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U.S. Department of State

Laos Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

LAOS

The Lao People's Democratic Republic (LPDR) is an authoritarian one-party state ruled by the Lao People's Revolutionary Party (LPRP). The judiciary is subject to executive influence.

The Ministry of Interior (MOI) remains the main instrument of state control. MOI police maintain order and monitor Lao society and foreign nationals, including foreign officials and diplomats. The degree of surveillance varies by locality, but overall has diminished considerably in recent years.

Laos is an extremely poor country. After the LPRP came to power in 1975, at least 350,000 people fled the country to escape the Government's harsh political and economic policies. Since 1986 the Government has largely abandoned its Socialist economic agenda. Economic reforms have moved the country from a moribund, centrally planned system to a growing, market-oriented economy open to foreign investment.

There has been a general trend away from the harsh conditions that existed after the LPRP assumed power in 1975, but serious problems remain. Citizens do not have the right to change their government. Even with ongoing economic liberalization, the adoption of a Constitution in 1991, and National Assembly elections in 1993 and 1997, the Government has only slowly eased restrictions on basic freedoms and begun codification of implementing legislation for rights stipulated in the Constitution. Many of the rights provided for in the Constitution have not been codified with implementing legislation. In practice, the Government restricts the freedoms of speech, assembly, and, to a lesser

extent, religion, even though they are provided for in the Constitution. Citizens do not have the right to privacy and do not enjoy a free press, although most citizens have ready access to a variety of foreign media. Prison conditions remain harsh, and some societal discrimination against women and minorities persists.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government officials.

In May government troops shot two European tourists camped in a remote area, killing one and wounding the other, possibly prompted by attacks on government troops by antigovernment elements in the area. Those responsible for the shooting had not made adequate efforts to identify the campers before firing. The Government has not publicly charged the soldiers. The Government does not ordinarily publicize lethal incidents.

On January 16, unknown persons reportedly killed eight Hmong villagers, including five children, in a remote mountainous area. Villagers from the area said that the perpetrators were ethnic Hmong not associated with the Government. The Government's human rights monitoring unit said that it is investigating the report.

Attacks by armed bands on government, foreign, and Lao travelers and businessmen continued in the central and north central region. The attacks apparently involve a mixture of factors including insurgency, clan rivalry, highway robbery and reaction to encroaching development.

b. Disappearance

There were no reports of politically motivated disappearances.

In September 1993, Vue Mai, a Hmong leader who in November 1992 returned voluntarily to Laos from a refugee camp in Thailand, disappeared in Vientiane. No new information relevant to the case came to light during the year.

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

The Penal Code prohibits torture or mistreatment of prisoners, and the Government generally observed these principles in practice.

Prison conditions are harsh but not life threatening. Prison authorities deny some prisoners regular family visits, and medical care ranges from inadequate to nonexistent. Inmates sometimes resort to bribing guards to obtain food and medicines. Prison conditions for women are similar to those for men. The extent of sexual harassment in prison is unknown, but it is not believed to be a serious problem. There is no independent monitoring of prison conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and Penal Code provide some protection, including a statute of limitations for those

accused of crimes, but the Government does not fully respect these provisions. Those accused of hostility toward the regime are subject to arrest and confinement for long periods.

An unconfirmed report that eight Hmong were arrested by the Government in Xieng Khouang province was submitted to the newly established human rights monitoring unit in the Ministry of Foreign Affairs, which is investigating the charge (see Section 3).

While citizens have the protection of due process, authorities have reportedly arrested some persons based on unsupported accusations and without informing them of the charges, the accusers' identities, or their legal rights. Due process rights are unevenly upheld across the country.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the independence of judges and prosecutors and protects their decisions from outside scrutiny. In practice, however, the courts, which are understaffed and poorly trained, appear to accept recommendations of other government agencies, especially the Ministry of Interior, in making their decisions.

The judiciary is composed of district courts, provincial courts, and the Supreme Court.

Although regulations provide for public trial, widespread ignorance of constitutional rights among both citizens and law enforcement authorities at times results in trials that are little more than public announcements of predetermined verdicts. Politically sensitive trials have not been open to the public, although trials of civil crimes appeared to be open; these are increasingly publicized in the media. The Government held seminars for court officials during the year to increase awareness of legal rights and procedures, and government publications have printed articles describing citizens' rights.

There is provision for appeal to the provincial courts and the Supreme Court. Senior government and party officials reportedly may also review politically sensitive cases.

The Constitution provides that all accused persons have the right to defend themselves in court. A board of legal advisors formed in 1991 was suspended in 1992, pending enactment of a legally clarified body of governing regulations. The Government strengthened the legal profession and individual rights to counsel in 1996 by establishing a formal bar association. According to the Criminal Code, defendants in criminal cases are entitled, at their own expense, to representation by a "rights protector" who may be a practicing attorney. However, because citizens are largely unaware of their rights and legal authorities are not required by law to enlighten them, few defendants seek or have legal representation.

Arrests, trials and convictions are usually unannounced, thereby complicating efforts to estimate accurately the number of political prisoners. Three former government officials are serving 14-year sentences handed down in 1992 for advocating a multiparty system and criticizing restrictions on political liberties.

There has been no new information concerning three men sentenced in 1992 to life terms for crimes allegedly committed during their tenure as officials of the previous regime.

The Government claims that three other officials of the former government released in 1992 have chosen to remain in the same remote province where they and the six prisoners mentioned above were

held. There have been no reports of other political prisoners in the last few years.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

At the same time that it sought to liberalize the economy, the Government relaxed some elements of state control, including its rigorous police monitoring of personal and business activities and enforcement of the nighttime curfew. However, while the Constitution prohibits arrests or searches in homes without a warrant or authorization, the security bureaus may authorize search and seizure by themselves rather than by judicial authority. The Government and the Party continue to monitor citizens sporadically through a system of neighborhood and workplace committees. The neighborhood committees also have responsibility for maintaining public order and reporting "bad elements" to the police. These committees usually concern themselves more with street crime and instances of moral turpitude than with political activism. The degree of surveillance and control varies from province to province, but overall has diminished considerably in recent years.

The Penal Code forbids telephone monitoring without proper authorization, but the security bureaus are believed to authorize such monitoring themselves. The Government continued to monitor international mail and telephone calls, probably including some faxes, although the increasing number of such calls limited the scope of such surveillance.

In May the National Assembly passed a new land law that reaffirmed the constitutional provision that land is the property of the national community. The law sets standards for the size of land holdings, but parties may lease additional land from the State. Individuals may acquire land use rights through state grants, transfer or inheritance. While the law does not recognize the land claims of those who fled abroad, claims for houses and physical property are recognized. In the past, many citizens who fled the country have regained confiscated property by demonstrating their intent to repatriate.

Contact between ordinary citizens and foreigners has increased in recent years as restrictions such as the requirement for government approval of invitations to most foreigners' homes are no longer enforced. The Government allows citizens to marry foreigners, but only with its prior approval. Marriages without government approval may be annulled, with both partners subject to fine and arrest.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Despite the constitutional provisions for freedom of speech and the press, the Government exerts broad control over the exercise of these freedoms and has reacted harshly to expressions of political dissent. Three persons arrested in 1990 after persisting in public criticism of party policies and calling for fundamental political and economic change, each received 14-year sentences in 1992 (see Section 1.e.). The Penal Code forbids slandering the State, distorting party or state policies, and spreading false rumors conducive to disorder. It also prohibits disseminating books and other materials that authorities deem indecent or that would assail the national culture.

All domestically produced newspapers and radio and television are controlled by the Government. Local news in all media reflect government policy; however, foreign news reports, including those from Western sources, are usually translated without bias. In recent years, the Government has relaxed its control of the flow of information from abroad, and Thai and Western newspapers and magazines have been sold in the towns where there is demand for them. The Government makes no effort to discourage reception of Thai radio or television broadcasts. These are widely received nationwide via an increasing

number of satellite dishes.

The Government requires registration of satellite television receiving dishes and payment of a one-time licensing fee for their installation, but otherwise makes no effort to restrict their use. In 1997 the number of such dishes continued to increase, both in major urban areas and in remote provincial and district towns. The Cable News Network (CNN), the British Broadcasting Corporation (BBC), and several stations in Thailand are among the many channels available to satellite dish owners.

The Government prohibits pornographic or politically inflammatory videocassettes. In late 1994 the Vientiane Municipality imposed restrictions governing the content of music played in night clubs and outlawed karaoke in order to strengthen Lao culture against its perceived erosion by foreign influences. Enforcement of these restrictions, lax in recent years, was stepped up in 1997.

The Government restricts academic freedom; however, it has relaxed its restrictions in certain areas. The Ministry of Education still approves all grants for study and research abroad, and the Government also monitors and may restrict the activities of Western scholars doing research in Laos. However, the Government, which once limited the foreign travel of academicians and professionals, now actively solicits scholarships and training programs abroad from donor countries. Groups of 30 or more professionals have traveled to Singapore and elsewhere in recent years for training related to membership in ASEAN.

b. Freedom of Peaceful Assembly and Association

The Penal Code prohibits demonstrations or protest marches aimed at causing turmoil and social instability, prescribing penalties of from 1 to 5 years' imprisonment. Although the Constitution provides citizens with the right to organize and join associations, all associations are party-controlled, and their products reflect official policy. Foreigners are not allowed to engage in political activity.

c. Freedom of Religion

The Constitution contains provisions for religious freedom. In practice, the Government continues to restrict freedom of religion, especially for some Christian denominations.

Links with coreligionists and religious associations in other countries require government approval. Although the Government permits foreign nongovernmental organizations with religious affiliations to work in the country, it prohibits foreigners from proselytizing. The Government also restricts the import of foreign religious publications and artifacts.

The enforcement of these regulations varies by province. For example, the Catholic Church is unable to operate in the highlands and much of the north, but Catholics can openly attend churches and chapels in central and southern Laos. In November a Catholic bishop was installed in the southern province of Khamoune. Several Protestant denominations operate more than 100 churches throughout the country. The Government granted approval to four Protestant congregations for the renovation or construction of church buildings in the Vientiane area. There continue to be reports that some local authorities harassed practicing Christians. The persistence of such reports underscores the continuing suspicion on the part of authorities toward some parts of the Lao Christian community.

By comparison, the Government openly encourages Buddhism and supports Buddhist organizations. High-ranking government officials routinely attend religious functions, and Buddhist clergy are prominently featured at important state and party functions. The Government permits Buddhist festivals

without hindrance.

Two mosques and a Baha'i center operate openly in Vientiane.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no domestic travel restrictions for citizens and private foreign visitors except in areas considered unsafe. Most citizens can easily obtain passports and exit permits from the Ministry of Foreign Affairs for personal travel abroad. Border crossing permits to visit Thailand are routinely available from local village committees for a modest issuance fee, and the Government does not appear to interfere with persons desiring to emigrate. Except for around 30 persons convicted in absentia in 1975 for antigovernment activities, citizens have the right of return.

The stated government policy since 1977 is to welcome back the approximately 10 percent of the population that fled after the change of government in 1975. In recent years, an increasing number of ethnic Lao living abroad returned to visit; several remained to operate businesses.

Laos, Thailand, and the UN High Commissioner for Refugees (UNHCR) are cooperating on the return of the Lao asylum seekers in camps in Thailand who volunteer to return to Laos. This program includes provisions for monitoring returnees to ensure that they are given the same rights and treatment as resident Lao. According to the UNHCR and voluntary agencies, returnees are not subject to discrimination or persecution, and returnees are allowed to return with all the belongings they accumulated while outside the country. There were no forcible repatriations to Laos in 1997. However, the UNHCR assisted the voluntary repatriation of 222 Lao from China, 33 from Thailand, and 26 from other countries during the year. No new Lao asylum seekers arrived in Thailand.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the ability to change their government, despite constitutional provisions for the public election of National Assembly members. While the Constitution does not explicitly exclude formation of multiple political parties, it assigns to the ruling LPRP the leading role in the political system. All candidates needed the approval of the LPRP before legislative elections held in December. While no other parties were allowed, four of the candidates were not nominated by party organizations. One winning candidate was not an LPRP member. While voting was not mandated by law, many voters believed that it was so. Reported voter turnout was 98 percent.

The percentage of women in the National Assembly rose from a previous level of 9 percent to 20 percent as 20 of the 27 female candidates won seats. The number of ethnic minority members also increased to levels that reflect national ethnic diversity. Three members of the 49-member LPRP Central Committee are women. There are no women in the Politburo or the Council of Ministers.

Men of lowland Lao origin dominate the upper echelons of the party and the Government. Nonetheless, the Prime Minister, the Deputy Prime Minister, the Minister of Interior and 35 members of the National Assembly are believed to be members of ethnic minority groups. Members of these minorities often adopt lowland Lao names as they are increasingly assimilated into mainstream society, thus making it difficult to ascertain accurately the number of ethnic minority members in any organization.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no domestic human rights groups. Any organization wishing to investigate and publicly criticize the Government's human rights policies would face serious obstacles if it were permitted to operate at all. The Government generally does not cooperate with international human rights organizations.

The Government maintains ongoing contacts with the International Committee of the Red Cross. The Government has permitted UN human rights observers to monitor the treatment of returning refugees without interference. In September the Government designated the Foreign Ministry's Department of Treaties and International Laws as the organ responsible for responding to inquiries about specific human rights questions.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. Although the Government took action when cases of discrimination came to the attention of high-level officials, the legal mechanism whereby a citizen may bring charges of discrimination against an individual or organization is neither widely developed nor widely understood among the general population.

Women

There are reports that domestic violence against women occurs, although it is not widespread. Sexual harassment and rape are reportedly rare. In cases of rape that are tried in court, defendants are generally convicted. The Government has increased monitoring and educational programs provided by the Women's Union and the Youth Union, both party-sanctioned organizations, designed to educate girls and young women about the schemes of recruiters for brothels and sweatshops in Thailand and elsewhere. The Women's Union worked closely with Thai nongovernmental organizations to bring justice in the case of three Lao women raped while incarcerated in Thailand.

In the past, the Government has prosecuted some persons for involvement in such recruiting activities. During the year, law enforcement agencies conducted several raids of entertainment establishments accused of fostering prostitution.

The Constitution provides for equal rights for women, and the Lao Women's Union operates nationally to promote the position of women in Lao society. However, discrimination against women is not generalized. There persist varying degrees of traditional culturally based discrimination, with greater discrimination practiced among some hill tribes. Many women occupy responsible positions in the civil service and private business, and in urban areas their incomes are often higher than those of men. The Family Code prohibits legal discrimination in marriage and inheritance.

The Government has increased support for the Women in Development Program, which is designed in part to increase the participation of women in the political system.

Children

Government resources are inadequate to provide fully for children's basic health and educational needs. Education is compulsory through the fifth grade, but children from rural areas and poor urban families rarely comply with this requirement. Violence against children is prohibited by law. Reports of the physical abuse of children are rare.

The Government is increasingly concerned about Lao children being lured for sexual exploitation and slave labor in other countries and has established a National Commission on Mothers and Children chaired by the foreign minister. The commission, working with the Lao Women's Union, Youth Union, Justice Ministry and Labor Ministry, has conducted workshops around the country designed to make parents and teenagers aware of the dangers.

People With Disabilities

With donor assistance, the Government is implementing limited programs for the disabled, especially amputees. The law does not mandate accessibility to buildings or government services for disabled persons.

National/Racial/Ethnic Minorities

The Constitution provides for equal rights for all minorities, and there is no legal discrimination against them. However, societal discrimination persists.

Approximately half the population is ethnic Lao, also called "lowland Lao." Most of the remainder is a mosaic of diverse upland hill tribes whose members, if born in Laos, are Lao citizens. There are also ethnic Vietnamese and Chinese minorities, particularly in the towns. There is a small community of South Asian origin. The implementation in 1994 of the 1990 Law on Nationality provided a means for these Vietnamese and Chinese minorities to regularize their Lao citizenship. The Government encourages the preservation of minority cultures and traditions; however, due to remote location and difficult access, minority tribes have little voice in government decisions affecting their lands and the allocation of natural resources. Hill tribe interaction with the Government is limited by poor transportation and communication links and a shortage of government resources.

The Hmong are one of the largest and most prominent highland minority groups. They split along clan lines during the U.S. war with Vietnam; many were strongly anti-Communist while others sided with the Lao and Vietnamese Communists. In the 1970's and 1980's the Government repressed many who had fought against it prior to 1975, especially those that it perceived to be resisting its authority. The Government continued to assist citizens, largely members of ethnic minorities, who returned to Laos after having fled following the war in Indochina ending in 1975. Central and local government officials worked with international organizations to provide land and a sustainable level of economic security.

In recent years, the Government has initiated projects designed to integrate the Hmong into the general society, and an increasing number of those who fled the country after 1975 have repatriated to Laos without suffering persecution. Two UN observers who monitored repatriation efforts reported no incidents of abuse or discrimination during the year.

Section 6 Worker Rights

a. The Right of Association

Although the Constitution provides citizens with the right to organize and join associations, the party controls all associations, and all conform to official party policy (see Section 2.b.).

Subsistence farmers comprise an estimated 85 percent of the work force. The State employs the majority of salaried workers, although this situation is changing as the Government reduces the number of its employees and privatizes state enterprises, and as foreign investors open new factories and businesses.

Under the 1990 Labor Code, labor unions can be formed in private enterprises as long as they operate within the framework of the officially sanctioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. Most of the FLTU's 80,000 members work in the public sector, overwhelmingly as public servants.

Strikes are not prohibited under the law, but the Government's ban on "destabilizing subversive activities" makes a strike unlikely, and none was reported this year (see Section 2.a.).

With advice from the International Labor Organization (ILO), including a foreign expert provided by the ILO to work with the Ministry of Labor and Social Welfare, the Government has revised the Labor Code in an effort to clarify rights and obligations of workers and employers.

The extent to which the FLTU is free to engage in contacts and affiliate with foreign labor organizations is unknown.

b. The Right to Organize and Bargain Collectively

There is no right to organize and bargain collectively. The Labor Code stipulates that disputes be resolved through workplace committees composed of employers, representatives of the local labor union, and representatives of the FLTU, with final authority residing in the Ministry of Labor and Social Welfare. Labor disputes are infrequent. The Government sets wages and salaries for government employees, while management sets wages and salaries for private business employees.

The Labor Code stipulates that employers may not fire employees for conducting trade union activities, for lodging complaints against employers about labor law implementation, or for cooperating with officials on labor law implementation and labor disputes. Workplace committees are one mechanism used for resolving complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Labor Code prohibits forced labor except in time of war or national disaster, when the State may conscript laborers. The code also applies to children under age 15, and the law is effectively enforced. However, an increasing number of children have been lured into other countries for sexual exploitation and slave labor (see Section 6.d.).

d. Minimum Age for Employment of Children

The Labor Code prohibits forced labor, including labor performed by children under age 15, and the law is effectively enforced (see Section 6.c.). Under the Code, children under the age of 15 may not be recruited for employment. However, many children help their families on farms or in shops. The Labor Code accordingly provides that children may work for their families, provided that such children are not engaged in dangerous or difficult work. Such employment of children is common in urban shops, but rare in industrial enterprises. The Ministries of Interior and Justice are responsible for enforcing these provisions, but enforcement is ineffective due to a lack of inspectors and other resources. Education is compulsory through the fifth grade, but this requirement is rarely observed in the rural areas or among the urban poor.

e. Acceptable Conditions of Work

The Labor Code provides for a broad range of worker entitlements, including a workweek limited to 48 hours (36 in dangerous activities), safe working conditions, and higher compensation for dangerous work. The code also provides for at least 1 day of rest per week. Employers are responsible for all expenses for a worker injured or killed on the job, a requirement generally fulfilled by employers in the formal economic sector. The daily minimum wage is \$0.75 (1,400 kip), which is insufficient to provide a decent standard of living for a worker and family. Most civil servants receive inadequate pay. However, few families in the wage economy depend on only one breadwinner. Some piecework employees, especially on construction sites, earn less than the minimum wage. Many are illegal immigrants, particularly from Vietnam, and are more vulnerable to exploitation by employers. Although workplace inspections have reportedly increased, the Ministry of Labor and Social Welfare lacks the personnel and budgetary resources to enforce the Labor Code effectively. The Labor Code has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

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