



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

**Sixteenth to eighteenth periodic reports of States parties due
in 2009***

Lao People's Democratic Republic⁸, **, ***

[18 February 2011]

* This document contains the sixteenth, seventeenth and eighteenth periodic reports of the Lao People's Democratic Republic due in 2005, 2007 and 2009 respectively, submitted in one document. For the sixth to fifteenth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/451/Add.1, CERD/C/SR.1673 and CERD/C/SR.1674.

** This document was submitted along with the core document and should be read with HRI/CORE/LAO/2011.

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Introduction

Report methodology and structure

1. The Lao People's Democratic Republic submits this report in accordance with Article 9 (1) of the International Convention on the Elimination of all Forms of Racial Discrimination. The report is the 16th and 17th of the Lao People's Democratic Republic under the Convention. It covers the period March 2004–March 2008. It is an update on the measures it has adopted to give effect to the provisions of the Convention since its last report to the Committee.
2. The Report adopts a systematic approach by detailing the measures adopted under specific provisions of the Convention and addresses the issues raised by the Committee during its consideration of the last report of the Lao People's Democratic Republic in 2005.
3. The Lao People's Democratic Republic notes that material included in this report should be read and considered in the context of the constitutional, legislative and social structures in the Lao People's Democratic Republic, and the active policies and programmes that are in place to combat racial discrimination, as outlined in the common core document of the Lao People's Democratic Republic and previous periodic reports. Where relevant, this report will make cross-references to relevant sections of the common core document.
4. The Government of the Lao People's Democratic Republic is firmly committed to the effective operation of the Committee and looks forward to the Committee's consideration of this report.

Consultations with provincial administrations and civil society and mass organizations

5. As indicated in the common core document, the Lao People's Democratic Republic is made up of 17 provinces, each with its own administrative agencies. Since the provincial authorities deal directly with local issues and facilitate the implementation of Government programmes and policies in the provinces, they constitute vital sources of information and aid in the implementation of the Convention. Provincial administrations were therefore consulted in the preparation of this report.
6. In the Lao People's Democratic Republic, mass and civil society organizations play a critical role in the dissemination of information and facilitating the implementation of Government programmes and policies. More importantly, they help to raise public awareness of human rights issues. The Government of Laos therefore also consulted mass and civil society organizations in the preparation of this report at a number of national workshops.

I. Article 1: Ethnic policy

7. The Lao People's Democratic Republic is one of the most ethnically diverse nations in South East Asia and the world (see paragraph 6 of the common core document). The Government of the Lao People's Democratic Republic therefore pursues a policy of equality and non-discrimination among ethnic groups to ensure that Lao society is free from racial or ethnic discrimination.
8. An essential element of the policy of the Government of the Lao People's Democratic Republic on national reconstruction is to ensure the monolithic solidarity

among the people of all ethnic groups in the country. In the Political Report to the Eighth Congress of the Lao People's Revolutionary Party in 2006, the Chairman of the Party's Central Committee reaffirmed that the enhancement of the people's unity is a long-term strategic task of the Party and the people's unity is a fundamental factor in the development of the nation. This guides the policies of the Lao People's Democratic Republic in the implementation of the Convention.

9. In order to attain national coherent solidarity, it is imperative to attentively realize the equal rights of the people of all ethnic groups to promote harmony and at the same time to prevent any acts that would lead to conflicts, distrust and hostility among the ethnic groups of the country.

10. The Government has adopted specific measures to assist the poor and in particular smaller ethnic groups living in remote, mountainous areas. In particular, the Government has adopted the following specific measures since its last report to the Committee on the Elimination of Racial Discrimination:

A. Education

11. The policy of the Lao People's Democratic Republic is that to ensure equality between all ethnic groups in the country, and to eradicate discrimination against any ethnic groups, it is essential to adopt and implement policies that give special treatment and attention to disadvantaged or smaller ethnic groups in the country. Accordingly in 2007 the Government amended the Law on Education of the Lao People's Democratic Republic (2000) to meet the requirements of the national socio-economic development. Article 6 stipulates that "All Lao citizens, irrespective of ethnicity, race, sex, and social status, have the right to education". In accordance with the Law on Education, and to assist smaller ethnic groups, the Government established ethnic primary and secondary schools in all provinces throughout the country to provide and ensure equal opportunities to study. The Government further established ethnic boarding schools to provide better access to education for ethnic children.

II. Article 2: Social development policies

A. Policy for eliminating racial discrimination

12. The Lao People's Democratic Republic has a legal framework against racial and ethnic discrimination. The Constitution of the Lao People's Democratic Republic states in article 8 that the "State pursues a policy of solidarity and equality between various ethnic groups. All ethnic groups have the right to preserve and develop their traditional customs and fine cultures and those of the nation. Any act of division and discrimination among ethnic groups is forbidden. The State undertakes all measures to develop and continually raise the economic and social level of all ethnic groups". (See Part F. of the common core document regarding the provisions of the other laws of the Lao People's Democratic Republic in this regard).

13. The measures undertaken by the State include strengthening of guidelines and policies relating to mass organizations in their work in the Lao society. The specific mass organizations are the following:

- (a) The Lao People's Revolutionary Youth's Union (LPRYU);
- (b) The Lao Women's Union (LWU); and

(c) The Federation of Lao Trade Unions (FLTU).

14. This is also in accordance with the Constitution of the Lao People's Democratic Republic that provides in Article 7 that these "organizations are focal points for strengthening solidarity and mobilizing the social strata of all ethnic groups to participate in tasks of building and protecting the nation, developing people's mastership and protecting the rights and legitimate interests of their members".

15. These organizations are tasked with the implementation of social campaigns to promote ethnic equality and harmony in the country. For the period under review, the activities undertaken by these organizations aimed specially at promoting ethnic harmony and educating the community about non-discrimination include those set out below.

B. Socio-economic policy

16. In 2007/2008 about 26.9 per cent of the Lao population live in poverty. Poverty affects all ethnic groups: each ethnic group has its share of rich and poor. In rural areas of the country's eastern parts which were heavily affected by the bombardments in the wartime and now are contaminated by unexploded ordnance (UXO), the local people live in considerable hardship. The Government's primary objective in the development of these areas was therefore to improve the living conditions of the population with a view to attaining the Millennium Development Goals (MDGs) by the year 2015, and lift the country from its least developed status by the year 2020.

17. The goal of reducing the poverty among the population has underpinned the Government's efforts in the country's development for the past three decades and has been incorporated into national plans for economic and social development. More specifically, in 2006 the National Assembly approved "the eleven-point national priorities programme and 111 projects" submitted by the Government. The most relevant for people's poverty reduction of these priorities are Programme 2 (Integrated agriculture development), Programme 6 (Reduction of community's household poverty and cessation of shifting cultivation) and Programme 10 (Human resources and socio-economic development). These priorities are core components of the subsequent national economic and social development plans adopted by the National Assembly.

18. The Government attaches importance to rural development as most of the Lao population is predominantly rural. The living conditions of the Lao people have gradually improved but most rural people still live in difficult conditions. Their education and knowledge of scientific matters are low. Consequently, the Government has invested in education in the rural highland areas inhabited by most of the smaller ethnic groups. This national investment has yielded important social dividends. In 2001 there were 304,100 poorer households in the Lao People's Democratic Republic (Sixth National Socio-Economic Development Plan adopted in 2006 reporting on the achievement of poverty reduction programme implemented in the Fifth Five-Year National Socio-economic Development Plan). By 2005 the number of poorer households had decreased to 162,500 with the principal beneficiaries being the smaller ethnic groups who live in the rural areas.

19. In line with Government policies, rural development is carried out in focus areas. Each province clearly determines its development focus areas with the emphasis on its actual and potential natural resources and peculiar conditions. In 2005 the Lao People's Democratic Republic proclaimed that poppy cultivation has been discontinued once and for all. Livestock farming zones, and settled habitat development zones were promoted. Once the focus zones have been determined, detailed projects are worked out by clear assignment with responsibilities to provinces, districts and villages for mobilization of funding and technical personnel designed for each specific zone considered as a priority. This exercise

dovetails with the Government's policy on decentralization, which aims to build provinces and capital city into strategic units, districts into planning and budgeting units, and villages into implementing units. At the same time, administrative machineries have been improved and strengthened so as to be able to implement and coordinate in a harmonized manner the activities of other sectors executing these tasks, thereby ensuring the successful development of the focused zones. In this respect, the Government has paid attention to training of its officials, especially provincial, district and village officials, with a view to increasing their abilities in fulfilling their duties in the way of efficient usage of resources and funding. With this, the Government has improved and increased the number of skilled officials.

20. Similarly, rural development has proceeded in an integrated fashion. Production (foodstuffs and various products); facilitating infrastructure (roads, electricity, drinking water and communications) and social services (schools, health centres, arts facilities, libraries and parks) are integrated to enable the population to exploit their traditional resources and skills.

21. During the reporting period, the central and provincial authorities endeavoured to establish some pilot focus zones to act as models for rural development nationwide. The results obtained from these sites are being applied in the lowland, plateau and highland areas. Urban municipalities are being developed in densely populated areas with a view to reducing urban and rural disparities.

22. The Prime Minister issued Decree No: 07/PM, dated 9 April 2004, on increased attention to relocation and sedentary livelihood for the nomadic people living in remote mountainous areas to further implement and materialize Prime Minister's Decree No. 04/PM dated 12 April 2002 on the same subject matter. These regulations of the Government aim, inter alia, to ensure that there is no racial and ethnic discrimination in the implementation of the resettlement and improvement in the living conditions of the multi-ethnic people of the Lao People's Democratic Republic.

23. In 2006 the Lao Government established a National Steering Committee on Rural Development and Poverty Alleviation. The Committee is implementing its programme of action targeting first of all rural and remote areas. One of such programmes is the Poverty Reduction Fund established by the Committee which provides loans for family based enterprises nationwide especially in the rural areas inhabited mostly by smaller ethnic groups.

24. The Government has encouraged studies on ethnic issues. An Institute of Anthropology and Religions Research has been established as part of the National Academy of Social Sciences. The Institute together with the Lao Front for National Construction's Department of Ethnic Affairs and the National Assembly's Ethnic Affairs Committee conducted a scientific study on ethnic groups in the Lao People's Democratic Republic. The study, which included participants representing smaller ethnic groups, was conducted over an extended period. The study recommended the classification of ethnic groups in the country into 4 larger ethno-linguistic groups comprising 49 ethnic groups. The result of the study was endorsed by the National Assembly in December 2008.

25. In pursuance of its ethnic harmony policy, the Lao Government ensures equality and non-discrimination among all ethnic groups in the country. One of the results of this policy is reflected in the fact that representatives of various smaller ethnic groups are members of, and many of them even occupy high positions in, the Party and State organizations.

26. While there exist socio-economic disparities among ethnic groups caused by the hardships and difficulties, the disparities are not the policy or intention of the Government. On the contrary, the Government has adopted appropriate measures to narrow such disparities to raise the living standards of all ethnic groups, especially smaller groups living

in remote areas, by creating necessary conditions such as building ethnic boarding schools in many parts of the country. A pre-university school and a school for talented children are also examples of the policy to enable students from smaller ethnic groups and remote areas to have access to further education opportunities.

27. On the occasion of attending the 61st session of the Committee on the Elimination of Racial Discrimination, the Lao Delegation explained that during the struggle for national independence the Lao population was classified into three nationalities: Lao Lum, Lao Theung and Lao Sung, comprising 68 ethnic groups. This classification was not based on scientific research. The study referred to in paragraph 24 above was conducted based on scientific research including three main criteria such as dialect and traditions, domicile and consent of the ethnic groups themselves. The population of ethnic groups varies from one group to another but none of the ethnic groups wanted to be identified as minorities or majorities. In fact, villages in the Lao People's Democratic Republic are generally inhabited by members of different ethnic groups at the same time.

28. The Government has adopted specific measures to improve the living conditions of the multi-ethnic people of the Lao People's Democratic Republic. Conscious of the socio-economic disparities among ethnic groups, the Government has paid special attention to smaller ethnic groups living in rural and remote areas. The specific measures to assist such ethnic groups include the policy on relocation to provide access for smaller ethnic groups to infrastructure such as basic health care, schools, roads, markets, employment; and the policy on land allocation to end slash and burn cultivation.

III. Article 3: Measures for prevention, prohibition and eradication of apartheid

29. The Lao PDP is an indivisible State of all ethnic groups. The Constitution, laws and regulations of the country apply to all citizens without exception or discrimination. The Lao People's Democratic Republic is a State party to the International Convention on the Suppression and Punishment of the Crime of Apartheid and has strictly adhered to its provisions. The Government considers racial segregation and Apartheid unacceptable and inhumane acts contrary to its policies and laws.

IV. Article 4: Policy and laws against racial discrimination

30. Paragraph V of Part II of the Political Report to the Eighth Congress of the LPR Party held in 2006 deals with the policy on enhancing coherent unity of the Lao people of all ethnic groups under the leadership of the Party to combat any attempt or incitement to undermine the unity and solidarity among the multi-ethnic people of the Lao People's Democratic Republic.

31. The Lao People's Democratic Republic has a general legal framework that prohibits and punishes racial or ethnic discrimination (see Part F. of the common core document). The constitutional and legal provisions guarantee that any act of violence and incitement to violence on the grounds of ethnicity are criminally punishable in the Lao People's Democratic Republic.

V. Article 5: Measures guaranteeing equality

32. By Constitution and laws, the Lao Government prohibits racial discrimination and guarantees the equality of all individuals before the law without distinction as to race or ethnicity (see Part F. of the common core document).

A. Article 5 (a) – Equal treatment before the courts and other organs administering justice

33. All Lao citizens have the right to equal treatment before the courts and other organs administering justice. Article 41 of the Constitution states that “Lao citizens have the right to lodge complaints, petitions and manifest their opinions on collective rights and interests or their personal rights and interests. Citizens’ complaints, petitions and opinions should be taken under consideration and solved as defined in laws”. Article 4 (1) of the Law on People’s Court provides that “all Lao citizens, irrespective of their sex, economic or social status, race, ethnicity, language, educational level, occupation, religion, domicile or other considerations, are equal before the law and the courts”. The Civil Procedure Law (Article 3 (1)) provides that “individual, organisation or enterprise have the rights to bring a legal action, as defined in law, in order to protect their rights and interests that are violated or contended by others”. The same Law stipulates in Article 5 (1) that “the courts alone are competent to hear and make judgements on cases strictly based on the law”.

34. The Government pays attention to ensuring equality for individuals before the law and the courts to ensure fair trial and due process of law for all. The amended Law on Criminal Procedure provides under Article 6 that “criminal proceedings shall be conducted on the basis of citizens’ equality before the law and the court without any distinction as to sex, race, ethnicity, social or economic status, language, educational level, occupation, religion or beliefs, domicile or other grounds. The people’s courts shall create conditions for citizens, particularly the accused, defendants, and civil plaintiffs, to exercise their rights ensuring that the criminal proceedings are objectively conducted in due process”. Article 7 of the same law states that “an accused person may defend his/her case at court by himself/herself with or without a legal assistant. The people’s courts, public prosecutors, interrogators and investigators shall guarantee an accused person this right in order to protect his legitimate rights and interests. The claimant shall bring evidence to prove that the accused person or defendant committed the offence. Accused person, defendant is entitled to submit evidence in favour of his case, but shall not be forced to provide evidence to prove his innocence.” Article 12 of the same law provides that “language used in court proceedings must be Lao language. Litigants who do not speak Lao language may, in such proceedings, use their mother tongues or other languages through translation facility”.

35. In 2006 the National Assembly of the Lao People’s Democratic Republic adopted the Law on Complaints, which provides for substantive procedural rules for individuals or organizations to lodge complaints before competent authorities. The Law protects both collective and individual rights and interests. The Law classifies complaints into three categories: complaints to the administrative bodies called “request”, to the judiciary called “claim” and to the National Assembly called “petition for justice”.

36. The Law has been well received by the public since the first days of its adoption. By virtue of this law, all individuals and organizations without discrimination as to race or ethnicity have a firm legal framework within which they can file any complaints, including complaints for violations of their rights and discrimination based on race or ethnicity.

B. Article 5 (b) – The right to physical inviolability

37. Lao citizens are guaranteed the right to physical inviolability. This right is guaranteed by the Constitution and laws. Articles 6 and 42 of the Constitution and Article 5 of the Criminal Procedure Law provide this right for Lao citizens.¹ Cases of physical and other forms of abuse against people based on their ethnic origin are investigated and prosecuted in accordance with the law.

1. Allegations of sexual and physical abuse against Hmong women

38. With respect to the allegations of rape and physical abuse of Hmong women by members of the Lao People's Army (LPA) in Xaisomboune Special Zone on 19 May 2004, as has already been noted to the Committee on the Elimination of Racial Discrimination, upon receiving the complaints and information, the General Staff Department of the Ministry of National Defense, by its decision No. 352/KPT dated 30 September 2004, established an ad hoc investigation team, composed of three competent persons to initiate an investigation. The team met with local authorities and villagers in the area where the incident allegedly occurred. In its thorough investigation the team found no evidence which could support the claim. The absence of any evidence or information about the alleged incident led the investigation team to the conclusion that the alleged incident was groundless and appears to be merely a fabrication intended to harm the image of the Lao People's Army. Further details of the Lao Government's response to the incident is contained in the letter of the Lao Permanent Mission to the United Nations in New York, sent to the Committee in June 2006 or in document CERD/C/Lao/CO/15/Add.1.

39. Infringement upon the right of an individual regardless of his/her race or ethnicity to physical inviolability is a criminal act under the law of the Lao People's Democratic Republic. Article 90 of the Criminal Law states that: "any person who intentionally causes injury to others shall be deprived of liberty for a term of between three months and a year with a fine of between 100,000 and 500,000 kip. In the case of beating or committing offending acts resulting in serious injury, the term of imprisonment shall be between one and five years with a fine of between 500,000 and 1.5 million kip. In cases of disability or death, the term of imprisonment shall be between 5 and 10 years with a fine of between 700,000 and 3 million kip. Attempted commission of the same offence shall be punishable". Article 99 of the Criminal Law provides that: "any person who unlawfully arrests or detains another person shall be punished by imprisonment of six-month to two-year term with a fine of 500,000 kip to 3,000,000 kip. Where such an offence causes health degradation to the arrested/detainee, the perpetrator shall be punished by imprisonment of two to five years with a fine of 700,000 kip to 5,000,000 kip. Where such an offence causes disabilities or death on the part of the arrested/detainee, the offender shall be punished by imprisonment of five to fifteen years a fine of 1,000,000 kip to 7,000,000 kip." Article 171 of the Criminal Law reads that "any person committing torture, applying measures or other acts inconsistent with the laws against the accused or prisoners upon arrest, during proceedings or punishment serving shall be punished by imprisonment of three months to three years or be re-corrected without deprivation of liberty with a fine from 300,000 to 2,000,000 kip". These legal provisions are applicable to all persons equally without any discrimination.

¹ The relevant texts of the provisions of the legal instruments were given in the previous Lao People's Democratic Republic report (CERD/C/451/Add.1, para. 38).

C. Article 5 (c) – Political rights

40. The political and civil rights of the Lao people are guaranteed under the Constitution and laws of the Lao People's Democratic Republic.² The exercise of civil and political rights is further ensured by criminalizing acts violating these rights. Article 105 of the Criminal Law states that “any person obstructing another person's right to vote or to stand for election to the National Assembly by means of threats, bribery or misleading shall be punished by imprisonment of three months to one year with a fine from 100,000 to 1,000,000 kip”. Article 106 of the same Law states that “any person forging or destroying election documents, forging or destroying ballots or the results of an election to the National Assembly, shall be punished by one to two years of imprisonment and shall be fined from 200,000 to 2,000,000 kip”.

41. The electoral quota for members of the National Assembly during the reporting period remains the same as given in the last report.³ The election of the Sixth Legislature of the National Assembly took place on 30 April 2006. The Sixth Legislature of the National Assembly comprises 115 members of whom 29 are women; 92 (21 women) are from the Lao-Tai ethno-linguistic group; 17 (6 women) from the Mon Khmer ethno-linguistic group and 6 (2 women) from the Hmong-Iu Mien ethno-linguistic group. Members of the National Assembly from different ethnic groups hold high-ranking positions in the National Assembly. One of the Vice Presidents of the National Assembly is a Hmong (who in 2010 became the President of the National Assembly), while representatives of other ethnic groups hold the position of vice-chair of various Committees of the National Assembly. In the Lao People's Democratic Republic, the position of Vice Chair of the National Assembly Committee is equivalent to the position of Vice Minister in the Government.

42. In addition, various smaller ethnic groups are also represented in the organisations of the Party and Government. The Party Central Executive Committee consists of 55 members of whom many are smaller ethnic representatives, including 4 Hmong. The Party Politburo, the highest governing body of the Party consists of 11 members including one member from the Hmong ethnic group and one member from the Chino-Tibetan ethno-linguistic group.

43. Representatives of different ethnic groups hold leading positions in the Government including the posts of deputy prime minister, minister and vice-minister. The Deputy Prime Minister, who is also the Chairman of the Government Inspection Authority, is from the Chino-Tibetan ethno-linguistic group. Among other high-ranking officials in the Government, members of Hmong ethnic groups hold the posts of Minister of Justice, Minister to the Prime Minister's Office, Vice-Minister of Education, Vice-Minister of Labour and Social Welfare, Vientiane Capital City Mayor, Governor, Deputy Governors of provinces and districts. Members of smaller ethnic groups are directors-general and deputy directors-general of government departments in various ministries, diplomats, directors of academic institutions and hospitals, army and police officers up to the rank of colonel and general.

44. The Lao Front for National Construction, the political organisation that unites the solidarity of the Lao people of all ethnic groups has representatives of ethnic groups in its leading positions. The First Vice President of the Lao Front for National Construction (LFNC) is a Hmong who is also a member of the Party Central Executive Committee.

² Please refer to paragraph 41 of the previous report (CERD/C/451/Add.1), p. 12.

³ Please refer to paragraph 42 of the previous report (CERD/C/451/Add.1), p. 13.

D. Article 5 (d) – Other civil rights

1. Freedom of movement and residence within the borders of the State

45. Lao people of all ethnic groups enjoy freedom of movement and residence within the Lao People's Democratic Republic. In the Constitution, Article 40 provides that "Lao citizens enjoy freedom of residence and movement in accordance with the law". In accordance with this provision, there is neither restriction nor barriers on the movement of people within the borders of the country. People are free to choose the place of residence suitable to their abilities and their personal circumstances.

46. The Government of the Lao People's Democratic Republic pursues a policy of establishing development villages and development cluster villages. For this purpose, the Government is implementing a relocation policy (Prime Minister's Decree No. 07/PM dated 9 April 2004) through moving people from remote, mountainous areas where they used to live in a nomadic manner to new villages with infrastructure such as schools, hospitals, land for cultivation, roads, electricity, clean water and market access. The relocation policy is aimed at creating favourable conditions for smaller ethnic groups to improve their livelihood in a sustainable manner. The establishment of development villages and development cluster villages is a crucial component in the poverty reduction programmes undertaken by the Government. This helps to advance the efforts to put an end to slash-and-burn cultivation in the mountainous areas that has an adverse impact on the environment.

47. The Government of the Lao People's Democratic Republic is aware that the establishment of development villages and cluster villages involves relocation, with significant implications for the families affected. The Government therefore pays great attention to the feeling of the affected ethnic groups, to ensure the solidarity and understanding among such groups.

48. The implementation of the relocation policy has proved progressively successful. 679 projects were executed with a budget of over US\$4 million. In the implementation of the National Growth and Poverty Eradication Strategy (NGPES), the Government is striving to provide assistance and development to remote and mountainous areas with a view to improving the living conditions of the smaller ethnic groups, including the Hmong. Efforts are being made in creating development cluster villages for instance, in Phaxay and Phou Kout districts and Xiengkhouang province, in order to facilitate the development efforts that provide benefits to smaller ethnic groups living in the remote and mountainous areas. Another example of the development model is provided in document CERD/C/LAO/CO/15/Add.1, p. 8, regarding Viengthong district, Bolikhamxay province, which is one of the poorest, remotest and most ethnically diverse districts in the country. The development cluster village of Sobe-nar and Koke-kharm in the district are mostly inhabited by members of the Hmong ethnic group who used to practice nomadic patterns of livelihood in the mountains. All ethnic groups in the villages of Viengthong enjoy freedom to practice their customs and traditions. They have food sufficiency, access to electricity, clean water and permanent employment.

49. Ethnic groups who are affected by large development projects receive appropriate assistance. In 2006, the Prime Minister issued Decree No. 192/PM of 07 July 2006 on Compensation and Resettlement of the People Affected by Development Projects. The Decree provides for the principles, regulations and measures for mitigating adverse social impact and compensation for the people affected by development projects. By way of example, the construction of the hydropower station NT 2 affected 1,240 households of different ethnic groups. The communities affected received due compensation in the form of cash payments, permanent housing and new livelihoods. 1,271 households in Nakai Plateau were relocated to new areas near the reservoir before it was filled. They were

provided with new houses, schools, community buildings, clean water systems and latrines for each household. The resettlement proceeded in parallel with the implementation of livelihood programme which included agriculture, cattle breeding, fishery and other undertakings that generate income. The Project allocated US\$16 million for the purpose of mitigating the impact of power generation and construction of channels to supply water for communities located below the power house. A health programme was also initiated, aimed at improving health-care services for local people as well as to solve health problems of community members that may emerge during the project construction and its operation. All these programmes are jointly implemented by the Lao Government and the Nam Theun 2 Power Company (NTPC) and will gradually be transferred to the Lao Government to secure sustainability. Similarly, Xepone Gold/Copper Mining Project contributes US\$500,000 per annum to the Community Development Fund while Phoubia Mining Project contributes US\$300,000 annually to a similar fund. The ethnic groups affected by these development activities received permanent housing specifically built as part of the assistance and compensation. They have also been provided with land for cultivation and training on income generation. In addition, both projects reserve employment opportunities for local ethnic people living in the areas of the projects, thus enabling them to have permanent income, improving living conditions, contributing to poverty reduction in the localities near the projects sites and in the country as a whole. Both Xepone and Phoubia mining projects apply international standards to protect the environment.

2. Freedom to leave and to return to one's country

50. Under article 40 of the Constitution, "Lao citizens have the right to leave the country and return to it legally". Laws and regulations of the Lao People's Democratic Republic set forth favourable conditions for the Lao citizens to exit the country without hindrance. Since early 2007, Lao citizens holding ordinary passports do not have to obtain an exit visa from the authorities concerned (before, it was necessary to obtain such a visa). Moreover, to facilitate cross-border movement of Lao citizens, international border-checkpoints, local checkpoints and traditional checkpoints have been increased in numbers. At the present time, the Lao People's Democratic Republic has opened 54 checkpoints including 19 international checkpoints with the neighbouring countries. In addition, the Government has concluded agreements on visa exemption with a number of foreign countries, including all ASEAN members. Lao citizens have the freedom to return to their home country. The Government places no restrictions on such return. In fact a great number of people from smaller ethnic groups who are still Lao citizens or hold foreign citizenships visit their homeland every year and especially during the time of festivities celebrated by smaller ethnic groups such as the Hmong and other ethnic groups. There were cases involving third elements having deceived and lured members of ethnic groups, in particular the Hmong, to leave the country. Ensuring the right to return to their home country, the Governments of the Lao People's Democratic Republic and the neighbouring country concerned reached an agreement on their repatriation to the Lao People's Democratic Republic, which was implemented by the end of 2009. The Lao Government has provided due assistance to reintegrate them into society by providing them with basic needs including housing, land for cultivation in the specifically built new developments and money and rice. For those who wished to return to their original villages they were allowed to do so. The returnees enjoy all the rights and freedoms under the Constitution and Laws in accordance with the human rights obligations of the Lao People's Democratic Republic under international law like other citizens of the country. They in particular enjoy the right to freedom of movement and travel within the country as well as the right to leave the country and return to it in accordance with the laws and regulations of the Lao People's Democratic Republic.

3. Right to nationality

51. The right to nationality is provided in the Constitution as given in the previous report. The Law on Lao Nationality stipulates that “Lao nationality is a legal and political bond between a person and the Lao People’s Democratic Republic which reflects the rights and obligations of Lao citizens before the State of the Lao People’s Democratic Republic and the rights and responsibilities of the State of the Lao People’s Democratic Republic for Lao citizens. An individual holding Lao nationality is a Lao citizen” (Article 2). In the Lao People’s Democratic Republic all Lao people regardless of their ethnicity hold Lao citizenship. The Law also provides for the reduction of statelessness by improving the procedures for acquiring Lao nationality. The law defines equal rights between mother and father in acquiring nationality for their children irrespective of the basis of acquisition of Lao nationality by either parent: by birth or through legal procedure. Under Article 9 of the Law on Lao Nationality, Lao nationality is acquired by birth, grant, re-acquisition, or other basis as provided in Articles 11 to 14 of the Law. Under Article 10, children born to parents both holding Lao citizenship will be considered as Lao citizens without taking into consideration their place of birth. If one of the parents is a Lao citizen, their children will be considered as Lao citizens by birth if (1) they are born within the territory of the Lao People’s Democratic Republic; (2) they are born outside the territory of the Lao People’s Democratic Republic, but one of parents has at that time a permanent residence in the Lao People’s Democratic Republic. In the event that one of the parents is a Lao citizen and the other is a stateless person, the children will be considered as Lao citizens by birth without taking into consideration the place of their birth. Children born in the Lao People’s Democratic Republic to stateless parents permanently residing in the Lao People’s Democratic Republic and integrated into the Lao society and culture will acquire Lao citizenship if requested by their parents. Children found in the Lao People’s Democratic Republic and whose parents’ identity is unknown will be considered as Lao citizens. By the Law on Lao Nationality any member of any ethnic group acquires Lao nationality without any discrimination.

4. Right to marriage

52. The right to marriage of Lao citizens is defined in the Law on Family. Article 3 provides that “Men and women who have attained the age of marriage have the right to marry on the basis of mutual consent, freedom and love. It is forbidden to force or hinder other individual’s marriage.” There is no legal prohibition against mixed ethnic marriages. Lao People’s Democratic Republic citizens can freely choose their spouses and in fact there have been many cases of members of one ethnic group marrying members of other ethnic groups. In such mixed ethnic families, children may identify themselves as members of the mothers’ or the fathers’ ethnic groups.

53. Marriage customs in the Lao People’s Democratic Republic vary according to ethnicity. In the Lao ethnic group, traditionally men head the family. After marriage the bride moves to live with her husband. However, a new couple may also choose to live with the bride’s parents. The practice whereby brides follow their husbands explains why the groom pays dowry to the bride’s parents. The payment of dowry is generally practiced amongst all ethnic groups. According to the survey conducted by the Lao Women’s Union in 1999, the statistics of grooms who paid dowries to brides’ parents is as follows: 87 per cent for Lao-Tai, 77 per cent for Mon-Khmer and 67 per cent for Hmong-Iu Mien. The traditional patriarchal culture applies in different degrees to all ethnic groups in the Lao People’s Democratic Republic. The Lao-Tai ethno-linguistic group applies it not very strictly while the Hmong-Iu Mien ethno-linguistic group applies it more strictly than Mon-Khmer ethno-linguistic group. Generally, the youngest child looks after parents when they are getting old.

54. For Hmong-Iu Mien ethno-linguistic group, sons inherit the land while daughters stay with their husbands and depend on them. According to a family survey conducted in 2005, men in Lao People's Democratic Republic marry later than women. Among the various ethnic groups, the Hmong tend to marry at a younger age than other ethnic groups. The practice of early marriage is mostly found in rural areas.

5. Right to own property individually as well as in association with others

55. The information under this section remains the same as provided in the previous report regarding the constitutional and legislative measures of the Lao People's Democratic Republic with respect to property ownership. In specific terms, the Lao People's Democratic Republic relating to land ownership has constitutional guarantees for the protection of private property.⁴

56. In terms of land ownership, the previous report provided information on the legal framework in respect of land rights.⁵ The information is currently applicable and relevant. The legal provisions in the Lao People's Democratic Republic make no reference to ethnic groups. The laws relating to the right to own property individually as well as in association with others are applicable equally to all ethnic groups or any groups of persons in the Lao People's Democratic Republic.

57. The Government attaches importance to the land title process. The Land Titling Project implemented by the National Land Administration has produced tangible results ensuring that all Lao people have the right to own land. There is no discrimination based on race or ethnicity in the official certification of land ownership. A person of any ethnicity can own land which is certified in the land-title document.

6. Right to inherit

58. The right to inherit is guaranteed by the Law on Inheritance⁶ in the Lao People's Democratic Republic. In the Lao People's Democratic Republic, inheritance traditions vary from one ethnic group to another. Generally speaking, among the Lao-Tai ethno-linguistic group, children receive a share of their parents' inheritance while the youngest child inherits the parents' share of property if he has looked after the parents.⁷ In the Hmong-Iu Mien ethno-linguistic group, sons inherit parents' lands while daughters generally move to live in their husbands' homes. This group adheres more to patrilineal system of inheritance than the Lao-Tai and Mon-Khmer ethno-linguistic groups.

59. The Lao People's Democratic Republic notes that there is an imbalance in property ownership and inheritance rights that favour men in such ethnic groups. However, in accordance with international obligations the State respects the cultural values and traditions of each ethnic group and allows their continuation until such a time when the ethnic groups themselves have developed to the extent that they can adjust their cultural practices to be in line with the Government's policy promoting gender equality. This will happen through education, awareness raising and implementation of poverty alleviation programmes.

⁴ See previous report (CERD/C/451/Add.1) at para. 48.

⁵ Ibid., para. 49.

⁶ Ibid., para. 50.

⁷ In principle the child who looks after the parents until their death inherits their share of property.

7. Freedom of thought, conscience and religion; (viii) Freedom of opinion and expression; (ix) Freedom of peaceful assembly and association

60. Lao people of all ethnic groups enjoy freedoms of thought, conscience and religion which are guaranteed by the Constitution and laws of the Lao People's Democratic Republic.⁸ Article 9 of the Constitution states that "The State respects and protects all lawful activities of Buddhists and of followers of other religions, mobilises and encourages the Buddhist monks, novices and priests of other faiths to participate in those activities which are beneficial to the country and its people. All acts of fomenting division among religions and among the people are prohibited". Article 30 stipulates that "Lao citizens have the right and freedom to believe or not to believe in religions". Article 3 of Prime Minister's Decree No. 92/PM on Management and Protection of Religious Activities in the Lao People's Democratic Republic states also that "The State respects and protects lawful activities of different religions and their clerics in the Lao People's Democratic Republic". Most Lao people are Buddhists. There are however followers of other religions in the country also (see paragraph 8 of the common core document).

61. Under Article 23, paragraphs 3 and 4, of the Constitution, "The State attends to improving and expanding mass media activities for the purpose of national protection and development. All cultural and mass media activities which are detrimental to national interests or the fine traditional culture and dignity of Lao people are prohibited." The National Assembly adopted the Law on Mass Media which has become the basis of expanded opportunities for Lao people of all ethnic groups to equally enjoy the right to information and freedom of expression. So far there are 86 newspapers, magazines and newsletters compared to 13 in 1993. 10 are privately owned magazines. The number of daily newspapers has increased from 2 to 10. Four dailies are in foreign languages. In addition, these daily newspapers have improved their contents in both quality and quantity. They contain more columns and pages with a variety of contents that include popular services such as notices, commercial and business advertisements and other forms of services. There were 37 radio stations, 3 of which are in Vientiane Capital City during the reporting period. The rest are in the provinces. Radio broadcast services cover 80% of the country. There are 32 television stations countrywide of which 2 are privately owned. There are 27 local stations. Television covers 60% of the country. In addition, people in the countryside can install satellite dishes to receive improved signals from both domestic and foreign television stations. Moreover, in major urban centres, people have access to cable TV, which increases the quality and quantity of information received. The media has not only changed the quality of content but also the technology of delivery of information to the Lao society as more and more people particularly in urban areas gradually adopt digital systems to replace the analogue ones. The Internet is also another new information technology which is being widely and rapidly expanded in the country, enhancing access by people to information.

62. Freedom of opinion and expression as well as freedom of assembly and association, is guaranteed by the Constitution⁹ to all Lao people irrespective of their ethnicity. Any acts violating these freedoms are criminally punishable. The amended Criminal Law has provisions on this subject matter.¹⁰ The National Assembly also adopted the Law on Trade

⁸ Ibid., para. 51.

⁹ "Lao citizens have the right and freedom of speech, press and assembly; and have the right to set up associations and to stage demonstrations which are not contrary to the laws" (Constitution, Art. 44).

¹⁰ "Any person breaching another person's individual freedom to engage in lawful speech, writing, gathering, meetings and other [freedoms] shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 100,000 kip to 300,000 kip" (Criminal Law, Art. 102).

Unions to regulate the formation and operations of trade unions. As reported in the common core document, the Government adopted a Decree on Associations which sets out substantive and procedural regulations for the formation and operations of existing as well as future associations.

E. Article 5 (e) – Economic, social and cultural rights

1. The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

63. These rights are guaranteed in the Constitution and laws of the Lao People's Democratic Republic. The constitutional and legal provisions mentioned in the previous report are still current.¹¹ In addition to the information provided in the previous report, it should be emphasized that in 2006, the Lao People's Democratic Republic National Assembly adopted the amended Labour Law. Article 3 provides that "Work must be conducted under an employment contract between the employee and the employer; Work shall ensure that the employer and employees receive mutual benefit, without discrimination as to race, nationality, gender, age, religion, beliefs, and socio-economic status; Employers must use labour in accordance with the abilities of employees; Employers must ensure safe labour conditions, payment of salary or fair compensation and implement social security for employees; Employers must use Lao workers[;] if it is necessary to use foreign workers, approval from the labour administration authority must be obtained; Employers must acknowledge and facilitate employees to participate as members of lawful mass organisations, and other social organisations within its labour unit; Employees that wish to go abroad shall receive training in the necessary general knowledge and obtain permission from the labour administration authority; Employees shall observe rules of work and strictly comply with labour regulations; Labour disputes between employees and employer shall ensure fairness in accordance with the employment contract, laws and regulations; It is prohibited to use the labour by any form of force; The use of labour shall simultaneously build and develop labour skills; Building and development of labour skills shall be consistent with the socio-economic plan and the demands of the labour market." The Lao Government has always paid particular attention to the creation of employment opportunities for the multi-ethnic peoples of Laos to improve their living conditions. Employment in production units in the public or private sectors ensures equal opportunities for people of all ethnic backgrounds without discrimination.

64. In most major development and investment projects, particularly in the provinces, people from smaller ethnic groups were given the priority in employment. Thus for example, the Xepon Mining Project employs 91% of Lao nationals of whom 60 % are from the immediate vicinities of the project. The Phoubia Mining Project pursues a similar policy providing employment for the local ethnic people.

2. Right to form and join trade unions

65. The Constitution provides for freedom to form associations (Article 44). Together with the constitutional provision, the Labour Law, the Law on Trade Unions and Prime Minister's Decree No. 98/PM of 14 December 1995 constitute a legal basis for all Lao people to form and join trade unions irrespective of their ethnicity. At the time of writing this report, there are 105,541 trade unions members throughout the country of which 36,315 are women, representing people from all ethnic groups in the Lao People's Democratic

¹¹ CERD/C/451/Add.1, paras. 52–54.

Republic. The chairman of the Lao Federation of Trade Unions was from the Hmong ethnic group.

3. Right to housing

66. The provisions of the Constitution and Prime Minister's Decree No. 194/PM of 12 November 1994 as detailed in the previous report are still applicable in the Lao People's Democratic Republic. In implementing this policy, the Government has provided housing and land for civil servants within the constraints of the State budget. Moreover, in the national socio-economic development plans, and particularly in the rural development programmes, government policy is designed to eliminate poverty for the multi-ethnic people, narrow the gap between urban and rural areas, distribute income to the disadvantaged and improve the quality of life of the multi-ethnic people. While there are current constraints on housing, it is anticipated that once national economic conditions have been improved, the problem of housing can be resolved gradually. In the Lao People's Democratic Republic there are no homeless persons in the cities or elsewhere in the country. With its relatively small population, housing is not yet a major problem in the Lao People's Democratic Republic. As mentioned earlier, in the implementation of relocation programmes, establishing development villages and cluster development villages, people affected receive permanent houses and other assistance from the relevant projects regardless of their ethnicity.

4. Right to public health, medical care, social security and social services

67. The Constitution, the Law on Hygiene, Disease Prevention and Health Promotion and Prime Minister's Decree No. 207/PM of 23 December 1999, as provided in the previous report, are still relevant and applicable at the present time. Article 3 of the Law on Hygiene, Disease Prevention and Health Promotion (2001) states that "All citizens, regardless of ethnic origin, gender, age, or socio-economic status, have the right of access to health services, and have the obligation to care for personal, family, social and national health, and to contribute to hygiene, disease prevention and health promotion". Article 22 of the Law on the Development and Protection of Women also states that "It is prohibited for individuals or organisations to force a pregnant woman to deliver [her] baby in the forest, or a remote place; it is prohibited to hurt women and children because of superstitious beliefs or other reasons". While the average maternal mortality rate has reduced (see the common core document) the rate is nonetheless still high and is currently being addressed through the various strategies and action plans adopted by the Government. It should be noted that the maternal mortality rate considerably varies between urban and rural areas with 170 and 580 per 100,000 for urban and rural areas respectively. The main cause of this is that in rural areas women give birth at home without the help of medical personnel. This also results in a higher infant mortality rate.

68. In the Lao People's Democratic Republic, almost 90% of women in the rural areas give birth at home while only 25 per cent of women in the urban areas do so. Although the rates of home births are generally high in the highland, midland and lowland areas, the highest rate, 87 per cent, is found in the highland areas.

69. Private health networks have existed in the Lao People's Democratic Republic since 2001. There are 254 clinics throughout the country, of which 108 are located in Capital Vientiane. These private clinics play important roles in providing various health-care services. Since 2001 5,226 medical kits have been established for villages in 72 poor remote districts. Over the past years, people have received increasingly quality health treatment. For example, the mortality rate of women in 2005 reduced to 405 per 100,000 newborn babies. The mortality rate of infants under 1 year (IMR) decreased to 70 per 1,000 infants. The mortality rate of children under five (CMR) reduced from 171 to 98 per 1,000

children. The results of these achievements are due to the fact that children under 5 years old generally received vaccination. The domestic production of medicines has met 48% of the demand, and medical kits have been distributed to 95% of villages throughout the country. The reproductive rate reduced to 4.5 (2005) compared to 6.7 (1993). According to the information from the Ministry of Public Health, more than 60% of children under 5 have received vaccination. Almost the whole Lao population receives services from the national vaccination project.

70. The anti-dengue fever project covers 72% of the population and the number of people who use treated mosquito nets has increased. However, the numbers of IMR and CRM are still high in remote rural areas where access to health-care services is still limited. Access to health-care services remains a challenge, particularly in the rural areas. As mentioned earlier, the health indicator in the Lao People's Democratic Republic is the lowest in the region. Maternal and infant mortality rates are high. The causes range from the lack of health-care centres and healthcare staff in the rural areas to poor infrastructure. In general, most ethnic people in the rural areas rely on their belief in spirits and animism, their traditional practices and environment for their health care. Such practices and beliefs continue among ethnic groups and influence their perceptions and attitudes about health, welfare and diseases. The beliefs and practices vary according to different ethnic groups. Factors that influence people's understanding about health also include age, levels of education, gender and the levels of socio-economic, cultural development of their communities.

71. People from the Mon-Khmer ethno-linguistic group generally rely on animal sacrifice and related rituals as the first option for dealing with health issues and curing diseases and illnesses. This is in part because of the lack of access to health-care services and entrenched traditional beliefs. The long distances from villages to hospitals are also a major obstacle to the Mon-Khmer's choice of seeking treatment in hospital, especially for poor families.

72. Among the Hmong-Iu Mien, traditional medicines provide the first option in dealing with health issues, since the elderly (mostly women) are experienced in treatment with traditional medicines. In the rural areas, the poor quality of public health services affects people's health-care efforts. Since many medical personnel do not speak the ethnic dialects, language is another hurdle against access to health-care services, although some provincial authorities have made efforts to solve the problems by making use of village medical volunteers.

73. At present, there is a limited number of ethnic medical personnel. This has negative impacts on future health-care services for smaller ethnic groups. Furthermore, the willingness to adopt medical therapy depends on the level of community education, particularly in the rural areas. The Strategic Plan in Public Health Sector by 2020 contains four fundamental tasks: first, to develop adequate public health service networks and to ensure equal access to health-care service for all; second, to develop a comprehensive public health service system; third, to provide basic public health services; and, finally, to promote self-reliance in public health.

74. The National Growth and Poverty Eradication Strategy has a focus on the alleviation of poverty in the 47 poorest districts, prioritizing the work of public health, which includes the expansion of public health service networks in rural areas. The strategy also aims to improve and upgrade the capacity of medical personnel from the basic nursing level to the postgraduate degree level, with emphasis on the inclusion of more medical personnel from smaller ethnic groups in training programmes. This will ensure an increased number of medical personnel from smaller ethnic groups and encourage more medical volunteers in remote areas.

75. The Lao People's Democratic Republic pays particular attention to preventive health. Village medical kits have been set up and the number of village health volunteers has increased to 16,618, of which 5,227 are midwives, and 534 are village lay medical practitioners. In 2004, the public health sector employed 11,326 medical personnel including 310 postgraduates, 1,710 diploma graduates and 3,860 trained clinical staff. During the reporting period, there are 127 district health centres, 13 provincial hospitals, 3 central hospitals, 254 private clinics and 1,977 pharmacies.

76. In the Lao People's Democratic Republic today, there are 10,796 medical staff of whom 9,620 represent the Lao-Tai language group, 950 from the Mon-Khmer, Chino-Tibetan language groups and 226 from the Hmong-Iu Mien language group. In 2006–2007, the number of medical students at diploma and specialist levels consisted of 1,420 students of whom 1,272 were from the Lao-Tai language group, 32 from Mon-Khmer and Chino-Tibetan ethno-linguistic groups and 116 from Hmong-Iu Mien language group. The number of mid-level medical students is 2,233, of whom 189 are from the Mon Khmer group and 151 are from the Hmong-Iu Mien group.

77. In the Social Security sphere, the Lao People's Democratic Republic has made progress in serving working people. Public and private social security funds have been established for all. Prime Ministerial Decree No. 207/PM of 23 December 1999, on Social Security Scheme for company employees, stipulates that “the social security scheme for company employees is based on the principle of insurance policies underwritten by the State. Employees and employers are required to participate in the compulsory social security scheme and are not allowed to enter into agreements that would allow them to evade this requirement. Employees and employers outside the compulsory social security scheme may apply for membership of it, but assume the same rights and duties as those within the system” (art. 2). “The following benefits are covered by the scheme: funeral allowance, allowance for medical treatment, sickness benefit, maternity benefit, benefits for industrial injury or work-related illness, disability benefit, retirement pension, survivors' benefit, child benefit and unemployment benefit” (art. 5).

5. Right to education and training

78. The right to education without racial and ethnic discrimination is guaranteed in the Constitution. Article 22 of the 2003 Constitution provides that “The State attends to developing education and implements compulsory primary education in order to build good citizens with revolutionary competence, knowledge and abilities.” “The State and society attend to developing high quality national education, to create opportunities and [favourable] conditions in education for all people throughout the country, especially people in remote areas, ethnic groups, women and disadvantaged children.”

79. The State promotes private sector investment in the development of national education. According to Article 38 of the Constitution “Lao citizens have the right to receive education and upgrade themselves.” The Law on Education was amended in 2007 in order to meet the requirements of the national socio-economic development.

80. The education system reaches to the rural areas through a network of institutions in the provinces, Vientiane Capital City and the districts. Village chiefs, school management committees and principals are responsible for providing access to education for village children. The following statistics indicate progress made in the Lao People's Democratic Republic in the implementation of the Law on Education: in 2005–2006, there were 8,654 public and private primary schools of which 116 were private and 10 were Buddhist temple schools. There were 11 ethnic boarding primary schools, 335 primary school groupings with 28,389 classrooms, of which 7,060 twin-classrooms, and 21,329 single classrooms. There were 891,881 students. Out of this number, 1,960 students were from ethnic boarding schools. In private schools, there were 23,236 students. The ratio of students to teachers

was 32:1. The ratio of students to classrooms was 31.4:1. In 2005–2006, the total number of secondary students nationwide was 390,64. In the lower secondary schools, there were 243,131 students. The number of students in upper secondary school was 147,510. The Government has pursued a policy of enhancing general education for the people of all ethnic groups with a particular focus on children from smaller ethnic groups. By the year of 2005–2006, the number of primary school pupils was 711, of which 156 were girls. There were 6,035 secondary school students of which 1,873 were girls. There were 490 teaching and other staff, of which 297 were women. There were 395 teachers, of which 201 were women. The Government has also established centres for educational promotion of women from smaller ethnic groups and disabled persons.

81. The Government of the Lao People's Democratic Republic attaches importance to and has adopted a special policy on promoting education for people of small ethnic groups and in the remote areas by establishing ethnic primary and secondary schools in all provinces throughout the country. Although secondary education has been expanded, it has not been able to reach some remote areas. Students who completed primary school in such areas could therefore not continue their studies. The situation in such remote areas is further compounded by a shortage of teachers. Consequently, the teachers had to teach more hours and many subjects. Most essential school facilities are insufficient. Tables and chairs and classrooms are in poor condition and there is a shortage of adequate means of transport for students.

82. There were 561 teachers in pedagogy institutes. For the school year 2005–2006, there were 5,772 graduate teachers. Of these, there were 148 persons from smaller ethnic groups. The country needed to allocate 2,950 qualified teachers per year. However, there were not enough qualified teachers to fill these positions. Consequently “contract teachers” with inadequate training and qualifications were appointed to fill positions in primary schools in most remote areas. Similarly in secondary schools, 7,210 teachers with inadequate qualifications were appointed because of the shortage of qualified teachers. As a result, about 49% of all secondary school teachers need supplementary training.

83. In 2005–2006, there were 51 technical and vocational schools. Twenty-one (21) were under the management of the Ministry of Education; 14 were private schools and 16 schools were directly managed by other Ministries. There were 25,327 technical-vocational students throughout the country. There were 22,652 technical students and 2,675 vocational students. There were 1,513 technical and vocational teachers in public and private schools. In comparison with 2000–2001, there was an increase of 918 teachers.

84. In the Lao People's Democratic Republic, there are 4 universities, namely the National University of Laos in Vientiane Capital City, Champasack University and Souphanouvong University in Luangprabang. The University of Medical Science (the former medical faculty under NUOL) was established in 2007. In addition, there are 27 private colleges.

85. In addition to formal education institutions, the Lao People's Democratic Republic has also established and fostered “informal schools”. Such schools provide flexible study opportunities for people who may otherwise not be able to undertake studies because of work commitments, or people who were denied formal school opportunities for a variety of reasons.

86. The 2005 Lao People's Democratic Republic Census revealed that 73 out of 100 persons are literate. The national literacy rate among the ethnic groups throughout the country is as follows: Lao 85%, Hmong 84%, Iu Mien 81%, Thaineua 80%, Tai 77% and Lue 76%. In general, the rates of literacy among smaller ethnic groups such as Lahu, Ah Kha, Lo Lo and Tri are still very low. (see Table 4).

6. Right to equal participation in cultural activities

87. Under the Lao People's Democratic Republic Constitution "Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs." (Art. 37) and "to create artistic and literary works [;] and to engage in cultural activities which are not contrary to the laws." (Art. 45); "All ethnic groups have the right to protect, preserve and promote the fine customs and cultures of their own tribes and of the nation." (Art. 8).+

88. The Government has a clear cultural policy which has been designed to promote cultural development in order to build a harmonious society. Guided by this policy, the Government has paid particular attention to protecting national culture by maintaining and promoting highly valued ethnic cultural traditions and related cultural attributes and artifacts. Particular emphasis has been put on the promotion of the fine arts, literature and performing arts, handicrafts, traditional weavings, pottery, carvings, paintings, and silver and gold artworks of national significance and uniqueness. The export of artistic products has become increasingly attractive and popular to overseas customers. Archeological and historical sites and objects have been restored around the country. Today, there are 13 museums, 10 traditional exhibition halls, 13 national historical-cultural sites and 2 world heritage sites.

89. The Lao people of all ethnic groups have the equal right to participate in the cultural life of the country without any discrimination as to race and ethnic origin. The Lao Government pays great attention to the participation of people of all ethnic groups in cultural activities organised by local communities in which different ethnic groups participate, opening the opportunity for ethnic people to preserve their customs, languages and dialects in concert with other ethnic groups. The preservation of the culture of all ethnic groups, large and small is recognised by the Government as a driving force for the development and preservation of national identity in the country. The ethnic groups have inspired writers, poets and composers.

7. Right of access to public places or services, such as transport, hotels, restaurants, cafes, theatres and parks

90. The Lao People's Democratic Republic has no laws or regulations denying any race or ethnicity to have access to such public places or services. Such places and services are open to all without discrimination of any kind. All ethnic groups have equal access to any place or service intended for use by the general public, such as means of transport, hotels, restaurants, cafes, theatres and parks. The Government attaches importance to the preservation of historical relics, especially those recognised as national and world heritage sites. Luang Prabang, the United Nations Educational, Scientific and Cultural Organization (UNESCO) listed world heritage site is home to a variety of ethnic groups. There are also ethnic parks in many provinces. The largest park of this type is open to the public in Vientiane Capital. Exhibitions of ethnic handicrafts and cultural attributes are organized in every province and district throughout the country.

VI. Article 6: Measures regarding protection, remedies and compensation

91. In the Lao People's Democratic Republic the Lao Front for National Construction (LFNC), the National Assembly's Ethnic Affairs Committee and the people's courts play an important role in ensuring equality and non-discrimination among races and ethnic groups in the country.

92. LFNC seeks to educate all the ethnic groups in order to raise their awareness of patriotism, to consolidate solidarity and ensure equality among them. If there were

discontent among the ethnic groups' members or disputes within the local communities, the local branch of LFNC would help the relevant local authority to resolve the matters.

93. The National Assembly's Ethnic Affairs Committee ensures that laws adopted by the National Assembly promote and protect the rights and legitimate interests of all ethnic groups on an equal footing. The Committee is also vested with task of monitoring, overseeing and promoting the application of the Constitution and existing laws and the implementation of the national socio-economic development plans and State budget allocation in the interests of ethnic people and rural development. The Committee also submits issues and various measures in respect of ethnic matters to the National Assembly or its Standing Committee for consideration. The Committee receives petitions or proposals from the constituents through the members of the National Assembly if such petitions or proposals could not be resolved at the level of LFNC and the relevant local authority.

94. The task of the people's courts is to rule on civil, criminal, commercial, family and juvenile cases on an equal basis without regard to the litigants' ethnicity. If a judge in the court shows partiality or hostility to one of the litigants based on the latter's ethnicity, then the litigant concerned has the right to protest against that judge and appeal, seek annulment of the court ruling in accordance with the provisions of the Law on Civil Procedure and the Law on Criminal Procedure. Similarly, the Office of the Public Prosecutor, whose mandate is to monitor and oversee the application of laws in investigation, trial and the enforcement of court rulings, also has the right to challenge such a ruling or seek its annulment. Up till now, in the Lao People's Democratic Republic there has been no case of racial or ethnic discrimination before courts.

95. As reported in the common core document, the Criminal Law contains two most relevant articles: Article 66 on offence against solidarity of people states that "Any person dividing or causing resentment between ethnic groups and social strata with the intention of undermining national solidarity shall be punished by one to five years of imprisonment and shall be fined from 500,000 kip to 10,000,000 kip." Article 176 stipulates that "any person who excludes, obstructs, restricts the participation or practices selective treatment against other persons on the ground of ethnicity shall be punished by imprisonment from 1 to 5 years or fined from 1,000,000 to 3,000,000 kip." Likewise, the Law on Complaints, adopted by the National Assembly in 2005, ensures that the people have the right to lodge petitions without racial or ethnic discrimination to the competent authorities and they have the right to have their complaints be considered by such authorities without discrimination based on whatsoever reasons.

96. Under Article 66 of the Civil Procedure Law, "A claim should include the applicant's family name, given name and domicile, the facts leading up to the application and supporting evidence, request, the amount sought, as well as any other required documents." Before a case comes to court, however, either of the parties may first ask the village head to attempt to obtain an amicable settlement.

97. At the village level, the village mediation units as reported in the common core document play an important role in settlement of differences concerning ethnic groups.¹² The unit aims to find amicable solutions for differences, thus avoiding unnecessary resort to court proceedings. At the same time, the system of village mediation units encourages and contributes to villagers' legal vigilance and their obedience to laws and regulations.

98. During the reporting period, no case or dispute based on ethnicity was reported. While there were civil disputes and criminal cases, such matters were settled according to

¹² Minister of Justice's Decision of August 07/08/ 1997 on the Establishment of Village Mediation Units, Art. 5.

law based on the principle of equality before the law and without regard to the ethnicity of the parties.

VII. Article 7: Measures taken in the area of education and teaching on the elimination of racial and ethnic discrimination and promotion of understanding and international solidarity amongst nations, and racial and ethnic groups

99. The Lao Government has adopted appropriate measures in education and teaching programmes regarding the elimination of racial and ethnic discrimination in order to promote solidarity and understanding among nations, racial and ethnic groups. The measures implemented in this regard are as follows:

1. Education curriculum

100. Primary and secondary schools' curricula always reflect the fact and the national pride that the Lao People's Democratic Republic is a multiethnic nation. Each ethnic group has their own distinct customs and traditions. The Government's educational and training policy aims at educating citizens to become good, patriotic and cultural citizens willing to make sacrifices for the cause of the people's democracy and national development; and to promote and respect, solidarity and harmony among all ethnic groups; and to preserve the cultures and traditions of ethnic groups and those of the nation.

2. Mass media

101. Mass media play a crucial part in ensuring equality and non-discrimination among ethnic groups in the Lao People's Democratic Republic. The Constitution and Law on Mass Media form a legal basis for the expanded and strengthened mass media both owned by the State as well as privately owned. Most provinces, administrative offices and organisations have their own newsletters, magazines and newspapers. Through the mass media, the Government has increased its efforts in distributing information on the constitution, laws and regulations as well as the international treaties to which the Lao People's Democratic Republic is a party among the people of all ethnic groups, especially those living in the remote and mountainous areas. Radio broadcasting programmes suitable to their traditions and lifestyles have been the focus of the government information programmes. Radio and TV programmes broadcast in the Hmong and Khmu dialects. Up to the time of writing this report, the radio programmes in the ethnic dialects cover 80% of the country.

3. Information on human rights

102. With regard in particular to information on human rights, and the objectives and principles of the international human rights instruments to which the Lao People's Democratic Republic is a party, the national radio and television stations broadcast special programmes on the occasions of International Children's Day, International Women's Day, United Nations Day, Human Rights Day, and other important international events. Details of the work on awareness raising and the promotion of human rights are contained in the common core document.

4. Legal education and training

103. The Constitution and Laws of the Lao People's Democratic Republic have been widely disseminated amongst ethnic groups, especially by the NA deputies in their

constituencies. The Law Faculty of the National University of Laos and other educational institutions such as the National Academy of Politics and Administration and the Police Academy have curricula in international law and offer academic programmes on human rights to help educate students and officers who are also future policymakers.

5. Books on ethnic groups

104. The LFNC has published a book entitled “The Ethnic Groups in the Lao PDR” in both Lao and English languages, supported by a non-governmental organization (Canada Fund for Local Initiatives). The book provides scientific understanding of various ethnic groups in the Lao People’s Democratic Republic, describing the particularities, cultures, traditions, costumes, etc., of each of the 49 ethnic groups. The publication of this book is a significant contribution to the promotion of understanding, tolerance and solidarity among the ethnic groups in the Lao People’s Democratic Republic. This book helps Government officials, judges, prosecutors, military and police officers, lawyers, students and the public at large to have a better understanding of the ethnic groups in the Lao People’s Democratic Republic.

105. Newspapers, magazines and various publications have also introduced materials on multi-ethnic people, their livelihoods, customs and cultures, in particular, the daily newspaper Pathet Lao has a special column on ethnic cultural life.

6. Human rights dialogues

106. The Lao People’s Democratic Republic has conducted human rights dialogues with the international community through a bilateral working group on human rights, established with Sweden (up to 2009), the European Union and Australia (still ongoing). Lao delegations to international fora at the United Nations and other international and regional levels relating to human rights, shared lessons and experiences in the promotion and protection of human rights with other nations. They also learned important lessons and best practices in the promotion and protection of human rights.

107. The Lao Government has consistently adhered to the State’s foreign policy of peace, independence, friendship and cooperation, and promotes relations and cooperation with all countries on the basis of the principles of peaceful coexistence, respect for each other’s independence, sovereignty and territorial integrity, non-interference in each other’s internal affairs and equality and mutual benefit. In addition, in pursuance of this policy, bilateral friendship associations with a number of foreign countries were established while the country has the Lao National Committee for Peace and Solidarity with Nations.

VIII. Conclusion

108. The Government appreciates the work of the Committee on the Elimination of All Forms of Racial Discrimination and its contributions to making the world a better place to live, with its tireless effort to put end to racial and ethnic discrimination. It is the high hope of the Government of the Lao People’s Democratic Republic that the information contained in this report will enable the Committee on the Elimination of Racial Discrimination to have a better understanding of the situation in the Lao People’s Democratic Republic and the efforts the country has made and the progress it has achieved during the reporting period in the fulfillment of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

Annex

Table 1
Ethnic composition of the Lao People's Democratic Republic Population

	<i>Ethnic groups</i>	<i>Population</i>	<i>Percentage</i>
A.	Lao-Tai ethno-linguistic group (8)		
1	Lao	3 067 005	54.6
2	Tai	215 254	3.8
3	Phoutay	187 391	3.3
4	Lue	123 054	2.2
5	Nhouan	29 422	0.5
6	Yang	6 160	0.1
7	Xeak	3 733	0.1
8	Taineua	14 799	0.3
B.	Mon-Khmer language group (32)		
9	Khmou	613 893	10.9
10	Pray	21 922	0.4
11	Xingmoun	8 565	0.2
12	Phong	26 314	0.5
13	Thaen	514	0.0
14	Oedou	649	0.0
15	Bid	1 964	0.0
16	Lamed	19 827	0.4
17	Samtao	3 533	0.1
18	Katang	118 276	2.1
19	Makong	117 842	2.1
20	Tri	26 680	0.5
21	Yrou	47 175	0.8
22	Triang	29 134	0.5
23	Ta-Oy	32 177	0.6
24	Yae	10 570	0.2
25	Brao	22 772	0.4
26	Katu	22 759	0.4
27	Harak	21 280	0.4
28	Oy	22 458	0.4
29	Kriang	12 879	0.2
30	Cheng	7 559	0.1
31	Sadang	938	0.0
32	Xyua	42 834	0.8
33	Nhaheun	6 785	0.1
34	Lavi	1 193	0.0

	<i>Ethnic groups</i>	<i>Population</i>	<i>Percentage</i>
35	Pakoh	16 750	0.3
36	Khmer	5 825	0.1
37	Toum	4 458	0.1
38	Ngouan	722	0.0
39	Moy	534	0.0
40	Kri	495	0.0
C.	Chino-Tibetan ethno-linguistic group (7)		
41	Akha	90 698	1.6
42	Singsily	37 447	0.7
43	Lahu	15 238	0.3
44	Sila	2 939	0.1
45	Hanyi	848	0.1
46	LoLo	1 691	0.0
47	Hor	10 437	0.2
D.	Hmong-Iu Mien ethno-linguistic group (2)		
48	Hmong	451 946	8.0
49	Iu Mien	27 449	0.2

Source: Census 2005.

Table 2
Percentage of the literacy of women and men by the main ethnic groups

<i>Ethnic Group</i>	<i>Rate for Literate Females</i>	<i>Rate for Literate Males</i>
Lao	79.8%	91.4%
Khmou	42.5%	76%
Hmong	25.8%	64.1%
AhKha	3.4%	19.5%

Source: Ministry of Education.