



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Consideration of reports submitted by States parties under  
article 40 of the Covenant pursuant to the optional reporting  
procedure**

**Initial reports of States parties due in 2010**

**Lao People's Democratic Republic\*, \*\***

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\* The present document is being issued without formal editing.

\*\* The annexes to the present report are on file with the Secretariat and are available for consultation.  
They may also be accessed from the web page of the Human Rights Committee.



## **Introduction**

1. The International Covenant on Civil and Political Rights (ICCPR) was signed and ratified by the Lao People's Democratic Republic (Lao PDR) on 7 December 2000 and 25 September 2009 respectively and entered into force for the Lao PDR on 25 December 2009. At the time of ratification, the Lao PDR made declarations in relation to Article 1 on the right to self-determination and Article 18 on the right to freedom of thought, conscience and religion. The Lao PDR also made reservation in relation to Article 22 on the right to form association and trade union. The Lao PDR is a party to 7 out of the 9 core human rights treaties of the United Nations and a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance.

## **Preparation and Drafting Process**

2. This National Report submitted under Article 40 of the ICCPR has been prepared and drafted in accordance with the Guidelines of the Human Rights Committee No. CCPR/C/2009/1 dated 22 November 2010. The Ministry of Foreign Affairs has played a central role in the preparation of this Report in collaboration and consultation with line-ministries, relevant organizations and other stakeholders in collecting data and information. The drafting of this Report was under the supervision of the Government's National Steering Committee on Human Rights. The Technical Drafting Team was composed of representatives of line-ministries, organizations equivalent to ministries, the National Assembly, the Judiciary, Lao Front for National Construction and mass organizations. This Report is submitted along with the Common Core Document to the Human Rights Committee. The information and statistics presented in this Report were provided by the National Statistics Centre and other concerned institutions during the period of 2009-2016.

3. The Constitution of the Lao PDR was adopted in 1991, amended in 2003 and 2015 in order to meet the needs of socio-economic development of the country. Up to present, the National Assembly has adopted more than 100 laws to implement the provisions of the Constitution. In addition, the Government has issued numerous sub-laws in order to implement the Constitution and laws including those related to the promotion and protection of the fundamental rights and freedoms of the Lao citizens under Chapter IV of the Constitution, consistently with the Lao PDR's international obligations and commitments on human rights including the ICCPR.

## **Implementation of the Rights under the Covenant**

### **Article 1**

#### **Right to Self-determination**

*The Right to Self-determination of the Lao multi-ethnic People is recognized as follows:*

4. As a member of the United Nations, the Lao PDR fully recognizes the right to self-determination in conformity with the purposes and principles of the United Nations Charter. This right as specified in Article 1 of this Covenant and Article 1 of the International Covenant on Economic, Social and Cultural Rights is a collective right of a people to liberty and national independence from both old and new forms of colonization, to determine their political destiny and pursue their economic and social development without external interference.

5. The Constitution defines the right to self-determination; particularly the final paragraph of the Preamble of the Constitution stipulates that "this Constitution is the fruit of the process of the people's discussions and contributions throughout the country. It reflects the long-standing aspirations and strong determination of the national community to strive together to fulfill the objective of building the Lao PDR into a country of peace, independence, democracy, unity and prosperity".

6. The Lao PDR made a declaration to Article 1 of this Covenant by declaring that self-determination is interpreted in line with the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States 1970. The purpose of the declaration is to interpret the meaning of “people” in Lao PDR as follows: the people of the Lao PDR is composed of all ethnic groups within the jurisdiction of the Lao PDR as a sovereign and independent state without discrimination based on ethnicity, religion and race. The exercise of the right to self-determination shall not affect the political unity and territorial integrity of the Lao PDR in accordance with the 1970 Declaration.

7. The Lao PDR consists of 49 ethnic groups living together in peace and harmony throughout the country. The Lao Government does not classify any ethnic group as minority or majority ethnic group regardless of the different size of their population. Ethnic groups have equal rights and obligations. Article 1 of the Constitution stipulates that the Lao PDR is an independent country with sovereignty and territorial integrity over its territorial waters and airspace; it is a unified and indivisible country belonging to all ethnic people. Article 2 of the Constitution stipulates that the State of the Lao PDR is a people’s democratic state; all powers belong to the people, and are exercised by the people and for the interests of the multi-ethnic people of all social strata whose foundation is the alliance between workers, farmers and intelligentsia. Article 3 of the Constitution stipulates that the right of the multi-ethnic people to be the masters of the country is exercised and ensured through the functioning of the political system with the Lao People’s Revolutionary Party as its leading nucleus. Article 4 of the Constitution stipulates that the people elect their representatives to the National Assembly and the Provincial Assemblies to ensure that their rights and interests are guaranteed.

8. The Constitution guarantees the equality and right of the Lao people to be the masters of the country as stipulated in Article 3 and the State protects the property rights such as the rights of possession, use, usufruct and disposition and the inheritance rights of organizations and individuals as stipulated in Article 17. Article 3 of the Land Law stipulates that land and natural resources are under the ownership of the whole national community and the State is charged with the centralized and uniform management, protection, allocation and use of land throughout the country in accordance with the laws. The Decree on the Implementation of the Land Law, Article 26 defines that customary land utilization rights are the protection and utilization of land through the clearance and development or through the state land allocation plan of the concerned land parcel in a regular, continued and long-term manner until the present time without any documents certifying the land use rights for individual, organization or village communal use. According to the Land Law, the State recognizes the customary land use rights of individual, organization or village community by issuing Land Survey Certificate or Land Title or Land Certificate on a case-by-case basis through the application for land registration submitted to the Land Management Authority. From 2011-2015, the Government approved the permanent land registers of 344,399 land parcels throughout the country or about 25.33% of the projected of one million land parcels, and completed the creation of land registration’s database that covered 1.6 million land parcels with a total area of 4.5 million hectares.

9. The Lao PDR pursues a policy to protect natural resources under the ownership of the whole national community. Article 19 of the Constitution stipulates that all organizations and citizens must protect, reserve the bio-diversity and utilize natural resources in a sustainable manner. The Government has enacted and amended a number of laws and regulations concerning the natural resources and environmental management, particularly the Law on Environmental Protection. Article 13 of this Law provides for environmental protection, pollution control, chemical pollution control and waste disposal, environmental certification and approval, promotion of and public participation in environmental protection. Article 53 of the same Law stipulates that persons, legal entities and organizations engaging in exploitation, transportation, storage, manufacturing and use of natural resources shall strictly comply with Law on the Promotion of Investment and other relevant laws and regulations. Law on Water and Water Resources, Article 28 defines that when necessary to remove people from a site and area of water source development, the project operator must assist in searching for an appropriate residence and livelihood. In addition, the Government has also amended Decree on the Implementation of Water and

Water Resources 2001, Guidelines of the Minister of Natural Resources and Environment 2013 on Public Participation in Environmental Impacts Assessment of Investment, Decree on Environmental and Social Impact Assessment, Decree on the Compensation and the People Relocation and Guidelines on the Process of Environmental, Social and Natural Assessment on the Impacts from the Investment and Other Activities 2013, Decree on Compensation and Resettlement of People affected by Development Projects 2016. In practice, before the construction of major development projects, the Ministry of Natural Resources and Environment has the responsibility to provide technical instructions to the project developers on the process of conduct and assessment of the environmental and social impacts, and on the conduct of consultation with the participation of the people affected by the project in order to ensure that they are aware of and express their view on the project under development. The project developer must take full responsibility for completing the process of environmental and social impacts assessment and ensuring the attainment of environmental certificate and approval from the Ministry of Natural Resources and Environment before commencing the construction of the proposed project.

## **Article 2**

### **Legal Obligations of the State Parties**

10. Lao PDR respects the principles of the 1969 Vienna Convention on the Law of Treaties to which the Lao PDR is a party since 1998. The Presidential Ordinance of the Lao PDR on the Conclusion, Accession and Implementation of Treaties 2009, Article 2 provides for the commitment of the Lao PDR to implement the treaties to which the Lao PDR is a party. Article 35 of the Ordinance provides that the implementation of treaties is the transposition of treaty provisions into national policies and laws in accordance with the treaty purpose. The national implementation of treaties is undertaken through the formulation and improvement of the State's policies, the amendment of existing laws and the enactment of new laws to ensure consistency and compliance with the treaties to which the Lao PDR is a party. The Lao PDR respects and implements in good faith the treaties to which the Lao PDR is a party, and calls on other State Parties to implement their obligations in the same manner.

11. The transposition of the provisions of the treaties to which the Lao PDR is a party into national legislation is a legal requirement in the Lao PDR. The court judgment or the decisions of the relevant authorities shall not conflict with the treaties to which the Lao PDR is a party. Articles 7(2) and 9 of Law on Legislation Making provides that the development and amendment of laws and sub-laws shall be consistent with the treaties to which the Lao PDR is a party and if the provisions of the existing legislation or newly adopted legislation are inconsistent with the provisions of the related treaties to which the Lao PDR is a party, the provisions of the treaties shall prevail and the national legislation shall be amended in due time. Article 31 of the Presidential Ordinance on the Conclusion, Accession and Implementation of Treaties 2009 provides for a similar provision that if the provisions of domestic law are different from or inconsistent with the provisions of the treaty to which the Lao PDR is a party on the same matter, the treaty provisions shall prevail.

12. Chapter IV of the Constitution, Article 34 provides that the State recognizes, respects, protects and guarantees human rights and fundamental rights of the Lao citizens in accordance with the law. Articles 35 to 45 provide that all Lao citizens are equal before the law irrespective of their gender, social status, education, beliefs and ethnicity; the Lao citizens have the following rights: the right to vote and to be elected; equal rights in the political, economic, cultural and social fields and in family affairs; the right to education; the right to work and engage in occupations which are not contrary to the laws; the right to rest, to receive medical treatment in time of illness and to receive assistance in the event of incapacity or disability in old age; the right to freedom of movement and residence; the right to lodge complaints and petitions and to propose ideas to the relevant State organisations in connection with issues pertaining to the public interests or to their own rights and interests; the rights to inviolability of physical bodies, honour and premises of the Lao citizens; the right not be arbitrarily arrested or searched; the right and freedom to believe or not to believe in religions; the right and freedom of speech, press and assembly and the right to set up associations and to stage demonstrations which are not contrary to

the laws. Laws and sub-laws which promote and protect the human rights contained in the Covenant include the Penal Law, Law on Criminal Procedure, Law on Civil Procedure, Law on Development and Protection of Women, Law on Prohibition and Prevention of Violence against Women and Children, Law on Protection of the Rights and Interests of Children, Law on Anti-Human Trafficking, Law on Extradition, Law on Immigration and Management of Foreigners, Labour Law, Family Law, Law on Family Registration, Law on Lao Nationality, Law on Handling Petitions, Law on People's Prosecutors, Law on People's Courts, Law on Election of Members of the National Assembly and Provincial Assemblies, Land Law, Forest Law, Law on Anti-Corruption, Law on Media, Law on Publication, Law on Cyber Crimes, Law on Trade Union, Law on Lawyers, Law on HIV/AIDS Prevention, Decree on Compensation and Resettlement of People Affected by Development Projects, Decree on Management and Protection of Religious Activities in the Lao PDR, Decree on Non-Profit Associations, Decree on Foundations, Decree on Dissemination of Information through the Internet, etc. The list of laws and sub-laws appears as an Annex to this Report.

13. The Constitution, Article 41 provides that Lao citizens have the right to lodge complaints and petitions and to propose ideas to the relevant State organizations in connection with issues pertaining to the public interests or to their own rights and interests. Complaints, petitions and ideas of citizens must be examined and addressed as provided by the laws. In order to handle complaints and petitions in an effective and efficient manner, the National Assembly adopted Law on Handling Petitions. Article 2 of this Law stipulates that a petition is a document of a citizen or organization that is presented to the relevant authority for consideration concerning an action or decision of an organization or individual that is alleged to have violated laws and regulations or affected the interests of the State, collectives or the rights and legitimate interests of the petitioner. Aliens, stateless persons, and foreigners residing in the Lao PDR also have the rights to complaint and petition in accordance with the laws. Articles 15 and 16 of this Law stipulate that governmental administrative organs (Ministries and Agencies, Provincial Administrative Authorities), Investigation Authorities, Offices of the People's Prosecutors, People's Courts, the National Assembly are the handling petition bodies which have the duties to timely handle petitions in accordance with the law. The Penal Law, Law on Criminal Procedure, and Law on Civil Procedure are also the legal basis for citizen or organization whose rights are allegedly violated to seek compensation for damages. In the period of 2011-2015, there were a total of 37.864 complaints filed to the courts of all instances, of which 36.076 cases or 95.32% were solved. Compared to the number of complaints filed to the courts 5 years ago, it is an increase of 3.713 cases or 9.81%. In 2016, there were 107 complaints filed to the People's Supreme Court. These complaints were divided into 3 categories such as 84 cases of petitions concerning decisions or judgments of the people's courts, 18 cases of petitions concerning inappropriate behaviors of people's courts officers and 5 other petitions. A Lao citizen who disagrees with the final decision of the People's Supreme Court can make complaints to the Justice Committee of the National Assembly to seek justice. Lao citizens may also make a hotline call 156 during an ordinary session of the National Assembly. The total number of petitions submitted to the National Assembly during the period 2011-2015 was 5.815 cases, of which 3.817 cases were solved. The majority of which was related to inheritance and land disputes.

14. The Lao PDR has established national mechanisms for the promotion and protection of human rights and for coordination in the implementation of the obligations under the human rights treaties and protocols to which the Lao PDR is a party. These mechanisms include the National Steering Committee on Human Rights, the National Commission for the Advancement of Women, National Commission for Mothers and Children, National Committee on Anti-Human Trafficking, National Commission for Persons with Disabilities and Elderly Persons. In 2016, the National Commission on the Advancement of Women and the National Commission on Mothers and Children have merged into the National Commission of the Advancement of Women and Mother and Child Affairs. In addition, Ministries, State organizations, mass organizations, and other stakeholders contribute to the promotion and protection of human rights. This includes the Lao Front for National Construction, the Lao Women's Union, the Lao Youth Union, the Lao Federation of Trade

Unions, the National Chamber of Commerce and Industry, the Lao Bar Association, the Lao Disabled People's Association, several Non-Profit Associations.

15. The Lao Government attaches importance to promoting and protecting human rights by disseminating and raising awareness on human rights for government officials of relevant sectors at the central and local level, particularly among police officers, military officers, members of the National Assembly and Provincial Assemblies, prosecutors and judges. The Ministry of Foreign Affairs, the Ministry of Justice and other relevant organizations have organized a series of seminars, workshops on particular issues related to human rights and legal rights of the people. The National Commission for Mothers and Children has organized trainings of trainers for the authorities working on the promotion and protection of the rights of children at the local level, disseminated and encouraged the implementation of women and children affairs, combating violence against children, prohibition of child labour, birth registration, reproductive health, nutrition, pre-school childhood development, vaccination, clean water, sanitation and hygiene, the discouragement of early marriage. These trainings were organized in 496 villages, 148 districts and 8 provinces in which a total of 4,232 persons participated. The Ministry of Justice raised awareness of the basic understanding of Law on Protection of the Rights and Interests of Children in 90% of all villages. The National Commission for the Advancement of Women, the Ministry of Justice, Ministry of Public Security, Office of Supreme People's Prosecutor, the People's Supreme Court and Lao Women's Union jointly published a guidebook on access to justice by women. Besides, these Ministries and organizations also cooperated with UN Women to hold a seminar on access to justice by women for justice authorities in districts, provinces, Vientiane capital, Office of the Supreme People's Prosecutor, People's Supreme Court, law enforcement and prison officers as well as members of the National Assembly, in which a total of 216 persons participated, of whom 42, 6% were women.

**Article 2 para. 1, Article 3 and Article 26**

16. The equal rights before the law and court of the Lao citizens are guaranteed by the national legislation as follows:

17. The Constitution, Articles 35 and 37 define that all Lao citizens are equal before the law irrespective of their gender, social status, education, beliefs and ethnicity, and Lao citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs. The National Assembly has adopted a number of laws to ensure the rights of the Lao citizens without discrimination, particularly Article 13 of Law on Criminal Procedure stipulates that the criminal proceedings must be conducted on the basis of equal rights of all citizens before the laws and the people's courts without discrimination on the basis of gender, race, ethnicity, socio-economic status, language, education, occupation, belief, place of residence, and etc. Article 10 of Law on Civil Procedure provides that civil proceedings must be conducted on the basis of equal rights of all citizens before the laws and the people's courts without discrimination on the basis of gender, race, ethnicity, socio-economic status, language, education, occupation, beliefs, place of residence, and etc. Article 6 of Law on the Protection of the Rights and Interests of Children provides that all children are equal in all aspects without discrimination of any kind regardless of gender, race, language, ethnicity, beliefs, religion, physical state, and socio-economic status of their family. Article 176 of the Penal Law provides that any person who keeps another person separate from, or prevents or restricts such other person from participating in any activity, or who discriminates against another person based on ethnic reasons shall be punished by imprisonment from one year to three years and shall be fined from 1,000,000 Kip to 3,000,000 Kip. Foreigners residing in the Lao PDR do not have the rights to vote, to be elected, to own land, to serve in the government and do not have the obligations to be conscripted for military service.

18. The rights of foreigners living in the Lao PDR are protected under the Constitution and the laws of Lao PDR. Article 50, para 1 of the Constitution provides that the rights and freedoms of aliens and stateless persons are protected by the laws of the Lao PDR. They have the rights to file complaints with the courts and to lodge petitions with other concerned authorities of the Lao PDR and have the obligations to respect the Constitution

and laws of the Lao PDR. Article 7, para 2 and 4 of Law on Nationality provides that an “alien” is an individual holding another nationality who resides and lives in the Lao PDR for a long period, who holds an alien identification card, and whose government still recognizes him/her as its citizen. Aliens and stateless persons are under the administration of the Ministry of Public Security and other concerned authorities. They may be granted Lao nationality under Law on Nationality provided that they apply for Lao nationality to the relevant authority and meet all the requirements under this Law.

19. The Lao PDR attaches importance to promoting gender equality which is one of the main goals and the basis for socio-economic development of the Lao PDR. The Lao Government has certain laws to enable women to further enjoy their political, economic, social and cultural rights. The Constitution of Lao PDR, Articles 35 and 37 provide that Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs or ethnicity. Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs. Law on Development and Protection of Women, Article 13 stipulates that equal rights for women and men means equality in self-development, women and men have the same value and opportunities in politics, the economy, society and culture, family, national defence and security, and foreign affairs. Law on Lao Women’s Union and Law on Prevention and Combatting Violence against Women and Children were adopted to contribute to achieving the equality of both genders. Furthermore, violence against women and trafficking in women are criminalized under the Penal Law, particularly Article 177 stipulates that any person who discriminates against any woman, or who keeps any woman separate from, or prevents or restricts any women from the participation in any political, economic, socio-cultural or family activity, based on gender reason, shall be punished by imprisonment from one year to three years and shall be fined from 1,000,000 Kip to 3,000,000 Kip. Article 6, para 11 of Law on State Budget provides that the formulation and implementation of national budget shall guarantee the equality for both genders.

20. The Government also drew up policies, strategic plans, work plans for promoting the role of women in political, economic, social and cultural spheres, particularly the formulation and adoption of the Five-year National Action Plan for the Advancement of Women Phase II (2011-2015), the integration of the advancement of women into the Seventh Five-year National Socio-Economic Development Plan (2011-2015), the National Action Plan for the Implementation of the Millennium Development Goals (MDGs) related to women, the National Work Plan for the implementation of Beijing Declaration and Platform for Action and the Implementation Plan for CEDAW, the Strategies for the Promotion of Gender Equality in Governance, the National Action Plan on the Prevention and Elimination of Violence against Women and Children (2014-2020). The latter consists of 3 specific plans such as 1) plan for reviewing the policies and legislation, making statistics database and researching and strengthening women capacity; 2) plan for the prevention and elimination of violence against women and children; 3) plan for solving violence against women and children.

21. There are organizational arrangements in the Lao PDR for monitoring and managing the implementation of the above mentioned Plans and Strategies, for instance the Lao Women’s Union which has representative offices at the central and local level; the Lao National Commission for the Advancement of Women with its sub-committees set up within the government agencies at central and local level focusing on encouraging and monitoring the implementation of these Plans and Strategies and the follow-up on the implementation of the obligations under CEDAW; the Women’s Caucus in the National Assembly which was established to ensure that gender equality is mainstreamed into the law-making process and to promote the role of women in political life and decision making. The National Assembly Women’s Caucus also established its own work-plan (2011-2015), published a Handbook on Gender Mainstreaming in the 7th Legislature of the National Assembly (2011-2015). There are 12 detailed plans of the Work Plan (2011-2015) of the Women’s Caucus of the National Assembly, including a monitoring plan on the implementation of policies, the Constitution, laws, CEDAW in electoral constituencies, a plan on contributing to making and amending laws related to the protection of the rights and interests of women and children for development, a plan on promoting the

representation of Lao women in electoral constituencies, a plan on the improvement of the strategy on gender mainstreaming in the activities of the National Assembly, among others.

22. At present, women play a greater role in the political life of the Lao PDR. 41 women were elected as the members of the National Assembly 8th Legislature in 2015 or 28% of the total 149 Assembly members, which is an increase of 3% compared to the figure of the 7th Legislature. Many women are appointed leaders in the executive bodies, notably there are 6 women of the total 62 ministers and equivalents; 15 women of the total 121 deputy ministers and equivalents; 71 women of the total 437 directors-general; 186 women of the total 946 deputy directors general; 4 women of the total 50 vice-governors; 9 women of the total 148 district chiefs; 225 women of the total 8,577 village heads. There are 4 women who are ambassadors or consuls general. Nationwide, women account for 38.9% of total number of public servants. They occupy 57% of the total number of the employees working in the economic field.

23. Law on Labour has been amended to ensure consistency and compliance with the ILO Conventions namely: ILO Convention No.100 on Equal Remuneration and ILO Convention No.111 on Non-discrimination.

24. The equal remuneration between men and women is provided for in the Labour Law and Law on Development and Protection of Women. Article 45 of the Labour Law stipulates that employees who perform equal quantity, quality, and value of work are entitled to receive equal salary, wages and other benefits without any discrimination as to race, nationality, gender, age, religion, beliefs, or social-economic status. Article 15, para 2 of Law on Development and Protection of Women stipulates that women who hold the same position, task, work and responsibility as men shall have the right to remuneration and benefits on an equal basis with men.

25. In case of domestic violence against women and children, the offender shall be punished. Law on the Development and Protection of Women 2004, Article 50 stipulates that any individual committing domestic violence against women and children causing physical and mental harms on them, damages to their property shall be re-educated and given official warning. In case where domestic violence constitutes an offence, the offender shall be punished according to the Penal Law. Article 90 of the Penal Law provides that any person intentionally causing physical harm to another person shall be punished by three months to one year of imprisonment and shall be fined from 100,000 Kip to 500,000 Kip. Where such an offence results in severe injuries or is committed by a group of persons, the offender/offenders shall be punished by one to five years of imprisonment and shall be fined from 500,000 Kip to 1,500,000 Kip. Where such an offence causes invalidity and death for the victim, the offender shall be punished by five to ten years of imprisonment and shall be fined from 700,000 Kip to 3,000,000 Kip. The National Assembly adopted Law on Prevention and Combating of Violence against Women and Children which provides for concrete measures on violence against women.

26. Domestic violence against women and children will be investigated according to Law on Criminal Procedure, Law on Development and Protection of Women and Law on the Prevention and Combating of Violence against Women and Children. The Lao Women's Union and the Lao National Commission for the Advancement of Women have conducted a campaign to raise awareness on these laws for government officials at the central and local level, conducted seminars for women with a view to raising awareness on their rights to protect themselves to avoid becoming victims of domestic violence. These activities were supported by International Organizations, International Non-Governmental Organizations and Civil Society Organizations. Information on training for judges, prosecutors and police officers in this regard is given at point 30 of this Report.

27. The minimum age for marriage is 18 years old or above as stipulated in the Family Law, Article 9, para 1 and Law on Development and Protection of Women, Article 17, para 3.

28. The equality of divorce is provided in the Family Law. Article 20 of this Law provides that husband or wife has an equal right to divorce for one of the following reasons: adultery; use of violence or gross insults against each other or against parents or relatives; or behavior evidencing a seriously inappropriate attitude making co-habitation impossible.

If husband and wife cannot reach agreement on the custody of children after divorce, the court shall decide whether father or mother should have the custody taking into consideration the children's best interests. A divorced couple must care for and educate their children. The court shall decide on child support to be provided until the child reaches maturity based on agreement between husband and wife or based on the court's decision in the event that agreement cannot be reached between husband and wife as stipulated in Article 23 of this Law.

29. The Government pursues a policy to improve access to education for all by adopting the National Action Plan on inclusive education, including the development of pre-school, primary, secondary and higher education as well as technical and vocational education. In academic year 2013-2014, the average rate of enrolment of children at the age of 5 throughout the country was 60.8%, increased by 7.9% compared to the previous academic year, surpassing 55% target of the Education For All (EFA) Goal. In 2015 the rate of primary school enrolment across the country averaged 98% and the rate of students still attending school until grade 5 of primary school averaged 77.5%, increasing by 4,2% from the previous academic year. The rate of the net enrolment of primary school achieved 98.6%.

30. The transmission of nationality to children is stipulated in the Family Law. Article 31 para 5 and 6 of this Law provide that a child's nationality is determined by his or her parents' nationality provided that they possess the same nationality. If the parents possess different nationalities, the child may acquire either the father's or the mother's nationality under Law on Lao Nationality. Article 22 of this Law provides that if both parents acquire or relinquish Lao nationality, the nationality of their child of less than eighteen years old will acquire their parents' nationality. Article 26 of this Law stipulates that children holding Lao nationality and adopted by a married couple where one spouse is a Lao citizen and the other is a foreign citizen will keep their Lao nationality. Such children may relinquish Lao nationality upon the request of the adoptive parents. Children holding Lao nationality and adopted by stateless persons or by a married couple where one spouse is a Lao citizen and the other spouse is a stateless person will keep their Lao nationality.

31. The measures against rape are provided in the Penal Law. Article 128 of this Law stipulates that any person using force, armed threats, drugs or other substances or other means to place a woman in a state of helplessness in order to have sexual intercourse against her will, where such woman is not the offender's spouse, shall be punished by three to five years of imprisonment and shall be fined from 1,000,000 Kip to 5,000,000 Kip. Where the victim of such rape is a woman between fifteen and eighteen years old and dependent on the offender's care or under the offender's medical treatment, the offender shall be punished by five to ten years of imprisonment and shall be fined from 2,000,000 Kip to 10,000,000 Kip. In the event of multiple rapes, rape of girls under fifteen years of age, battery during rape or a rape causing invalidity or death for the victim, the offender shall be punished by seven to fifteen years of imprisonment and shall be fined from 5,000,000 Kip to 15,000,000 Kip. Where the offender rapes the victim and then murders the victim, such offender shall be punished by fifteen to twenty years of imprisonment and shall be fined from 10,000,000 Kip to 20,000,000 Kip or may be sentenced to life imprisonment or subject to the death penalty. Article 129 defines that any person engaging in sexual intercourse with a girl or boy under fifteen years of age shall be punished by one to five years of imprisonment and shall be fined from 2,000,000 Kip to 5,000,000 Kip. Law on Prevention and Combating of Violence against Women and Children, Article 4, para 1 provides for the definition of forced sexual intercourse and rape which refers to any act by a husband to have sexual intercourse with his wife by force. Article 15 provides that forced sexual intercourse and rape against women are sex violence. Article 17, para 5 stipulates that forced sexual intercourse and rape against women is an act of violence against women. Article 79 stipulates that husband who forced his wife to have sexual intercourse shall be punished by three month to one year of imprisonment and shall be fined from 1,000,000 kip to 5,000,000 kip. The amount of such fine is the same as the amount of fine provided for in Article 128 of the Penal Law.

32. At present, the Lao Government is in the process of drafting a Penal Code which would provide for detailed measures to punish spousal rape.

33. To prevent any act of causing damage to the honour and virginity of women, the Lao PDR has imposed legislative measures as provided in the Penal Law. Article 128 of this law provides for the punishment of rape; Article 129 provides for the punishment of sexual intercourse with a child; Article 133 provides that forced prostitution of any person shall be punished by five years to ten years of imprisonment and shall be fined from 10,000,000 Kip to 20,000,000 Kip. Any person forcing another person under 18 years of age to prostitution shall be punished by ten years to twenty years of imprisonment and shall be fined from 20,000,000 Kip to 50,000,000 Kip. Article 134 criminalizes human trafficking for the purpose of forced labour, prostitution, pornography, or acts against the fine traditions of the nation, or removing body organs of such person, or for other unlawful purposes. Any person engaging in human trafficking shall be punished by five years to fifteen years of imprisonment and shall be fined from 10,000,000 Kip to 100,000,000 Kip. Furthermore, Law on Development and Protection of Women 2004, Article 49 provides for measures against trafficking in women and children.

#### **Article 4** **The Derogation from Obligations under the Covenant**

34. The declaration of the state of emergency is provided in the Constitution, Article 67, para 10 which provides that the President of the Lao PDR has the powers to declare a state of emergency all over the country or in any locality. However, since the promulgation of the Constitution, the Lao PDR has never declared a state of emergency. Article 3, para 3 of Law on National Public Security provides for the administrative measures for declaring states of emergency; Article 19 provides for the responsibility of the Ministry of Public Security and the Ministry of National Defense to keep updating on situations, indicate dangerous areas and areas where the unstable incidents occurring in all over the country or in any locality, and then report to the Prime Minister and subsequently to the President to consider the declaration of a state of emergency; Article 20 provides for the protection of public security at the time of a state of emergency by Ministry of Public Security; Article 21 provides for the measures for security protection at the time of states of emergency.

35. In all situations either in peace or in states of emergency, police officers have responsibilities under Law on People's Security Force. According to Article 10 of this Law, the People's Security Force is responsible for preventing and suppressing any act of violence over the Lao territory, preventing crimes and maintaining peace and security, securing safety of state organizations, protecting lives and interests of the multi-ethnic people, protecting institutions, national social and economic infrastructures, national and international protocols, protecting embassies, international organizations, as well as ensuring the safety of foreigners living in the Lao PDR. Furthermore, Law on National Security provides for the areas and the declaration of states of emergency, the protection of security during the states of emergency and the use of required measures during the states of emergency by the police officers as provided for in Articles 19, 20 and 21. Law on National Defence provides for states of emergency, the declaration of states of emergency, the declaration and termination of the application of martial law as provided for in Articles 22, 23 and 24.

36. The Lao PDR always condemns all forms of terrorism and denounces all kinds of terrorist organizations. Terrorism not only destroys lives and property of the people, but also hinders the socio-economic development, creates troubles, fear and inequality in the society. Although the Lao PDR does not have a specific law on anti-terrorism and there is no universal definition of terrorism, the acts that cause the loss of lives and property of the people and the State constitute criminal offences under the Penal Law and shall be subject to appropriate punishment. The Government has cooperated with the international community by ratifying 14 global conventions on anti-terrorism. The Lao PDR is also a member of the Asia-Pacific Group on Anti-Money Laundering and Counter Terrorist Financing and cooperates with concerned international organizations to organize seminars on capacity building for government officials, judges, prosecutors, lawyers, members of the National Assembly in order to raise awareness on their roles and functions on anti-terrorism and the implementation of the obligations under the conventions to which the Lao PDR is a party. The National Assembly adopted Law on Anti-Money Laundering and Counter-Financing of Terrorism. The Government adopted sub-laws in order to issue the list of

terrorists and undertake assets seizure or confiscation related to terrorism in accordance with Resolutions 1267 and 1373 of the UN Security Council. The National Committee on Anti-Money Laundering and Counter Terrorist Financing was established under the chairmanship of the Deputy Prime Minister and the Anti-Money Laundering Intelligent Office of the Bank of the Lao PDR serves as the secretariat to the Committee in the cooperation and collaboration with relevant national and international organizations.

## **Article 6**

### **Right to Life**

37. Lao citizens' rights to inviolability of their bodies are guaranteed by the Constitution and laws. All acts of bureaucratism and harassment that can be detrimental to the people's bodies or lives are forbidden. These rights are guaranteed by the Constitution, Articles 6 and 42, which stipulate that the state protects the freedoms and democratic rights of the people which are inviolable and the right of Lao citizens in their lives, bodies, honour and houses are inviolable. The Criminal Procedure Law 2012, Article 7, para 3 guarantees the Lao citizens' rights to be protected in terms of their lives, health, dignity or property during the criminal proceedings, Articles 82, 88, 89, 90 and 92 of this Law prescribe that any person causing another person's to death intentionally, negligently or inadvertently shall be punished by house arrest, deprivation of liberty, death penalty or and shall be fined. Any attempt to commit such an offence shall also be punished.

38. Regulations on the use of force and firearms by the defense and security officers are defined in Article 43, para 7 of Law on People's Security Forces, which prohibits officials lending their weapons, ammunition, uniforms, identity cards to others to use, or in other businesses. Generally, in Lao PDR, except soldiers, police officers and other permitted persons, no other persons can hold weapons. In case violating the law, Law on People's Security Forces shall be followed. Article 45 of this Law defines the measures against offenders. Measures will be taken against individuals or organizations that violate this Law which includes education, disciplinary measures or prosecution in accordance with the laws. The police officers who violate the laws, rules and disciplines of people's security forces shall face disciplinary measures depending on the severity of the violation. The Penal Law, Article 154, para 2 defines that, in the event that the abuse of powers is committed with the use of force, weapons, torture, indecent words or acts affecting the honour and reputation of the victim, the offender shall be punished by three to five years of imprisonment and shall be fined from 2,000,000 Kip to 7,000,000 Kip. In case of intentional offences and if the court imposes the deprivation of liberty, the offenders no longer have the right to serve in the people's security forces. However, up to the present time, there is no serious violation by security officers.

39. Death penalty is provided for in the Penal Law, it is only the specific punishment to be imposed on offenders who committed especially serious crimes such as drugs trafficking, rape or cruel murder that causing the death of other persons or other serious crimes. In practice the persons who were sentenced to death have the right to appeal and receive reduction of death sentence to life imprisonment.

40. The serious crimes subject to death penalty described in the Penal Law include: acts of robbery are committed as a regular profession, acts committed as part of an organised group, acts which result in severe injuries or the loss of life or substantial damage (Article 107, para 2); the offender rapes the victim and then kill the victim (Article 128, para 4); the offence causes lifetime invalidity, transmission of HIV or death (Article 134, para 5); any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao PDR of specified amount of heroin and amphetamines or other psychotropic substances (Article 146); an offence causes an officer's physical disability or loss of life (Article 158, para 3); any person who has violated regulations and caused danger to the security of boats, airplanes, ships, cars, airports, harbours, or stations causing to severe damage, (Article 175, para 2). In addition, there are many articles in the specific part of Penal Law such as Chapter 1 on Offences against National Security and Social Orderliness, which stipulates the highest punishment of life imprisonment or death penalty (Articles 56 to 88).

41. Law on Criminal Procedure, Article 238 provides that prisoners may be released by receiving amnesty from the President of the Lao PDR on the occasion of important days of the nation provided that they meet all criteria. The person subject to death penalty has the right to request the President for a pardon or reduction of sentence within thirty days from the date the President of the People's Supreme Court issues an order on the implementation of the sentence.

42. The law of the Lao PDR prohibits the imposition of the death sentence on offenders who are less than eighteen years old and on women who are in a state of pregnancy. This prohibition is stipulated in the Law on the Protection of the Rights and Interests of Children. Article 72, para 3 of this Law prohibits the use of death penalty and life imprisonment for children. The Penal Law, Article 32 prohibits imposition of the death sentence on offenders who are less than eighteen years old and pregnant women at the time the offence is committed, when the court makes its decision, or when the sentence is imposed.

43. The Law on People's Court, Article 5 provides that the people's courts make decisions on death penalty at the following three levels: at first instance, on appeal and on cassation.

44. The People's Provincial Court has the jurisdiction to make decisions in accordance with the facts and the laws for the cases that are not within the jurisdiction of people's zonal court within a province.

45. The Appellate Court has the jurisdiction to make decisions based on the facts and the laws as the appeal level for the cases that the people's provincial courts have already judged.

46. The People's Supreme Court has the jurisdiction of cassation as provided by the laws.

47. The Government has taken measures and policies to promote the health of mothers and children by adopting national programs on the implementation of public health affairs, with a view to reducing the mortality rate of mothers and children through setting up medical centres, educating and training midwives in remote areas. The Government also provides free vaccination and annual medical service to prevent transmitted diseases; takes preventive measure on HIV/AIDS transmission from mother to the child and provides free health care check-up service at hospitals for pregnant women and girls and children who are younger than 5 year-old.

48. According to the Population and Housing Census in 2015, the birth rates of children from women in the 15-49 age group are as follows: 70 new-born babies per 1,000 in the 15-19 age group; 164 per 1,000 in the 20-24 age group; 158 per 1,000 in the 25-29 age group. The number of the newborn babies in the 30-34, 35-39, 40-44, 45-49 age groups has decreased to 122, 80, 32 and 3 per 1,000 respectively. Women in the 20-24 age group have the highest birth rate and the birth rate of children has decreased when the mother gets older. Pregnancy and child birth also causes death risks for mothers. The number of maternal mortality from pregnancy and childbirth were 357 per 100,000 people in 2009 and 206 per 100,000 people in 2015.

49. In preventing the undesirable, unwanted pregnancies and unlawful abortion which causes danger and threat to life, the Government has set up programs to educate and counsel the youths in many ways such as the establishment of the consulting office for the youths, the conduct of activities at schools relating to sex education, the dissemination of information through the media and at public places to prevent sexual transmitted diseases and avoid unwanted pregnancies. The Penal Law, Article 92 stipulates that any person performing an unlawful abortion on another person or any woman performing an abortion on her own or unlawfully recruiting another person to perform such an operation shall be punished by three months to ten years of imprisonment and shall be fined from 100,000 Kip to 10,000,000 Kip. Moreover, the Government has created favorable conditions for people in remote areas to get access to basic and safe childbirth services.

50. In the Lao PDR, there are no practices in honour killing newborn female child or females in violation of their right to life, such as female infanticide and so-called honour killings. Law on Protection the Rights and Interests of Children, Articles 3 and 6 provide

that children are born with equality in all aspects regardless of gender and have the rights to live safely, to registration of birth, name, surname, nationality, health care and protection from all forms of physical and mental abuses.

#### **Article 7**

##### **Right to Freedom from Torture**

51. In the Lao PDR torture is an illegal act and contradiction to the rule of law, morals and aspirations of the people. Acts of bureaucratism and harassment detrimental to the people's honour, physical well-being, lives, consciences and property are prohibited (the Constitution, Article 6, para 2 and Article 42, para 1). Acts of torture and other cruel, inhuman or degrading treatment or punishment are criminal offences according to the relevant laws of the Lao PDR. The Penal Law 2005, Article 154, para 2 defines that in case of the abuse of power committed with the use of force, weapons, torture, indecent words or acts affecting the honour and reputation of the victim, the offender shall be punished by three to five years of imprisonment and shall be fined from 2,000,000 kip to 7,000,000 kip; Article 171 of the Penal Law stipulates that any person using physical violence and torture, or measures or other acts inconsistent with the laws against suspects or prisoners during arrest, trial or serving of sentence shall be punished by three months to three years of imprisonment or re-education without deprivation of liberty and shall be fined from 300,000 Kip to 2,000,000 Kip. Law on Criminal Procedures, Article 12, para 4 prohibits the use of force, threats that causes harm to body, or torture of a suspect or defendant during case proceedings; Article 24, para 2 of this Law defines that when taking testimony of the suspects, defendant and third parties in case proceedings, it is not permitted to use the force, coercion, threats, torture or other illegal measures; Article 36, para 3 of this Law provides that a confession of a suspect or defendant obtained through trickery, coercion, threats, bodily harm, torture, or other illegal acts shall not be used as evidence. Law on Protection of the Rights and Interests of Children 2006, Article 35, para 1 defines that the State pursues a policy to prevent and combat act of violence against and exploitation of children by adopting protective measures and assistance to children at risk of violence and exploitation by assigning the Ministry of Labour and Social Welfare to work with the relevant sectors such as public health, education, justice, foreign affairs, public security, people's prosecutor office, mass organizations and other concerned organizations to implement the policy and related measures. The Lao PDR ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 2012. The declaration made by the Lao PDR to Article 1 is without any intention to limit the definition and the scope of the implementation of CAT, the purpose of the declaration is to create a basis for domestic legislation with a view to incorporating the provisions of the convention into domestic legislation. Law on Legislation Making, Article 9 and the Presidential Ordinance on Treaty Conclusion, Participation and Implementation, Articles 31 defines that in case of inconsistency between provisions of domestic law and the related provisions of a treaty to which the Lao PDR is a party, the treaty provisions shall prevail.

52. Law on People's Prosecutor, Articles 10 (7) defines that the offices of people's prosecutors have the rights and duties to monitor and inspect the law enforcement in detention and correctional centres. In addition, Articles 36 (8), 52, 53 and 54 provide for monitoring and inspecting measures of law enforcement in the detention and correctional centres, rights and duties of the prosecutor, including complaints and requests made by an accused person, defendant and prisoner. Law on People's Prosecutor, Article 7 defines that the Supreme People's Prosecutor, Deputy Supreme People's Prosecutors, Prosecutors, Assistant Prosecutors including the persons involved in the inspection activities such as reporter, information providing persons, witnesses, experts, judges, court officials and other participants in the proceedings shall receive the protection under the laws and regulations from any threat to life, health, individual or family properties because of giving their testimony. Law on People's Court, Article 6 define that judges, court officials, and other participants involved in the proceedings are protected in accordance with the law from any threat to life, health, individual or family. Article 27 of the Penal Law defines that the purpose of penalties does not aim to generate physical suffering or to outrage human dignity of the offender, but to re-educate the punished individual to bear a pure spirit towards work, to comply correctly and strictly with the laws, to respect the discipline of

social life, and to avoid recidivism on the part of the punished offender and other individuals. At present, the Ministry of Public Security is in a process of improving the conditions and developing better management of detention and correctional facilities based on the economic conditions and reality of the country. Moreover, the concerned Ministry is in the process of amending the regulations and rules on the management of detention and correctional facilities.

53. The Government attaches importance to raising awareness of legal terms and laws for the Lao multi-ethnic people through the media. Especially, the Ministry of Justice has established the website called “Lao Official Gazette” where laws and sub-laws are uploaded and accessible to the public. In addition, the National Assembly has also uploaded all the laws, while the Ministry of Foreign Affairs has uploaded domestic laws and treaties including treaties on human rights to which the Lao PDR is a party on their websites for public access.

54. The prohibition of torture, any cruel, inhuman or degrading treatment or punishment carried out by law enforcement officers is defined in the Penal Law. Article 99, para 2 and 3 of this Law stipulates that any person unlawfully arresting or detaining another person shall be punished by the law. Where such an offence causes degradation to the health of the arrested or detained persons, the offender shall be punished by two to five years of imprisonment and shall be fined from 700,000 Kip to 5,000,000 Kip. Law on Drugs 2007. Article 57, para 4 and, Article 58 para 3 provides for the prohibition for law enforcement officers to use violence, coercion and threat against the accused persons to obtain confession, and for detention correctional centre officers to cause physical harm to suspects or drug offenders; the prohibition of such acts are also defined in the Decision of the Minister of Public Security on the Management of the Detention and Correctional Facilities 2012. Article 32 (3) of Law on Drugs prohibits beatings, torture of prisoners who are detained under the supervision of the police and who do not resist the act of the police.

55. Over the period of preparation for accession to CAT, the Government organized trainings, seminars for the police officers, officers working in detention facilities at central and local level to raise their awareness on the international principles on the treatment of prisoners. At present, the conditions of detention facilities countrywide have been improved. In addition, Lao PDR has also cooperated with the international community by allowing some foreign delegations, including representatives of diplomatic missions to visit its detention and correctional facilities.

56. The Lao Government has adopted legislative measures concerning the rights of extradited persons, especially Law on Extradition. Article 10 of this law allows the Government to refuse extradition on certain valid grounds. The Lao authorities have the legal basis to prosecute the offense or to conduct proceedings against the offender who is requested to be extradited if it is considered that the extradition may not be consistent with the conditions of humanity due to race, nationality, religion, ethnicity, gender, economic or social status of the person requested for extradition, or who may be subjected to torture or inhuman treatment. The Lao PDR has concluded bilateral treaties on extradition, mutual legal assistance and transfer of sentenced persons with a number of countries.

57. The Government pays attention to strengthening capacities of the law enforcement and justice officers through organizing training on judicial cooperation, disseminating Law on Extradition and the related instructions or guidelines.

58. The Lao PDR has adopted legislative measures to prohibit corporal punishment of students at schools and educational institutions. Law on Education, Article 2 stipulates that education is a process of teaching, learning theory and behavior related to social and natural sciences, and technology to develop human resources in all fields. Article 71 (5) prohibits teachers to beat, curse, abuse or prejudice against students.

59. There are certain measures on the management of using human in laboratories for scientific medical experiment in the Lao PDR. Law on Drugs and Medical Products sets the scope of testing drugs on humans or animals and imposes the legislative measure on manufacturers and distributors of medicines or other products which are harmful to consumers. Article 31, para 1 provides that clinical research testing of drugs and medical products refers to testing the use of drugs and medical products on human beings in order to

prove their effectiveness and safety for consumers. Clinical research testing of drugs and medical products can be undertaken only after it is licensed by the Ministry of Health. Article 32, para 2 of this Law provides that in the event of any dangerous effect on human health, such effect must be immediately reported to the Ministry of Health in order to immediately modify or cancel such test. Article 37 defines the responsibility of providers on pharmaceutical products and medical products which are harmful to consumers. The Penal Law, Article 134 defines that any person producing or selling any drinks, meat, fish, fruits, vegetables or other consumer goods or medicines that are degraded or hazardous to health where such an offence is intentional, the offender shall be punished by three months to three years of imprisonment and shall be fined from 1,500,000 Kip to 5,000,000 Kip.

## **Article 8**

### **The Prevention and Prohibition of Slavery**

60. The Constitution, Article 6 stipulates that the State protects the freedoms and democratic rights of the people which cannot be violated by anyone. All state organizations and government officials must disseminate and raise awareness of all policies, regulations and laws among the people and together with the people organize their implementation in order to guarantee the legitimate rights and interests of the people. All acts of bureaucratism and harassment that can be detrimental to the people's honour, physical well-being, lives, consciences and property are prohibited. In addition, the Lao PDR has adopted a number of laws combating all forms of servitude and slave labour. The Labour Law provides for the prohibition of all forms of forced labour. Article 5, para 7 of this Law prohibits forced labour in any form; Article 59 prohibits the use of forced labour; Articles 51-59, 96 and 100 define labour of woman and the youths. Articles 101-102 define the use of youth labour. Article 97 para 1 of the Penal Law stipulates that any person exercising duress against another person by using force or weapons or threats to compel such other person to act or to refrain from acting according to the offender's will but contrary to the compelled person's will and to the detriment of such compelled person shall be punished by three months to three years of imprisonment and shall be fined from 100,000 Kip to 1,000,000 Kip.

61. The Lao PDR adopted laws to fight against trafficking in persons such as: Law on Combating and Preventing Trafficking in Persons, Particularly Women and Children which entered into force in early 2016. Law on Development and Protection of Women, Article 24, and the Penal Law, Article 134, provide for anti-trafficking in women and children. These laws adopted the definition of trafficking in persons which has 3 elements: conduct, purpose and action in compliance with the PALERMO Protocol. From 2008-2012 there were 177 sentenced trafficking cases involving 231 offenders, of whom 145 were women, 422 victims, of whom 358 were women. In 2010-2012 there were 66 sentenced trafficking cases.

62. Trafficking in persons is a serious offence in the Lao PDR which violates the fundamental rights and human dignity of the victims. The Government pays great attention to addressing this issue by adopting relevant policies, specific laws and national action plans, allocating budget for implementation. The National Committee on Anti-Human Trafficking was established in 2004 with the Anti-Human Trafficking Department based in the Ministry of Public Security acts as its Secretariat as well as and National Focal Point on anti-human trafficking. The Lao PDR acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and signed the ASEAN Convention against Trafficking in Persons, especially Women and Children. The Lao PDR participates in COMMIT Process and Bali Process on anti-human trafficking. At the bilateral level, the Lao PDR signed MOUs with Vietnam, China and Thailand on cooperation in combating and suppressing cross-border trafficking in persons and extradition; collecting and timely assisting victims of trafficking in persons and bringing perpetrators to punishment. In 2006, Lao Women's Union launched the Counselling Centre for Women and Children Protection to assist victims from domestic violence and sexual exploitation, including victims from trafficking in persons. This Centre expands counselling networks in 12 provinces, 61 districts and 52 villages throughout the country. This Centre provides face-to-face counselling and a free hotline call 1362. From 2006 to 2016 the Centre provided counselling for 19,470 cases, approximately 75,000 counselling seekers, of

whom 55,000 were women; and 25,000 face-to-face counselling cases and 76,000 counselling cases through the hotline. From 2006-2016, 166 people of whom 119 women were assisted, and 68 vulnerable people from trafficking in persons, of whom 59 were women were assisted. Besides the counseling mandate, the Centre also provided accommodation and food, medical assistance, access to legal assistance, vocational training assistance and others to facilitate the victim's safe return to their families and communities and not to fall victims again. In order to ensure the protection and efficient victim assistance, the Centre has created partnership with the office of Supreme People's Prosecutor, People's Supreme Court, Ministry of Justice, Ministry of Public Security, Ministry of Health, Ministry of Labour and Social Welfare, Ministry of Education and Sports, other government agencies, as well as non-profit associations, relevant international organizations. The Lao Bar Association provides free legal assistance for trafficking victims.

63. The Government pays attention to enhancing the capacity of law enforcement officers, especially the police at central and local level on the investigation of trafficking cases. In total, 735 participants, of whom 112 were women, attended the trainings on victim identification and ethics of investigating team in charge of trafficking cases. The participants came from Ministry of Public Security, People's Courts, and People's Prosecutor Offices, and other government agencies at central and local level.

64. Besides the above mentioned measures to better handle trafficking issue, the Lao Government includes the combat and suppression of trafficking in persons in 11 Working Plans out of 111 priority projects and the Government allocates budget for anti-trafficking in persons in the national budget.

65. The Lao PDR has no legal measure and actual practice of punishment for persons under detention with hard labour or prisoners to work for private enterprise. Decision of Minister of Public Security on detention and correctional centres 2010 provide for the management and correction of prisoners in detention centres throughout the country. All prisoners are managed by the authorities and the work they performed in detention centres is only a vocational or life skills training which is not a punishment for persons under detention in any case. Work hour for prisoners is 6 hours per day, 5 days per week; they have official breaks and they work depending on health conditions, gender, age, capability and actual talent of each prisoner.

## **Article 9**

### **Rights to Liberty and Security of Persons**

66. Rights to liberty and security of persons of all Lao citizens are stipulated in a number of laws and legislations. Article 12 of the Criminal Procedure Law stipulates that it is not permitted to detain a person without an order from the head of an investigation agency or the people's prosecutor, to arrest, detain, or search premises without an order of the people's prosecutor or a court. In the event that a person is incarcerated, arrested, or detained illegally or detained longer than the time specified by law or inconsistently with a court verdict, the people's prosecutor must issue an order for their immediate release. Offenders shall face case proceedings, be held criminally liable, and compensate for any damages which may arise. In addition, Article 54 of the Penal Law stipulates measures to be applied by the court towards mentally disturbed offenders: offenders committing offences under a state of mental disturbance or offenders in possession of their full conscience during the offence who become subject to mental disturbances before a sentence is imposed by the court or while serving the sentence, may benefit from measures pertaining to medical treatment, such as being sent to psychiatric hospitals or specific medical care centres. After recovering from mental health conditions, the offender must be brought back and sentenced by the court or the sentence must be executed if the lodged complaint or the court's decision is still valid. The duration of medical treatment is to be included as part of the sentence carried out. In cases where offenders who were addicted to alcohol or drugs committed a crime and sentenced to deprivation of liberty, the court must apply measures of rehabilitation treatment while such offenders are serving sentence, after recovering from such addiction or abuse, the offenders must then resume case proceedings or continue to serve the rest of their sentences as mentioned in Article 55 of the Penal Law.

The Ministry of Labour and Social Welfares manages vagrancy and beggar, also provide material and mental assistance to them. From 2012 to 2015, the number of adult vagrancy and beggar were 285 people, of whom 123 were women; 116 children, of whom 48 were girls.

67. Suspects have the rights to be informed of the reasons for their arrest according to Article 138 para 2 of the Law on Criminal Procedure which stipulates that the investigation officer or officials of the Offices of People's Prosecutors must read out the detention order, inform them of the rights and obligations, and inform their family, office, organization, or enterprise which they belong to, regarding their place of detention within twenty-four hours. Suspects may contact their lawyers, doctors and families. Suspects may ask for their lawyers to protect their rights. Article 18 of Law on Lawyers stipulates that lawyers may participate in criminal proceedings from the time they are appointed or from the written proposal of their client or family member or organization henceforth. In the event that a suspect, defendant, or prisoner being held in a prison is suddenly injured or ill and the prison doctor is unable to provide adequate treatment, the prison director must take the injured person for treatment at a state hospital and report this to the head of the District, Municipal, Provincial, or Metropolitan Police Department and the People's Prosecutor or presiding judge within twenty-four hours according to Article 268 of the Criminal Procedure Law. Suspects under medical treatment shall be under the management and protection of the police as mentioned in Article 269.

68. Detention of suspects has many cases such as: (1) detention when a testimony has been taken from a suspect, if there is concrete evidence that the suspect has committed a criminal offence for which the law specifies the punishment of imprisonment, the head of the investigation agency or the People's Prosecutor may issue an order to detain them for forty-eight hours in order to conduct investigations but the head of the investigation agency must report this in writing to the People's Prosecutor within twenty-four hours of their being detained, according to Article 138 of Law on Criminal Procedure; (2) Persons held on remand, prior to the court reaching a final verdict, must be held separately from prisoners and in suitable conditions as they are still presumed innocent, according to Article 142 of the Criminal Procedure Law.

69. In accordance with Article 111 of the Criminal Procedure Law, the time specified for temporary detention for investigation must not exceed two months for light offences and three months for more serious offences counting from the date on which the order was given for the temporary detention. If it is deemed as necessary for investigation to be extended, the people's prosecutor may, at the proposal of the head of the investigation agency or the member of staff of the Office of the People's Prosecutor, for light offences, extend the period for temporary detention two months at a time but the total period must not exceed six months and for more serious offences, extend this period for three months at a time but the total period must not exceed one year. Each proposal to request an extension to the time specified for detention must be made fifteen days before the expiry of the period specified for temporary detention and time specified for temporary detention is counted in the sentence enforcement.

70. The rights of persons under detention are defined in the Criminal Procedure Law. Article 65 of this Law stipulates that suspects have the following rights: to be informed of and respond to the charges; to receive explanations on their rights and obligations in fighting the case; to give testimony and present evidence; to propose bail and submit other requests; to receive documents relating to the opening of investigations, reports of their testimonies, orders relating to the application of measures, modifications and cancellations to coercive measures; orders to suspend investigations, the summary of investigations; the order to press charges and the statement of the People's Prosecutor, orders for case dismissal, and other documents and orders relating to case proceedings as specified in this Law; to view documents in the case file and make copies of the content; to take on and meet with lawyers or other forms of representation in fighting the case; to propose the recusal of persons in criminal proceedings such as experts, interpreters; to file a complaint about an action or order of the head of an investigation agency, investigation officer, the People's Prosecutor, or a member of staff of the Office of the People's Prosecutor if they

see it as being incorrect; and to request the appeal or cassation of an order of the head of an investigation agency or the People's Prosecutor.

71. Sentenced prisoners have rights to have external communication and meet their families. According to Article 240 para 2 and 3 of Law on Criminal Procedure, the Director of the Detention and Correctional Centre must inform the family of the prisoner where he/she serves the sentence within fifteen days of admitting the prisoner. In the event that a prisoner is detained, the officers at the detention centres must permit them to meet their family at their request before being escorted for sentence enforcement.

72. Rights to inspection by the court of the legality of all forms of deprivation of liberty are defined in Article 13 of the People's Court Law which provides that the People's Supreme Court examines decisions and manages lower people's courts in order to ensure that the people's courts and the military courts exercise their jurisdictions properly as provided for by the laws and that their decisions are uniform throughout the country. The People's Supreme Court may examine the proceedings and sentences of the Regional People's Courts and the Military Courts. The Regional People's Courts may examine and review the evidence, legal proceedings and decisions made by the Provincial and Municipal People's Courts under their jurisdiction. The Provincial and Municipal People's Courts may examine and review the evidence, legal proceedings and decisions made by the Zonal People's Courts under their jurisdiction. Article 99 of the Penal Law stipulates that any person unlawfully arresting or detaining another person shall be punished by six months to two years of imprisonment and shall be fined from 500,000 Kip to 3,000,000 Kip. Where such an offence causes degradation to the health of the arrested or detained person, the offender shall be punished by two to five years of imprisonment and shall be fined from 700,000 Kip to 5,000,000 Kip. Where such an offence causes the arrested or detained person to become an invalid or dead, the offender shall be punished by five to fifteen years of imprisonment and shall be fined from 1,000,000 Kip to 7,000,000 Kip.

73. According to Articles 265 and 266 of Law on Criminal Procedure, the Government applies humane policies to the detained person, suspect, defendant, or prisoner being detained at a prison. In the event that they are insane, injured, sick, have a communicable disease or other issue, they are taken for medical treatment at a State hospital or specialized treatment facility, but this must be reported to the people's prosecutor within twenty-four hours for monitoring and inspection.

74. The rights of asylum seekers and irregular migrants are stipulated in Article 50 of the Constitution. The rights and freedoms of aliens and stateless persons are protected by the laws of the Lao PDR. They have the right to file claims to the courts and to lodge petitions to other concerned organizations of the Lao PDR and Article 51 of the Constitution stipulates that the Lao PDR grants asylum to foreigners who are persecuted for their struggle for freedom, justice, peace and scientific causes. In addition, Law on Immigration and Foreigners Management in the Lao PDR provides for the conditions of immigration and rights of foreigners living in the Lao PDR. The resolution of violation of laws and immigration regulations is stipulated in Article 54 of Law on Immigration and Foreigners Management in the Lao PDR which provides that in case of violation of immigration regulations by Lao citizens, aliens, foreigners or stateless persons, the immigration police will conduct a primary interview, in case of necessity the offenders may be temporarily detained for forty-eight hours and the police can hold their traveling documents, materials, vehicles relating to the offence and send the case file to investigation officers for case proceedings. Article 55 of this Law provides for the responsibility of the concerned officers for case proceedings of aliens, foreigners and stateless persons, the immigration police, the foreigner management police, the tourist police and other concerned officers shall report to the Immigration Department and Foreigner Management Department of the Ministry of Public Security within forty-eight hours and report to the Consular Department, Ministry of Foreign Affairs. In case of detaining aliens, foreigners and stateless persons, they have the rights to be informed of the details of the charge and the right to receive legal assistance in the same matter as Lao citizens.

**Article 10****Humane Treatment of Persons Deprived of their Liberty**

75. Lao PDR respects the rights and dignity of all persons deprived of their liberty by providing humanitarian treatment. In this connection, the Government adopts legislative measure to prevent any person from using outrageous punishment to the convicts and also lays down the policy to improve the conditions in the detention and correctional centres. For the legislative measure, Article 27 of the Penal Law defines that penalties do not only aim to punish offenders, but also to re-educate the punished individuals to bear a pure spirit towards work, to strictly comply with the laws, to respect the disciplines of social life, and to avoid recidivism on the part of the punished offender and other individuals; and the punishment does not aim to generate physical suffering or to outrage human dignity. Furthermore, Article 171 of the Penal Law provides for prohibition of any person from using violence and torture, or measures or other acts inconsistent with the laws, against suspects or prisoners during arrest, trial or serving of sentence, the violators shall be punished by three months to three years of imprisonment or re-education and shall be fined from 300,000 kip to 2,000,000 kip. Regarding the humane treatment with respect to the rights of persons deprived of their liberty is also stipulated in Article 240, para 2 and 3 of Law on Criminal Procedure. The Director of the detention and correctional centres must inform the family of prisoner where the sentence is to be carried out within 15 days after receiving the prisoners, and in the event that prisoners are detained, the officers of the detention centres must permit them to meet family upon their request before being escorted for sentence enforcement; Article 241, para 1 of this Law stipulates that persons sentenced to imprisonment but have not yet been detained have the right to request the suspension of their imprisonment; Article 242 defines the grounds for suspending of imprisonment, such as when the convicted person is severely injured, if verified by a doctor, the person shall receive treatment at a state hospital as required, following treatment and recovery, then they must be escorted to serve their punishment, in which case the convicts have the right to request suspension for one year, except if the offence endangered society and national security. Article 21 (4) of Law on Development and Protection of Women defines that if a woman is subject to death penalty and is discovered to be pregnant, the death penalty will be temporary suspended. Moreover, the rights of convicts are included in the Decision of the Minister of Public Security on the Management of Detention and Correctional Centres, in particular, Article 35 defines the policy on the rights of prisoners, and those rights are also incorporated in other regulations. Furthermore, although the Penal Law carries death penalty as an exceptional measure with the objective of deterring the most serious crimes, Lao PDR has practiced a moratorium on its use for many years, and anyone sentenced to death may appeal and request for amnesty or sentence reduction. In practice, every year the President of the Lao PDR grants amnesties, sentence reductions or pardons to a large number of inmates including Lao citizens and foreigners.

76. The Ministry of Public Security is responsible for the management of the detention and correctional centres throughout the country. The management system is specified in Decree on Management of the Detention and Correctional Centres and other Ministerial Regulations. The Lao Government attaches importance to improving the conditions and developing better management of detention facilities to ensure appropriate prison conditions, education and well-being of detainees. The Lao Government has allocated specific budget for the improvement of prison system throughout the country while taking into account the economic conditions of the country.

77. The monitoring and inspection of the compliance with the laws in places of arrest, places of detention, re-education centres and prisons during the implementation of deprivation of liberty and the enforcement of court measures are prescribed in Article 3 point 4 of Law on People's Prosecutor. In addition, Article 151 of Law on Criminal Procedure stipulates the roles of the Office of People's Prosecutor to inspect prisons conditions to ensure that no person is being illegally imprisoned. Article 257 specifies the rights and obligations of the Office of the People's Prosecutor in monitoring and inspecting sentence enforcement facilities. In this connection, the Office of People's Prosecutor has the rights and duties to investigate into whether the transfer, release for treatment, and the release of prisoners is conducted in accordance with legal regulations and if it finds any misconducts, it shall then issue measures to resolve the matter in a timely manner; to

conduct onsite inspections of prisons and other facilities that enforce court measures systematically; to inspect and supervise prisoners and the application of other court measures and interview the prisoners themselves; to inspect offences committed by officials on prisoners and the applications of other court measures, if the officers of the detention centres violate the laws or regulations they shall be punished by appropriate measure. Furthermore, prosecutors may order for release prisoner immediately if the consideration by court is not consistent with the laws. Prosecutors also participate, research, consider, select, categorize, and create an account of prisoners who meet the criteria for pardon and check that the pardon is implemented in accordance with the Presidential Decree on Granting of Pardons.

78. If the rights of prisoner are violated by the officials in charge of the prisons, the prisoners can inform the prosecutor during their visits. Furthermore, the family of convicted persons can file complaints in other petition mechanism in accordance with Law on Petitions.

79. In terms of humanitarian treatment of accused juvenile persons and juvenile offenders, the principle of the best interests of the child has been integrated into the domestic legislations. Particularly, Law on Juvenile Criminal Procedure defines rules and measures on the management, monitoring and inspection of the proceeding of juvenile cases in both administrative and legal proceedings which require that the rights and best interests of the child be taken into consideration when solving juvenile cases. In addition, Law on Preventing and Combating Violence against Women and Children also make a specific reference to ensuring the best interests of child as primary consideration, including during legal proceeding. Article 52 of Law on Protection the Rights and Interests of Child 2006, and Article 155 of Law on Criminal Procedure stipulate that minor and major offences committed by children under the age of eighteen years but no less than fifteen years which did not severely endanger society and for which the law specifies a punishment of imprisonment for three years or less shall not be sent to the court for adjudication and shall instead be resolved in accordance with Law on Protection of the Rights of Children and the Penal Law. Article 44 of the Penal Law provides that prescription of penalties for young offender's prescription of penalties for a child offender who was under 18 years of age at the time of the offence shall take into account the level and characteristics of such offence, but the court may prescribe penalties under the level that is defined by the laws.

80. In case of child arrest, Article 63 of the Law on Protection of the Rights and Interests of the Children stipulates that the arrest of a child must be accompanied by an order in writing from a people's prosecutor or juvenile court, except for cases where the child is seen committing a serious crime or in other urgent cases. The people's prosecutor or court shall issue an order of arrest against a child only as a measure of last resort, where all of the following conditions are satisfied: all components of a crime are presented; the child is alleged to have committed a serious crime punishable under the law by imprisonment of three years or more; the evidence is clear and precise; and there is reason to believe that the child may flee or destroy evidence, or commit further serious crimes, or harm victims or witnesses, or be harmed by others. The investigator shall comply with the requirements stipulated in Article 62 of this Law that the child shall be informed of the reasons for the detention and guided on its rights under the law; the child's parents or guardians shall be notified immediately; it is prohibited to use all forms of violence, threat by weapons or by other things, foul language and defaming language towards a child offender; the child shall be referred for a medical examination to check the health and mental condition of the child in details, and the result shall be kept confidential, except where the concerned authorities have ordered the disclosure; the child's safety shall be ensured while in detention facilities; the detained child must be kept in a specific child detention area separated from the other gender. Article 64 of the same Law defines reasons and conditions to remand of a child that must be an order in writing from a people's prosecutor or juvenile court, which complies with the conditions stated in Article 63 of this Law; parents, guardians, relatives, friends and protectors shall be allowed to visit the child offender, and the duration of remand of a child must be no more than one month commencing from the date of issuance of the remand order. If it is necessary to undertake further questioning, the people's prosecutor or juvenile court may extend the custody for one more month but the total duration of remand shall not be more than four months for a

major offence and eight months for a crime. Article 65 of the same Law defines the presentencing release of children from detention which is considered as a priority in the juvenile criminal proceedings, particularly when the conditions are not met. The presentencing release of children from detention shall take place on the request of their parents, guardians, or close relatives, or by a people's prosecutor or juvenile court. No bail for the release, except in necessary cases, shall be required. The investigators must give their opinion regarding the request of parents, guardians, or close relatives of the child for the release of a child within 24 hours after receiving such request, and send the request with their opinion to the people's prosecutor or juvenile court no later than 24 hours. If the people's prosecutor or juvenile court decides to release the child, the latter must be released immediately. A child released from detention shall be placed under the supervision of a parent, guardian or relative who has agreed to be responsible for the child. There will be no release from detention when a serious crime is alleged to have been committed. Article 74 of the same Law stipulates that child offenders sentenced by court to imprisonment will be sent to vocational training centres for child offenders in order to receive education on behaviours and attitudes, vocational training and other necessary services, particularly health services, assistance to become a good person and to reintegrate into society. The establishment and activities of vocational training centres for child offenders are regulated by specific regulations. The Government of the Lao PDR puts in place judicial measures, such as Juvenile Chambers was established within the provincial court in all provinces and Vientiane Capital in order to better take into account the best interests of the child. The Strategic Framework for Justice for Children in the Lao PDR (2010-2020) aims to support the administration of justice for juvenile offenders and child victims and the harmonization of the local juvenile justice system with international standards and norms.

81. In order to contribute to ensuring all rights of the persons deprived of liberty are protected, Ministry of Foreign Affairs of the Lao PDR with the support of the UNDP's International Law Project (2009-2013) and the UNDP's Support Project for the Implementation of the Legal Sector Master Plan on the Development of the Rule of Law (2013-2017) conducted a series of seminars, lectures for law enforcement officials to raise awareness on international conventions on human rights and other instruments including the Standard Minimum Rules for the Treatment of Prisoners (1957), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988), Code of Conduct for Law Enforcement Officials (1979), Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

82. The operation of the penitentiary system for all persons deprived of their liberty has been ensured with humanity and with respect for their dignity as provided in the Minister of Public Security's Regulations on Detention and Correctional Centres 2012. In accordance with Article 142, para 2 of Law on Criminal Procedure the suspects must be held separately from convicted persons and must be placed in appropriate conditions as they are still presumed innocent. Furthermore, in case of light offences the accused person has the right to be released on bail as stipulated in Article 143. In any case, the accused persons shall be promptly brought to the court without unreasonable delay.

83. The Government puts in place administrative and practical measures to ensure the rehabilitation of the convicted persons in consistence with the provisions in the Decision of the Minister of Public Security No. 185/ dated on 17 February 2009 on the organization and implementation of activities of the Police Department of Detention and Correctional Centres. The Decision prescribes the education, vocational training and working conditions for the convicts. In addition, the Decision also defines the policy on management of income from the sale of their products that each convicted person receives 40% of the total income from selling their products, while the remaining 60% goes to the budget for the administrative cost of the detention centres. In case that the convicts volunteer to work on the weekend, income from selling those products will be returned to them.

84. In the Lao PDR, there is no home care because according to the Lao traditions the young persons normally take care, pay respect to and support health care of the elderly

persons in the family, including parents, grandparents and other elderly persons. In other words, according to the Lao culture, when parents, aunt or uncle get older, they will stay with their sons or daughters or relatives' families for the rest of their life. Even though Lao people keep up this traditional practice, the Government provides legislative measure to guarantee providing treatment for elderly persons. Article 38 of the Law on Hygiene, Disease Prevention and Health Promotion provides that elderly persons refer to persons with diminished strength and physical force and poor health and as a result, a close monitoring of their health is essentially required. Family, organizations and society shall pay attention to the health of elderly persons by providing appropriate health examination and appropriate care and creating favourable conditions for appropriate living and rest. Article 4 of Law on Health Care defines the state policy on health care: the state pays attention to the quality of health care and provides health care services thoroughly in accordance to the health sector reform plan and periodic health care strategies, provide the health care service with the combination of modern and traditional treatments to ensure that all citizens are healthy, and in particular women and children, those in poverty and those living in remote or isolated areas, persons with disabilities and the elderly persons.

85. Information on the detention conditions for asylum-seekers and irregular migrants are provided under point 63 of this Report.

#### **Article 11**

##### **Prohibition of Imprisonment for Failure to Fulfill a Contractual Obligation**

86. According to Article 139 of Law on Criminal Procedure, the arrest of any individual shall be accompanied by an order in writing issued by the people's prosecutor or people's court, except in the case of an on-the-spot arrest or in an urgent case which is stipulated in Article 140 of the same Law. The people's prosecutor or the people's court shall base the issuance of an order to arrest on the conditions such as: there is an order to open investigation; the act must be a criminal offence for which the law prescribes the penalty of imprisonment; and there is sufficient evidence. Furthermore, Article 173 of the Penal Law defines penalties for non-execution of court decision or order, that any person who evades compliance with the court's instruction, order, decision or judgment or summon whether at first instance, on appeal or on cassation or warrant shall be punished by three months to one year of imprisonment and shall be fined from 100,000 to 5,000,000 Kip.

#### **Article 12**

##### **Rights to Freedom of Movement and Residence**

87. Lao citizens have freedom of movement and residence as provided for in Article 40 of the Constitution and the relevant laws.

88. The National Assembly adopted the Law on Family Registration, which defines the principles, regulations and measures relating to organizational structure and operation, management, monitoring and inspection of the family registration organization, makes the family registration of the Lao citizens concise, lawful and have data collection in a systematic manner. In this regard, Article 11 defines the process of family registration which consists of three steps: submitting application for registration, considering the registration and depositing the registration. Article 12 of this Law provides for the submission of the application for registration, in which a person who intends to register the family registration must submit the application to the concerned family registration authorities through the head of village where he/she resides. For those who live in the remote areas, the family registration can be done through the approval of the head of the village where they live in accordance with the concerned regulations.

89. The resettlement of Lao citizens is divided into two types: (1) the resettlement which is due to personal reasons meaning an individual or family proposing to resettle at their own will as Lao citizens have freedom of movement and residence, (2) the resettlement which is due to the State allocation plan is resettlement from one place to a new allocated residence and production base to alleviate poverty according to the National Socio-Economic Development Plans. The Government has a strategic plan for allocating permanent residence and production bases by integrating small villages in the remote rural areas into village development clusters in order to provide more convenient access to development

and government services for the people. Another reason of the resettlement is due to the impacts arising from development projects under the government plans. In this regard, the Government has put in place policies and legislation for implementing and governing the resettlement of people in order to reduce the negative impact from development projects and ensure appropriate compensation for the affected people. These include the Land Law (Article 71 on compensation for losses caused by land requisition, and Article 72 on determination of losses), Law on Family Registration (Chapter III on Family Registration Operation, Article 28 on notification and registration of changes in residence), Decree on the Implementation of the Land Law (Article 28 on compensation for the losses, and Article 29 on assessment of damages), Decree on Compensation and Resettlement Management in Development Projects 2016, Decree on State Land Lease or Concession 2009, the Order of the Prime Minister on Allocation of the Occupation and Residence 2002, the Instructions of the Prime Minister 2008, the Prime Minister's Order on Remedy for Scattered Movement of Citizens in Association with the Strategic Plan on the Arrangement of Permanent Residence and Production Bases for the Multi-ethnic People 2012 and the Decision of the Minister of Home Affairs on Management of Movement of Citizens 2012.

90. As mentioned above, according to the Constitution and laws of the Lao PDR, Lao citizens have freedom of movement as provided by the laws, except the accused persons or defendants, who in case of minor offences they are eligible for temporary release upon the request from their family or guardian, however the scope of their movement must be in accordance with Law on Criminal Procedure, Article 143 (2) on the conditions for temporary release to prevent fleeing.

91. The conditions for the issuance of travel documents are defined in Law on Immigration and Management of Foreigners in the Lao PDR and the Prime Minister's Decree on Passports 2011. Article 11 of this Decree provides that Lao citizens have the right to hold passport and be able to enter or leave the country. Article 12 of Law on Immigration and Management of Foreigners provides for conditions for prohibition of foreigners and stateless persons from entering the Lao PDR, namely 1) those who act against the stability, security and common interests of the nation including those who damage the dignity and image of the nation; 2) those who committed or are related to international piracy, terrorism, transnational crimes, human trafficking, illegal immigration or smuggling of immigrants, sex trade, prostitution and sexual violation or with records of those crimes; 3) those in the blacklist; 4) those with invalid travelling document such as false ownership, fake, changed parts of information, or incomplete; 5) those without sufficient means to self-support for the duration of their stay in the Lao PDR; and 6) persons with infectious, terminal and dangerous disease as defined by international regulations and notification from relevant agencies. Article 13 of the same Law provides for the prohibition from leaving the Lao PDR such as 1) those who act against the stability, security and common interests of the nation including those who damage the dignity and image of the nation; 2) those with invalid travelling document such as false ownership, fake, changed parts of information, or incomplete; 3) those involved in ongoing criminal or civil proceedings or liable to fines, civil compensations and have yet to fulfill those obligations as notified by the investigation authorities, office of people's prosecutor, people's court, relevant sectors, officials with information against the person or the disputing party.

92. In addition, the Lao Government has a policy to allow foreigners, aliens, overseas Laotians and stateless persons to reside within the territory of the Lao PDR permanently and their legitimate rights and interests are protected by the Constitution and laws of the Lao PDR, especially Decree on Permanent Residence in the Lao PDR 2011 (Articles 4-13 and 15) and the relevant treaties to which the Lao PDR is a party. The legitimate rights and interests of the citizens are guaranteed by laws without any discrimination including employed and unemployed persons. The Government adopted regulations to manage foreign workers in order to ensure social order, protect their legitimate rights and interests as stipulated in the Labour Law, Article 4.

**Article 13****The Status of Foreigners including Aliens and Stateless Persons**

93. In general, the rights and freedoms of aliens and stateless persons are protected by laws as stipulated in the Constitution. Article 50 defines that the rights and freedoms of aliens and stateless persons are protected by the laws of the Lao PDR. They have the rights to file claims in the courts and to lodge petitions with other concerned organizations of the Lao PDR and have the obligation to respect the Constitution and laws of the Lao PDR. Article 51 of the Constitution defines that the Lao PDR grants asylum to foreigners who are persecuted for their struggle for freedom, justice, peace and scientific causes.

94. The conditions for granting asylum in the Lao PDR are based on the provisions of Law on Immigration and Management of Foreigners in the Lao PDR. Articles 9, 10 and 11 of this Law stipulate the conditions for entering and leaving the Lao PDR of aliens, stateless persons and foreigners. According to Law on Investment Promotion, foreign investors with registered investment capital of five hundred thousand US Dollars, or above are entitled to purchase land use rights. The Government will allocate land to investors for duration consistent with the investment term with the consent of local authorities and according to prevailing regulations to build facilities for residential or business purpose. Expulsion of the foreigners who are protected by privileges and immunities under the international conventions that the Lao PDR is a party would proceed through diplomatic channels.

95. The causes of the expulsion of foreigners are stipulated in Decree on Permanent Residence in the Lao PDR of the Foreigners, Overseas Laotians and Stateless Persons in the Lao PDR 2011. Article 15 of this Decree defines that if foreigners, stateless persons who have been permitted to reside permanently in the Lao PDR commit an offense against national stability or caused damages to the national interests, or charged with five years and above of imprisonment, such permission will be terminated and the violators will be deported from the Lao PDR. The number of foreigners deported during 2010-2016 were 49 people (4 were women) of a total of 45,538 foreigners, of whom 16,203 were women, due to their violation of the laws and regulations of the Lao PDR.

96. Foreigners residing in the Lao PDR are equal before the law and the court. The Constitution, Article 50 guarantees the right of foreigners or aliens to file claims in the courts ensuring just proceedings. Law on the Handling of Petitions defines principles, regulations and measures to dealing with petitions of citizens, foreigners, aliens, stateless persons who reside in the Lao PDR. In addition, Law on Criminal Procedure, Article 13 and Law on Civil Procedure, Article 10 guarantee the equality of citizens before the law and the court. Article 65 (7) and Article 66 (3) of Law on Criminal Procedure defines that the accused persons and defendants have the rights to retain and meet a lawyer or other defender to contest the case. Article 72 (9) of Law on Civil Procedure defines that litigants have equal rights in the proceedings and can retain a lawyer or protector in the proceedings.

**Article 14****Right to Equality before the Law and to a Fair Trial**

97. The equal right before the law is guaranteed by the Constitution. Article 35 of the Constitution stipulates that Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnicity.

98. The judicial system of the Lao PDR consists of the People's Courts and the Offices of People's Prosecutors as stipulated in the Constitution, Articles 90-103. Furthermore, according to Law on People's Court, Article 19 defines that the system of the People's Courts is composed of the People's Supreme Court, the People's Regional Courts, the People's Provincial Courts, the People's Zonal Courts and the Military Courts. Law on the Office of People's Prosecutor, Article 11 stipulates that the organisational structure of the Offices of the People's Prosecutor consists of the Office of the Supreme People's Prosecutor, Offices of the Regional People's Prosecutors, Offices of the Provincial People's Prosecutors, Offices of the Zonal People's Prosecutors and Offices of the Military Prosecutors. The National Assembly Standing Committee has the powers to appoint, transfer and remove judges of each level of the People's Courts and the Military Courts

based on the recommendation of the President of the People's Supreme Court following the proposals of the General Conference of Judges as stipulated in the Constitution, Article 93 and Law on People's Court, Article 32. With regard to the qualifications of a judge, in accordance with the Article 46 a judge of the people's court must be a Lao citizen and be at least 25 years of age, has strong political commitment, has good behaviour, be patriotic, safeguards the national interests, and possesses good ethics, has a law degree or legal professional skills and be in good health. Specific qualifications, criteria, and standards applying to judges at different levels of the people's courts are provided for by specific regulations. In 2015-2016, there were a total of 1,906 judicial officers (685 were female) working in the People's Courts system, of whom 424 were judges (87 were female), 218 were assistant judges (82 were female), 186 were court clerks (100 were female); 1,437 staff members (475 were female) working in the Offices of the People's Prosecutors, of whom 250 were from ethnic groups (54 were female).

99. The judicial officers are protected by the laws as stipulated in Law on People's Court, Article 6, which provides that judges and officers of the people's courts, the parties in the legal proceedings must be protected in accordance with the laws and free from revenge, threats to live, health, freedom, dignity and personal or family property. Article 48 of this Law defines that judges can only be arrested or investigated upon the approval of the National Assembly Standing Committee. In the event that it is necessary to arrest a judge before the Standing Committee's approval can be obtained because of the urgency of the matter, such arrest must be reported to the Standing Committee of the National Assembly immediately, and approval for further investigative measures must be obtained. Furthermore, the arrest of any judge of the people's appellate, provincial, city, district, and municipal courts must be reported to the People's Supreme Court. The arrest of any judge of the military courts must be reported to the People's Supreme Court and the Ministry of National Defense. Article 58 of the same Law prescribes that persons or other legal entities are prohibited from intervening, interfering and interrupting the process of decision and judgement; threatening and injuring the staffs of the people's courts; any acts that lead to unfair judgement; blaspheming, insulting, criticizing and slandering the staffs of the people's courts; covering, hiding and destroying evidences related to the lawsuit and protecting offenders; transferring the judges of the People's Supreme Court, president, vice-president and judges of the local people's courts and military courts without the agreements from the National Assembly Standing Committee. In addition, Law on Criminal Procedure, Article 7, para 1 and 2 also provides that the organizations and authorities in charge of the criminal procedure are protected by the laws from revenge, threats to live, health, freedom, dignity and property of community, individual and family.

100. The salary and promotion of the judges are implemented according to Law on People's Court. Article 60 of this Law defines that the salary index of judges, assistant judges and court clerks are stipulated in the specific regulations; Article 47 of this law provides that the ranking and positions of judges are made in accordance with the specific regulations adopted by the National Assembly Standing Committee. In the cases of suspending, dismissing or disciplining the judges, such measures shall be taken in accordance with Article 64 of the same law, which defines that the staffs of the courts, participants in criminal proceedings, persons and other legal entities, who violate the laws and damage the interests of the State, society, dignity, reputation and the legitimate rights and benefits of citizens, shall be subject to re-education, discipline, fines or legal proceedings depending on the severity of the offence, as well as compensating for the loss of benefits caused by such violation as provided by the laws. Meanwhile, taking bribe and excessive use of position, powers and duty of the concerned authorities are the acts that constitute corruption as stipulated in Law on Corruption. Articles 11, 15 and 16 of this law provide that such offenders shall be subject to punishment according to the Penal Law, Articles 153, 154, 157 and 174 of this law are related to the abuse of power, excessive use of power, accepting and offering bribe and corruption respectively.

101. The Lao Bar Association is a professional organization of lawyers in the Lao PDR established to promote the legal profession, gain solidarity and protect the prestige of lawyers aimed at guaranteeing the provision of legal service to the society in a just, broad, and effective manner and to contribute to the establishment a State ruled by law. Under Law on Lawyers, Article 30, the organizational structure of the Bar is consisted of

Members of the Lao Bar Association, General Meeting of Lawyers, Executive Committee, Inspection Committee, and Office of the Lao Bar Association. The rights and duties of such organizational bodies are detailed in Articles 32, 35, 38, 41 and 43 of this Law. In 2016, countrywide there were a total of 196 lawyers, of whom 33 were women and 40 lawyers interns.

102. In addition, the Lao PDR has the Military Courts that is one component of the People's Courts system as stipulated in the Constitution, Article 91. According to Law on People's Courts, Article 28, the Military Courts have the role to adjudicate criminal cases involving offences pertaining to military matters or occur within the compound of an army base. Furthermore, the jurisdiction of these courts is stipulated in Law on Military Courts. Article 3 of this law stipulates that the Military Courts have jurisdiction to adjudicate criminal cases involving offences committed by commanders and soldiers, workers and personnel working in the national defence, reserve forces, security corps, military forces or persons who are on duty at the time of training, practicing, preparing for war or patrolling that are directly under the administration of the Army, and the criminal acts committed by persons outside the army that endanger national stability, confidential military matters and interests of the Army, life, property, health or dignity of commanders and soldiers.

103. Law on Criminal Procedure, Article 10, provides that the fundamental principles of the criminal procedure, in relation to a trial in open court hearing. Article 214 of Law on Civil Procedure, Article 15 of Law on People's Courts define that all trials in the courtroom shall be conducted openly, except for cases that concerning secrets of the State or society, the offences of individuals between fifteen and eighteen years old, or some offences that concern the spousal relationship or the traditional customs for which court hearing shall be conducted in camera. In all cases, the court's decision must be read out openly.

104. In criminal proceedings, as long as the accused person or defendant has not yet been convicted pursuant to a final decision of the People's Courts as an offender, he/she shall be presumed innocent and has the right to present evidence to defend himself/herself, but shall not be forced to bring evidence to prove his/her innocence as stipulated in Articles 14 and 15 of Law on Criminal Procedure.

105. The rights of an accused person in criminal proceedings are provided in Article 65 of Law on Criminal Procedure, which include the rights to be informed of and defend against the charge made against him; receive information describing the rights and obligations in the proceedings; give testimony and present evidence; propose bail and submit other requests; receive the documents related to the opening of investigations, reports of their testimonies, orders relating to the application, modification or cancellation to coercive measures, orders to suspend investigations, the summary of investigations, the order to impose charges and the statement of the People's Prosecutor, order or case dismissal, and other documents and orders relating to the case proceedings as specified in this law; review the documents in the case file, or to make a copy of required documents from the file; retain and meet with a lawyer or other defender to contest the case; propose the recusal of a person responsible for criminal proceedings as stipulated in Article 52 (2, 3) of this Law, experts, or interpreters; file a complaint against actions and orders of the head of an investigation agency or investigation officers, the People's Prosecutor that he/she believes to be unlawful; appeal against, or request the cancellation of, an order of the head of the investigation agency or the People's Prosecutor. Similarly, according to Article 66 of this Law, the defendant has the rights to be informed of and defend against the charge made against him; receive an explanation on their rights and obligations in fighting the case; give testimony, respond to the charges and present evidence; retain and meet with a lawyer or other defender to contest the case; describe and answer inquiries in the court room; view the documents in the case file, or to make a copy of required documents from the file; submit requests; participate in court hearings; require the recusal of a judge, people's prosecutor, and investigator as stipulated in Article 52, (2; 3) of this Law, expert, or translator; make a final statement in court hearings as the last party; receive a decision of the people's court; appeal against, or request the cessation of, a decision of the people's court; and other rights as provided by the laws. Furthermore, Article 206 of the same law defines that after a decision was made by the judicial tribunal in confidential room, such decision must be read out openly by the chair of the tribunal in the court room, along with informing the

defendant the right to appeal the court's decision. If the defendant does not understand the Lao language, the translator must translate all details of the decision to the defendant.

106. Lao PDR has a policy to provide free legal aid as stipulated in Law on Lawyers. Article 23 of this Law stipulates that legal aid is the provision of free legal services to the poor and disadvantaged people by the Lao Bar Association and lawyers in order to ensure the access to justice and judicial procedures. In addition, Article 51 of the same Law provides for legal basis for establishing legal aid funds.

107. According to Law on Criminal Procedure, Article 20, participants in legal proceedings who do not understand the Lao language have the right to use their own language or another language via an interpreter.

108. In accordance with Article 207 of Law on Civil Procedure, in the case of civil proceedings proceeded by the parties, if a plaintiff, defendant or third party involving in the case is not able to participate in a trial in the court room upon a summons of the court with adequate reasons, the court may postpone the trial. If the plaintiff, defendant, or third party does not attend the court room for trial after receiving three summonses without reason, the court may proceed to adjudicate the case in absentia, or cease the case on a case-by-case matter.

109. Pursuant to Law on Criminal Procedure, Article 66 para. 6, defendant has the right to review documents in the case file, or to make a copy of required documents from the file, and submit requests. In a similar way, lawyers also have the right to review case dossiers, make copies or record the contents of documents as stipulated in Law on Lawyers, Article 19, para 3. In addition, Article 102 of Law on Criminal Procedure defines that upon a request made by participants in criminal proceedings relating to proof of evidence, re-examination of data, seizure or confiscation of assets for compensation, the head of investigation agency or office of people's prosecutor must handle the requests within 7 days beginning from the date of receiving such request and notify the applicants regarding the result in written form. In the case of the requests being declined or exceeding 7 days without consideration, the applicants have the right to appeal to the head of the investigation agency or people's prosecutor at the higher level for consideration within 15 days.

110. In case of flawed judicial proceedings, compensation must be made in accordance with Law on Petitions, Article 13, para 3 which defines that petitioners shall be restored their legitimate rights that were violated by others and receive compensation from violators as provided by laws and regulations.

## **Article 15**

### **Non-retroactive principle of the Penal Law**

111. Non-retroactive principle of the Penal Law is provided for in Article 5 of Penal Law, which stipulates that this law becomes effective on the date it is promulgated; any new law calling for lighter penalties or eliminating any offence provided in former laws shall take retroactive effect; new law stipulating new offences or calling for heavier punishment than that provided in an earlier law shall not take retroactive effect. Article 81 of Law on Legislation Making provides for a similar clause to this effect. This principle of Penal Law is applicable for the jurisdiction of both people's courts and military courts.

## **Article 16**

### **The right to recognition as a Person before the Law**

112. Law on Contract and Tort, Article 12, para 2 provides that citizen aged eighteen years and above, except those who is insane, shall be deemed to have a capacity to act. Law on Family, Article 3, para 2 provides that citizens aged eighteen years and above have the right to freedom to choose a partner on the basis of mutual consent and love for marriage according to national customs and traditions. The Penal Law, Article 7 stipulates that the actor's component of an offence refers to the fact that in order to be liable, the offender must be mentally competent, must not be insane, and must have reached the age of maturity, that is, at least 15 years of age. The Constitution, Article 36 and Law on Election of the

Members of the National Assembly and Provincial Assemblies, Article 6, para 2 and 3 stipulate that Lao citizens who reached eighteen years old and above have the right to vote and those aged twenty one years and above have the right to be elected.

113. Birth registration is the recognition as a person before the law. Registration of birth is one of the family registration procedures which are provided for in Law on Family Registration, Article 9 (2) and birth registration procedures are defined in Article 17 of the same law. Regarding the notification and issuance of certificate of birth registration when a child is born at home, in healthcare centre or hospital, the head of household or a representative of the family notifies verbally or in writing to the village head where they live, presenting the document of birth from the healthcare centre or hospital to evidence the birth. When the village head has received notification of new-born child, he/she shall issue the certificate of birth within 5 working days. In the event a child is born abroad, the father or mother or representative of household is to notify the family registration officer of the Embassy or Consular Office of Lao PDR in the country where a child is born. Article 18 of this Law provides that the registration of birth after receiving a certificate of birth from the village head, the child shall be birth-registered in the office of family registration at the concerned district's administration office within 30 working days from the date of receiving the certificate of birth. The family registration officer in the Embassy or Consular Office of the Lao PDR, after receiving notification of birth, shall proceed with the registration of birth within 5 working days. In rural areas, when a child is born with assistance of midwife, the village head will confirm and proceed with the birth registration according Law on Family Registration.

#### **Article 17**

##### **Private life**

114. Lao PDR has legislation and regulations to guarantee privacy which cannot be violated arbitrarily as provided in Articles 6 and 42 of the Constitution of Lao PDR and other laws such as:

115. The Law on People's Prosecutor Office, Article 42, para 5 provides for the rights and duties of the People's Prosecutor to issue orders on arrest, detention, temporary detention, temporary release, premises searches relating to offences not occurring in the presence of the relevant officials or in cases which are not urgent. Law on Criminal Procedure, Article 123 defines premises searches and Article 124 defines vehicle and body searches by investigation officials. The Penal Law, Article 102 stipulates that the punishment of any person breaching another person's individual freedom to engage in lawful speech, writing, gathering, meetings and other freedom 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. Article 103 defining trespass of residence stipulates that any person committing unlawful trespass of residence through the use of force, threat or forged documents, by impersonating an official or otherwise shall be punished by six months to two years of imprisonment and shall be fined from 300,000 Kip to 1,000,000 Kip. Article 104 defining violation of personal confidential matter stipulates that any person disclosing another person's confidential matter which has come to the offender's knowledge during the performance of his profession or duties, thereby causing damage to the other person, shall be punished by three months to six months of imprisonment and shall be fined from 50,000 Kip to 500,000 Kip; any person opening another person's letters, telegrams or other documents or listening in on a telephone conversation between other persons, thereby causing damage to other person, shall be punished by three months to six months and shall be fined from 50,000 Kip to 500,000 Kip.

116. The regulation of electronic usage is provided for in Law on Electronic Transactions. Articles 36, 37, 38 and 39 of this Law prohibit individuals, legal entities and other organizations to use specific information of other persons without permission.

117. House, personal and body searches by government authorities are conducted in accordance with Law on Criminal Procedure. Article 124, para 2 and 3, Article 138, para 2, Article 139 and Article 140, para 3 and 4 as mentioned above, prohibits other individuals to arbitrarily conduct vehicle and premises search. Article 123 of this Law stipulates that building search must take place in the presence of the village authorities, the house owner,

and at least two witnesses. Premises search requires taking place during the daytime between 6 am to 6 pm. In the event that a search has been commenced but the time reaches 6 pm and the search is not yet completed, it shall be continued until completion. When conducting a search, the official conducting it has the right to refuse permission to persons on the premises to leave the premises, to persons not on the premises to enter the premises and persons inside and outside the premises to communicate until the search is complete. Materials, items, and documents may only be seized if they relate to the offence or are illegal. The Penal Law stipulates the punishments for violation of individual freedom (Article 102), trespass of residence (Article 103), and violation of personal confidential matter (Article 104).

118. Summarizing and keeping private data including computer and bank data are provided for in Law on Electronic Transactions. Articles 40 and 44 of this Law stipulate that when a dispute involving electronic transaction occurs, the parties may submit such dispute to the People's Court for decision in accordance with the laws and regulations. Law on Statistics, Article 24(3), prohibits disclosing individual confidential information for any individual, legal person or any organization which was been collected from surveys or administrative reports. Decree on Information Management on the Internet, Article 10(6) stipulates the prohibition of posting distorted and misled information which has a purpose to degrading the honour or personal rights, to undermine sectors, institutes or other organizations.

#### **Article 18** **Right to Freedom of Thought, Conscience and Religions**

119. Lao citizens have the right and freedom to believe or not to believe in religions as provided for in the Constitution of Lao PDR, Article 43 provides that the State respects and protects all lawful activities of Buddhists and of followers of other religions. All acts creating division among religions are prohibited (Article 9). The Government has revised Decree No. 92 and adopted Decree No.315, dated 16 August 2016 on Management and Protection Religious Activities in Lao PDR, aiming at ensuring the implementation of the right to freedom of the Lao people to believe or not to believe in religions.

120. In Lao PDR, there are 4 registered religions: Buddhism has 64.7% of followers, Christianity has 1.7 % of followers, Islam and Baha'i have 1% of followers and the remaining 33% are Animists.

121. Publication, importation of religious materials and publications must obtain approval from concerned Authority in accordance with the regulations. Decree on the Management and Protection of Religious Activities in the Lao PDR, Article 14 stipulates that the religious materials importation, release and electronic media must follow the Law on Publication, Law on Mass Media, and other relevant laws and regulations. Law on Publication, Article 52 provides that publishers are prohibited to print books and other publications which violate the fine traditions and culture of the nation, the solidarity among ethnic groups, have content supporting the credulous belief, misrepresent and violate the honour of organization and individual, support the degradable action to the national interest. Article 53 of this Law provides that publishers are prohibited to design inappropriate publications and violate the national and ancestor honour, multi-ethnic Lao people solidarity, etc. Article 54 of the same Law prohibits the release or sale of books and other publications which are not allowed by the publication management organization.

122. According to the Constitution and laws of the Lao PDR, no religion is recognized as State religion. According to Article 4 of Decree on Management and Protection Religions Activities in the Lao PDR, the State respects and protects all lawful activities of Buddhists and of followers of other religions in Lao PDR. Lao citizens have equal rights and freedoms before the law to believe or not to believe in religions or change their beliefs. When any person breaching another person's individual lawful freedom he/she shall be punished by imprisonment and fined as provided for in Article 102 of the Penal Law. In Lao PDR, belief in religion is voluntary without any force and unlawful incentives, and the purpose of the religious organizations is to contribute to the national development and educate people of all strata in the society to be good citizens. Article 7 of Decree on Management and Protection of Religious Activities in the Lao PDR stipulates that any religious followers in

Lao PDR who wish to register and create a religious organization must complete all required documents in accordance with Decree No. 315 and the Instruction of the Ministry of Home Affairs on the Implementation of this Decree.

123. Military service is practiced in accordance with Law on National Defence Obligations. Articles 2, 3, 8 and 9 of this Law provide that Lao citizens aged between 18 to 28 years old, between 18 to 23 for women, without discrimination of race, ethnicity, social-economic status, beliefs, education, and place of residence have the obligation of military service in line with Article 49 of the Constitution, except persons with mental disorder, persons with disabilities, persons with serious illness, the only child in the family, patient, student, or persons who have older or younger brother still in military service, persons involving in criminal proceedings or execution of a penalty, or persons facing difficulties as certified by the concerned authorities.

#### **Article 19** **Right to Freedom of Expression**

124. The Constitution, Article 44, defines that Lao citizens have the rights to freedoms of speech, press and assembly; and have the right to set up association and to stage demonstration which are not contrary to the law; Article 45 defines that Lao citizens have the rights and freedoms to conduct studies in and to apply advanced sciences, techniques and technologies; to create artistic and literary works and to engage in cultural activities which are not contrary to the law. Law on Media, Articles 4 (para 4 to 6), 14, 15, 16, 17 and 27 provide for the legal guarantees of freedom of expression, including the guarantees that all Lao people have the rights to freedom of expression via mass media and other media means or supply information to the media and have freedom to access and receive both domestic and international news and information and may establish their own media including publication and distribution of their lawful products.

125. The Government pursues a policy for the people to have access to the internet. The Government attaches importance to electronic transactions by promoting e-commerce, e-service, e-government and other e-transactions for economic development and public services. The Government pays attention to building infrastructure of technology communication and information, development of human resources, ensuring security, transparency, protection of users and building their trust in electronic transactions (Article 4, Law on Electronic Transaction). At present, countrywide there are 6 companies and a number of internet network service units that provide a total of 47,324 Mbps and 2,642,693 users were registered in the country in 2015.

126. The Government encourages all sectors to contribute to the development of the mass media. At present there are 123 newspapers and magazines published daily, weekly, monthly and quarterly in circulation owned by both state and private sectors. There are 57 radio stations across the country broadcasting in AM, SW and FM frequencies including the foreign radio channels broadcasting in Vietnamese, Chinese, French and English languages. Recently, there has been development of radio websites in 5 languages: Lao, Khmu, Hmong, English and French broadcasting online enabling listeners within the country and from many parts of the world to access via internet. At present, there is a technical development effort towards the modern digital system. There are 37 television stations across the country of which 4 channels are private sector-owned and 3 channels broadcasting foreign programs; the television programs broadcasting in ethnic languages, namely Lao, Khmu, Hmong and in foreign languages. Apart from Vientiane capital and some cities have the cable system. People in the country may receive the broadcasting signals via satellites or they may choose to view or listen via the internet available for both domestic and international channels.

127. In Lao PDR, there are no reported violations to reporters. Law on Media, Articles 37 (1, 6 and 7), 52 (1 and 5) provide for the right to obtain reporter ID, who operate in a media agency. Under the Law, reporters are protected from doing their lawful professions. The Law prohibits the obstruction of reporters from doing press activities and the intervention in the news coverage, scripts and programs that is not consistent with the law. Articles 94 and 95 of the Penal Law provide for the punishment for the any person who distorts information which leads to defamation in violation of the rights and dignity of other persons.

128. Any organization, individual or private sector are allowed to establish media agency and operate under the law as provided for in Articles 27, 40, 41 of Law on Media. Recently, the numbers of reporters and media officers in the country have increased from 1,200 in 2010 to 3,073 in 2015, of which 35% were women. The Lao Government allows reporters from domestic and foreign news agencies to engage in news coverage and report and distribute their lawful media products in the Lao PDR. According to the statistics from 2010-2016 there were more than 2,730 foreign reporters engaging in news coverage in the Lao PDR, especially there were 819 domestic and foreign reporters during the 28th and 29th ASEAN Summits in the Lao PDR in 2016. During that time, some news agencies set up their offices in Lao PDR to broadcast particularly about Lao PDR, such as CRI (China), VTV (Vietnam) and others international news agencies without any obstruction, threat or any restrictive measures.

129. The Government allows foreign reporters to access various sources of information that do not prejudice to the national security in accordance with Law on Media and other relevant laws and via all kinds of Lao media. There is no restriction and prohibition of circulation of imported newspapers and magazines in accordance with the relevant laws and regulations. The distribution and advertisement of pornographic materials, libel, defamation, hate speech that lead to division of solidarity and creation of social disorder are prohibited in accordance with the relevant laws of the Lao PDR. In 2015, the Government adopted Decree on Management of Foreign Media Agencies, the Media of Diplomatic Missions and International Organizations in the Lao PDR in order to facilitate their activities to be carried out in an effective and appropriate manner and in consistence with the laws and regulations of the Lao PDR as well as and the relevant international treaties.

130. Lawful restriction on freedom of expression is defined in Article 65 of the Penal Law, Articles 50 and 51 of Law on Media and Article 52 of Law on Publication which prohibit the media to advocate against the Lao PDR, undermine national and public interests, use rude languages, disseminate distorted information against organizations or individuals, publish information which affect the national security, peace and social order, including publication of pornographic contents.

## **Article 20**

### **Prohibition of Propaganda of War**

131. The Lao PDR pursues a foreign policy of peace, independence, friendship and cooperation and promote relations and cooperation with all countries on the basis of 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 (Article 12 of the Constitution). The Lao PDR supports the struggle of the people in the world for peace, national independence, democracy and social progress. Article 50, para 3 and 4 of Law on Media prohibits division of solidarity among ethnic groups, incitement of hatred, violence and propaganda of war.

132. Lao PDR's population consists of multi-ethnic groups; each ethnic group has its own cultural tradition and different religious beliefs. The Government pursues a policy of equality and solidarity among ethnic groups aiming at gradually improving their living conditions. Legislative measures adopted to combat incitement of hatred of race, religion or colour are provided in the Constitution and laws. Article 8 of the Constitution guarantees equal rights and solidarity of all ethnic groups. The Penal Law, Article 176 provides that any person who keeps another person separate from, or prevents or restricts from participating in, any activity, or who discriminates against another person, based on ethnic reason, shall be punished by imprisonment from one year to three years and shall be fined from 1,000,000 kip to 3,000,000 kip. Law on Media, Article 50, para 3 prohibits division of solidarity among ethnic groups, incitement of hatred and violence, among others. The Lao PDR has established the International Friendship Committee which cooperates with its counterparts of other countries on world peace and solidarity among nations. In 2008, Lao PDR was awarded the World Peace Gong by the World Peace Committee of Indonesia.

**Article 21****The right to peaceful Assembly**

133. Right to assembly not contrary to the law is ensured in Article 44 of the Constitution. Article 12 (1) and 37 (4) of Law on Lao Federation of Trade Unions allow Lao Federation of Trade Unions to mobilize, unite and educate members of Lao Federation of Trade Unions, officials, workers, intellectuals, and students with the view to respecting the laws and participating in the national safeguarding and development. Article 102 of the Penal Law provides that any person breaching another person's individual freedom to engage in lawful speech, writing, gathering, meetings and other freedom 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.

134. Regarding legitimate restrictions placed upon the right of peaceful assembly, the Government adopted measures against offenders as provided for in Article 72 of the Penal Law which provides that any person organizing or participating in the gathering of groups of persons to conduct protest, marches, demonstrations and others with the intention of causing social disorder, shall, where such action causes damage to the society, be punished by one to five years of imprisonment and shall be fined from 200,000 Kip to 50,000,000 Kip. Any attempt to commit such an offence shall also be punished.

**Article 22****The right to Freedom of Association**

135. Lao citizens have the right to establish associations under the law and regulations which is provided for in Article 44 of the Constitution. The procedure to establish an association is defined in Decree No.115 on Associations 2009. This Decree provides for the rules and regulations governing the establishment, operation and management of associations registered as legal entities in Lao PDR for the purposes of promoting the Lao people's rights and freedoms, creativity and ownership in the organization of an association aiming at national protection and development; providing legal basis to individuals or organizations intending to set up associations; providing legal basis to government organizations concerned in managing, facilitating and encouraging lawful activities by associations, promoting associations' contribution towards socio-economic development and poverty eradication as well as countering activities affecting national stability, social order and individual rights and freedoms. Groups of persons wishing to establish an association shall follow the regulations stipulated in Articles 12 and 13 of the Decree No.115 which stipulate that such group of persons shall have completed and correct documents for submitting to provincial Governor, Mayor of Vientiane capital or Ministry of Home Affairs for consideration and approval or to other relevant sectors based on their rules under the scope and functions of each sector. Lao PDR has the Lao Federation of Trade Unions which is the organization for protecting the rights and interests of its members, workers and ethnic workers. A Trade Union shall be established in each labour unit as provided by Article 64 (2) of the Labour Law.

136. The Law on Lao Federation of Trade Unions, Article 36, provides for monitoring organization on Lao Federation of Trade Unions; Article 37 of this Law provides for the rights and functions of the Lao Federation of Trade Unions; Decree No.115 on Associations 2009, Article 51 provides for the rights and functions of the Department of Public Administration Management and Development of the Ministry of Home Affairs. Articles 20 and 40 of this Decree prohibit any association to violate law or rules of association. Article 58 provides that association or member of association violating this Decree or other relevant law concerning the association shall be warned, educated, subjected to disciplinary measure, fined or prosecuted. The Lao PDR has one Federation of Trade Union and trade unions in various sectors at central and local level and labour units. In 2016, there were 147 associations nationwide, of which 72 associations engaging in the economic field that have the role to forge solidarity, enhancing assistance, protecting the legitimate rights and interests of their members; 47 social associations engaging in promotion and protection of vulnerable groups; 5 associations engaging in the work of persons with disabilities; 4 technical associations and 10 foundations. 3 associations were refused for registration because they did not meet the requirements for setting up an association. Associations and

foundations contribute to development, assistance to people in the society and poverty reduction. In 2012, associations and foundations implemented 53 projects with 5.8 million dollar in expenditure and in 2013 they implemented 54 projects with 4.1 million dollar in expenditure.

137. Article 2 of Law on Federation of Trade Unions provides that Federation of Trade Unions protects the legitimate rights and interests of members of Trade Unions, workers and working people nationwide. Article 13 of this Law provides for the administrative principles of the Federation of Trade Unions. Trade Union leaders shall be elected among their delegates in the ordinary conference of Trade Unions. In 2016, the Union has a total of 207,491 members, of whom 88,647 were women.

138. This Law provides for some prohibitions for members of Trade Union, such as Articles 30 and 31 provide that members of trades union shall not stop working or cancel agreement without the approval from relevant sectors, do not organize group, and demonstrate to cause negative effect to administration, asset of the State and individuals.

### **Article 23**

#### **Family Protection**

139. The definition of Family is provided for in Article 1 (1) of the Family Law. Family is a cell of society that consists of husband, wife, children or other members in the family who have relationship and live together under the same registration family book. The Family relationship is the relationship arising from marriage, having children together and taking children to treat and to take care that incur the rights and obligations of family towards each other.

140. The exercise of the right of men and women in creating family is based on Article 2 of the Family Law and Article 17 of Law on Development and Protection of Women which stipulate that the State and society promote and protect the equality between women and men in the family. Men and women who are 18 years of age or above have the right to marry on the basis of mutual consent, freedom and love. It is forbidden to force or hinder another individual's marriage. Article 3 of the Family Law and Article 17 of Law on Development and Protection of Women provide that men and women who have attained the age of marriage are governed by the system of monogamy. After marriage, the husband and wife have the right to choose either the husband's or the wife's family name or to keep their respective original family name (Article 15 of the Family law and Article 17 of the Law on Development and Protection of Women). A child's nationality is determined by his or her parents' nationality if they have the same nationality. If the parents have different nationalities, the child may take their father's or their mother's nationality in accordance with Law on Lao Nationality. The selection of the family's place of residence is jointly decided by the married couple. The husband and wife have the right to engage in political, economic, cultural and social activities (Article 14 of the Family Law). Each spouse has equal rights over matrimonial property regardless of who actually acquired the property. Each spouse has the right to use matrimonial property in accordance with the requirements of the family. However, both spouses must agree to any exercise of the right of usufruct or disposition in respect of matrimonial property (Article 27 of Family Law). Parents must educate their children to be patriotic, progressive and to lead pure lives and engage in activities useful for society. Parents have equal rights and obligations to protect their children's rights and interests. They are the legal representatives of their minor children, and have the obligation to protect their rights and interests in court, at the work place, at school and others. Parents represent their children in lawsuits where their children are defendants and shall take all civil responsibility for them (Articles 32 and 33 of the Family Law). The issue of nationality is defined in Articles 11 and 14 of the Lao Nationality Law which stipulate that the children have a nationality when they are born and Article 17 of the same Law defines the causes leading to the forfeiture of Lao nationality, Lao nationality will be forfeited if: Lao nationality is relinquished; Lao nationality is withdrawn; or the concerned party has migrated to another country. The marriage of a Lao citizen with or the divorce of a Lao citizen from individuals holding other nationalities or without nationality will not alter their Lao nationality (Article 4 of the Lao Nationality Law).

141. Husband and wife have equal rights in all aspects pertaining to family relationship and husband or wife has the right to file for divorce (Articles 13 and 20 of the Family Law) due to the causes as defined in Article 20. The cause of filing divorce are adultery, physical, mental or verbal use of violence; having seriously inappropriate attitude such as regular drinking; use of drug or regular gambling; the husband is a monk or novice or the wife is a nun for more than three years without consensus; according to the court decision that a spouse is a disappeared person; a spouse has abandoned the family without informing them and without sending news for more than two years or the case of an accident without news for six months; the penalty imposed is imprisonment of more than five years; dangerous serious disease making co-habitation impossible; incapacity of sexual act; incompatibility of spouses making co-habitation impossible.

142. In case of divorce, Articles 23 and 24 of the Family Law and Article 24 of Law on Protection of the Rights and Interests of Children provide that the father and mother shall have shared obligation to raise their children. The court shall make decision whether the children will be taken care of by the father or mother depending on the best interests of the child and the court shall determine who will take care of the child until the child reached 18 years old. Article 127 of Law on Criminal Procedure provides that if any person neglects their children who have not reached the age of maturity, the court shall make decision on punishment under the law by public criticism and a fine from 300,000 kip-3,000,000 kip. In the event that a child was born out of wedlock, Article 8 of the Family Law provides that the man is responsible for costs of giving birth and has the obligation to support the child until reaching 18 years old.

143. The rules for governing re-marriage are to follow the Family Law. Article 25 of this Law provides that divorced spouses wishing to return to family together, they shall make registration for re-wedding.

#### **Article 24**

##### **The Rights of Child**

144. Children are the future of the nation; therefore, the Lao Government pays attention to the protection of the rights and interests of children as well as development of children. In this connection, the Lao Government set up national mechanisms, adopted a number of laws and policies on the protection of the rights and interests of children. The Constitution, Article 29, provides that the State, society and families attend to implementing development policies and supporting the progress of women and to protecting the legitimate rights and benefits of women and children. The Education Law provides that all Lao citizens, regardless of ethnicity, race, religion, gender, age, and physical and socio-economic status have equal rights to education. It further requires that poor families, disadvantaged groups, disabled learners, gifted or outstanding students, female and ethnic groups receive support. The Education Sector Development Plan (ESDP) 2016-2020 provides for a special focus on disadvantaged children (especially ethnic children, children with disabilities and children living in remote areas) and ensuring gender equality. The Education for All National Plans of Action (2000-2005, 2006-2010, and 2011-2015) sought to provide equitable access in the areas of early childhood care and development, primary and lower secondary education, and non-formal education and skills training. The 2011-2015 National Policy on Inclusive Education and the National Strategy and Action Plan on Inclusive Education were developed to provide a guiding framework for the provision of quality education to reduce and eventually eliminate disparities in access to education of disadvantaged groups, especially girls and women, ethnic groups, people with disabilities and people in socio-economic difficulty. Law on Protection of the Rights and Interests of Children stipulates that all children are equal in all aspects without discrimination of any kind in respect of gender, race, ethnicity, language, beliefs, religion, physical and socio-economic status is implemented to ensure that all children have equal access to education, health care services and cultural participation. Special care is being provided to ensure that children with disabilities and ethnic children are able to enjoy their rights on an equal basis. The Law on Protection of the Rights and Interest of Children, Articles 3, 6 and 9, define the rights of children to obtain birth registration, to have a name and to acquire a nationality without discrimination of any kind in respect of gender, race, ethnicity, language, beliefs,

religion, physical state and socio-economic status of their family. Article 19 provides for birth registration.

145. With regard to the birth registration without discrimination, Law on Protection of the Rights and Interests of Children, Article 3 (2) defines the basic rights of the child which includes the rights to be registered at birth, have a first name and family name and to acquire a nationality; Article 6 stipulates that all children are equal in all aspects without discrimination of any kind in respect of gender, race, ethnicity, language, beliefs, religion, physical state and socio-economic status of their family. Article 19 of the same Law defines birth registration, which is explained more details under point 79 of this Report. In 2012, the National Statistics Center conducted evaluation of the system of birth registration in the Lao PDR. The outcomes of the evaluation could be used as basic information to draft the Strategic Policies on National Birth Registration and Population Registration which focus at district level with the target to achieve 70% by the 2024.

146. Article 20 of Law on Protection of the Rights and Interests of Children, Article 31 of Family Law and Article 26 of the Law on Family Registration define the rights of children to a name and surname.

147. Law on the Protection of the Rights and Interests of Children, Article 21, Law on Family Registration, Articles 9, 10, 11, 12, 13, 22, 23, 24 and 25, and Law on Family, Article 31 define that a child's nationality is determined by its parents' nationality if they have the same nationality. If the parents have different nationalities, the child may acquire the nationality of either the father or the mother, in conformity with Law on Lao Nationality.

148. Children at age of maturity in civil case is defined in Law on Contract and Tort, Article 12, which stipulates that the child becomes capable of acting on his own behalf on civil case once reached 18 years of age. Law on Civil Procedure, Article 5, prescribes that the Juvenile Court has jurisdiction to decide cases relating to compensation for damages caused by an act of children less than eighteen years of age, child labour, cases between children and cases on violence against children. If, during the course of a juvenile case proceedings, the child becomes capable of acting on his own behalf or reaches eighteen years of age, the juvenile court must nevertheless continue the proceedings until a decision is reached. If there is a request for appeal or cassation, the juvenile court at the higher instance must consider such request.

149. Maturity age of children in criminal case is stipulated on the Penal Law, Article 7 and Law on the Protection of Rights and Interests of Children, Article 50, which provide that a child under fifteen years of age at the time of commission of an offence will not be considered as an offender.

150. The Criminal Procedures Law, Article 6, relating to the grounds for dismissal of criminal proceedings provides that in the case of children under the age of fifteen years whose behaviour endangers the society, Law on Protection on the Rights and Interests of Children, the Penal Law and other relevant laws shall be applied. Law on Protection of Rights and Interests of Children, Article 52, defines that an offence committed by a child that is not sent to the court is a minor offence or a major offence punishable by imprisonment of less than three years. The Penal Law, Article 53, defines measures towards children under fifteen years of age who have committed an act which is dangerous to the society. This article requires the child to ask for the damaged party's pardon by appropriate means, the parents or guardians to pay civil compensation, and sending the child back to the person in charge of the child for re-education or sending the child to the administrative authorities and social organizations for re-education. Article 40 of the same Law defines the circumstances conducive to the reduction of penal liabilities including an offence by the child of less than eighteen years of age, and Article 44 of this Law stipulates that the imposition of penalties for a child offender who was under 18 years of age at the time of the offence shall take into account the level and characteristics of such offence, but the court may prescribe penalties under the level that is defined by the laws.

151. The suspects and the convicted persons are not detained in the same place. The convicted persons will be detained in different places by separating women convicts from men convicts and having a special place for offenders who are less than 18 years of age.

Law on Protection the Rights and Interests of Children, Article 62 (6), stipulates that, if necessary, a child will be detained for no more than forty-eight hours where the child has allegedly committed a serious crime punishable under the law by imprisonment of three years or more, but there must be sufficient evidence. However the investigator shall observe that the detained child must be kept in a specific child detention area separated from adults.

152. The legal framework to protect children who are deprived of their family environment includes Law on Protection of the Rights and Interests of Children. Article 25 of this Law stipulates that the State is responsible for the care and raising of children without parents or guardians, or who are abandoned by their parents, by building or developing orphanages, boarding-schools and others. Articles 38-43 of the same Law provide for special protection and assistance to the child. Apart from legal framework, the Social Welfare Development Plan expands Child Protection Networks (CPNs) to each village nationwide. There are currently 496 villages with CPNs, an increase from 175 CPNs in 2010. A booklet was published and disseminated nation-wide to encourage villages without a CPN to establish one. Moreover, with the support of development partners, the Government is strengthening existing CPNs and establishing new networks in additional villages.

153. In 2012, the Ministry of Labor and Social Welfare (MoLSW) organized two meetings, with support from UNICEF, to raise awareness and sensitize representatives from various Governmental sectors about the rights of children without parental care and the importance of providing protection and assistance for these children in line with the Convention on the Right of Child and the UN Guidelines. The MoLSW also organized joint field visits for representatives from Ministry of Home Affairs, Ministry of Education and Sports and Ministry of Public Security as well as the members of the Committee for Protection and Assistance of Children to visit alternative care arrangements, including boarding schools, SOS Children's Villages and CPNs in four provinces. The MoLSW, with UNICEF support, is preparing to conduct a rapid situation assessment of children without parental care in Lao PDR in late 2016. The assessment will directly inform how Government proceeds to prioritize further research needs and collect quantitative and qualitative disaggregated data on children without parental care, to initiate a dialogue across sectors to develop guidelines to protect children that are not in the care of their parents or no longer able to live in the care of their parents, in line with the UN Guidelines, establish a mechanism to ensure the periodic review of children and adherence to standards in alternative care settings, and inform, which social protection and preventative mechanisms and strategies can be put in place to prevent the separation of children from their parents. SOS Children's Villages have been established in 6 provinces. The support provided varies according to the needs of the local population, such as temporary care for malnourished children or care for children who can no longer be cared for by their families.

154. The Lao Government gives priority to preventing and combating trafficking in persons by developing policies, laws, regulations and national plans of actions. Law on Anti-Trafficking in Persons defines the procedures and measures to be taken in terms of prevention, combating trafficking, victim protection and assistance and measures to be taken against perpetrators. The National Plan of Action on Human Trafficking (2013-2015) was integrated into sectoral plans and a new National Plan of Action to Prevent and Combat Trafficking in Persons is under development. The National Anti-Human Trafficking Committee leads Government's response to trafficking by formulating policies, strategies, programs, plans and projects and by coordinating and cooperating with relevant sectors both nationally and internationally. The Anti-Human Trafficking Department under the Ministry of Public Security, and the Anti-Human Trafficking Division under the Provincial Police Offices, coordinate and implement the plans, programs and projects within their areas of responsibilities. The Government is expanding its bi- and multi-lateral cooperation to combat human trafficking. In addition to earlier agreements with Thailand and Vietnam, a bilateral agreement between Lao PDR and China on Cooperation to Combat Trafficking in Persons, focusing on prevention, investigation of cases, protection of trafficked persons, capacity building and the establishment of coordinating mechanisms in border areas was signed in 2014. The ASEAN Convention against Trafficking in Persons, especially Women and Children (2015) was signed by Lao PDR and is in the process being ratified. The Government allocates funding for anti-trafficking activities with additional assistance and

contributions from national and international entities. In 2014, budget allocation for anti-trafficking measures was increased.

155. The Labour Law introduces a new provision prohibiting hazardous work for persons less than 18 years of age, consistently with ILO Convention 182. This includes employment in activities, duties and locations that are unsafe, dangerous to the health, safety or morals of the child, forced labor, work to repay debts, human trafficking, trade or deception into the sex industry or solicitation of prostitution, photography or pornography, and trade or deception in the movement and production, transportation, possession of narcotics or addictive substances. Employers must keep records on youth employment including age and date of birth which must be provided to labour inspectors. Provincial authorities disseminated the Labour Law to youths, adolescents and students and are monitoring its implementation to ensure that children are paid and did not work over the defined working hours. The National Strategy and Plan of Action on Prevention and Elimination of Child Labour (2014-2020) aims to enhance policies in education, training, health, social protection and employment to improve access of child labourers and vulnerable children to services and interventions, improve the quality and quantity of educational services to keep children in school, and mainstream child labour concerns into agriculture sector policies and interventions. It also recognizes the need for awareness-raising activities on the new law amongst workers, employers and the general public and institutionalized mandatory training on child labour for law enforcement officials, prosecutors, judges and labour inspectorates. The Plan aims to improve and institutionalize data collection on child labour and school attendance by developing a database and conducting a second National Child Labour Survey in 2020 to compare data over a ten-year period.

## **Article 25**

### **Participation in Public Affairs and the Right to Vote**

156. All Lao citizens aged 18 years old and above regardless of gender, ethnicity, belief, social status, settlement and occupation have the right to vote and those aged 21 years old and above have the right to be elected according to the Constitution and Law on Election of National Assembly Members and Provincial People's Assemblies.

157. The term "Lao citizen" as stipulated in the Constitution Article 3 means any person holding a Lao nationality in accordance with Law on Nationality. Article 2 of this Law defines Lao nationality as a political and legal relationship closely linking an individual to the Lao People's Democratic Republic; such relationship confers rights and obligations of citizenship upon the individual towards the Lao People's Democratic Republic, and confers rights and obligations upon the Lao People's Democratic Republic towards such citizen. Article 3 of this Law defines that the Lao PDR does not authorize Lao citizens to hold several nationalities at the same time. Article 9 of this Law provides for the basis for acquisition of Lao nationality which can be from birth, naturalization, re-acquisition of Lao nationality, or other bases provided in Articles 11 and 14 of the same Law.

158. Permanent residence in the Lao PDR is provided for in Decree number 472/PMO on Permanent Residence of Foreigners, Overseas Laotians and Stateless Persons; particularly Article 3 of this Decree stipulates that aliens are persons of other nationalities and stateless persons are persons who cannot certify their nationality, who have entered and been granted permission to settle in the Lao PDR. These persons are not Lao citizens by definition of Law on Lao Nationality, until they have been granted Lao nationality upon their request, meeting all criteria in Article 14 of Law on Nationality. Therefore, Lao citizens are those holding Lao nationality according to Law on Nationality.

159. The suspension of the right to vote and to be elected is provided for in Article 35 of the Penal Law and Article 7 para 2 of Law on Election of National Assembly Members and Provincial People's Assemblies, which stipulate that persons who have been sentenced to prison by the court shall have their right to vote and to be elected suspended. Law on Election of National Assembly Members and Provincial People's Assemblies, Articles 8 and 16, stipulate that the elected representative can be removed or refuted by constituents if there is sufficient evidence to prove that the person concerned has committed misconducts. However, Article 9 of the same Law provides that the elected representative has the right to defend against accusations by providing explanations, clarification, reasons regarding the

issues raised by the constituents who proposed for his/her removal before the National Election Committee for consideration.

160. The National Assembly represents the rights and interests of the Lao multi-ethnic people; has the roles and functions to adopt the Constitution and laws; to decide on fundamental issues of the nation; to oversee the implementation of the Constitution and laws by the executive and judicial organs; to consider and adopt government reports on the implementation of the socio-economic development and state budget plans; to elect or remove the President, Vice President and Members of the National Assembly Standing Committee, President and Vice President of the State as recommended by the National Assembly Standing Committee; to consider, approve or remove the Prime Minister; to elect or remove the President of the People's Supreme Court and Supreme People's Prosecutor based on recommendations by the President of the State; decide on ratification or withdrawal from treaties; to decide on granting of amnesties; to decide on matters of war or peace among others, as stipulated in the Constitution.

161. Law on National Assembly and Law on Election Members of the National Assembly and Provincial People's Assemblies, define the National Assembly Election as process of the exercise of the democratic rights of Lao citizens to elect their representatives who meet all required criteria to become Members of the National Assembly or Members of Provincial People's Assemblies, to represent their rights and authority as provided by the laws. The Law on National Assembly, Article 19, defines that the Members of the National Assembly have the same term as the National Assembly which is 5 years which begins from the Opening Session of the respective legislature and ends on the Opening Session of the next legislature. The election for the next legislature must be completed at least 60 days before the end of term of the previous legislature; in the case of war or other force majeure the National Assembly can extend its own term, but an election must be organized within 6 months after the situation has returned to normal; when necessary, with at least 2/3 votes from the attending members, the National Assembly can have an election before the term ends; Members of the National Assembly are elected from electoral constituencies with the numbers of deputies from various constituencies are determined by the National Assembly proportionately to the numbers of citizens of the respective constituencies and are unfixed; National Assembly sessions are open to public viewing and in necessary cases the Standing Committee may decide to hold a closed session.

162. In practice, to ensure that the election be organized according to Law on Election of Members of the National Assembly and Provincial People's Assemblies. Article 5 of this Law provides for the principles of election as follows: 1. Principle of Universality; 2. Principle of Equality; 3. Principle of Direct Suffrage; 4. Principle of Secret Ballot. Article 24 of this Law provides for the composition of the Election Committees: National Election Committee, Provincial Election Committee, District Election Committee and the Ballot Unit Committee. Each level Committee consists of representatives from the Party, State organizations, National Defence and Security forces, the Lao Front for National Construction and Mass Organizations. The National and Provincial Election Committees must also consist of representatives from National and Provincial People's Assemblies. Election Committees at all levels can establish sub-committees to assist with their respective tasks. Article 32 of this Law provides for the determination of election date: the Standing Committee of the National Assembly determines the date of the election and proposes to the President of the State to issue a Presidential Ordinance to officially announce the date of election at least 90 days before the election date. The election shall take place in one day simultaneously across the country on either a Saturday or Sunday. When necessary, the Standing Committee may adjust the election date to one day before or after the predetermined date. Article 33 of the said Law provides for the time for voting: the time for voting is from 7 am to 7 pm.

163. The Ballot Unit Committee may agree to open and close the ballot earlier or later than the prescribed time according to the respective conditions at each unit albeit opening no earlier than 5 am and closing no later than 9 pm.

164. In practice, economic, social, infrastructural and geographical factors remain obstacles to the elections in the Lao PDR, particularly citizens who live in remote areas, and the illiterates. In order to overcome those obstacles, the Lao Government has put in

place measures to guarantee effectiveness as stipulated in Law on Election of Members of National Assembly and Provincial People's Assemblies, Article 34 as follows:

165. The locations of ballots must be suitable and convenient such as: schools, halls, temples and others; 2. The Ballot Unit Committees must provide instructions, regulations and procedure of voting for all the lawful voters to comprehend; 3. Prior to voting, the Ballot Unit Committee must open the ballot box for the people to check; 4. Those with the right to vote must present themselves and show their card to the Ballot Unit Committee to attain the ballot paper; 5. For the illiterates the Ballot Unit Committee may appoint an assistant for such voters, though the assistant must follow the preference and instruction of voters and the voters shall cast their votes into the ballot box by themselves. In case voters are incapable of putting the vote into the ballot box on their own, one of the ballot committee members may assist in front of the voter; 6. If the voter is ill, disabled, an elderly, or too weak to walk then the ballot committee members must organize a mobile ballot unit to receive their votes; 7. If the voters made a cross mark by mistake, they must return those erroneous ballot papers and attain a new one from the ballot committee; 8. Casting of the vote shall be done one by one.

166. Article 12 of the same Law provides for the criteria of candidates who must be a Lao national aged 21 years or above, with sufficient level of knowledge to perform their rights and duties as a Member of the National Assembly and Member of Provincial People's Assembly and must be in good health among others.

167. The criteria for attaining administrative positions in the government are defined in the Constitution, Article 39, which stipulates that Lao citizens have the right to work and to perform professions that are not against the law. Law on Public Servants, Article 2, provides that government officials of the Lao PDR must be Lao citizens who have been recruited, elected or appointed to a position in an organization of the Party, Government, LFNC and Mass Organizations at the central and local level or to be posted in diplomatic missions of the Lao PDR and who receive salary and allowances from the state budget. The additional criteria for becoming government officials are provided in Article 17 of the same Law must be a Lao national by birth or attained Lao nationality at least 3 years, who is aged between 18 to 35 years of age, has never been sentenced to prison on any criminal charge, has clear biography and family background, possesses specific skills, vocational skills or a higher diploma suitable for the position and has good health. The promotion and advancement of the government officials are stipulated in Article 15 of the same Law based on the following: level of education, career seniority, test results and promotion based on management positions. Reassignment, change of duties and reposting of government officials are made in accordance with Article 20 of the same Law which provides that this must be done based on requirement for administrative positions, technical positions, performance evaluations and suitability ensuring stability, transparency, strengths, continuity and productivity. Dismissal of government officials is prescribed in Article 68 of the same Law which provides that if a government official has seriously violated the regulations and disciplines or has been found guilty of a criminal offense by the court and has an agreement to be terminated, the person shall be revoked of his/her government official status immediately.

168. All Lao citizens have equal rights to access to state services especially in terms of education, public health and social welfare as enshrined in the Constitution and relevant laws. Article 35 of the Constitution defines that all Lao citizens regardless of their gender, social status, level of education, belief and ethnic have equal rights before the law. In this regard, the Government has reformed the education system to create more opportunities for Lao citizens of all ethnic groups and genders residing in urban and rural areas to access to education at various levels by adopting laws, policies, strategic plans, action plans and programs. Law on Education, Article 6, provides for the equal rights of the Lao citizens to receive education regardless of their nationality, race, religion, ethnicity, gender, age, physical condition and socio-economic conditions; Lao citizens have equal rights to receive quality education and learning through their lifetime according to the law and regulations. Decree on Adoption and Promulgation of the Education for All National Plan of Action 2003-2015 which aimed at nurturing and development of children at pre-school age, primary school, lower secondary school, non-formal education and training of prioritized

skills, setting development of the education sector as a policy document and main strategy to achieve the goals of Education for All 2003-2015, laying out National Policy on Inclusive Education to reduce and eliminating the gaps of access and rate of success of the disadvantaged groups, especially girls, women, ethnic groups, persons with disabilities and those with socio-economic difficulties. The Instruction issued by the Minister of Education and Sports on removal of School fees for all students at levels of pre-school, primary school, lower and upper secondary school of the public education to reduce the burdens of the parents and guardians in supporting the children to education, implement the policy of subsidized lunch in schools in the year 2014 to promote nutritious eating, increase attendance rate, grade promotion rate, reduce the rate of repeating and dropouts for students from pre-school to secondary school in remote and poor areas, ethnic group areas, children with special needs and areas with mal-nutrition, areas with low enrolment rates, areas with high rates of repeat and dropouts, focus areas of the government or areas with socio-economic indicators lower than standard. Since 2011, the Government has prescribed a priority of expanding the education network by increasing the State Budget allocation for education, investing in building schools, recruiting teachers. In the financial year 2012-2013, the National Assembly approved state budget on the education and sports sector up to 17 % of all State budget or 4.47% of the GDP; arranged for school management funding for pre-schools and lower and upper secondary schools in an amount of 20,000 Kip/person/year and for primary schools 50,000 Kip/person/year (2012-2013). In 2014 the number of teachers has increased by 10% compared to 2011 (from 33,576 to 36,938 teachers). The rate of enrolment target has been achieved, namely the rate of those aged 3-5 increased by 43.20% in the 2014-2015 school year, exceeding the 39% target; enrolment rate in primary schools increased from 92.7% (2012-2013) to 98.6% (2014-2015) exceeding the 98% target; rate of enrolment in lower secondary school reached 78% (2014-2015) exceeding the 75% target, and the enrolment in upper secondary school reached 45.7% (2014-2015) exceeding the 43% target.

169. In order to ensure access by the people to quality public health services, laws, regulations and policies have been adopted. This includes Law on Hygiene, Disease Prevention and Health Promotion, Law on Health Care 2015, Law on Prevention and Combating AIDS/HIV. Article 6 of the Health Care Law provides for equal rights of citizens without discrimination to receive treatment. Law on Prevention and Combating HIV/AIDS, Article 33 provides that the People living with HIV/AIDS and affected people have the rights to access to health insurance scheme in order to guarantee an equitable medical service as defined by the relevant regulations. Article 34 of this Law provides that people living with HIV/AIDS as well as affected people are equal with other people in the society with regards to their lives in the society and daily life activities without stigmatization and discrimination. The Government pursues a policy to improve medical treatment quality and supply far-reaching public health services in accordance with the Public Health System Reform Plan and the periodic strategic plans for medical treatment, such as adoption of a number of measures to promote equal access to state public health services for Lao people of all ethnic groups; creation of a long term Vision for Public Health Sector 2000-2020 which is part of the National Growth and Poverty Eradication Strategy (NGPES). The Vision has set the overall goals and work plans for health care of the Lao multi-ethnic people, which include universal health care, which is timely and equal across the country regardless of gender, age, religion and economic status; basic health care must meet the demands of the people and improve the health conditions of the people especially those living in poverty; health improvement focused on the 47 poorest districts to have access to health care services, clean water, hygiene, reduction of child mortality rate, promotion of medical products and use of traditional medicines. The Government has adopted 12 work plans to achieve those priorities. The implementation and the promotion of public health services has progressed incrementally in the expansion of public health care service network in 2015. At present, countrywide, there are 985 health care centres, 135 district hospitals, 17 provincial hospitals, 5 central hospitals in the country and the Government also attaches importance to good health and disease prevention, established public health model villages in 8 areas of primary health care. There are 4,553 public health model villages covering 53% of the total number of villages in the country. Furthermore, there are projects on free health care service especially for mothers, post-partum care and child health care, free services for pregnant women and children under 5 at health care

centres and state hospitals. Maternal mortality rate in 2013 was 220 persons per 100,000 births; in 2015 it was decreased to 206 persons per 100,000 births which is a tangible progress in reduction of maternal mortality rate.

#### **Article 27**

##### **Rights of Ethnic Groups**

170. The Lao PDR is a country with many ethnic groups who have been living together since ancient times, composing of 49 groups divided into 4 main ethno-linguistic groups: Lao-Tai 62.5%, Mon-Khmer 23.7%, Hmong-Mien 9.7%, Sino-Tibetan 2.9%.

171. All ethnic groups are equal before the law. The Lao PDR does not classify any ethnic group to be indigenous, minority or majority group. The Lao people consist of 64.7% Buddhists, 1.7% Christians, 1% Muslims and Baha'i and 33% Animists.

172. The Government pursues a policy to enhance the unity, solidarity and equality among the ethnic groups, reaffirming non-discrimination based on race, language, belief or ethnicity. The Lao multi-ethnic people have always co-existed peacefully and enjoyed the equality and non-discrimination. Articles 8 and 9 of the Constitution, stipulate that the State implements the policy of unity, solidarity and equality among ethnic groups; all ethnic groups have the right to preserve, promote their respective fine traditions and cultures as well as the fine traditions and culture of the whole nation; all acts of religious division and discrimination among ethnic groups are prohibited. The State implements all measures to enhance and elevate the socio-economic conditions of all ethnic groups. Articles 66 and 176 of the Penal Law provide that any person dividing, obstructing, limiting the participation or discriminate against others base on their ethnicity is punishable by imprisonment. Law on National Heritage, Articles 4 and 9 provide that State has policies to protect and preserve national heritages including intangible cultural heritage such as local innovations, beliefs, and traditions, among others.

173. The National Assembly 8th Legislature, the election to which took place in 2015, has 149 Members of whom 41 Members or 27% are women. Members of the National Assembly consist of ethno-linguistic group Lao-Tai which accounts to 75%, Mon-Khmer 15%, Hmong-Mien 5.3% and Sino-Tibetan 3.8%. Members of the National Assembly from ethnic groups hold high ranking positions in the National Assembly, including the posts of the President of the National Assembly, Chairs or Vice-Chairs of various committees. One of the National Assembly Committees is the Ethnic Affairs Committee which is responsible for ethnic policies to ensure that the laws adopted by the National Assembly pay attention to the equality and non-discrimination in the political, economic, social and cultural spheres. Furthermore, members of ethnic groups hold key positions including Ministers, Deputy Ministers, Provincial Governors, Vice-Governors and District Mayors. In addition, ethnic group members serve in Director General and Deputy Director General positions in various ministries and agencies, diplomats, directors of educational institutes and hospitals across the country, hold ranks of military and police Generals and Colonels in the national defence and police forces.