



WOMEN'S RIGHTS IN LAO PDR

OVERALL CONTEXT

The Lao Government has made efforts to legally and constitutionally address gender inequality and advance women's rights. Among some positive legislative and administrative steps to enhance gender equality, the government has revised the constitution in 2015, providing for gender equality before the law, and adopted a National Action Plan on Prevention and Elimination of Violence Against Women and Children (2021-2025). This agenda is reflected in the promotion of a series of laws targeting women's vulnerability at different levels: the 2015 Law on Prevention and Elimination of Violence against Women and Children, finally criminalizing marital rape among other forms of sexual violence; and the 2016 Law on Anti-Trafficking in Persons, addressing Lao PDR's significant problem of trafficking as a primary source country as well as a transit one in the region. Nevertheless, in spite of these commitments, women in Lao PDR continue to experience discrimination resulting from existing gender stereotypes and power structures, in particular gender traditional norms and problems of weak enforcement of laws, policies and services. Gender disparities continue to dominate and women remain highly vulnerable to sexual violence, trafficking, lack of access to health and reproductive rights, poor education, and political and economic isolation. Young women and women belonging to ethnic and indigenous groups represent the most vulnerable populations.

BRIEF ASSESSMENT OF THE IMPLEMENTATION OF THE 2nd CYCLE UPR RECOMMENDATIONS

During the 2nd UPR cycle, the government of Lao PDR received 12 recommendations on women's rights and gender equality. Only one recommendation was noted, appealing to the ratification of the Optional Protocol of CEDAW, which has not been implemented. The other eleven recommendations, focusing on women's protection from trafficking, poverty and different forms of discrimination have been accepted. The government has shown efforts to advance women's rights, particularly with regards to violence against women. In November 2019, during the 25th International Conference on Population and Development (ICPD), the country has discussed a set of actions aimed at promoting the rights and welfare of women, particularly through a National Action Plan on Prevention and Elimination of Violence Against Women and Children (2021-2025). Nonetheless, issues of discrimination, gender inequality due to traditional gender norms, poor implementation and monitoring mechanisms, allow significant challenges to persist.



REALITIES ON THE GROUND

Challenges

Cases, Facts, Comments

Challenge 1: Poor Political and Public Representation, Participation & Inclusion in decision-making: women in Lao PDR are largely excluded from decision-making processes.

Women's public representation at the national level has reflected some improvements in the past years, with a rise in the number of seats in the National Assembly from 25 percent in 2011, to 27.5 percent in 2016.

Nonetheless, women's representation in politics and decision-making is still considerably low. For instance, only 3 percent of village chiefs are women, and the number stay as low as only 9 percent at central party and local government levels, and 15 percent at the Minister level. The significant lack of women in public participation diminishes the credibility and effectiveness of gender strategy and action plan at the government and policy-making level.

Challenge 2: Gender disparity in education leads to higher levels of illiteracy, unemployment and lack of information among women, especially the youth.


There is a disproportionate low rate of enrollment among women and girls in vocational schools and higher education, particularly in non-traditional fields of study such as science, technology and engineering. Reasons are attached to traditional norms of gender roles, with family prioritizing boys' education in contrast to early marriage for girls. This results in gender disparity in literacy rates – 69 percent for girls against 77 percent for men – and lower educational attainments, leading women to have less chances to obtain a fair job or significant role in Lao society.

Gender disparity in education is also problematically evident in the lack of information about reproductive and health rights for women, including knowledge about HIV and HIV treatments: data reveals that about 44% of women with no or little education have not heard of HIV.

Challenge 3: Maternal mortality: While the level of maternal mortality has decreased and efforts have been made to improve prenatal and obstetric postnatal care, maternal mortality is still significant in Lao PDR, with one of the highest levels in Asia, due to failing medical treatments and restrictive laws on reproductive rights.

About 50% of mothers and new-born babies have been found to lack access to post-natal health checks within two days of birth. Moreover, the criminalization of abortion under article 92 of the Penal Code raises significant concerns. With sentences between two to five years imprisonment for women engaging in abortion and between five to ten years for any person practicing abortion professionally, the prevalence of unsafe abortions is highly reported. As a result, women's lives and health are put at greater risk, contributing to maternal mortality.

The Committee on the Elimination of Discrimination against Women at its session in November 2018 brought up the specific vulnerability of young women, more vulnerable to high rates of teenage pregnancy, limited access to sexual and reproductive health services, and lack of information.



Challenge 4: Trafficking of women for the purpose of sexual exploitation or forced labour continues to dominate. The insufficient measures available to address the drivers of trafficking including poverty and lack of economic opportunities, provide significant obstacles to tackle this issue, with more girls and women pushed to go out of the country, where they commonly fall into commercial sex labour.

The Lao Women's Union (LWU) reported providing services, including shelter, to 52 victims of trafficking during 2018, including 47 victims of sex and labour trafficking abroad. In 2018 the government increased law enforcement efforts to fight trafficking: Article 215 of the 2018 Penal Code criminalizes sex trafficking and labour trafficking and increases penalties of five to 15 years' imprisonment and a fine of 10 million to 100 million Lao kip (\$1,170 to \$11,720). In this period the Lao Anti-Trafficking Secretariat and National Steering Committee focused on providing training to law enforcement officials, and the Ministry of Justice organized trainings for district level police, the judiciary and social welfare to disseminate information for the management of trafficking cases. Anti-trafficking organizations however continue to report bribes among low-level officials that facilitate trafficking of girls, including through falsification of travel and identity documents.

Challenge 5: Violence against women: positive steps have been taken to address gender-based violence; in particular sexual violence. However, the issue is still critical and mostly linked to traditional norms and weak complaints mechanisms.

According to the 2014 Lao National Survey on Women's Health and Life Experiences, country's first national survey on violence against women, one in three women in a relationship have experienced physical, sexual or emotional violence at the hands of their partner. The 2015 Law on Prevention and Elimination of Violence against Women and Children has been a positive step for the protection of women's rights: marital rape has finally been criminalized among sexual violence crimes, and direct and indirect discrimination against women has been prohibited. Nonetheless, sexual violence remains a significant and underreported issue, due to weakly enforced complaint mechanisms and traditional gender norms and roles. Often women lack information about complaint mechanisms or feel discouraged to use them due to fear of stigma and fear of reprisals within their family. According to the 2017 Lao Social Indicator Survey, 30 percent of women believe that domestic violence against women is justified when women do not comply with gender norms and roles.

In November 2019, at the Nairobi Summit on the 25th International Conference on Population and Development (ICPD), the government of Lao PDR has committed to a set of actions to promote the rights and welfare of women, mainly referring to achieving the end of gender-based violence through the National Action Plan for the Prevention and Elimination of Violence Against Women (2021-2025).

Challenge 6: Women in rural areas or belonging to ethnic and indigenous groups face multiple forms and layers of discrimination and marginalization.

Indigenous women are significantly vulnerable to violation of their human rights due to their double marginalization, being women and indigenous. Moreover, this is exacerbated in the contexts of negative impacts of development or business projects, with women being dispossessed of their customary lands and resources.



As a result, it causes women to significantly change their roles from caretaker and provider of food and other resources for their families, to earn a financial income.

Absence of economic opportunities in rural areas exposes many women and girls, including those in resettled villages or underaged, to high risks of trafficking for sexual exploitation or other exploitative labour as well as gender-based violence.



RECOMMENDATIONS TO THE GOVERNMENT OF LAO PDR

- 1. Poor Political Representation, Participation & Inclusion in Decision-making: Women in Lao PDR are largely excluded from decision-making.**
 - 1.1.** In line with CEDAW Concluding Observation 12 (a) (2018), strengthen capacity building and enforcement mechanisms to ensure the effective inclusion of women in decision-making.
 - 1.2.** Increased numbers and enhanced quality of women's representation and leadership in the political party and in leadership posts, especially at local government and village levels, in line with CEDAW Concluding Observation 31 (2018).
 - 1.3.** As recommended in the Report of the Special Rapporteur on extreme poverty and human rights section 65 (2019), the number of women should reach at least one third of all provincial governors and village chiefs by 2025.
- 2. Gender disparity in education leads to higher levels of illiteracy, unemployment and lack of information among women, especially the youth.**
 - 2.1.** Increase efforts to raise girls' enrollment rate in school, literacy levels and knowledge of non-traditional subjects as noted in CEDAW Concluding Observation 36 (2018). This includes awareness raising campaigns among parents and community leaders to express the importance of education for women.
 - 2.2.** In line with CEDAW Concluding Observation 12 (a) (2018), strengthen capacity building and enforcement mechanisms to ensure the prohibition of discrimination against women in the field of education, including the allocation of adequate human, technical and financial resources.
- 3. Maternal mortality is still significant in Lao PDR, with one of the highest levels in Asia, due to failing medical treatments and restrictive laws on reproductive rights.**
 - 3.1.** Redouble efforts to effectively reduce maternal mortality, including mortality due lack of access to adequate healthcare or unsafe abortions in line with the Human Rights Committee's Concluding Observation 22 (2018) and the CEDAW Concluding Observation 39 (2018). A legislation should be amended to access safe, legal abortion, especially when the pregnancy is the result of rape and ensure that no criminal sanctions are applied to women or medical assistants involved in the practice..
- 4. Trafficking of women for the purpose of sexual exploitation or forced labour continues to dominate.**
 - 4.1.** In line with CEDAW Concluding Observation 14 (b) (2018), ensure the protection of women and girls who are victims of trafficking and provide them with free and immediate access to specialized shelters, medical care, psychosocial counselling, legal aid and rehabilitation and reintegration services.



4.2. Encourage women to lodge formal complaints about gender-based violence by de-stigmatising victims and raising awareness about the criminal nature of such acts.

5. Violence against Women: Positive steps have been taken to address gender-based violence, especially sexual violence. However, the issue is still critical and mostly linked to traditional norms and weak complaints mechanisms.

5.1. Eliminate traditional discriminatory stereotypes about gender norms and roles that allow deep-rooted gender-based discrimination and disparities against women's rights, as suggested by CEDAW Concluding Observation 24 (2018). This includes raising awareness about women's empowerment and the prohibition of any form of violence against women.

5.2. In line with the Human Rights Committee's Concluding Observation 8 (2018), establish an independent national human rights institution in line with the Paris principles to promote and protect women's rights and gender equality.

5.3. In line with CEDAW Concluding Observation 12 (a) (2018), improve the capacity building, enforcement mechanisms and sanctions, including the allocation of adequate human, technical and financial resources, to implement effectively the National Action Plan for the Prevention and Elimination of Violence Against Women and Children (2021-2025).

6. Women in rural areas or belonging to ethnic and indigenous groups face multiple forms and layers of discrimination and marginalization.

6.1. Young women and women living in rural areas or belonging to ethnic and indigenous minorities should receive greater attention, especially with reference to information about reproductive and health rights as well as to development or business projects as recognised by CEDAW.

6.2. Ensure Women from ethnic and indigenous communities are meaningfully involved and consulted, with their consent sought prior to the development of business and/or development projects.



UPR 2nd CYCLE RECOMMENDATIONS

#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Ratification of International Treaties					
121.11	Ratify CEDAW and its Optional Protocol.	Algeria	5 & 8	Noted	Not Implemented
Theme: Discrimination against Women, Poor Political Participation & Decision-making					
121.157	Further work in empowering women in decision-making.	Ethiopia	5.5	Supported	Partially Implemented
121.79	Put forward more efforts to eliminate all forms of discrimination against women and ensure greater women's empowerment, representation and advancement in all sectors.	Republic of Korea	5.1 & 5.2	Supported	Partially Implemented
121.80	Further promote measures for the advancement of women and address traditional stereotypes which limit their self-development.	Myanmar	5.1	Supported	Partially Implemented
Theme: Women & Access to Education and Health					
121.49	Continue with the efforts of realizing the targets of the Millennium Development Goals in the areas of nutrition, gender equality in primary education, reduction of maternal and child mortality.	Sri Lanka	2.1 3.1 3.2 4.1 4.5	Supported	Partially Implemented
121.81	Pursue efforts to improve women's access to education and health services and strengthen the local development planning.	India	4.3 4.5 5.6	Supported	Partially Implemented
121.186	Increase input in poverty reduction, implement the Eighth National Socioeconomic Development Plan, increase input in education, and further increase girls' enrolment rate.	China	1.2 & 4.5	Supported	Partially Implemented
Theme: Women & Human Trafficking					
121.112	Establish measures and programmes to eradicate human trafficking and gender-based violence, especially of women and girls.	Sierra Leone	5.2 & 8.7	Supported	Partially Implemented
121.117	Continue implementing the legislation against all forms of trafficking, and formulate a specific legislation to combat human trafficking, especially of women and children.	Holy See	5.2 & 8.7	Supported	Partially Implemented
121.123	Continue its efforts in training and capacity-building programme for government and law enforcement officials in dealing with the issue of trafficking in persons, particularly women and girls.	Malaysia	5.2 & 8.7	Supported	Partially Implemented



#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Violence Against Women (VAW)					
121.45	Take additional measures for the protection of women and children.	Japan	5 & 16	Supported	Partially Implemented
121.62	Adopt a National Action Plan on Security Council resolution 1325 (2000) on women, peace and security.	Portugal	5 & 16	Supported	Implemented



REFERENCES

ASEAN Commission on Promotion and Protection of the Rights of Women and Children, *Progress Report: On Women's Rights and Gender Equality*. (October 2016).

Manushya Foundation, *Submission to the UN Special Rapporteur (UNSR) on Extreme Poverty and Human Rights: On the Situation in Lao People's Democratic Republic*. (March 2019).

National Commission for the Advancement of Women, *Lao National Survey on Women's Health and Life Experiences 2014: A Study on Violence against Women*. (2016).

United Nations Committee on the Elimination of Discrimination Against Women (CEDAW), *Concluding observations on the combined eighth and ninth periodic reports of the Lao People's Democratic Republic*, CEDAW/C/LAO/CO/8-9, (2018).

UN Human Rights Committee (HRC), *Concluding Observations on the initial report of the Lao People's Democratic Republic*. CCPR/C/LAO/CO/1. (November 2018).

UN Human Rights Council, *Visit to the Lao People's Democratic Republic: Report of the Special Rapporteur on Extreme Poverty and Human Rights*. A/HRC/41/39/Add.2. (2019)

Unrepresented Nations and Peoples Organization (UNPO), *Alternative Report Submitted to the UN Committee on the Elimination of All Forms of Discrimination Against Women Lao People's Democratic Republic*. (2018).



MANUSHYA

Empowering Communities | Advancing Social Justice

About Manushya Foundation

Founded in 2017, Manushya Foundation serves as a bridge to engage, mobilise, and empower agents of change by: connecting humans through inclusive coalition building and; by developing strategies focused at placing local communities' voices in the centre of human rights advocacy and domestic implementation of international human rights obligations and standards.

Manushya Foundation strengthens the solidarity and capacity of communities and grassroots to ensure they can constructively raise their own concerns and provide solutions in order to improve their livelihoods and the human rights situation on the ground.

CONTACT US:

 5/4 Thanon Sutthisan Winitchai 1, Samsen Nai,
Phayathai, Bangkok 10400, Thailand

 contact@manushyafoundation.org

 +66 (0) 945-811-827

 www.manushyafoundation.org

 facebook.com/ManushyaFdn

 twitter.com/ManushyaFdn