

LAOS

EXECUTIVE SUMMARY

The Lao People's Democratic Republic is an authoritarian state ruled by the only party that the constitution legitimizes, the Lao People's Revolutionary Party (LPRP). The most recent National Assembly election was held on April 30, and almost all candidates were LPRP members vetted by the party. Security forces reported to civilian authorities.

The most significant human rights problems were that the government continued to deny citizens the right to change their government, prison conditions were harsh and at times life-threatening, and corruption in the police and judiciary persisted.

Other human rights problems included some police and security force abuse of prisoners and detainees; arbitrary arrest and detention; government infringements on freedom of speech, the press, assembly, and association, as well as the right to privacy; government restrictions on academic freedom; local restrictions on religious freedom; trafficking in persons; societal discrimination on the basis of sexual orientation and against persons with HIV/AIDS; and government restrictions on worker rights.

The government did not take steps to prosecute and punish officials who committed abuses, and members of the police acted with impunity.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no credible reports that the government or its agents committed arbitrary or unlawful killings, including against insurgent groups.

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 police and security force members sometimes abused prisoners.

Detainees occasionally 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. 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.

In October an international human rights organization reported that police and local militia forcibly detained without due process and physically abused individuals at the Somsanga Drug Treatment and Rehabilitation Center in Vientiane and called for an investigation. However, foreign diplomats and international organization representatives based in Vientiane regularly visited the center throughout the year and found no evidence to support the report.

Prison and Detention Center Conditions

Prison conditions varied widely but in general were harsh and occasionally life-threatening. Authorities did not make prison population statistics available. Prisons were overcrowded with poor ventilation, minimal sanitation facilities, inadequate access to food and potable water, and substandard medical care. 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. Generally family members could access prisoners and detainees, although sometimes the family did not live close to the jail; in some facilities families could make frequent visits, but in others, visits were severely restricted.

Unlike 2010 there were no credible reports during the year from international organizations that authorities treated ethnic minority prisoners particularly harshly. Authorities used incommunicado detention as an interrogation technique and against perceived problem prisoners, although there were no specific 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.

Male and female prisoners were held in the same prisons but were placed in separate cells. Conditions for women generally were similar to or better than those for men. 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.

Prisoners and detainees could follow some religious observances, but no facilities were provided.

Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions, although there were no reports that prisoners, detainees, or their family members made such requests for fear of exacerbating poor detention conditions. There were also no known investigations of complaints and no records of government investigation or monitoring of prison and detention center conditions.

The government did not permit regular independent monitoring of prison conditions. At times it provided foreign diplomats access to some prisons, but such access was strictly limited. There were no ombudsmen to serve on behalf of prisoners and detainees.

In certain cases the government allowed offenders convicted of nonviolent crimes to be released, without formally sentencing them to prison.

The government made improvements to Phongtong Prison facilities for foreigners during the year. No information was available about improvements to any of the other 18 prisons.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Ministry of Public Security maintains internal security but shares the function of state control with the Ministry of Defense's security forces and with the LPRP and the LPRP's popular front organizations. The Ministry of Public Security includes local, traffic, immigration, and security (including border) police plus other armed police units. Additionally, communications 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, although there were no statistics available. The Ministry of Public Security's Inspection Department maintained complaint boxes throughout most of the country for citizens to deposit written complaints.

The government cooperated with international organizations to implement a national strategy to strengthen law enforcement and deal with increased drug trafficking and abuse as well as related crime and police corruption.

Arrest Procedures and Treatment While in Detention

Police and military forces have arrest powers, although normally only police carried them out. The law provides detainees the right to a prompt judicial determination of the legality of detention. The law also requires that, within 24 hours of arrest, authorities notify detainees of the charges brought against them and inform next of kin, and generally this occurred. Prisoner access to family members and a lawyer was not assured but was generally allowed. There is a bail system, but it was nonfunctioning and arbitrarily implemented. There were no reports of detainees held incommunicado during the year, but authorities did place them under house arrest, particularly for health reasons.

Arbitrary Arrest: Police continued to exercise 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.

Pretrial Detention: 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 reportedly made efforts to ensure that all prisoners were brought to trial within the one-year limit, but the limit occasionally was ignored. The Prosecutor General's Office 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. Authorities at times 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 later.

Amnesty: On December 30, the government issued a presidential decree granting amnesty to 665 prisoners, of whom 109 were women and 25 were foreigners.

e. Denial of Fair Public Trial

The law provides for the independence of the judiciary. The judiciary was weak, but 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 National Assembly may remove judges from office for "impropriety," although no judges were removed during the year.

Trial Procedures

By law defendants enjoy a presumption of innocence, but 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 reviews of the evidence. Juries are not used. Trials that involve certain criminal laws relating to national security, state secrets, children under age 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. Nevertheless, 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. Defendants have the right of appeal.

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. 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 Champasak and Oudomsay provinces provided legal services to citizens in need.

All of the country's judges were LPRP members. Most had only basic legal training, and some zonal courts had few or no reference materials available for guidance. The National Assembly Legal Affairs Committee occasionally reviewed People's Supreme Court decisions for "accuracy" and returned cases to it or the Prosecutor General's Office for review when the committee believed decisions were reached improperly.

Political Prisoners and Detainees

There were no available government statistics or reliable estimates of the number of political prisoners, but the following three were well known:

Colonel Sing Chanthakoumane, an official of the pre-1975 government, continued to serve a life sentence for antigovernment activities after a 1990 trial that was not conducted according to international standards. The government continued to ignore requests to release him on humanitarian grounds.

Thongpaseuth Keuakoun and Seng-aloun Phengboun, arrested in 1999 for attempting to organize a prodemocracy demonstration, continued to serve 15-year sentences for antigovernment activities.

Authorities allowed families to visit them, but no humanitarian organization had regular access to them.

There were no credible reports during the year of persons arrested, tried, and convicted under national security laws that prevent public court trials.

Civil Judicial Procedures and Remedies

The law provides for independence of the judiciary in civil matters, but 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 National Assembly. Regarding 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 Ministry of Public Security 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 and reported "undesirable elements" to police. Members of the LPRP's front organizations, including the Lao Women's Union (LWU), the Youth Union, and the Lao Front for National Construction also played a role in monitoring citizens at all societal levels.

The government continued to relocate 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. While there were no reports of the government forcibly relocating villagers, there were reports of individuals displaced by government projects. 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, and disease. 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 arrests and fines. Premarital cohabitation with foreigners 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

Status of Freedom of Speech and Press

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

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

Freedom of Press: 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.

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.

Violence and Harassment: 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 permitted their travel without official escorts. When escorts were required, they reportedly were at journalists' expense.

Censorship or Content Restrictions: Officials reviewed privately owned periodicals after publication and could penalize those whose articles did not meet government approval. The Ministry of Information and Culture's Mass Media Department confirmed that no publications during the year failed to obtain

government approval. Publishers reportedly were aware of what the government would approve for publishing and therefore tended to practice self-censorship.

Authorities prohibited the dissemination of materials deemed by the ministry 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 of one to three times the value of the item or imprisonment for up to one year.

Publishing Restrictions: 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 those 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.

Internet Freedom

The government controlled all domestic Internet servers and retained the ability to block access to Internet Web 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 capability appeared limited.

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. Although 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, the government 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 attempted to limit the influence of Thai culture on Lao music and entertainment, but these attempts had 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 decree allows for the registration of nonprofit civil society organizations--including economic, social-welfare, professional, technical, and creative associations--at the district, provincial, or national level, depending on the scope of work and membership. Only 10 organizations completed the application process and were registered formally; another 70 awaited approval by year's end.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/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 cooperated in some cases 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.

Foreign Travel: Citizens seeking to travel to contiguous areas of neighboring countries generally obtained the required permits easily from district offices. Those wishing to travel farther abroad were required to apply for passports.

Emigration and Repatriation: 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 Hmong returnees from Thailand. The government continued to maintain that the UNHCR's mandate expired in 2001 and all former refugees had successfully reintegrated. During the year foreign diplomats, international organizations representatives (including senior UNHCR officials), and the press visited the villages of Phonekham in Borikhamxay Province and Phalak and Nongsan in Vientiane Province, where Lao Hmong who returned from Thailand in 2007-09 were resettled, including those involuntarily returned in 2009. The government in 2010 provided land, housing, and electricity plus a one-year supply of food. During the year the government worked on an irrigation system for Phonekham Village that was scheduled for completion in 2012, and it continued to make a concerted effort to provide the international community access, albeit controlled, to these resettlement villages.

The government's policy--both for Hmong surrendering internally and for those returned from Thailand--was to return them to communities of origin whenever possible. On September 28, Lao authorities received 34 Lao Hmong whom Thai authorities repatriated across the Mekong River near Nong Khai, Thailand. The returnees claimed that one Lao Hmong male drowned while being ferried across the river by boat, and unsubstantiated reports from elements of the Hmong diaspora alleged that Thai authorities beat him. The government reportedly sent these returnees back to their villages by year's end.

The government maintained its policy of denying the right of return to persons who fled the country during the 1975 change of regime and were tried in absentia for antigovernment activities; there were no cases of such denial during the year.

Internally Displaced Persons (IDPs)

In the absence of comprehensive and timely monitoring by international organizations and independent observers, it was not possible to clarify the number

and condition of IDPs in the country or the situation concerning their protection and reintegration, government restrictions on them, and their access to basic services and assistance. Nevertheless, the NGO Internal Displacement Monitoring Center's 2010 report identified three groups of IDPs that could total "between several hundreds and several thousands," as follows: (1) Hmong who fled to Thailand and were forcibly returned; (2) individuals who should be considered as civilians but were living with Hmong insurgents (see section 6, National/Racial/Ethnic Minorities); and (3) individuals, small in number, of non-Buddhist minority religious group members who reportedly were forced from their villages due to local restrictions on religious practices (see the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt).

Protection of Refugees

Access to Asylum: The law provides for asylum and the protection of stateless persons. The government did not routinely grant refugee or asylum status, but it showed some flexibility in dealing pragmatically with individual asylum cases.

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 universal, adult-suffrage voting by secret ballot. Election committees appointed by the National Assembly must approve all candidates for local and national elections. Candidates do not need to be LPRP members, but in practice almost all were.

The National Assembly chooses members of the Standing Committee, generally based on the previous Standing Committee's recommendations. Upon such recommendations, the National Assembly 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 National Assembly, upon the president's recommendation, formally elects the prime minister and other government ministers.

Recent Elections: The most recent National Assembly election was on April 30. Independent observers were not allowed to monitor the election process.

Political Parties: The constitution legitimizes only the LPRP; all other political parties are outlawed.

Participation of Women and Minorities: There were 33 women in the 132-seat National Assembly, including two on the ten-member Standing Committee, and three women were members of the 13-member People's Supreme Court. The 61-seat LPRP Central Committee included five women, one of whom was also a member of the 11-member Politburo and president of the National Assembly. Of six ministers in the Prime Minister's Office, two were women. The minister of labor and social welfare also was a woman.

While 80 percent of the population lived in rural areas and the village chief and village council handled most everyday matters, fewer than 1 percent of the village chiefs were women. The LWU--the LPRP mass organization focused on women's issues with a presence in every village and at every government level--is the only organization that has representation in every village, and only one member of the LWU represented women in each village council.

There were seven members of ethnic minorities in the LPRP Central Committee, including two in the Politburo. The National Assembly included 50 members of ethnic minorities, while two of the 28 cabinet ministers were members of ethnic minority groups. The new president of the National Assembly was also a member of an ethnic minority. One of the People's Supreme Court justices was a member of an ethnic minority.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively, and corruption continued to be a serious problem. 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.

Many police officers used their authority to extract bribes from citizens. Some judges reportedly could be bribed. Corrupt officials reportedly were seldom punished. Police were trained at the National Police Academy, but the extent to which the academy's curriculum covered corruption was unknown.

In theory the Government Inspection and Anticorruption Committee, which was established in June, carries authority equal to a government ministry and has responsibility for uncovering corruption in all government ministries, including the Ministry of Public Security. Authorities arrested and administratively punished lower-level officials on occasion for corruption. There were no reports of criminal cases brought to trial. 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 adequate funding, equipment, and legal support from the government.

Prior to taking their designated positions, senior officials were 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.

No laws provide 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.

UN and Other International Bodies: The government maintained contacts and cooperated with the International Committee of the Red Cross in various activities for the implementation of international humanitarian law. The government also continued to work on implementing the 2010 UN Universal Periodic Review recommendations that it had accepted.

Government Human Rights Bodies: There is no ombudsman. A human rights division in the Ministry of Foreign Affairs has responsibility for investigating allegations of human rights violations, although in practice it apparently had no authority to perform investigations or direct other ministries to undertake them.

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

The constitution provides for equal treatment under the law for all citizens without regard to ethnicity, gender, social status, education, or faith. The government at times took action when well-documented, 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 and Domestic Violence: 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 tried in court, defendants generally were convicted with sentences ranging from three years' imprisonment to execution. Rape was reportedly rare, although it was likely underreported, as was most crime. The country does not have a central crime database, nor does it provide crime statistics.

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

LWU centers and the Ministry of Labor and Social Welfare, in cooperation with NGOs, assisted victims of domestic violence. On November 25, the Counseling and Protection Center for Women and Children in Vientiane, operated by the

LWU, launched a new nationwide hotline for individuals to report incidents of domestic violence and receive counseling over the telephone. An international NGO operating a shelter for homeless children noted that domestic violence was one of the main reasons why children leave homes to live on the streets of Vientiane. Overall statistics were unavailable on the number of abusers prosecuted, convicted, or punished, but the LWU estimated that the centers have assisted approximately 500 domestic violence victims since October 2010.

Sexual Harassment: Although sexual harassment is not illegal, “indecent sexual behavior” toward another person is illegal and punishable by six months to three years in prison. Sexual harassment rarely was reported, with its extent difficult to assess.

Reproductive Rights: 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 generally available, although the means of contraception were not widely available in rural areas and were often financially out of reach. A 2011 UN Population Fund report estimated the contraceptive prevalence rate for women of reproductive age (15-49 years) in 2010 for all methods to be 38 percent and the maternal mortality ratio in 2008 to be 580 deaths per 100,000 live births. Deaths related to pregnancy and childbirth were the primary cause of death for women of reproductive age. Very few women had access to skilled birth attendants and very few medical centers were equipped to deal with complicated births, especially in small, nomadic, and ethnic villages. According to the UN Development Program, the major factors influencing maternal mortality in the country were the low contraceptive prevalence rate, the high unmet need for family planning among women of reproductive age (27 percent), the low percentage of deliveries assisted by trained health practitioners (23 percent), and the lack of access to emergency obstetric care. Antenatal care remained poor. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination: The law provides equal rights for women, but traditional attitudes and gender-role stereotyping kept women and girls in subordinate positions, preventing them from equally accessing education and business opportunities, and there was little government effort to redress this. The law also prohibits legal discrimination in marriage and inheritance, although varying degrees of culturally based discrimination against women persisted, with greater discrimination practiced by some hill tribes.

The LWU operated nationally to promote the position of women in society, including conducting several programs to strengthen the role of women that were most effective in urban areas. Many women occupied decision-making positions in the civil service and private business, and in urban areas their incomes were often higher than those of men. Poverty continued to affect women disproportionately, especially in rural and ethnic minority communities. While rural women carried out more than half of total agricultural production in every field, the additional workloads of housework and child rearing also fell primarily on women.

Children

Birth Registration: Regardless of where they are born, children acquire citizenship if both parents are citizens. Children born of one citizen parent acquire citizenship if born in the country or, when born outside the country's territory, if one parent has a permanent in-country address. Not all births were immediately registered.

Education: Education was compulsory, free, and universal through the fifth grade, although 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. Although school enrollment rates for girls remained lower than for boys, gender parity continued to increase.

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

Child Marriage: The law allows marriage under age 18 in "special and necessary cases," often cases of underage pregnancy, and a considerable percentage of women married before reaching that age.

Sexual Exploitation of Children: The law does not contain penalties specifically for child prostitution, but the penalty for sex with a child (defined as under age 15, 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 (\$6 to \$24).

A general increase in tourism in the country and a concomitant 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 the cities of Vientiane and Luang Prabang displayed posters created by international NGOs warning against child sex tourism.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

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 Ministry of Labor and Social Welfare and the Lao National Commission for the Disabled protect such persons against discrimination, although the regulations lack the force of law.

The Ministry of Health has primary responsibility for protecting the rights of persons with disabilities. Because of the large number of disabilities resulting from unexploded ordnance accidents, the ministry worked extensively on this issue, especially in coordination with international NGOs, to operate the Cooperative Orthotic and Prosthetic Enterprise that supplied prosthetic limbs, corrected clubfeet, and provided education to deaf and blind persons.

According to the Ministry of Public Works and Transport, the law requires that construction projects begun after 2009 provide facilities to persons with disabilities and elderly individuals, particularly in the construction of buildings, roads, and public places. The law does not mandate accessibility to buildings built before its enactment or government services for persons with disabilities, but during the year the Ministry of Labor and Social Welfare established regulations regarding building access and built some sidewalk ramps in Vientiane. While there was some progress on accessibility, the lack of resources for infrastructure slowed the retrofitting of most buildings. There were no reports of discrimination in the workplace.

National/Racial/Ethnic Minorities

The law provides for equal rights for all minority citizens and bars discrimination against them. Nonetheless, some societal discrimination persisted. Moreover, some 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, notably those in remote locations, believed they had little voice in government decisions affecting their lands and the allocation of natural resources from their areas.

Of the 49 official ethnic groups in the country, the Hmong are one of the largest and most prominent. 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, 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. Residual, small, scattered pockets of insurgents and their families remained in remote jungle areas. The government continued to

reduce its efforts to combat them actively and continued to offer “amnesty” to insurgents who surrender, but because of their past activities, amnestied insurgents continued to be the focus of official suspicion and scrutiny. The government continued to refuse most 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

There was no law prohibiting discrimination based on sexual orientation or gender identity, but there was also no official discrimination based on either factor reported during the year. Within lowland Lao society, despite wide and growing tolerance of lesbian, gay, bisexual, and transgender persons, societal discrimination in employment and housing persisted, and there were no governmental efforts to address it. Reports indicated that lesbians faced greater societal stigma and discrimination than gay men.

Other Societal Violence or Discrimination

There was no societal violence or 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. Freedom of Association and the Right to Collective Bargaining

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, which in turn is controlled by the LPRP. In addition, the law does not permit unions to conduct their activities without government interference and prohibits union membership for foreign workers. The law does not prohibit strikes.

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 federation representatives, with final authority residing in the Ministry of Labor and Social Welfare.

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.

The government's bans on subversive activities or destabilizing demonstrations and its failure to provide the means to call a strike made strikes extremely unlikely, and no strike was reported during the year.

The ministry generally did not enforce the dispute-resolution law, especially in dealings with joint ventures in the private sector. Labor disputes reportedly were infrequent. According to labor activists, the federation needed government permission to enter factories and had to provide advance notice of such visits, thereby rendering it powerless to protect workers who filed complaints. Workplace committees were used for resolving complaints, but there was no information on how effective these committees were in practice.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, except in time of war or national disaster. However, due to a limited number of inspectors and resources, the government did not effectively enforce these laws. Forced labor, including forced child labor (see section 7.c.), reportedly occurred in the agriculture industry, particularly on rubber plantations.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law allows for children between the ages of 14 and 18 to work up to eight hours per day, provided such work is not dangerous or difficult. There were no known reports of children working in hazardous environments. The ministries of public security and justice, and labor and social welfare, 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. Forced labor of Lao boys allegedly occurred in the agricultural sector, for example, on rubber plantations.

On June 10, the Ministry of Labor and Social Welfare cooperated with the International Labor Organization to mark the World Day Against Child Labor by holding a seminar to raise awareness of child labor issues among government officials and workers' and employers' organizations.

d. Acceptable Conditions of Work

The government sets wages and salaries for government employees; management sets wages and salaries for private business employees. The Ministry of Labor and Social Welfare determines the minimum wage but has no regular schedule or transparent process for doing so. On November 23, the government passed a decree increasing the monthly minimum wage for private sector workers from 348,000 to 626,000 kip (approximately \$42 to \$75). Additionally, employers were required to pay an 8,500-kip (\$1) meal allowance per day. The National Assembly, in consultation with the Ministry of Finance, last increased the minimum wage for civil servants and state enterprise employees to 405,000 kip (\$49) per month in 2008. The government set the national poverty line at an average income of 192,000 kip (\$23) per person per month. 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. By law the government determines public holidays. Workers employed under an employment contract for an indefinite period or for a period of more than one year and who have worked for one full year are entitled to 15 days' annual leave. Workers in sectors involving heavy work or work that is hazardous to health, as specified in the law, are entitled to 18 days' annual leave with full pay at the normal rate.

The law provides for safe working conditions and higher compensation for dangerous work. The law has no specific provision allowing workers to remove themselves from a dangerous situation without jeopardizing their employment. 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 Ministry of Labor and Social Welfare is responsible for workplace inspections, and its Labor Inspection Division estimated that there were approximately 40 inspectors in the country, but a lack of personnel and budgetary resources precluded effective law enforcement. Officials undertook unannounced inspections when notified of a violation of safe working standards, and employers were given three to six months to address violations before being fined. The Inspection Division confirmed that 142 workplace accidents and seven fatalities occurred in 2010.

There were a number of undocumented immigrants in Laos, particularly from Vietnam, China, and Burma, and they were vulnerable to exploitation by employers. These immigrants primarily worked in construction, plantations, casinos, and service industries. The law sets the percentage of foreign laborers allowed to be hired by a company operating in the country and requires approval of foreign workers, but it does not provide specific work-condition protections for them. The Ministry of Labor and Social Welfare estimated in October 2010 that approximately 250,000 foreigners were working in the country.