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Initial report submitted by the Lao People's Democratic Republic under articles 16 and 17 of the Covenant, due in 2009*

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Part I

Introduction

1. Lao People's Democratic Republic (Lao PDR) signed the International Covenant on Economic, Social and Cultural Rights (ICSECR) on 7 December 2000, and ratified it on 13 February 2007 and entered into force on 13 May 2007.
2. This National Report has been prepared and drafted according to the Economic, Social and Cultural Rights Committee's Guidelines on Treaty-Specific Documents to be Submitted by States Parties under Articles 16 and 17 of the ICESCR (E/C 12/2008/2). A Technical Committee composed of representatives from the National Assembly, line ministries, ministry-equivalent agencies, judicial body, Lao Front for National Development and Mass Organizations to take the responsibility for data collection to be incorporated into this draft National Report.
3. This National Report has been drafted through 10 Technical Committee consultation meetings jointly held by the Ministry of Foreign Affairs as the leading agency for consolidating and drafting this National Report and also through 5 consultation meetings with other stakeholders. This National Report will be submitted along with the common core document to the committee on economic, social, and cultural rights. The data and statistics that have been fed into this National Report are official data collected from the National Bureau of Statistics and relevant sectors from 2009 to 2019.

Part II

Implementation of the Covenant

Article 1: Right of self-determination

4. The Lao PDR fully recognizes the right of self-determination of the nation in accordance with the purpose and principles of the Charter of the United Nations (UN), the ICESCR, and the International Covenant on Political and Civil Rights (ICCPR). Those rights refer to the legitimate collective right of nations who fought for national liberation against old forms of colonialism and neo-colonialism, for the country's independence, and for the determination of the national community to choose its political, economic, and social regimes in consistence with the country's domestic circumstance, without interference in internal affairs.

5. After the country obtained full liberation, the Lao PDR was proclaimed on 2nd December 1975 with a political, economic, and social regime that is consistent with the country's historical specificities and level of development as well as meeting the aspiration of the Lao multi-ethnic people. The Lao multi-ethnic people are the true masters of the nation and jointly enjoy the right of self-determination which is well reflected in the last paragraph in the preamble of the Lao Constitution: "this Constitution is the fruits of the process of people's discussions throughout the country. It reflects the long-standing aspirations and strong determination of the national community to jointly strive to full fill; the objective of building a country of peace, independence, democracy, unity, and prosperity". The State of the Lao PDR is a people's democratic state where all powers belong to people, by people and for the interests of multi-ethnic people composed of all social strata with the workers, farmers and intelligentsia as key components.¹

6. The enjoyment of the rights of the multi-ethnic people to be the master of the country is expressed through their representatives at the National Assembly (NA) and Provincial People's Assemblies (PPAs). The National Assembly is the representative body of the rights and interests of the Lao multi-ethnic people. The National Assembly is the supreme body of the state power as the legislative body which plays the role to adopt the Constitution and laws, make-decisions on fundamental matters of the country, and monitor the application of the Constitution and laws of the State's organs. The PPAs constitute the representative organs of

¹ The Lao Constitution the Lao PDR (No. 63/NA/ 2015), article 2.

the rights and interests of the Lao multi-ethnic people representing local state bodies, play the role in adopting important legislation, making decisions on fundamental matters, and monitoring the activities of state organs at the local levels. All Lao citizens without any discrimination on the grounds of sex, ethnicity, belief, social status, geographical location, reaching 18 years of age have the right to vote, and for those who reach 21 years of age have the right to be elected as members of the National Assembly. The voters have the right to dismiss their representatives if they inappropriately behave and are untrusted by the people. In the nationwide elections for the member of the NA's 9th legislature, there were 3,973,017 eligible voters, which accounted for 98%² of the total number of eligible voters. This demonstrates the unity and confidence in the people's democratic regime, and enjoyment of the rights of Lao multi-ethnic people to be the master of the country and their democratic rights of self-determination.

7. The Lao PDR comprises 50 ethnic groups³ who peacefully coexist and live scattered throughout the country from the North to the South. All ethnic groups constitute the national community, hold Lao nationality, and enjoy equal rights and obligations under the Constitution and laws. The Lao PDR does not discriminate against any ethnic group and none of them are regarded as indigenous or traditional people. The Constitution of the Lao PDR does not allow any discrimination amongst and within ethnic groups. Discrimination amongst ethnic groups constitutes a criminal offense.⁴ The Constitution clearly stipulates that "the Lao PDR is an independent country with sovereignty and territorial integrity. It is a united country belonging to all multi-ethnic people and is indivisible".⁵

8. Pursuant to article 3 of the Law on Land, it clearly stipulates that the land of the Lao PDR is under the ownership of the national community, the State represents the ownership holder and manages the allocation of land in a centralized and uniform manner throughout land allocation plans, land use planning and land development. The State grants long-term and secure land use rights to Lao citizens as well as legal persons, collectiveness and organizations of Lao citizens. This law also recognizes customary land tenure rights, particularly, article 130 on the acquisition of customary land use right that refers to the right from the acquisition by Lao citizens of the land that they have occupied and used land through clearance, development, protection and regular use of the land for more than twenty years before this Law became effective with no document certifying the acquisition of the land but subject to certification from the village administrative authorities and the owners of the adjacent land parcels regarding the continuous land occupation and use without any disputes or with disputes which have been already settled. While land registration has yet to be conducted for the issuance of individual land titles, the State recognizes and protects the customary land use right of the person and proceeds with land title registration in accordance with the laws.

9. Based on the information from the Land Department, Ministry of Natural Resources and Environment (MONRE), as of 2018, land plots have been registered 2,916,954 nationwide including the issuance of 1,215,108 permanent land titles. The National Assembly has adopted the National Master Plan for Land Allocation. In order to ensure the people's rights on the land, reducing the dispute on land and ensure income generated from land use,⁶ the MONRE has completed provincial land allocation in one province (Luang Prabang), district land allocation in 2 districts and village land allocation in 108 villages nationwide; conducted surveys and registrations and issued land titles nation-wide, entered land information into the land records system, produced the maps for the land evaluation and

² Report of the national Election Committee on election results and certified qualification of the member of the NA's 9th legislature, and the second legislature of Provincial People's Assemblies to the first constituency of the NA's 9th legislature, on 22 March 2021.

³ Resolution of the National Assembly (No. 108/NA/ 2018), on Recognizing Bru ethnic group as 50th ethnic group in the Lao PDR.

⁴ Penal Code, article 27.

⁵ The Lao Constitution (No.63/NA/ 2015), article 1.

⁶ Midterm report on the Implementation of 8th Five-Year NSEDP (2016–2020) of Natural Resource and Environment Sector.

improved the land management system by applying IT system into collecting land data (e.g. land census, land lease, land concession, land registration, land record, and land evaluation).

10. The Government of the Lao PDR attaches importance to the protection and promotion of the local community's rights to engage in the socio-economic development. Particularly, people who are affected by development projects have the opportunity to participate in the consultation on project feasibility, address socio-environmental impacts and engage in decision-making on project implementation. This right has been guaranteed by laws and relevant regulations namely the Law on Waters and Water Resources which refers to the engagement of people in survey process within project area, wetland allocation and planning for land protection, development and restoration;⁷ the Law on Resettlement and Vocation defines the right of resettled people to receive information on development projects, expected benefits and impacts including progress in people's resettlement, compensation and livelihood recovery during project implementation; to receive compensation and ensure that resettlement and livelihood recovery efforts follow officially approved plan; resettled people have the rights to submit written proposals to project owner, project developer and the Committee on Resettlement and Vocation to address issues related to development project; they can participate in consultations, provide comments on resettlement plan, compensation plan and livelihood plan as defined in the laws and exercise other rights by Law;⁸ the rights of resettled people to receive information about the benefits and occupational impacts; They have the right to submit written proposals to project owner, project developers and the Committee on Resettlement and Vocation to address issues related to their occupation; to participate in consultations and provide inputs on Occupation Plan;⁹ the Decree on Compensation and Resettlement for people affected by development project defines the fundamental principles for compensation and resettlement: "to protect the rights and legitimate interests of affected people; to enjoy equality, correctness, transparency, openness and justice; ensuring coordination, consolidation and participation of project owners, affected people, public organizations and relevant stakeholders".¹⁰ The Decree on Environmental Impact Assessment defines social inclusion in all phases of the investment projects and activities namely project preparation and planning, project construction and operation and project termination where the Sector of Natural Resources and Environment, other sectors in charge of investment projects, local authorities and the project owner assume joint responsibilities for ensuring and creating enabling conditions for all social entities to engage in environmental impact assessment. Furthermore, the project owner shall develop a Stakeholder Engagement Plan for periodic environment impact assessment along with the analyses of stakeholder engagement, particularly in relation to ethnic groups, gender, vulnerable and marginalized groups who are affected by investment projects and activities.¹¹

11. Moreover, relevant line ministries also adopted a number of secondary legislation as references to exercise those rights such as the ministerial instructions of the Minister of Natural Resources and Environment on Public Engagement in the Environmental Impact Assessment Process from Investment (No.707/ MONRE/2013) and instructions on Socio-Environment and Natural Impact Assessment Process from Investment Project and Activities (No.030/MONRE/2013).

Article 2: Action taken to gradually fulfil the rights under the Covenant

12. The Lao PDR has just concluded the implementation of its VIII Five-Year National Social Economic Development Plan (NSEDP) 2016–2020 and continue to implement the IX-Five-Year NSEDP 2021–2025 to create enabling conditions for the Lao multi-ethnic people to gradually exercise their full economic, social and cultural rights. The Government has allocated the budget and set targets and directions to focus its source of funding on the development in order to achieve the following set targets: the investment from the State's

⁷ Law on Water and Water Resources (No 23/NS dated 1 May 2017), article 34, para. 3.

⁸ Law on Resettlement and Vocation No 45/NA dated 15 June 2018, article 46.

⁹ Law on Resettlement and Vocation No 45/NA dated 15 June 2018, article 48.

¹⁰ Decree on Compensation and Resettlement of People Affected by Development Projects No. 84/Gov dated 5 April 2016, article 5.

¹¹ Decree on Environmental Impact Assessment No. 21/Gov dated 31 January 2019, articles 36–39.

budget shall focus on improving and building necessary basic social economic infrastructure namely roads, irrigation schemes, schools, hospitals, dispensaries, drainages, agricultural technical centers; and promote expertise, rural and remote area development. Furthermore, the Government has allocated the loan budget and grants from development partners, international organizations and other stakeholders to invest in social development, particularly human resource development along with improved people's livelihood and alleviating people's poverty, addressing malnutrition, and improving sanitation. The domestic and foreign direct investments shall focus on the development of economic sectors coupled with environmental responsibilities and social development namely construction of hydropower dams, development of special and specific economic zones, investment in processing industries, construction materials and machinery industries, tourism development, construction of railways, etc. Furthermore, the Government has developed the fiscal and monetary policy (credits of the banking sector and fund mobilization from the Stock Market) for the development of small and medium enterprises (SMEs) to support and promote agricultural production, processing industries and trade, handicrafts and services, to strengthen and diversify production base, create employment and alleviate people's poverty.

13. In the implementation of the VIII Five-Year NSEDP 2016–2020, the entire society was able to supply development funding amounts to 169.744,6 billion LAK. The value of the investment from the State budget amounts to 17.099,9 billion LAK or 10.1%, the ODA: 29.666,1 billion LAK or 17.5%, the domestic and foreign direct investments: 86.127,6 billion LAK or 50.7% and the investment from financial-monetary sector amounts to 36.851 billion LAK or 21.7% of the total investment.¹² From the implementation of the Plan over the past 5 years, it is noted that the national economy continues to grow with an average rate of 5.8% per annum (if compared with 2011–2015 with an average rate of 7.9% per annum). This includes the average growth rate of the agricultural sector at 2.1%, industrial sector: 9.1%, service sector: 4.8% and tax sector: 5.2%. The GDP per head increased from USD 2.025 in 2016 to USD 2.664 in 2020. Overall, it is noted that the economy has been shifted to industrial and service sectors thus increase creation and income generation consistent with better quality and sustainability direction, and socio-cultural development has also continuously improved.

14. The Lao PDR implements a policy on the promotion of social equality and has taken measures against all forms of discrimination, particularly against women, disadvantaged people and people with disability, which has been reflected in the number of domestic legislations such as the Lao Constitution that prohibits discrimination against the ethnic group (article 8), prohibits religious discrimination and people's divisions (article 9), Lao citizens are equal before the law irrespective of their gender, social status, education level, beliefs and ethnic group, (article 35); Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields (article 37). Furthermore, any forms of discrimination are considered as criminal offenses and subject to prosecution in accordance with the Penal Code, article 224 on discrimination against women, against people with disability (article 225), discrimination against children (article 226) and discrimination against the ethnic group (article 227). Furthermore, many laws define non-discrimination principles namely the Law on Criminal Procedure, the Law on the Development and Protection of Women, the Law on the Prevention of the Use of Violence against Women and Children, the Law on Lao Women's Union, the Law on the Protection of the Rights and Interests of Children, the Labour Law, the Law on Education, the Law on Hygiene and Immunization, the Law on People with Disability and other pieces of legislation.

15. The Lao PDR recognizes and protects the economic and social rights of foreign individuals, aliens, and stateless people in accordance with the law. The Lao Constitution further stipulates that the rights and freedom of aliens and stateless people are protected by the law; they have the right to propose, file complaints in the court, lodge petitions with other concerned organizations, and have the obligations to respect the Constitution and laws of the Lao PDR; foreigners with outstanding contributions to the protection and development of the

¹² The 9th Five-Year National Socio-Economic Development Plan (2021–2025) dated 9 December 2020.

country have the rights to apply for permanent resident status in the Lao PDR and receive the title of honorary citizens of the Lao PDR.¹³

16. Furthermore, the rights of foreign investors are fully protected by the Law on Investment Promotion such as the rights in the management and administration of investment activities (article 68), the rights to employ labour forces (article 69), the rights of foreign investors and the family members, technicians and experts to settle in (article 70) and the rights of investors to remit their capital, assets, and revenue to their respective countries (article 71). The freedom of foreign citizens, aliens and stateless people before the law and courts in civil and criminal proceeding are guaranteed under the Law on Civil Procedure (article 10) and the Law on Criminal Procedure (article 13).

17. In addition to domestic legislation, the Lao PDR also signed many bilateral and multilateral agreements with many countries, regarding the provisions on the protection of foreign citizens residing or operating in the Lao PDR, particularly, in the form of Trade Agreements, Protection of investment and elimination of collection double taxes.

Article 3: Gender Equality in the enjoyment of economic, social and cultural rights

18. The Lao PDR has a clear policy and attaches importance to the promotion of gender equality. On the international arena, the Lao PDR has become a party to the International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) on 14 August 1981. So far, the Lao PDR has regularly fulfilled its reporting obligations under this Convention. Recently, the Lao PDR has submitted its combined eighth and ninth periodic national reports on 3 August 2017 and successfully completed appearance before the CEDAW committee for presenting those reports on 2 November 2018. All the recommendations received from the committee during the presentation of the reports under that international Convention have been realized and continuously implemented. Furthermore, the Lao PDR also participated in the implementation of the Beijing Platform for Action (BPFA) and successfully submitted the report under the BPFA+25.

19. At the national level, the Lao PDR has established an internal mechanism to promote the advancement of women, gender parity, and elimination of all forms of discrimination against women such as the National Commission for the Advancement of Women, Mother and Children (NCAWMC) serves as a secretariat for the Government on this matter; the Lao Women's Union serves as a central mass organization and Women Parliamentarian Caucus as a legislative mechanism. All those mechanisms have established their structures from the central down to the local grass root level and made significant contributions to women's advancement. Furthermore, the promotion of gender equality and advancement of women have been mainstreamed into the VIII and IX Five-Year NSEDPs and have been translated into a vision on the promotion of the advancement of women, gender equality and the elimination of all forms of discrimination against women by 2030, the National Strategy for the Advancement of Women for a period of 2016–2025 and the III Five-Year National Action Plan for Gender Equality for 2016–2020. The National Action Plan for Gender Equality particularly defines 11 striving objectives as follows:

- Women in leadership and decision-making positions within the State organizations, mass organizations should account for more than 20%;
- The maternal mortality rate should decrease to 180 per 100.000 newborns;
- Employment of female workers that align with labour forces and work based on the demands of the labour market should account for 44.59%;
- 50% of the Concluding Recommendations of the CEDAW committee on the Lao PDR's 8th and 9th periodic national reports on the implementation of CEDAW should be implemented;

¹³ The Lao Constitution the Lao PDR (No. 63/NA/ 2015), article 50, para. 2 and 3.

- The number of women with access to land for their livelihood, namely in agriculture and livestock, should increase to 50%;
- The number of women with access to funding for services should increase to 50% based on local potentials;
- The number of women with access to the funding for gradual commercial production should increase to 50% based on local potentials;
- 95% of the structure of the Commission for Mother and Child at all levels should be improved; 80% of the support mechanism at all levels should be improved.
- National Commission for Mother and Child should translate its VIII Five-Year National Plan of Action for Gender Equality for 2016–2020 and 80% of the Plan should be implemented by all Committees for Mother and Child.

20. From the actual implementation, it is noted that the promotion of gender equality has been continuously improved. In 2018, the Lao PDR was ranked 26th out of 149 countries on the gender gap index¹⁴ which is considered a better ranking if compared with 2017 when the Lao PDR was ranked 64th. More importantly, the Lao PDR was ranked first in economic participation and opportunities which reduced the gender inequality gap up to 91%. In the implementation of the 8th Five-Year National Strategy for Advancement of Women for 2011–2015, it is noted that the number of women in decision-making positions has increased: out of the total number of 149 members of the National Assembly of the VIII Legislature, 41 are female members or 27.5% with an increase of 2.5% if compared with the number of National Assembly of the members of the VII Legislature (33 female parliamentarians out of the total number of 134 members of the NA or 25%). The most outstanding achievement is the position of women as President of the National Assembly of the VII and VIII Legislatures. Out of 68 top management officials at the ministerial, and governor levels or equivalent, five positions are held by women; out of 190 officials at the level of deputy ministers, vice governors and equivalent, 24 are women.¹⁵ The country has the total number of 66,828 civil servants including 20,770 women; out of 324 officials holding the positions of Directors General, 38 are women; out of 2,255 officials holding the positions of Deputy Directors General or equivalent, 373 are women; out of 6,968 officials holding the position of heads of divisions or equivalent, 1,293 are women; out of 12,640 officials holding the position of deputy heads of divisions or equivalent, 3,041 are women; out of 222 heads of districts or equivalent, 30 are women; out of 682 deputy heads of the district, 99 are women;¹⁶ out of the total number of 8,577 heads of villages, 225 are women; and out of the total number of 17,474 deputy heads of villages, 1,497 are women.¹⁷ In the sector of foreign affairs, out of the total number of 24 ambassadors, 3 are women; out of 8 minister-counsellors, 3 are women; out of 12 counsellors, one is a woman; out of 7 General Consuls, one is a woman.¹⁸

21. The National Assembly and the Government adopted a number of legislations to guarantee the equality between women and men namely the Constitution of the Lao PDR, article 35, which stipulates that “Lao citizens are all equal before the law irrespective of their gender, social status, ethnic group, education level”. Article 37 further stipulates that “Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs”. Article 224 of the Penal Code defines discrimination against women as a criminal offence: “Any person who discriminates against women or divides, obstructs or restricts any woman from participating in any political, economic, scientific, socio-cultural or family activities, on the basis of their gender shall be subject to public criticism, re-education without deprivation of liberty or shall be sentenced to imprisonment for a term ranging from one year to three years and a fine shall be imposed ranging from 3,000,000 LAK to 10,000,000 LAK”; the Law on the Development and Protection of Women defines in details the freedoms of women in many aspects namely gender equality (article 13), political freedom (article 14), economic freedom (article 15), social-cultural freedom

¹⁴ Global Gender Gap Index Report 2018.

¹⁵ Statistics from Home affairs Sector, 2017.

¹⁶ Statistics from Home affairs Sector, 2017.

¹⁷ III Five-Year National Plan of Action on Gender Equality (2016–2020).

¹⁸ III Five-Year National Plan of Action on Gender Equality (2016–2020).

(article 16), family freedom (article 17) and the rights to request, lodge complaints (article 18); the Law on State Budget defines basic principles for the formulation and implementation of state budget that shall ensure that the gender equality is streamlined (article 6 (11)). Furthermore, gender principle is also prescribed in the number of laws and secondary legislation namely the Law on the Prevention of Domestic Violence against Women and Children, Family Law, Labour Law, the Law on Education, the Law on Hygiene and Immunization, the Decree on Family Development, and Cultural Development Village in relation to gender equality and non-domestic violence against women and children and other legislation. In 2019, the National Assembly adopted the Law on Gender Equality which defines the principles, regulations, and measures on gender equality in the political governance sphere, in the sectors of economy, education and sports, health, labour and social welfare, science, technology and information, family, national defence and public security, foreign affairs, equality to lodge a petition to elevate gender equality, promote the sense of ownership, eliminate all forms of discrimination, divisions, restrictions or denial of gender parity in all areas, create enabling conditions for women and men to enjoy equal rights in all aspects.

Articles 4 and 5

22. Not reported.

Article 6: the right to work

Labour policies and strategies

23. The State has the policy to promote employment by promoting job deployment in order to create enabling conditions and opportunities for Lao citizens to have permanent and secure employment and quality living conditions, to exercise liberal professions, or have employment options based on the demands of domestic and overseas labour markets, while applying the policy on the development of skilled labour with the purpose of developing quality skilled labour equipped with knowledge, competencies, and labour discipline in line with the economic structure on the path towards industrialization and modernization with a large participation of all stakeholders with a view to developing skilled labour in order to be more competitive and recognized at the regional and international levels, to develop and improve infrastructure including facilities for the development of skilled workers at the different levels, from central to local levels. Furthermore, the State has the policy to develop a national labour market database system for macro labour planning and adjustment, to identify labour forces in accordance with economic sectors, education level, qualification, and expertise including the information about foreign labour forces to ensure the balance between the demand and the supply in the labour market, to establish labour information network in provinces and ensure harmonized integration between public and private sectors, to enable the society to get easy access to the labour market information for wide and easy use.

24. In order to realize that policy, the Government periodically defines strategic plans on Labour which includes the 10-year Strategy on the Development of Labour and Social Welfare for 2016–2025, the Strategy on Education and Sport Sector Development Plan for 2016–2020 to encourage graduates from lower secondary schools to integrate vocational studies, Strategic Plan on the Promotion of Rural Employment in the Lao PDR to support rural labours to have secured, valuable and fair employment; Strategic Plan on the Development of Labour Market Information System by 2025 to develop and manage national labour market system. More importantly, the VIII Five-Year NSEDP for the period 2016–2020 defines focused areas for the development of quality labour force and secured employment (5th focus area) with the following targets: to maintain unemployment rate at the level of 2%; to develop 658,000 skilled labour forces; to provide new employment and to increase the number of labour forces to 716,200; upgrade Skill Development Centre of Oudomxay Province as a pilot centre for the certification of skilled labour; upgrade Skill Development Centre of Attapeu Province, build skills development centres of Borkeo and Xayabouly Provinces; develop skilled labour standards for 25 professions; pilot the issuance

of skilled standard certification for 10 professions in construction area, 7 professions in machinery area, 6 professions in IT area and 4 professions in tourism sector; to register labour forces at labour units that have more than 100 workers to cover 100% of the total number of 306 units; and organize national and provincial skills contests at least once a year.

Legal measures and implementation mechanism

25. The Constitution of the Lao PDR recognizes the importance of skilled development, upholding labor discipline, promotion of people's careers and employment, protection of the rights and legitimate interests of the labor forces (article 27) and guarantees the rights to work and occupation they are not in conflict with the laws of the Lao PDR (article 39). Furthermore, the National Assembly and the Government have adopted a number of laws and secondary legislation to translate the content of the Constitution into laws and secondary legislation namely the Labor Law, the Law on Social Security, the Law on Education, the Law on Technical and Vocational Education, the Law on Trade Unions, the Law on Handicrafts, the Law on the Promotion of Small and Medium Enterprises, the Decree on Skill Development, the Decree on the Exportation of Lao Labor, the Decision on Labor Village Development and Social Welfare and other legislation. All these constitute systematic legal measures as basic references for the protection and promotion of the rights of citizens to employment.

26. Particularly, the Labor Law clearly and fully prescribes the management of labor forces in the Lao PDR. In particular, the State promotes the employment of Lao labor forces domestically and abroad, manages foreign workers in the Lao PDR who are in the positions that the Lao labor force cannot occupy aiming at ensuring the balance between labor demand and supply (Article 4, para 3) and to create employment opportunities with the main objectives of enabling labor forces to find local employment to address unemployment, migration from rural to urban areas and illegal cross-border migration, to create conditions for labor forces to have many employment options, generate revenue and alleviate poverty (article 32); the component of providing employment opportunity includes: the promotion of liberal professions, work from home, recruitment of disadvantaged labor forces, women, persons with disabilities, and elderly people; rural recruitment, daily labor, contractual labor, temporary labor force, trained labor; reservation of some professions for Lao citizens: long-standing traditional professions of Lao multi-ethnic people, professions that promotes the Lao culture, local know-how, professions and businesses that do not require high qualifications or funding and organizations of labor fairs (article 33), along with the promotion of domestic recruitment services (article 36) and oversee recruitment services (article 38) to create conditions and facilitate the employment.

27. The Government has established a specific internal mechanism with the Ministry of Labor and Social Welfare as the central organization to implement this mechanism. It has the duties and role in the macro management of the labor and social welfare sector. The Ministry of Labor and Social Welfare takes the lead in creating enabling conditions and an environment for employment such as the establishment of recruitment enterprises, development of labor market information system (www.lmi.molsw.gov.la/index.php), creation of public recruitment website (www.pes.molsw.gov.la) and organization of labor fairs as instruments to assist the unemployed and interested people to easily register for job seeking and facilitate the monitoring and the provisions of information on labor demand to different labor units for recruitment. Furthermore, the Ministry of Labor and Social Welfare also signed a number of Memorandum of Understanding on Labor Cooperation and exchanges of labor forces between Laos-Thailand, Laos-Japan and Laos-South Korea to meet labor demands and create more opportunities for employment. Likewise, the Ministry of Labor and Social Welfare has taken additional measures to promote employment, particularly the development of a labor use plan, upgrading employment enterprises and expanding the recruitment network to the whole country (currently, the whole country has a total of 26 recruitment enterprises including 1 public recruitment center, 23 foreign recruitment companies, 2 domestic recruitment companies and recruitment points in 9 provinces and plans to expand to all provinces). The Ministry of Labor and Social Welfare has improved its regulations to reduce time-consuming procedures. It also reduced fees and service charges and provided capacity-building training to staff in charge of recruitment and widely disseminated the information to the society to facilitate jobseekers to gain access to recruitment services and job positions as well as to create conditions for regional and

international integration of recruitment services such as the implementation of ASEAN declaration, the attainment of MDGs and ILO valuable and fair employment to achieve the set objectives.¹⁹

Statistics on labour

28. The results of the recent labour survey conducted in 2017 shows that the Lao PDR has a total population of 6.9 million inhabitants. Out of this number 4,758,031 people or 68.8% are under the working age (15 years old and above). Out of this number, about 1,940,230 people or 40.8% constitute the workforce; 1,757,732 are employed or contribute to income generation and 182,497 people or 9.4% are unemployed. With respect to the non-working age population, about 2,817,801 persons are classified in the category with no-economic effects (about 362,473 students, pupils, and retired people with disabilities) about 2,455,338 are self-employed people. Generally, it is noted that the unemployment rate remains too high compared with the survey in 2010 (the unemployment rate stood at 1.9%) since the majority of Lao people are farmers (plantation, livestock for self-consumption) and self-employed but the 2017 labour survey did not include workforces and employment.

29. In 2019, a total number of 75,769 Lao labour forces including 33,709 women, received training and developed their skills: in the agricultural sector: 19,063 people, including 8,909 women; in the industrial sector: 19,322 people, including 4,609 women; in the service sector: 37,370 including 2,791 women the total number of 61,377 workforces including 29,991 women received employment, this includes 7,286 people including 2,968 women who found employment domestically, and 54,091 persons including 20,023 women to get overseas employment.

Protections and promotion of the women's rights to employment

30. Article 4, (para. 2) of the Labour Law clearly stipulates that the State attaches importance to the poor, disadvantaged people, people with disabilities, unemployed people, and people with social difficulties to develop their Labour skills and have access to employment services to find employment, generate income and receive justice with the view to alleviating them from poverty. Female workers have the rights to employment and exercise a profession in all sectors of production, business and services in compliance with Law and participate in training, upgrade their skills, competencies and receive wages or salaries for the same work equally as men except for some works that affects women's reproductive health that requires specific protections (article 96); it is prohibited to examine the pregnancy of female workers before recruitment, create conditions that obstruct or deny married or pregnant female workers or create conditions to terminate the employment contract on the ground of pregnancy (article 100). Furthermore, the Law on the Development and Protection of Women guarantees the rights of women to receive professional skill development to create conditions for women to receive equal employment as men (article 12) and enjoy equal economic rights with the policy to promote women's rights to the production, business and services to comply with the law, the rights to choose professions, receive employment, remuneration and benefits from their works; women with same positions, duties and responsibilities as men have the rights to receive equal remuneration and benefits; the society and families create conditions for women to enjoy and benefits from the economy (article 15).

31. In 2018, the Lao Women's Union Training Center organized Training of Trainers (ToT) on women development for the Lao Women's Union committees at line ministries, agencies and provinces (chairpersons and deputy chairpersons of the Lao Women's Union Committees) and leading officials of the Lao Women's Union with a total number of 54 participants. Upon completion of the training of trainers, 6 provinces organized their training for their respective agencies with 692 participants (660 women and 32 men). Furthermore, 3-month professional training was organized 2–3 times per year and, over the last 3 years (2016–2018), training for 558 women were successfully completed: 105 women from the

¹⁹ Report on the implementation of skill development and Employment for 2017.

wood processing sector, 123 women from the garment sector, 120 women in beauty-related activities and 210 women participated in short training (data from the Lao Women's Union).

Protection and promotion of the rights of youth workers

32. The Labor Law defines the conditions and prohibitions of the use of youth workers: the employers may accept employees under the age of eighteen years but not younger than fourteen years; however, they are prohibited to perform overtime work. When deemed necessary, the employer may accept to use youth employees under the age of fourteen, but not younger than twelve years, and must ensure light work such as work that will not negatively impact physical, mental and intellectual development; work that won't obstruct attendance of school, professional guidance or vocational training (article 101); it is also prohibited the use of youth employee in activities, duties and locations that are unsafe, dangerous to the physical, mental and intellectual health, in forced labor, work to repay debts, human trafficking, etc. as defined in article 102. Furthermore, the Ministry of Labor and Social Welfare also defines 32 categories of hazardous work for which it is prohibited to employ youth employees under the age of 18 as defined in article 3 of the Ministerial Decision on Dangerous Work for Youth Employee (No. 4182/MOLSW/ 2016); it also defines the exception for workers under 18 of age but should not be under 14 of age as the following conditions: to receive sufficient training and technical instructions, proper and sufficient advice on an individual protective uniform and subject to assessment and authorization from labor-management authorities as defined in article 4 of the same Decision.

Protection and promotion of the rights of persons with disabilities to employment

33. In 2018, the National Assembly adopted the Law on Persons with Disability which has been amended and upgraded from the past Decree on Persons with Disability as an important foundation to define the principles, regulations and measures on the management and oversight of the work on persons with disability in order to protect the rights and legitimate interests of people with disability, to eliminate all forms of discrimination against people with disability, create conditions for people with disability for self-development, self-reliance and to be able to participate in social activities with the aim of ensuring that people with disability can enjoy political freedom, laws, economic, cultural and social rights for regional and international integration and thus contributing to the socio-economic development of the country. This Law specifically defines the policy, framework and measures to promote and protect the rights of persons with disability to employment and career development: the State encourages and promotes persons with disability to exercise proper professions, to establish civil society organizations of persons with disability and persons with disability's fund along with educating and raising awareness for the society to understand, support and protect the rights of persons with disability (article 4); persons with disability enjoy equal rights to economic activities such as business, trade and services based on their actual conditions and ability (article 22); persons with disability enjoy basic rights to education, vocational training, employment, social welfare, access to buildings, public transportation and information, use their creativity and talent in scientific researches, modern technologies and the production of social utilities; they also enjoy tax exemption or reduction, exemption of fees and service charges and other obligations as defined in the law and relevant regulations (article 25); persons with disability can access to vocational trainings and skills development at public and private professional training centers with appropriate facilities that are suitable with the characteristics for persons with disability such as: venue, equipment, curriculum, teaching and learning methods and professional trainers and skill development for persons with disability to upgrade their knowledge, capacity, adequate techniques (article 36); persons with disability enjoy the policy on exemption or reduction of tuition fees, dormitory fees and the use of equipment in professional trainings and skill development, receive advice on the options and appropriate professions (article 37); persons with disability can access to labour units, public and private organizations including international organizations in the Lao PDR. Conditions shall be created for persons with disability to seek for employment and receive priority treatment for consideration of employment based on their competency, and expertise while providing basic facilities for persons with disability at their workplace (article 38); persons with disability who run their own business, are part of production group or services will receive policy to get access to funding, expand their

investment, tax and customs exemption including technical transfer and instructions, technologies on production, services and marketing as deemed appropriate. With respect to access to funding, they can contract loans from commercial banks or other financial institutions in the Lao PDR in compliance with relevant laws; in terms of customs duties, they enjoy customs duty exemption for raw materials, spare parts, and equipment for direct production. For Tax policy, they enjoy the exemption of profit tax, income tax, and excise tax in compliance with relevant laws; the details of the policy on access to funding, investment expansion, tax and customs policy are defined in a separate regulation (article 39).

34. The Government has established the National Committee for Persons with Disability and Elderly People within the Ministry of Labor and Social Welfare (MOLSW) playing the role as a core coordination ministry. The Government also established labor skills development centers for people with disability to provide them with employment and receive adequate opportunities for employment.

35. The Labor Law defines measures to assist unemployed people to receive re-employment opportunities, especially women workers and those who have been unemployed for a long time. In this case, the employers shall give prior written notice and explain the reason for employment termination: 30 days for workers undertaking physical labor and 45 days for employees undertaking mental labor (article 80). During the period of time after which the employee has given prior notice, the employee has the right to take one day of leave each week for the purpose of seeking new work and will receive the same salary or wages as during the ordinary work period (article 85). Furthermore, the unemployed workers receive protection and assistance based on the Law on Social Security: to receive unemployment benefits with a condition that they have made a contribution to the Social Security Fund for more than 12 months, being unemployed due to bankrupt labor units or the mobilization for community work within an unemployment period from 30 days with proper certification (article 66); the eligible unemployed workers will receive unemployment benefits on the monthly basis which is equal to 60% of monthly salary for 3 to 12 months depending on the case (article 67). Moreover, the workers who receive unemployment benefits will also be advised on professional training (article 68) and benefit from assistance for employment through advice and information (article 69).

36. According to the 2017 Second Labor Force Survey in the Lao PDR, informal employment consists of two types of employment. The first comprises those who are employed in the informal sector enterprises that are not registered and do not keep accounts of their business, and the workers do not benefit from social protection and work-related benefits. The second category refers to those who are informally employed outside the informal sector that is in the formal sector and in the household. Their employers do not contribute to social protection, and they do not receive work-related benefits such as paid leave or sick leave. For workers who work to help families are considered to be informal employment regardless of their institutions' sector of work.

37. Based on the result of the same survey, 1.5 million people were estimated to be in informal employment or 82.7% of the total informal employment rate. Own-account workers accounted for 33.5%, or 485 thousand persons of informal employment, and contributing family workers accounted for another 46.3%, or 673 thousand. The rate of employment in the informal sector and in households, women (85.9%) is higher than men (79.9%). Similarly, the rural labor forces (88.8%) are higher than in urban areas (75%). Based on this statistical data, it is noted that the ratio of workers in informal employment remains very high which might be due to the situation and the level of socio-economic development of the Lao PDR. Therefore, the Government adopted a number of necessary measures to adjust informal employment and integrate them into the system and reduce the number of informal workers by mandating the MOLSW to coordinate with relevant sectors to support more job creation and more employment opportunities, to reduce the importation of unnecessary foreign labor forces, to organize professional training in sectors of internal market demands, increasingly promote small and medium enterprises.

38. The employees enjoy protection from unlawful dismissal. The Labor Law clearly defines the principles on labor activities that shall be based on an employment contract between the employee and employer, ensuring mutual benefits of both parties without any discrimination (article 5 (1)). Either the parties of the contract may terminate the non-fixed

term employment contract at any time, but must give prior notice to the other party and the fixed term contract may be terminated based on the consent of both parties or when one of the parties breaches the contract, the breaching party is obligated to pay compensation for any damages caused (article 80). The employer may terminate the employment contract but must pay compensation to the employee in the following cases: the employee undertakes national service in accordance with the law, or is held, detained, or restricted to a certain area. The duration of suspension may not exceed one year; other cases shall be determined according to the Labor Law. After the suspension or postponement of the employment contract, the employee will not receive a salary or other benefits. However, the employer must accept the employee upon return to work and to take up the appropriate position (article 81); The employee lacking specialized skills or is not in good health certified by a medical certificate, and after allowing the worker in question to undertake other, more appropriate work according to their ability and health, the person in question is still unable to work; the employer considers the necessity to reduce the number of workers in order to improve the work within the labor unit after consulting with the Trade Union or employee representatives or the majority of employees, and has to report to the Labor Administration Agency with the employer must make notification in writing and explanation of the reasons for contract termination in advance (article 82). In some cases, the employee has the right to request cancellation of the employment contract and receive compensation from the employer in the following cases: The employee is not in good health after receiving treatment certified by medical staff, and the employee has been relocated to a new position but the employee is still unable to work; The employer does not execute the employment contract after multiple reminders from the employee; The relocation of the workplace is the reason for the employee being unable to undertake their duties, with certification from the Trade Union or employee representative and village authority in writing; In the event, there is any molestation, harassment, or sexual harassment on the part of the employer at the workplace (article 83).

39. The Labor Law does not authorize the termination of employment contract without the approval from the Labor Administration Agency: Women who are pregnant employees or have less than one-year old child, employees who are undergoing medical treatment or rehabilitation with medical certificate; employees who are employee representatives or heads of trade unions within the labor unit; employees involved in legal proceedings or who have been detained or are awaiting a court decision; employees who are injured and undergoing treatment with medical certificate or have recently experienced a disaster; employees on annual leaves or on leaves with the permission of the employer; employees who are performing work in other locations after being assigned by the employer; employees in the process of making a claim against, or taking legal action against the employer, or who are cooperating with government officials in relation to the Labor Law, and in relation to labor disputes within the labor unit of the employee (article 87). In the case, when the employment contract is terminated without sufficient reasons, the employer terminates the employment contract by abusing its power, directly or indirectly, or violates the basic rights of the employee such that the employee is unable to undertake their work; the employer breaches the employment contract after receiving a prior protest from the employee or employee representative but does not resolve the situation or make any changes, thus forcing the employee to resign, all this will be considered as unlawful termination (article 88). In those cases, the employees have the right to request reinstatement to their former position or to be assigned to other appropriate work; In the event that the employer does not reinstate the employee, or the employee has stopped his/her work, the employer must pay compensation as well as other outstanding benefits in accordance with the employment contract and the law (article 89). If the employees note that their rights and interests are being violated or, in the case of the labor dispute, they have the rights to seek for remedy through a settlement mechanism as defined in the law namely through compromise, administrative dispute settlement, labor dispute settlement committee, court decision and dispute resolution consistent with international protocols (article 148).

40. The Government has implemented many projects to provide training and career development opportunities for disadvantaged labor forces. The Ministry of Education and Sports is implementing the Technical and Vocational Education and Training (TVET) project with the aim of promoting disadvantaged or drop-out students, they are encouraged to continue their education by developing a teaching and learning curriculum and professional

training at various levels. There are various forms of teaching and learning arrangements, with the main focus on school-based learning, and performance-based hybrid learning. Furthermore, a vocational curriculum for lower and upper secondary education is available and this project has provided opportunities for disadvantaged people or those who live in remote areas to learn a profession with technical skills in order to find employment or a profession to generate income.²⁰

41. With respect to skill development, the MOLSW has implemented a project on skill development to meet the demands of the labor market (2016–2020) with the overall objective of developing Lao labor to be equipped with competencies, skills, attitudes and strict labor discipline which favors the domestic industrial production and build the preparedness of migrant workers to get employment overseas. This project is aimed at developing qualitative skilled workers in order to meet the demand of the labor market inside and outside skill development Centers and mobile training. The activities of the project consist of developing basic mobile skilled labor in the poorest districts of the provinces; providing training for replacement, changes of occupation, change of vacant positions and providing training to labor forces who wish to find employment, domestically and abroad; train and develop skilled labors with experts who have never been trained. Therefore, as an outcome of this project, Lao labor forces will be promoted in terms of skill development with mobile and permanent training venues, particularly to the target group that the State promotes based on the demands of the labor market.²¹ Furthermore, the MOLSW has implemented the persons with disability employment support project phase II (2016–2018) with financial support from Asian People's Disability Development Organization, the Ministry of Foreign Affairs of Japan.²²

Article 7: the rights to the enjoyment of just and favourable conditions of work

42. The minimum wages and mechanism to set minimum remuneration have been clearly defined in the Labor Law. Salaries and wages are compensation for work on the part of the employee that is payable by the employer in accordance with an employment contract, daily, either monthly, hourly, as a lump sum or based on production unit (article 104). The minimum wage is the level of salary or wages which is periodically announced by the government to ensure the basic livelihood of employees (article 105). The State promulgates the level of minimum salary or wages at periodic based on the results of the tripartite organizations' consultation; The State does not authorize the employer to determine a minimum salary or wage at a level lower than the periodically promulgated. The minimum wage or salary can be determined for each area or sector (article 108).

43. The Government attaches importance for the fair salaries or wages. The minimum wages periodically change based on the level or socio-economic development and increased living standards, along with the management of commodity market price, GDP growth, inflation rate (along with the exchange rate) and competitiveness. Pursuant to the Prime Minister's Office Notification (No.560/PMO/2018), the minimum wage of workers was increased from 900.000 LAK to 1.100.000 LAK/person/month. The employer is not allowed to set minimum salary or wages lower than the promulgated by the State but the employer has the right to define salary or wages higher than the promulgated by the State based on the following conditions: to balance the competencies of different social groups or the level of the disbursement or the salaries of other labor units; values of performance tasks; material and moral requirement for workers livelihood; level and periodic fluctuation of living standards; the benefit from the workers' social welfare and social security. With respect to the measures applied to labor units, production lines and services that pay salaries or wages lower than the one promulgated by the Government will be fined 2 million kips per time and calculate full salaries or wages to be paid to workers as defined in the Decision (No.4277/MOLSW/2016), article 10, para 4.

²⁰ Data from the Department of Vocation, Ministry of Education and Sports (30 October 2018).

²¹ The 4th Five-Year Labor and Social Welfare Sector Development Plan (2016–2020).

²² Department of Planning and Cooperation, Ministry of Labor and Social Welfare.

44. The employees eligible to receive a salary at the minimum rate defined by the Government are unskilled workers with non-permanent occupations, working in the area of business, production, and services that carry out economic activities in compliance with the law of the Lao PDR. For skilled workers with secure occupations, civil servants working for the Government are not eligible to receive the minimum salary rate defined by the Government.

45. The Lao PDR applies a mechanism that periodically sets minimum wages promulgated by the Government through consultations and approval by the three-partite committee consisting of the Lao National Chamber of Commerce and Industry (LCCI) representing the employers, the Lao Trade Union representing the employees, and the MOLSW representing the State. The definition of employees' minimum wages does not have a specific index but is based on the consultation and concerns of the tripartite organizations upon the proposal of the worker representatives²³ as well as the Trade Union before submitting the proposals to the Government for periodic consideration and approval. As for the salary of civil servants, military and police officers, they are calculated based on the index that the Government periodically adopts upon the proposal from the Ministry of Finance.

46. The rights of employees to receive just and fair employment criteria is guaranteed by the Constitution, article 39, and specific laws such as the Labor Law, article 51, define that the normal working hours of the workers in all labor units should not exceed six days per week, eight hours per day, or not exceed forty-eight hours per week and that the lunch break should not be less than sixty minutes and should not be calculated in hours of work. For specific hours of work could be determined for professions or economic sectors where it is deemed necessary based on approval from labor management authority after tripartite consultation and unanimous consent. With respect to the working hours for hazardous work, it should not exceed six hours per day or thirty-six hours per week such as: work in relation exposure to radiation or dangerous communicable diseases, exposure to vapors or smoke which are hazardous to health, direct exposure to dangerous materials or chemical, such as explosives; working in underground pits or tunnels, under water or at high elevation; working in abnormally hot or cold place; and working directly with regularly vibrating equipment. Furthermore, other hazardous work must be defined in a specific table. The normal working hours may be decreased as appropriate if hazardous work is observed and cannot be protected or controlled. Article 53 also stipulates that the employers can request the employees to do overtime work if necessary, but they need to receive prior approval from the Trade Union, or employer's representative, or the majority of the employees; it is authorized to have overtime work per month, but not exceed forty-five hours, or three hours per day. It is prohibited to have overtime work more than four consecutive days, except in case of an emergency such as combating natural disasters, or force majeure that would cause great damages to its labor units; when the employees have to do overtime work, the employers shall give prior notification and explanation to the employees and payment for overtime work should be made as defined in the law; if there is a need to do overtime work exceeding forty-five days per month, the employers shall seek for the approval from Labor Administration Agency with the agreement from the Trade Union, or employee representative, or the majority of employees in the labor units. The Labor Law defines holidays when the employees continue to receive their salaries or wages such as weekends, at least one day per week (article 54); public holidays or traditional holidays such as the National Day on 2 December, International New Year on 1 January, International Women's Day on 8 March (one day off for women), the Lao New Year (3 days off), International Labor Day, 1 May (one day off), National Teacher's Day: 7 October (one day off) for teachers and education managers. Foreign employees can take one day off for their National Days. In case when official holidays fall onto days off in any given week, a replacement day will be chosen as a substitution. Customary holidays are subject to agreement between the employer and the employee (article 55); sick leaves (article 56), annual leaves (article 57) and personal lives (article 58). Besides, Lao women will receive special rights to take public holidays on the occasion of the founding of the Lao Women's Union on 20 July every year as defined in article 48 of the Law on Lao Women's Union.

²³ Labor Law, article 167.

47. Article 96 of the Labour Law clearly stipulates that “female employees have the right to employment and professions in all sectors of production that do not in the conflict with the law, business and management, including their participation in training, skilled work improvement, technical competency and receive salaries or wages equal for similar work equally as men, excepting some forms of work that has negative effects upon the reproductive health of women”. Furthermore, the Law on the Development and Protection of Women, article 15, further stipulates that the State has the policy to promote the right of women to engage in production, business and services in accordance with the laws, the right to choose their professions, employment, to receive remuneration and to receive work benefits; women who have the similar positions, duties, work and responsibility as men shall have the right to equal remuneration and benefits; the society and families shall create conditions for women to exercise and to receive those economic benefits.

48. The Labour Law provides protection of employee particularly those who are affected by molestation, harassment, or sexual harassment from the employer or the employer ignores the occurrence of such action. Employer has the right to terminate the employment contract, the employer is obliged to payment of compensation, and take responsibility for paying salaries, or wages, and the remaining benefits in accordance with the contract (article 83); the employee who violate the rights of other employees, particularly female employees will be subjected to warning and the employers have the right to cancel or terminate employment contract without any compensation, and shall not request for approval from the Labour Administration Agency as defined in article 86.

49. The Lao PDR does not define specific measures on sexual harassment at the workplace as a criminal offence but article 259 of the Penal Code defines outrage as a criminal offence. Any person engaging in any act that causes embarrassment of a sexual nature to another person against such a person’s will shall be sentenced to imprisonment for a term ranging from three months to two years or re-education without deprivation of liberty and a fine shall be imposed ranging from 3.000.000 LAK to 10.000.000 LAK. In the case of indecent outrage against children, the offender shall be sentenced to imprisonment for a term from six months to three years and a fine shall be imposed from 5.000.000 LAK to 20.000.000 LAK.

50. Article 117 of the Lao Labour Law defines occupational safety and health as refer to joint activities between the employee and employer to ensure occupational safety and health at the workplace, which includes work environmental risk assessment, appropriate measures to reduce hazards and risks, methods for protecting against workplace accidents, prevention of injuries and occupational diseases and development of safety culture at the workplace. Relevant parties have the obligations to ensure occupational safety and health: the State’s obligations (article 118), obligations of the employer (article 119), obligations of the employee (article 120), obligations of the designers, producers, importers, suppliers and installers (article 121); staff in the unit in charge of occupational safety and health at the labour units (article 123), medical staff in the labour units (article 124) and medical check-up of employee (article 126).

51. In addition to the Labour Law, the Government also adopted a number of secondary legislation to ensure a safe workplace with no effects on employees’ health such as: Decisions on the list of occupational diseases (No. 3002 /MOLSW /2018, Decision on the Organization and Activities of the Central Committee on Occupational Safety and Health (No. 4321/MOLSW/ 2009), Ministerial Decisions on Occupational Safety and Health on Construction Sites (No. 3006/MOLSW/ 2013), the Ordinance on the Nomination of Staff and Responsible Units for Occupational Safety and Health at the Workplace (No. 2159/MOLSW/2015), Decision on Hazardous Work prohibiting the Use of Youth Employees (No.4182/MOLSW/2016) and Decision on Light Work for Youth Employees (No. 4183/MOLSW/2016).

Article 8: the rights to form and join the trade unions

52. The Lao PDR attaches importance to the work of the Trade Union as a mass organization and representative of the protection of the rights and interests of Trade Union

members, workers and other labour forces are defined in the Constitution and many relevant laws. The rights of the workers to establish Trade Union is defined in the Law on Lao Trade Unions (article 24), labour units, production groups with a number of more than 10 workers and labour forces can establish their Trade Unions. In case the trade unions at the grass-root levels cannot be established, the workers can select their temporary representatives with the Trade Unions of their units or departments that shall supervise, and adopt according to the laws and regulations of the Lao Trade Unions. The Labour Law (article 166), In case where a labour unit has not yet established a grass-root labour trade unions, the employees may select/appoint their own representatives. Labour unit which has 10 to 50 employees must have one representative, and for units with fifty-one to one hundred employees, they must have two representatives with one extra representative for every further one hundred employees. Likewise, article 21 of the Law on Lao Trade Unions also defines the measures and criteria of trade union members such as: being civil servants, students, intellectuals, registered and unregistered workers and laborers, who have Lao nationality and more than eighteen years of age without any discrimination on the ground of gender, ethnic groups, education level, belief, political and socio-economic status; the members shall observe legal awareness, follow the regulations of the labour units, follow the regulations of the Lao Trade Unions and participates in trade union's activities; have a good moral, progress and discipline and be trained and educated through work process in the areas of administration and become members of the Trade Union on voluntary basis.

53. The Trade Unions at all levels from the central down to the grass-root level carry out their activities based on the role, rights and duties as defined in the Law on Lao Trade Unions and other relevant legislation. The Lao Trade Unions has the right to interact and cooperate with the Trade Unions of friendly countries, international organizations, domestic and foreign non-governmental organizations as defined in article 12 (para. 14) also with the Trade Unions of the line ministries, organs, provinces, Vientiane Capital as defined in article 13 (para. 13). Currently, the Lao Trade Unions has become a member of the International Labour Organization (ILO), International Trade Union Confederation and ASEAN Trade Union Council.

54. The mechanism of collective bargaining is guaranteed in the Labour Law, article 169, that defines that collective bargaining refers to the consultation and negotiation between the employers and employees' representatives or Trade Unions on work conditions and employment, renumeration, welfare and other benefits that are not in conflict with the fundamental laws and regulations, based on the principle of equality and mutual benefits. The collective bargaining mechanism leads to establishment of a collective labour contract or joint agreed documents for implementation to comply with the laws. Collective labour contract must be submitted to the Labour Administration Agency for examination the consistency, and must be the registered or the notarized by the court to ensure official use as defined in article 170. With respect to the rights and duties of trade unions at grass-root levels, the representatives of the employees and labour forces to lead collective bargaining, draft collective labour contract and provide comments on the establishment and amendment of internal regulations of the labour units as defined in article 15 (para 3) of Law on Lao Trade Unions.

55. The freedom of assembly that is not in contrary with the law is guaranteed by the Constitution, article 44. The restrictions on the right to assembly and criminal measures imposed on violators are defined in relevant law such as the Law on Lao Trade Unions, article 43, which defines that "it is prohibited for the Executive Board, trade union members and labour representatives to lead, mobilize, organize, gather groups, divide the solidarity, protest or any acts causing damages, insecurity, prejudice to the organizations, life and health, State's properties, collective, and individual properties including those of the labour units". Article 154 of the Lao Labour Law further stipulates that "in case of a labour dispute that is still under process of resolution as defined in article 148 of this Law, the employees must continue their normal work and the employers must make the workplace available, except in serious cases and the agreement of the tripartite organizations to temporarily stop the work to avoid further damages. In case the labour dispute cannot be resolved, the strike may be authorized based on the law". With respect to criminal measures, they are defined in article 124 of the Penal Code that "any person organizing or participating in the gathering of groups of persons to conduct protests, marches, demonstrations or others with the intention of causing social

disorder shall, where such action causes damage to the society, be punishment by to imprisonment 1 year to 5 years and shall be fined from 5.000.000 LAK to fifty million 50.000.000 LAK. Any preparation or attempt to commit such an offence shall also be punished”.

Article 9: the right to social protection including social security

56. The right to enjoy social welfare is guaranteed in article 5 of the Lao Labour Law which defines that labour-related activities shall be carried out based on the principles that ensure all working conditions of employees are safe, ensure just and fair payment of salary or wages and all responsibilities in regard to social insurance implemented for employee; article 71 of the Lao Labour Law further defines that all labour units and employees must be insured and make a contribution into the National Social Security Fund to receive social-security benefits of any kinds as defined in the Law on Social Security. In case the employers and the employees have not made contribution to the National Social Security Fund or already make the payment but do not satisfy the criteria to receive benefits, employers must take responsibilities according the law and the regulations.

57. Article 2 of the Law on Social Security defines that the social security is to ensure insured person and their family members receive benefits from National Social Security Fund to guarantee basic living standards, in case of health care, a work accident, or occupational disease, child-birth, loss of working capacity, sickness, old-age pension, death, family members of insured person and unemployment benefits in accordance with the criteria defined for each case. As for the categories of social security benefits defined in article 9, they include: health care benefits; work accidents or occupational disease benefits; childbirth benefits, sickness benefits; loss of working capacity benefits, old-age pension, death grants benefits, family member of insured person benefits and unemployment benefits.

58. Article 19 of the Law on Social Security defines target group for the social security benefits such as: civil servants, military and police officers who shall be entitled to social security benefits as defined in part III of this law; the employees at labor units shall be entitled to social security benefits as defined in part IV of this law; voluntary insured person shall be entitled to social security benefits as defined in part IV of this law, excluding work accident or occupational disease and unemployment benefits; spouse and children of the insured persons shall be entitled health care benefits, death grants and family member of the insured persons benefits; the parents of the insured person shall be entitled to receive benefits for family members; care takers of those who lost employment shall be entitled to social security benefits and death grant.

59. Furthermore, the Law on Social Security defines the adjustment of pension allowance and should follow the periodic adjustment of salary index value of civil servants (article 37), the adjustment of pension allowance of enterprises and voluntary insured person are made based on the fluctuation of average insurance fees of all insured persons in the month of January of every year (article 60). The adjustment of contribution and the definition of maximum monthly earnings shall follow the following steps: setting up of maximum earnings should be based on economic volatility and the need to calculate the insurance; for setting up of minimum insurance base, it should be based on minimum remuneration that is periodically promulgated by the State (article 77).

60. Pursuant to the Law on Social Security, non-members or those who have not fulfilled their obligations towards Social Security project would not receive the rights as members, but the Government has a policy to support them during medical treatment under the project of the Ministry of Public Health for disadvantaged people who are not members of the National Social Security Fund and have not made contribution to the National Social Security Fund.²⁴

61. In addition to above mentioned social security scheme, the Lao PDR also applies private social security schemes under direct supervision of the Ministry of Finance and in coordination with the Ministry of Labour and Social Welfare to collect data on the

²⁴ Data from the Department of Social Insurance, Ministry of Labor and Social Welfare.

implementation of this social security scheme for the consolidation of overall figures on the expansion of health insurance coverage and nationwide social security schemes.²⁵ Pursuant to the Law on Insurance, article 2, the insurance refers to risk management that may occur with the insured persons who has paid an insurance premium to the insurer for compensation by insurance annuity as agreed in the insurance contract. The categories of insurance are the following life insurance and general insurance. For general insurance, it refers to property insurance, insurance for civil liabilities against a third party and other non-life insurance as defined in article 8 and 12.

62. The Lao PDR applies a policy on equal right to receive old-age pension benefit without any discrimination between men and women which are guaranteed by the Law on Social Security namely article 15 stipulates that pension grant refers to monthly paid benefits to the insured person who meet all retirement criteria, and for those who do not meet full criteria for pension benefit, they will receive a one-time benefit. Article 34 states that those who receive pension benefit from the public sector shall fulfil the following conditions who has reached the retirement age of 60 years old with 25 years of services and more. Article 58 defines that any insured person is entitled to an old-age pension benefit and voluntary insured person under the following qualifying conditions: having reached the retirement age of 60 years for male employees. For female employees who wish to receive an early old-age pension benefit, their retirement age should not be under 55 years of age; work with toxic, chemical substances that are harmful to health, who have worked continuously 5 years or more in the hazardous conditions accordance to medical certification; 55 years for male and 50 years for female; having paid contribution to Social Security Fund from 180 months and above; for insured person join social security scheme before 1 October 2014, the insurance period should be 60 months and above; contribution should have been made to insurance scheme following full criteria but reach 3 years under the retirement age, they are entitled to old-age pension benefit with a reduction of 1% of the number of years under the retirement age; having certification from relevant authorities. Article 35 defines that the proportion of old-age pension benefit from the public sector follow 4 phases: those, who joined the National revolution Movement since the year of 1954 are classified in phase I and shall receive the pension benefit from 80% to 100%; those, who joined the national revolution movement from 1955–1974 are classified in phase II and shall receive the pension benefit from 75% to 90%; those, who joined the national revolution movement from 1975 are classified in phase III and shall receive the pension benefit from 70% to 85%; those, who have worked in public sector from 1 January 2018 are classified in phase IV and shall receive the pension benefit from 60% to 75%. Article 37 defines that the adjustment of pension benefit for the public sector that is to apply periodically adjusted salary index of civil servants. Article 60 defines the adjustment of enterprises and voluntary insured person that is to apply the average fluctuation of social security premiums of all insured persons in the month of January of each year. Article 38 defines that in the public sector; those, who has not reached the qualifying conditions for the pension benefit and shall receive one-time the pension benefits, which is equal to 1.5 of her/his insurable salary in the last month multiplied by the number of working years.

63. The Law on Social Security, article 10 on social insurance benefits, defines that health insurance benefits refer to the benefits to enable the insured persons including children, spouses, family member, caretakers of insured person, to receive health care service such as: medical examination and diagnosis, medical treatment, physical rehabilitation, services during pregnancy and childbirth, treatment in case of work accident or occupational diseases. Article 20 defines that any insured person is entitled to public health insurance benefits under the following qualifying conditions: being civil servants, military, police officers; spouses who are not insured person, and insured person's children younger than 18 years, or not older than 23 years for those studying, married or unmarried, but his/her spouses is not insured person. In case of an insured person's death, his/her surviving spouse and children also are entitled to health care benefits for 3 months starting from the date of death. For the health insurance benefits for enterprises and voluntary insured person, article 43 defines that any insured person is entitled to health insurance under the following qualifying conditions: for work accident or occupational diseases and during pregnancy and childbirth, the contribution

²⁵ Data from the Department of Social Insurance, Ministry of Labor and Social Welfare.

should have been made to Social Security Fund from one month and above; for other types of accidents and other general diseases, the contribution should have been made to Social Security Fund from 3 months and more. Non-insured spouse and children younger than 18 years, or not older than 23 years for those studying, unmarried or married, but his/her spouse is non-insured. In case of the insured person's death, the his/her surviving spouse and children are entitled the health care benefits for 3 months starting from the date of the insured person's death. Article 13 defines that the insured person, his/her spouse and children are entitled to health care benefits at the health care centers in accordance to the health care system as defined by the Law on health care. Sickness with medical justification requiring overseas health treatment services and treatment of chronic diseases are defined in a separate regulation.

64. Article 12 of the Law on Social Security defines that childbirth benefits refer to the benefits for childbirth, abortion, fetal death, or adoption of the newborn of less than 3 months. Article 24 defines that any insured person are entitled to childbirth benefits from the public sector under the following qualifying conditions being female civil servant, military, police officer or wife of a non-insured civil servant, military, and police officers with 2 months pregnancy and above, those are entitled to childbirth benefits and normal salaries in case of childbirth, abortion, fetal death with medical certification. For unlawful abortion or miscarriage, they are not entitled to childbirth benefits. Article 47 defines that any insured person is entitled to childbirth benefits from enterprises and voluntary insured person under the following qualifying conditions: having made contribution or paid to Social Security Fund for more than 6 months and above over the last 12 months from the date of childbirth or delivery of child, abortion, fetal death and will receive one-time benefits; made contribution or paid to Social Security Fund from 9 months over the last 12 months from the date of childbirth or delivery of child, abortion, fetal death and adoption of the newborn of less than 3 months and will receive monthly childbirth benefits; over 6-months pregnancy, abortion or fetal death with medical certification. For insured women with 2–5 months pregnancy, in case of miscarriage, they will receive childbirth grants. The insured person who legally adopts a newborn of fewer than 3 months will receive childbirth grants in accordance with the actual leave period but not exceeding 3 months. An insured person's wife who is not member of Social Security Scheme will also receive this childbirth benefits based on the spouse's rights. For illegal abortion or miscarriage, the benefits will not be received. Article 48 defines that the child grant shall be calculated on the basis of 10% of the insured person's salary per child. For an insured person's wife with no professional activities who delivers or miscarriages, they will receive a child grant as per para 1 of this article. In case of individuals with professional activities and volunteers subscribed for childbirth or miscarriage, the calculation of benefits is defined in a separate regulation. Article 49 defines that if the insured person who delivers or miscarriages is not healthy and continues maternity leaves for recovery, the insured person will receive monthly benefits that are calculated on the basis of 80% of the salary with an average of the 6 last month salary but not exceeding 3 months. In case the insured person remains unhealthy, the person shall undertake further health examination and reassessment with medical certification to receive sickness benefits or invalidity benefits.

65. Article 15 of the Law on Social Security defines a pension benefit as a benefit provided on a monthly basis to the insured person in retirement. Article 34 states that any insured person is entitled to old age pension benefits under the following qualifying condition reaching the retirement age of 60 year for male and 55 years for female with 25 working years or more; they have worked prior to 1975, with invalidity categories 1 to 4, and those, who have worked continually for 5 years or more in the hazardous condition to reach the retirement age of 55 years for males and 50 years for females, and at least 20 working years and above; having paid contribution to the Social Security Fund for 20 or 25 years for each case of civil servants, military, and police officers. If an insured person has contributed to the Social Security Fund for more than 25 years but the insured person is in poor health and missed one to three years of reaching the retirement age, the insured person is also entitled to the pension benefits and their pension percentage shall be reduced by one percent for each year of retirement age missed; for workers at labour units, individual professionals and voluntary insured person who have paid Social Security Fund contributions for a full 15 years or more; and have retirement permission certification. Article 35 defines that the percentage

of pension benefits shall be calculated as follows: the percentage of pension benefits for civil servants, military, and police officers shall be calculated in three phases: those, who worked since 1954 will receive the percentage of pension benefit from 80% to 100%; those who worked from 1954 to 1974 will receive the percentage of pension benefit from 75% to 90%; those who worked since 1975 will receive the percentage of pension benefit from 70% to 85%. For workers at labour units, individual professionals and voluntary insured person, the retirement score, average salary or wage and index shall be used to calculate pension benefits.

Article 10: family protection

66. The protection of the family is guaranteed in the Constitution of the Lao PDR, laws and relevant legislations. Article 29 of the Constitution stipulates that “the State, society and family apply with great attention the policy on the development and promotion of the advancement of women, protection of the rights and interests of women and children”. Article 144 of Civil Code states “the State applies a policy to promote all State organizations, social, enterprises and all Lao citizens to develop their families to be happy, modern family, a cultural family, have a progressive, harmony, warming, justice and prosperity”.

67. The Government attaches importance to the promotion of gender equality in all aspects starting from the family as a backbone of the society. The freedom of Lao citizens to marriage is guaranteed in the Civil Code and in the Law on the Development and Protection of Women namely article 141 of the Civil Code states that “the State protects the freedom of men and women to marry. Women and men reaching the age of 18 enjoy the freedom to choose their life partners based on their consent and love to become husband-and-wife in accordance with fine traditions of the nation. The state does not allow individuals, families or organizations to enforce or obstruct marriage of children, other family members, civil servants or staff under the responsibilities”. Article 142 states that “men and women who have attained the age of marriage, marriage is governed by the system of monogamy. The state does not allow man and women to practice polygamy. Furthermore, article 17 of the Law on the Development and Protection of Women states that “the State and society promote and protect equality between women and men in the family. Women and men shall have equal rights in all matters concerning family relationships. Women who are 18 years of age or above have the freedom to choose a partner with whom to build their families. The wife has the right to choose the family name of her husband or to keep her own. The wife has equal rights as her husband over the matrimonial property. The wife and husband have equal rights in consultation, decision making and solving family issues to reach a common agreement in the selection of a place of residence, their respective professions, whether to have children and other matters. The wife and husband should love and respect each other, and take care of and help each other. Together, they should look after and educate their children and educate each other to become a family with good cultural values, and that is united, harmonious and progressive. Daughters and sons have equal rights to inherit property and to receive education as provided under the laws”.

68. The employees and insured persons as well as their family members receive different types of benefits as prescribed in the relevant laws of the Lao PDR. Furthermore, the Government applies the policy on Social Welfare in order to ensure necessary support and services to insured persons who suffer from disasters or disadvantaged people in the society with the contribution from the State, individuals, communities, and Lao and foreign organizations as prescribed in the Decree on Social Insurance (No. 169/Gov/ 2013). Pursuant to article 7 of the Decree, the beneficiaries of the Social Welfare as follows: orphans, abandoned children under 18 years of age having no shelters, no care takers or those who live in the poor families; people with physical and intellectual disabilities or cannot rely on themselves and lack of caretakers or live in poor families; isolated elderly people of 60 years of age and more who live in poverty or with poor families; victims of human trafficking or infectious disease that are harmful to their health and lives; individuals or families who suffer from natural disasters. Article 9 defines the type of social support including cash or material support, relocation to safer and more secure places; livelihood and health support and professional training support. Article 10 defines the categories of support including provision and construction of new places of living, provision of utilities; medical support; legal support,

education support, professional support and skill development and employment; and funeral support.

69. The rights and the interests of mother and child are protected: “the State and society recognize the protection of the rights and legitimate interests of mother and child as a priority when the spouse live together, no longer live together or divorced (article 143 of the Civil Code)”. Article 3, paragraph 3 of the Law on the Protection of the Rights and the Interests of Children states that the rights of the children are recognized and taken care by their parents and cannot be separated from the parents unless it is necessary to protect the child’s interests. Article 24 further stipulates that the parents have the joint obligations to take care and raise their children independent of their marriage status. Article 20 of the Law on the Development and Protection the Women states that “women have the rights and interests in the family as follows: when the wife is pregnancy or when the newborn is less than one year old, the husband is not allowed to request a divorce. However, the wife has the right to do so. In the event of divorce, the wife has priority regarding the taken care of the children; If sexual relation occurs between a man and a woman and if either the man does not marry the woman or they have a child before marriage, the woman shall be entitled to claim compensation from the man and she shall also have the right to request for expenses for child care until the child reaches 18 years of age. In the event of the division of an inheritance, a mother has the right to represent her unborn child to inherit and manage such heritage”.

70. Article 176 of the Civil Code also states to about the causes of divorce and grants equal rights to women and men to request for a divorce. Article 178 states that “the husband does not have the right to request for a divorce during his wife’s pregnancy or when the newborn is less than one year old, except when wife requests for a divorce” and article 20 of the Law on the Development of Protection of women makes a similar statement. Article 179 of Civil Code refers guardianship of children that “if the husband and wife do not agree on the guardianship of their children after the divorce, the court shall decide whether the father or mother will take care of them by taking consideration the interests of the child in accordance to the laws, and specify the child alimony to be provided until their maturity. Article 180 gives equal rights to husband and wife to request for child alimony after the divorce. Article 181 refers to the share of initial assets (pre-marital) and matrimonial assets after the divorce as follows: “the initial assets of either parties shall belong to their original owners; matrimonial assets of the couple shall be equally shared between parties, unless there is a Court decision ruling that the husband or the wife has committed adultery, a fraud or misappropriation of matrimonial assets, the wrongful party shall be merely entitled to one-third of matrimonial assets. In case an underage child is remaining with either party such a party shall be entitled to the one-third share of such matrimonial assets for fostering of the child. In case the alimony is insufficient as provided under the article 217 of this Civil Code, the father or the mother of which the child does not live with shall continue performing the obligation until the child in the maturity, the remaining matrimonial assets shall be divided into two equal parts”. Article 215 of the Civil Code refers to the obligations of the father and mother in the protection of the rights and interests of the children as follows: “the parents have the equal rights and obligations to protect the rights and interests of the children”, article 217 extends the contents of the equal implications of the father and mother towards their children that “the parents have the obligations to take care for their children who have not reached the maturity including children in the maturity but the lack the work capacity. This obligation to take care for children should be pursued no matter whether the parents live together or divorce”.

71. Pregnant women receive special care before and after birth delivery. Article 87 of the Labour Law stipulates that it is prohibited to terminate the employment contract of pregnant female employees or female employees have a child aged less than one year of age. Article 96 on gender equality in the workplace: excepting some forms of work that has negative effect upon women’s reproductive health, which must be special protected in every case. Article 97 defines the type of work that is not authorized for pregnant women or women caring for child under one year of age to perform as follows: work in a shop with 2-meter height or more; work lifting and carrying by hand, carrying on shoulders, carrying on a pole, or the bearing of loads heavier than ten kilograms; perform night work, overtime work or working during days off; the works that require to stand for longer than two consecutive hours, works specified in the list of hazardous work. For pregnant workers or women caring

for child under one year of age, the employee shall provide them with new and more appropriate position temporarily and shall maintain the same salary scale or wages.

72. Article 98: “female employees shall be entitled at least 105 days of maternity leave; however, at least 42 days of such leave shall be taken after giving birth. In the case of giving birth to twins, the maternity leave shall be at least 120 days leaves. During maternity leaves, the female employee shall receive full salary or wages. In the event the employees take leave beyond the authorized period for treatment and rehabilitation after giving birth, the employees can still receive benefits as per the Law on Social Security. One year after giving birth, the female employee has the right to take leaves for one hour per day to feed or take care of their babies and have their babies vaccinated in accordance with regulations. Female employees with miscarriage or stillbirth have the right to take leaves supported by a medical certificate while continuing to receive normal salary or wages. Female employees have the right to receive birth, miscarriage or stillbirth benefits as defined in the Law on Social Security” (article 99). According to article 100, the following acts are prohibited: pre-employment examination, creating conditions that impede or deny married or pregnant female employees; creating conditions to terminate the employment contract on the ground of marital status or pregnancy; the Law on Civil Service defines paternity leaves or miscarriage leaves not exceeding 15 days.

73. The Lao Government attaches importance to the protection of children and adolescence. The State prevents and combats torture, child exploitation by taking measures to protect and assist children who are exposed to torture or exploitation by mandating the Ministry of Labor and Social Welfare to take the lead in coordinating with relevant sectors such as health, education, justice, foreign affairs, public security, Office of people’s prosecutor, mass organizations and other relevant organizations. The MOLSW issues regulations and instructions on the protection and assistance of children, has established a committee in charge of the protection and assistance for children to implement, oversee, inspect, encourage the protection and assistance (article 35 of the Law on the Protection of the Rights and interests of Children (No 05/NA/2006).

74. Article 101 of the Labour Law allows “the Employers can use youth employees under the age of fourteen, but not younger than twelve years, and must ensure the work is light work such as Work that will not negatively impact the body, psychology or mind; Work that will not obstruct attendance of school, professional guidance or vocational training and light works which listed in a separate table”. It is also prohibited the use of youth employee in activities, duties and locations that are unsafe, dangerous to their physical, mental and intellectual health, in forced labour; work to repay debts; used as human trafficking; or deceive for prostitution to produce pornographic photos or expression, trade or deception to produce, transport, possess drugs or illicit substances (article 102). Furthermore, the Penal Code further defines that the offences towards minors, elderly people, vulnerable persons or materially dependent persons or other dependent, subordinates of the offender are conducive to the increase of criminal liabilities (article 65, para.6); sexual intercourse with a child, enforced prostitution, sex child tourism, and torment of women and children constitute criminal offences and are punishable by the Penal Code.

75. The Penal Code also guarantees the right of elderly people in article 261 that “Any person failing to take care of minor children, parents in need or a disabled or sick spouse in accordance with a court’s decision shall be sentenced to imprisonment for a term ranging from three months to one year or re-education without deprivation of liberty and a fine shall be imposed ranging from 1.000.000 LAK to 5.000.000 LAK”.

76. Furthermore, the Government has established a National Committee for Persons with Disability and Elderly People with the secretariat based in the Department of Policy for People with Outstanding Performances, Persons with Disability and Elderly People that is under the responsibility of the MOLSW. Every year, in coordination with the Ministry of Health, free of charge medical check-ups for elderly people and other activities are organized to provide them the opportunity to access physical and mental health care.

77. Pursuant to the Constitution of the Lao PDR, any foreign citizens who are subject to persecution because of their fight for freedom, justice, peace and scientific mission can seek asylum in the Lao PDR as defined in article 51.

78. The Lao PDR adopted a number of laws to fight against domestic violence such as the Law on the Development and Protection of Women that defines domestic violence against women and children in article 29 that “the use of violence against women and children refers to domestic violence as an act or omission committed by someone in the family which causes physical, mental impact, asset or economy no matters where the violence takes place”. Article 30 defines the use of violence causing physical impact; article 31: the use of violence causing mental impact; and article 32: the use of violence causing impact on assets. These three types of violence constitute offences where the offenders are subject to education and warning and in the case of serious violence classified as criminal offences, the offenders will be punished by the Penal Code in accordance with article 50 of the Code.

79. The Penal Code also defines the offences related to domestic violence as an offence with criminal penalties such as sexual intercourse by force with a female spouse (article 252); failure to perform obligations towards minor children, parents or spouses (article 261); torture of women and children (article 263) and abandonment of children (article 265).

80. Human trafficking is classified as a criminal offence and is punishable under the Penal Code of the Lao PDR (article 215). The specific Trafficking in Persons Law that defines the components, impacts of human trafficking, prevention, human trafficking case proceeding, protection, victim assistance, international cooperation, committee in charge of anti-human trafficking activities, etc.

81. The Government has established an internal mechanism to supervise and implement the anti-human trafficking activities that comprises the National Committee on Anti-Trafficking in Persons, the Human Trafficking Prevention Department under the Ministry of Public Security and Counselling Centers for women under the Lao Women’s Union that plays important role and significantly contributes to the fight against and prevention of human trafficking including the protection and Human Trafficking victim assistance. In addition, the Lao PDR has also participated as a party to many regional and international conventions and protocols in the field of combating and suppressing human trafficking and the exploitation of prostitution of others, such as the UN Convention Against Transnational Organized Crime, the Convention on the Suppression of Trafficking in Persons and of the Exploitation of Prostitution of Others; Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention Against Transnational Organized Crime. the Lao PDR ratified to the ASEAN Convention on Combating and Suppressing Trafficking in Persons, especially Women and Children. At the same time, it has also concluded bilateral memorandums of understanding with 4 countries: China, Vietnam, Australia and Thailand.

Article 11: the right to continuous improvement of living conditions

82. The Government has defined the poverty line or poverty alleviation norms by defining basic socio-economic criteria that measure impoverished families, and villages to reflect the actual and periodic situation of the country. In 2013, the Government adopted the Decree (No.309/PM/ 2013) on Poverty and Development Norms for 2012–2015 with article 2 giving the definition of poverty that “it refers to the lack of daily basic factors such as: lack of food that cannot not supply 2100 Kcal per person per day, lack of necessary clothing, housing, inability to cover basic medical expenses, lack of access to basic education, lack of access to basic social infrastructure”. For poverty norm calculation units, they refer to average income calculated in LAK per head per month as a basis without discrimination of gender, age and using LAK as a basis with the following estimation: nationwide the average income is 192.000 LAK/head/month; for rural areas it is 180.000 LAK/head/month and urban areas: 240.000 LAK/head/month as defined in article 3. The poverty and development norms are adjusted following the inflation rate, cost of living and periodic socio-economic growth and are subject to revision, audit and assessment every 5 years as defined in article 12 of the Decree.

83. In 2017, the Government issued the Decree (No.348/Gov/2017) on Impoverishment and Development Norms and instruction guidelines on the Implementation of Impoverishment and Development Norms (No. 0830/ 2018) as a basis for alleviating the

poverty of the targets aiming at developing families, villages, big rural cities as comprehensively strong units as to realize poverty alleviation policy in consistency with the current context.

84. The Government of the Lao PDR adopted the Strategy on Growth and Poverty Alleviation in 2003 as an important development strategy that defines the directives and scope for the development and implementation of poverty alleviation initiatives and maintaining sustainable economic growth aiming at attaining long-term development goals towards gradual lifting of the country out of the Least Developed Country Status with the initial milestone for 2020. This Strategy has been translated into periodic rural development and poverty alleviation programs and projects.

85. The Government has exerted its utmost efforts in tackling poverty issues and considered this matter as one of its top priorities. The Government has invested in rural development and poverty alleviation nationwide by focusing on the 47 poorest districts approved by the Government. This includes comprehensive rural development such as production base (food security and harvest), social services (schools, dispensaries, art, libraries, and public parks); people's knowledge to utilize natural resources and their traditional skills. Coupled with this, the Government has made effort to create advanced pilot focus areas as models for rural development nationwide including the establishment of the Poverty Reduction Fund (PRF) and Village Development Fund (VDF) by the Government to alleviate poverty in remote areas.

86. The Government has focused its efforts on developing provinces as strategic units, districts as comprehensive integration units and villages as development units by expediting the allocation of land for livelihood, developing large villages to become small cities, providing necessary infrastructure along with promoting technical competencies and providing credits through Policy Promotion Bank that provided credits amounting to 1.697.55 billion LAK in 2016–2020. This included loans to target poor villages amounting to 1.286.10 billion LAK, Government's and local focus areas amounting to 214.88 billion LAK, for Decentralization or "Sam Sang" policy: 196.57 billion LAK to foster people's production to enable them to access to basic services, generate incomes and improve livelihood.

87. The poverty rate of people of the Lao PDR has continuously declined. Based on the results of the poverty survey in accordance with the standards defined in the Government's Decree No.309/PM, in 2019, 62.384 families still remained poor or 5.16% of the total number of poor families. Besides, in 2018–2019 the National Bureau of Statistics conducted the 6th Lao Expenditure and Consumption Survey (LECS6) and it was noted that the poverty rate accounted for 18% of the total number of the Poor (declined from 23.2% if compared with the 5th Expenditures and Consumption Survey for 2012–2013) or 13.5% of the total households.

Right to adequate food

88. To ensure food security and secure nutrient consumption, over the past 5 years, the Government had focused its efforts on implementing food security projects, nutrition projects, assistance in child delivery and under 5 year care and carrying activities to mainstream community nutrition promotion and nutrition based basic health cares to reduce chronic malnutrition by providing complement food intakes to pregnant women, children under 2 years and infant between 6–23 months to prevent malnutrition during the first 1000 days of life.

89. Based on the IX Five-Year NSEDP, food security and nutrition have made significant progress in many aspects: production of food such as meat, eggs and fish has increased and consumption rate of meat, eggs and fish increased from 55 kilos/head/year in 2016 to 63 kilos/head/year in 2019 and reached 65 kilos/head/year in 2020; malnutrition rate declined from 42.8% in 1990 to 18.5% in 2015, which is one of the Human Asset Index (HAI) indicators for graduation of the country from the LDC status; the rate of underweighted children under 5 years declined from 26.6% in 2012 (LSIS1) to 21.1% in 2017 (LSIS2) and 20.8% in 2019 and 20.3% in 2020 and the rate of stunted children under 5 years declined from 44.2% in 2012 (LSIS1) to 33% in 2017 (LSIS2), 32.7% in 2019 and 32.3% in 2020.

90. Furthermore, the Ministry of Education and Sports along with relevant sectors has actively implemented nutrition promotion policy namely: the school lunch box policy through the supply of food in 25 boarding schools nationwide; the promotion of school agricultural production or school gardening along with mainstreaming school gardening and nutrition into school curricula; deworming and iron medicine distribution at schools.

Rights to clean water

91. the Government has defined policies and measures to create conditions for people to access to clean and secure water namely water, sanitation and hygiene policy in rural areas as stipulated in (No. 215 dated 30 January 2019), the National Strategy on Water Supply, Sanitation and Hygiene in rural areas for 2019–2020, the decision on the Management of technical standards for water supply in rural areas (No. 0738/ dated 4 May 2017) and the guideline for the implementation of water supply in rural areas.

92. Likewise, training courses on secure water were organized in 17 provinces and monitoring of water quality in 17 provinces and Vientiane Capital was conducted budget plans and project proposals for clean water supply for 100 locations were prepared with the grants from China and safe water programs have been mainstreamed with schistosomiasis prevention program in some target provinces.

93. In the education sector, attention has been paid to raising awareness on the preservation and use of clean water in early childhood by incorporating the content about clean water, the protection of water sources and the reduction of waste water in the curricula of kindergartens and preschools. In kindergarten, awareness has been raised about the use of clean water, the protection of water sources and water savings.

94. Based on the results of LSIS1 and LSIS2, it was noted that the clean water consumption rate increased from 69.9% in 2011/12 to 83.9% in 2016/17. In 2020, the National Assembly endorsed a plan with a target to achieve 90%. However, 88.5% of the target was achieved. The main reason for not being able to achieve the annual target is climate change that caused floods, landslides, destruction of water sources. Some water sources were dried up during dry seasons and severe floods occurred during rainy seasons that affected the attainment of targets of clean water consumption.

Right to adequate housing

95. The Government has attached importance to guarantee the right to adequate housing. The Government is making efforts to provide housing and land to civil servants within the capacity of the State's budget. The Lao Government has the policy to develop villages and cluster of villages by allocating place of living to people, resettling people living in scattered remote and mountainous areas to new villages which were produced with necessary infrastructure and services. The Government's policy on resettlement is aimed at creating conditions for people to have secured occupations with easier access to education and health care. The implementation of policy to encourage people to move from mountainous areas to the plains and on the development of villages and cluster of villages play an important role in supporting Government's efforts to alleviate people's poverty. This policy is part of the general development policy of the Government that aims at providing public services to all people and adequate support to people affected by large investment projects as defined in the 2018 Law on Resettlement and Vocation.

Article 12: right to the enjoyment of health

96. Public health is one of the Government's priorities defined in the VIII and IX Five-Year NSEDP, VIII Five-Year Health Sector Development Plan and Health Reform Strategy 2013–2025 that have been translated into 8 large programs, 42 sub-programs and 97 priority projects coupled with the implementation of the policy on childbirth grants and free treatment of children under 5 years of age and the policy of 5 goods and 1 satisfaction in health service (good welcome, facility cleanliness, accurate diagnosis, treatment and customer satisfaction).

97. The Government of the Lao PDR has adopted universal health coverage by considering hygiene, prevention and physical and mental health recovery as main components; considering treatment, quality, just and equal universal health services as important components; to reform and modernize the comprehensive health system; develop quality health services while observing the code of ethics of medical personnel; strengthen universal social protection through universal health insurance that protects individuals in terms of prevention, health promotion and treatment while carrying out health promotion activities, awareness raising about self-health cares, and cares of families and communities.

98. The Lao PDR's National Health system consists of three systems: People's health insurance, health insurance within the social insurance scheme and health insurance within the insurance system as defined in the Law on Health Insurance. People's health insurance ensures that Lao citizens who are affiliated with the National Social Security Authority can access treatment with a contribution to the National Social Security Fund. For the Poor, they are exempted from contributions to National Social Security Fund and receive medical and non-medical benefits as defined in articles 20 and 21 of this Law. Health insurance within a social insurance scheme ensures the right to receive medical treatment of an insured person by granting health benefits as defined in the Law on Social Security; health insurance within an insurance system ensures the right of a voluntary insured person who purchases health premium to receive medical treatment as defined in the Law on Social Security.

99. Since 2012, the Government has authorized the establishment of the National Health Insurance Fund to ensure that Lao citizens and insured persons can access to basic necessary medical treatment encompassing systematic and harmonized insurance funds for communities, civil servants, enterprises, Health Fund for the Poor and other insurance funds in order to create favorable conditions ensuring that all Lao citizens can receive quality basic health services particularly the universal and fair medical treatment.

100. With reference to the progress report on the implementation of the Health Sector Development Plan in 2020, as of September 2020, the health insurance system covers 94% of the total population (National Health Insurance Fund covers 73.6%, Public Social Insurance Fund: 6.5%; Social Insurance for Enterprises: 3.5%, Social Insurance for Ministry of Public Security: 1.1%, the Ministry of National Defense: 7.0%; members of community Health insurance and the policy for free delivery and treatment of children under 5: 2.2%) the National Health Insurance Fund is established in 17 provinces, 139 districts except in Vientiane Capital.

101. The Universal Health policy has been strengthened with a main focus on health cares. Health protection system has been expanded to all provinces enabling poor mothers and children to access to free health services which lay a foundation for achieving the universal health coverage by 2025.

102. The Government attaches importance to expanding and developing medical infrastructure, equipment, quality of services and treatments by medical personnel from the central to local level with the aim of gradually expanding and modernizing the universal health care network, both qualitatively and quantitatively, while ensuring the observance of code of professional ethics of medical personnel. In the VIII Five-Year Health Sector Development Plan (2016–2020), the health service program has been formulated consisting of 3 sub-programs such as the program on the network development of scales and levels of health service, the program on professional service development (treatment), the program on the prevention and control of communicable diseases, the program on the development of the quality and norms of health services (treatment). This includes many priority projects particularly the project of reforming the network at different scales and levels, Health Service Strengthening Project (treatment) at different scales and levels of treatment, Health Care Referral System Strengthening Project at each level, and Health Service Strengthening Project.

103. Public Health has basically grown and been continuously developed in terms of infrastructure, medical equipment, quality of service and treatment of medical personnel from the central to the local level; hospitals at all levels have been constructed with improved quality namely the new building of Mittaphab Hospital, Setthathirat Hospital, the new 103 Hospital, the Hospital of Mothers and Child, and the new building of Mahosot Hospital. At

the same time, some provincial and community hospitals have been upgraded and newly built such as: Huaphanh Provincial Hospital and Xiengkhouang Provincial Hospital. The treatment service system focuses on upgrading technical competencies, ethics of medical personnel and the implementation of the “5 goods 1 satisfaction” nationwide policy.

104. With reference to the report on the implementation of the Health Sector Development Plan for 2020, the whole country has 1213 hospitals, including 5 central hospitals (1158 beds); 17 provincial hospitals, (1760 beds), 135 community hospitals (2084 beds), 1056 dispensaries. This includes the upgrade of 172 dispensaries (860 beds) that meet Category A criteria. At the same time, central hospitals have been upgraded and developed to have the capacity to provide modern services by specialists in order to become service center of excellence. The new four-floor building of Mittaphab Hospital with the capacity of 600 beds has started providing its services for intensive cares, accidents, bone surgery, brain surgery, hemodialysis and cancer center. The new modern nine-floor building of Mahosot Hospital has just finished construction with a capacity of 600 beds; a new building for the treatment of transmissible diseases with a capacity of 300 beds at Setthathirath hospital is under construction.

105. Nationwide, all provincial hospitals are equipped with adequate infrastructure, medical tools and equipment, and staff with upgraded technical competencies in using modern medical technologies in basic treatment services such as general and emergency surgeries, treatment in 4 areas: in-patient, out-patient, gynecology and pediatric with the achievement of universal mother and child health target. Furthermore, some provincial hospitals have been upgraded to provide specialized services in some areas with the same quality of services provided by central hospitals to become regional hospitals in the future. Currently, the New Houaphanh Provincial Hospital with a capacity of 200 beds and the Xiengkhouang Provincial Hospital with a capacity of 200 beds are under construction. At the same time, community hospitals and dispensaries have been upgraded along with the construction of 2 new community hospitals in Namor District, Oudomxay province and Khong District, Champasak province to provide universal quality health service.

106. The State attaches importance to improving the quality of treatment and the entire health service sector in line with Health System reform and periodic strategic Plan for treatment, the promotion of treatment services by combining modern and traditional medicine with the aim of ensuring that all Lao citizens, particularly mothers and children, the poor, people living in remote areas, people with disabilities and invalidities and elderly people remain healthy (2014 Law on Treatment, article 4).

107. In order to ensure that Lao citizens can enjoy the accessible and affordable universal treatment, the government has mainstreamed a policy on paid and free of charge treatment consistently with real context of childbirth grants and free of charge treatment of children under 5 years of age, including the poor, into the system of National Social Security Fund. Currently, the National Social Security Fund or the “30.000 LAK for all treatments” project, including high-cost chronically diseases treatment available at public hospitals has been expanded across the whole country except in Vientiane Capital. The National Insurance Fund covers all treatment costs of people at the dispensaries and public hospitals under the following conditions: when receiving the services, the patient shall provide certified documents such as family book, ID cards, certification from villages, documents issued by hospitals and make a financial contribution up to 50% of insurance premiums or the amount of 5000 LAK per time for out-patients who receive treatment at the dispensaries; 10.000 LAK per time for out-patients at district hospitals; 15.000 LAK per time for out-patients at provincial hospitals and 30.000 LAK per time for out-patients of both district and provincial hospitals. In case the payment is made for outpatient care that is transformed into in-patient care, only 30.000 LAK are to be paid. Pregnant women, children under 5 years of age, monks and poor people are exempted. Moreover, poor patients receive meal and transportation allowances.

108. Besides, the State encourages and promotes the contribution from the private sector to provide modern treatment to enable people to have more options and also encourages individuals, legal entities, Lao and foreign organizations to invest and establish or participate in insurance businesses such as: the establishment of insurance firms, representative office,

and brokers with tax-customs incentives defined by laws. the State promotes Lao citizens to use different insurance services as defined by the Law on Insurance.

109. The State attaches importance to drugs and medical products with the adoption of the Law on Medicine and Medical Products that defines the principles, rules and measures relating to the quality, efficiency, safe use, management, monitoring and inspection of medicines and medical products with the aims of ensuring the supply of medicines and medical products with adequate prices in order to prevent diseases and to provide treatment. The medicine and medical products that are produced, exported, imported, distributed, circulated and used in the Lao PDR shall be permitted in accordance with the list of medicine and medical products and subject to quality control and properly registered by the Department of Food and Drugs, Ministry of Health following the procedures, criteria and international and regional standards to ensure the quality, efficiency and safety as defined in the Law on Medicine and Medical products; the provision on the production of drugs and medical products; Good Manufacturing Practice and Quality Control of Drugs.

110. 5 out of 8 domestic drug production sites have been improved to achieve Good Manufacturing Practice (GMP), in 2016, the Lao PDR counts one plant of medical equipment, 89 drug import-export companies, and 3,134 drug stores with an increase of 703 stores from 2016, 1865 registered medical items with an increase of 210 items from 2016.

111. The Government attaches importance to promoting and ensuring quality and safety following the principle of “Good Manufacturing Practice and Good Wholesale and Retail Sale”. The Ministry of Health has applied a mechanism to regularly monitor and control the quality of medicine and medical products after their commercialization in the country including checking at international border checkpoints and imposing strict measures on violators. Based on the report on the implementation of the VIII Five-Year Health Sector Development Plan for 2016–2020, inspections were conducted at 17,855 public and private drugs and medical production factories, pharmacies, hospitals, medical clinics and drugstores and 1,666 unregistered medical items were frozen, 136 prohibited medicine, expired medicine, fake medicine and counterfeited medicine were frozen and confiscated. 1,666 unregistered medicine were frozen and a number of expired medical products, cosmetics and supplement food were destroyed.

112. The Ministry of Health regards staff development as a priority to continuously upgrade technical knowledge and ethics of medical personnel by focusing on the implementation of management programs, staff development and health scientific researches, health education management, development and upscale project, health education curriculum improvement and development project and other relevant projects. Currently, the country has 11 health education institutes such as: the University of Health Science, the Institute for Health Science and Tropical Disease, Health Science Colleges (Luang Prabang, Savannakhet and Champassak), Health schools (Oudomxay, Xieng Khouang and Khammouane provinces), Vientiane Provincial Technical Nursing school, Health Development and Training Centre (Salavan and Attapeu Provinces) which have the duties to upgrade the capacity and provide training to medical personnel and researchers.

113. The total number of staff in the entire health sector accounts for 20,510 persons including 13,274 women. Out of them 3,751 are operated at the central level, 4,421 at the provincial level, 7,474 at the district level, 4,375 dispensaries and 106 at the village level. in 2020, the Ministry of Health approved 934 requests for the training of departments, Centers around the Ministry of Health for staff of health sector with 8,390 participants, 27 overseas training with 78 participants per training session were organized, a nationwide meeting for staff in charge of human resource development for the entire Health Sector for 2020–2021 with 134 participants was convened. Besides, some staff from Health Sector have been appointed as focal points for the National Human Right Commission and participated in consultations, workshops, and periodic human rights training organized by the National Human Right Commission where they play an important role in disseminating human rights promotion in the Health Sector.

114. Health of Mother and Child is a priority of the Ministry of Health that has been implemented at all levels and provinces in the country to address the infant mortality rate under one year and five years and the existing maternal mortality rate, which is still high,

despite the Lao PDR's attainment of the MDGs in 2015. The implementation of the work to promote mother and child health is administered and supervised at the macro level by the central Department of Hygiene and Health Promotion and the Mother and Child Health Center as technical operators including vaccination for mothers and children under one year of age in relation to the sickness or death of mothers and children. The Mother and Child Health Center has the duty to administer 5 main projects" Immunization Project, the Reproductive Health Project and Youth, Free Delivery and Treatment of child under 5-year care in Health Facility Project, PMCT project and IMCI project.

115. The immunization project is one of the important projects under the 6th Strategy and is the core of countrywide mother and child health promotion from the central to the provincial, district, dispensary and village levels. The normal cycle for immunization activities is 4–6 times per year. For high-risk areas that are difficult to access, specific planning needs to be prepared with mainstreamed mobile services and mother and child health activities. If compared with the results of LSIS I for 2011/12 and 2016/17 (LSIS II) the vaccination rate against chicken pox increased from 63.7% (LSIS I) to 66.0% (LSIS II); Penta vaccination rate from 2016–2020 exceeded the expectation with the average rate of 87–97%. For 2020, due to the COVID-19 pandemic, the vaccination campaign has been affected and could not achieve the targets with only 89.9% which is below the set target of 95%. In the future, measures will be taken to achieve those targets.

116. Reproductive health and family planning and youth have been implemented countrywide from the central to dispensaries and community levels and are linked to mainstreamed mother and child health services. The amendment of reproductive health policy has been completed, medicine and equipment have been provided, and family planning has been sufficiently made along with medicine and medical product distribution aiming at avoiding the diminution and shortage of contraceptive stocks at each service center. An information campaign was conducted jointly with Vientiane Capital Health Promotion center amongst the youth by focusing on upper secondary schools students about reproductive health and family planning. Furthermore, capacity building activities were organized for medical personnel on screening early stages of foetus cancer and a guideline on screening early foetus cancer was developed. The contraceptive consumption rate amongst women aged between 15–49 old increased from 49.8% in 2011/2012 to 54.1% in 2016; the reproduction rate declined from 3.2% to 2.7% per one mother, in other words, one mother has an average of 3 children.

117. Childbirth and Free Delivery and under 5 year care at Health Facility projects refer to the important policy to reduce maternal and infant mortality rates, and promote women and children to receive necessary care at health service facilities by applying the policy on national free-of-charge services, particularly in remote areas aiming at reducing maternal and infant mortality rate. The poor and those living in remote areas also receive additional meal and transportation allowances as prescribed in the Decree on Childbirth Benefits and Treatment of Children under 5. Currently, the handover of service fees to the National Health Insurance office has been completed. The number of pregnant women who received free services has noticeably increased in 2019 if compared with 2016 from 344.233 (2016) to 520.157 (2019) with an increase of 51% (175.924 persons) with declined maternal and infant mortality rate. The pregnancy rate with the first examination increased from 84.8% in 2016 to 97.5% in 2019; the pregnancy rate with 4th examination increased from 56.25% to 72.3% and the post-natal examination (2 days after delivery) increased from 35.6% to 82%. Nationwide, based on the data from the DHIS2 system, the birth assistance rate continues to increase every year from 2016 to 2020 from 57.4% to 64.7%, 67%, 69% and 72.8%, respectively. The maternal mortality rate remains high but tends to continuously decrease from 83.4/100.000 in 2017 to 66.4/100.000 of living infants in 2020. Based on LSIS I and LSIS II, it is noted that the mortality rate of newborns declined from 32/1000 in 2012 to 18/1000 in 2017. The mortality rate of children under 1 year declined from 68/1000 to 40/1000 and the infant mortality rate of children under 5 years from 79/1000 to 46/1000. If compared with DHIS II in 2020, the infant mortality rate of children under 1 and 5 years continues to decline with 12/1000 and 13.5/1000 of living infants, respectively.

118. At the same time, the Ministry of Health attaches importance to health promotion namely through health education projects by establishing communication points for health

and education so that people can access information related to mothers and children, nutrition including seasonal diseases through 240 Lao National TV programs, 720 radio programs, 376 TV spots, 8 radio spots, 7860 radio advertisements, 1200 journals, publicity 7 times during festivals, at bus stops and fairs, TV media on Health thought 861 photos, sound and printed media produced by public agencies, international organizations and non-governmental organizations. Furthermore, in some areas, people can access information about health cares through LCD, loudspeakers and memory cards that contain video clips on health care.

119. The Government attaches importance to Malaria prevention and control. Since 2016, the Ministry has initiated Malaria Control and Elimination Strategy. 15,465 persons were detected being affected by Malaria with a record of 1 death. The prevalence stood at 2.51/1000 and in 2020 malaria was found in 2,553 cases but with zero death; in 2020, the prevalence was 0.148/1000 with a decline of 83%. If compared with 2016. Currently, 13 provinces have moved towards the preparation phase for the malaria eradication campaign by 2025 with 5 southern provinces being malaria control areas. For control measures, in addition to providing health education through loudspeakers, radio, TV, distribution of posters, journals, etc. in order to provide information on malaria prevention to the Lao multi-ethnic people to access to rapid treatment, 1,418,952 mosquito nets were distributed to cover 2,270,323 persons at risk (1.5 person/net).

120. For dengue prevention with the aim of destroying the sources for mosquito reproduction, HI and BI have been regularly monitored and, in 2016, the HI average value was 21.18, BI=46.66 and in 2019: HI=17.17, BI:22.147. It is noted that worm density decreased if compared with 2016 but is higher than the norms (HI<5, BI<10). Furthermore, health education has been widely implemented based on the content of the main 5Ps: radio broadcast, loudspeaker, TV, distributions of posters, printed media, the release of peacock fish, distribution of products to eliminate worms, protective suits. In the event of dengue fever pandemics, products have been sprayed and mosquito surveillance is conducted.

121. The control of parasites is also important and, in case of the occurrence of new infections, surveillance operations were launched to eliminate Elephantiasis in 2020, Schistosomiasis by 2030 and ensure that up to 75% of primary school, and lower secondary school pupils nationwide receive deworming tablets (the target is 90%), to control Opisthorchis, Hepatitis C, Trichinosis and keep them at low level and prevent them from becoming health issues, the prevalence of Elephantiasis in 2016 was 0.08% and in 2019 no case was reported; the infection rates of Opisthorchis in 2016 was 70% and 77% in 2019.

122. Currently, like many countries in the world, the Lao PDR is facing the outbreak of COVID-19 that significantly affects, directly and indirectly, the economy, society and the daily lives of the Lao multi-ethnic people. Based on the report of the Health Education Information Center, Ministry of Health, from March 2020 to 4 January 2022, the number of accumulated infected cases in the whole country stands at 113,951 people with a total number of 403 deaths. In this regard, with the support from the COVAX facility and friendly countries, the Government attaches the importance of strictly applying preventive, control measures to address the COVID-19 pandemic, along with quickly supplying and proceeding with Anti-COVID19 vaccination to build Lao people's immunity. In this connection, the Government sets plans and targets to vaccinate 50% of the population by the end of 2021 and increase to 87.25% in 2022. Based on the information from Health Education Information Center, as of 3 January 2022, 4,590,479 people or 62.56% have received at least one dose and 3,643,020 people or 49.65% of the total population have received the full set of 2 doses. furthermore, the Government has approved the vaccination for children aged 12–17 years and started administrating the boosters dose for the high-risk target group and those who have received the second dose already 5 months.

Measures for alcoholics

123. The Government controls and restricts alcoholic drinks by Law and relevant regulations particularly the Law on the Control of Alcoholic Drinks that was adopted in 2014. In this regard, article 4 clearly stipulates that “ the State controls alcoholic drinks by taking measures to identify the sites that provide services, produce, process, distribute, trade alcoholic drinks and restricts the publicity of alcoholic drinks, provide personnel, vehicles,

equipment, necessary budget and raise custom duties, taxes, and fees in accordance with laws and regulations; the State attaches importance to educating people under various forms and means in order to raise social awareness, particularly amongst pregnant women, children, adolescent and young people about the danger of alcoholic drinks; the State promotes individuals, legal entities and all parties to engage, contribute, directly and indirectly, to the control of alcoholic drinks including treatment and rehabilitation of victims, affected persons by alcoholic drinks". Furthermore, the health sector also established counselling units and provide assistance to those who wish to quit alcoholic drinks as defined in articles 51 and 52 of that Law. Moreover, the Ministry of Information, Culture and Tourism issued a notification (No.196/MICT//2019) on the cessation of publicity through media and publicity for all types of alcoholic drinks.

Preventive measures for Tabacco addiction

124. The Lao PDR adopted a number of laws and secondary legislation to take measures for the management, monitoring, and control of production, import, and distribution. Publicity of tobacco products in order to protect people's health from the danger of tobacco products. This includes the Law on the Control of Tobacco, Decree on Tobacco Control Fund, and Decree on the Publication of Warnings on cigarette boxes. In this connection, the Law on the Control of Tobacco, article 4 clearly stipulates that: "the State controls cigarettes by laying down policies and measures such as: increased tax/customs duties, identify non-smoking areas, distribution sites, cigarette trading and promote farmers to have alternative plant for tobacco substitution; the States attaches importance to publicizing, educating the whole society under various forms to raise awareness about the danger of tobacco and tobacco consumption. the State promotes individuals, their families and all parties to participate in the control of tobacco including the rehabilitation of those who wish to quit smoking, providing treatment to those who have been affected by tobacco aiming at reducing smoking amongst ethnic groups, reducing sicknesses and unnecessary costs for tobacco consumption with the view to promoting people's health; the State allocates necessary budget, provides vehicles and equipment for tobacco control". Additionally, the Lao PDR ratified WHO Framework Convention on Tobacco Control (WHO FCTC).

Measures to prevent illicit drugs

125. The Government of the Lao PDR regards narcotics as the serious danger that affects political security, and impedes socio-economic development and social order. For this reason, there is a need to take strict measures to combat illicit drugs. The production, processing, trade, distribution, transportation, possession or import, and export of illicit drugs or psychotropic substances are prohibited and subject to criminal penalties as defined in the Penal Code and the Law on Narcotics of the Lao PDR. Furthermore, the drug-addicted persons will receive treatment, health rehabilitation, and professional training at Drug Addicted Treatment and Rehabilitation Center which includes treatment at detention centers as defined in the Law on Narcotics and relevant regulations.

126. Currently, the National Assembly has adopted the agenda of addressing drug-related matters as a National agenda for 2021–2023 which is of great importance, necessity and urgency to be tackled. All forces need to focus on this matter by mandating all social strata to perform their duties and obligations and assume their responsibilities with the purpose of enhancing proper understanding of the adverse impacts and danger of illicit drugs on families, society and country through education under various forms and means to access the target groups at the early stages and to prevent from becoming the victims of illicit drugs. This is aimed at making concrete changes to prevent, combat, reduce drugs-related issues on the Lao PDR and making the country free of drugs, eliminating all negative phenomena, improving people's livelihood, ensuring security, safety and social order in order to create enabling conditions for country's preservation and development. In addition, in cooperation with the international community in this work, the Lao PDR has become a party to international conventions such as (1) Convention to limit the production and control the distribution of narcotic drugs. (2) Agreement to suppress the production, internal trade, and use of processed opium. (3) International Convention on Opium. (4) Opium smoking restriction agreement. (5) Protocol to bring drugs outside the scope of the Convention. (6) Convention for the Suppression of Trafficking in Dangerous Drugs. (7) 1961 Single Convention on Narcotic

Drugs. (8) Convention on psychoactive substances. (9) UN Convention to Combat Trafficking in Narcotic Drugs and Psychotropic Substances. (10) 1972 Protocol to Amend the 1961 Single Convention on Narcotic Drugs.

Measures for HIV/AIDS prevention

127. The Lao PDR adopted the Law on HIV/AIDS Control and Prevention Article 5 defines a clear policy that the Government is committed to combating HIV/AIDS by laying down policies, elaborating laws and setting up organizational structures, and providing staffing and necessary budget, medicine and other essential equipment. Besides, the Government also encourages individuals, households, and local and international organizations to be involved in the control, supervision, control and fight against HIV/AIDS. The Government recognizes the importance of propagating, educating, and advocating general public by various approaches, so that people in society, particularly target populations and vulnerable groups, are aware of the harms and impacts of HIV/AIDS, as to raise awareness, knowledge on how to prevent HIV infection and where to look for support to treat the disease. The Government uses various measures to prevent an increase of HIV infection among the general and target populations with a focus on the treatment, care and support for people living with HIV and AIDS without stigmatization and discrimination. The Government creates a favorable environment for people living with HIV/AIDS and those affected by HIV/AIDS to support their employment if possible.

128. The main approaches and measures for HIV/AIDS prevention defined in the Law are: HIV control through advocacy and education, HIV prevention through blood transmission, HIV prevention through sexual transmission, HIV/AIDS prevention from mother to child transmission, and HIV/AIDS prevention through a blood test (articles 14–18 respectively). For HIV/AIDS advocacy and education, the goal is to increase propaganda, HIV advocacy and education particularly at lower secondary schools, vocational schools, universities, labor units, detention centers, re-education centers, and vulnerable target groups; advocacy using different approaches such as mass media, etc.; to enhance the knowledge about the harms of HIV/AIDS, transmission means, prevention methods, treatment, cares, co-existence without discriminations and stigmatization against HIV affected people.

129. The Treatment for people living with HIV/AIDS and those who have opportunistic infections should follow instructions from the medical personnel, and receive ARV drug according to the Law on HIV/AIDS Control and Prevention (article 19).

130. For people living with HIV/AIDS and those with opportunistic infections, should receive care in an equal manner like by the medical personnel or any other patients at any general treatment facilities. Societies and communities shall take care of people living with HIV/AIDS by providing support, care, and encouragement including educating them not to transmit the HIV virus to other people and live a normal life with others. The State promotes the establishment of foundations, associations, funds, and facilities for cares of people living with HIV and AIDS in communities in accordance with articles 22–24 of the Law on HIV/AIDS Control and Prevention. At the same time, people living with HIV/AIDS receive different types of support namely: counselling, economic and social support to create conditions for them to live a normal life with other community members without discrimination and stigmatization in accordance with articles 25–27 of the Law on HIV/AIDS Control and Prevention.

131. The Ministry of Health has implemented HIV/AIDS and Sexually Transmissible Disease Prevention Program consisting of two main projects: HIV/AIDS and STD Quality Coverage Expansion and Preventive, Service, Care, Assistance and Treatment project and HIV/AIDS and STD management project. Furthermore, the mother to Children Transmission Prevention project jointly implemented by Mother and Child Health Center and HIV and STD Prevention Center plays an important role in screening HIV prevalence in pregnant women and partners to enable all parties to be fully engaged in the prevention. Based on the report of the VIII Five-Year Health Sector Development Plan, over the 5 past years, it is noted that progress has been made in many aspects, particularly with the adoption of the National Strategy on HIV Prevention for 2016–2020; achieving the National Strategy 2021–2030 and Action Plans for 2021–2025; the Completion of the guideline for ARV treatment, Rapid Advice guideline, the guideline for STD treatment, a guideline for the blood test for

HIV identification along with the publication of the guidelines, forms, posters, etc. for distribution to target groups. The National Committee for HIV has also been upgraded to more effectively perform its duties. More importantly, the Lao PDR managed to maintain low HIV prevalence: in general, the public aged 15–49 is less than 0.28%, amongst the Female in services sector less than 2% and MSM group: less than 3%. Currently, 189 counselling and blood test centers are operating across the whole country (45 at the central/provincial level, 122 at the district level and 2 dispensaries) with 11 HIV treatment Centers in 8 provinces.

Ensuring the access to basic affordable medicine

132. The Government attaches importance to and ensures effective implementation of medication as defined in Law on Medicine and Medical Products namely article 5 that defines that medication shall follow the principles of quality assurance, effectiveness, safety and affordable prices in supplying and storage of medicine and medical product; Article 21 further defines that the pricing of medicine and medical products shall be reasonable with adjustment with marketing mechanism under the control of the Health Sector and relevant public agencies to enable all citizens to utilize medicine and medical products for the prevention and treatment; article 22 defines that the Health Sector and relevant public agencies have the duties to control the prices of medicine and medical product to maintain the prices at an appropriate level, particularly in the event of disasters and epidemics. The medicine and medical product retailers including private labs and hospitals shall label the prices under controlled prices by the State.

133. Moreover, the Law on Immunization also ensures the rights of all citizens, irrespective of their gender, ethnic group, race, nationality, religion, socio-economic status, particularly women and children have all the rights to receive immunization vaccines, information and advice on immunization and have the duties to preserve their reproductive life, families and community with the contribution, cooperation and participation in immunization campaign (article 6). In order to ensure that all citizens can access to basic medicine as per the instructions from the WHO, the State defines two forms of prevention vaccination such compulsory and voluntary. This includes compulsory vaccines for target groups of people according to their age, and gender who shall receive full vaccinations as defined by the government and international agencies such as: newborns, children under one year of age, children between 1–5 years, young men or women aged between 9 to 14 years, women at reproductive age between 15 and 45 years including pregnant women. The compulsory vaccines are: BCG, Polio, diphtheria, Pertussis, Tetanus, Hepatitis B, Hib, PCV, JE, measles, Rubella, Rota virus, HPV, anti-tetanus and diphtheria amongst reproductive and pregnant women. There might be a need to increase these compulsory vaccines based on real necessity. In the case of a disease outbreak that is likely to become a pandemic, all citizens living in pandemic areas shall be vaccinated upon approval from the Government and international organizations (article 14). For voluntary vaccination, it is applied to citizens who voluntarily wish to receive paid or free-of-charge compulsory vaccines at public and private service centers based on the type of vaccines such as seasonal flu, rabies and other vaccines authorized by the Ministry of Health (article 15).

134. To ensure the access to ARV medicine of the HIV and STD patients, the procedure is already mentioned above.

135. For the treatment and rehabilitation of mentally ill patients, attention is paid and it is implemented in the Lao PDR, mentally ill persons can receive treatment at public hospitals and specific treatment sites namely Mahosot Hospital and 103 Hospital which have established specific mental illness departments. Furthermore, development partners and international organizations provide cooperation to disseminate the information to the families of mentally ill persons to receive proper care.

136. Furthermore, the right of offenders suffering from mental illness to receive treatment is guaranteed in the Penal Code and the Law on Criminal Procedure particularly article 82 of the Penal Code that defines that offenders committing offenses under a state of mental illness or offenders in possession of their full faculties during the offense who become subject to mental illness 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 treatment centers. After recovering from such an illness to his/her state of mental health, 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 in calculating the period of execution of the sentence. With respect to treatment duration, it shall be calculated in the duration of the sentence. Similarly, to the Law on Criminal procedure, treatment measures as humanitarian measures are applied to detained, accused, and prisoners at the detention center who suffer from mental illness, sickness, infectious diseases, etc. to receive external treatment at any treatment center as defined in article 265.

Article 13 and 14: right to education

137. The Government always considers education as a priority area and plays a central role in human resource development. Article 4 of the Law on Education stipulates that education is a core for human resource development and promotion of all ages, ethnicities to access to education. The rights of Lao citizens to education are clearly defined in the Constitution, article 38 and in the Law on Education, article 6, that all citizens in The Lao PDR without discrimination on the ground of nationality, race, religion, ethnicity, gender, age, physical state and socio-economic status have the rights to quality education, equal lifelong learning in accordance with laws and regulations.

138. Pursuant to the Law on Education, the content of National education shall ensure 3 characteristics and 5 educational principles along with regional and international integration. The Minister of Education and Sport issued the ministerial decision No.856/MoES dated 6 March 2013 on the use of 3 educational characteristics and 5 educational principles.

139. In this connection, the characteristics of education have become guiding principles or vision for the education development of the Lao PDR over the past decades with the following content:

- Nationalism: education shall educate the nation to be autonomous, self-reliant and serve the country's development, brings happiness to people and prosperity and progress to the country.
- Modern scientific characteristic: education shall be scientifically-based, the content of the teaching shall be based on morality, science with clear implementation approaches, and studies of progress. The content of the learning-teaching shall reflect the results and scientific progress, global modernity along with promoting the nation's fine traditions and practices.
- People-oriented: education shall be people-oriented or in other words, education for all, participatory education supported by people and serve the interests of people.
- The 5 educational principles refer to the principles or basic objectives of education that aim at developing the new generation to receive comprehensive and proportionate physical, psychological and intellectual education in line with the nation's socio-economic development with the following content.
- Virtue Education: refers to educating the learners to become good citizens with good behavior and characteristics based on ideological needs, attitudes, values and demonstrated acts. Virtue education plays an important role to develop good citizens for the country in order to have a society that enjoys prosperity and justice, security without any conflicts and with reduce negative phenomena.
- Intellectual education refers to education to provide knowledge, competencies, intelligence and necessary skills for the higher education, livelihood, employment and lifelong learning but emphasizes on the learners and considers that everyone can learn and self-develop within everyone's capacity. Intellectual education plays an important role in developing competent individuals for society as well as the nation.
- Labor education refers to educating learners to be equipped with knowledge, competencies and skills in using their labor forces and technicity with clear organization and high efficiency. To develop Labor skills by providing basic

professional pieces of training to the non-trained labor forces to develop labor competencies. To develop the skills to upgrade labor forces with available technical knowledge to become experts and meet the periodic demands of the labor market. Labor education plays an important role in developing the learners to be equipped with professional and specialized competencies, self-reliance ability in their daily lives, production, income generation and the development of the society as well as the country.

- Physical education refers to physical education that helps strengthen physical state. Physical education stresses physical activities, exercises, game playing (under various forms) and sports as a means for physical, mental, mood, social and intellectual development. Physical education refers to education to enhance sanitation and hygiene, disease prevention and keeping human being healthy. Physical education emphasizes learners to be equipped with the knowledge, values, and behaviors and applies health care approaches for their growth and development in accordance with their age.
- Artistic education refers to learning arts with an emphasis on learners with artistic and musical knowledge and skills; passion about beauty, sensitivities, initiatives, imagination and artistic creativity; perception and use of artistic values in their daily lives.

140. Furthermore, the Government also adopted the National Joint Education Strategy and Action Plan for 2011–2015 with training to be provided to curriculum and textbook developers, to supply teaching materials with a focus on greater participatory learning particularly in human rights, the right of children, gender parity, cultural diversity and richness of the ethnic groups and the acceptance of social differences. At the same time, schools organize activities to promote the right of children to engage in the learning process, expression and thinking to empower them to increasingly settle problems on their own. Currently, those rights have been incorporated into the curricula at each level of learning namely at primary education with a content of the right to receive virtue education; lower secondary education with the content of the right and learning obligations, the protection of heritage and cultures, the right to own asset and respect of others' assets, the protection of nation's treasure, the right to do business, tax-customs, rights, and obligations of citizens to work; the education at university levels will depend on the faculties for instances the Faculty of Law and Political Science, the National University teaches fundamental knowledge about human rights.

141. The State attaches importance to applying national Education policy to the development of Lao citizens to become good citizens with virtue, knowledge, competencies and profession; the State actively develops quality education, and provides opportunities and conditions for people to receive universal education, particularly people living in remote areas, ethnic people, women, children, marginalized people and people with disability; the State promotes and encourages private sector to invest in national education in accordance with the provisions of the Constitution (article 22).

142. The Law on Education (article 4 (para 2)) clearly stipulates that compulsory education is free of charge except it is provided otherwise. In this regard, the State regards primary education as the basis of education with teaching-learning of basic knowledge for future employment and social lives and also as to lay down a foundation for upper learning level as defined in article 27; there is a need for all citizens to complete their studies as defined in article 28 of the Law on Education with 9 years of studies starting from 5 years in primary school and 4 years in lower secondary school.

143. Besides, the Ministry of Education and Sport also adopted a number of policies and measures to assist and create conditions for all to receive universal education particularly poor disadvantaged families such as: the elimination of enrollment fees for kindergarten, primary schools, lower secondary schools, and higher secondary schools of general education (Ordnance No.1293/MoES/2012). Each year, the Ministry of Education and Sports provides funding to educational institutions at each level to cover school administrative fees ranging from Early Childhood Education to vocational education based on the calculated value units to support school planning and ensure basic equipment.

144. The Ministry of Education and Sports applies a policy to supply textbooks and manuals to the teachers of the education sector and of other sectors, both public and private schools, with free of charge by providing 1 set per pupil; for free compulsory public schools, the State provides 1 set per 2 pupils for free non-compulsory public schools as per the provisions of the decision (No.3965/MoES/ 2018).

145. The Government applies a special policy towards poor and disadvantaged pupils in general education particularly pupils from poor families, orphans, abandoned children, children with no shelters, pupils living in remote areas, children with disability, ethnic girls, and talented children with excellent learning results in the villages, the poorest districts and government's focused areas across the country by providing monthly allowances to pupils until their graduation from primary schools and lower secondary schools with priority granted to girls and ethnic children as defined in the Decree on Allowances for Poor and Disadvantaged Pupils.

146. The Government defines education from primary school to lower secondary schools as compulsory and free of charge for all as per the Law. Since 2010, the Government has adopted a policy on common education with the objectives of ensuring the rights of all citizens in the society to have equal access to quality education, to reduce and eliminate the gaps of disadvantaged people, particularly among girls, women, ethnic pupils, people with disability and people with socio-economic hardship to complete their studies; to remove internal and external barriers to the education system by focusing on specificities and different needs of poor learners; to improve the quality and adequacy of the education system at all levels, create enabling conditions for effective learning for poor learners, promote the participation of learners, families, schools, communities and the entire society.

147. The Ministry of Education and Sports applies a policy on the elimination of registration fees and tuitions fees at public primary schools and lower secondary schools to transform pre-primary schools, and full primary schools with 5 levels of multi-grade classes using systematic multi-grade classrooms and mobile teachers where they are needed, adjusting schooling calendars and schedule to the local context, ensuring the availability of buildings and appropriate services to students with disability including schools and special education centers for peoples with a heavy disability who cannot access to general education institutions.

148. In 2019, the Government adopted the Law on Technical and Vocational Education that defines the policy of the State on vocational education namely article 4 "the State promotes Lao citizens to receive education, professional training in a particular area based on the situation and actual conditions of individuals and families by providing scholarships to students with excellent learning results, learners with constraints and learners in professions that are promoted by the State; the State allocates budget to vocational centers established by the Government; the State encourages, promotes credit policies, tax exemptions or reduction as per laws in order to invest in vocational activities with a clear plan and focus including soft loans for learners/students".

149. In 2015, the Government adopted the Decree on High Education as a foundation for the organization and management of high education in the Lao PDR in a uniform manner to ensure quality and high efficiency, meet the needs of national socio-economic development and regional and international integration. In this connection, article 4 defines State's policy on high education as follows: the State promotes all Lao citizens to access to high education based on the competencies and actual conditions of the learners following lifelong learning by promoting the access to high education with scholarships for excellent students, target poor groups, women, ethnic groups and disadvantaged people; to encourage and provide the opportunity for individuals, legal entities or organizations, labor units, domestic and foreign organizations, to participate in high education development. Furthermore, multi-approach learning and teaching have been defined such a: full time learning, extra curriculum activities and open education as defined in article 20 of the Decree.

150. The Government focuses on the reform of national education with the objectives of enhancing and increasing the effectiveness of human resource development, aiming at expanding learning opportunities for all, increasing the quality of education, improving services, and managing the education sector to be harmonized and consistent with basic

people's engagement. This reform is carried out in two phases: phase I (2006–2010) focusing on public and private general education and phase II (2011–2015) focusing on the reform of vocational and high education.

151. The important achievement was the development of curricula, the expansion of vocational schools, colleges and universities, strengthening of vocational and high education in order to meet the demands of the labor market. The Ministry of Education and Sports announces the new curriculum of vocational institutions and provided trainings to teachers aiming at improving basic education in line with socio-economic development goals. Based on the information from the Education and Sports Statistics Center, for the 2019–2020 schooling year, the whole country has 5 universities, and 100 vocational institutes including 40 public institutions and 60 private ones. The country counts a total number of 67.607. Vocational students (34.243 females) enrolled at public and private schools. Furthermore, in the 2019 schooling year until May 2020, 6.963 Lao students (3.433 females) have undertaken further studies overseas.

152. The Government has taken measures to promote literacy in various forms. In addition to the education in the school system, the State also made available informal education with the objective of creating conditions and opportunities for Lao multiethnic people who cannot access the school system to access universal education. Informal education refers to the education with similar learning-teaching that have curriculum content and grades to the school system with the difference in terms of the deployment of learning-teaching approaches, time based on the ability and readiness of the learners. The learning has to be coupled with basic vocational training.

153. The Law on Education defines informal education that consisting of extra school education following the regular system and voluntary education with 3 forms of learning/teaching: face-to-face, mobile, and online learning. In this regard, the informal education in the regular system has 3 levels: illiteracy eradication which refers to learning/teaching for disadvantaged target groups who lack learning opportunities with the objective of enabling the learners to be able to read, and write in the Lao language and have a basic arithmetic notion (article 21); the upgrade education refers to the learning/teaching process as a continuation of illiteracy eradication to enroll in primary schools, secondary schools or higher with the objective of enabling the learners to be equipped with the knowledge and higher technical competencies for improved livelihood (article 22) and finally, basic professional education that refers to the development of knowledge, skills, expertise, and virtue in a profession including improved traditional professions with the objectives of developing self-security and families (article 23). With respect to voluntary education, it refers to broad content of learning without any scope including learning, self-research undertaking in any form including through different media without limitation of time, contents and learning venue. All Lao citizens are promoted to receive voluntary education as defined in article 24 of the Law on Education.

154. Furthermore, the Government attaches importance to and promotes lifelong learning with is a combination between school-based education and informal education to promote all citizens, both female and male, to enjoy lifelong learning to build their know-how based on development needs as defined in article 26 of the Law on Education. In 2020, the Government adopted the Decree on lifelong learning that defines the principles, regulations and measures for the management, monitoring, inspection, support and promotion of lifelong learning to enable the learning/teaching, assessment, recognition, certification, or transfer of learning outcomes from the schools, informal education and voluntary education to follow uniform and quality approaches aiming at ensuring that all Lao citizens have the opportunities to upgrade their education, knowledge and professional capacities.

155. Based on the Education Sector Development Plan for 2021–2025, the 6th high-level outcome: the adult literacy rate has been improved along with gender parity. The Ministry of Education and Sports provides an equivalent education curriculum for the youth to ensure that all can access universal education. The adult literacy rate (15 years and above) increased from 73% in 2005 to 84.7% in 2015. The Lao Social Index Survey (LSIS) conducted in 2017 showed that one-third of the population living in the Lao PDR aged between 15–30 are literate, and most of them gained those skills from schools. Furthermore, it was also discovered that the illiteracy rate rapidly decreased in different generations up to 11%

amongst the males and 17 amongst the females (15–17 age group) which is consistent with the data on increased enrollment rates at all levels of education.

156. Pursuant to the Constitution of the Lao PDR, the Lao language, and the Lao alphabet are defined as a formal language and all Lao citizens have the obligations to learn and understand the Lao language and alphabet. The Law on Education also defines the Lao language and the Lao alphabet as the formal language used in learning/teaching in educational institutions.

157. For ethnic children, the Government attaches importance to applying appropriate support and promotion policies to create conditions for ethnic children to receive an equal quality education. The Government adopted a National Strategy and Plan of Action on joint Education where importance is given to ethnic boarding schools, improvement of effective learning/teaching approaches in the Lao language for ethnic learners such as: intensive Lao language courses to build readiness of ethnic learners to go to primary schools, to use Lao language and teaching materials in the Lao language for ethnic pupils from grade 1–3, to provide Lao language support course to pupils from grades 1–3, provide necessary and appropriate intensive ethnic languages courses for teachers who will teach in ethnic areas. Further to improving the quality of teaching, the Government also promotes and creates conditions for children to receive early childhood education under various forms to assist children to improve their reading and writing skills, particularly amongst those who do not have the Lao language as their mother tongue.

158. Each year, the Ministry of Education and Sports issues instructions on the deployment of students/civil servants for further studies by giving the priority to the poorest districts in the first place, then deploying to other districts. The priority is given to women, ethnic groups and disadvantaged people in accordance with the sectors that are in need of district socio-economic development by mandating the Provincial Departments of Education and Sports to coordinate with District Offices of Education and Sports to identify their actual needs. Besides, priority is given to select teachers/students who come to the most marginalized villages from as targets of the “3 builds (Sam Sang) decentralization policy”.

159. The Government applies a policy on equal education for all that is guaranteed in the Constitution and the Law on Education. Moreover, it has a special policy to promote women, ethnic groups, people with disability, members of poor families, and disadvantaged people to access to education. The State attaches importance to developing a social environment by raising awareness to fight against discrimination, setting up standards for joint quality learning, and promoting values, traditions, and good attitudes towards women, ethnic groups, people with disability and different types of disadvantaged people. Furthermore, efforts have been made to ensure that girls/women and disadvantaged people get access to education namely granting 20% of quotas for education to women for some curricula with high demands covering the professions of “workers or professions at factories” and scholarship card program (specifically applied to women) is still on progress. Based on the Education and Sport Sector Development Plan 2021–2025, the gender equality index against the general enrolment rate at grade 5 stands at 0.9 which is higher than the gender equality index against the general enrolment rate at grade 4 and grade 7 that stand at 0.97 and 0.90 respectively.

160. Drop-out rate at primary and secondary schools is still challenging and the Government has exerted its tireless efforts to address it. Based on the Education and Sport Sector Development Plan (2016–2020) mid-term review, it was noted in 2018 that the reasons for school drop-out vary: poverty, remoteness, difficult programs and the excessive number of subjects, pupils at lower secondary schools have the weak foundation that led to school drop-out, lack of incentives, lack of perception of the values of secondary education and lack of teachers with specialized expertise and teaching skills for secondary schools.

161. The Government periodically adopted measures to reduce the rates of school drop-out. Over past years, the Government allocated an annual budget for the education sector (covering 1–15% of the State’s budget) to services, education infrastructure development and improvement of teaching-learning starting from Early Childhood Education until high education. At the same time, efforts were focused on attaining the MDGs, particularly the promotion of children aged 6 years to widely attend primary schools and encouraging primary school graduates to increasingly continue at secondary schools by running more

projects at the local level particularly quality education development projects, education infrastructure development project, dormitory construction projects, supplement food and lunch box project.

162. The Ministry of Education and Sports adopted the Education Sector Development Plan for 2021–2025 with a number of priorities following the outcomes of the education and Sports high level working group meeting held in November 2019 including the focus on primary schools to improve learning-teaching with budget allocation to this sector, expansion of effective and realistic secondary education, identification of staff skills and competency in the education sector, improvement of teaching-learning of pupils particularly literacy and arithmetic skills including increased opportunity to access Early Childhood Education and reduced the disparity in pupils learning outcomes through effective and efficient human resource management to expedite education services, particularly in 40 disadvantaged districts identified by the Ministry of Education and Sports.

163. Currently, in the whole country, the number of schools (including kindergarten, pre-schools, and primary schools) has increased from 2,807 in the 2015–2016 schooling year to 3,496 in the 2019–2020 schooling year with an increased number of 186,624 students (92,947 girls) in 2015-16 schooling year to 245,849 (121,842 girls) in 2019–2020 schooling year. The proportion of the population aged 5 years entering early childhood education increased from 70.9% in the 2015–2016 schooling year to 82.7% in the 2019–2020 schooling year.

164. In primary schools, for the 2019–2020 schooling year, the country counts a total number of 8,822 schools. This includes 7,256 primary schools, with a total number of 760,566 pupils (367,111 girls). The percentage of new students entering grade1 from kindergarten or pre-school stood at 69.8% (girls 70.36% boys 69%), and the percentage of primary school drop-out was 4.2% (girl: 3.7%, boys 4.7%). The survival rate increased from 77.9% (girls 79.1% boys 76.6%) in the 2015–2016 schooling year to 80.1% (girls 82.7% and boys: 77.4%) in the 2019–2020 schooling year.

165. At secondary schools, the country has total number of 1818 schools, including 967 lower secondary schools, 34 upper secondary schools and 815 secondary schools. At lower secondary schools, 429,150 students (207,879 girls; 211,271 boys) were enrolled, the general enrolment rate: 83.3% (girls 81.9%; boys 84.6%); school drop-out rates at lower secondary schools: 10.3% (girls 9.7%; boy: 10.8%). Survival rates from grade 6 to grade 10: 68.9%. at upper secondary schools, the total number of pupils: 205,574 (96,347 girls; 109,227 boys), general enrollment rate: 54.8% (girls: 81.9%; boys: 84.6%), school drop-out rate: 8.8% (girls: 9.7%; boys: 10.8%). Survival rate from grade 6 until grade 12: 78.7% (girls 78.6%; boys: 78.8%).

166. The Ministry of Education and Sport also adopted a number of policies and measures to assist and create conditions for all to receive universal education particularly poor disadvantaged families such as: the elimination of enrollment fees for kindergarten, primary schools, lower secondary schools, and higher secondary schools of general education (Ordinance No.1293/MoES/2012). Each year, the Ministry of Education and Sports provides funding to educational institutions at each level to cover school administrative fees ranging from Early Childhood Education to vocational education based on the calculated value units to support school planning and ensure basic equipment.

167. The Ministry of Education and Sports applies a policy to supply textbooks and manuals to the teachers of the education sector and of other sectors, both public and private schools, with free of charge by providing 1 set per pupil; for free compulsory public schools, the State provides 1 set per 2 pupils for free non-compulsory public schools as per the provisions of the decision (No.3965/MoES/ 2018).

Article 15: Rights to participate in social life and benefit from scientific progress

168. The Government of the Lao PDR attaches great importance to information and culture by recognizing culture as the spiritual foundations of society, a fundamental factor for national solidarity, national security, a driving force for socio-economic development, and

an objective and factor for development adjustment and international integration. The Government has established the Ministry of Information, Culture and Tourism as the core agency to supervise and manage related activities national wide through connection the organization from the central to the local level.

169. Media and publication work play an important role in the propaganda, and dissemination of information in order to facilitate and ensure access to national culture and traditions information across the country, including ethnic groups or citizens living in remote areas. The Government focuses on creating and disseminating laws, and relevant legislation; training the staff of the Ministry of Information, Culture and Tourism (MICT) at the central, provincial and district levels; encouraging and promoting the establishment of associations, namely the Lao Association of Journalists (LAJ) the Lao PDR, Lao Association Writers, Lao Association of Printing the Lao PDR, and Lao Libraries Association are able to carry out activities for their development and growth. There are around 84 printing houses, 7 at the central and 77 at the local level; as well as 17 publishing houses (2 public and 15 private publishing houses), 152 printed media, 33 newspapers (11 daily newspapers), 115 journals and 4 news bulletins, 16 bookshops and media shops (1 public), 9 libraries (this includes the National Library and 12 local libraries, 5 university libraries, 61 college libraries and 20 specific libraries), 1,628 reading rooms, 8,500 mobile libraries, 8,585 mobile library bags, 5 mobile libraries car, and 3 mobile libraries boat (local). Besides, there are also internet-based information services with the cooperation of telecommunication companies to provide news messages directly to phone subscribers. Lao newspapers in foreign languages are members of Asian Newspapers Network Organizations with the exchange of the news and illustrations with all members, training on the news was organized, and rotations of permanent representatives of news agencies in Bangkok, Thailand were operated.

170. In order to increase the number of channels for people to access information thoroughly, the Government has expanded radio and TV networks across the country. There are 82 radio broadcasting stations (3 at the central and 78 at the local stations), land broadcasting through AM and FM system frequencies covering 90% of the total territory in the Lao PDR. As well as, Satellite and internet broadcasting cover 100% of the territory in the Lao PDR. The National Broadcasting Radio employs a variety of languages for dubbing including the Lao, the Hmong and Khmu ethnic languages, as well as foreign languages including Thai, Cambodian, English, and French. There are 45 TV stations (6 at the central, 3 private TV stations and 33 at the local stations) and 7 TV digital stations with the station are available to broadcast images in a land area covering 80% of the country's area. In big cities, line TV and TV digital services are available which allow capturing of more than 50 Lao and foreign channels, the loudspeaker network has been expanded to villages and remote areas with 5,918 in 148 districts installed points across the country. Besides, internet online media is very popular and facilitates rapid and wider information flow, domestically and abroad.

171. Cultural work has been also improved and continuously expanded through the promotional campaign about the development of cultural families and villages with proper livelihood planning. As of September 2020, the whole country records 957,198 cultural families or 76.15% of the total number of families, there are 6,375 cultural villages, or 75.52% of the total number of villages. The State attaches importance to the preservation, advertising, promotion of activities and participation in the social and culture-artistic lives of the Lao multi-ethnic people. At present, the whole country has 27 museums, 10 exhibition halls depicting Lao traditions, 7 cultural halls: 1 National Cultural Hall and 6 local cultural halls, 6 professional artistic troops, 6 performance troops, 13 movie halls and 28 movie projection halls, both public and private.

172. The Government attaches importance to children's participation in cultural lives by establishing Children's Cultural Centers service points for cultural and artistic activities in order to enhance competencies and exchange experiences and also to use as recreation places for children. In 2019, the whole country has 37 Cultural Centers for children: one at the central and 36 at the local level, 186 training Children's Cultural Centers: 31 at the central and 156 at the local level, 173 volunteers: 41 at the central level and 132 at the local level, 33,229 children have visited the cultural centers with 885 activities and 1,349,137 visitors.

173. The Constitution clearly stipulates that the State guarantees the right of ethnic peoples to protect and enhance their fine traditions and cultures and of the nation (article 8); the State promotes the preservation of fine traditions of ethnic peoples and the nation coupled with the world's selected advanced cultures; the State promotes cultural, artistic activities, inventions, manages and protects cultural, historical and natural heritages, restore and rehabilitate historical places; attaches importance to improving and enhancing media work to serve the development and protection of the nation; it is prohibited to carry out cultural activities or use media that harm national interests, destroy the fine traditions or dignity of Lao people (article 23); the State and society promote and open up to the development of cultural, historical tourism and eco-tourism to build a unique tourist industry destinations and important economic sector of the nation. It is prohibited to develop forms of tourism that degrade the fine traditions of the nation or breach the law (article 30).

174. The Law on National Heritage, article 4, para 2 defines that the State promotes and creates conditions for individuals and organizations within the country and abroad to contribute to the protection, conservation, restoration, and rehabilitation of national heritage in a sustainable manner. The State promotes research, innovation and the publicity of national, public and advanced values of national heritages while restricting and removing obstacles to the advancement of Lao multiethnic people and the nation. The State recognizes and protects the property that constitutes lawfully registered national heritages that belong to organizations, individuals, or legal entities. Article 6 defines that Lao citizens, aliens or apatrides residing in the Lao PDR have the obligations to protect, conserve, restore and rehabilitate national heritages. Foreigners and tourists coming to visit the Lao PDR including Lao people living abroad have also the obligation to contribute to the protection and conservation of natural heritages. Article 8 defines that the State promotes international relations, regional and international cooperation and regarding national heritages by exchanging lessons, information, scientific research, technical training in the dissemination of cultures, in organizing exhibitions, seeking funding, complying with international obligations under international treaties and conventions to which the Lao PDR is party.

175. The Government attaches importance to cultural tourism development in order to widely disseminate Lao culture to the outside world. Attention is paid to the protection and promotion of historical traditions and valuable cultures of Lao ethnic people by focusing on the promotion of art, literature, handicraft, weaving, potteries, carving, painting, and silver and gold jewelry which constitute an important identity of the nation along with the rehabilitation of archeological sites, historical sites, artifacts, temples and beautiful landscapes of the country namely the 10 registered historical sites which include 3 historical sites of the Lao PDR listed by UNESCO as World Heritage Sites: Luang Prabang, Vat Phou Champassak and Plain of Jars of Xieng Khouang province. Lao traditional flute or Khen has been listed as a world tangible cultural heritage in late 2017 and the Karstic Mountain Chain (Hin Nam No) of Khammouane province is currently being proposed as a World Natural Heritage site.

176. The Government promotes and encourages Lao citizens to fully participate in literary creation. Nationwide, the country counts 161 authors/writers, including 30 women. From 1998 up to the present, 2 writers including 3 women have received the Sea Write Awards, 31 writers including 4 women received the Mekong Awards, 25 writers including 2 women received the Sinxay awards, 1 woman writer received Thailand's Sun Thone Phou Award, one female writer received ASEAN young writer award, 10 writers including 1 woman were titled as National Artists, 20 as outstanding artists including 3 women.

177. Currently, the Lao PDR has 5 education schools and institutions in artistic and cultural fields namely the National Art School, the National Fine Art School, Luang Prabang Traditional Fine Art college, Savannakhet Secondary Fine Art College and Champassak Secondary Fine Art College that play important role in the promotion and development of those professions.

178. The State promotes and develops publication and distribution, both qualitatively and quantitatively, encourages creativity, evading, wide learning though a number of policies such as develop and deploy personnel, allocate budget, credits, vehicles, modern technologies, grants titles and renumeration to creators, apply tax exemption or reduction in accordance with Laws of the Lao PDR and also defined in the 2008 Law on Publication, the 2017 Law

on Intellectual Property, article 4, states that the state recognizes intellectual property and results of inventions, creativities of individuals, legal entities or organizations and protects interests of the owner of intellectual property which are not contrary to the laws, culture and fine traditions of the nation, national defense, public security, health and environment. The protection of intellectual property in the Lao PDR follows the basic principles as defined in article 5 of the Law: ensuring compliance with the directives, policies, the Constitution, laws, strategies and national socio-economic development plan; recognizing, respecting, protecting and ensuring fairness of owner of the intellectual property; protecting industrial property and new plant variety registered in accordance with the law; immediately protecting copyrights and related rights; ensuring that permission is granted by the right owners before exploitation of intellectual property; complying with international treaties or agreements to which the Lao PDR is a party.²⁶ At the same time, the violators of intellectual property are subject to criminal and civil penalties as prescribed in the Intellectual Property Law and Penal Code (article 246).

179. The Constitution, article 24, clearly stipulates that the State promotes creativity in research and the use of science-technologies, and innovations, and protects intellectual property along with developing and upgrading scientists to foster the process of industrialization and modernization. Article 45 guarantees that Lao citizens enjoy freedom in conducting research and the use of scientific and innovative results, to create literature products and cultural activities that are not in contradiction with laws. Besides, the Law on Science and Technologies, article 3, defines the rights of individuals to carry out scientific and technological activities such as individuals have the right to research to creatively enhance their intellectual capacities; use scientific and technological progress, protect intellectual property; transfer, hand over, publish, disseminate scientific and technological results; incorporate research results as capital into the production and business; receive information, capacity building training, promotion, assistance, technical guidance from public and other sectors. However, the exercise of those rights shall be in compliance with the principles and scope as defined in the Law on Science and Technologies such as individuals, legal entities and organizations are prohibited to run scientific and technological activities that are prohibited by laws; create obstacles, impede the promotion and development of science and technologies, import technologies that affect natural resources, affect, destroy environment beyond the norms, to commit any act of plagiarism, improperly modify technical documents causing social harms; having other behaviors in violation of laws (article 45).

180. Article 4 of the Law on Science and Technologies stipulates that the State attaches importance to research and development and the application of advanced science and technology as to leverage and to be highly effective break-through vehicles to support and drive the national socio-economic development on a continuous, consistent and sustainable manner, ensuring national security and safety, and to improve material and spiritual livelihoods of all Lao people. The State provides scientific and technological research infrastructure, education, upgrading and employment of human resources, granting positions, honorable titles and qualifications and scientific awards, supports and promotes the use of research findings, provision of budget, establishment and access to capital sources and provision of scientific and technological information. The State promotes activities and investment of domestic and foreign individuals, legal entities and organizations in scientific and technological activities by laying down policies on credit, exemption or reduction of customs duties and taxes in accordance with laws and regulations. Furthermore, individuals, legal entities and organizations which undertake scientific and technological activities receive priority on the use of funding from the Scientific and Technological Development Support Fund. Article 7 of the Law on international cooperation states that the State promotes foreign, regional and international cooperation in relation to scientific, technological and innovative activities through the exchange of experiences, information and amongst researchers, scientists and technological transfer, organizing fairs, exhibitions, convening scientific workshops at different levels, seeking for technical and financial assistance including compliance with international conventions and agreements to which the Lao PDR is party. Furthermore, article 15 of the Constitution guarantees the promotion of foreign

²⁶ Law in Intellectual Property (No. 38/NA/ 2017), article 5.

investment in the Lao PDR and creates enabling environment for seeking funding, technologies, innovation and progressive management in the production, business and services. The legal assets and capital of investors in the Lao PDR will not be subject to expropriation, confiscation or transfer by the State.
