

Laos - United States Department of State

LAOS: Tier 2

The Government of Laos does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Laos was upgraded to Tier 2. These efforts included investigating the country's first domestic trafficking cases involving foreign victims and securing its first conviction for domestic trafficking. The government significantly increased funding for anti-trafficking activities pursuant to the national action plan and increased multi-sectoral cooperation and awareness at the central and provincial levels and with civil society organizations. However, the government did not meet the minimum standards in several key areas. While the government continued to develop its national victim protection and referral guidelines, it did not approve these guidelines during the reporting period. The government continued to struggle to identify Lao and foreign victims of trafficking within Laos, despite acknowledgment by Lao authorities and NGOs of the increased risk of trafficking in specialized economic zones, agricultural plantations, and large-scale infrastructure projects. Victim protection services remained insufficient for male victims. The government continued to ban workers from migrating overseas for certain unskilled employment categories, which created a risk that some workers would migrate through informal channels, increasing their vulnerability to unscrupulous recruitment agents and traffickers.

PRIORITIZED RECOMMENDATIONS:

Continue to increase efforts to disseminate, implement, and train police and border officials on the national victim protection and referral guidelines, with a focus on vulnerable groups. • Screen for trafficking indicators among vulnerable groups, including but not limited to foreign workers, including North Korean workers, and Lao workers on large infrastructure, mining, and agricultural projects and returning from work overseas, and among Lao and foreign women in domestic prostitution. • Strengthen efforts to secure, formalize, and monitor border crossings in remote and mountainous areas commonly used by Lao labor migrants returning from abroad, and screen for trafficking indicators among them. • Further train law enforcement officials at the national and local level on updates to the Lao Penal Code to improve their ability to investigate, prosecute, and convict traffickers, including complicit officials and child sex tourists. • Increase trafficking investigations, prosecutions, and convictions. • Continue to collaborate with civil society to update and extend the national action plan beyond 2020, taking into account changing trends and trafficking vulnerabilities. • Increase government efforts and resources dedicated to service provision and assistance programs for victims, and expand these services for male victims. • Eliminate the requirement that victims formally request restitution in order to receive compensation from their traffickers. • Further improve transparency by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among ministries and with nongovernmental stakeholders. • Reduce barriers to formal labor migration to reduce vulnerability of migrant workers, including by lifting the

current ban on migration for domestic work and taking steps to eliminate employee-paid recruitment fees. • Strengthen efforts at diplomatic missions overseas to identify and assist Lao victims of sex and labor trafficking.

PROSECUTION

The government moderately increased law enforcement efforts. The government's revised penal code, promulgated in November 2018, was in effect in 2019. Article 215 of the penal code criminalized sex trafficking and labor trafficking and prescribed increased penalties of five to 15 years of imprisonment and a fine of 10 million to 100 million Lao kip (\$1,130 to \$11,280); if the offense involved a child victim, the fine range increased to 100 million to 500 million Lao kip (\$11,280 to \$56,400). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape.

In 2019, the Anti-Trafficking Department (ATD) within the Ministry of Public Security reported investigating 32 incidents (39 in 2018), culminating in the opening of 14 trafficking cases (26 in 2018). At the end of the year, there were 12 ongoing investigations (18 in 2018). Two ongoing cases involved five suspected sex traffickers who allegedly exploited 10 Vietnamese victims—the first time the government has reported investigating human trafficking cases involving foreign victims in Laos. Authorities initiated prosecutions in 14 cases against 25 suspected traffickers, compared with 12 cases in 2018. The government secured convictions against 18 traffickers in 12 cases (10 sex trafficking and two labor trafficking, involving 33 victims, 10 of whom were minors), compared with 27 convictions in 11 cases in 2018. For the first time, the government secured a conviction for internal sex trafficking. Courts sentenced traffickers to between two and a half years and 18 years of imprisonment and fines ranging from five million to 120 million Lao kip (\$560 to \$13,540). Courts confiscated 113.54 million Lao kip (\$12,810) and 20,600 Chinese renminbi (\$2,960) in assets from traffickers and awarded 281 million Lao kip (\$31,700) to victims in six cases during 2019. The government provided no information on cases or prosecutions of foreign nationals in Laos who engaged in child sex tourism.

Authorities continued to develop manuals on the management of trafficking cases and to provide extensive training to law enforcement officials, including at subnational levels, directly funding these trainings and collaborating with international organizations. The government cooperated with China, Thailand, and Vietnam pursuant to existing bilateral agreements on information sharing, case investigation and prosecution, and victim repatriation. Luang Prabang provincial authorities, the central government, and Vietnamese authorities identified possible Vietnamese sex trafficking victims in Laos. Also, with assistance from Thailand, the government convicted a Lao broker of labor trafficking in a case involving a male Lao victim and provided restitution to the victim. Several provinces and districts signed memorandums of understanding (MOUs) with Thai officials to promote further cooperation. Despite past reports that some low-level officials might have contributed to trafficking vulnerabilities by accepting bribes for the facilitation of immigration and transportation of girls to China, the government did not report any investigations, prosecutions, or convictions of officials for complicity in trafficking or trafficking-adjacent crimes during the year.

PROTECTION

The government maintained victim protection efforts. In consultation with civil society organizations, the government continued to develop its national victim protection and referral guidelines to establish uniform, protective procedures for referring victims to services with the opportunity to seek justice. However, the government did not approve these guidelines during the reporting period. ATD and other police and border officials stationed near or in at-risk communities continued to employ the existing victim identification manual. The government increased measures to identify victims within Laos and among returning migrant populations and refer them to services. However, the lack of consistent identification and referral practices throughout the country remained an obstacle to combating trafficking. The central ATD was the sole authority able to identify a trafficking victim. In practice, provincial police, immigration police, village-level authorities, the Lao Women's Union (LWU), and NGOs identify victims and may report cases to the ATD. Overseas, Lao diplomatic officials are responsible for identifying victims and reporting cases to the ATD or Ministry of Foreign Affairs; the government reported that these diplomats continued to employ the victim identification manual. However, the ATD may not count or track victims who decline official assistance. Authorities in neighboring countries identified most Lao victims exploited abroad.

Similar to 2018, the government did not report a comprehensive number of identified victims (86 in 2017). However, the LWU, which operated the government's single shelter for trafficking victims, reported providing services to 39 victims during 2019 (52 official victims in 2018). Of the 39 victims, 35 were female, four were male, 34 were victims of sex trafficking, and five were victims of labor trafficking. Observers reported that non-governmental shelters assisted an additional nine victims; of these victims, at least six were female and three were potential victims of labor trafficking. The 2016 anti-trafficking law entitled victims to shelter, legal counseling, medical services, education or vocational training, and financial assistance for reintegration, regardless of sex or nationality; however, in practice, sufficient services and shelter for men remained lacking. Some victims received restitution through the criminal justice process; however, courts did not provide restitution unless the victim or advocate specifically requested it. The government reported that victims may also request civil compensation and that this civil procedure can be combined with a criminal trial. Notably in 2019, officials in some northern and southern border provinces and in the capital established protocols and MOUs with cross-border counterparts to screen returning migrants from Thailand and to a lesser extent, from China, for trafficking indicators and to refer victims to services. However, the government continued to lack such proactive screening and referral protocols within foreign-owned rubber and banana plantations, special economic zones, Laos-China railway construction sites, and garment factories, as well as during some police raids of brothels, bars, and restaurants. The Supreme People's Court continued to allow victims to testify behind a curtain to protect their privacy and ensure their safety. The government reported that it funded the repatriation of foreign victims in 2019 but did not provide details about or a comprehensive number of such repatriations.

PREVENTION

The government increased prevention efforts. For the first time, the government reported its budget for anti-trafficking activities pursuant to the national action

plan, reporting a three-fold increase since 2017 to 300 million Lao kip (\$33,840) provided to each ministry during 2018-2019, which included foreign assistance. Ministries could apply to receive more than this amount; however, the government did not report its total anti-trafficking budget. The ministerial level National Steering Committee on Anti-Human Trafficking and the working-level National Secretariat on Anti-Human Trafficking met regularly and led Laos' anti-trafficking response. The Prime Minister's 2018 decree on the creation of multi-sectoral anti-trafficking steering committees at the provincial and district levels to implement the 2016 anti-trafficking law and national action plan remained a priority. The government newly reported during this reporting period that all 18 provinces had established a committee, and in 12 of those provinces, so had every district. The government also assigned personnel with experience working on human trafficking to steering committees. In practice, coordination between central and local authorities remained a challenge; however, coordination with civil society organizations improved, through joint trainings and formal consultations and partnerships at national and sub-national levels. This collaboration with civil society was evident in the government's formulation of its next national action plan and of the national victim protection and referral guidelines, as well as in its screening of Lao migrants returning from Thailand via southern border crossings. This was despite government-imposed burdensome reporting requirements, required prior approval for planned activities, and constraints on the receipt of funding from international donors.

State-controlled media highlighted human trafficking cases and government anti-trafficking efforts, and the government—at central and provincial levels—conducted multiple awareness campaigns designed to reach tens of thousands of participants. The government also funded other awareness mechanisms, including a manual on preventing child sex tourism and a workshop on safe migration for some district-level officials. The Ministry of Education and Sports incorporated a human trafficking component into the primary school curriculum. Three government entities—including the LWU—operated hotlines that each reportedly received an average of two calls per day; however, not all hotline staff provided effective assistance or follow-up, and public awareness of these hotlines appeared limited. The government began evaluating implementation of its 2016-2020 national action plan and considered, in consultation with civil society organizations, ideas for a new plan for 2021-2025. However, the government's annual progress reports on implementation of the existing plan were not publicly available.

Regulations for Lao workers migrating abroad are designed to prevent trafficking but may in fact exacerbate vulnerability to it. A Ministry of Labor and Social Welfare (MLSW) regulation continued to ban certain unskilled employment categories overseas (e.g., domestic work), which created the risk that some workers would migrate through informal channels, increasing their vulnerability to unscrupulous agents and traffickers. MLSW continued to oversee 24 recruitment agencies authorized to recruit for jobs abroad. These agencies acted as gatekeepers to the formal migration process in Laos. Lao law allowed these agencies to charge workers various recruitment fees. A 2002 MOU on employment cooperation with the Government of Thailand, still in force, provided for a formal labor migration process, but it was costly to workers (requiring forced savings for repatriation and payment of other fees), complex, and time-consuming. As a result, the MOU process has not dissuaded migrants from utilizing irregular migration schemes, though the MOU process led to higher wages and fewer hours of work. A 2018 study by an international organization found formal recruitment centers passed on fees to

workers, many workers did not understand the contracts they signed with the recruitment centers, and some Thai employers withheld workers' passports, all of which increased workers' vulnerability to trafficking. The government did not provide anti-trafficking training to its diplomatic personnel during the reporting period, though it provided trainings on fraudulent marriage and potential sex trafficking for its personnel in China the prior year. The MLSW's labor attaché in Thailand continued to monitor worksites, but the government did not report that the attaché received training on identifying and referring trafficking cases. Government capacity to register births and issue family books and other civil documents, particularly in remote areas of the country, remained limited and contributed to vulnerability.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Laos, and traffickers exploit victims from Laos abroad. Laos is primarily a source country for human trafficking, particularly to Thailand and China, as well as Vietnam and Malaysia. Traffickers exploit a large number of Lao women and girls in Thailand in commercial sex and forced labor in domestic service, factories, or agriculture, and in some cases exploit those sold as brides in China in sex trafficking or domestic servitude. Traffickers exploit Lao men and boys in forced labor in Thailand's fishing, construction, and agricultural industries. Some local officials reportedly contribute to trafficking vulnerabilities by accepting payments to facilitate the immigration of girls to China.

Lao trafficking victims, especially from the southern region of the country, are often migrants seeking opportunities abroad whom traffickers exploit in labor or sex trafficking in destination countries. Some victims migrate with the assistance of legal or illegal brokers charging fees, while others move independently through Laos' 101 official border crossings using valid travel documents. Many of these border crossings are managed by provincial or district level immigration authorities with less formal training and have more limited hours of operation, making them easier transit points for traffickers to facilitate the movement of Lao victims into neighboring countries. Individuals offering transportation services near the Thai border facilitate the placement of economic migrants into forced labor or sex trafficking in Thailand. Foreign traffickers increasingly collaborate with local Lao middlemen to facilitate trafficking. Vehicle drivers sometimes intercept migrants when they return to Laos and facilitate their re-trafficking. Traffickers in rural communities often lure acquaintances and relatives with false promises of legitimate work opportunities or promises of marriage in neighboring countries and then subject them to sex or labor trafficking. Minors from poor, rural areas are especially vulnerable. Students often have little incentive to continue their education, especially given the legal work age of 14 and the lure of higher wages abroad.

With no oversight by local authorities, foreign and Lao workers at or near foreign-owned or foreign-operated agricultural plantations, railway construction sites, and special economic zones are extremely vulnerable to forced labor and sex trafficking. There are reports that the Boten Economic Zone near the border with China houses a flourishing commercial sex industry. Other reports indicate that Burmese nationals working as manual laborers or involved in commercial sex near the Lao portion of the "Golden Triangle"—the geographic area marked by the intersection of the Lao, Burmese, and Thai borders—may be victims of trafficking. Traffickers also

exploit Vietnamese, Chinese, and Lao women and children in sex trafficking in larger Lao cities and in close proximity to national borders, casinos, and special economic zones—reportedly to meet the demand of Asian tourists and migrant workers. NGOs estimate 13,000 individuals are in prostitution in Lao commercial establishments and are potentially vulnerable to sex trafficking, with as many as three times that figure operating independently throughout the country. Reports indicate child sex tourists from the United Kingdom, Australia, and the United States have traveled to Laos for the purpose of exploiting child sex trafficking victims. North Koreans working in Laos may have been forced to work by the North Korean government during the reporting year.