economic, social, and cultural rights?
- Can you provide examples of specific cases where the government has held corporations accountable for human rights abuses or violations of economic, social, and cultural rights, and what remedies were provided to affected individuals or communities?
- What steps has the government taken to enforce regulations and standards related to labour rights, workplace safety, and environmental protection, and how are violations by corporations addressed and penalized?

## IV. Racial and Religious Discrimination

### Article 2. Action taken to gradually fulfill the rights under the Covenant

28. The Lao constitution explicitly prohibits discrimination based on ethnicity and religious beliefs through Article 8 and Article 9. Moreover, Article 43 of the Lao constitution guarantees the freedom of Lao citizens to hold or not hold religious beliefs.<sup>42</sup>

29. Within the legislative framework, the prohibition of ethnic-based discrimination is reinforced by Article 227 of the Lao Penal Code.<sup>43</sup> Regarding religion, the 2016 Decree 315 on Management and Protection of Religious Activities serves as a guideline for religious practice, emphasizing "respect for religious rights and freedom" for believers and nonbelievers alike.<sup>44</sup> Its aims include safeguarding and promoting national culture and fostering unity among religious groups. The decree also outlines religious practice guidelines and grants the government authority to determine acceptable religious activities.

30. The absence of a dedicated and robust legal framework to counteract racial and religious discrimination in Lao PDR leads to an environment where marginalized communities are vulnerable to systematic biases and prejudices. For instance, the Lao government's persistence to qualify Lao PDR as a multi-ethnic country



particularly contributes to undermining differences or simply denying the vulnerability of certain ethnic minority groups and Indigenous Peoples.<sup>45</sup>

31. Moreover, according to leaders of specific minority religious communities, in various cases, officials at both central and local government tiers invoked Decree 315 and the principle of social harmony to justify the continual regulation and supervision of certain religious practices, especially those associated with emerging or lesser-known Christian groups comprising members from minority ethnic backgrounds.<sup>46</sup>

### **(1). Violent Repression against Christian Believers**

32. Although the Lao Constitution offers provisions against religious discrimination, the issue continues to persist as a significant concern. In Lao PDR, every year, numerous distressing incidents are reported involving discrimination and violent repression specifically targeting Christians, which raises significant concerns about the protection of religious freedom and minority rights within the country.<sup>47</sup>

33. One particularly tragic case that drew widespread attention occurred in November 2021 when a pastor was subjected to torture and ultimately lost his life.<sup>48</sup> This incident not only highlighted the vulnerability of religious communities and their practitioners but also underscored the urgent need to address such issues and ensure the safety and security of all citizens, regardless of their religious beliefs. This case serves as a contradictory example to the assertions made by the Lao government in its initial CESCR State Report submitted in 2022, wherein it asserts that Lao PDR has implemented measures to combat all forms of discrimination, including religious discrimination (§14). Lao PDR clearly needs to step up its efforts in this regard to ensure that all religion is safe for Lao citizens to believe in.

### **(2). Persistent discrimination against the Hmong ethnic minority**

34. In addition, even though discrimination against ethnic groups is prohibited by Article 8 of the Lao constitution, the persecution of the Hmong ethnic minority group continues to be a persistent issue in Lao PDR, warranting sustained efforts to address the root causes and establish an environment of inclusivity and respect for all.

35. For instance, due to their role in the "CIA's Secret War," Hmong people still face ongoing discrimination and violence from the government, which views them as anti-government, leading to severe abuses including bombings, extrajudicial killings, and torture. The ChaoFa Hmong community, a subgroup of the Hmong minority who fled Lao authorities' violence in the 1980s, remains hidden in remote mountains such as the Phou Bia jungle in Xienkhouang.<sup>49</sup> The Lao military repeatedly destroys their shelters, impacting food and housing access, while limited safe water, sanitation, and healthcare persist.<sup>50</sup> On two separate occasions, in August 2020 and April 2021, UN experts conveyed concerns to the Lao government, yet no response was received.



### 36. Questions:

- What legislative and policy measures has the government implemented to combat racial and religious discrimination and promote equality and non-discrimination for all individuals and communities within the country?
- What steps have been taken to ensure effective protection and remedies for victims of racial and religious discrimination, including mechanisms for reporting incidents, investigating cases, and providing access to justice?

## V. Repression of Lao environmental defenders and Lao migrant workers

### Article 2: Actions taken to gradually fulfill the rights under the Covenant

37. Lao PDR does not recognize the status of human rights defenders and therefore lacks a legal framework to support and protect the work of Human Rights Defenders (HRDs), who are perceived as enemies by the State. Therefore, there is no room in the country for an independent civil society to flourish, as Lao authorities exert strict control over non-profit associations, notably through the 2017 NPA legislation.

38. Lao PDR adopted Decree No. 238 on Non-profit Associations (NPAs) in November 2017, which replaced the 2009 Decree, leading to increased oversight of CSOs.<sup>51</sup> This decree confers excessive powers to Lao authorities to hinder the establishment of NPAs, criminalizes human rights organizations, enforces prohibitions on a wide range of activities, imposes constraints on foreign funding access, and permits the discretionary dissolution of groups without avenues for appeal. The decree also introduces provisions to criminalize unregistered associations and prosecute their members.<sup>52</sup> As a result, there is no independent civil society in Lao PDR, as they operate in fear of retaliation and are heavily restricted in their activities.

39. NPAs are not exclusive targets of Lao authorities, as courageous human rights defenders who dare to raise their voices against the environmental and social consequences of development projects, for instance, are met with grave consequences. These include threats, intimidation, arbitrary arrests, detentions, and even enforced disappearances – all orchestrated to stifle their advocacy efforts. The deliberate and organized targeting of these defenders raises substantial concerns regarding the freedom of expression and the right to peaceful dissent within the country. This alarming pattern generates an atmosphere of fear and intimidation, effectively eroding the human rights landscape and impeding



HRDs' vital contributions to the improvement of the Lao people's social, economic, and cultural rights. Notable instances of Lao authorities' actions against HRDs include:

### **(1) Cases of Repression of Lao Human Rights Defenders Inside Lao PDR**

40. **Anousa “Jack” Luangsuphom A.L.**, a Lao Youth Democracy Activist, manages a well-known Facebook page that exposes realities about #WhatsHappeninginLaos, advocates for true democracy and criticizes the country's growing reliance on China. On April 29, 2023, Jack A.L. was shot several times at a Vientiane bar, "After School Chocolate and Bar," in Lao PDR.<sup>53</sup> Following Manushya's efforts, Jack Jack was medically evacuated to receive the medical care he needed.<sup>54</sup>
41. **Houayheuang ‘Muay’ Xayabouly H.X.**, also known as ‘Muay’. is a dedicated Women's Human Rights Defender who bravely spoke out against government corruption and business abuses in Lao PDR, highlighting their adverse effects on local communities. However, her peaceful activism led to her unjust arrest by the Lao government on September 12, 2019. She was coerced into confessing false guilt for defamation and spreading anti-State propaganda, resulting in a 5-year prison term.<sup>55</sup>
42. **Joseph Akaravong J.A.** is a Lao blogger who gained attention for his viral reports following the Attapeu dam collapse in July 2018, which resulted in extensive flooding, fatalities, and village destruction in Attapeu province. Due to his online activism, he was forced to escape Lao PDR and now lives in exile in France.<sup>56</sup>
43. **Sombath Somphone S.S.**, a renowned Lao civil society figure, has been missing for more than a decade now. On December 15, 2012, he was abducted at a Vientiane police checkpoint, as captured by CCTV. Sombath Somphone S.S. was halted by the police and then transported in a truck, and his current fate and location remain unknown.<sup>57</sup>
44. **Savang Phaleuth S.P.**, a member of the Free Laos group based in Thailand, was arrested upon returning to Lao PDR on April 20, 2023. Recently released in June 2023, he has returned to his family in Thailand. Lao officials attributed his arrest to dual nationality and anti-government ties, but fellow Free Laos members believe political charges were more likely.<sup>58</sup>
45. **Phetphouthon Philachane P.P.**, another Free Lao member, who lived with Lao activist Od Sayavong O.S., disappeared three months after him, after leaving Bangkok to visit his family in Vientiane. His fate and current location remain unknown to date.<sup>59</sup>
46. **Somphone Phimmasone, Soukane Chaithad, and Lodkham Thammavong. S.P., S.C., and L.T.** On March 5, 2016, they were arrested while visiting their family in Lao PDR for online criticism and a peaceful protest at the Lao Embassy in Bangkok. On March 22, 2017, they were sentenced to 20, 16, and 12 years



in prison respectively, after being found guilty of treason, state propaganda, and causing social disorder under the Lao Penal Code.<sup>60</sup>

#### 47. Questions:

- How does your government ensure that any restrictions on civic space are proportionate, necessary, and comply with international human rights standards, and what mechanisms are in place for individuals or groups to challenge or appeal such restrictions through legal means?
- Could the State party outline recent efforts to repeal or amend laws that curtail freedom of opinion and expression, particularly those inconsistent with Article 19 of the ICCPR, in line with Lao PDR's 2020 UPR recommendations on civic space?<sup>61</sup>
- What steps has the government taken to assess and review its criminal defamation laws to ensure their alignment with the principles of freedom of expression as outlined in Article 19 of the ICCPR?
- Could the State party provide information on any ongoing or planned efforts to review, amend, or repeal the 2017 law on Non-Profit Associations to facilitate the work of organizations dedicated to advancing economic, social, and cultural rights in Lao PDR?

## VI. Transnational Repression of Activists

### Article 2. Action taken to gradually fulfil the rights under the Covenant

48. The term "transnational repression" refers to the practice of governments extending their control across international boundaries to quell opposition within diaspora and exile populations. This can involve actions such as assassinations, unlawful deportations, abductions, digital intimidation, and intimidation of family members.<sup>62</sup>

49. In Lao PDR, a significant number of HRDs find themselves forced into exile due to the relentless harassment and retaliatory actions inflicted upon them by Lao authorities. Many opt for Thailand as their temporary refuge before later relocating to a different third country. However, the Lao government's reach goes far beyond the Lao borders as evidenced by disturbing accounts of transnational repression. Members of the « Free Laos group », composed of Lao migrant activists operating from Bangkok, often bear witness to the far-reaching arm of the Lao government's repression.

#### (1). Cases of transnational repression (TNR) of exile Lao activists: environmental defenders and migrant workers in Thailand



50. **Kitiyano Bounsuan K.B.** was a Lao activist K.B. and a Free Lao member. His body was discovered on May 17, 2023, by the roadside in Ubon Ratchathani, Thailand. His unwavering support for democracy and human rights in Lao PDR made him a key target of the Lao government. Fearing for his safety, he sought refuge in Thailand and was recognized as a UNHCR refugee. Kitiyano Bounsuan K.B. was tragically killed just days before his planned departure to Australia to ensure his freedom and security.<sup>63</sup>
51. Lao activist **Od Sayavong, O.S.**, a vocal advocate for Human Rights and environmental issues, sought asylum in Thailand due to his advocacy work. He was part of the Free Lao group. After meeting the UN Special Rapporteur in March 2019, he mysteriously disappeared in Bangkok on August 26, 2019, and his whereabouts remain unknown.<sup>64</sup>
52. **Joseph Akaravong J.A.**, while in Thailand, experienced harassment from both Lao and Thai authorities, prompting him to limit his online activism. After relocating to France in March 2022 with help from the Manushya Foundation, he continues to face repression by Lao authorities, including Facebook content removal, account deactivation, and false information dissemination through fake profiles. In September 2022, the Lao government directed relevant Lao authorities to find and “educate” Joseph Akaravong J.A.<sup>65</sup>
53. **Khoukham Keomanivong K.K.**, a Lao democracy activist and co-founder of “Free Laos”, was detained by Thai immigration authorities in January 2022 and faced possible deportation to Lao PDR.<sup>66</sup> He was released on bail in February<sup>67</sup> and relocated to Canada on March 10, 2022.
54. Further, the wrongdoing of the Lao government extends beyond its transnational repression of exiled Lao human rights defenders abroad; it also involves collaborating with foreign governments to target HRDs from other nations within Lao borders.

## **(2). Cases of Lao authorities assisting the People’s Republic of China (PRC) to silence HRDs on Lao soil**

55. **Qiao XinXin Q.X.**, a 37-year-old free speech activist and former special correspondent for Radio Free Asia in Southeast Asia, sought refuge in Lao PDR due to his activism after leaving China. On or around May 31, 2023, witnesses reported that he was forcibly taken from his residence in Vientiane by a group of Lao and Chinese police officers.<sup>68</sup> Qiao XinXin Q.X. was later reported as being held in a juvenile detention center in Hunan Province (China) and charged with subversion of State power.<sup>69</sup>
56. **Lu Siwei L.S.**, a Chinese human rights lawyer, known for his involvement in sensitive cases in China, was arrested in Lao PDR while en route to Bangkok, Thailand, disrupting his plans to reunite with his family in the United States. Since his arrest by Lao authorities on July 28, 2023, he has been held incommunicado and his whereabouts remain unknown.<sup>70</sup> On August 11, 2023, [UN experts called](#) on the Lao government to immediately release Lu Siwei L.S. to prevent his deportation back to China, where he will be subject to imprisonment, and grave risks of torture and inhuman treatment.<sup>71</sup>

### ***Focus on Extradition Law in Lao PDR***



57. The country enacted a Law on Extradition in July 2012,<sup>72</sup> with Article 10 outlining the criteria for Mandatory Refusal of Extradition. These criteria encompass situations where there are substantial grounds to believe that the extradition request contradicts humanitarian principles based on factors such as race, nationality, religion, ethnicity, gender, social status, or economic status of the individual sought, and where there's a potential risk of torture or inhumane treatment.
58. Regarding Lao PDR's international human rights obligations, the country signed the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) in September 2010 and ratified it 2 years later in September 2012. Article 3 of the CAT states "that No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."
59. Lao PDR is also a party to the International Convention for the Protection of All Persons from Enforced Disappearance,<sup>73</sup> which stipulates that no one shall be subjected to enforced disappearance. The Convention defines enforced disappearance as the apprehension, detention, or abduction by state agents or authorized individuals, followed by denial or concealment of the person's whereabouts, thereby depriving them of legal protection. Furthermore, Article 16 of the same Convention states that "No State Party shall expel, return ("refouler"), surrender, or extradite a person to another State where there are substantial grounds for believing that they would be in danger of being subjected to enforced disappearance."

### ***Focus on the China-Laos Extradition Treaty***

60. In regards to Qiao XinXin Q.X. and Lu Siwei L.S.'s cases, the China-Laos extradition treaty<sup>74</sup> outlines in Article 3 the grounds on which extradition should be refused: (i) if the offence is deemed political or if asylum has been granted; (ii) if there is a genuine belief that the individual's prosecution or punishment is influenced by factors such as race, religion, nationality, sex, or political opinion, potentially leading to unfair treatment during legal proceedings. Therefore, by deporting Qiao XinXin Q.X. to China and by considering doing the same with Lu Siwei L.S., Lao PDR is in violation of its domestic extradition law, its China-Laos Bilateral Extradition Treaty, and its international human rights obligations.

#### **61. Questions:**

- How does the government ensure that its law enforcement and intelligence agencies do not engage in transnational repression or cooperate with foreign authorities in repressive actions against individuals or groups?
- What specific legal and policy measures has the government implemented to prevent and address cases of transnational repression, including protecting individuals from arbitrary arrest, harassment, or intimidation by foreign governments?



- What steps has the government taken to ensure that its embassies and consulates abroad do not engage in activities related to transnational repression, such as surveillance or harassment of dissidents or critics?
- Can the State party provide information on the recent extradition of Qiao XinXin Q.X. to China and the arrest of Lu Siwei L.S., and clarify how these actions are consistent with its domestic law on extradition, bilateral extradition treaty with China, and international human rights obligations?

## VII. Lack of Transparency and Governance

### Article 2.1: Action taken to gradually fulfill the rights under the Covenant

62. It shall be noted that corruption denies the State party the necessary resources for effectively implementing the economic, social and cultural rights outlined in the Covenant.

63. While the Lao Constitution makes no direct reference to corruption, Article 6 states that “*All state organizations and government officials must disseminate and create awareness of all policies (...) and strictly organize their implementation in order to guarantee the legitimate rights and interests of the people*”. On the legislative side, Lao PDR adopted the Anti-Corruption Law No.27/NA, on December 18, 2012,<sup>75</sup> in order to combat corruption among Lao officials and improve State’s transparency. In addition, the 2017 Penal Code has a specific chapter dedicated to corruption. Nevertheless, the lack of effective implementation of anti-corruption measures in Lao PDR has led to the continued prevalence of corruption throughout the country. This poses a major obstacle to the fulfillment of economic, social, and cultural rights for every citizen.

64. Indeed, corruption denies the State party the necessary resources for effectively implementing the rights outlined in the Covenant. When resources are diverted due to corrupt practices, the State's ability to allocate investments to vital sectors like education, healthcare, housing, and social welfare is significantly diminished.<sup>76</sup> The very funds that were intended to uplift disadvantaged communities and enhance their quality of life end up being misappropriated, undermining social and economic progress. Corruption not only diverts funds from crucial sectors but can also lead to financial support being directed toward detrimental projects for communities. These outcomes contribute to the perpetuation of existing disparities and the exacerbation of social inequalities.

#### (1) Widespread corruption and lack of transparency eroding trust in Lao institutions

65. Widespread corruption and an alarming absence of transparency deeply affect the functioning of Lao institutions and entities, ultimately undermining the Lao people's ability to fully enjoy their economic, social, and cultural rights. This distressing lack of transparency was underscored in the latest report by Transparency International, which assigned Lao PDR a score of 31 out of 100 on the corruption perceptions



index, positioning it at 126th out of 180 globally on the transparency scale.<sup>72</sup> The notably low score on the 2023 Fiscal Transparency Index serves as a clear call for improved accountability within state institutions and a more effective framework for managing public finances.

66. Moreover, the most recent report issued by the Lao State Inspection Authority brought to light a staggering 767 million USD lost to corruption in 2016,<sup>78</sup> highlighting the imperative for more stringent anti-corruption strategies. Despite the implementation of legislation aimed at combating corruption, encompassing offenses such as the misuse of authority, fraudulent activities within the public sector, embezzlement, and bribery,<sup>79</sup> law enforcement efforts remain ineffective, and the judicial system's capabilities in Lao PDR are limited, leading to rare occurrences of official prosecution.

67. The lack of transparency exhibited by Lao institutions and state organs is significantly eroding the Lao people's trust in Lao institutions and is greatly undermining their right to self-determination. Addressing these concerns is vital to upholding human rights, fostering public trust, and ensuring the effective implementation of economic, social, and cultural rights for all.

#### **68. Questions:**

- What specific measures has the government implemented to combat corruption and enhance transparency and public trust in Lao institutions?
- Has the government established effective mechanisms for monitoring and reporting on progress in combating corruption, and have any steps been taken to strengthen cooperation with international bodies or organizations working in this field?

## **VIII. Gender Equality & Gender-Based Violence**

### **Article 3: Gender equality**

69. Numerous legislations, including the Lao Constitution (articles 35 and 37), the Penal Code (article 224), the Law on Development and Protection of Women, the Law on State Budget, and other laws as stated in the State's initial report,<sup>80</sup> uphold gender equality and combat discrimination against women in Lao PDR. These laws encompass various aspects of gender parity, such as political, economic, social, and cultural rights. Additional legislation, such as Law No.77 on Gender Equality (2019), further reinforces these principles by outlining regulations and measures to ensure equal rights for women and men in diverse spheres, aiming to eliminate discrimination and create an environment conducive to gender equality.



The government of Lao PDR has also implemented a National Action Plan on the Prevention and Elimination of Violence Against Women and Children (2021-2025). This plan incorporates a broad range of gender-inclusive objectives, including the implementation of quotas for women and girls across various domains, such as leadership positions in fields like climate change and disaster risk reduction.<sup>81</sup>

70. Lao PDR has also set up an internal mechanism, including the National Commission for the Advancement of Women, Mother and Children (NCAWMC), the Lao Women's Union, and the Women Parliamentarian Caucus, to drive women's progress, gender equality, and the eradication of discrimination against women at the national level.
71. Despite all these measures, ongoing gender disparities persist among women in the country due to prevailing gender stereotypes and power imbalances.<sup>82</sup> **Manushya Foundation will present additional supporting evidence and information on the subject for Lao PDR's LOIs submission during the 88th Pre-Sessional Working Group (PSWG) of the Committee on the Elimination of Discrimination Against Women (CEDAW), scheduled on October 30, 2023, in Geneva.**
72. Gender inequalities in Lao PDR are notably exacerbated by traditional gender norms and the difficulties associated with the limited enforcement of legal frameworks, policies, and essential services. Existing gender inequalities contribute to unequal education and access to economic opportunities, leaving Lao women more open to the adverse consequences of crises, such as the COVID-19 pandemic.
73. For instance, violence against women and girls has intensified during the COVID-19 pandemic and subsequent economic crises, with a notable rise in domestic violence, sexual exploitation, and abuse. Data from the Lao Women's Union hotline revealed a 3-5 times increase in calls for counseling during strict lockdowns,<sup>83</sup> while media reports indicated a surge in gender-based violence reports, particularly involving Intimate Partner Violence and sexual exploitation or trafficking in persons.
74. Moreover, women bore a disproportionate burden of income and job losses during the pandemic, with 63 percent of the pre-COVID-19 2.8 million unemployed workers being women. Sectors like tourism, agriculture, and the garment industry, where female labor participation is high, were significantly impacted, leading to more women losing their jobs. The pandemic also compelled 71 percent of small or medium-sized businesses to suspend operations, with 82 percent of these being owned by women.<sup>84</sup>
75. Before COVID-19, women were already carrying four times more care work than men, but during the pandemic, they faced an increased workload due to children being out of school, economic constraints, and the responsibility of caring for the sick and elderly.<sup>85</sup>
76. These challenges underscored the urgent need to address gender disparities, promote women's economic empowerment, and recognize and redistribute the burden of unpaid caregiving responsibilities to foster more equitable socio-economic outcomes for women and girls in Lao PDR.

#### 77. Questions:

- What specific measures and policies has the government implemented to address the gendered impacts of the COVID-19 pandemic, particularly in terms of promoting women's economic empowerment, addressing gender-based violence, and ensuring access to healthcare and social protection?
- Has the government implemented targeted measures to address the disproportionate caregiving burden on women resulting from the pandemic, including support for childcare, parental leave policies, and work-life balance initiatives?

## IX. Lack of legal protection for LGBTQI+ individuals

### Article 3: Gender equality

#### (1). The absence of legal recognition and protection of LGBTQI+ individuals contributes to discrimination and self-censorship

78. In the Lao Constitution, Article 35 highlights the concept of legal equality for all citizens, regardless of gender, social status, education, belief, or ethnic background. While sexual orientation and gender identity are not explicitly addressed, the use of "Lao citizens irrespective of gender" could be interpreted as extending to LGBTQI+ individuals. However, this interpretation is unlikely given that Article 37 stipulates that "men and women enjoy equal political, economic, cultural, social, and family rights."

79. On the legislative framework, Article 151 of the 2018 Lao Civil Code prohibits same-sex marriage.<sup>86</sup> The non-recognition of same-sex marriages constitutes a significant gap in the legal framework that instead restricts the rights of LGBTQI+ individuals. For instance, this prevents same-sex couples from enjoying the same privileges as heterosexual couples in areas such as shared bank accounts, property matters, and access to health insurance.

80. Additionally, there is a noticeable absence of comprehensive legal provisions that safeguard gender-diverse individuals from discrimination.<sup>87</sup> The lack of protective measures exposes LGBTQI+ individuals to vulnerabilities and hinders their ability to access essential services, employment opportunities, and other fundamental rights.

81. In Lao PDR, advocacy groups dedicated to promoting LGBTQI+ rights encounter significant challenges due to the absence of legal protection and recognition. In response, these groups have adopted alternative terminology, such as "gender-diverse people," to engage in 'constructive' dialogues with Lao authorities.<sup>88</sup> This strategic approach aims to navigate potential sensitivities and repercussions that might arise from openly using terms like "LGBTQ+" which are often associated with Western influences by Lao authorities.



## (2). Discriminatory restrictions on transgender beauty pageants

82. A notice issued by the Lao Youth Union on September 9, 2022, stipulates that only individuals considered "real men and women" by birth are eligible to participate in pageants.<sup>89</sup> Additionally, the notice not only imposes a restriction on transgender pageants and participants but also specifies that candidates cannot use a vacation as a pretext for entering a pageant abroad without obtaining permission from the Lao Youth Union. The notice unmistakably targets the LGBTQI+ community, particularly transgender individuals, thereby constituting a clear regression in the enjoyment of social and cultural rights for LGBTQI+ people.

83. Numerous critics have taken to social media to express their concerns, contending that the newly implemented rules have restricted opportunities for young LGBTQI+ individuals in Lao PDR. The discriminatory language employed in the notice has incited a significant public outcry on various social media platforms.<sup>90</sup> Thousands of Facebook users, ranging from individuals, and artists, to national enterprises such as Lao Airlines, expeditiously added a rainbow-themed "Pride 2022" frame to their profile pictures to demonstrate their support overnight.

### **84. Questions:**

- In line with the 2020 UPR Recommendation made by Malta to Lao PDR, what steps has the government taken or is contemplating to ensure that LGBTQI+ individuals have equal access to social, economic, and cultural rights, and how are these steps aligned with international standards for non-discrimination and inclusion?
- In line with the 2020 UPR Recommendation made by Ireland to Lao PDR, can the State party provide updates on recent or contemplated efforts to develop and adopt comprehensive anti-discrimination legislation that effectively addresses both direct and indirect forms of discrimination, and explicitly includes all prohibited grounds, such as sexual orientation and gender identity?
- How does the government plan to collaborate with LGBTQI+ organizations, civil society groups, and human rights advocates to enhance its efforts in promoting and protecting the rights of LGBTQI+ individuals, and how will these collaborations be integrated into decision-making processes?

## **X. Poverty**

### **Article 6: Right to Work & Article 7: Right to just and favourable conditions of work**

#### (1). Inadequate minimum wage increase amid skyrocketing cost of living

85. According to Article 105 of the 2013 Labour Law,<sup>91</sup> the Lao government is responsible for determining the minimum wage to ensure a basic standard of living. Furthermore, in its initial CESCR State Report submitted in 2022, the Lao government asserted its commitment to equitable salaries or wages, which undergo periodic review based on factors such as commodity market prices, GDP growth, inflation rates, and competitiveness. However, the reality on the ground differs from the government's statements. Despite the population grappling with significant hardships following the economic crisis exacerbated by COVID-19, resulting in skyrocketing inflation, the Lao government was particularly slow to increase the minimum wage, reflecting reluctance rather than urgency.
86. Indeed, the successive impacts of the COVID-19 pandemic, coupled with Lao PDR's substantial public debt, restricted foreign exchange reserves, and pervasive corruption, jointly contributed to the dire state of the Lao economy. Consequently, this situation triggered a sharp devaluation of the KIP. As of April 2023, the inflation rate had soared to 40%, while food prices experienced an astonishing year-on-year surge of 52%.<sup>92</sup>
87. Meanwhile, the increase in the minimum wage has been sluggish. The initial adjustment raised the minimum wage from 1.1 million KIP to 1.2 million KIP (56,10 USD)<sup>93</sup> on August 1st, 2023,<sup>94</sup> followed by another slight increase on May 1st, 2023,<sup>95</sup> bringing it to 1.3 million KIP (66,30 USD). These adjustments remain far from being sufficient to enable Lao workers to cope with the rising daily life expenses resulting from skyrocketing inflation, particularly for urban workers, for whom the cost of living is higher than in rural areas. Thus, an increasing number of workers are actively seeking higher-paying employment opportunities in neighbouring countries, predominantly Thailand. This migration pattern has engendered a shortage of labour in Lao PDR, further exacerbating the precarious state Lao economy.<sup>96</sup>
88. These factors create obstacles that limit workers' capacity to engage in meaningful negotiations with employers and local authorities to improve their working conditions and overall well-being.<sup>97</sup>

## **(2). Poor Labour rights protection: Lack of job prospects causes impoverished workers to be more prone to human trafficking in SEZs**

89. As a result of restricted employment options, a growing number of poor workers hope to find better wages in Special Economic Zones (SEZs), unwittingly exposing them to the risk of becoming victims of human trafficking. Although human trafficking is classified as a punishable offense under Article 215 of the Lao Penal Code, and despite the Lao government's claims (§81) in its initial CESCR report submitted in 2022 of robust internal mechanisms to oversee and execute anti-human trafficking initiatives –including bodies like the National Committee on Anti-Trafficking in Persons and the Human Trafficking Prevention Department, the issue of human trafficking continues to adversely affect both Lao citizens and individuals from other nations who become trapped in Lao Special Economic Zones.
90. Indeed, some Lao Special Economic Zones (SEZs), such as the Golden Triangle SEZ, have become notorious for functioning as hubs for human trafficking.<sup>98</sup> These zones lure workers from various countries with the



promise of lucrative employment, only to subject them to the horrors of human trafficking, labour exploitation, and sexual abuse. Those who fail to meet unrealistic expectations often face torture.

91. According to reports by human rights groups in Malaysia, around 700 Malaysian nationals are currently caught in online scam hubs situated in Lao PDR. The victims are reportedly at risk of potential abuse, including physical violence and the utilization of electric shocks, if they do not meet their job goals or make an attempt to escape from the premises.<sup>99</sup>

92. As recounted by a rescued Sri Lankan survivor formerly trapped as a scam worker within the Golden Triangle SEZ, approximately 100 young Sri Lankan nationals, predominantly composed of recent male graduates, are still ensnared by the same network of traffickers.<sup>100</sup> Over the course of 2022, Lao PDR managed to rescue citizens from countries such as Nepal, India, Pakistan, Malaysia, and the Philippines thanks to the coordinated efforts by the respective governments.<sup>101</sup>

93. In spite of a multitude of reports and calls from the international community for the Lao government to take concrete actions to tackle the issue of human trafficking in SEZs, Lao PDR has shown limited progress on this matter. Initiatives undertaken by Lao authorities to address the situation are still tainted by the lack of conviction for traffickers, a limited capacity to accurately identify victims, inadequate protection services for male and LGBTQI+ victims, and a disconcerting lack of awareness among border officials regarding anti-trafficking efforts.<sup>102</sup>

94. Addressing these issues is crucial to ensure the protection of workers' rights, promoting safe and fair labour practices, and preventing exploitation and human trafficking within the country.

**95. Questions:**

- In line with the 2020 UPR Recommendation made by Czechia to Lao PDR, can you provide an overview of the legislative and policy measures your government has put in place to combat trafficking in persons, with a special emphasis on child victims, women, and members of ethnic minorities?
- What measures has the government taken to prevent and combat human trafficking in the Golden Triangle special economic zone, including policies, legislation, and enforcement mechanisms specifically targeting this issue?
- Has the government established complaint mechanisms and support services within special economic zones to ensure that potential victims of human trafficking can safely report incidents and access necessary assistance, protection, and remedies?

## **XI. Inadequate standards of living**

### **Article 11: Right to continuous improvement of living conditions**



96. In order to adopt measures to policies to improve the living conditions of the Lao people, the Lao Government employs socio-economic criteria to assess poverty and introduced decrees in 2013 and 2017 (Decree No. 309/PM/2013 and Decree No. 348/Gov/2017)<sup>103</sup> to define and implement poverty alleviation measures. Further, the 2003 Strategy on Growth and Poverty Alleviation guides poverty reduction initiatives and sustainable economic growth, aiming to elevate the country from the Least Developed Country Status by 2020.<sup>104</sup> As of 2023, Lao PDR remains classified among the least developed countries and was unable to achieve its goal of graduating from the least developed country status by the year 2020.<sup>105</sup> Further, policies adopted by Lao PDR fail to adequately address the unique circumstances and obstacles confronting marginalized groups, particularly Indigenous Peoples, who encounter heightened vulnerability and economic disparity due to restricted educational access and limited job prospects. Consequently, these communities bear the brunt of the repercussions of the country's development project, given their reliance on ancestral lands and subsistence activities for their livelihoods. Lao PDR cannot hope to achieve the improvement of living conditions for all if it persists in negating the existence, struggles, and discrimination experienced by marginalized groups, including indigenous communities.

#### **(1) Ethnic Communities Face Starvation Amidst Lao PDR's Forest Destruction**

97. Development initiatives in Lao PDR frequently lack adequate, prior, and informed consultations, resulting in instances where communities are relocated without being given the opportunity to express their consent. As a result, local communities uprooted due to these projects often encounter challenges in accessing cultivable lands or suffer the loss of their livelihoods, thus contributing to increased poverty.

98. As a concrete example, a disconcerting facet of land acquisitions in Lao PDR revolves around the appalling consequences endured by various Hmong ethnic minority groups. These communities have been stripped of their traditional access to forests, which have historically served as vital sources of food and water for generations.<sup>106</sup> This alarming trend has taken a particularly heavy toll on economically disadvantaged ethnic populations, for whom forest access has been an essential means of combating hunger. Sadly, many of the once-thriving and food-rich woodland where Hmong communities used to find their means of sustenance have now been converted into monoculture and chemical-intensive plantations, controlled by foreign investors who secured land leases or concessions from the Lao government to cultivate rubber, banana, cassava, sugarcane, corn, beans, and coffee.

99. Moreover, the aftermath of the Attapeu dam collapse provides another example of local communities suffering from mismanagement and detrimental corporate practices in development projects.<sup>107</sup> The survivors experienced temporary relocation to unsanitary makeshift houses where basic access to water, sanitation, and hygiene facilities was lacking. Later on, the houses provided to them after a prolonged four-year wait have been reported as incomplete, featuring patchy roofs, leaking pipes, broken windows, and a range of other issues troubling the inhabitants, only adding to their hardships.<sup>108</sup>

#### 100. Questions:

- In line with the 2020 Recommendation made by Poland to Lao PDR, how does the government ensure that population relocations are carried out in a manner that upholds the principle of non-discrimination, ensuring that vulnerable and marginalized groups, including Indigenous Peoples and ethnic minorities, are not disproportionately affected?
- Can you share examples of consultations and participatory processes that were undertaken with the affected communities prior to the relocation, and how the concerns and needs of these communities were taken into account during the planning and implementation of development projects?
- Can you provide information on any compensation or redress mechanisms that were put in place for those who were relocated, and how the government ensured that they were able to rebuild their livelihoods and social structures post-relocation?
- How does the government monitor and evaluate the impact of relocations on the economic, social, and cultural rights of affected individuals and communities, and what mechanisms are in place to address any negative consequences?

## XII. Decline in healthcare accessibility

### Article 12: Right to the Enjoyment of Health

101. The right to health is enshrined as a constitutional right in Article 25 of the Lao Constitution.<sup>109</sup> Furthermore, Lao PDR guarantees the right to health through the 2015 Law on Health Care.<sup>110</sup> Article 4 of this law, which pertains to State Policy on Health Care, stipulates that “The State pays attention to improve the quality of health care to ensure that the whole population, and in particular women and children, poor citizens and those who live in remote or isolated areas, have a good state of health”.

102. Moreover, the Government in 2012 allowed the establishment of the National Health Insurance Fund, which was then introduced in 2016,<sup>111</sup> to offer accessible medical treatment for Lao citizens and insured individuals. This move aimed to grant all Lao citizens access to quality basic health services, with a specific emphasis on achieving universal and equitable medical treatment.

#### (1). Impoverished families forced to cut down on health spending

103. In spite of all the constitutional and legislative provisions guaranteeing the right to health, the severe economic downturn that Lao PDR is undergoing has resulted in a notable reduction in the utilization of crucial health services, especially among disadvantaged groups.<sup>112</sup>

104. Based on a report from the World Bank released in October 2022,<sup>113</sup> approximately two-thirds of households have decreased their expenditures on healthcare and education. The World Bank also



estimates in a report from May 2023 that the purchasing power of the poorest households has declined by 20 percent due to inflation.<sup>114</sup>

105. Funding for the healthcare sector has been scaled back by 30 percent at the central level and 10 percent at the provincial level and the current crisis is foreseen to amplify health repercussions. The challenge of sustaining crucial health services in the years ahead is considerable due to limited fiscal capabilities and the changing donor scenario.<sup>115</sup>

106. Reduced health expenditure can have detrimental impacts on the term human capital development in Lao PDR. This could heighten the difficulties faced by young individuals from disadvantaged families in breaking free from the cycle of poverty.

## **(2). Alarming rate of HIV infection among Lao Youth**

107. Lao PDR holds a unique position in Southeast Asia as having the youngest population, with around 60 percent of its population below the age of 25.<sup>116</sup> Sadly, a recent report from UNAIDS, placed Lao PDR as one of the highest global rates of HIV infections among its youth, as roughly 42 percent of HIV cases affect those under 25 years old.<sup>117</sup>

108. This alarming rate of HIV infection among the young population can be attributed to multiple factors, including poverty, limited access to education and healthcare, and the prevailing social stigma surrounding HIV. The insufficient allocation of funds to the healthcare sector by the government, coupled with reductions in healthcare spending by marginalized families, will further worsen the situation. The Lao government must urgently implement tangible measures to safeguard their right to health, in order to ensure access to economic, social, and cultural rights for all.

### **109. Questions**

- Can the State party provide an overview of any ongoing or proposed initiatives aimed at mitigating the adverse impact of financial hardship on health accessibility, and how these efforts align with the principles of economic, social, and cultural rights?
- In line with the 2020 UPR Recommendation made by Vietnam to Lao PDR, how does the government plan to prioritize and allocate financial resources to ensure that essential medical services are accessible to all citizens, especially those belonging to vulnerable or marginalized groups?
- Can the State party provide information on its current efforts or potential plans to address the issue of high HIV infection rates among youth, and detail any strategies being considered to prevent new infections and support affected youth?
- In line with the 2020 UPR Recommendation made by the Democratic People's Republic of Korea to Lao PDR, how does the government intend to bridge the existing gaps in healthcare accessibility between urban and remote areas, and what specific strategies are being considered to develop robust healthcare infrastructure in remote regions?



### XIII. Poor Education

#### Articles 13 and 14: Right to education

##### (1). Insufficient state funds allocated to education

110. The right to education is enshrined in Article 38 of the Lao Constitution,<sup>118</sup> which provides that "Lao citizens have the right to research, education, and learning to develop themselves toward an advanced level." Further, the right to education is guaranteed by Article 4 of the 2015 Law on Education,<sup>119</sup> which states that "all citizens in The Lao PDR without discrimination on the grounds of nationality, race, religion, ethnicity, gender, age, physical state, and socio-economic status have the right to quality education and equal lifelong learning in accordance with laws and regulations." Despite these legal and constitutional provisions, access to quality education continues to be a challenge in Lao PDR, primarily due to the insufficient dedication of resources by Lao authorities to invest in the future of its youth.
111. Contrary to the assertions made by the Lao government in its CESCR state report from 2020, wherein it claims to « actively develop quality education and provide opportunities and conditions for universal education, especially among individuals residing in remote areas, ethnic communities, women, children, marginalized populations, and people with disabilities », the most recent statistics on education tells a completely different reality.
112. This lack of commitment from Lao authorities to address the issue is underscored by the decreasing allocation of public funds to education over the years. From 2017 to 2022, there was a noticeable reduction in the percentage of GDP allocated to education and health, plummeting from 4.2 percent to approximately 2.6 percent over the same period.<sup>120</sup>
113. Inadequate education funding has driven numerous teachers to resign from their positions in an effort to manage the escalating daily living costs. As a result, various regions are experiencing a shortage of teachers, leading to the closure or merging of several schools. This, in turn, severely impedes access to education for young Lao pupils and students. In 2023 alone, Savannakhet Province is projected to witness the closure of 25 schools due to the acute teacher shortage.<sup>121</sup>
114. In July 2023, the Lao government recognized that substandard school conditions, along with other contributing factors, have been pinpointed as one of the primary reasons behind the alarming rates of school dropout in Lao PDR.<sup>122</sup> In 2022, UNICEF highlighted a substantial surge in learning challenges



experienced by Lao children, largely stemming from the closure of schools, a sharp increase in dropout rates, and a reduction in enrollment rates.<sup>123</sup>

## **(2). Inadequate solutions to a structural issue**

115. The ongoing shortage of teachers is a significant obstacle to the educational, economic, and social progress of the Lao Youth. This shortage results from the government's inability to provide competitive salaries, benefits, and career advancement opportunities. These challenges are particularly pronounced among volunteer teachers in rural areas. The subpar teaching standards are due to poor teaching conditions coupled with inadequate infrastructure and facilities. Years of neglect from government initiatives have led many teachers to abandon their profession, resulting in a decline in the attractiveness of teaching as a career choice.

116. In a move to tackle the shortage of teachers, the Lao government issued a notice n°1216/CC on August 15, 2023<sup>124</sup> which urges the Ministry of Education and Sports to partner with pertinent stakeholders to formulate solutions, collect data relevant to teachers' needs and foster a stronger sense of responsibility and selflessness among civil servants and volunteer teachers. Additionally, among other recommendations, the government has mandated the prohibition of teacher transfers to other positions, while also calling for relevant stakeholders to engage with parents and students to promote increased attendance and successful completion of compulsory education.

117. While the notice seems to reflect the government's commitment to addressing the problem, the recommendations it contains overlook the structural issue – the glaring lack of funding. By calling for stronger responsibility and selflessness among teachers, or by simply urging students to complete their education, the Lao government sidesteps the fundamental root cause: the Lao government's own negligence and mismanagement in the education sector.

## **(3). Abusive teaching practices on Lao students**

118. Even though Lao PDR is a State Party to the Convention on the Rights of the Child (CRC), which expressly asserts that the use of corporal punishment on children effectively violates their fundamental human rights, their right to respect for human dignity and physical integrity and to equal protection under the law, the country still hasn't enacted any specific legislation to prohibit corporal punishment in all settings.<sup>125</sup> Disturbingly, the practice of using corporal punishment as an educational tool continues to be pervasive in Lao PDR, with its prevalence being consistently decried and exposed on Lao social media, such as the "Power by Keyboard" Facebook page.

119. In recent years, the harmful teaching practices perpetrated on students by certain Lao teachers have been increasingly criticized and condemned by the public. For instance, a growing number of both students and parents are denouncing the stringent haircut policies implemented by some schools.



Instances where students who did not conform to a teacher's definition of an appropriate haircut and faced severe consequences, such as sudden expulsion during an ongoing exam<sup>126</sup> or being dismissed for expressing disagreement with the school's haircut regulations<sup>127</sup> were met with widespread public backlash.

120. In addition, the utilization of violence as an educational approach is now widely recognized as inappropriate, detrimental, and antiquated in Lao society. On April 3, 2023, a video surfaced on social media depicting a teacher inflicting physical harm on a student by twisting an ear until it bled, sparking widespread outrage.<sup>128</sup>

121. Rather than tackling the deep-seated structural obstacles present within the educational system, the Lao government through the Lao Youth Union, has put forth a draft Law in July 2023.<sup>129</sup> This proposed legislation aims to provide « protection and guidance to the Lao youth.» Its primary goal is to encourage greater youth involvement in the union, as refraining from joining is seen by Lao authorities as potentially exposing them to corruption, undesirable behaviors, and detrimental influences.

122. Although the Lao government states that the draft law seeks to mitigate the possible dangers arising from the exposure of young people to harmful ideological influences, its primary effect seems to be granting the government greater authority to regulate and restrict the economic, social, and cultural rights of the Lao Youth.

### 123. Questions:

- What strategies and programs has the government implemented to reduce school dropouts, particularly among marginalized and vulnerable populations, and ensure access to quality education for all children and adolescents?
- How does the government plan to address the disparities in access to quality education between urban and remote areas, and what strategies are being considered to attract and retain qualified teachers in schools located in remote regions?<sup>130</sup>
- How has the government worked to identify and address abusive teaching practices, including physical, verbal, or psychological abuse by teachers towards students, and what measures have been taken to ensure the safety and well-being of students in educational settings?
- In line with the 2018 CRC Concluding Observations, could the State party provide details on any recent or upcoming plans to significantly raise budget allocations for health and education sectors, aiming to meet at least the minimum levels set by the National Assembly and the Law on Education, as well as ensuring adequate resources for child protection initiatives?<sup>131</sup>



## Endnotes

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## About Manushya Foundation

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Manushya Foundation was founded in 2017 with the vision to build a movement of Equal Human Beings #WeAreManushyan. Manushya is an intersectional feminist human rights organization reinforcing the power of humans, in particular women, human rights defenders, indigenous peoples, forest-dependent communities, environmental defenders, LGBTI groups, and Youth, to be at the heart of decision-making processes that concern them and to speak truth to power at the forefront of their fight for Human Rights, Equality, Social Justice and Peace. Through coalition building, capacity building, community-led research, advocacy and campaigning, and sub-granting, local communities become Agents of Change fighting for their rights and providing solutions to improve their lives and livelihoods, pushing back on authoritarian governments and harmful corporations. Manushya defends local communities and seeks justice with them before the United Nations, focusing on women's rights and gender equality, digital rights, climate & environmental justice, and corporate accountability across Asia.



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Manushya Foundation



**MANUSHYA**

#WeAreManushyan ∞ Equal Human Beings

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