



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-sixth session
21 February-11 March 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

LAO PEOPLE'S DEMOCRATIC REPUBLIC

1. The Committee considered the sixth to fifteenth periodic reports of the Lao People's Democratic Republic, due for submission from 1985 to 2003 and submitted as one document (CERD/C/451/Add.1), at its 1673rd and 1674th meetings (CERD/C/SR.1673 and 1674), held on 21 and 22 February 2005. At its 1696th meeting, held on 9 March 2005, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the Lao People's Democratic Republic. It commends the efforts made by the State party to comply with the Committee's reporting guidelines, while noting that the report does not contain enough information on the practical implementation of the Convention.

3. The Committee welcomes the fact that the State party was represented by a high-ranking delegation and commends the efforts it made to respond to the questions asked. It likewise welcomes the resumption of a constructive dialogue with the State party and the fact that the State party has expressed its desire to pursue a dialogue with the Committee on a regular basis.

B. Positive aspects

4. The Committee commends the efforts of the State party to reduce poverty, particularly in rural areas and among ethnic groups.

5. The Committee notes with satisfaction that the State party adopted penal measures in 2004 to combat trafficking in persons.

6. The Committee is pleased to learn that the Convention has been translated into Lao.

7. The Committee welcomes the programme of cooperation undertaken by the State party and the United Nations Development Programme relating to the ratification and implementation of international human rights instruments. It invites the State party to use this framework to ensure follow-up to the present concluding observations and recommendations and to seek additional technical assistance from the Office of the United Nations High Commissioner for Human Rights.

8. The Committee welcomes the signing by the State party in 2000 of the two International Covenants on Human Rights and encourages it to ratify both instruments as soon as possible.

C. Subjects of concern and recommendations

9. The Committee, noting that it received the report after a delay of 19 years, invites the State party to respect the timetable for the submission of its future reports.

10. The Committee notes with concern that no clear definition of racial discrimination exists in domestic legislation.

The Committee recommends to the State party that it adopt a definition of racial discrimination that includes the elements contained in article 1 of the Convention.

11. The Committee notes with concern that the Convention is not incorporated in domestic legislation and that the question of its rank in the internal legal order has not been settled (art. 2).

The Committee invites the State party to take the necessary steps to ensure the effective application of the Convention in domestic law.

12. The Committee regrets that there is no national human rights institution in the Lao People's Democratic Republic (art. 2).

The Committee invites the State party to consider the establishment of such an institution, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134).

13. The Committee is concerned at the situation with respect to independent non-governmental organizations (NGOs) working in the area of human rights and the prevention of discrimination (art. 2).

The Committee invites the State party to pave the way for the emergence of independent national NGOs.

14. The Committee notes the absence of legislative provisions criminalizing acts of violence and incitement to violence on racial grounds.

The Committee invites the State party to adopt legislation to fully implement the provisions of article 4 of the Convention.

15. The Committee takes note of the statement by the State party that racial discrimination does not exist in its territory and understands the State party to mean by that statement that it does not engage in systematic discrimination.

The Committee recalls its customary reservations regarding a general declaration of this nature, since, in its opinion, no State party is free from racial discrimination in its territory.

16. The Committee notes that, as the State party has acknowledged, poverty strikes the ethnic groups in the remotest areas hardest (arts. 2 and 5).

The Committee recalls that the Convention prohibits not only intentional and systematic acts of racial discrimination but also discrimination that is not the direct result of a deliberate effort by the Government to prevent part of its population from enjoying its rights. In the Committee's view, the low level of economic, social and cultural development of certain ethnic groups as compared with the rest of the population might be an indication of de facto discrimination. It therefore recommends to the State party that it conduct studies with a view to assessing and evaluating in concrete terms the extent to which racial discrimination exists in the country and to ascertain its principal causes. Statistics broken down by ethnic group on political participation and the standard of living of the population might be included in the next periodic report.

17. The Committee takes note of the delegation's explanations regarding the reluctance of the authorities to classify ethnic groups in the Lao People's Democratic Republic as minorities or indigenous peoples (arts. 1, 2 and 5).

The Committee recommends to the State party that it recognize the rights of persons belonging to minorities and indigenous peoples as set out in international law, regardless of the name given to such groups in domestic law. It invites the State party to take into consideration the way in which the groups concerned perceive and define themselves. The Committee recalls that the principle of non-discrimination requires that the specific characteristics of ethnic, cultural and religious groups be taken into consideration.

18. The Committee notes that the State party has adopted a policy of resettling members of ethnic groups from the mountains and highland plateaux to the plains (art. 5).

The Committee recommends that the State party describe in its next periodic report the scope of the resettlement policies being implemented, the ethnic groups concerned, and the impact of these policies on the lifestyles of these groups and on their enjoyment of their economic, social and cultural rights. It recommends to the State party that it study all possible alternatives with a view to avoiding displacement; that it ensure that the persons concerned are made fully aware of the reasons for and modalities of their displacement and of the measures taken for compensation and resettlement; that it endeavour to obtain the free and informed consent of the persons and groups concerned; and that it make remedies available to them. The State party should pay particular attention to the close cultural ties that bind certain indigenous or tribal peoples to their land and take into consideration the Committee's general recommendation XXIII of 1997 in this regard. The preparation of a legislative framework setting out the rights of the persons and groups concerned, together with information and consultation procedures, would be particularly useful.

19. The Committee notes with concern that, according to certain reports, a major obstacle to the education and vocational training of persons belonging to ethnic groups is the fact that education is provided only in Lao. Language barriers are also apparently responsible for the many problems encountered in obtaining access to social services (art. 5).

The Committee recommends to the State party that it take all possible measures to ensure that persons belonging to ethnic groups receive education and vocational training in their mother tongue and that it increase its efforts to ensure that they learn Lao.

20. The Committee is disturbed by reports of the infringement of the freedom of religion of members of religious minorities, in particular Christians, who are also often members of ethnic minorities.

The Committee recommends to the State party that it ensure that all persons enjoy their right to freedom of thought, conscience and religion, without discrimination, in accordance with article 5, subparagraph (d), of the Convention.

21. The Committee remains concerned at persistent allegations of conflict between the Government and members of the Hmong minority who have taken refuge in the jungle or mountainous areas of the Lao People's Democratic Republic since 1975. According to various corroborating reports, this group is living in difficult humanitarian conditions (art. 5).

The Committee calls on the State party to take all measures, if necessary with the support of the Office of the United Nations High Commissioner for Human Rights, the United Nations and the international community, to find a political and

humanitarian solution to this crisis as quickly as possible and to create the necessary conditions for the initiation of a dialogue with this group. The Committee strongly encourages the State party to authorize United Nations agencies to provide emergency humanitarian assistance to this group.

22. The Committee is concerned at reports that serious acts of violence have been perpetrated against members of the Hmong minority, in particular allegations that soldiers brutalized and killed a group of five Hmong children on 19 May 2004 (art. 5).

The Committee recommends to the State party that it provide more precise information about the bodies responsible for investigating these allegations. It also strongly recommends that the State party allow United Nations bodies for the protection and promotion of human rights to visit the areas in which members of the Hmong minority have taken refuge.

23. The Committee notes the statement by the State party that there have been no complaints or judicial decisions relating to racial discrimination (art. 6).

The Committee calls upon the State party to investigate this situation in order to determine whether it is due to the absence of legal remedies for combating racial discrimination, an incomplete understanding by victims of their rights, the fear of reprisals, a lack of confidence in the police and justice officials, or a lack of attention or awareness on the part of these authorities in matters involving racial discrimination.

24. The Committee notes with concern that the State party claims that it is unable to introduce human rights education programmes in schools. It is also concerned at reports that law enforcement officials continue to have minimal awareness of human rights issues as set out in the law, the Constitution and international instruments (art. 7).

The Committee recommends to the State party that it introduce, if necessary with the assistance of the international community, education programmes in schools on human rights and combating racial discrimination, and that it increase its efforts to provide training to law enforcement officials.

25. The Committee recommends to the State party, when applying the provisions of the Convention in its legal order, and particularly the provisions of articles 2 to 7, that it take into account the relevant passages of the Durban Declaration and Programme of Action, and that it include in its next periodic report information about plans of action and other measures taken to implement the Durban Declaration and Plan of Action at the national level.

26. The Committee strongly recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee cites General Assembly resolution 57/194 of 18 December 2002, in which the Assembly strongly urged States parties to accelerate their

domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. A similar appeal was made by the Assembly in its resolution 58/160 of 22 December 2003.

27. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention, and recommends that it consider the possibility of doing so.

28. The Committee recommends to the State party that it make its periodic reports available to the public and that the conclusions of the Committee be publicized in the same way.

29. In conformity with rule 65 of the Committee's rules of procedure, the State party should provide information within one year on follow-up to the Committee's recommendations in paragraphs 10, 21 and 22. The Committee recommends to the State party that it submit its sixteenth and seventeenth periodic reports in a single report due on 24 March 2007.
