LAO PEOPLE’S DEMOCRATIC REPUBLIC

BASELINE ASSESSMENT OF R2P IMPLEMENTATION
The following Baseline Assessment Annex provides an overview of the Lao People’s Democratic Republic’s efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of ‘Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges’, available here.
The Lao People’s Democratic Republic (Laos) is among the weakest performers in the Asia Pacific region when it comes to the implementation of R2P. It performs strongest in relation to the protection of populations from atrocity crimes and the reduction of overall risks. It also does relatively well in relation to the adoption of international human rights laws considered most pertinent to R2P and participates constructively in the Universal Periodic Review process of the Human Rights Council.

Laos has ratified the Genocide Conventions and Geneva Conventions, as well as the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, but has not yet signed the Rome Statute or given any indication that it intends to. In principle, the Constitution and numerous laws ensure equal access to judicial institutions and the protection of vulnerable groups, but this does not yet translate into widespread practice. This is particularly marked in regards to minority ethnic groups, especially the Hmong, who are unable to freely express their cultural and religious identity for fear of persecution.

Laos performs relatively weakly on most domestic measures and this reflects the constricted civil and political freedoms evident in the country. Civil society is heavily restricted and the education sector is not well attuned to addressing the underlying causes of atrocity crimes.

Internationally, Laos has done little to support implementation of R2P, though it has also not actively sought to block implementation. Reluctance to engage with R2P is particularly evident in its lack of participation with regional and international debates on the issue. Laos has never given a statement on R2P at the UN. Whilst initially supporting Venezuela’s critical stance against R2P, in December 2011 Laos supported the funding of three additional posts for the UN Office on Genocide Prevention and R2P (whereas Venezuela, Cuba, and seven other states voted against the measure). Laos has not contributed to UN peacekeeping operations. However, military representatives attended the first ASEAN Peacekeeping Centers Network (APCN) meeting held in Kuala Lumpur in September 2012.

Thus far, Laos has displayed considerable reservations about R2P and faces critical challenges at home.
<table>
<thead>
<tr>
<th>Assessment</th>
<th>Indicator</th>
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</table>
| **Strong** | Protection of populations from atrocity crimes  
Reduction of atrocity crime risks  
Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council |
| **Fair** | Sign, ratify and implement relevant instruments of international law  
Ensure equal access to justice  
Ensure a legitimate, effective and civilian controlled security sector |
| **Weak** | Dealing with past atrocities  
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination  
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations  
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity  
Take measures to counter and prevent violent extremism  
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence  
Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness  
Prevent nationals committing atrocity crimes overseas  
Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P |
| **Very Weak** | Appoint national R2P Focal Point  
Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships  
Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect  
Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court  
Establish and maintain National Human Rights Institutions in accordance with the Paris Principles  
Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law  
Conduct a national assessment of risk and resilience  
Cultivate and protect an active, diverse and robust civil society  
Participate in international, regional and national discussions on the further advancement of R2P  
Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect  
Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy  
Strengthen regional and international networks for atrocity crime prevention |
| Strengthen the role and capacity of regional organisations          |
| Support the development and work of regional human rights and other preventive capacities |
| Support atrocity prevention through development and assistance partnerships |
| Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate) |
| Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping |
| Support the Kigali Principles |
| Support UN Security Council veto restraint on issues relating to atrocity prevention |
Lao People’s Democratic Republic (Laos)
Laos: Baseline Assessment of R2P Implementation

<table>
<thead>
<tr>
<th>Thematic Area</th>
<th>Indicator</th>
<th>Assessment</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Basic Compliance</td>
<td>Protection of populations from atrocity crimes.</td>
<td>Strong</td>
<td>Under the leadership of the Lao People’s Revolutionary Party (LPRP), Laos is to a large extent a country protected from atrocity crimes. However, there is some concern that the ruling government is culpable of atrocity crimes in some of its dealings with people of the Hmong ethnicity.¹</td>
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<td></td>
<td>Reduction of atrocity crime risks.</td>
<td>Strong</td>
<td>Despite human rights violations (see Indicators below) that could form a conducive environment for atrocities, the risk of atrocity crimes occurring in Laos at present is small.</td>
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<td></td>
<td>Dealing with past atrocities.</td>
<td>Weak</td>
<td>Laos plays host to a low-intensity insurgency that is a continuation of the U.S.’s ‘Secret War’ that was waged in conjunction with the Vietnam War. The Laotian government has done little to reconcile with those who fought against the communist government and despite assurances to the contrary, there is evidence that veterans of this conflict are still persecuted and hunted in Laos today.² This includes the execution of atrocity crimes against them.³</td>
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<td>There is also the fallout of the concentrated U.S. bombing campaign in Laos from the same time period, that has left an estimated 80 million unexploded munitions. Aid donations meant to assist in funding clearance operations has been partially diluted by corrupt government officials siphoning funds.⁴</td>
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| Policy Mechanisms              | Appoint national R2P Focal Point.                     | Very Weak  | There is no R2P focal point in Laos.⁵                                                                                             |
|                               | Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships. | Very Weak  | Laos has not taken steps to fulfil this Indicator.                                                                                   |
|                               | Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect. | Very Weak  | There is no evidence of the government establishing domestic mechanisms to be held accountable in upholding R2P.                      |

| International Human Rights Obligations | Sign, ratify and implement relevant instruments of international law. | Fair | Laos has ratified nine of the twelve key international human rights laws (IHRL) most relevant to R2P.⁶ The instruments ratified are: |

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Laos has not signed the 1951 Refugee Convention and its 1967 Protocol; the Rome Statute of the International Criminal Court; or the Arms Trade Treaty [ATT].

Laos has voiced some reservations over the treaties it has ratified. For the ICCPR, Laos had a reservation over Article 22 and made a following declaration over Articles 1 and 18. For the CAT, the country had reservations over Article 20 and Article 30, paragraph 1 and made a declaration over Article 1, paragraph 1 and Article 8, paragraph 2.

Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.

Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.

There is no national human rights institution in Laos, in accordance with the Paris Principles or otherwise. It was recommended that the government establish such an organisation, yet this recommendation was rejected at Laos’ 2010 Universal Periodic Review meeting.

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Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.

Chapter IV of the constitution of the Lao People’s Democratic Republic provides for freedom of religion, speech, press, and assembly (Articles 43-45) and proclaims gender equality (Article 37). Moreover, Article 8 stresses that Laos is a multiethnic state committed to equality between what is a highly ethnically diverse population. The Constitution was first promulgated in 1999 – 16 years after the Lao People’s Democratic Republic was proclaimed in 1975 – and has undergone numerous amendments, most recently in 2015.11

Domestic law is the provision of the People’s Court, which constitutes the judicial branch of the State and consists of the People’s Supreme Court, Local People’s Court and Military Courts. After its first periodic review, the UNOHCHR noted several important laws had been enacted or amended including those to do with criminal procedures.12

There are concerns about gaps within the constitution and the domestic legal system. These include the treatment of the Hmong ethnic minority; arbitrary arrest and detention; access to an independent judiciary; government infringements on freedoms of speech, press, assembly and association as well as the right to privacy; and societal discrimination based on sexual orientation and against people with HIV/AIDS.13 Moreover, concerns have been raised about the land management regime in the country, whereby land is allotted for housing, farming, gardening and grazing. This system fails to recognise the link between the cultural identity of ethnic groups and their ties to their land.14

The Committee on the Elimination of Racial Discrimination has raised concerns that Article 66 of the Criminal Code on ‘division of solidarity’ did not prohibit dissemination of ideas based on racial superiority, hatred and incitement to racial discrimination; nor did it ban organisations or activities promoting racial discrimination. In 2012, the Committee recommended the incorporation into the Criminal Code of provisions giving full effect to Article 4 of the Convention and the addition of racist motivation to the aggravating circumstances for crimes under Article 41 of the Criminal Code.15

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12 United Nations, Human Rights Council (HRC), Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15(b) of the annex to the Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, 12 November 2014, A/HRC/WG.6/21/LAO/2, para. 5.


14 United Nations, Committee on the Elimination of Racial Discrimination (CERD), Consideration of reports submitted by States parties under article 9 of the Convention, 13 April 2012, CERD/C/LAO/CO/16-18, para. 16.

15 Ibid.
<table>
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<tr>
<th>Action</th>
<th>Rating</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.</td>
<td>Strong</td>
<td>Laos has participated in the UN’s UPR twice. The first was in May 2010, where the government fully accepted 71 recommendations, partially accepted 15, while 21 were not accepted. During its second UPR in 2015, Laos fully accepted 119 recommendations and noted a further 84. Currently, Laos has three overdue reports. One for the CAT, due in 2013; one for the CERD due in 2014 and one for the ICESCR due since 2009.</td>
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<tr>
<td>Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.</td>
<td>Weak</td>
<td>Laos has not extended a standing invitation to Special Procedure mandate holders of the UN. Only three visits have been completed and reported upon and a further is currently underway at time of writing (March 2019).</td>
</tr>
<tr>
<td>Ensure equal access to justice.</td>
<td>Fair</td>
<td>The constitution provides for an independent judiciary, and Article 35 states that citizens are equal before the law, regardless of gender, social status, education, beliefs and ethnicity. The rights to a fair trial is ensured in the justice system through various laws, for example the Law on Criminal Procedure, Law on Civil Procedure, Law on People’s Courts, Law on People’s Prosecutor and Law on Lawyers. But, in practice rights of due process are reported to be routinely denied. Laos made sure to note in its UPR that it had made reforms designed at strengthening the rule of law, yet serious concerns remain about practical effectiveness. Various human rights organisations have noted instances of forced disappearances and arbitrary detention. Moreover, the National Assembly Standing Committee is responsible for the appointment and dismissal of the judiciary and there is no jury system, undermining an independent judiciary.</td>
</tr>
<tr>
<td>Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.</td>
<td>Weak</td>
<td>Laos has ratified the Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions and the Geneva Protocol I. It has also acceded to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (in 1984). However, as already mentioned it has not yet signed the Rome Statute of the International Criminal Court.</td>
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20 Lao People’s Democratic Republic, National Assembly. The Amended Constitution of the Lao People’s Democratic Republic, Article 35.
<table>
<thead>
<tr>
<th>Recommendations</th>
<th>Efforts</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Take measures to counter and prevent violent extremism.</td>
<td>Weak</td>
<td>Laotian officials, while condemning acts of violent extremism and terrorism, have considered these issues of a marginal concern. There is no specific counter-terrorism law, and issues remain with trying to prosecute violent extremism under existing laws.26</td>
</tr>
<tr>
<td>Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.</td>
<td>Weak</td>
<td>The constitution and laws of Laos provide for the equal rights of minority ethnic groups and women and the protection of such groups from violence and discrimination.28</td>
</tr>
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discriminated against (see further Indicator on education below).\textsuperscript{32}

No law prohibits discrimination based on sexual orientation or gender identity, and while same-sex relationships are tolerated to some extent, discrimination based on sexual and gender identity is prevalent.\textsuperscript{33} In 2012, the first gay pride event was held in Laos, in an effort to raise awareness in the broader population over sexual orientation and HIV/AIDS vulnerability.\textsuperscript{34}

In regards to religious freedom, the constitution protects its citizens to believe (or not) in religion.\textsuperscript{35} The government recognises four main religions to which all religious groups must adhere to one of; they are Buddhism, Christianity, Islam and Bahai Faith. There are reports of the authorities – especially in isolated villages – arresting, detaining and exiling followers of minority religions.\textsuperscript{36}

| Domestic Implementation | Conduct a national assessment of risk and resilience. | Very Weak | Laos has not signed the 1951 Refugee Convention or its 1967 Protocol. No information could be found of Laos offering aid to refugees and migrants. Laos has been a source country for refugees over the past decades, rather than a destination country, due to many Hmong fleeing after American involvement in Indochina.\textsuperscript{37} |
| Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law. | Very Weak |

\textsuperscript{34} The Telegraph, 2012. ‘Laos holds first gay pride event’. \textit{The Telegraph}, 27 June. Available at: \url{https://www.telegraph.co.uk/news/worldnews/asia/laos/9359330/Laos-holds-first-gay-pride-event.html}.
\textsuperscript{35} Lao People’s Democratic Republic, National Assembly. The Amended Constitution of the Lao People’s Democratic Republic, Article 43.
\textsuperscript{38} Lao People’s Democratic Republic, National Assembly. The Amended Constitution of the Lao People’s Democratic Republic, Article 44.
village education, development committees and other initiatives focused on expanding education and providing vocational skills to rural poor.

Numerous human rights bodies report the government restricts freedom of association and the press in practice.\textsuperscript{40} For example, political organisations and groups other than those approved by the LPRP remain prohibited. Moreover, the government has occasionally tried to influence board membership of civil society organisations and has forced some organisations to change their names to remove words it deemed sensitive, such as ‘rights’. The registration process for organisations is generally considered burdensome and authorities restrict the ability to disseminate information and conduct activities without interference. In sum, despite some positive steps,\textsuperscript{41} civil society in Laos still faces many challenges for effective engagement and participation in the country.\textsuperscript{42}

Press freedom in Laos is highly restrictive. Freedom House ranks Laos’ press freedom at 85/100 (100 being least free)\textsuperscript{43} while Reporters Without Borders ranked it at 170 in the 2018 World Press Freedom Index.\textsuperscript{44} In 2014, a new decree was introduced where internet users who criticise the government could be jailed.\textsuperscript{45}

Ensure a legitimate, effective and civilian controlled security sector.  

Fair  
The Laotian government is largely considered to be in control of their security forces, but the military holds a prominent position in state affairs and it does not strictly operate under total civilian control, with impunity and police corruption being an ongoing problem.\textsuperscript{46} Laos maintains a dispute with Thailand and Cambodia over borders and claims sovereignty over several disputed islands. Laotian security services have been linked by human rights activists to a string of politically motivated assassinations of Laotian citizens, both within Laos and in neighbouring Thailand, over the past decade.\textsuperscript{47}

Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.  

Weak  
The constitution gives the citizens of Laos the right to education and makes provisions for the government to provide free primary education and develop quality national education.\textsuperscript{48} The most recent National Education Reform Strategy (2000-2015) provides that general education should focus on conduct activities without interference. In sum, despite some positive steps,\textsuperscript{41} civil society in Laos still faces many challenges for effective engagement and participation in the country.\textsuperscript{42}


\textsuperscript{41} E.g. In 2015 the Ministry of Home Affairs submitted two decrees to the Prime Minister’s Office that provide additional clarity to the registration of civil society organizations. Although the National Assembly and the former prime minister indicated they would approve the decrees, the vote was postponed twice during 2016. However, the ministry began taking steps to ensure organizations met their annual financial reporting obligations. Prime Minister Thongloun issued Decree 315 on Management and Protection of Religious Activities in the Lao PDR dated August 16, replacing the previous Decree 92, which had been undergoing a lengthy amendment process.


\textsuperscript{44} Reporters Without Borders (RSF), 2017. Laos, \url{https://rsf.org/en/laos}.


\textsuperscript{47} Cf. Asian Human Rights Defenders (AHRD), 2013. U.S. says Laos is blocking an inquiry into 3 missing men, \url{https://asianhrds.forum-asia.org/?p=9235}.

\textsuperscript{48} Lao People’s Democratic Republic, National Assembly. The Amended Constitution of the Lao People’s Democratic Republic, Articles 22 and 38.
on five dimensions of education: the moral, intellectual, vocational, physical and aesthetic forms of education.\textsuperscript{49} The basic legislative framework for education in Laos reiterates all Lao citizens have the right to education without discrimination based on their ethnicity, origin, religion, gender or social status.\textsuperscript{50}

The Constitution forbids discrimination between ethnic groups and emphasises the importance of expanding education in ethnic areas. However, it also establishes Lao as the official language, including of instruction in school – an arrangement that arguably discriminates against children from the 27\% of the population that does not have Lao as the mother tongue.\textsuperscript{51}

Prevent nationals committing atrocity crimes overseas. Weak

The Penal Law does account for extraterritoriality in prosecuting Laotian nationals.\textsuperscript{52} However, Laos currently has no legislation specifically pertaining to atrocity crimes committed by nationals overseas. As already mentioned, it is not a signatory to the Rome Statute of the International Criminal Court.

| Bilateral and Multilateral Relations | Participate in international, regional, and national discussions on the further advancement of R2P. Very Weak | Laos has made no statements at any of the UN’s Informal Interactive Dialogues on R2P (2009-2016). Moreover, in 2009, Laos voted in favour of the Venezuelan amendment of R2P.\textsuperscript{53} |
| | Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect. Very Weak | Laos has not yet served on the Human Rights Council.\textsuperscript{54} |
| | | Laos has mostly abstained from voting on R2P-related resolutions. |

UN General Assembly Resolutions:\textsuperscript{55}


\textsuperscript{50} The key laws include: The Amended Education Law No. 03/AN of 2007; the Law on the Protection of the Rights and Interests of Children of 2006; the Decree on Compulsory Primary Education No.138/PMO/96 of 1996; and, Decrees No. 0922, 0923 and 0924 dated 17 July 2001.


• 2015: Situation of human rights in the Syrian Arab Republic A/RES/70/234: 
  *abstained*.
• 2016: The situation in the Syrian Arab Republic A/RES/71/130: 
  *abstained*.
• 2016: Situation of human rights in the Syrian Arab Republic A/RES/71/203: 
  *abstained*.
• 2017: Situation of human rights in the Democratic People’s Republic of Korea 
  A/RES/72/188: *adopted without vote*.
• 2017: Situation of human rights in the Syrian Arab Republic A/RES/72/191: 
  *abstained*.

| Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy. | Very Weak | No evidence was found to suggest that Laos invests in its own capacity, or that of the UN or regional organizations to employ diplomatic means in crisis situations. |
| Strengthen regional and international networks for atrocity crime prevention. | Very Weak | Laos has taken no steps to do this. |
| Strengthen the role and capacity of regional organisations. | Very Weak | No information found. |
| Support the development and work of regional human rights and other preventive capacities. | Very Weak | No evidence was found of Laos having done this. |
| Support atrocity prevention through development and assistance partnerships. | Very Weak | No specific information was found on Laos initiating partnerships for atrocity prevention. |
| **United Nations, prevention, Peacekeeping, and assistance** |  |  |
| Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P. | Weak | Whilst initially supporting Venezuela’s and others critical stance against R2P, Laos has supported other atrocity measures. In December 2011, Laos supported the Fifth Committee of the General Assembly to fund three additional posts in the Office of the Special Advisor on the Prevention of Genocide (OSAPG), whereas Venezuela, Cuba and seven other states voted against the measure.56 |
| Support the strengthening of the UN’s capacity for atrocity prevention, including through the UN Human Rights system. | N/A | No evidence found. |
| Support preventive actions on atrocity crimes. | N/A | No evidence found. |
| Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate). | Very Weak | Laos has not contributed to any UN peacekeeping operations. |
| Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping. | Very Weak | Due to its lack of participation in peacekeeping operations, Laos has a corresponding lack of development in its capacity to support civilian protection. |

<table>
<thead>
<tr>
<th>Support the Kigali Principles.</th>
<th>Very Weak</th>
<th>Laos has not signed the Kigali Principles on the Protection of Civilians.(^{57})</th>
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</thead>
<tbody>
<tr>
<td>Support UN Security Council veto restraint on issues relating to atrocity prevention.</td>
<td>Very Weak</td>
<td>Laos is not a signatory to the Code of Conduct on Security Council action in cases of mass atrocities.(^{58}) Furthermore, it has not signed the French/Mexican initiative on veto restraint.(^{59})</td>
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