

## **Laos' International Human Rights Obligations and Commitments**

The Lao People's Democratic Republic (LPDR) has participated in the first two rounds of the Universal Periodic Review (UPR) of its human rights records, but its compliance and engagement with other UN human rights mechanisms has been very limited, despite its treaty obligations and UPR commitments. This low level of cooperation is particularly worrying given the lack of meaningful access to domestic remedies for human rights violations, which continue to take place with impunity.

### **Human Rights Treaties**

Laos is state party to **seven core international human rights treaties** (and two optional protocols):<sup>1</sup>

<b>Name of Treaty</b>	<b>Year of Accession or Ratification</b>
International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	1974
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1981
Convention on the Rights of the Child (CRC) and its two Optional Protocols (CRC-OP-AC & CRC-OP-SC)	1991 and 2006, respectively
International Covenant on Economic, Social and Cultural Rights (ICESCR)	2007
Convention on the Rights of Persons with Disabilities (CRPD)	2009
International Covenant on Civil and Political Rights (ICCPR)	2009
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)	2012

In September 2008, Laos signed the Convention for the Protection of All Persons from Enforced Disappearance (CED), but has not yet ratified it. It has **opted out of** all the individual complaint mechanisms under these treaties, denying victims access to international remedies.<sup>2</sup>

Countries which have ratified international human rights treaties have legal obligations to respect, protect and fulfill all human rights enshrined in the instruments without discrimination, including to align domestic laws with international standards and to ensure accountability and access to remedies for violations. An important way to ensure state compliance is through reviews conducted by supervisory committees of independent experts, known as treaty bodies.

In the 42 years since it first became party to a UN human rights treaty in 1974, Laos has been reviewed by **only three treaty bodies**. The CEDAW, CERD and CRC committees have all expressed concerns that domestic laws are not fully in line with the treaties. In 2011, the CRC expressed regrets that many of its previous recommendations "have not been significantly addressed".<sup>3</sup>

It has yet to be reviewed by the four treaty bodies on torture, civil and political rights, economic, social and cultural rights, and rights of persons with disabilities due to long delays in report submission. Its first reports to the Committee against Torture, Committee on Economic, Social and Cultural Rights and the Human Rights Committee (for civil and political rights) are all **overdue**, while its first report to the Committee on the Rights of Persons with Disabilities was submitted with a 55-month delay.<sup>4</sup> **The combined delay of all current outstanding reports exceeds 18 years.**

### **Special Procedures**

In addition to the treaty bodies, the UN Human Rights Council's Special Procedures provide another important monitoring mechanism. However, LPDR's cooperation with the Special Procedures is also subpar. Between December 2011 and February 2016, special procedures<sup>5</sup> sent at least eight urgent

<sup>1</sup> See ratification and reporting status:

[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/countries.aspx?CountryCode=LAO&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=LAO&Lang=EN), accessed 21 July 2016.

<sup>2</sup> See page 2 in "Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21" (UN Doc. No. A/HRC/WG.6/21/LAO/2), 12 November 2014.

<sup>3</sup> See paragraph 6 in the Committee's on the Rights of the Child's concluding observations on Laos's second periodic report (UN Doc. No. CRC/C/LAO/CO/2), 8 April 2011.

<sup>4</sup> See footnote #1.

<sup>5</sup> This does not include cases taken up by the Working Group on Enforced or Involuntary Disappearances (WGEID). For additional information, see: <http://www.ohchr.org/EN/Issues/Disappearances/Pages/Annual.aspx>.

appeals or allegation letters to LPDR and have received replies on only three cases, including the disappearance of Sombath Somphone, which remain unresolved. To date, LPDR has invited only two UN special rapporteurs to visit the country: the Special Rapporteur on the sale of children, child prostitution and child pornography (September 1998)<sup>6</sup> and the Special Rapporteur on freedom of religion (November 2009)<sup>7</sup>.

There are six pending visit requests by the special rapporteurs responsible for extrajudicial, summary or arbitrary executions; freedom of peaceful assembly and of association; cultural rights; extreme poverty; adequate housing; and sale of children, child prostitution and child pornography (follow-up visit).<sup>8</sup> To date, Laos has agreed to invite only the Special Rapporteurs on cultural rights and on housing, but no precise dates have been confirmed.

### **The Universal Periodic Review Process (UPR)**

Once every 4.5 years, the human rights situation in all UN Member States is examined by the UPR, a peer review mechanism under the UN Human Rights Council.<sup>9</sup> Each state receives recommendations from other UN Member States and is expected to implement those that it accepts. States are required to consider and provide a response in writing to all recommendations received. In its two reviews in May 2010 and January 2015, Laos received a total of 303 recommendations and did not fully accept 101 of them (33%).<sup>10</sup>

In the 2015 review, Laos “accepted” to implement a wide range of recommendations, including to:

- Promote inclusive growth, especially in the rural and mountainous area
- Review existing land concessions and cancel or sanction those found to be violating the law
- Revise the Penal Code to make new laws conform with international human rights standards
- Undertake a thorough investigation, consistent with international practices and standards, into the disappearance of Sombath Somphone.

However, Laos merely “noted” 80 key recommendations (41%) and thus failed to fully commit itself to implement them. These recommendations call on Laos to:

- Lift the restrictions to freedom of press, ensure the independence and pluralism of media, and a safe environment for the work of journalists
- Remove all restrictions in law and practice which infringe upon the work of civil societies and to ensure that all legal provisions on the rights to freedom of expression, association and peaceful assembly are in line with international human rights standards
- Establish a strong and independent national human rights institution in conformity with the Paris Principles
- Take all necessary steps to protect human rights defenders from intimidation, ill-treatment or violence, including enforced disappearances, and to ensure prompt, impartial and thorough investigation of all allegations, including those of enforced disappearances

Many of Laos’ responses to the recommendations also appear to be self-contradictory. Laos accepted recommendations to ratify additional human rights treaties, but only noted many others urging it to ratify these very instruments. It accepted a recommendation to “cooperate more systematically with the treaty bodies and permit the visits by special procedures” but failed to accept others calling for a standing invitation to the special procedures. Contradictory responses were also evident with respect to recommendations relating to protection of civil society space and freedom of expression.

Most jarringly, Laos accepted four recommendations calling for an investigation into Sombath Somphone’s disappearance, but did not accept six others making similar calls. The Laos delegation to the UPR dismissed allegations of enforced disappearances as “untrue”.

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<sup>6</sup> Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas Santos, Mission of the Special Rapporteur to the Lao People’s Democratic Republic on the issue of trafficking of children (UN Doc. No. E/CN.4/1999/71/Add.1), 27 January 1999. Available at:

[spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/Download.aspx?SymbolNo=E%2fCN.4%2f1999%2f71%2fAdd.1&Lang=en](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Download.aspx?SymbolNo=E%2fCN.4%2f1999%2f71%2fAdd.1&Lang=en).

<sup>7</sup> Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, Mission to the Lao People’s Democratic Republic (UN Doc. No. A/HRC/13/40/Add.4), 27 January 2010. Available at:

[spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/Download.aspx?SymbolNo=A%2fHRC%2f13%2f40%2fAdd.4&Lang=en](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/Download.aspx?SymbolNo=A%2fHRC%2f13%2f40%2fAdd.4&Lang=en).

<sup>8</sup> See UN database of country visits of Special Procedures of the Human Rights Council since 1998, [spinternet.ohchr.org/\\_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en](http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en), accessed 25 July 2016.

<sup>9</sup> See: “Basic Facts about the UPR,” Office of the UN High Commissioner for Human Rights, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>.

<sup>10</sup> See: <http://www.upr-info.org/en/review/Lao-People%27s-Democratic-Republic>.