

Lao People's Democratic Republic, CEDAW, A/60/38 part I (2005)

71. The Committee considered the combined initial, second, third, fourth and fifth periodic report of the Lao People's Democratic Republic (CEDAW/C/LAO/1-5) at its 675th and 676th meetings, on 19 January 2005 (see CEDAW/C/SR.675 and 676).

Introduction by the State party

72. In introducing the report, the representative of the Lao People's Democratic Republic pointed to the many political and socio-economic challenges the country had faced prior to and since gaining independence in 1975. Women had been considered inferior and had been deprived of their right to freedom of expression and their right to enter political life. Approximately 80 per cent of the country's multi-ethnic population continued to live in rural and remote areas.

73. The Government was carrying out comprehensive reforms of the economy and of political institutions to address poverty and to exit from underdevelopment. Women had made a significant contribution to national development. A domestic legal framework based on the rule of law was being established that included provisions for the protection of women's rights. The Constitution of 1991 and its amendment of 2003 guaranteed equal rights between women and men in all sectors. The Law on the Development and Protection of Women of 2004, which was subsequently promulgated by presidential decree, further enhanced the rights of women and the responsibility of the State, society and family vis-à-vis women. The law's aim was to eliminate discrimination against women, combat violence against women and trafficking in women and children, and create an enabling environment for women's participation and empowerment. The Lao Women's Union played a dominant role in safeguarding women's rights and in forging solidarity among Lao women from all walks of life.

74. Women occupied leadership positions at all levels. The number of women in the National Assembly had increased from eight deputies in the period 1992-1997 to 25 deputies in the fifth legislature (2002-2007), or 22.9 per cent. For the first time, a woman from the Hmong ethnic group was serving as Vice-President of the National Assembly.

75. The Government had given priority to education and aimed to achieve nationwide compulsory primary education by 2010. Due attention was given to increasing the literacy rate of women, which had increased from 48 per cent in 1995 to 60 per cent in 2000 for women above 15 years of age. Primary school enrolment rates for girls had increased from 68 per cent in 1995 to 75 per cent in 2000. The Government had set targets for girls' enrolment and women's literacy rates for the years 2010 and 2020.

76. Initiatives to increase women's access to primary health care, particularly in rural and remote areas, had been undertaken and the network for medical treatment had been expanded. Those efforts included increased access by women to information about health care for themselves and projects on nutrition, safe motherhood and birth spacing, and sanitation. As a result, the aggregate fertility rates, as

well as maternal, under-five and infant mortality rates, had decreased significantly between 1995 and 2000.

77. The Government's national growth and poverty eradication strategy was aimed at national development in pursuit of the Millennium Development Goals. The Lao Women's Union had been instrumental in developing various subprojects under this strategy, including on microfinance and microcredit, women's capacity-building, the promotion of agricultural and handicraft production and small and medium-sized enterprises. Village development funds had been established on a pilot basis to enhance access to credit.

78. A National Commission for the Advancement of Women had been set up to assist the Government in the formulation and implementation of a national policy and strategy for the advancement of women. It also worked on the follow-up to the Beijing Platform for Action and coordinated with local and foreign agencies. The Commission was in the process of drafting a national strategy for the advancement of women for the years 2005 to 2010. All ministries and local administrations had been instructed to establish a unit for the advancement of women within their respective institutions.

79. The representative noted that although results had been achieved initially, many difficulties and obstacles remained in the implementation of the Convention, including the general low level of education, the lack of detailed information about the situation of women and the existence of backward customs and traditions and entrenched stereotypes.

80. In concluding, the representative reiterated the Government's commitment to the elimination of all forms of discrimination and to promoting the advancement of women through the implementation of the Convention and the Committee's concluding comments. With the support of the international community, the remaining challenges would be overcome to ensure the enjoyment by women in the Lao People's Democratic Republic of their equal rights with men.

Concluding comments of the Committee

Introduction

81. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined first, second, third, fourth and fifth periodic report, while regretting that it was overdue. The Committee expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarifications offered in response to the questions posed orally by the Committee.

82. The Committee commends the State party for its delegation and expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

83. The Committee appreciates the adoption of the Law on the Development and Protection of Women in 2004.

84. The Committee welcomes the establishment of the National Commission on the Advancement of Women, which strengthens the national machinery for gender equality.

85. The Committee commends the State party for increasing considerably the proportion of women in the National Assembly, from 9.4 per cent in the third legislature (1992-1997) to 21.1 per cent in the fourth legislature (1997-2002) and to 22.9 per cent in the fifth legislature (2002-2007).

86. The Committee notes with appreciation the various efforts to combat trafficking in women and children, including the establishment under the Deputy Prime Minister of the National Committee on the Fight against Human Trafficking, regional and bilateral agreements on cooperation with neighbouring countries and a new mechanism to provide services for victims of trafficking.

Principal areas of concern and recommendations

87. The Committee notes the State party's obligation for the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

88. The Committee is concerned that the status of the Convention vis-à-vis domestic legislation is unclear. While noting that the legal framework of the Lao People's Democratic Republic is relatively new, the Committee is concerned that no definition of discrimination against women exists in national laws.

89. The Committee recommends that the State party take measures to bring the Convention into the domestic legal system and ensure that it can be invoked in the courts. It also recommends that the definition of discrimination against women set forth in article 1 of the Convention be incorporated in the Constitution or other appropriate legislation.

90. While noting the establishment of the National Commission on the Advancement of Women as the new national machinery, the Committee expresses its concern about the inadequate institutional structure and financial resources available to the secretariat of the Commission for gender mainstreaming and implementation of gender equality policies, as well as the heavy reliance on the Lao Women's Union, which is a mass organization without executive power.

91. **The Committee recommends that the State party strengthen its national machinery by providing adequate human and financial resources as well as setting up mechanisms to strengthen gender mainstreaming in all ministries and at all levels of the Government. While recognizing the important work of the Lao Women's Union in advancing the status of women, the Committee recommends that the State party not relegate its obligation to implement the Convention only to a mass organization. It also recommends that the State party create governmental supervisory bodies at all levels to monitor the implementation of the national strategic plan for the advancement of women for the period 2005-2010.**

92. While noting that 80 per cent of the population lives in rural areas, the Committee is deeply concerned about the pervasive poverty and underdevelopment of women, especially in rural and ethnic minority communities. The Committee is also concerned that ethnic minority women, having no alternative sources of income, depend on the production of opium poppies for their livelihood. While welcoming the reinvestigation into the matter of land titling, the Committee is concerned that the current reinvestigation and the reissuance of land titles are limited to nine provinces. The Committee is also concerned that, while rural women carry out more than half of total agricultural production in every field, the additional workloads of housework and child-rearing also fall primarily on their shoulders. The Committee is very concerned that rural women are not fully represented in important decision-making regarding development programmes, nor on the village council.

93. **The Committee urges the State party to accelerate its plan to eradicate poverty among women, especially rural and ethnic minority women, by more actively seeking international assistance and at the same time by applying gender perspectives in all development programmes and fully integrating women into decision-making on those programmes, as well as in their implementation processes. The Committee also urges the State party to step up its efforts to provide ethnic minority women who depend on opium poppy production with alternative and sustainable means of livelihood. The Committee recommends that the reinvestigation and re-registration of land titles be carried out in all provinces, with the expected result of eradicating discrimination against women, and requests the State party to provide detailed information about the results achieved in its next report. The Committee also recommends that the State party take measures to ease the double burden of women, including by providing new technologies for women farmers and educating men regarding the sharing of family responsibilities. The Committee strongly recommends that the State party ensure the full and equal representation of rural women on the various committees at the village level.**

94. Despite some progress, the Committee is alarmed at the still very high illiteracy rate of women, 40 per cent, and the large discrepancy between male and female literacy rates and between urban and rural women's education. The Committee is especially concerned at the

extremely low literacy rate among ethnic minority women. The Committee is concerned that the initial plan to make primary education compulsory was postponed from 2000 to 2010.

95. The Committee urges that the State party immediately take all appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to reduce the illiteracy rate of women and to provide education, both formal and informal, to women, including ethnic minority women, especially in rural areas. The Committee also recommends that free and compulsory primary education at the national level be implemented as soon as possible. It further recommends that the State party consider seeking international assistance for these purposes.

96. While noting improvement during the past few years, the Committee is seriously concerned about the very high maternal and infant mortality rates and the high fertility rate, especially among women in rural and remote areas and among ethnic minorities. The Committee is concerned about the lack of health-care facilities and medical professionals in rural villages and remote areas as well as the lack of awareness among women and adolescents regarding reproductive health and family planning, including the use of contraceptives and birth spacing.

97. The Committee recommends that the State party accelerate the implementation of its national population policy, focusing on expanding its network of health-care facilities and personnel throughout the nation and reaching out to rural and remote areas, inter alia to the benefit of ethnic minority women; that it enhance its educational programmes, not only for women, but also for men and adolescents, on reproductive health and family planning; and that it make contraceptives easily available.

98. The Committee is concerned about the prevalence of traditional gender-role stereotyping, which leads to disparities in leadership and decision-making in all spheres, including in the family, in the community and in public life.

99. The Committee recommends that a concerted nationwide campaign be undertaken to eliminate the pervasive traditional gender role stereotyping and to promote public awareness on issues of gender equality in all spheres of life.

100. The Committee is concerned that the Lao People's Democratic Republic is increasingly exposed to the danger of HIV/AIDS and other sexually transmitted diseases, in particular around construction sites and along trade routes.

101. The Committee recommends that the State party take all measures necessary to raise awareness among men and women, especially in rural areas, around construction sites and along existing and emerging trade routes, of the risk of HIV/AIDS infection.

102. While recognizing the new measures to combat the increasing incidence of trafficking in the country and in the region, including the

strengthened law enforcement system, cooperation with neighbouring countries and the establishment of the service mechanism to assist and protect victims of trafficking, the Committee is concerned that no substantial information was provided on how the mechanism works and its impact on combating trafficking in women and girls. It is also concerned about the increasing occurrences of such trafficking. The Committee is concerned about the exploitation of prostitution of women and at the lack of information on the prevalence and magnitude of the problem.

103. The Committee requests that the State party provide detailed information on the impact of various measures to combat trafficking in women and girls, including the number of and trends in arrests of traffickers, the number of victims and the manner in which they benefited from the return and repatriation services, as well as information on any additional measures to combat trafficking. The Committee also recommends that the State party collect information and carry out studies on the extent of exploitation of prostitution and take more proactive measures to address the problem, including through discouraging the demand for prostitution.

104. The Committee is concerned about the generally low representation of women in the administration, at both the national and local levels, and in the judiciary. Considering the fact that 80 per cent of the population lives in rural areas and that the village chiefs and the village councils handle most everyday matters, the Committee is very concerned that less than 1 per cent of the village chiefs are women and only one member of the Lao Women's Union represents women in the village council.

105. The Committee recommends that the State party take measures to increase the representation of women in administrative and judicial organs at the national, provincial and village levels, in accordance with the Committee's general recommendation 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to increase the percentage of women at all levels of decision-making and to make sure that the interests of women are fully reflected and that gender equality is guaranteed at all levels of decision-making. The Committee urges the State party to take measures to empower village women so that they can participate equally in village matters.

106. The Committee is concerned about the situation of women in the employment and labour areas, on which insufficient information was provided, especially about women's ability to take advantage of new economic opportunities and to benefit fully from the State party's reforms towards a market-based economy and its integration into the regional and world economy.

107. The Committee recommends that the State party study the impact of its economic reforms on women, with a view to improving equality between women and men in the labour

market, including strengthening formal and informal mechanisms for the resolution of labour disputes through appropriate representation of women. It recommends that targeted measures be taken to upgrade and improve women's entrepreneurial skills and their access to technology, and to create opportunities for women in trade and commerce on the basis of equality between women and men. It also calls upon the State party to assess and to take remedial measures regarding any disadvantageous impact of economic reforms on women, including on women in the civil service.

108. The Committee is concerned that there is a lack of awareness or recognition of domestic violence, including marital rape, as a form of discrimination against women and as a violation of their human rights. The Committee is concerned that domestic violence is considered to be fairly normal by young people, both boys and girls, and that the Criminal Law grants exemption from penal liabilities in cases of physical violence without serious injury or physical damage. The Committee is also concerned that traditional attitudes on gender-role stereotyping keep women and girls in a subordinate position, preventing them from getting equal education and life opportunities, especially in rural areas.

109. The Committee recommends that the State party undertake measures to increase awareness of all forms of violence against women, including domestic violence and marital rape. It recommends that domestic violence and marital rape be criminalized and that more studies be undertaken and data collected on various forms of violence against women, especially domestic violence. The Committee also recommends that the State party take more active and proactive measures to bring about changes in the traditional patriarchal attitudes on gender-role stereotyping. The Committee draws the State party's attention to its general recommendation No. 19 on violence against women in support of its effort to prevent and combat all forms of violence against women.

110. The Committee is concerned that the law allows marriage under the age of 18 in "special and necessary cases" and that a considerable percentage of women do marry before they reach the age of 18.

111. The Committee recommends that the State party prohibit under-age marriage in all circumstances. The Committee also recommends that the State party provide in its next report information on the results of the data collected on-site regarding early marriages and measures taken to prevent them.

112. Noting the essential role of active women's and human rights organizations for the effective implementation of the Convention and the achievement of gender equality, the Committee is concerned that the Lao People's Democratic Republic is lacking lively, autonomous and active women's and human rights organizations.

113. The Committee recommends that the State party introduce measures, including legislative and administrative measures as necessary, to create space for autonomous women's and human rights organizations.

114. The Committee encourages the State party to ratify the **Optional Protocol to the Convention** and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

115. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. The Committee invites the State party to submit its sixth report, which was due in September 2002, and its seventh report, due in September 2006, in a combined report in 2006.

116. Taking account of the gender dimensions of the declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly for the overall review and appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

117. The Committee notes that States' adherence to the seven major international human rights instruments, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of the Lao People's Democratic Republic to consider ratifying the treaties to which it is not yet a party, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

118. The Committee requests the wide dissemination in the Lao People's Democratic Republic of the present concluding comments in order to make the people of the Lao People's Democratic Republic, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that

regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".