



# 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

### Summary record of the 1674th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 22 February 2005, at 10 a.m.

*Chairman:* Mr. Yutzis

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*The meeting was called to order at 10.15 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Sixth to sixteenth periodic reports of the Lao People's Democratic Republic (continued) (CERD/C/451/Add.1)*

1. *At the invitation of the Chairman, the delegation of the Lao People's Democratic Republic resumed their places at the Committee table.*
2. **Mr. Kiettisack** (Lao People's Democratic Republic) welcomed the constructive dialogue established during the previous meeting with Committee members. They had carried out a comprehensive and thorough analysis of the status of the implementation of the Convention in the country, but some specific points warranted clarification.
3. First, Buddhism was not the country's official religion, although the debate on the issue had arisen regularly since the adoption of the Constitution in 1991. In that particular case the Lao authorities considered it preferable to respect each person's freedom of conscience and of religion.
4. He recognized that child prostitution existed in the country and was on the increase. The Lao Government had decided to combat vigorously trafficking in human beings, in particular women and children, and a Women's Protection Act adopted at the end of 2004 made trafficking in women a criminal offence. At the end of 2004, the Lao People's Democratic Republic, which also cooperated with neighbouring countries to combat the problem, had signed a memorandum of understanding in Rangoon (Myanmar) on combating trafficking in human beings in the Mekong basin.
5. Alleged backward practices, such as the killing of twins, engaged in by some ethnic groups, in particular those living in the north of the country, were often the result of age-old beliefs that were difficult to change. The Government had therefore launched an education and information campaign targeted at those populations, while assisting women expecting twins to give birth to their children and escape punishment by their ethnic group.
6. He acknowledged that Lao criminal legislation did not contain enough provisions prohibiting racial discrimination and that it was necessary to criminalize such acts of violence or incitement to violence on racial grounds.
7. **Mr. Kittikhoun** (Lao People's Democratic Republic) said that the persons guilty of slaughtering tourists in 2003 had indeed been punished under national criminal legislation. However, the in-depth inquiry into the murder of five Hmong children had completely cleared the general who had allegedly ordered their slaughter. The totally false allegations had been spread for the sole purpose of discrediting the country's military authorities.
8. With regard to the classification of ethnic groups living in the country, until 1981, there had been 68 ethnic groups classified under three nationalities according to their geographical location and habitat. The Lao Loum lived in the plains and along the banks of the Mekong river; the Lao Theung lived on the high plateaux, at 700 metres altitude; and the Lao Sung lived in the mountains, at 1,000 metres altitude. The Lao Loum comprised 12 ethnic groups, the Lao Theung 36 and the Lao Sung 20. The purpose of that classification had been to enhance solidarity among the ethnic groups in the mountainous areas at the time of the national liberation struggle and it did not really meet scientific ethnological criteria. After 1981, it had proven to be unsuitable, which was why in 1989 the Government had requested the Lao Front for Nation Building to undertake thorough research in order to establish a new classification of the ethnic groups living in the Lao People's Democratic Republic, based on scientific criteria. The Lao Front for Nation Building had based the classification on four criteria: the written and spoken language, traditions, customs and

history, and the ethnic groups' original name. According to the new classification, the country now had 49 ethnic groups, which fell into four ethnic language families: Lao-Tai, spoken by 8 groups, Mon-Khmer, spoken by 32 groups, Hmong-Iumian, spoken by 2 groups, and Tibeto-Chinese, spoken by 7 groups.

9. The authorities did not use the term “minorities” for two reasons. First, they considered that it would be tantamount to racial discrimination, given that article 35 of the Constitution stipulated that all citizens were equal before the law, and equality for all ethnic groups meant that no one should be called a member of a minority. Some experts had pointed out that the term “indigenous peoples” was used by the World Bank and the Asian Development Bank, but the Government no longer used it. Since the Government's aim was to pursue a policy of equality among ethnic groups, it refrained from according differential treatment to one ethnic group or another on the ground that it was indigenous; the problem was to establish which population had arrived first in Laos, a matter that historians had not yet decided. Second, none of the ethnic groups that had settled in Laos had colonized the others. On the contrary, they had been colonized by foreign populations. No ethnic group lived separately in Laos – its vast territory was a patchwork of different ethnic groups.

10. The eight-point national priorities programme under the Fourth and Fifth Five-year Plans had helped to improve significantly the living conditions of ethnic groups living in remote and isolated regions, particularly with regard to the school enrolment rate. One of the Government's strategies was to train teachers so they could return to their villages to teach.

11. Aside from the fact that much of its population lived in rural and inaccessible areas, Laos was one of the least developed countries in view of its low income per caput, the mediocre standard of living of its population and its economic vulnerability. Moreover, as a landlocked country, it was confronted with two problems: distances, which meant that it was obliged to set aside 11 per cent of its export revenue for insurance and transport services — compared with 7 per cent in general for developing countries — which placed the country at a disadvantage with respect to neighbouring countries such as Thailand and Viet Nam in terms of investment. The border-crossing problem made it dependent for trade on neighbouring and transit countries' socio-political stability and the degree of openness of their frontiers.

12. Some of the statistics cited by the Committee were different from the delegation's. For example, the figure of 46 per cent supposed to represent the number of people living under the poverty line reflected the situation in 1990, had been reduced to 32 per cent by the Government's efforts under the Five-year Plan, its poverty reduction strategy, and international aid. The country seemed well on the way to halving poverty by 2015 in accordance with the United Nations Millennium Declaration.

13. The purpose of the policy of the resettling in the plains certain ethnic groups from the mountainous regions — the original intention of which had been not to leave them to their fate — was not to force them onto the plains, but to encourage them to go there by involving them in development projects to help improve their standard of living. Building houses and infrastructures in mountainous regions was very difficult for a developing country. It was also necessary to find alternatives to the shifting cultivation practised by those populations, which destroyed forests, a very precious resource for the country. Since it was unable to eliminate that type of farming completely, the Government was trying to stabilize it by offering alternatives. Under no circumstances were those people obliged to leave and they were free to return to their homes, which they sometimes did, for instance when a project failed.

14. With regard to the impact of the construction of dams on populations in remote and isolated rural areas, he stressed that one of the resources of Laos was water, which it used for producing electricity by means of dams. The Government, aware that a project could have damaging effects, first of all carried out feasibility studies and organized meetings with the populations concerned and the international community to ensure an open and transparent process.

15. **Mr. Kaixion** (Lao People's Democratic Republic), replying to a question raised at the previous meeting concerning the existence of a coordination mechanism for human rights matters, said that the service set up in 1997 in the Department of treaties and Law attached to the Ministry of Foreign Affairs was still responsible for coordinating such matters. Furthermore, since 2001, a working group on human rights established in cooperation with Sweden organized dialogues twice a year and addressed a wide range of issues, such as freedom of expression. Inspection visits to prisons and courts had also been organized in the framework of that cooperation. The European Union had launched dialogue along those lines with Laos at the beginning of 2004, but the first meeting scheduled had unfortunately been deferred several times. The Lao Government also invited Swedish officials to take part in seminars on human rights matters, a theme on which workshops were organized with other international partners as well. The Government was doing its utmost to incorporate international human rights instruments in domestic legislation and to disseminate their contents not only among officials, but also among the population of the different provinces.

16. Regarding exit visas, the Government's concern was not to impose restrictions or controls but to compile statistics and to be able to assist citizens when necessary in the event of an emergency. For example, according to national statistics, approximately 160,000 Lao people worked in Thailand but travelled there illegally, which meant that the Lao authorities had no statistics concerning them. The day after the natural disaster that had hit Thailand, the authorities had tried to contact the families of victims but their effort had been hampered by the absence of statistics. In cooperation with the Thai Government, the Ministry of Foreign Affairs had sent officials on a one-month mission to Thailand to encourage Lao workers to register with the authorities so that they could be issued with identity papers. That initiative must be pursued.

17. Concerning the remarks regarding restrictions on travel, Laos had been the first Asian country to join the initiative of regional agreements for the issue of free visas, and memorandums of understanding had been concluded with Viet Nam, Malaysia and Singapore so that as of January 2006 their nationals could enter those territories and travel for a month without a visa. The Government had not received any complaints concerning exit visas, whose costs were very low (50,000 new kip, i.e. \$4.5). At the same time, Lao citizens wishing to travel abroad complained that some embassies refused to grant them entry visas or charged very high fees (as much as \$200).

18. In order to facilitate the free movement of persons, the Lao authorities had opened more than 10 frontier checkpoints as part of a policy to facilitate the transport of goods and the free movement of travellers. For the same purpose, officials from the Ministry of Foreign Affairs occasionally visited the provinces to issue passports and exit visas, but people living in remote areas always needed to go to Vientiane, where most of the foreign embassies were located, in order to obtain visas.

19. **Mr. Avtonomov** welcomed the contents of the report and the constructive dialogue with the Lao delegation. Although Laos was a country with a still relatively low level of development, the Convention was of universal scope, and some basic issues must be dealt with more thoroughly in the next report. Some positive steps taken by the State party were worthy of note, such as cooperation under the auspices of the United Nations and at regional and bilateral levels with a view to implementation of the Convention.

20. He welcomed the existence in villages of a unit for settling disputes, a mediation body that enabled conflicts to be resolved whilst respecting the habits and customs of the indigenous peoples, and stressed the need to preserve the identity of the different groups and tribes coexisting on Lao territory.

21. He drew attention to the information contained in paragraph 16 of the report which stated that “All ethnic groups must respect one another and root out once and for all the prejudices and vestiges of mutual mistrust bequeathed by history, which could otherwise raise obstacles and breed ill will between them”, showing that acts of racism or discrimination on ethnic grounds were committed in the country, contrary to what paragraph 9 of the report implied. It would therefore be appropriate for the State party in its next periodic report to provide the Committee with additional information on measures taken to combat those problems.

22. He would also appreciate additional information on the status and ethnic composition of the “special zones” mentioned in paragraph 42 of the report, in order to establish whether the rights and freedoms of the minorities living there were upheld. He further wished to know whether acts of discrimination committed either by the Lao authorities, public bodies or individuals systematically resulted in the opening of an investigation. He also asked whether new article 83 of the Criminal Code referred to in paragraph 39 of the report had already been applied and whether cases of racism or racial discrimination had been brought before the courts. If not, he would like the Lao delegation to explain why the provision had not been invoked. Lastly, he asked whether the Hmong were represented in the machinery of the State.

23. **Mr. Calí Tzay** said he would like to know whether the State had given any thought to the role played by the different ethnic groups present in the Lao People’s Democratic Republic in the construction of the national identity and what specific steps the Government had taken to combat discrimination in the area of education so as to ensure, in particular, that all children from different ethnic groups had access to teaching in their own language.

24. He wondered exactly what items were covered in the “propaganda ... political and ideological education to ethnic groups and social strata” (para. 20), a task entrusted to the Lao Front for Nation Building (FLEN), and, lastly, whether the Government had bothered to consult the different ethnic groups present on Lao territory and ask them whether or not they wished to have “indigenous people” status.

25. **Mr. Shahi**, recalling that the Hmong, who were deprived of any means of subsistence accounted for 75.5 per cent of the population, asked whether the State party had made sure that that sector of the population received humanitarian assistance in the form of food and various services which they sorely lacked.

26. He expressed the hope that the Lao People’s Democratic Republic would soon adopt legislation criminalizing offences motivated by racial hatred, and that it would find the necessary means of implementation to give full effect to the relevant provisions of the Convention, and relax its legislation on religious practice.

27. He also wondered whether the fact that no complaints had been brought before the courts since the establishment of the village unit for the settlement of disputes might not be a sign that the population was unfamiliar with its rights or the existence of that mediation body. Lastly, it would be useful if in its next periodic report the State party could provide information on the level of representation of the different linguistic groups, women and the Hmong in FLEN, and on the remedies available to the victims of discrimination.

28. **Ms. January-Bardill** said that in order to combat inequalities and discrimination in society, it was essential to have disaggregated data on the different ethnic groups that coexisted in the country so as to have as clear an idea as possible of the situation of each

one of those groups. It was not a question of dividing the population according to ethnic criteria, but of identifying inequalities based on ethnic origin, the better to remedy them. That no one group accounted for more than 50 per cent of the country's total population did not change the fact that some groups were inevitably less fortunate than others in certain sectors.

29. **Mr. Thornberry** said that some groups' religious or traditional practices were archaic and contrary to the provisions of the international human rights instruments, for all that the State could not prohibit them, which would be tantamount to a violation of their freedom of thought, conscience and religion. The State must therefore rely on measures other than criminalization — such as education or consultation of the groups' members — to try and put a stop to those practices.

30. He noted that several of the minorities on Lao territory met the conditions needed to qualify as "indigenous peoples" under article 1 of ILO Convention concerning Indigenous and Tribal Peoples (No. 169), but that irrespective of the term used to describe them, those minorities must be able to claim the inherent rights of minorities with respect to land rights, inheritance and education. Ethnic diversity very often constituted a country's strength, particularly in the case of the Lao People's Democratic Republic.

31. **Mr. Boyd** said he welcomed the fact that the Lao People's Democratic Republic had grasped the scale of the problem of trafficking in human beings in the country and had undertaken legislative reforms to combat it. However, he was concerned by the problems that the Hmong community continued to face, including acts of violence committed by the security forces, and he advised the Lao Government to enter into dialogue with the Hmong people, in particular those living in remote areas of the country. Noting that the Lao delegation refuted the allegations that Hmong children had been killed by the military, he was surprised that it had provided no information on the inquiries conducted to shed light on the events.

32. **Mr. de Gouttes** said that he welcomed the Lao delegation's commitment to amendment of criminal legislation so that acts of racial discrimination would be made an offence. He also commended the State party's decision to renew its dialogue with the Committee since only national reconciliation and the opening up of the country to the international community could provide sustainable solutions to the problems that had confronted the Lao People's Democratic Republic since 1975.

33. **Mr. Kjaerum** said that he was aware of the considerable task undertaken by the Lao People's Democratic Republic in order to modernize its basic infrastructures, but would welcome information on the fate of ethnic groups that had been expelled from their lands to enable the State to build dams on them. Those expelled had allegedly received neither compensation nor the provisions they had been promised, and had been resettled on small, more or less barren plots of land. He would be interested to learn whether those people had been consulted and whether the State party intended to adopt a more humane approach when building dams in future. He welcomed the establishment of a human rights coordination centre within the Ministry of Foreign Affairs, but advised the State party to set up a national human rights institution so as to be fully in line with the Paris Principles.

34. **Mr. Kietisack** (Lao People's Democratic Republic) said that Lao society was governed by traditions and customs and that there were only about 50 laws in addition to the 1991 Constitution. Problems were by and large resolved through mediation and most disputes rarely reached the courts. Obviously, the most serious criminal offences were dealt with under the criminal procedure in force. There were scarcely any racial problems in the country and the Hmong people were not treated differently from any other citizens. The "special zone" was by no means a military zone, as some members of the Committee

seemed to believe, it was an economic development area situated in an inaccessible mountainous region.

35. **Mr. Kittikhoun** (Lao People's Democratic Republic), while noting the comments made by Committee members concerning ethnic groups and indigenous peoples, said that he wished the Committee to understand the delegation's position on those issues. The Lao Government was aware of the difficulties facing the Hmong community in some remote regions and had implemented a development project aimed at improving its living conditions. He stressed that there was total freedom of religion and that no one was persecuted because of his or her religious beliefs or practices. Christians, of whom there were some 50,000, were free to practise their religion in churches. Only those persons who infringed the law could be taken to court.

36. **Mr. Kiettisack** (Lao People's Democratic Republic) said that his delegation had noted with great interest Committee members' comments and recommendations and that it now had a better grasp of the Committee's expectations of the Lao People's Democratic Republic. The delegation hoped that it had provided some clarifications and pledged to convey to the Lao Government all Committee members' queries and follow up the questions left unanswered. At any rate, it was determined to continue the dialogue recently re-established with the Committee.

37. **Mr. Amir** (Country Rapporteur) said that he welcomed a number of positive aspects concerning the State party, including official recognition of the problem of child prostitution, the plan to criminalize racial hatred, efforts to combat trafficking in women and children, and the willingness the authorities had shown since 1981 to carry out a more scientific classification of ethnic groups. Among the negative aspects, article 60 of the Criminal Code did not punish acts of racial hatred as severely as it might; the Government had great difficulty in combating age-old beliefs and practices, such as the killing of twins at birth, and that too many problems continued to be resolved by force. All the same, the willingness of the Lao People's Democratic Republic to strengthen its cooperation with the Committee so as to improve implementation of the International Convention on the Elimination of All Forms of Racial Discrimination was commendable. He urged the State party to continue the process of national reconciliation by seeking sustainable solutions to the problems it had endured since 1975 and by upholding the principle of equality among citizens.

38. **The Chairman** announced that the Committee had completed its consideration of the sixth to fifteenth periodic reports of the Lao People's Democratic Republic.

39. *The delegation of the Lao People's Democratic Republic withdrew.*

*The meeting rose at 1.05 p.m.*