

# LAOS 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Lao People's Democratic Republic is ruled by its only constitutionally legitimate party, the Lao People's Revolutionary Party (LPRP). The most recent National Assembly election held in 2016 was not free and fair. The LPRP selected all candidates, and voting is mandatory for all citizens. Following the election the National Assembly approved Thongloun Sisoulith to be the new prime minister.

Civilian authorities maintained effective control over the security forces.

Human rights issues included arbitrary detention; political prisoners; censorship; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation; corruption; and trafficking in persons.

The government neither prosecuted nor punished officials who committed abuses, and police and security forces committed human rights abuses with impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no credible reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

There was no progress in the 2012 abduction of Sombath Somphone, a prominent civil society leader and retired founder of a nonprofit training center, by persons in plainclothes after what appeared to be an orchestrated stop of his vehicle by traffic police in Vientiane. The government denied knowledge of his whereabouts and claimed its investigation was continuing.

Civil society organizations alleged that armed men abducted Wutthipong Kachathamkhun, a Thai activist also known as Ko Tee, in Vientiane in July 2017

and he had not been seen since. In 2016 Itthipol Sukpaen, another Thai activist, reportedly disappeared while in Vientiane and had not been seen since. The government stated it was not aware of these abductions, had not investigated them, and had not received any request from the Thai government to look into the matter.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, and there were no reports government officials employed them. Civil society organizations claimed some prisoners were beaten or given electric shocks.

#### **Prison and Detention Center Conditions**

Prison and detention facility conditions varied widely and in some prisons were harsh due to minimal food supply, overcrowding, and inadequate medical care.

Physical Conditions: Prison cells were crowded. Some prisons reportedly held juveniles with adults, although no official or reliable statistics were available on the overall population or gender of prisoners countrywide. Due to a lack of space, pretrial detainees and convicted prisoners were held together. There was no information available on the prevalence of death in prisons or pretrial detention centers. Some prisons required inmates to reimburse authorities upon release for the cost of food eaten during incarceration. Prisoners in facilities in urban areas generally fared better than did those in smaller, provincial prisons.

Although most prisons had a clinic, usually with a doctor or nurse on the staff, medical facilities were usually deficient. Prisoners had access only to basic medical care, and treatment for serious ailments was unavailable. Prisoners received vaccinations upon arrival; if sick, they had to pay for necessary medicine. In some facilities, prisoners could arrange for treatment in police hospitals, and authorities sent prisoners to these hospitals in emergencies.

Administration: The Ministry of Public Security is responsible for monitoring prison and detention center conditions. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, although there were no reports of prisoners, detainees, or their family members making such requests due to fear of exacerbating poor detention conditions. During a session of the National Assembly in 2017, the legislature's Justice Committee raised--and the

president of the Supreme Court acknowledged--concerns about deteriorating prison conditions, including overcrowding and the detention of suspects together with convicted criminals.

There was no ombudsperson to serve on behalf of prisoners and detainees. Prison wardens set prison visitation policies. Family members generally had access to prisoners and detainees once per month. Prisoners and detainees could follow some religious observances, but authorities did not provide any facilities.

Independent Monitoring: Government officials did not permit regular independent monitoring of prison conditions. During the 2017 Australia-Laos Human Rights Dialogue, Australian and EU diplomats and other foreign government officials were permitted to visit the only prison that held foreign prisoners, as well as a drug treatment detention center in Vientiane.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but some government officials did not respect these provisions, and arbitrary arrest and detention persisted.

#### **Role of the Police and Security Apparatus**

The Ministry of Public Security maintains internal security but shares the function of external security with the Ministry of Defense's security forces and with the LPRP and the LPRP's mass organizations. The Ministry of Public Security oversees local, traffic, immigration, and security police, village police auxiliary, plus other armed police units. The armed forces have domestic security responsibilities, including counterterrorism and counterinsurgency.

Impunity remained a problem; however, there were no statistics available on its prevalence. The Ministry of Public Security's Inspection Department maintained complaint boxes in most of the country for citizens to deposit written complaints, but statistics on utilization were not publicly available. The government revealed no information regarding the existence or nonexistence of a body that investigates abuses by security forces. There were no known actions taken by the government to train security forces on respect for human rights.

#### **Arrest Procedures and Treatment of Detainees**

Both police and military forces have arrest powers, although generally only police exercised them. The law provides detainees the right to a prompt judicial determination of the legality of their detention. The law also requires authorities to notify detainees of the charges against them and inform next of kin of their detention within 24 hours of arrest, but this did not always occur in remote provinces. There is a bail system, but authorities implemented it arbitrarily. There were procedures for house arrest of detainees, particularly for health reasons. The law provides detained, arrested, or jailed persons the right to legal representation upon request. Three political prisoners were not allowed to meet with relatives. There were no other reports of prisoners held incommunicado.

Arbitrary Arrest: Police continued to exercise wide latitude in making arrests, relying on a provision of the law that permits warrantless arrests in urgent cases. Police reportedly used the threat of arrest as a means to intimidate persons or extract bribes. Local authorities detained several persons who belonged to minority religious groups. In September authorities detained (but did not charge) seven members of the Lao Evangelical Church for one week at a district jail in Champassack Province. In November in Savannakhet Province, four members of the same church were arrested during religious services. One person was subsequently released, while three others remained in jail and had not been charged with a crime.

At times authorities detained prisoners after they completed their sentences, particularly if prisoners were unable to pay court fines. In some cases, officials released prisoners if they agreed to pay fines upon their release. The government sometimes released offenders convicted of nonviolent crimes without formally sentencing them to prison. During the National Assembly's 2017 fall session, legislators called on judicial bodies to investigate instances of arrests without warrants by local police, and to which public prosecutors had turned a blind eye.

Pretrial Detention: The law limits detention without trial to one year. The length of detention without a pretrial hearing or formal charges is also limited to one year. The Office of the Prosecutor General reportedly made efforts to have authorities bring all prisoners to trial within the one-year limit, but officials occasionally did not meet the requirement, citing heavy workloads; the exact number of detainees held more than a year was unknown.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but corruption and judges acting with impunity continued to be problems. Some judges reportedly accepted bribes. The legal framework provides for defense counsel, evidentiary review, and the presumption of innocence. Despite these provisions, the country was still developing a formal justice system. Judges usually decided guilt or innocence in advance of trials, basing their decisions on police or prosecutorial investigation reports. The preferred and widely used policy for resolving disputes continued to be the “Harmonious Village Policy” or “No Case Village Policy,” which discouraged villages from referring cases to the formal justice system and provided incentives to village leaders to resolve legal disputes within village mediation units. Village leaders are not lawyers or judges and do not receive legal training. Most defendants chose not to have attorneys or trained representatives due to the general perception that attorneys cannot influence court decisions.

### **Trial Procedures**

The law provides for the right to a fair and public trial, although the judiciary did not always uphold this right. The law provides defendants a presumption of innocence. Most trials, including criminal trials, were primarily pro forma examinations of the accused and reviews of the evidence. Defendants do not have a legal right to know promptly and in detail the charges against them, but the law requires authorities to inform persons of their rights. Trials are public, except for those involving certain types of family law or related to national security, state secrets, or children younger than age 16.

The law provides defendants the right to defend themselves with the assistance of a lawyer or other persons, but there remained a lack of qualified lawyers. Lawyers sometimes were unwilling to defend sensitive cases due to fear of retaliation by local authorities. A defense attorney may be present during a trial, but his role is passive, such as asking the court for leniency in sentencing or appealing a technical matter, not arguing the merits of the case, challenging evidence, or mounting a true defense for the client. Authorities provided defense attorneys at government expense only in cases involving children, cases likely to result in life imprisonment or the death penalty, and cases considered particularly complicated, such as ones involving foreigners. There is no legal right to adequate time and facilities to prepare a defense.

The government allows interpreters to provide explanations of laws and defendant’s rights to ethnic minority citizens and foreigners who cannot

communicate in the Lao language. Interpreters receive payment based on the court fee system, which the court passes on to the defendant.

Defendants may have someone assist them in preparing written cases and accompany them at trial, but only the defendant may present oral arguments at a criminal trial. Defendants may question, present witnesses, and present evidence on their own behalf. Defendants may refuse to testify, although authorities sometimes imposed harsher penalties on defendants who did not cooperate. Defendants have the right to object to charges brought against them but do not have the right to appeal.

### **Political Prisoners and Detainees**

There were no government statistics or reliable estimates available regarding the number of political prisoners, but civil society organizations and international media reported on three political prisoners. The criminal court convicted Somphone Phimmason, Soukan Chaithad, and Lodkham Thammavong in March 2017 to 20, 16, and 12 years' imprisonment, respectively, on multiple charges including treason, propaganda against the state, and gatherings aimed at causing social disorder.

### **Civil Judicial Procedures and Remedies**

The law provides for judicial independence in civil matters, but enforcement of court orders remained a problem. A person may seek a judicial remedy for violations of civil or political rights in a criminal court or pursue an administrative remedy from the National Assembly. Individuals may seek redress for violations of social and cultural rights in a civil court.

### **f. Arbitrary Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law generally prohibits such actions, including privacy of mail, telephone, and electronic correspondence, but the government continued its broad use of security law exemptions when there was a perceived security threat.

The law prohibits unlawful searches and seizures. Although the law requires police to obtain search authorization from a prosecutor or a panel of judges, police did not always obtain prior approval, especially in rural areas. Security laws allow

the government to monitor individuals' movements and private communications, including via mobile telephones and email (see section 2.a.).

The Ministry of Public Security monitored citizen activities through a surveillance network that included secret police. A police auxiliary program in urban and rural areas, operating under individual village chiefs and local police, shared responsibility for maintaining public order and reported "undesirable" persons to police. Members of the LPRP's front organizations, including the Lao Women's Union (LWU), the Youth Union, and the Lao Front for National Construction, also monitored citizens.

The law allows citizens to marry foreigners only with prior government approval. Authorities may annul marriages entered into without approval, with both parties subject to arrest and fines. The government normally granted permission to marry, but the process was lengthy and burdensome, offering officials opportunity to solicit bribes. Premarital cohabitation with foreigners is illegal, although it was rarely enforced, and generally only when the Lao party complained of some injustice.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, but the government severely restricted political speech and writing and prohibited most public criticism it deemed harmful to its reputation.

Freedom of Expression: The law provides citizens the right to criticize the government but forbids slandering the state, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the state.

Nongovernmental organizations (NGOs) generally exercised self-censorship, particularly after the 2012 disappearance of an internationally respected civil society advocate. NGOs reported that citizens are taught at an early age not to criticize the government.

Press and Media Freedom: The state owned and controlled most domestic print and electronic media. Local news reflected government policy. The government permitted publication of several privately owned periodicals of a nonpolitical nature, including ones specializing in business, society, and trade. By law foreign

media must submit articles to the government before publication; however, authorities did not enforce these controls. The government did not allow foreign news organizations to set up bureaus in the country, except those from neighboring communist states China and Vietnam.

Although the government closely controlled domestic television and radio broadcasts, it did not interfere with broadcasts from abroad. Citizens had 24-hour access to international stations via satellite and cable television. The government required owners of satellite receivers to register them and pay a one-time licensing fee, largely as a revenue-generating measure, but otherwise made no effort to restrict their use.

The government restricted the activities of foreign journalists. Authorities denied journalists free access to information sources and at times required them to travel with official escorts.

Censorship or Content Restrictions: Officials reviewed all articles in privately owned periodicals after publication and could penalize those whose articles did not meet government approval. Publishers and journalists were generally aware of what content the government would approve for publication and practiced self-censorship. The Ministry of Information and Culture's Mass Media Department did not confirm whether the government disapproved any publication during the year.

Authorities prohibited dissemination of materials deemed indecent, subversive of national culture, or politically sensitive. Any person found guilty of importing a publication considered offensive to national culture was subject to a fine of one to three times the value of the item or a maximum imprisonment of one year.

## **Internet Freedom**

The government controlled domestic internet servers and sporadically monitored internet usage but did not block access to websites. The government maintained infrastructure to route all internet traffic through a single gateway, thereby enabling it to monitor and restrict content, although the government's technical ability to monitor internet usage was limited. The National Internet Committee under the Prime Minister's Office administers the internet system. The office requires internet service providers to submit quarterly reports and link their gateways to facilitate monitoring.

The cybercrime law criminalizes dissent and puts user privacy at risk; it requires individuals to register on social media sites with their full names, making it difficult to share news articles or other information anonymously. Authorities detained at least one person for posting online mild criticism of the government's response to a dam collapse that displaced thousands.

Authorities told social media bloggers to stop posting stories that they perceived to be critical of government policies, including posts on the government's response to flooding and corruption. In 2017 the government convicted several activists based on their use of Facebook to criticize the government while living in Thailand (see section 1.e.).

The law prohibits certain types of content on the internet, including deceptive statements, and statements against the government and the LPRP. The Ministry of Posts and Telecommunications has authority to direct internet service providers to terminate internet services of users found violating the decree.

Many poor and rural citizens lacked access to the internet. According to the International Telecommunication Union, approximately 25 percent of the population had access to the internet in 2017.

### **Academic Freedom and Cultural Events**

The law provides for academic freedom, but the government imposed restrictions. The Ministry of Education tightly controlled curricula, including in private schools and colleges.

Both citizen and noncitizen academic professionals conducting research in the country may be subject to restrictions on travel, access to information, and publication. The government required exit stamps and other mechanisms for state-employed academic professionals to travel for research or to obtain study grants.

The government requires producers to submit films and music recordings produced in government studios for official review. The Ministry of Information and Culture attempted to limit the influence of Thai culture on local music and entertainment, but these attempts had little effect.

### **b. Freedoms of Peaceful Assembly and Association**

The law places restrictions on the freedoms of peaceful assembly and association, and the government continued to restrict these rights.

### **Freedom of Peaceful Assembly**

The law prohibits participation in demonstrations, protest marches, or other acts that cause turmoil or social instability. Participation in such activities is punishable by a maximum five years' imprisonment; however, this was not strictly enforced. For example, in October 2017 a crowd of almost 2,000 persons gathered to protest outside the office of a financial company that had allegedly defrauded investors; police intervened by detaining the company's executives but did not detain any protesters.

### **Freedom of Association**

The government used laws that restrict citizens' right to organize and join associations. For example, political groups other than mass organizations approved by the LPRP are prohibited. Moreover, the government occasionally influenced board membership of civil society organizations and forced some organizations to change their names to remove words it deemed sensitive, such as "rights."

The registration process was generally burdensome, and authorities restricted NGOs' ability to disseminate information and conduct activities without interference. By law the government regulates the registration of nonprofit civil society organizations, including economic, social welfare, professional, technical, and creative associations at the district, provincial, or national level, depending on their scope of work and membership. The government did not approve registration of any new nonprofit at the national level during the year, and there was no change in the number of registered associations since 2015: 147 national-level associations were fully registered, 22 had temporary registration, and 32 others had pending applications. Taxation of civil society organizations varied from organization to organization. Taxation requirements for international and local nonprofit organizations that receive foreign funding could be cumbersome and lacked uniformity, relying heavily on prenegotiated memorandums of understanding.

Some NGOs said the August 2017 decree covering NGOs further lengthened the registration process and government officials were either uncertain or unaware of the decree, leading to further delays. The decree also states that NGOs must seek

approval from the Ministry of Foreign Affairs to receive funding greater than \$60,000. It also mandates the government to provide “advice and assistance” to NGOs to ensure their operations are in line with party policy, the law, and government regulations.

Some ministries appeared more open to engagement with civil society organizations, illustrated by an increase in invitations to attend meetings at ministries. The government also invited NGOs to the National Assembly’s intersession and plenary. Despite some positive steps, civil society organizations still faced many challenges for effective civil engagement and participation.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The government used the law to restrict freedom of internal movement, foreign travel, emigration, and repatriation. The government cooperated in some cases with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Citizens traveling for religious purposes including to minister, give advice, or visit other churches, with the exception of animist groups, are required to seek permission from central and provincial authorities. This process can take several weeks.

### **Internally Displaced Persons (IDPs)**

The absence of comprehensive and timely monitoring by international organizations and independent observers made it difficult to verify the number and condition of IDPs; their situation, protection, and reintegration; government restrictions on them; and their access to basic services and assistance. The collapse of a dam under construction in Attapeu Province in July resulted in the displacement of an estimated 6,000 persons.

The government continued to relocate some villagers to accommodate land concessions given to development projects and relocated highland farmers, mostly from ethnic minority groups, to lowland areas under its plan to provide better access to roads and health and education services, and to end opium production and slash-and-burn agriculture. Families frequently reported the government displaced them for government projects, for example a railroad linking Vientiane with China.

Although resettlement plans called for compensating farmers for lost land and providing resettlement assistance, in many cases villagers considered the assistance insufficient. Moreover, in some areas farmland allotted to relocated villagers was poor and unsuited for intensive rice farming. The government relied on assistance from NGOs, bilateral donors, and international organizations to cover the needs of those it resettled, but such aid was not available in all areas.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, but the government has not established a system for providing protection to refugees. The government did not routinely grant refugee or asylum status, but it dealt with individuals on a case-by-case basis.

Authorities reportedly detained refugees recognized by UNHCR, such as Kha Yang after his deportation from Thailand in 2011. Authorities did not acknowledge UNHCR requests for access to him at that time. Kha Yang's whereabouts remained unknown.

The government's policy both for Hmong surrendering internally and for those returned from Thailand was to return them to their community of origin whenever possible.

### **Section 3. Freedom to Participate in the Political Process**

The law denies citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and it did not provide for the free expression of the will of the people. Although the constitution outlines a system comprising executive, legislative, and judicial branches, the LPRP controlled governance and leadership at all levels through its constitutionally designated leading role.

## **Elections and Political Participation**

The National Assembly appointed election committees, which must approve all candidates for local and national elections. Candidates do not need to be LPRP members, but almost all were, and the party vetted all candidates, including those in the 2016 National Assembly election. In 2016 the National Assembly began to decentralize its power by establishing provincial councils composed of 360 members countrywide selected from 508 candidates. Most candidates were either government staff or party members.

The National Assembly chooses or removes the country's president, vice president, and other members of the government. The Standing Committee, which comprised the National Assembly's president, vice president, and committee heads, supervises all administrative and judicial organizations; has sole power to recommend presidential decrees; and appoints the National Election Committee, which has authority over elections, including approval of candidates. The activities of the Standing Committee and the National Election Committee were not transparent. The National Assembly exerted public oversight over the executive branch.

Recent Elections: The most recent national election for National Assembly members was in 2016. The government allowed independent observers to monitor the election process; the LPRP selected all candidates. Several of the observers were members of the diplomatic corps in the country, as well as foreign press. The government determined which polling stations the various observers could visit, and these selected polling stations were reportedly better prepared and organized than others not under observation.

Political Parties and Political Participation: The constitution legitimizes only the LPRP. The formation of other political parties is illegal.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Of the population, 80 percent lived in rural areas where the village chief and council handled most routine matters, and fewer than 3 percent of village chiefs were women. The LPRP's Party Congress elections in 2016 increased the number of ethnic minority members in the 69-member LPRP Central Committee from seven to 15, and from two to three in the 11-member Politburo. The number of ethnic minority ministers in the 27-member cabinet increased from two to six, including a deputy prime minister.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials and the government made some progress in addressing corruption. Some officials continued to engage in corrupt practices with impunity.

Corruption: Government-controlled media repeatedly reported official corruption was an outstanding problem and noted that nearly \$45 million was lost in 2017 “through the violation of laws and financial disciplines by government bodies and the private sector.” The government reportedly cracked down on corruption at the national and provincial levels. The State Audit Office and State Inspection and Anti-Corruption Authority (SIAA) officials stated they were operating with an unprecedented level of autonomy and authority to conduct inspections that lead to enforcement actions. In September, eight Ministry of Finance employees were expelled for corruption and faced criminal charges, but details of the charges were not provided to media. The government established an anticorruption hotline that reportedly was very active, and members of the public frequently raised awareness of government officials’ inappropriate or suspicious activities on social media, without such postings being censored or removed. Nonetheless, the head of the National Anti-Corruption Agency stated that corruption “is getting worse.”

Financial Disclosure: There is no legal requirement for public disclosure of assets and income by appointed or elected officials, although LPRP policy requires senior officials, prior to taking their designated positions, to disclose their personal assets and those of their dependents, but not their incomes, to the party’s inspection committee. The committee inspects the officials’ assets before and after they have been in their positions. Persons not compliant with this policy are subject to unspecified measures, although the LPRP used its control of government authorities and media to block public censure of corrupt officials who were party members.

The SIAA implemented a second round of asset declarations requiring all government agencies at the central and provincial levels to declare their assets between March and September 2017. The SIAA did not announce any findings.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Domestic and international human rights groups operated only under government oversight, and the government limited their ability to investigate or publish findings on human rights abuses.

The government intermittently responded in writing to requests for information on the human rights situation from international human rights organizations. Moreover, the government maintained human rights dialogues with some foreign governments and continued to receive training in UN human rights conventions from international donors.

Government Human Rights Bodies: The government continued to support a National Steering Committee on Human Rights, chaired by a minister and head of the President's Office, and composed of representatives from the government, National Assembly, the judiciary, and official mass organizations.

The Department of Treaties and Legal Affairs in the Ministry of Foreign Affairs acts as the secretariat for the National Human Rights Steering Committee and has authority to review and highlight challenges and constraints in the protection of human rights.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape, and provides for penalties of three to five years' imprisonment. Sentences are significantly longer and may include capital punishment if the victim is younger than 18 years or is seriously injured or killed. Rape cases tried in court generally resulted in convictions with sentences ranging from three years' imprisonment to execution. A 2016 UN Population Fund study found that one in seven women experienced physical or sexual violence and most of those women said they had experienced such violence multiple times. Only 4 percent of women who had experienced violence contacted the police.

Domestic violence is illegal, but there is no law against marital rape, and domestic violence often went unreported due to social stigma. Penalties for domestic violence, including battery, torture, and detention of persons against their will, may include both fines and imprisonment. The law grants exemption from penal liabilities in cases of physical violence without serious injury or physical damage.

The LWU and the Ministry of Labor and Social Welfare, in cooperation with NGOs, assisted victims of domestic violence. The Counseling and Protection Center for Women and Children in Vientiane operated a countrywide hotline for persons to report incidents of domestic violence and receive telephonic counseling.

Sexual Harassment: The law does not criminalize sexual harassment, but indecent sexual behavior toward another person is illegal and may be punished by six months to three years in prison. Victims rarely reported sexual harassment, and its prevalence remained difficult to assess.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The law provides equal rights for women as for men and equal pay for equal work, but in some regions, traditional attitudes about gender roles kept women and girls in subordinate positions and prevented them from equally accessing education, employment, and business opportunities. The law also prohibits discrimination in marriage and inheritance, although varying degrees of cultural-based discrimination against women persisted, with greater discrimination practiced by some ethnic minority groups in remote areas.

The LWU operated countrywide to promote the position of women in society, including conducting programs to strengthen the role of women; the programs were most effective in urban areas. Many women occupied decision-making positions in civil service and private business, and in urban areas, their incomes frequently were higher than those of men. Poverty continued to affect women disproportionately, especially in rural and ethnic minority communities.

## **Children**

Birth Registration: Regardless of where they are born, children acquire citizenship if both parents are citizens. Children born of one citizen parent acquire citizenship if born in the country or, when born outside the country's territory, if one parent has a permanent in-country address. Parents did not register all births immediately. The village chief registers children born in remote areas, and then the local authority adds the name and date of birth of the child in the family registration book. Every family must have a family registration book. If parents failed to register a child at birth, they could request to add the child to the family registration book later.

Education: Education is compulsory, free, and universal through fifth grade, but a shortage of teachers and the expectation children would help their parents with farming in rural areas prevented some children from attending school. There were significant differences among ethnic groups in the educational opportunities available to boys and girls. To increase elementary school attendance by ethnic minority children, the government continued to support the establishment of dormitories in rural areas countrywide. School enrollment rates for girls were lower than for boys, although the gender disparity continued to decrease. According to 2016 data, 17 percent of school-age girls, compared with 11 percent of school-age boys, never attended school.

Child Abuse: The law prohibits violence against children, and offenders are subject to re-education programs and unspecified penal measures in more serious cases. (For statistics on violence against children, see the UNICEF website.)

Early and Forced Marriage: The legal minimum age of marriage for boys and girls is 18 years, but the law allows marriage as young as 15 years with parental consent. Approximately 35 percent of girls married before they reached 18 years, and 9 percent married before they were 15 years old, a practice particularly prevalent among certain ethnic groups and impoverished rural families.

Sexual Exploitation of Children: The age of consensual sex is 15 years. The law does not provide penalties for child prostitution, but the penalty for sex with a child (defined as younger than 15 years) is one to five years' imprisonment and a fine of 500,000 to three million kip (\$58 to \$350). The law does not include statutory rape as a crime distinct from sex with a child or rape. Authorities did not treat child pornography differently from pornography in general, for which the penalty is three months to one year in prison and a fine of 50,000 to 200,000 kip (\$5.85 to \$23.40).

The country was a destination for child sex tourism. The government continued efforts to reduce demand for commercial sex through periodic raids and training workshops. The government and NGOs hosted seminars to train tourism-sector employees, and many major international hotels in Vientiane and Luang Prabang displayed posters warning against child sex tourism.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

There was no significant Jewish community in the country, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

Although constitutional protections against discrimination do not apply specifically to persons with disabilities, regulations promulgated by the Ministry of Labor and Social Welfare and the Lao National Commission for the Disabled generally sought to protect such persons against discrimination. Authorities rarely enforced these regulations. Little information was available regarding discrimination in the workplace, although persons with disabilities reported it was difficult sometimes to access basic services and obtain employment.

The Ministry of Labor and Social Welfare has primary responsibility for protecting the rights of persons with disabilities. The Ministry of Health is also involved in addressing health-related needs of persons with disabilities and continued to coordinate with international NGOs.

The law requires construction projects begun after 2009 to provide accessibility for persons with disabilities, particularly buildings, roads, and public places. The law does not mandate accessibility to buildings built before its enactment or government services for persons with disabilities, but Ministry of Labor and Social Welfare regulations resulted in construction of additional sidewalk ramps.

The government continued to implement its strategic plan to protect the rights of children with disabilities and enable them to study alongside other children in schools countrywide. The nongovernmental Lao Disabled People's Association noted that in many cases students with disabilities lacked access to separate education.

## **National/Racial/Ethnic Minorities**

The law provides for equal rights for all members of national, racial, and ethnic groups and bars discrimination against them, including in employment and occupation. Nonetheless, some societal discrimination persisted. Moreover, some critics continued to charge the government's resettlement program for ending slash-and-burn agriculture and opium production adversely affected many ethnic minority groups, particularly in the north. Some minority groups not involved in resettlement, notably those in remote locations, maintained they had little voice in government decisions affecting their lands and the allocation of natural resources from their areas. In some rural ethnic minority areas, a lack of livelihoods and decent employment contributed to significant migration to urban areas and practices such as illegal logging.

Of the 49 official ethnic groups in the country, the Hmong are one of the largest and most prominent. A number of Hmong officials served in senior ranks of government and the LPRP, including one Politburo member and several members of the LPRP Central Committee. Some Hmong maintained separatist or irredentist political beliefs, and small, scattered pockets of insurgents and their families remained in rural areas. The government continued to reduce its efforts to combat them actively, while continuing to offer amnesty to those who surrendered. Amnestied insurgents continued to be the focus of official suspicion and scrutiny, and the government leadership remained suspicious of the political objectives of some Hmong.

## **Acts of Violence, Discrimination and Other Abuses Based on Sexual Orientation and Gender Identity**

No law prohibits discrimination based on sexual orientation or gender identity for housing, employment, or government services. There were no reports of discrimination, but observers believed societal stigma and concern about repercussions led some to withhold reporting incidents of abuse.

There were no legal impediments to lesbian, gay, bisexual, transgender, and intersex (LGBTI) organizational activities, but the government discouraged such activities by withholding approval to organizations wishing to hold public awareness activities.

Some societal discrimination in employment and housing persisted, and there were no governmental efforts to address it. Local activists explained that most openly

LGBTI persons did not attempt to apply for government or high-level private-sector jobs because there was a tacit understanding that employers were unwilling to hire them. Reports indicated lesbians faced greater societal stigma and discrimination than gay men, while the transgender population faced the highest levels of societal stigma and discrimination.

### **HIV and AIDS Social Stigma**

Research conducted in 2012 found persons with HIV/AIDS faced significant social stigma, which for some resulted in verbal and physical assault, job loss, and income loss. The Ministry of Health continued to promote tolerance and understanding of persons with HIV/AIDS through public-awareness campaigns. The government took steps to include gay men and transgender persons in its National Strategy and Action plan for HIV/AIDS prevention. Senior government officials stated that stigma towards the LGBTI community had decreased in at least some parts of society, although the government did not directly address or support transgender issues.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law does not provide for the right of workers to form and join worker organizations independent of the Lao Federation of Trade Unions (LFTU), an organ of the LPRP. The law defines collective bargaining but does not set out conditions, and it requires the examination of all collective bargaining agreements by the Labor Administration Agency (LAA). The law provides for the right to strike, subject to certain limitations. The law does not permit police, civil servants, foreigners, and members of the armed forces to form and join unions. There is a general prohibition against discrimination against employees for reasons unrelated to performance, although there is no explicit prohibition against antiunion discrimination. There is no explicit requirement for reinstatement of workers fired for union activity.

The law requires a workforce of 10 or more workers to elect one or more employee representatives. Where a trade union exists, the head of the union is by default the employee representative. Both representatives and trade union heads may bargain collectively with employers on matters including working conditions or recruitment, wages, welfare, and other benefits.

November 2017 amendments to the Trade Union Law do not provide for independent labor unions or worker associations not affiliated with the LFTU, but they do provide for the ability of workers in the informal economy, including workers outside of labor units or who were self-employed, to join LFTU-affiliated unions. It also establishes rights and responsibilities for “laborer representatives,” which the law defines as “an individual or legal entity selected by the workers and laborers in labor units to be a representative to protect their legitimate rights and interest....”

There was no information on the resources dedicated to enforcement of freedom of association provisions of the labor laws. Penalties under law for infringing on workers’ freedom of association include fines, incarcerations, and/or business license revocation, and they were not considered sufficient to deter violations.

Unions were not independent of the government or its political party and operated within the framework of the LFTU. The government reported the law permits affiliation between independent unions of separate branches of a company but stated the law does not explicitly allow or disallow affiliation at the industry, provincial, or national levels. There were reports unions not affiliated with the LFTU existed in industries, including the garment industry, light manufacturing, and agriculture processing.

Labor disputes reportedly were infrequent, and the Ministry of Labor and Social Welfare generally did not enforce the dispute resolution section of the labor law, especially in dealings with joint ventures in the private sector. Employee representatives and ad hoc workers’ groups tried to resolve complaints, as did, according to some reports, representatives of the LWU and local community leaders. There was little information available on the effectiveness of employee representatives, although anecdotal evidence suggested some had successfully negotiated for higher wages and better benefits.

The law provides for imprisonment penalties for those who join an organization that encourages protests, demonstrations, and other actions that might cause “turmoil or social instability.” The government’s overall prohibition of activities it considered subversive or demonstrations it considered destabilizing, lack of familiarity with the provisions of the amended labor law, and a general aversion to open confrontation continued to make workers extremely unlikely to exercise their right to strike.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The law prohibits private employers from using forced labor, and the penalties for perpetrating forced labor can include fines, suspension from work, revocation of business license, and prosecution. There may be civil or criminal prosecutions for forced labor violations. Penalties for trafficking in persons, which includes forced labor, consist of imprisonment, fines, and confiscation of assets. Such penalties were sufficiently stringent to deter violations. Due to limited numbers of inspectors, among other factors, the government did not effectively enforce the law.

According to civil society organizations, the establishment of large-scale, foreign-invested agricultural plantations led to displacement of local farmers, increasing their vulnerability to forced labor. Unable to continue traditional practices of subsistence agriculture, many farmers sought employment as day laborers through local brokers.

Also, see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law establishes 14 years as the minimum age for employment. The law allows children from ages 14 to 18 to work a maximum of eight hours per day, provided such work is not dangerous or difficult. Employers may, however, employ children from ages 12 to 14 to perform light work. The law applies only to work undertaken in a formal labor relationship, not to self-employment or informal work. The overwhelming majority of trafficking victims (60 percent) were girls between ages 12 and 18, and most victims (35 percent) ended up in forced prostitution.

The Ministry of Public Security and Justice, and the Ministry of Labor and Social Welfare are responsible for enforcing child labor laws, including in the informal economy, but enforcement was ineffective due to the lack of inspectors. The law prescribes penalties of imprisonment and fines, which were not sufficient to deter violations. The Ministry of Labor and Social Welfare conducted public awareness campaigns, organized workshops with the National Commission for Mothers and Children in the northern and southern provinces, and collected data on child labor as part of its effort to implement the National Plan of Action for the elimination of the worst forms of child labor.

According to the government's *Child Labor Survey* report, released in 2013 and based on 2010 data, the latest such data available, approximately 90 percent of child labor occurred in the agricultural, fishing, or forestry sectors, and more than two-thirds of child laborers were involved in work defined as hazardous according to international standards. Many children helped on family farms or in shops and other family businesses, but child labor was rare in industrial (e.g., manufacturing) enterprises. There were reports of commercial sexual exploitation of children (see section 6, Children).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits direct or indirect discrimination by employers against employees and prohibits all action by the employer that hinders, is biased, or limits opportunities for promotion and confidence on the part of the employee. The law, however, does not explicitly prohibit employment discrimination based on race, disability, language, sexual orientation, gender identity, political opinion, national origin or citizenship, social origin, age, language, HIV-positive status, or other communicable diseases.

The law requires equal pay for equal work and prohibits discrimination in hiring based on a female employees' marital status or pregnancy, and it protects against dismissal on these grounds. The government enforced prohibitions against employment discrimination or requirements for equal pay; penalties under law included fines but were insufficient to deter violations.

Women faced obstacles in equal access to employment.

#### **e. Acceptable Conditions of Work**

In May the government raised the monthly minimum wage for all private-sector workers to 1.1 million kip (\$130) per month. The minimum wage for civil servants and state enterprise employees was 1.4 million kip (\$165) per month. The government estimated the national poverty line at an average income of 10,000 kip (\$1.17) per person per day.

The law provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities). Overtime may not exceed 45 hours per month, and each period of overtime may not exceed three hours. Employers may apply to the government for an exception, which the law stipulates workers or their representatives must also approve.

The law provides for safe working conditions and higher compensation for dangerous work, but it does not explicitly protect the right of workers to remove themselves from a hazardous situation. In case of injury or death on the job, employers are responsible to compensate a worker or the worker's family. The law requires employers to report to the LAA accidents causing major injury to or death of an employee or requiring an employee to take a minimum of four days off work. The law also mandates extensive employer responsibility for workers who became disabled while at work.

The law also prohibits the employment of pregnant women and new mothers in occupations deemed hazardous to women's reproductive health. The law requires the transfer of women working in such jobs to less demanding positions, and they are entitled to maintain the same salary or wage.

The Department of Labor Management within the Ministry of Labor and Social Welfare is responsible for workplace inspections. The government did not always effectively enforce the law. There was an insufficient number of inspectors to enforce compliance because they were only able to inspect a limited number of entities under their purview. The government did not always pay some civil servants on time and delayed salary payments for as long as three months. Some piecework employees, especially on construction sites, earned less than the minimum wage. The overtime or wage law was not effectively enforced. The law does not specify penalties for noncompliance with occupational safety and health provisions, but they could include warnings, fines, "re-education," or suspension of business license.

There were a number of undocumented migrants in the country, particularly from Vietnam and Burma, who were vulnerable to exploitation by employers in the logging, mining, and agricultural sectors. Migrants from China and Vietnam also worked in construction, plantations, casinos, and informal service industries, sectors where wage and occupational safety and health violations were more common. The International Organization for Migration reported undocumented migrants often preferred not to seek medical help due to language barriers and mistrust of local medical services.