



LAO PEOPLE'S DEMOCRATIC REPUBLIC

# BASELINE ASSESSMENT OF R2P IMPLEMENTATION



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Responsibility to Protect



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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](#).

# LAO PEOPLE'S DEMOCRATIC REPUBLIC

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.

# LAO PEOPLE'S DEMOCRATIC REPUBLIC

Assessment	Indicator
<b>Strong</b>	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
<b>Fair</b>	Sign, ratify and implement relevant instruments of international law
	Ensure equal access to justice
	Ensure a legitimate, effective and civilian controlled security sector
<b>Weak</b>	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
<b>Very Weak</b>	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 Score: 15.5

Lao People's Democratic Republic (Laos) is amongst the region's more circumspect states with regards to R2P. Whilst not explicitly opposing the norm, domestically, regionally and internationally it has neither engaged with nor supported any of the discussions or initiatives designed to mitigate against atrocity crimes. Whilst Laos has made progress reducing domestic poverty, significant challenges remain with respect to human rights and civil and political freedoms.

Lao People's Democratic Republic (Laos)  
Laos: Baseline Assessment of R2P Implementation

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Strong	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. <sup>1</sup>
	Reduction of atrocity crime risks.	Strong	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.
	Dealing with past atrocities.	Weak	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. <sup>2</sup> This includes the execution of atrocity crimes against them. <sup>3</sup>  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. <sup>4</sup>
Policy Mechanisms	Appoint national R2P Focal Point.	Very Weak	There is no R2P focal point in Laos. <sup>5</sup>
	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. <sup>6</sup> The instruments ratified are:

<sup>1</sup> Unrepresented Nations & Peoples Organization (UNPO), 2008. *Hmong: War Crimes Trial Urged for Lao Military and Party Officials*, <https://unpo.org/article/8513>.

<sup>2</sup> For example, see: Lehmann, Jean-Pierre, 2017. 'A Look Back at the CIA's Dirty War in Laos'. *Forbes*, 1 March. Available at: <https://www.forbes.com/sites/jplehmann/2017/03/01/covert-war-in-laos/#5eb57d192efa>; Fuller, Thomas, 2007. 'A desperate life for survivors of the Secret War in Laos'. *The New York Times*, 16 December. Available at: <https://www.nytimes.com/2007/12/16/world/asia/16iht-laos.1.8763976.html>. For more information on US involvement in Laos, see: Ahern Jr., Thomas, L, 2006. *Undercover Armies: CIA and Surrogate Warfare in Laos*. Available at: [https://www.cia.gov/library/readingroom/docs/6\\_UNDERCOVER\\_ARMIES.pdf](https://www.cia.gov/library/readingroom/docs/6_UNDERCOVER_ARMIES.pdf).

<sup>3</sup> Sengupta, Kim, 2004. 'Children of Laos tribe 'butchered by soldiers''. *The Independent*, 14 September. Available at: <https://www.independent.co.uk/news/world/asia/children-of-laos-tribe-butchered-by-soldiers-5351636.html>.

<sup>4</sup> Legacies of War, 2019. *Secret War in Laos*, <http://legaciesofwar.org/about-laos/secret-war-laos/>; Boland, Rosita, 2017. 'Death from below in the world's most bombed country'. *The Irish Times*, 13 May. Available at: <https://www.irishtimes.com/news/world/asia-pacific/death-from-below-in-the-world-s-most-bombed-country-1.3078351>.

<sup>5</sup> Global Centre for the Responsibility to Protect (GCR2P), 2017. *Global Network of R2P Focal Points*, [http://www.globalr2p.org/media/files/regional-breakdown\\_global-network-of-r2p-focal-points.pdf](http://www.globalr2p.org/media/files/regional-breakdown_global-network-of-r2p-focal-points.pdf).

<sup>6</sup> United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by country or by treaty*, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx); United Nations Treaty Collection (UNTC), 2019. *1. Convention on the Prevention and Punishment of the Crime of Genocide*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-1&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en); UNTC, 2019. *8. Arms*



		<ul style="list-style-type: none"> <li>• <b>Convention on the Prevention and Punishment of the Crime of Genocide</b> (Ratification/Accession: 1950)</li> <li>• <b>Geneva Conventions</b> (Ratification/Accession: 1956)</li> <li>• <b>Geneva Protocol I</b> (Ratification/Accession: 1980)</li> <li>• <b>International Covenant on Civil and Political Rights</b> [ICCPR] (Ratification/Accession: 2009)</li> <li>• <b>International Covenant on Economic, Social and Cultural Rights</b> [ICESCR] (Ratification/Accession: 2007)</li> <li>• <b>Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment</b> [CAT] (Ratification/Accession: 2012)</li> <li>• <b>Convention on the Elimination of All Forms of Discrimination against Women</b> [CEDAW] (Ratification/Accession: 1981)</li> <li>• <b>Convention on the Elimination of All Forms of Racial Discrimination</b> [CERD] (Ratification/Accession: 1974)</li> <li>• <b>Convention on the Rights of the Child</b> [CRC] (Ratification/Accession: 1991)</li> </ul> <p>Laos has not signed the <b>1951 Refugee Convention</b> and its <b>1967 Protocol</b>; the <b>Rome Statute of the International Criminal Court</b>; or the <b>Arms Trade Treaty</b> [ATT].</p> <p>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.<sup>7</sup> 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.<sup>8</sup></p>
Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Weak	Laos is not a signatory to the <b>Rome Statute of the International Criminal Court</b> . <sup>9</sup>
Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Weak	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. <sup>10</sup>

Trade Treaty, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en); United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>; International Committee of the Red Cross (ICRC), n.d. *Treaties, States Parties and Commentaries: Lao People's Democratic Republic*, [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp\\_countrySelected=LA](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=LA); International Criminal Court, n.d. *The States Parties to the Rome Statute*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#L](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#L).

<sup>7</sup> United Nations Treaty Collection (UNTC), 2019. 4. *International Covenant on Civil and Political Rights*, [https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg\\_no=IV-4&src=IND#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND#EndDec).

<sup>8</sup> UNTC, 2019. 9. *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-9&chapter=4&lang=en#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en#EndDec).

<sup>9</sup> International Criminal Court, n.d. *The States Parties to the Rome Statute*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#L](https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#L).

<sup>10</sup> Human Rights in ASEAN, 2013. *LAO PDR*, <https://humanrightsinasean.info/lao-pdr/rule-law-human-rights.html>.

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

Weak

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.<sup>11</sup>

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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup>

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*.<sup>15</sup>

<sup>11</sup> The 2015 Amended Constitution is not available online in English. But the *Constitution of 1991 with Amendments through 2003* is available at: Lao People's Democratic Republic, National Assembly. *The Amended Constitution of the Lao People's Democratic Republic, Articles 37, 43-45*. Vientiane, 2003.

<sup>12</sup> 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.

<sup>13</sup> Cf. Human Rights Watch (HRW), 2015. *Human Rights Watch Concerns on Laos Submitted in advance of the EU-Laos Human Rights Dialogue October 2015*,

[https://www.hrw.org/sites/default/files/supporting\\_resources/hrw\\_submission\\_to\\_the\\_european\\_union-laos\\_hr\\_dialogue\\_-\\_proofed.pdf](https://www.hrw.org/sites/default/files/supporting_resources/hrw_submission_to_the_european_union-laos_hr_dialogue_-_proofed.pdf); United Nations High Commissioner for Refugees (UNHCR), 2014. *Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report – Universal Periodic Review: Lao People's Democratic Republic*, <http://www.refworld.org/docid/54c0d9414.html>; U.S. Department of State, 2016. *Laos 2016 Human Rights Report*, <https://www.state.gov/documents/organization/265560.pdf>.

<sup>14</sup> 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.

<sup>15</sup> Ibid.



Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.	Strong	<p>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.<sup>16</sup> During its second UPR in 2015, Laos fully accepted 119 recommendations and noted a further 84.<sup>17</sup></p> <p>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.<sup>18</sup></p>
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Weak	<p>Laos has not extended a standing invitation to Special Procedure mandate holders of the UN.</p> <p>Only three visits have been completed and reported upon and a further is currently underway at time of writing (March 2019).<sup>19</sup></p>
Ensure equal access to justice.	Fair	<p>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.<sup>20</sup> The rights to a fair trial is ensured in the justice system through various laws, for example the <i>Law on Criminal Procedure</i>, <i>Law on Civil Procedure</i>, <i>Law on People's Courts</i>, <i>Law on People's Prosecutor</i> and <i>Law on Lawyers</i>. But, in practice rights of due process are reported to be routinely denied.<sup>21</sup></p> <p>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.<sup>22</sup> Moreover, the National Assembly Standing Committee is responsible for the appointment and dismissal of the judiciary<sup>23</sup> and there is no jury system,<sup>24</sup> undermining an independent judiciary.</p>
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Weak	<p>Laos has ratified the <i>Convention on the Prevention and Punishment of the Crime of Genocide</i>, the <i>Geneva Conventions</i> and the <i>Geneva Protocol I</i>. It has also acceded to the <i>Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity</i> (in 1984).<sup>25</sup> However, as already mentioned it has not yet signed the <i>Rome Statute of the International Criminal Court</i>.</p>

<sup>16</sup> United Nations, Human Rights Council (HRC), National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, 5 November 2014, A/HRC/WG.6/21/LAO/1, para. 4.

<sup>17</sup> UPR Info, 2018. *Lao People's Democratic Republic: Timeline for UPR engagement in the current cycle*, <https://www.upr-info.org/en/review/Lao-People%27s-Democratic-Republic>.

<sup>18</sup> UNOHCHR, n.d. *Late and non-reporting states*, [http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/LateReporting.aspx](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx).

<sup>19</sup> UNOHCHR, n.d. *View Country visits by Special Procedures of the Human Rights Council since 1998*, [https://spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=LAO](https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=LAO).

<sup>20</sup> Lao People's Democratic Republic, National Assembly. *The Amended Constitution of the Lao People's Democratic Republic*, Article 35.

<sup>21</sup> Freedom House, 2018. *Freedom in the World: Laos*, <https://freedomhouse.org/report/freedom-world/2018/laos>.

<sup>22</sup> Amnesty International, 2017. *Laos 2017/18*, <https://www.amnesty.org/en/countries/asia-and-the-pacific/laos/report-laos/>; HRW, 2015. *Human Rights Watch Concerns on Laos Submitted in advance of the EU- Laos Human Rights Dialogue October 2015*.

<sup>23</sup> Aristotle T. David and Novah Rose S. De Leon-David, 2016. *Legal System of the Lao People's Democratic Republic*, <http://www.nyulawglobal.org/globalex/Laos.html>.

<sup>24</sup> Freedom House, 2018. *Freedom in the World: Laos*.

<sup>25</sup> UNTC, 2019. 6. *Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-6&chapter=4&clang=en#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-6&chapter=4&clang=en#EndDec).

	Take measures to counter and prevent violent extremism.	Weak	<p>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.<sup>26</sup></p> <p>As a part of ASEAN, Laos adheres to the <i>Manila Declaration to Counter the Rise of Radicalisation and Violent Extremism</i> and the <i>Joint Statement on Promoting Women, Peace and Security in ASEAN</i>.<sup>27</sup> Yet while these instruments can influence governments, they are still non-binding and therefore limited in countering violent extremism, especially given the Laotian context as it stands.</p>
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Weak	<p>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.<sup>28</sup></p> <p>The government has enacted various laws to support its obligations under CEDAW. For example, Article 29 of the 2004 <i>Law on Family</i> defines "... domestic violence against women and children is an act or omission committed by a person in the family which causes physical and/or mental harms to women and children and their properties in the family."<sup>29</sup> Whilst domestic violence is illegal, there is no law against marital rape.</p> <p>Despite having the equality of its citizens provided for in the constitution, in practice societal discrimination persists. The country officially has 49 ethnic groups, with the Hmong being amongst the largest and most prominent in Laos. Since the Vietnam War, the Hmong – who sided with the United States – have reportedly been a target and persecuted by the Laos military.<sup>30</sup> Critics contend that the government's resettlement program for ending slash-and-burn agriculture and opium production has adversely affecting many ethnic minority groups, particularly in the north.<sup>31</sup> The highly restrictive state of the law regarding the civil and political rights extends especially to the treatment of the Hmong, who are generally unable to freely express their cultural and religious identity for fear of persecution and are</p>

<sup>26</sup> U.S Department of State, 2009. *Country Reports on Terrorism 2008 – Laos*, <https://www.refworld.org/docid/49fac6831e.html>.

<sup>27</sup> Asia-Europe Foundation (ASEF), 2018. *Human Rights and Prevention of Violent Extremism*, <https://www.asef.org/images/docs/18th%20Informal%20ASEM%20Seminar%20on%20Human%20Rights%20-%20Draft%20Concept%20Note.pdf>.

<sup>28</sup> Lao People's Democratic Republic, National Assembly. *The Amended Constitution of the Lao People's Democratic Republic*, Article 8; National Assembly. 'Penal Law'. (9 November 2005). *International Court of Justice*. Article 119. <<https://www.icj.org/wp-content/uploads/2013/07/Laos-Penal-Law-2001-2005-eng.pdf>>; Lao People's Democratic Republic, Law Committee of the National Assembly of the Lao PDR. *The Law on the Development and Protection of Women*. Vientiane, 2004.

<sup>29</sup> United Nations, Committee on the Elimination of Discrimination against Women (CEDAW), Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, 30 May 2008, CEDAW/C/LAO/7, p. 21.

<sup>30</sup> Cf. UNPO, 2017. *Timeline: Hmong*, <http://unpo.org/article/19682>.

<sup>31</sup> U.S. Department of State, 2016. *Laos 2016 Human Rights Report*, p. 24-25.

discriminated against (see further Indicator on education below).<sup>32</sup>

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.<sup>33</sup> 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.<sup>34</sup>

In regards to religious freedom, the constitution protects its citizens to believe (or not) in religion.<sup>35</sup> 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.<sup>36</sup>

Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.

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.<sup>37</sup>

## Domestic Implementation

Conduct a national assessment of risk and resilience.

Very Weak

No steps have been taken in Laos to conduct a national assessment of risk and resilience.

Cultivate and protect an active, diverse and robust civil society.

Very Weak

Article 44 of the constitution states that citizens have the right to freedom of speech and freedom of the press.<sup>38</sup> However, with a single party system controlled by the LPRP, it was only until 1986 that local and international civil society organisations began to be active in the country. Up until 2009 only a few independent associations were active, and these were mostly through ad hoc arrangements.<sup>39</sup>

Much of the development work that would normally be carried out by civil society and non-governmental organisations is carried out by mass organisations such as the Lao Front or National Construction, a party-sponsored socio-political entity established in 1979. Thus, the line between civil society and government is blurred. Civil society organisations are welcome, but only within government control and if in line with government policies. Despite such a circumstance, there is strong government support for many civil society organisations, such as those whose work involves

<sup>32</sup> UNPO, 2017. *Member Profile: Hmong*, <https://unpo.org/downloads/2346.pdf>.

<sup>33</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), 2012. *Lao and Proud: LGBT Rights in Laos*, <https://ilga.org/lao-and-proud-lgbt-rights-in-laos/>.

<sup>34</sup> The Telegraph, 2012. 'Laos holds first gay pride event'. *The Telegraph*, 27 June. Available at: <https://www.telegraph.co.uk/news/worldnews/asia/laos/9359330/Laos-holds-first-gay-pride-event.html>.

<sup>35</sup> Lao People's Democratic Republic, National Assembly. *The Amended Constitution of the Lao People's Democratic Republic*, Article 43.

<sup>36</sup> U.S. Department of State, 2016. *Laos, International Religious Freedom Report for 2016*, p. 1, <https://www.state.gov/documents/organization/268986.pdf>.

<sup>37</sup> UNPO, 2009. *Hmong: Laos Refugee Crisis*, <https://unpo.org/article/10437?id=10437>.

<sup>38</sup> Lao People's Democratic Republic, National Assembly. *The Amended Constitution of the Lao People's Democratic Republic*, Article 44.

<sup>39</sup> Asian Development Bank, 2011. *Civil Society Briefs: Lao People's Democratic Republic*, p. 1, <https://www.adb.org/sites/default/files/publication/28968/csb-lao.pdf>.

		<p>village education, development committees and other initiatives focused on expanding education and providing vocational skills to rural poor.</p> <p>Numerous human rights bodies report the government restricts freedom of association and the press in practice.<sup>40</sup> 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,<sup>41</sup> civil society in Laos still faces many challenges for effective engagement and participation in the country.<sup>42</sup></p> <p>Press freedom in Laos is highly restrictive. Freedom House ranks Laos’ press freedom at 85/100 (100 being least free)<sup>43</sup> while Reporters Without Borders ranked it at 170 in the 2018 World Press Freedom Index.<sup>44</sup> In 2014, a new decree was introduced where internet users who criticise the government could be jailed.<sup>45</sup></p>
	Ensure a legitimate, effective and civilian controlled security sector.	<p>Fair</p> <p>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.<sup>46</sup> 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.<sup>47</sup></p>
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	<p>Weak</p> <p>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.<sup>48</sup> The most recent National Education Reform Strategy (2000-2015) provides that general education should focus</p>

<sup>40</sup> For more information, see: HRW, 2017. *Laos: No Progress on Rights*, <https://www.hrw.org/news/2017/07/17/laos-no-progress-rights>; Amnesty International, 2018. *Laos 2017/2018*, <https://www.amnesty.org/en/countries/asia-and-the-pacific/laos/report-laos/>.

<sup>41</sup> 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.

<sup>42</sup> U.S. Department of State, 2016. *Laos 2016 Human Rights Report*.

<sup>43</sup> Freedom House, 2017. *Freedom of the Press 2017: Laos Profile*, <https://freedomhouse.org/report/freedom-press/2017/laos>.

<sup>44</sup> Reporters Without Borders (RSF), 2017. *Laos*, <https://rsf.org/en/laos>.

<sup>45</sup> HRW, 2015. *Human Rights Watch Concerns on Laos Submitted in advance of the EU-Laos Human Rights Dialogue October 2015*.

<sup>46</sup> Freedom House, 2018. *Freedom in the World: Laos*; U.S. Department of State, 2016. *Laos 2016 Human Rights Report*, p. 1.

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

<sup>48</sup> Lao People’s Democratic Republic, National Assembly. *The Amended Constitution of the Lao People’s Democratic Republic, Articles 22 and 38*.

			<p>on five dimensions of education: the moral, intellectual, vocational, physical and aesthetic forms of education.<sup>49</sup> 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.<sup>50</sup></p> <p>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.<sup>51</sup></p>
	Prevent nationals committing atrocity crimes overseas.	Weak	<p>The <i>Penal Law</i> does account for extraterritoriality in prosecuting Laotian nationals.<sup>52</sup> 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 <i>Rome Statute of the International Criminal Court</i>.</p>
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Very Weak	<p>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.<sup>53</sup></p>
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Very Weak	<p>Laos has not yet served on the Human Rights Council.<sup>54</sup></p> <p>Laos has mostly abstained from voting on R2P-related resolutions.</p> <p><b>UN General Assembly Resolutions:<sup>55</sup></b></p> <ul style="list-style-type: none"> <li>• 2013: The situation in the Syrian Arab Republic A/RES/67/262: <b>abstained</b>.</li> <li>• 2014: Situation of human rights in the Democratic People's Republic of Korea A/RES/69/188: <b>abstained</b>.</li> <li>• 2014: Situation of human rights in the Syrian Arab Republic A/RES/69/189: <b>abstained</b>.</li> <li>• 2015: Situation of human rights in the Democratic People's Republic of Korea A/RES/70/172: <b>no</b>.</li> </ul>

<sup>49</sup> Lao People's Democratic Republic Ministry of Education, 2008. *The Development of Education National Report: Lao People's Democratic Republic*, p. 11, [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/laoPDR\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/laoPDR_NR08.pdf).

<sup>50</sup> 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.

<sup>51</sup> UNESCO, 2010. *Education for All (EFA) Global Monitoring Report: Reaching the marginalized*, p. 200, <http://unesdoc.unesco.org/images/0018/001866/186606e.pdf>; UNESCO, 2014. *Universal Periodic Review (21st session) Contribution of UNESCO to Compilation of UN information (to Part I. A. and to Part III - F, J, K, and P) Lao People's Democratic Republic (Lao PDR)*, <http://www.refworld.org/docid/54c0d8f54.html>.

<sup>52</sup> International Centre for Missing & Exploited Children, 2018. Laos: National Child Protection Legislation, p. 1, <https://www.icmec.org/wp-content/uploads/2018/03/ICMEC-Laos-National-Legislation.pdf>.

<sup>53</sup> Serrano, Monica, 2011. *The Responsibility to Protect – True consensus, false controversy*, p. 11, [http://responsibilitytoprotect.org/dd55\\_web\\_art8.pdf](http://responsibilitytoprotect.org/dd55_web_art8.pdf).

<sup>54</sup> United Nations Human Rights Council, 2018. *Current Membership of the Human Rights Council, 1 January - 31 December 2014 by regional groups*, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/Group2014.aspx>.

<sup>55</sup> GCR2P, 2017. *UN General Assembly Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for each individual resolution can be accessed using the UNGA's voting records search, available at: <http://www.un.org/en/ga/documents/voting.asp>).



			<ul style="list-style-type: none"> <li>2015: Situation of human rights in the Syrian Arab Republic A/RES/70/234: <b>abstained.</b></li> <li>2016: The situation in the Syrian Arab Republic A/RES/71/130: <b>abstained.</b></li> <li>2016: Situation of human rights in the Syrian Arab Republic A/RES/71/203: <b>abstained.</b></li> <li>2017: Situation of human rights in the Democratic People's Republic of Korea A/RES/72/188: <b>adopted without vote.</b></li> <li>2017: Situation of human rights in the Syrian Arab Republic A/RES/72/191: <b>abstained.</b></li> </ul>
	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. <sup>56</sup>
	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.  However, military representatives from Laos attended the first ASEAN Peacekeeping Centers Network meeting held in Kuala Lumpur in September 2012.

<sup>56</sup> United Nations, General Assembly (UNGA), Harmonizing Staff Working Conditions, Strengthening UN Information Technology among Issues, as Budget Committee Approves 18 Texts, Concludes Session, 23 December 2010, GA/AB/3980; Cf. International Coalition of the Responsibility to Protect (ICRtoP), 2011. *UN GA votes to fund three additional staff in the Office of the Special Adviser on the Prevention of Genocide*, <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/3150-un-ga-votes-to-fund-three-additional-staff-in-the-office-of-the-special-adviser-on-the-prevention-of-genocide>.

	Support the Kigali Principles.	Very Weak	Laos has not signed the Kigali Principles on the Protection of Civilians. <sup>57</sup>
	Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Weak	Laos is not a signatory to the Code of Conduct on Security Council action in cases of mass atrocities. <sup>58</sup> Furthermore, it has not signed the French/Mexican initiative on veto restraint. <sup>59</sup>

<sup>57</sup> Asia Pacific Centre for the Responsibility to Protect (APR2P), 2018. *The Kigali Principles on the Protection of Civilians*, [https://r2pasiapacific.org/files/2942/2018\\_kigali\\_principles.pdf](https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf).

<sup>58</sup> GCR2P, 2017. *List of Signatories to the ACT Code of Conduct*, <http://www.globalr2p.org/media/files/2017-01-25-coc-list-of-supporters.pdf>.

<sup>59</sup> GCR2P, 2016. *Support to the French Mexican initiative on veto restraint in case of mass atrocities*, <http://www.globalr2p.org/media/files/veto-list.pdf>.