



2008 Human Rights Report: Laos

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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The Lao People's Democratic Republic is an authoritarian one-party state ruled by the Lao People's Revolutionary Party (LPRP). The estimated population was 6.7 million. 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, but on occasion elements of the security forces acted outside the LPRP's authority.

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 right to freedom of speech, the press, assembly, or association. Local officials at times restricted religious freedom and citizens' 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 Luang Prabang, Xieng Khouang, and Vientiane 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, including an attack in November 2007 in the Phu Bia area of Vientiane Province that reportedly killed two women and one child.

b. Disappearance

There were no developments in the January 2007 reported abduction by police of an ethnic Thai Dam resident of Oudomsay Province or in the January 2007 abduction of an ecotourism businessman in Luang Namtha Province.

In October an international nongovernmental organization (NGO) reported that five boys from a group of 26 Hmong children deported from Thailand in 2005 had been released, and a government official confirmed that the boys were living with relatives in Laos. At year's end no information was available on the woman accompanying the children. The 21 girls were returned to their extended families in April 2007.

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 associations with the insurgency.

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 manacled 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. However, reports of prisoner abuse continued to decrease, and during the year there were no verifiable reports of prisoner abuse.

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. Credible reports indicated that ethnic minority prisoners and some foreign prisoners were treated 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. 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 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 activities, 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. 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. Lower-level officials on occasion were arrested and punished for corruption.

Police are trained at the National Police Academy, but the extent to which the academy's curriculum discusses corruption was unknown. At the instruction of the LPRP, the government-controlled press rarely reported cases of official corruption. The MoPS' Inspection Department maintained complaint boxes throughout most of the country for citizens to deposit written complaints.

To reduce police corruption and strengthen law enforcement, the government cooperated with international organizations to develop a national strategy to deal with increasing drug trafficking and abuse as well as related crime and corruption.

Arrest and Detention

Police and military forces have powers of arrest, although normally only police carried out these powers. 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 arrested or 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. Incommunicado detention was a problem; however, it was used less frequently than in the past.

Authorities sometimes continued to detain prisoners after they had 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.

Nine persons, all male heads of family from Vientiane Province and detained in mid-2007 on unknown charges, remained in Thong Harb Prison at year's end.

e. Denial of Fair Public Trial

The law provides for the independence of the judiciary. In past years senior government and party officials influenced the courts, although no such cases were reported during the year. Impunity and corruption were problems. Reportedly, some judges could be bribed. The NA may remove judges from office for "impropriety," but no judge was removed during the year.

The people's courts have four levels: district courts, municipal and provincial courts, a court of appeals, and the Supreme People's Court (SPC). 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 Court, but military court decisions are not. There are instances in which civilians may be tried in military courts, but there were no reports of such trials during the year.

In July the SPC president informed the mid-year NA session that 19 new district courts had been established during the year, bringing the total to 103; 37 districts in the country remained without courts. An NA legal specialist told the same session, which was reviewing a proposed amendment on the implementation of court verdicts, that the courts remained underfunded and understaffed.

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 for which there is the possibility of life imprisonment or the death penalty, and cases that are 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 their trials; 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 trials. The association is nominally independent but receives some direction from the Ministry of Justice. For several reasons, including the general perception that attorneys cannot affect court decisions, most defendants did not choose to have attorneys or trained representatives. In October the Lao Bar Association opened two satellite offices in the provinces of Champasak and Oudomsay and began to provide legal services to citizens in need.

Under the 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 the prosecutor's 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 Supreme Court decisions for "accuracy" and returned cases to the court 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 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.

According to former prisoners, authorities detained 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.

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 on Public Complaints. 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 cellular telephones and e-mail.

The MoPS regularly monitored citizens' 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, reporting "undesirable elements" to police, and providing 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 the citizenry at all levels of society.

The government continued its program to relocate highland slash-and-burn farmers, most of whom belonged to ethnic minority groups, to lowland areas in keeping with its plan to end opium production and slash-and-burn agriculture. In some areas district and provincial officials used persuasion to convince villagers to move to relocation areas. In other areas villagers relocated spontaneously to be closer to roads, markets, and government services. There also were reports of force being used in some instances. Although the government's 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 to their new homes and new way of life. Moreover, in some areas farmland allotted to relocated villagers was of poor quality and unsuited for intensive rice farming. The result was that some relocated villagers experienced increased poverty, hunger, malnourishment, susceptibility to disease, and mortality rates. The government relied on assistance from NGOs, bilateral donors, and international organizations to cover the needs of those recently resettled, but such assistance was not available in all areas.

The government allowed citizens to marry foreigners only with prior approval. Premarital cohabitation is illegal. The government routinely granted permission to marry, but the process was lengthy and burdensome and offered officials the opportunity to solicit bribes. The government may annul marriages to foreigners undertaken without government approval, with both parties subject to arrest and fines.

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. The government also 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.

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 made no effort to 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 their use.

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

Foreign journalists were required to apply for special visas and were restricted in their activities. Authorities did not allow journalists free access to information sources, but journalists often were allowed to travel without official escorts. When escorts were required, journalists reportedly had to pay for the escort services.

Authorities prohibited the dissemination of materials deemed 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 for up to one year.

Internet Freedom

The government controlled all domestic Internet servers and retained the ability to block access to Internet sites that were deemed pornographic or critical of government institutions and policies. The Lao National Internet Committee, under the umbrella of 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 ability to enforce such regulations appeared to be limited. The government regularly blocked some Web sites, operated mostly by Hmong groups abroad. However, the government did not block any major foreign news sources, nor did it have the capability to monitor Web logging (blogging) activity or the establishment of new Web sites. Fearful of monitoring by the authorities, many citizens used the Internet services of a growing number of Internet cafes rather than personal computers for private correspondence. Citizen users are required to register with the authorities, which may have caused some to self-censor their Internet behavior.

Academic Freedom and Cultural Events

The law provides for academic freedom, but in practice the government imposed restrictions. The Ministry of Education tightly controlled curriculums 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 format. 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.

Freedom of Association

The law provides citizens the right to organize and join associations, but the government restricted this right in practice. The government registered and controlled all associations and their activities. Political groups other than popular front organizations approved by the LPRP are forbidden. Although the government restricted many types of formal professional and social associations, informal nonpolitical groups met without hindrance. The government permitted the creation of some associations of a business nature. The government also permitted the establishment of nonprofit organizations designed to promote science and agriculture. The prime minister's office monitored the small but growing number of organizations that have registered to conduct activities in these areas.

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 constraints imposed by the government. 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 is intended 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 different 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 was growing 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 better understand Decree 92.

The government's tolerance of religion, particularly Christianity, varied by region. In most parts of the country, 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 other areas authorities allowed congregations not affiliated with the LEC or Seventh-day Adventists to continue their worship unhindered. Authorities in some provinces used threats of arrest as a means of intimidating local religious communities.

Authorities in some parts of the country continued to be suspicious of non-Buddhist religious communities and displayed intolerance for minority religious practice, particularly 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 police authorities of Ad-Sapangthong District of Savannakhet Province reportedly interfered with worship by Christians in the village of Boukham and detained a pastor and four church members for two days; during this period they were reportedly held in foot stocks. The pastor was detained again in August along with two other church members; they were released in October. Reportedly 55 Christians were expelled from the village during this period. A senior MoPS official explained that the pastor had moved to Boukham in 2005 but had failed to apply to change his household registration within six months as required; there was no confirmation of or explanation for the reported expulsion of church members by the MoPS official.

During July in Katan village, in Ta-Oy District, Salavan Province, a local Christian man reportedly died after local authorities forced him to drink alcohol; his relatives were reportedly fined after conducting a Christian burial service. A few days later local authorities reportedly detained 80 Christians from 17 families and forced them, apparently including by withholding food, to publicly renounce their faith. In September provincial and district authorities reportedly held a meeting in the village at the request of the central government in response to international inquiries about the situation. A senior government official stated that an investigation showed that the death was due to alcoholism and that the burial dispute arose from misunderstanding between Christian and non-Christian factions in the village. The official added that no individuals were forced to renounce their faith, although some may have done so voluntarily. However, according to later reports, some village residents wanted to redeclare their faith, but authorities refused to grant permission for them to do so.

Also in July more than 500 Christians in villages in several villages, including Huay An in Jomphet District of Luang Prabang Province, reportedly came under pressure to deny their faith. They were said to have been forced to turn in Bibles and hymnals that were then burned. However, according to one nongovernment source, no one was

arrested and none had renounced their religion.

There were also reports of incidents in four other provinces in July. These included two Christian leaders arrested in Khongnoy village in Vieng Phukha District and another person arrested in Sing District, all in Luang Namtha Province. In addition there was a report that local officials pressed families in Attapeu Province to give up Christianity, although a visit by a provincial LFNC official was described as having resolved that situation. Officials reportedly put two persons in prison in Phongsali Province's Samphan City in an effort to force believers to renounce their faith. Other Christians were said to have been pressured to renounce their beliefs in Houaphan Province's Muang Aet District. In November seven families in Nam Reng village in Oudomsai Province were also pressured to renounce their faith; the six families refusing to sign a renunciation document were reportedly ordered out of the village. At year's end no further information was available.

In August officials of Burikan District in Borikhamxay Province reportedly banned approximately 150 members from gathering at a home in the village for worship services, declaring that services could be held only in a church building. Earlier in the year, officials reportedly destroyed the group's church in Toongpankham village. The church had apparently been built with local permission, although it may not have received provincial approval.

In November six members of a group of eight Khmu pastors were released from detention; each was ordered to pay three million kip (approximately \$350) in detention costs. The eight pastors were arrested in March while attempting to cross the border from Bokeo Province into Thailand. An earlier group of Khmu pastors reportedly had crossed without incident. However, there was no indication that the latter group was trying to cross the border legally. Their situation was complicated when authorities found they were carrying documents critical of religious persecution in Laos. At year's end the other two pastors reportedly remained in the Oudomsai provincial prison.

Local officials in some parts of the country threatened to withhold government identification cards and household registration documents as well as 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 is considered illegal by local authorities in many areas. Religious organization representatives pointed out that the building permit process begins at the local level and then requires provincial permission, and they claimed the multiple layers of permission necessary were being used, beginning with local officials, to block the construction of new churches. However, in December observers found encouraging the ability of the central LEC leadership to undertake training programs for provincial religious leaders and provincial government officials in Oudomsai and Luang Prabang provinces with support from both provincial governments.

The government strictly prohibited foreigners from proselytizing, but it 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 permission for such activities from the LFNC, 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 special permission was required to import Bibles 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 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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. However, in December the government invited a UNHCR representative to visit Lao Hmong returned from Thailand living in a resettlement village.

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 travelers' identity cards. Citizens who sought to travel to contiguous areas of neighboring countries could do so with travel permits generally easily obtained from district offices. Those wishing to travel farther abroad were required to apply for passports; however, officials at the local level sometimes denied persons permission to apply for passports.

Authorities restricted access by foreigners to certain areas where antigovernment insurgents continued to operate.

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 UN 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. The government did not routinely grant refugee or asylum status; however, it showed some flexibility in dealing pragmatically with individual asylum cases.

The government continued to refuse the request from the UNHCR to reestablish a presence in the country to monitor the reintegration of former refugees who returned under the UNHCR resettlement program. The government stated that the UNHCR's mandate expired in 2001 and all former refugees had been successfully reintegrated. However, there were estimates that since 2005 more than 2,000 Hmong had surrendered, mainly in the provinces of Xieng Khouang, Bolikhamsai, and Vientiane (part of which composed the former military-administered Saisomboun Special Zone).

During the year the government accepted the repatriation of an estimated 1,900 Lao Hmong from Thailand from a group of approximately 7,800 confined to a camp by Thai authorities. Thai and Lao authorities considered these Hmong to be illegal migrants. The international community was concerned that there was no internationally accepted process for determining whether any of the 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, the absence of a process to verify these claims also raised concerns. More than 5,000 Lao Hmong remained in the camp in Thailand at year's end.

The government's policy both for Hmong surrendering internally and for those being returned from Thailand was to return them to their communities of origin whenever possible. Several hundred persons without strong community links were relocated in government settlements such as Pha Lak in Vientiane Province.

In October an international NGO raised questions about the whereabouts of five Lao Hmong who had been returned from Thailand after reportedly helping lead a June protest at the Thai detention camp. They were reportedly detained for several months after being returned. Late in the year, government officials stated that all five were living in Lao communities. Foreign diplomats met two of the five during a December visit to Pha Lak.

The government at times permitted limited access by international organizations and NGOs to provide food and other material assistance to former insurgents who had accepted government resettlement offers.

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 this committee's recommendation, 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, elects the prime minister and other ministers of the government.

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--one headed the Water Resources and Environment Administration and the other chaired the Public Administration and Civil Service Authority. The minister of labor and social welfare also was a woman.

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.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and there was a widespread public perception that many officials within the executive and judicial branches of the government were corrupt. Wages of all government officials were extremely low, and many officials, such as police members, had broad powers that they could easily abuse.

A senior state inspector told the NA in July that 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. The inspector cited corruption in many sectors but complained that employers ignored inspection reports and failed to punish corrupt officials in their organizations. In May the Governance and Public Administration program funded the printing of 4,000 anticorruption books and 8,000 copies of the State Inspection Law for distribution to all state organizations, ministries, and local authorities.

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

There were no domestic human rights NGOs, nor is there a formal procedure for registering such groups.

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 5 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

Rape reportedly 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 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. There were reports that 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. There was no evidence of police or judicial reluctance to act on domestic abuse cases.

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 was a problem.

Sexual harassment was rarely reported, and the actual 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.

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. Discrimination against women did not appear common; however, varying degrees of traditional, culturally based discrimination persisted, with greater discrimination practiced by some hill tribes. 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

Although the government has made children's education and health care a priority in its economic planning, funding for children's basic health and educational needs remained inadequate, and the country had a very high rate of infant and child mortality.

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.

Trafficking in girls for prostitution and forced labor was a problem. Other forms of child labor generally were confined to family farms and family enterprises.

A general increase in tourism in the country and a concomitant probable rise in child sex tourism in the Southeast Asia region beginning in 2007 attracted the attention of authorities, who sought to prevent child sex tourism from taking root. Despite the downturn in tourism beginning in the year, the government continued efforts to reduce demand for commercial sex through periodic raids of nightclubs and discos and through training workshops designed to educate private sector tourism companies on how to avoid and prevent sex tourism. The government and NGOs hosted several seminars to train tourism-sector employees, including taxi drivers, on how to report suspicious behavior. Tourism police received training to combat sex tourism and identify potential victims. Many major international hotels in Vientiane and Luang Prabang displayed posters created by international NGOs warning against child sex tourism.

Trafficking in Persons

The law prohibits abduction and trade in persons, detaining persons against their will, procuring persons for commercial sex, and prostitution. The law also prohibits all forms of trafficking and prescribes penalties that are commensurate with those prescribed for rape. There were reports that persons, particularly women and girls, were trafficked to, from, through, or within the country.

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 one study indicated 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 Laos were primarily from the northern provinces, such as Houaphan and Xieng Khouang, and were trafficked for sexual exploitation or factory work. According to one study, a very small number of female citizens also were trafficked to China to become brides for Chinese men.

Most trafficking victims were lowland Lao, but small and increasing numbers of minority women also were victimized by traffickers. 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.

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.

As of August there were 53 ongoing investigations into human trafficking, several of which involved multiple perpetrators. Ministry of Public Security officials reported one conviction in November 2007 for human trafficking under the trafficking provision of the criminal code and four convictions during the year from Vientiane Municipality and the provinces of Champassak and Vientiane. Sentences ranged from one to 15 years' confinement and severe fines. Lao law enforcement officers participated in joint investigations with their Thai counterparts from northeast Thailand and worked with Vietnamese law enforcement on the new transport routes through the south-central part of the country on trafficking cases. In at least one case, Vietnamese victims were rescued by Lao authorities along the Route 9 corridor, given initial social services by a local victims' assistance NGO after a referral by Lao law enforcement authorities, and returned to Vietnam.

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 demonstrated progress in improving protection for victims of trafficking during the year. The Ministry of Labor and Social Welfare (MLSW) and the Immigration Department cooperated with the International Organization for Migrations, the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region, and a local NGO to provide assistance to victims. The MLSW continued to operate a small transit center in Vientiane. 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 trafficking victims and prevention of trafficking. The MLSW also maintained

two small-scale repatriation assistance centers for returned victims of trafficking, but their effectiveness was limited by a small budget, inadequate international assistance, and a lack of trained personnel.

The MLSW transit centers assisted victims who were formally identified as trafficking victims at shelters in Thailand and then repatriated and assisted under special regulations for victims of human trafficking. The LWU centers also served victims of domestic violence.

The MLSW, in addition to its departments operating in the provinces, worked with NGOs to provide additional assistance to victims of trafficking and domestic violence. The MLSW 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. For example, the NGO Assistance for Women in Distressing Situations (AFESIP) maintained a shelter in Vientiane Municipality to aid victims of human trafficking and sexual exploitation, particularly those in need of long-term counseling and assistance. Victims at the AFESIP shelter were usually referred by the MLSW short-term shelter or sought assistance from AFESIP directly. AFESIP also monitored reintegration of victims who returned directly to their communities or participated in vocational training at other locations, often at the request of the MLSW, which did not generally have the staff necessary for trips to remote areas. In October AFESIP and the MLSW completed construction of a second shelter in Savannakhet Province. The NGO Village Focus International opened another shelter for victims in Pakse.

With support from the UN Children's Fund (UNICEF), the National Commission for Mothers and Children continued an active program of support for victims. Through legal aid clinics, the Lao Bar Association, under the umbrella of the Ministry of Justice, also assisted victims by educating the public at large on the legal system and by providing legal advice to victims of human rights abuses, including human trafficking. 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 level.

The government took steps to educate 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. In September, with approval from the Ministry of Information and Culture, Secretariat against Trafficking, and the prime minister's office, the semiprivate television broadcaster Lao Star teamed with MTV to stage a concert highlighting the problem of trafficking and to repeatedly broadcast the concert and a documentary on human trafficking in Asia. Government officials showed the film again to international government representatives from six Mekong countries at a trafficking summit in Vientiane in November to further demonstrate the importance of combating human trafficking as they requested increased transborder cooperation from their neighbors.

The State Department'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.

According to the Ministry of Justice, the government supports the rights of all persons, including those with disabilities, to vote and participate in civic affairs.

In May the Lao Disabled People's Association opened a new center for children with cerebral palsy. The center had the capacity to care for 20 children from ages two to 10. Parents paid 500,000 kip (approximately \$58.40) monthly.

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.

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 the ethnic Lao population. 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.

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 to authorities. The government continued to deny international observers permission to visit the estimated 2,000 insurgents who have surrendered since 2005, and 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 offers from the international community to assist surrendered insurgents directly, but it allowed some aid from the UN and international agencies to reach them as part of larger assistance programs.

Other Societal Abuses and Discrimination

Within lowland Lao society, despite wide and growing tolerance of homosexual practices, societal discrimination persisted against such practices.

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

Section 6 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 made strikes 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 12,111, significantly less than 1 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 law generally was not enforced by the MLSW, 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 sets wages and salaries for government employees, while management sets 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 export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, except in time of war or national disaster, and there were no reports that such practices 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. Many children helped their families on farms or in shops, but child labor was rare in industrial enterprises. Some garment factories reportedly employed a very small number of underage girls. The Ministries of Public Security and Justice are responsible for enforcing these provisions, but enforcement was ineffective due to a lack of inspectors and other resources.

e. Acceptable Conditions of Work

The daily minimum wage for the more than 120,000 private sector workers was set at 11,154 kip (\$1.30); the

monthly minimum wage was 290,000 kip (\$33.90). These minimum wages were insufficient to provide a decent standard of living for a worker and family. The minimum wage for civil servants and state enterprise employees was lower than the minimum wage for private-sector workers in the past but was raised from 200,000 to 250,000 kip (\$23.40 to \$29.20) per month in the government's 2007-2008 budget and was increased again to 405,000 kip (\$47.40) per month in the 2008-2009 budget, which was in force at year's end. In addition to their minimum wage, civil servants often received other government benefits and housing subsidies. 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 percent 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. This requirement was generally fulfilled by employers in the formal economic sector. The law also mandates extensive employer responsibility for those disabled while at work, and this provision appeared to be enforced effectively. The MLSW is responsible for workplace inspections. Officials undertake unannounced inspections when notified that a workplace has violated 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 and China, and they were vulnerable to exploitation by employers.