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2009 Human Rights Report: Laos

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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The Lao People's Democratic Republic, with a World Bank-estimated population of 6.3 million, is an authoritarian one-party state ruled by the Lao People's Revolutionary Party (LPRP). The most recent National Assembly (NA) election was held in 2006. The constitution legitimizes only a single party, the LPRP, and almost all candidates in the 2006 election were LPRP members vetted by the party. The LPRP generally maintained effective control of the security forces.

The central government continued to deny citizens the right to change their government. Prison conditions were harsh and at times life threatening. Corruption in the police and judiciary persisted. The government infringed on citizens' right to privacy and did not respect the rights to freedom of speech, the press, assembly, or association. Local officials at times restricted religious freedom and freedom of movement. Trafficking in persons, especially women and girls for prostitution, remained a problem, as did discrimination against ethnic minorities. Workers' rights were restricted.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of politically motivated killings by the government or its agents. There were reports that occasional action by military units against small insurgent groups in Vientiane and Xieng Khouang provinces, including the former Saisomboun Special Zone, resulted in a limited but unknown number of deaths and injuries.

There were no developments in the cases of persons allegedly killed by the military or police in previous years.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits the beating or torture of an arrested person. In practice members of the police and security forces sometimes abused prisoners, especially those suspected of association with the insurgency.

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Detainees sometimes were subjected to beatings and long-term solitary confinement in completely darkened rooms, and in many cases they were detained in leg chains or wooden stocks for long periods. Former inmates reported that degrading treatment, the chaining and manacling of prisoners, and solitary confinement in small unlit rooms were standard punishments in larger prisons, while smaller provincial or district prisons employed manacles and chains to prevent prisoners from escaping.

Prison and Detention Center Conditions

Prison conditions varied widely but in general were harsh and occasionally life threatening. Prisoners in larger, state-operated facilities in Vientiane generally fared better than those in provincial prisons. Food rations were minimal, and most prisoners relied on their families for subsistence. Most of the larger facilities allowed prisoners to grow supplemental food in small vegetable gardens, although there were periodic reports that prison guards took food from prisoners' gardens. Prison wardens set prison visitation policies. Consequently, in some facilities families could make frequent visits, but in others visits were severely restricted.

There were credible reports from international organizations that authorities treated ethnic minority prisoners particularly harshly. Former prisoners reported that incommunicado detention was used as an interrogation device and against perceived problem prisoners; however, there were fewer reports of its use during the year. Although most prisons had some form of clinic, usually with a doctor or nurse on staff, medical facilities were extremely poor, and medical treatment for serious ailments was unavailable. In some facilities prisoners could arrange treatment in outside hospitals if they could pay for the treatment and the expense of police escorts.

Prisons held both male and female prisoners, but they were placed in separate cells. In some prisons juveniles were held with adult prisoners, although there were no official or reliable statistics available. Most juveniles were in detention for narcotics offenses or petty crimes. Rather than send juveniles to prisons, authorities used drug treatment facilities as holding centers for juvenile offenders. While conditions in treatment facilities were generally better than those in prisons, conditions were nevertheless Spartan, and lengths of detention were indefinite.

The government did not permit regular independent monitoring of prison conditions. The government continued to deny the request of the International Committee of the Red Cross (ICRC) to establish an official presence in the country to monitor prison conditions. The government at times provided foreign diplomatic personnel access to some prisons, but such access was strictly limited.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, in practice the government did not respect these provisions, and arbitrary arrest and detention persisted.

Role of the Police and Security Apparatus

The Ministry of Public Security (MoPS) maintains internal security but shares the function of state control with the Ministry of Defense's security forces and with the LPRP and the LPRP's popular front organizations. The MoPS includes local

police, traffic police, immigration police, security police (including border police), and other armed police units. Communication police are responsible for monitoring telephone and electronic communications. The armed forces have domestic security responsibilities that include counterterrorism and counterinsurgency as well as control of an extensive system of village militias.

Impunity remained a problem, as did police corruption. Many police officers used their authority to extract bribes from citizens. Corrupt officials reportedly were rarely punished. Police are trained at the National Police Academy, but the extent to which the academy's curriculum covered corruption was unknown. The MoPS Inspection Department maintained complaint boxes throughout most of the country for citizens to deposit written complaints.

The government cooperated with international organizations to develop a national strategy to strengthen law enforcement and deal with increased drug trafficking and abuse as well as related crime and police corruption. During the year the government approved the National Drug Control Master Plan and began implementing its provisions.

Arrest Procedures and Treatment While in Detention

Police and military forces have powers of arrest, although normally only police carried them out. Police agents exercised wide latitude in making arrests, relying on exceptions to the requirement that warrants are necessary except to apprehend persons in the act of committing crimes or in urgent cases. Police reportedly sometimes used arrest as a means to intimidate persons or extract bribes. There were reports that military forces occasionally detained persons suspected of insurgent activities.

There is a one-year statutory limit for detention without trial. The length of detention without a pretrial hearing or formal charges is also limited to one year. The Office of the Prosecutor General (OPG) reportedly made efforts to ensure that all prisoners were brought to trial within the one-year limit, but the limit sometimes was ignored. The OPG must authorize police to hold a suspect pending investigation. Authorization is given in three-month increments, and a suspect must be released after a maximum of one year if police do not have sufficient evidence to bring charges. There is a bail system, but its implementation was arbitrary. Prisoner access to family members and a lawyer was not assured, and incommunicado detention remained a problem.

Authorities sometimes continued to detain prisoners after they completed their sentences, particularly in cases where prisoners were unable to pay court fines. In other cases prisoners were released contingent upon their agreement to pay fines at a later date. There were no reports that police administratively overruled court decisions by detaining exonerated individuals.

There were no known developments in the cases of nine persons, all male heads of families from Vientiane Province detained in mid-2007 on unknown charges, who had been in custody in Thong Harb Prison.

e. Denial of Fair Public Trial

The law provides for the independence of the judiciary. There were no cases reported during the year of senior government or party officials influencing the courts. Impunity and corruption were problems; reportedly, some judges could be bribed. The NA may remove judges from office for "impropriety," and the November NA session removed three.

The people's courts have three levels: district and provincial, appeals, and supreme. There is also a commercial court,

family court, military court, and juvenile court. Decisions of the lower courts are subject to review by the Supreme People's Court (SPC), but military court decisions are not.

In November the NA reorganized the district court system into zonal courts, reducing the number of courts to 39. All were operational at year's end.

Trial Procedures

Juries are not used. Trials that involve certain criminal laws relating to national security, state secrets, children under the age of 16, or certain types of family law are closed. The law provides for open trials in which defendants have the right to defend themselves with the assistance of a lawyer or other persons. Defense attorneys are provided at government expense only in cases involving children, cases with the possibility of life imprisonment or the death penalty, and cases considered particularly complicated, such as those involving foreigners. The law requires that authorities inform persons of their rights and states that defendants may have anyone assist them in preparing written cases and accompany them at trial; however, only the defendant may present oral arguments at a criminal trial. Defendants are permitted to question witnesses and can present witnesses and evidence on their own behalf.

Court litigants may select members of the Lao Bar Association to represent them at trial. The association is nominally independent but receives some direction from the Ministry of Justice (MoJ). For several reasons, including the general perception that attorneys cannot affect court decisions, most defendants did not choose to have attorneys or trained representatives. The association's two satellite offices in the provinces of Champasak and Oudomsay provided legal services to citizens in need.

By law defendants enjoy a presumption of innocence; however, in practice judges usually decided guilt or innocence in advance, basing their decisions on the result of police or prosecutorial investigation reports. Most trials, including criminal trials, were little more than pro forma examinations of the accused and review of the evidence. Defendants have the right of appeal.

All of the country's judges were LPRP members. Most had only basic legal training, and many provincial and district courts had few or no reference materials available for guidance. The NA's Legal Affairs Committee occasionally reviewed SPC decisions for "accuracy" and returned cases to it or the OPG for review when the committee believed decisions were reached improperly.

Political Prisoners and Detainees

There were three well-known political prisoners. Colonel Sing Chanthakoumane, an official of the pre-1975 government, was serving a life sentence after a 1990 trial that was not conducted according to international standards. Sing reportedly was very ill, but the government prevented regular access to him and ignored numerous requests to release him on humanitarian grounds. At least two persons, Thongpaseuth Keuakoun and Seng-aloun Phengboun, arrested in 1999 for attempting to organize a prodemocracy demonstration, continued to serve 10-year sentences for antigovernment activities. Authorities allowed families to visit them, but no humanitarian organization had regular access to them.

According to former prisoners, authorities continued to detain a small but unknown number of persons, particularly members of the Hmong ethnic group suspected of insurgent activities, for allegedly violating criminal laws concerning national security. According to credible reports, other persons were arrested, tried, and convicted under laws relating to

national security that prevent public court trials, but there was no reliable method to ascertain their total number. In November the government reportedly detained nine individuals traveling to the capital for a protest.

Civil Judicial Procedures and Remedies

The law provides for independence of the judiciary in civil matters; however, enforcement of court orders remained a problem. If civil or political rights are violated, one may seek judicial remedy in a criminal court or pursue an administrative remedy from the NA under the law. In regard to social and cultural rights, one may seek remedy in a civil court.

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

The law generally protects privacy, including that of mail, telephone, and electronic correspondence, but the government reportedly violated these legal protections when there was a perceived security threat.

The law prohibits unlawful searches and seizures. By law police must obtain search authorization from a prosecutor or a panel of judges, but in practice 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 cell phones and e-mail.

The MoPS regularly monitored citizen activities through a surveillance network that included a secret police element. A militia in urban and rural areas, operating under the aegis of the armed forces, shared responsibility for maintaining public order, reported "undesirable elements" to police, and provided security against insurgents in remote rural areas. Members of the LPRP's front organizations, including the Lao Women's Union (LWU), the Youth Union, and the Lao Front for National Construction (LFNC), also played a role in monitoring citizens at all societal levels.

The government relocated some villagers for land concessions given to development projects and continued to relocate highland farmers, most of whom belonged to ethnic minority groups, to lowland areas under its plan to end opium production and slash-and-burn agriculture. In some areas officials persuaded villagers to move; in others villagers relocated spontaneously to be closer to roads, markets, and government services. There also were some reports of force used. Although the resettlement plan called for compensating farmers for lost land and providing resettlement assistance, this assistance was not available in many cases or was insufficient to give relocated farmers the means to adjust. Moreover, in some areas farmland allotted to relocated villagers was poor and unsuited for intensive rice farming, resulting in some relocated villagers experiencing increased poverty, hunger, malnourishment, disease, and death. The government relied on assistance from nongovernmental organizations (NGOs), bilateral donors, and international organizations to cover the needs of those recently resettled, but such aid was not available in all areas.

The law allows citizens to marry foreigners only with prior government approval; marriages without it may be annulled with both parties subject to arrest and fines. Premarital cohabitation is illegal. The government routinely granted permission to marry, but the process was lengthy and burdensome, offering officials the opportunity to solicit bribes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, in practice the government severely restricted political speech and writing and prohibited most public criticism that it deemed harmful to its reputation. The law forbids slandering

the state, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the state.

Authorities prohibited the dissemination of materials deemed by the Ministry of Information and Culture to be indecent, subversive of "national culture," or politically sensitive. Any person found guilty of importing a publication considered offensive to the national culture faced a fine or imprisonment up to one year.

The state owned and controlled most domestic print and electronic media. Local news in all media reflected government policy. Although domestic television and radio broadcasts were closely controlled, the government did not interfere with broadcasts from abroad. Many citizens routinely watched Thai television or listened to Thai radio, including news broadcasts from international news sources. Citizens had 24-hour access to international stations via satellite and cable television. The government required registration of receiving satellite dishes and payment of a one-time licensing fee, largely as a revenue-generating measure, but otherwise made no effort to restrict use.

The government permitted the publication of several privately owned periodicals of a nonpolitical nature, including those specializing in business, society, and trade. While officials did not review in advance all articles in these periodicals, they reviewed them after publication and could penalize periodicals whose articles did not meet government approval. A few foreign newspapers and magazines were available through private outlets that had government permission to sell them.

The government required foreign journalists to apply for special visas and restricted their activities. Authorities did not allow journalists free access to information sources but often allowed them to travel without official escorts. When escorts were required, they reportedly were at journalists' expense.

Internet Freedom

The government controlled all domestic Internet servers and retained the ability to block access to Internet sites it deemed pornographic or critical of government institutions and policies. The Lao National Internet Committee under the Prime Minister's Office administered the Internet system.

The government sporadically monitored Internet usage.

The Prime Minister's Office required all Internet service providers to submit quarterly reports and link their gateways to facilitate monitoring, but the government's enforcement ability appeared limited. Unlike in previous years, the government did not block major foreign news sources, nor did it have the capability to monitor blogging or the establishment of new Web sites.

Many citizens used the services of a growing number of Internet cafes for private correspondence rather than personal computers. Very few homes had Internet access; most nonbusiness users depended on Internet cafes located chiefly in the larger urban areas. Citizen users are required to register with the authorities, which may have caused some to self-censor their Internet behavior. The International Telecommunication Union reported that Internet users numbered approximately 2 percent of the country's inhabitants in 2008.

Academic Freedom and Cultural Events

The law provides for academic freedom, but in practice the government imposed restrictions. The Ministry of Education tightly controlled curricula in schools, including 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 exercised control, via requirements for exit stamps and other mechanisms, over the ability of state-employed academic professionals to travel for research or obtain study grants, but it actively sought such opportunities worldwide and approved virtually all such proposals.

The government required films and music recordings produced in government studios to be submitted for official censorship; however, uncensored foreign films and music were available in video and compact disc formats. The Ministry of Information and Culture repeatedly attempted to impose restrictions aimed at limiting the influence of Thai culture in Lao music and entertainment, but these restrictions were widely ignored and appeared to have little effect.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government restricted this right in practice. The law prohibits participation in demonstrations, protest marches, or other acts that cause "turmoil or social instability." Participation in such acts is punishable by prison terms of one to five years (see section 1.e.).

Freedom of Association

The law provides citizens the right to organize and join associations, but the government restricted this right in practice. For example, political groups other than popular-front organizations approved by the LPRP are forbidden. A new decree that the government began implementing in October allows the registration of nonprofit civil organizations--including economic, social-welfare, professional, technical, and creative associations--at the district, provincial, or national level, depending on the scope of work and membership. No organization completed the application process by year's end.

c. Freedom of Religion

The constitution provides for freedom of religion and notes that the state "mobilizes and encourages" Buddhist monks and novices as well as priests of other religions to participate in activities "beneficial to the nation and the people." In most areas officials generally respected the rights of members of most religious groups to worship, albeit within strict government-imposed constraints. The constitution prohibits "all acts of creating division of religion or creating division among the people." The LPRP and the government used this to justify restrictions on religious practice by all religious groups, including the Buddhist majority and animists. Official pronouncements acknowledged the positive benefits of religion, but they also emphasized its potential to divide, distract, or destabilize.

Although the state was secular, the LPRP and the government supported Theravada Buddhism, which was followed by more than 40 percent of the population. The government provided support for and oversight of temples and other facilities and promoted Buddhist practices, giving Buddhism an elevated status among the country's religions.

The government officially recognizes four religions: Buddhism, Christianity, Islam, and the Baha'i Faith. Recognized Christian groups included the Catholic Church, the Lao Evangelical Church (LEC), and the Seventh-day Adventist Church. The LFNC refused to recognize congregations, such as the Methodists, that operated independently.

Decree 92 on Religious Practice defines rules for religious practice and institutionalizes the government as the final arbiter of permissible religious activities. The LFNC is responsible for oversight of religious practice. The majority of provincial, district, and local officials reportedly lacked full understanding of the decree. Authorities, particularly at the local level in some provinces, used its many conditions to restrict some aspects of religious practice.

Many minority religious leaders complained that Decree 92, which intends among other things to permit activities such as proselytizing and printing religious material, was too restrictive in practice. They maintained that the requirement to obtain permission, sometimes from several offices, for a broad range of activities greatly limited their freedom.

The LFNC often sought to intervene with local governments in cases where minority religious practitioners, particularly Christians, had been harassed or mistreated. The LFNC reportedly became more proactive about solving problems by educating persons to respect the law as well as by training local officials to respect religious believers and to understand Decree 92 better.

The government's tolerance of religion, particularly Christianity, varied by region. In most areas, members of long-established congregations had few problems practicing their faith. Authorities in some areas sometimes advised new congregations to join the LEC, despite clear differences between the groups' beliefs. However, in others authorities allowed congregations not affiliated with the LEC or Seventh-day Adventists to continue worship unhindered. Authorities in some provinces used threats of arrest to intimidate local religious communities.

Authorities in some areas continued to be suspicious of non-Buddhist religious communities and displayed intolerance for minority religious practices, particularly by Protestant groups, whether or not they were officially recognized. Some local authorities, apparently at times with encouragement from government or LPRP officials, singled out Protestant groups as targets of abuse or pressure to renounce their faith.

In July local officials reportedly banned Christianity in Katin village, Salavan Province, and confiscated pigs from Christians.

In September inhabitants of Bansai village, Savannakhet Province, reportedly pressured a Christian man to renounce his faith or leave the village. Other Christians in the same area reported difficulty in holding worship services, because there was no authorized building for worship and the police harassed them for worshipping in houses.

Also in September in Jinsangmai village, Luang Namtha Province, all Christian believers reportedly recanted their faith, including a man previously jailed for refusing to do so.

In November police in Vientiane Municipality told three Christian churches to cease holding services until the Southeast Asian Games ended in December. Authorities prevented one church from holding services, which resumed the following week. At another church, the police reportedly forced worshipers to sign either a renunciation of their faith or a petition against the games.

In April authorities released the remaining two Khmu pastors held in Oudomsai provincial prison since their arrest in March 2008 while attempting to cross into Thailand carrying documents critical of religious persecution in Laos.

Local officials in some areas threatened to withhold government identification cards and household registration documents as well as to deny educational benefits to those who did not give up their religious beliefs. In addition the most common

problem faced by Christian communities was the inability to obtain permission to build new churches, even though group worship in homes was considered illegal by local authorities in many areas. Religious organization representatives pointed out that the building-permit process at both local and provincial levels was used to block new church construction.

The government strictly prohibited foreigners from proselytizing but permitted foreign NGOs with religious affiliations to operate in the country. Foreigners who distributed religious material were subject to arrest or deportation. Although Decree 92 permits proselytizing by religious practitioners, provided they obtain LFNC permission, the authorities did not grant such permission, and persons found evangelizing risked harassment or arrest.

The government did not allow the printing of Bibles and required special permission to import them for distribution.

Societal Abuses and Discrimination

For the most part, the various religious communities coexisted amicably. There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, but in practice the government imposed some restrictions. The government did not cooperate with the Office of the UN 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.

Citizens who travel across provincial borders are not required to report to authorities; however, in designated security zones, officials occasionally set up roadblocks and checked identity cards. Citizens seeking to travel to contiguous areas of neighboring countries generally obtained permits easily from district offices. Those wishing to travel farther abroad were required to apply for passports; however, local-level officials sometimes denied permission even to apply.

The government did not use forced exile; however, it denied the right of return to persons who fled the country during the 1975 change in government and were tried in absentia for antigovernment activities.

Protection of Refugees

The country is not a signatory to the 1951 Convention relating to the Status of Refugees or its 1967 Protocol, but the law provides for asylum and the protection of stateless persons. In practice the government did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government did not routinely grant refugee or asylum status; however, it showed some flexibility in dealing pragmatically with individual asylum cases.

Lao Hmong who had been detained in Thailand began to return to Laos during 2007. The government continued to refuse the UNHCR's request to reestablish an in-country presence, which it had in the 1990s, to monitor the reintegration of returnees. The government stated that the UNHCR's mandate expired in 2001 and all former refugees had successfully

reintegrated. In December 2008 and during 2009, foreign diplomats, representatives from international organizations (including the UNHCR), and the press visited various sites, including Pha Lak, where the Lao Hmong returned from Thailand were resettled.

During the year the government accepted the repatriation of nearly all Lao Hmong from Thailand from a group of approximately 5,700 persons confined to a camp or held in a detention center by Thai authorities and considered by both countries' authorities to be illegal migrants. The UNHCR had granted person-of-concern status to the 158 persons held in the detention center, however, and there was no internationally accepted process used to determine whether any Hmong in the camp could establish a well-founded fear of persecution and seek status as an international person of concern. Although Lao and Thai authorities stated that the returns were voluntary, independent observers were not allowed to witness the December 28 repatriation of more than 4,350 persons, and the government did not allow access to the returnees.

The government's policy both for Hmong surrendering internally and for those being returned from Thailand was to return them to communities of origin whenever possible. However, at year's end the government held most of the December 28 returnees at a camp in Paaksan, Borikhamsay Province, for settlement processing. Among earlier returnees, several hundred persons without strong community links were relocated in government settlements such as Pha Lak village, Vientiane Province, where the government provided land, housing, clean water, and electricity plus one year's supply of food. Of the December 28 returnees, initial indications were that approximately 1,300 persons returned to communities of origin and the remaining number went to other government settlements.

At times during the year, the government permitted limited access by international organizations and NGOs to provide food and other material assistance to former insurgents who had accepted government resettlement offers. Independent observers were not allowed access to December 28 returnees by year's end, however.

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

Citizens do not have the right to change their government. Although the constitution outlines a system composed of executive, legislative, and judicial branches, the LPRP controlled governance and the leadership at all levels through its constitutionally designated "leading role."

Elections and Political Participation

The law provides for a representative national assembly, elected every five years in open, multiple-candidate, fairly tabulated elections, with voting by secret ballot and universal adult suffrage. However, the constitution legitimizes only the LPRP; all other political parties are outlawed. Election committees, appointed by the NA, must approve all candidates for local and national elections. Candidates do not need to be LPRP members, but in practice almost all were. The most recent NA election, held in April 2006, was conducted under this system.

The NA chooses members of the Standing Committee, generally based on the previous Standing Committee's recommendations. Upon such recommendations, the NA elects or removes the president and vice president. The Standing Committee has the mandate to supervise all administrative and judicial organizations and the sole power to recommend presidential decrees. It also appoints the National Election Committee, which has powers over elections, including approval of candidates. Activities of the Standing Committee were not fully transparent.

The NA, upon the president's recommendation, formally elects the prime minister and other government ministers.

There were 29 women in the 115-seat NA, including two on the nine-member Standing Committee. The 55-seat LPRP Central Committee included four women, one of whom was also a member of the 11-member Politburo. Of 12 ministers in the Prime Minister's Office, two were women. The minister of labor and social welfare also was a woman. Three women served on the 13-member SPC.

There were seven members of ethnic minorities in the LPRP Central Committee, including two in the Politburo. The NA included 23 members of ethnic minorities, while three of the 28 cabinet ministers were members of ethnic minority groups. One SPC justice was a member of an ethnic minority.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Wages of all government officials were extremely low; and many officials, such as police, had broad powers that they could easily abuse.

In theory the government's National Audit Committee has responsibility for uncovering corruption in all government ministries, including the MoPS, but in practice its investigative activities were minimal. Authorities arrested and punished lower-level officials on occasion for corruption. In November authorities arrested three mid-level ministry officials on undisclosed, but reportedly corruption-related, charges. The government-controlled press rarely reported cases of official corruption.

Central and provincial inspection organizations responsible for enforcing laws against corruption lacked defined roles and sufficient powers as well as sufficient funding, equipment, and legal support from the government.

Prior to taking their designated positions, senior officials are required by party policy to disclose their personal assets to the LPRP's Party Inspection Committee. The committee inspects the officials' assets before and after the officials have been in their positions. However, the LPRP used its control of government authorities and media to block public censure of corrupt officials who were party members.

There are no laws providing for public access to government information, and in general the government closely guarded the release of any information pertaining to its internal activities, deeming such secrecy necessary for "national security."

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights NGOs.

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

The government maintained contacts and cooperated with the ICRC in various activities for the implementation of international humanitarian law.

A human rights division in the Ministry of Foreign Affairs has responsibility for investigating allegations of human rights violations. However, in practice the division apparently had no authority to perform or order other ministries to undertake investigations. The ministry on occasion responded to inquiries from the UN regarding its human rights situation.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal treatment under the law for all citizens without regard to sex, social status, education, faith, or ethnicity. The government at times took action when well-documented and obvious cases of discrimination came to the attention of high-level officials, although the legal mechanism whereby citizens may bring charges of discrimination against individuals or organizations was neither well developed nor widely understood among the general population.

Women

The LWU--the LPRP mass organization focused on women's issues, with a presence in every village and at every government level--reported that rape was rare. The law criminalizes rape, with punishment set at three to five years' imprisonment. Sentences are significantly longer and may include capital punishment if the victim is under age 18 or is seriously injured or killed. In rape cases that were tried in court, defendants generally were convicted with sentences ranging from three years' imprisonment to execution.

Spousal abuse is illegal. According to the LWU and anecdotal reports from international NGOs, domestic violence against women occurred, but such violence did not appear to be widespread. Penalties for domestic abuse, including battery, torture, rape, and detaining persons against their will, may include both fines and imprisonment. LWU centers and the Ministry of Labor and Social Welfare (MLSW) in cooperation with NGOs assisted victims of domestic violence. Statistics were unavailable on the number of abusers prosecuted, convicted, or punished.

Prostitution is illegal, with penalties ranging from three months to one year in prison. However, in practice antiprostitution laws generally were not enforced, and in some cases officials reportedly were involved in the trade. Trafficking in women and girls for prostitution remained a problem.

Sexual harassment was rarely reported, and the extent was difficult to assess. Although sexual harassment is not illegal, "indecent sexual behavior" toward another person is illegal and punishable by six months to three years in prison.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception was available. Because of the general lack of adequate medical care, skilled attendance at delivery and in postpartum care was not widely available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

The law provides for equal rights for women, and the LWU operated nationally to promote the position of women in society. The law prohibits legal discrimination in marriage and inheritance; however, varying degrees of traditional, culturally based discrimination against women persisted, with greater discrimination practiced by some hill tribes. The LWU conducted several programs to strengthen the role of women. The programs were most effective in the urban areas. An internationally funded program provided food to schoolchildren's families, with girls receiving more food for the families than boys. Many women occupied responsible positions in the civil service and private business, and in urban areas their incomes were often higher than those of men.

Children

Children acquire citizenship if both parents are citizens, regardless of the birth's location. 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. Not all births were immediately registered.

Education is compulsory, free, and universal through the fifth grade; however, high fees for books and supplies and a general shortage of teachers in rural areas prevented many children from attending school. There were significant differences among the various ethnic groups in the educational opportunities offered to boys and girls. Although the government's policy is to inform ethnic groups on the benefits of education for all children, some ethnic groups did not consider education for girls either necessary or beneficial. While figures were not reliable, literacy rates for girls were approximately 10 percent lower than for boys in general.

The law prohibits violence against children, and violators were subject to stiff punishments. Reports of the physical abuse of children were rare.

The law does not contain penalties specifically for child prostitution, but the penalty for sex with a child (defined as under 15 years of age, the age of consent) is one to five years' imprisonment and a fine of 500,000 to three million kip (approximately \$60 to \$360). The law does not include statutory rape as a crime distinct from sex with a child or rape of any person. Child pornography is not treated differently from pornography in general, for which the penalty is three months' to one year's imprisonment and a fine of 50,000 to 200,000 kip (approximately \$6 to \$24).

A general increase in tourism in the country and a concomitant probable rise in child sex tourism in Southeast Asia in recent years attracted the attention of authorities, who sought to prevent child sex tourism from taking root. 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, including taxi drivers and tourism police. Many major international hotels in Vientiane and Luang Prabang displayed posters created by international NGOs warning against child sex tourism. In December the government introduced a hotline for reporting child sex tourism.

Trafficking in Persons

The law prohibits all forms of trafficking as well as abduction and trade in persons, detaining persons against their will, procuring persons for commercial sex, and prostitution. Men, women, and children, particularly women and girls, were trafficked to, from, through, or within the country.

The prescribed legal penalties for human trafficking, depending on the severity of the offense, include sentences ranging from five years to 20 years, life imprisonment, or death, and also fines ranging from 10 million to one billion kip (approximately \$1,200 to \$120,000) plus asset confiscation.

The country was primarily a country of origin for trafficking in persons, including girls ages 13 to 16 for forced labor and prostitution, and, to a much lesser extent, a country of transit. The primary destination country was Thailand. There was almost no effective border control. The Thai Ministry of Labor estimated that at least 250,000 Lao workers were employed in Thailand, of whom at least 80,000 were unregistered. An unknown number of these persons were trafficked, although a September study by the UN Office on Drugs and Crime (UNODC) reported that two-thirds of the Lao citizens in Thailand

identified as trafficking victims were trafficked after crossing the border. The small number of victims trafficked within the country were primarily from the northern provinces, such as Houaphan and Xieng Khouang, and were trafficked for sexual exploitation or factory work. According to an international NGO study, a very small number of female citizens also were trafficked to China to become brides for Chinese men. The UNODC estimated that 90 percent of trafficking victims ended up in Thailand: the majority were women between ages 15 and 25, and 35 percent became victims of sexual exploitation.

Most trafficking victims were lowland Lao, although traffickers also victimized small but increasing numbers of minority women. Minority groups were particularly vulnerable, because they did not have the cultural familiarity or linguistic proximity to Thai that Lao-speaking workers could use to protect themselves from exploitative situations in Thailand. A much smaller number of trafficked foreign citizens, especially Burmese and Vietnamese, transited through the country or were trafficked to Laos.

Many labor recruiters in the country were local persons with cross-border experience and were known to the trafficking victims. For the most part, they had no connection to organized crime, commercial sexual exploitation, or the practice of involuntary servitude, and their services usually ended once their charges reached Thailand, where the victims were exploited by better-organized trafficking groups.

The SPC reported that 15 persons were convicted for human trafficking in 2008. Of these, according to incomplete data from the MoPS, authorities sentenced one trafficker to 15 years' imprisonment and a fine, while two others received one-year sentences and were fined. Law enforcement officers cooperated in joint investigations with their Thai counterparts from northeast Thailand and also worked with Vietnamese law enforcement on the trafficking routes through the south-central part of the country.

Corruption remained a problem, with government officials susceptible to involvement or collusion in trafficking. Anecdotal evidence suggested that local officials knew of trafficking activities, and some may have profited from them. However, no government or law enforcement officials were disciplined or punished for involvement in trafficking in persons.

The government continued some limited protection efforts for victims of trafficking during the year. Authorities raided a restaurant in 2008, rescued nine Vietnamese sex-trafficking victims including one minor, and repatriated two of the nine victims. The seven other victims did not wish repatriation and were allowed to return to the restaurant, although authorities withheld their passports; four of those victims later requested repatriation assistance and were repatriated, and in March the government repatriated the remaining three victims. No traffickers were prosecuted.

The MLSW and the Immigration Department cooperated with the International Organization for Migration, the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region, and local and international NGOs to provide assistance to victims. The MLSW continued to operate a small transit center in Vientiane where trafficking victims identified in Thailand remained for a short time before being transferred to another facility or returned home. Victims not wanting to return home were referred to a long-term shelter operated by the LWU or to a local NGO. The government provided medical services, counseling, vocational training, and employment services for victims in its transit shelter in Vientiane and at the LWU shelter. The MLSW had a unit devoted to children with special needs, including protection of child trafficking victims and prevention of child trafficking. The MLSW also maintained two small-scale repatriation assistance centers for returned victims of trafficking in Vientiane and Savannakhet, but their effectiveness was limited by a small budget, inadequate international assistance, and a lack of trained personnel.

The MLSW, in addition to operating departments in the provinces, worked with NGOs to provide additional assistance to

trafficking victims. It referred cases from immigration authorities and the MLSW transit shelter in Vientiane to NGOs for longer-term shelter and follow-up on cases where the victims were returned home.

With support from the UN Children's Fund (UNICEF), the National Commission for Mothers and Children continued an active victim support program. Through legal aid clinics, the Lao Bar Association, which is under the MoJ umbrella, also assisted victims by providing general awareness programs on the legal system and legal advice. The LWU and the Lao Youth Union offered educational programs designed to inform girls and young women about the schemes of recruiters for brothels and sweatshops in neighboring countries and elsewhere. These organizations were most effective in disseminating information at the grassroots.

The government itself educated the population on the dangers of trafficking, using the media and public appearances by senior leaders. The MLSW also worked with UNICEF to set up awareness-raising billboards near border checkpoints and larger cities and conducted a campaign on trafficking issues in preparation for the December Southeast Asian Games.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

The constitution provides citizens protection against discrimination but does not specify that these protections apply to persons with disabilities. Regulations promulgated by the MLSW and the Lao National Commission for the Disabled protect such persons against discrimination; however, the regulations lack the force of law. The law does not mandate accessibility to buildings or government services for persons with disabilities, but the MLSW has established regulations regarding building access and built some sidewalk ramps in Vientiane. There were no reports of discrimination in the workplace.

In August and September, the MLSW conducted workshops with international NGOs in Vientiane Municipality and Savannakhet, Xekong, and Champasak provinces to increase awareness of the rights of persons with disabilities. The Lao Disabled People's Association operated a care center for children with cerebral palsy; the cost was covered by foreign assistance. The Ministry of Health in conjunction with international NGOs operated the Cooperative Orthotic and Prosthetic Enterprise to supply prosthetic limbs, correct club feet, and provide education to deaf and blind persons.

National/Racial/Ethnic Minorities

The law provides for equal rights for all minority citizens, and there is no legal discrimination against them; however, societal discrimination persisted. Moreover, critics charged that the government's resettlement program for ending slash-and-burn agriculture and opium production adversely affected many ethnic minority groups, particularly in the North. The program requires that resettled persons adopt paddy rice farming and live in large communities, ignoring the traditional livelihoods and community structures of these minority groups. International observers questioned whether the benefits promoted by the government--access to markets, schools, and medical care for resettled persons--outweighed the negative impact on traditional cultural practices. Some minority groups not involved in resettlement, especially those in remote locations, faced difficulties, believing they had little voice in government decisions affecting their lands and the allocation of natural resources from their areas.

Of the 49 ethnic groups in the country, the Hmong are one of the largest and most prominent highland minority groups. There were a number of Hmong officials in the senior ranks of the government and the LPRP, including one Politburo

member and five members of the LPRP Central Committee. However, societal discrimination persisted against the Hmong, and some Hmong believed their ethnic group could not coexist with ethnic Lao. This belief fanned separatist or irredentist beliefs among some Hmong. The government focused limited assistance projects in Hmong areas to address regional and ethnic disparities in income, which helped ameliorate conditions in the poorest districts.

Although there were no reports of attacks by the few remaining Hmong insurgent groups during the year, the government leadership maintained its suspicion of Hmong political objectives. Security forces continued operations to isolate and defeat or force the surrender of the residual, small, scattered pockets of insurgents and their families in remote jungle areas.

The government continued to offer "amnesty" to insurgents who surrender but continued to deny international observers permission to visit the estimated more than 2,000 insurgents who have surrendered since 2005--other than a few families in Pha Lak village. Their status and welfare remained unknown at year's end. Because of their past activities, amnestied insurgents continued to be the focus of official suspicion and scrutiny.

The government generally refused international community offers to assist surrendered insurgents directly but allowed some aid from the UN and international agencies as part of larger assistance programs.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Within lowland Lao society, despite wide and growing tolerance of homosexual practices, societal discrimination in employment and housing persisted, and there were no governmental efforts to address it.

Other Societal Violence or Discrimination

There was no societal violence and no official discrimination against persons with HIV/AIDS, but societal discrimination existed. The government actively promoted tolerance of those with HIV/AIDS, and it conducted public-awareness campaigns to promote understanding toward such persons.

Section 7 Worker Rights

a. The Right of Association

The law does not allow workers to form and join independent unions of their choice; they may form unions without previous authorization only if they operate within the framework of the officially sanctioned Federation of Lao Trade Unions (FLTU), which in turn is controlled by the LPRP. In addition the law does not permit unions to conduct their activities without government interference. Strikes are not prohibited by law, but the government's ban on subversive activities or destabilizing demonstrations and its failure to provide means to call a strike made strikes extremely unlikely, and none were reported during the year.

According to the FLTU, there were 4,610 trade unions nationwide, including in most government offices. These included 16 provincial trade unions, one municipal trade union, 36 ministerial trade unions, and 2,772 permanent trade unions. Total FLTU membership was 126,600, approximately 4 percent of the total workforce. Most FLTU members worked in the public sector.

The government employed the majority of salaried workers. Subsistence farmers made up an estimated 80 percent of the work force.

b. The Right to Organize and Bargain Collectively

There is no right to organize and bargain collectively. The law 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 MLSW. The ministry generally did not enforce the law, especially in dealings with joint ventures in the private sector. Labor disputes reportedly were infrequent. According to labor activists, the FLTU needed government permission to enter factories and had to provide advance notice of such visits, rendering it powerless to protect workers who filed complaints.

The government set wages and salaries for government employees; management set wages and salaries for private business employees.

The law stipulates that employers may not fire employees for conducting trade union activities, lodging complaints against employers about law implementation, or cooperating with officials on law implementation and labor disputes, and there were no reports of such cases. Workplace committees were used for resolving complaints, but there was no information on how effective these committees were in practice.

There are no special laws or exemptions from regular labor laws in the country's export processing zone.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor except in time of war or national disaster. However, some domestic trafficking of girls for forced labor occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

By law children under age 15 may not be recruited for employment except to work for their families, provided such work is not dangerous or difficult. The MoPS and the MoJ are responsible for enforcing these provisions, but enforcement was ineffective due to a lack of inspectors and other resources. Many children helped on family farms or in shops and other family businesses, but child labor was rare in industrial enterprises. Some garment factories reportedly employed a very small number of underage girls.

e. Acceptable Conditions of Work

The MLSW sets the minimum wage but has no regular schedule or transparent process for doing so. In April the MLSW, in consultation with the FLTU and Lao Chamber of Commerce and Industry, set the daily minimum wage for the more than 120,000 private-sector workers at 13,385 kip (approximately \$1.60); the monthly minimum wage was 348,000 kip (\$41). Additionally, employers were required to pay 8,500 kip (\$1) meal allowance per day. These wages were insufficient to provide a decent standard of living for a worker and family. The NA, in consultation with the Ministry of Finance, increased the minimum wage for civil servants and state enterprise employees to 405,000 kip (\$47.80) per month in 2008. In addition to their minimum wage, civil servants often received housing subsidies and other government benefits. Some piecework employees, especially on construction sites, earned less than the minimum wage.

The law provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities) and at least one day of rest per week. Overtime may not exceed 30 hours per month, and each period of overtime may not exceed three hours. The overtime pay rate varies from 150 to 300 percent of normal pay. The overtime law was not effectively enforced.

The law provides for safe working conditions and higher compensation for dangerous work. In case of death or injury on the job, employers are responsible for compensating a worker or the worker's family. Employers generally fulfilled this requirement in the formal economic sector. The law also mandates extensive employer responsibility for those disabled at work, and this provision appeared effectively enforced. The MLSW is responsible for workplace inspections. Officials undertake unannounced inspections when notified of a violation of safe working standards. However, the MLSW lacked the personnel and budgetary resources to enforce the law effectively. The law has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment.

There were a number of illegal immigrants in the country, particularly from Vietnam, China, and Burma, and they were vulnerable to exploitation by employers.