



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

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Summary record of the 2149th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 28 February 2012, at 3 p.m.

Chairperson: Mr. Avtonomov

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Combined sixteenth to eighteenth periodic reports of the Lao People's Democratic Republic

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The meeting was called to order at 3 p.m.

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

Combined sixteenth to eighteenth periodic reports of the Lao People's Democratic Republic (CERD/C/LAO/16-18; CERD/C/LAO/Q/16-18; HRI/CORE/LAO/2011)

1. *At the invitation of the Chairperson, the delegation of the Lao People's Democratic Republic took places at the Committee table.*

2. **Mr. Yiapaoheu** (Lao People's Democratic Republic) said that the report under consideration should have been submitted in 2009, but the country had lacked the financial and human resources to meet that obligation within the allotted time frame. A national committee chaired by the Minister of Justice and composed of representatives of the relevant institutions had been tasked with drafting the report, which had been completed in 2010 and submitted to the Government in early 2011. The latter had then approved it and transmitted it to the Committee for consideration. The report answered the concerns raised by the Committee during the consideration of the previous report in 2005. The concluding observations that the Committee had adopted at the time had been translated into Lao and disseminated at the national, provincial and local levels, and most of the Committee's recommendations had been, or were being, implemented.

3. The Lao Constitution and legislation prohibited racial discrimination and guaranteed equality before the law without distinction based on race or ethnicity. All Lao citizens had the right to equal treatment before the courts and other organs administering justice, in accordance with the Constitution, the Law on the People's Court Act and the Civil Procedure Law. There were no restrictions or obstacles to the freedom of movement and residence of the multi-ethnic Lao people. The Government had adopted a rural development policy that focused on eliminating poverty and reducing economic disparities. It was also implementing a policy with a view to encouraging nomadic populations in mountainous or remote areas to settle in villages with infrastructure such as schools, hospitals and roads. Efforts were also being made to foster a better standard of living for the smaller ethnic groups through sustainable improvement of their livelihoods. The establishment of development villages and clusters of such villages, a key element of Government poverty reduction programmes, was contributing to ending the environmentally unfriendly practice of slash-and-burn cultivation. The relocation policy had yielded positive results: 679 projects had been implemented with national financing and international aid. The Government, through the National Growth and Poverty Eradication Strategy, supported the development of remote mountainous regions in order to improve the living conditions of smaller ethnic groups, including the Hmong. Development programmes were under way in 64 zones to establish model towns in rural areas.

4. The Nationality Act stipulated that all Lao people held Lao citizenship, regardless of their ethnicity. It also provided for the reduction of statelessness by improving the procedures for acquiring Lao nationality and granted equal rights to mothers and fathers regarding transmission of their nationality to their children, irrespective of how they had obtained their Lao citizenship. The Family Act, which guaranteed the right to marry, did not prohibit inter-ethnic marriages. Children of inter-ethnic marriages could choose to identify as belonging to either their mother's or their father's ethnic group. Both the Constitution and the laws guaranteed the right to individual and collective ownership. The Government attached importance to land titling, and the National Land Administration had implemented a project in that connection to ensure that all Lao citizens had the right to own land. There was no discrimination on grounds of race or ethnic origin in the official certification of land ownership. Although the Inheritance Act guaranteed the right to inherit, custom inheritance traditions varied from one ethnic group to another and tended to

favour men. With a view to remedying the problem, the Government had launched a policy to promote gender equality, focusing on education and awareness-raising among the population.

5. As to economic, social and cultural rights, the Government paid particular attention to job creation to improve the living conditions of the multi-ethnic peoples of Laos. In most major development and investment projects, especially in the provinces, members of smaller ethnic groups were given priority in employment. For example, 91 per cent of employees of the Xepone mining project were Lao, 60 per cent of them members of smaller ethnic groups. Under the Development and Protection of Women Act, forcing a woman to give birth in the forest or a remote place and hurting women or children for superstitious or other motives was prohibited. The Government's mother-and-child health policy for 2011–2015 was still in effect.

6. The Constitution guaranteed the right to education without distinction on grounds of race or ethnic origin, and mandated the State to foster the conditions for universal access to quality education, in particular by people in remote areas, members of ethnic groups, women and underprivileged children. In 2008, the Government had set up an inclusive education centre responsible for implementing education policies and, in 2010, had issued a decree on the National Strategy on Inclusive Education, to facilitate high-quality education for all ethnic groups in remote areas through the building of primary and secondary schools, and Government scholarships, inter alia. Pursuant to the Constitution, all ethnic groups had the right to protect, preserve and promote their customs and culture. The Government paid particular attention to protecting the national culture by promoting ethnic cultural traditions. The multi-ethnic people of Laos had the right to participate in the cultural life of the country without any discrimination as to race or ethnic origin. The Lao People's Democratic Republic had no laws denying any ethnic group access to public places and services, which were open to all without discrimination. The Government had taken steps in the education sector to increase awareness of human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. The country's multi-ethnic nature and its various ethnic customs and traditions were reflected in the primary and secondary curriculum. The aim of the education policy was to promote respect and harmony among all ethnic groups and preserve their cultures and traditions. The media were a key player in ensuring non-discrimination and in disseminating among all ethnic groups, especially those living in remote or mountainous areas, information on the international instruments to which the country was a party. Information on human rights was also disseminated through local and national workshops and seminars. The Lao People's Democratic Republic comprised 49 ethnic groups classified under 4 ethno-linguistic groups. The Government guaranteed equality and non-discrimination among all ethnic groups and upheld the principle of equality before the law.

7. The Government had put in place socioeconomic development strategies and plans which had enabled the economic growth rate to average 7 per cent annually, and per capita income to reach \$1,050 in 2010, compared to under \$100 in 1970. The poverty rate had fallen from 49 per cent in 1990 to approximately 25 per cent in 2009. The objective of the seventh National Socioeconomic Development Plan (2011–2015) was to meet by 2015 the Millennium Development Goals of eradicating poverty, reducing inequalities between urban and rural populations and placing ethnic groups at the heart of development efforts, making them both participants and beneficiaries. Of the 132 members of the National Assembly, 25 per cent were from minority ethno-linguistic groups and its president was a Hmong woman. The Lao Front for National Construction was responsible for promoting non-discrimination and equality among ethnic groups and encouraging their participation in national development. Representatives of ethnic groups increasingly occupied key positions in the Lao People's Revolutionary Party, the National Assembly, Government and the judiciary.

8. In 2009, the Government had adopted the Legal Sector Master Plan with a view to instituting the rule of law by 2020 and strengthening the independence of the judiciary. In that reform, the Ministry of Justice would give special consideration to ethnic customary rules and informal justice system.

9. Allegations of ill-treatment and discrimination towards certain ethnic groups, especially the Hmong, were unfounded and were spread by ill-intentioned groups seeking to tarnish the country's image.

10. **Mr. de Gouttes** (Country Rapporteur) recalled that the Committee had adopted several decisions on early warning mechanisms and urgent action procedures, partly in the light of information concerning the persistence of ill-treatment towards the Hmong ethnic minority. The Lao People's Democratic Republic's population of 6,440,000 inhabitants was ethnically very diverse, comprising 49 ethnic groups categorized under 4 main ethno-linguistic groups, the Lao-Thai being the largest. The population was 67 per cent Buddhist and 20 per cent animistic, but also included Christians, Baha'i and Muslims. The country's main problems were the integration of ethnic peoples from rural and mountainous areas, and policies of displacement and relocation of those populations, particularly the Hmong minority. During the universal periodic review the Lao Government had insisted that there were no "indigenous" or "minority" ethnic groups in the country. Could the delegation comment and supply additional information on the living conditions of Hmong in shelters and transit camps.

11. Given that the Lao Criminal Code and the 2006 Complaints Act did not meet all the requirements under article 4 of the Convention, he wished to know whether the State party intended to make the reforms needed to comply with that article. Regarding the protection of human rights, he was concerned about freedom of expression, religion and the press; corruption; and the detention conditions of political prisoners and drug addicts. He also wished to know whether the State party considered establishing a national human rights institution in line with the Paris Principles and making the declaration under article 14 of the Convention. He would be interested to learn which civil society organizations had been consulted during the preparation of the report and how far their comments had been heeded. Observed that the definition of racial discrimination in domestic legislation remained inadequate, he recalled that in 2005 the Committee had recommended that the State party adopt a definition that included the elements of article 1 of the Convention. Since the Lao People's Democratic Republic had a dual system, in which international instruments were not directly applicable, he wondered whether the courts, especially the people's courts, could invoke the State party's treaty obligations even before they had been incorporated into domestic law. While the Criminal Code contained two provisions on ethnic discrimination, they did not fully comply with article 4 of the Convention. Moreover, the article of the Criminal Code that defined aggravating circumstances for criminal liability did not include race. Could the delegation comment on the gaps in Lao legislation and say whether interested ethnic peoples and groups were consulted prior to actions to eradicate poppy cultivation and relocation and settlement operations, and what problems had occurred in that connection? He would like to know how many representatives of small ethnic groups had jointed the Party and other State agencies. Since Lao was the working language of the courts and that non-Lao speakers make statements in their mother tongue, he wished to know how interpretation was organized and if it was free for less well-off defendants.

12. Regarding the allegations of rape and abuse of Hmong women by members of the Lao People's Army in 2004, the State party claimed that the investigation had failed to uncover any evidence and that incident had been a complete fabrication. He would like further information on the investigation process, who the impartial investigators were and how they had been appointed, as well as additional information on NGO allegations of

arbitrary arrests, ill-treatment and lack of health care suffered by Hmong detainees, and political prisoners, among others. He wondered if the Government considered how relocation policies targeting populations of remote, mountainous areas might affect the families concerned. Had the populations concerned been consulted prior to the implementation of mining and hydroelectric projects, and had they benefited in any way? He requested concrete examples of cases where the media were banned from damaging national interests, traditional cultures or the dignity of the Lao people.

13. He wished to know how the State party had followed up the recommendations of the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir, following her visit to the country in 2009, and would like an update on the strategic plan for the public health sector (2000–2020) and the project mentioned in paragraphs 73 and 74 of the periodic report to include more medical personnel from small ethnic groups in training programmes. Since the data on education in the report dated back to 2005, he would be interested to learn the current enrolment and literacy rates and to have additional information on the Government's special policy to support education of smaller ethnic groups and inhabitants of remote areas. He would like clarifications on article 22 of the 2003 Constitution which stated that the State was responsible for implementing compulsory primary education in order to mould model citizens with revolutionary competence, knowledge and abilities.

14. He wished to know the number and type of cases brought before the Ethnic Affairs Committee of the National Assembly and how they had dealt with them; what role the mediation units (paragraph 97 of the report) established in 1997 had played in settling village disputes between ethnic groups; and why no racial or ethnic disputes had been taken to court, despite of the country's considerable ethnic diversity. A lack of complaints of racial discrimination was not always a positive sign and often reflected ineffective available remedies, victims' inadequate awareness of their rights, the fear of social censure or reprisals, the complexity of proving discrimination on grounds of race or ethnic origin or even a lack of trust in the police and judicial authorities. The delegation might indicate the measures to disseminate the content of the Convention, periodic reports submitted under the Convention, and the Committee's concluding observations and recommendations, as well as the training on human rights and inter-ethnic or interracial harmony for schoolchildren, students and Government officials who implemented the law, such as law enforcement personnel, the military, judges and other legal professionals, prison staff, health-care professionals and other social workers.

15. **Mr. Diaconu** said that article 66 of the Criminal Code, which stipulated that any person dividing or causing resentment between ethnic groups and social strata with the intention of undermining national solidarity could be imprisoned, did not prohibit racial discrimination the same way as article 4 of the Convention, since it targeted only certain types of offences. The State party should therefore pass legislation prohibiting discrimination in all areas. He asked if students at the ethnic primary and secondary schools established in all the provinces were instructed in both their mother tongue and the country's official language, and how the State party preserved and promoted ethnic groups' culture, traditions and customs. He also wished to know whether there were any environmental impact studies before certain development projects were launched.

16. **Mr. Murillo Martínez** asked why there was such a discrepancy between the Lao population's 85 per cent literacy rate and the Lue's 76 per cent, and noted that there was an even greater gap in higher education enrolment between those two groups. He wished to know whether the ethnic schools and boarding schools mentioned in paragraph 11 of the report was part of the broader intercultural education project, and what budget was allocated to the 2006 national plan for economic and social development intended to benefit small ethnic groups in rural mountainous areas. It would be interesting to know if national census statistics actually reflected the country's demographic composition, given that most

of the population did not openly identify themselves as belonging to any specific population group. He would also like confirmation that the number of Hmong had really decreased from 400,000 in 1975 to 100,000 and, similarly, whether minority ethnic groups might progressively shrink and even disappear. He wondered if the State party had consulted the interested ethnic groups prior to carrying out its policy to resettle populations of mountainous areas in villages with adequate infrastructure.

17. **Ms. Dah** asked whether civil society had participated in the preparation of the report and if the State party's failure to recognize any specific ethnic minorities or indigenous peoples was its way of placing all ethnic groups on an equal footing. She also wished to know the status of foreigners in the country, in particular whether they were migrant workers, asylum seekers, refugees or students. Noting that the State party had rejected some of the recommendations made following the universal periodic review, on the ground that it did not have the means to implement a human rights policy in keeping with the expectations of the international community, she pointed out that the State party had made tremendous economic, social and political progress and spared no effort in maintaining a balance between modernization and tradition, which at times entailed difficult choices.

18. The information provided in paragraph 29 of the report regarding the implementation of article 3 of the Convention was insufficient because it did not address the situation in the various sectors where segregation was most frequent, such as housing. She would like to know the source of payment of court interpreters assigned to members of ethnic groups, and the situation of legal aid in the country. Noting with satisfaction that the president of the National Assembly was a woman, she enquired about the number of female ambassadors, judges and army officers, and requested clarifications on the nature of the "informal schools" mentioned in paragraph 84 of the report.

19. **Mr. Vázquez**, recalling the delegation's assertion that the information the Committee had received about alleged persecution of the Hmong minority was unfounded and designed to tarnish the image of the Lao People's Democratic Republic, asked if the State party would agree to United Nations human rights organs' visits to regions inhabited by Hmong refugees, as the Committee had recommended in its previous concluding observations (CERD/C/LAO/CO/15), and if it was considering a standing invitation to the special procedures mandate holders as follow-up to the recommendations of the Human Rights Council after the universal periodic review (A/HRC/15/5).

20. **Ms. Crickley** asked what steps the State party had taken to ensure that special measures for ethnic minorities, such as boarding schools for children of those groups, actually produced positive results and did not lead to their assimilation. She wished to know if, in implementing the relocation policy, the authorities considered the interested minority communities' bond to their place of origin, as well as their traditions and beliefs, and if their prior free and informed consent had been sought. She would like to learn about the measures taken to combat discrimination against minority women and to improve their overall situation. It would be interesting to know what strategies the State party had adopted to increase its cooperation with NGOs and ensure that even those whose position it could not support could voice their opinion.

21. **Mr. Thornberry** requested additional information on the ethnic boarding schools, in particular their curricula, languages of instruction, and teachers' qualifications. He would like to know whether the ethnic diversity of the Lao population was reflected in the school system, whether ethnic minorities' contribution was recognized and promoted in education and whether they were involved in curriculum design. Clarifications on how early and recent national history was taught in schools would be helpful, and as to why the State party had adopted a relocation policy for nomadic ethnic groups and if they had given prior consent.

22. **Mr. Kemal** asked whether ethnic minorities of fewer than 1,000 had grown or shrunk since the 2005 census. He wondered whether, rather than resettling minorities in other regions, the Government might not let them live in their villages and build up infrastructure to expand tourism, which thereby would benefit not only the minorities themselves, but also the entire national economy. Lastly, he asked how article 66 of the Criminal Code on the offences that undermined national solidarity was applied by the courts and how likely that article was to discourage claims by ethnic minorities.

23. **Mr. Huang Yong'an** recalled that in 2009, following claims that the treaty rights of the Hmong were being violated, the Committee had sent a letter urging the State party to respond to those allegations, which it had done the following year. In August 2010, the Committee had sent another letter to the State party in which it had requested additional information, but it had yet to receive a reply (A/64/18, para. 22, and A/65/18, para. 19). Although he had taken note of the delegation's assertions that the allegations were unfounded, he would be grateful for an explanation of the State party's position.

24. **Mr. Amir** welcomed the resumption of dialogue with the State party and stressed that the best way for a country to challenge what it believed to be false allegations was to maintain communication with the Committee. The Lao Government could perhaps invite experts of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other United Nations bodies to visit the country to objectively assess the situation of minorities.

The meeting rose at 6 p.m.