

LAO PEOPLE'S DEMOCRATIC REPUBLIC

CERD A/33/18 (1978)

236. The initial and second periodic reports of the Lao People's Democratic Republic, which had been submitted in one document at the request of the Committee (A/32/18, para. 60 (b)), opened with the statement: "Two years after its foundation, the Lao People's Democratic Republic has not yet promulgated any legislative measures. The country's Constitution, too, is still in the process of preparation. Accordingly, guided by its own national and democratic liberation struggle, it bases its practice on revolutionary ideology and the universally recognized principles of human rights". A member of the Committee observed that the report should be viewed as an expression of the reporting Government's earnest desire to fulfil its responsibilities under the Convention rather than as an account of specific measures adopted to that end.

237. With regard to the opening statement of the report, a member of the Committee asked whether it meant that the Government had not yet promulgated legislative measures of any kind or only that legislative measures to apply the provisions of the Convention had not been taken. Another member wished to know whether the Constitution and laws that had existed prior to the revolution had been discarded, and if so, what rules had been established to assist tribunals in the settlement of disputes. Members of the Committee, while sympathetic with regard to the special circumstances facing the reporting State, voiced their hope that detailed information on such legislative, judicial, administrative and other measures as might be adopted before the submission of the next periodic report - including the texts of all relevant legislative measures - would be furnished in that report.

238. Although the report stated that no specific measures to implement the provisions of the Convention had been adopted, it did contain a number of relevant statements regarding the Government's attitude and policies. Interest in receiving more detailed explanations of those statements was expressed.

239. The reference in the report to "the existence of 68 ethnic groups totalling 1 million inhabitants out of a total population of 3,400,000" gave rise to the following questions: Were the remaining 2,400,000 inhabitants members of a single majority group or of several groups distinct from the 68 ethnic groups mentioned separately? Did the various groups have the right to education in their own language? What opportunities did each group have to maintain and express its own culture? Were they all equally eligible for party membership? How easy was it for them to obtain employment in the public service and the administration? And did they all have access to the courts?

240. The report referred to the establishment within the Government of a Nationalities Committee "with the rank of a Ministry", and stated that its main role was "to represent the various ethnic groups, defend the legitimate interests of each of them and work to strengthen national unity". Members of the Committee wished to know whether the establishment of that Committee implied that there was official recognition of all ethnic groups; how that Committee protected the fundamental rights of those groups; whether the representative of the ethnic groups on the Nationalities Committee were elected by the groups themselves or appointed by the central

government; whether there were regional or local bodies in addition to the Nationalities Committee and, if so, whether the various ethnic groups were represented in them; and whether the Nationalities Committee had the power to take decisions affecting the rights of the ethnic groups or simply served as a conciliation body.

241. It was asked whether any measures had been taken in furtherance of the purposes laid down in article 7 of the Convention.

242. The reporting State was requested to supply in its next report the information envisaged in general recommendation III and decision 2 (XI) of the Committee, regarding relations with the racist régimes in southern Africa.

243. The representative of the reporting State assured the Committee that he would inform his Government of the comments, inquiries and requests made during the discussion.

CERD A/40/18 (1985)

165. The third, fourth and fifth periodic reports of the Lao People's Democratic Republic, submitted in one document (CERD/C/105/Add.4), were considered by the Committee at its 707th to 709th meetings, on 8 and 11 March 1985 (CERD/C/SR.707-709).

166. The document was introduced by the representative of the Lao People's Democratic Republic, who informed the Committee that the current régime had retained those laws which were compatible with the interests of a democratic, popular and multi-ethnic State. A number of new legal instruments had also been adopted and others were being prepared in response to the Government's deep concern for guaranteeing and strengthening the fundamental freedoms of all Lao citizens and implementing scrupulously the provisions of the Convention. The current Government was making every effort to accelerate the material and cultural development of the many ethnic and national groups in the country, and in its foreign policy, it actively supported the efforts of the international community to combat racial segregation and apartheid.

167. The Committee appreciated the fact that dialogue had been re-established with the Lao Government after a lapse of several years. The report reflected the efforts being made to improve the standard of living of the population and to bring all ethnic groups to the same level of development. There was reason to hope for further constructive dialogue between the Committee and the Lao People's Democratic Republic.

168. The Committee welcomed the information that a new constitution was to be enacted in 1986 and expressed the hope that the period leading up to the establishment of the new constitution would be used by the Government to give comprehensive expression to the provisions of the Convention and to enact the necessary legislation to bring about the full implementation of articles 2 to 7 thereof. The next periodic report should be prepared in accordance with the Committee's general guidelines (CERD/C/70/Rev.1) and should reproduce any texts from the Constitution or other acts, laws or decrees relevant to the Convention.

169. With respect to article 2 of the Convention, the Committee observed that there were as yet no legislative, judicial or administrative measures giving specific effect to that article. Members of the Committee noted that the various resolutions and decisions of the Lao People's Revolutionary Party formed the basis for current laws and regulations with emphasis on political education. They wished to know whether that was a transitional phase or whether it reflected a permanent situation. The Committee stressed the importance of reviewing old laws in order to close any loopholes which might encourage racial discrimination. The historical legacy of prejudice referred to in the report required stricter compliance with the provisions of the Convention. It was pointed out that, though colonialism had exploited prejudices, discrimination might well endure beyond the colonial period. In order to assess the achievements of the present Government, it would be useful to know that relations had formerly existed between the different ethnic groups and what constituted the feudal remnant of the old Laos.

170. The Committee wished to be supplied with the demographic breakdown of the population by ethnic group with information regarding their socio-economic development, as well as more detailed

information on the distribution of the 68 ethnic groups in the three main regions of the country. The Committee commended the efforts being made by the Government to eradicate illiteracy. In that connection, members said that it would be useful to know what effects the literacy campaign had had and what the current rate of illiteracy by ethnic group was, as well as whether the measures taken to eradicate illiteracy in mountain areas were different from those taken in urban areas. Members of the Committee requested additional information on the percentage of the population which used the official language as their mother tongue, and asked what percentage of the population spoke the other two languages used. They wished to know what the Government's policy was on education, particularly at the primary level, and whether education was imparted in Lao or Lao Sung or in the respective mother tongues of the various ethnic groups. Further information was requested regarding the assistance being given to ethnic minorities in order to preserve their own cultures while at the same time being drawn into the national mainstream.

171. The Committee took note of the establishment of the new Nationalities Committee and of the Programme of Action of the Lao Front for National Reconstruction aimed at ensuring equality for all ethnic groups. Within that context, it was asked whether the re-education camps, which had been set up in an earlier revolutionary period, were still in existence. Further information was requested on the implementing agencies of the Nationalities Committee at the regional and district levels and how the programmes were being carried out in specific areas. Members of the Committee also asked about the role of the Front and popular organizations in creating conditions favouring the gradual elimination of the disparities between the economic and cultural levels of the various ethnic groups. The Committee would welcome information on socio-economic plans to mitigate such disparities.

172. Regarding article 3 of the Convention, members of the Committee commended the Government for its participation in the struggle against apartheid.

173. On article 4 of the Convention, the Committee stated that the Government should give serious consideration to passing specific laws embodying the provisions of that article.

174. With respect to article 5 of the Convention, members of the Committee wished to know how many citizens had left the country in the last four years and how the rights of asylum of refugees who might have fled to the country was protected. They would welcome additional information with regard to the political and civil rights set forth in article 5 (c) and (d) (i) to (iii) of the Convention.

175. As far as article 6 was concerned, members wished to receive the texts mentioned in the report which, in the absence of a national constitution, guaranteed rights and freedoms, and asked whether the legal guarantees they afforded were enforceable in the courts upon the complaint of an aggrieved party. The Committee sought explanations regarding the system of people's judges introduced in the country: what their qualifications were and how their independence and that of professional judges was secured, to what extent non-professional judges influenced decisions in the courts and how judgements were delivered. Members asked whether customary law had been retained at the district level, especially where ethnic or tribal groups resided, and what the role of the professional judges was at that level. They also wished to know whether a victim of racial discrimination could seek redress and what the procedure was, whether the people's tribunal handled such situations and whether any measures had been taken to penalize such acts. Information was requested on any

action being taken against official acts of racial discrimination that might have occurred.

176. Concerning article 7 of the Convention, the Committee indicated that, in the context of the cultural diversity prevailing in the country, the implementation of that article was of special importance and requested that information on all aspects of article 7 be provided in the next report.

177. In reply to questions raised and comments made by members of the Committee, the representative of the Lao People's Democratic Republic assured that Committee that his Government would take due account of the provisions of the Convention when drafting its national constitution. In compliance with the Committee's request, his Government would indicate in its next report how those provisions had been reflected in the constitution and other national legislation and would include the results of his country's first population census, which had just been conducted.

178. With respect to questions posed about the implementation of article 2 of the Convention, he said that the Party and the Government were doing their utmost to improve the standard of living of the whole population. Some groups, however, especially those living on the high plateaux, were reluctant to accept changes in their way of life. Foreign nationals, such as Chinese or Vietnamese, residing in the country enjoyed the same protection as the Lao ethnic groups, whose equality before the law was scrupulously respected. All ethnic groups had to learn Lao, but the Government encouraged pride in local cultures while seeking to integrate them in the national culture. The fact that the only official language, Lao, must be learned by all ethnic groups was a reflection of the country's sense of national identity and not a manifestation or linguistic discrimination. Illiteracy, which had been 65 per cent before the liberation of the country, had since been almost completely eliminated. The tasks of the Lao Front for National Reconstruction were defined by the Front for National Unity, which included all ethnic groups and had played an essential role in rebuilding the devastated country. The Government had ordered the closure of the rehabilitation camps in 1982. Collaborators with the previous régime had either fled the country or been welcomed as lost sheep returning to the fold and there had not been any policy of violence.

179. Turning to questions raised in connection with the provisions of article 5 of the Convention, the representative of the reporting State said that most of the Lao citizens who had emigrated, for various reasons, had acquired or were seeking to acquire the nationality of their new countries. Some 3,000 Lao people had already returned home after applying to the Lao Government through the United Nations High Commissioner for Refugees; other had returned on their own initiative.

180. As for the implementation of article 6 of the Convention, he said that the absence of specific laws in his country did not mean that the Lao people's rights were infringed. Racial discrimination was not tolerated. The Lao people had realized, in its 30-year-long struggle for freedom and independence, that it could not win unless there was mutual respect among all its ethnic groups. The people's judges did not deal exclusively with cases of racial discrimination but would hear such cases if ever they came before them; however, no cases of racial discrimination had been brought before the courts. Appropriate legislation was being prepared and would be enacted during the next year or so.

181. In conclusion, he assured the members of the Committee that the next periodic report would

provide information on the points raised by them.

CERD A/47/18 (1992)

254. At its 949th and 952nd meetings, on 10 and 12 August 1992 (see CERD/C/SR.949 and 952), the Committee reviewed the implementation of the Convention by the Lao People's Democratic Republic on the basis of its previous reports(CERD/C/105/Add.4) and their consideration by the Committee (see CERD/C/SR.707-709). The Committee noted that no reports had been received from the State party since 1984.

255. Noting that the Lao People's Democratic Republic had submitted reports on only two occasions since it had become a State party in 1974, members of the Committee pointed out that technical assistance in the preparation of reports was available from the Centre for Human Rights. Members of the Committee requested updated information on the implementation of the Convention and on measures taken for the development of minority groups, particularly the Hmong or Meo tribe. More detailed information on the ethnic composition of the population was requested, together with updated statistics on the social, economic and demographic characteristics of the groups concerned. Taking into account efforts undertaken to democratize, members wished to have information on the impact of those reforms on minority and ethnic groups. Information on the impact of the 1991 Constitution was also requested, particularly, details on the position of the Convention in domestic law. Members wished to know whether the provisions of the Convention were directly applicable in national law or if special legislation needed to be adopted.

256. Members of the Committee noted the absence of legal guarantees with respect to article 4 of the Convention. They asked for further information on measures taken to ensure the prohibition of racist groups and racist acts and wished to be provided with the relevant legal texts. Members wished to know what recourse procedures were available for victims of racial discrimination and requested details on any cases that had been decided in the courts in that regard.

257. Concern was expressed about the number of refugees that had fled to neighbouring countries and information was requested concerning progress in the repatriation of those refugees, particularly as it affected ethnic and minority groups. In regard to article 7 of the Convention, members wished to know what steps had been taken to publish and disseminate the provisions of the Convention and what support had been extended to non-governmental organizations combatting racial discrimination and promoting fundamental human rights.

Concluding observations

258. The Committee regretted that the Government of the Lao People's Democratic Republic had not submitted a periodic report since 1984 and had been unable to respond to the invitation to take part in the current session.

259. Recognizing the difficult situation in the country and the changes under way, the Committee wished to encourage the Lao People's Democratic Republic along the path of democratization and to draw its attention to the possibility of obtaining technical assistance from the Centre for Human Rights in the preparation of its reports.

260. The Committee hoped that the Government would submit its new report as soon as possible. The report should be presented in accordance with the guidelines laid down by the Committee and provide, in particular, information on the country's main social, economic and demographic indicators, on the content of the new 1991 Constitution, on the reforms undertaken with a view to democratization and the protection of human rights, on the measures taken to improve the situation of ethnic minorities, on penal legislation against racism and its application by the courts, on the situation of refugees and on the elimination of "re-education camps" and of restriction on freedom of movement.

CERD A/51/18 (1996)

452. At its 1166th meeting, held on 12 August 1996 (see CERD/C/SR.1166), the Committee reviewed the implementation of the Convention by the Lao People's Democratic Republic based on that country's previous reports (CERD/C/105/Add.4) and the Committee's consideration thereof (see CERD/C/SR/707, 709, 949 and 952). The Committee noted with regret that no report had been submitted to it since 1984.

453. The Committee regretted that the Lao People's Democratic Republic had not responded to its invitation to participate in the meeting and to furnish relevant information. The Committee decided to send a letter to the Government of the Lao People's Democratic Republic setting out its reporting obligations under the Convention and urging it to resume the dialogue with the Committee as soon as possible.

454. The Committee suggested that the Government of the Lao People's Democratic Republic avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Centre for Human Rights, with the aim of drawing up and submitting as soon as possible an updated report drafted in accordance with the reporting guidelines.

455. The Committee recommended that the next report from the Lao People's Democratic Republic contain information constituting a detailed response to the concerns expressed by the Committee in 1992 when considering the situation in the country. 10/

10/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 18 (A/47/18), paras. 254-260.