



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/451/Add.1
17 May 2004

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Fifteenth periodic reports of States parties due in 2003

Addendum

Lao People's Democratic Republic*

[31 March 2004]

* This document contains the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports of the Lao People's Democratic Republic, due on 24 March 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001 and 2003 respectively, submitted in one document. For the third, fourth and fifth periodic reports, submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see document CERD/C/105/Add.4 and CERD/C/SR.707, 708 and 709.

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Introduction

1. Since signing the International Convention on the Elimination of All Forms of Racial Discrimination on 22 February 1974, the Lao People's Democratic Republic has submitted two periodic reports under article 9, paragraph 1, of the Convention. The first, dated 9 January 1978, contained the initial report and the second periodic report, submitted in one document, while the second, dated 19 June 1984, contained the third, fourth and fifth periodic reports, also in one document. The Lao People's Democratic Republic has been unable to submit any reports since then.

2. The fact that the Lao People's Democratic Republic has not submitted any reports does not mean, however, that it does not wish to fulfil its obligations as a party to the Convention or to cooperate with the Committee on the Elimination of Racial Discrimination.

3. The reason for the reporting backlog is that the Lao People's Democratic Republic has been going through a period of transition and administrative reform, at both the central and the local levels, while at the same time trying to overcome economic difficulties, build up its infrastructure and draft new legislation. In addition, there is a lack of staff with report-writing expertise, and this is compounded by the fact that each official has several tasks to do.

4. The Lao People's Democratic Republic faces this kind of problem in reporting not only under the International Convention on the Elimination of All Forms of Racial Discrimination but also under the other human rights instruments to which it is a party, particularly the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

5. Consequently, the present report contains the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports of the Lao People's Democratic Republic, due on 24 March 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001 and 2003 respectively, submitted in one document; it has been prepared in accordance with the guidelines of the Committee on the Elimination of Racial Discrimination.

I. GENERAL

6. The Lao People's Democratic Republic is a developing country, and one that is exposed to frequent natural disasters. It has a population of 5.3 million,¹ made up of 49 ethnic groups.² More than 80 per cent of the population lives in remote and isolated rural areas. A 1997-1998 study on spending and consumption found that some 39 per cent of the population was still living below the poverty line.³ The standard of education is not high enough, public health services are not very extensive and the country still lags behind in science and technology. Part of the population is still in thrall to animism. Wide development gaps still persist between urban and rural areas and from region to region and social class to social class.

7. In 1986, the Government adopted a comprehensive reform policy. In the economic sphere, the central planning system was reoriented towards market mechanisms, encouragement was given to all economic sectors, and all sectors are now equal before the law. The State recognizes private property, including the rights of use, transfer and inheritance of land. Most

farmers have begun to switch over from subsistence to commercial farming; the economy continues to develop but it still lacks a solid foundation and domestic saving is negligible.

8. In the political sphere, the National Assembly (Parliament) has enacted more than 50 pieces of legislation since 1989, to lay the foundation of the rule of law; these include a Constitution - promulgated on 15 August 1991 and amended on 6 May 2003 - and various laws protecting and guaranteeing the rights, liberties and interests of Lao citizens, including:

- The Criminal Code, No. 29/APS, of 23 December 1989, amended 10 April 2001;
- The Code of Criminal Procedure, No. 30/APS, of 23 December 1989;
- The People's Courts Act, No. 32/APS, of 23 December 1989;
- The Office of the Public Prosecutor Act, No. 31/APS, of 23 December 1989;
- The Property Act, No. 01/90/APS, of 27 June 1990;
- The Inheritance Act, No. 03/90/APS, of 27 June 1990;
- The Code of Civil Procedure, No. 09/90/APS, of 29 November 1990;
- The Lao Nationality Act, No. 06/90/APS, of 29 November 1990;
- The Family Act, No. 07/90/APS, of 29 November 1990;
- The National Assembly Act, No. 005/AN, of 25 February 1993, amended 6 May 2003;
- The Labour Act, No. 02/94, of 14 March 1994;
- The Forestry Act, No. 01/96, of 11 October 1996;
- The Land Act, No. 01/97/AN, of 12 April 1997, amended 23 October 2001;
- The National Assembly (Elections) Act, No. 05/97/AN, of 12 April 1997;
- The Education Act, No. 03/AN, of 8 April 2000;
- The Health (Hygiene-Prophylaxis and Promotion) Act, No. 01/AN, of 10 April 2001.

9. Generally speaking, the Lao People's Democratic Republic has a range of assets and broad potential - not least, of course, an abundance of natural resources - and has taken an appropriate line in its national development policy, particularly on the question of ethnic groups, as a result of which the ties between the country's various ethnic groups, who have long lived side by side in harmony and traditionally shown mutual solidarity, have been further strengthened. All of this helps maintain political stability within the country and peace and security within society. In practice there is no discrimination between the various ethnic groups in the Lao People's Democratic Republic; no one group has ever been dominated by another and no group lives separately, occupying vast areas of land, as happens in some countries.

10. There is an old Lao saying, "One tree is not a fence; the country cannot move on if the people will not follow." This saying, which the nation has taken as a precept and a warning, only serves to underline the strength of the ethnic groups' ties of solidarity. The country's history has also shown how the people's unwavering solidarity has been a determining factor in the very existence of the nation and its development. In keeping with this precept, the Party and the Government have at every stage of the Lao revolution always sought the support of the people, enhanced the power of the people, and made every effort to foster the multi-ethnic people's spirit of mastery over the country in all spheres of activity and respond to its aspirations and legitimate interests.

11. In terms of administrative organization, the Lao People's Democratic Republic is now divided up as follows: Vientiane, the capital, which is a prefecture; 16 provinces and one special zone; 141 districts; and 11,640 villages. The prefecture of Vientiane, the provinces and the special zone are administered by the prefect, the provincial governors and the chief of the special zone, respectively; all of these have the same rank. The districts have district chiefs and the villages have village heads. The Prefect of Vientiane, the provincial governors, the chief of the special zone, the district chiefs and the village heads have deputies to assist them (Constitution, new art. 75). The prefect, the governors, the chief of the special zone and the district chiefs are appointed by the Government, while the village heads are directly elected by the villagers themselves. As to the political system, under the terms of the Constitution, the Lao People's Democratic Republic is "a people's democratic State. All power is vested in and is exercised by the people, in the interests of the multi-ethnic people of all social strata, with workers, farmers and intellectuals forming the hub" (art. 2). "The right of the multi-ethnic people to be master of the country is exercised and guaranteed through the functioning of the political system, with the Lao People's Revolutionary Party as the lead component" (art. 3).

12. Since the Lao people is made up of various ethnic groups, the Party and the Government have always stressed the importance of the ethnic question, the need to thoroughly educate the multi-ethnic people in the spirit of national unity, solidarity and mutual love and assistance. They have also established a fairly detailed policy and taken a number of measures to meet the needs of the multi-ethnic Lao people.

13. The broad lines of this policy are as follows:

Strengthening of the national spirit;

Equality between the ethnic groups;

Reinforcement of solidarity between the ethnic groups;

Reinforcement of the multi-ethnic people's collective spirit of mastery;

Resolution of disputes and grudges and narrowing of the economic and cultural gaps between ethnic groups;

Progressive improvement in the living conditions of the multi-ethnic people;

Development of the cultural traditions and customs specific to the various ethnic groups;

Development of ethnic groups' ability to take part in public life.

14. This has been a consistent policy of the Party and the Government, and the Lao Front for Nation Building (FLEN) has been entrusted with its realization; other mass organizations have been entrusted with tasks that fall within their sphere of responsibility. Meanwhile, the policy has also been enshrined in the Constitution and the law. The rights and interests of the multi-ethnic people are thus protected and guaranteed under the law.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

Legislative and political sphere

15. In accordance with article 8 of the Constitution of the Lao People's Democratic Republic, the "State pursues a policy that aims to foster solidarity and equality between the various ethnic groups. All ethnic groups have the right to preserve and develop their way of life, traditions and cultures, in addition to those of the nation. Any act calculated to cause division or discrimination among ethnic groups is forbidden. The State shall take all measures to develop and continually raise the economic and social level of all ethnic groups".

16. The "solidarity of the multi-ethnic population" refers to the ties, relationships, cooperation and mutual assistance that exist between the ethnic groups and between each ethnic group and the Lao nation as a whole. This solidarity means that:

(a) All ethnic groups must respect one another and root out once and for all the prejudices and vestiges of mutual mistrust bequeathed by history, which could otherwise raise obstacles and breed ill will between them;

(b) All ethnic groups must love one another and unite in building awareness of national unity; they should resist parochialism, patronage and ethnic sectarianism, refrain from developing an inferiority or superiority complex with regard to other ethnic groups and reject the scheming of troublemakers seeking to undermine their solidarity;

(c) All ethnic groups must sincerely support and aid one another so as to move forward together. Those already at a fairly advanced level, motivated by fellow feeling, must support, assist, counsel and guide those who lag behind; for their part, the latter must persevere in their efforts to raise themselves to the level of the former so that, together, they may take control of their own lives and of the national destiny, and thereby build a new and truly prosperous life.

17. "Equality of the multi-ethnic population" refers to equal rights in the political, economic, cultural and social spheres, national defence and public safety, protection and safeguarding of the core rights and interests of each ethnic group, based on government policy. It means that citizens are equal in the exercise of their rights and the performance of their duties towards their native land, as prescribed by the Constitution and the laws.

18. The provision forbidding any act calculated to cause division or discrimination between ethnic groups makes no distinction between acts performed by the authorities or State agencies and those performed by individuals. It also extends to any form of encouragement or support for discrimination, irrespective of who performs this act. Thus, in the Lao People's Democratic Republic, there is no government policy, law or regulation conducive to or tolerant of discrimination among ethnic groups. Quite the reverse, if disagreements arise between persons from the same ethnic group or from different ethnic groups, or between civil servants, military personnel and civilians in connection with an act contrary to the ethnic policy of the Party and the State, the competent authorities must settle the matter in a timely manner, in accordance with policy, laws, regulations, customs, cultures, traditional solidarity and national harmony, so as to avoid the unnecessary prolongation of such disputes.

19. Events have shown that, to strengthen solidarity between different ethnic groups and social strata, a national unity front must be established on the basis of an alliance between workers, peasants, intellectuals and patriotic social classes. It is therefore necessary to strengthen the guidelines given to FLEN,⁴ the Lao People's Revolutionary Youth League (JPRL), the Union of Lao Women (UFL) and the Federation of Lao Trade Unions (FSL)⁵ to enable them to perform their respective roles more effectively. Article 7 of the Constitution states that: "The Lao Front for Nation Building, the Federation of Lao Trade Unions, the Lao People's Revolutionary Youth League, the Union of Lao Women and social organizations are focal points for strengthening solidarity and mobilizing the social strata of all ethnic groups to participate in building and protecting the nation, thereby developing popular sovereignty and protecting the rights and legitimate interests of their membership."

20. The task of FLEN is to disseminate propaganda and provide political and ideological education to ethnic groups and social strata by awakening their patriotism and prompting them to contribute their know-how and capacities to building, protecting and developing the nation and translating the Government's ethnic policy into reality (see above, para. 13). At every level, FLEN must thoroughly understand and assimilate government policy on solidarity between ethnic groups and guide its implementation, in coordination with the administrative authorities, mass organizations and social organizations at the same level so as to ensure that plans are drafted unanimously and the process of strengthening solidarity and equality among ethnic groups is established and given impetus by focusing on the following activities:

Organization, education and training of the population to assimilate the Government's policy on ethnic affairs and promotion of deeper understanding of ethnic issues among all social strata;

Ongoing mobilization, unification, assistance and development of the ethnic groups to the appropriate level;

Correction of the misperceptions and erroneous impressions held by certain officials, military personnel and civilians in connection with the implementation of ethnic policy;

Remedies for the negativity, non-conformism, narrow-minded and deep-rooted prejudices, ethnic sectarianism and superstitious beliefs of certain individuals among the various ethnic groups;

When disagreements between individuals threaten to trigger inter-ethnic conflicts, the facts must be clearly and carefully distinguished and enumerated, without confusing them, so as to deny troublemakers the opportunity to sow discord between ethnic groups and different religions;

Giving a powerful stimulus to the spirit of national unity and harmony among ethnic groups and social strata, as between brothers and sisters in one family;

Organization of occupational training for members of the ethnic groups and provision of assistance enabling them to relocate and exercise a new and appropriate occupation that will allow them gradually to improve their living conditions;

Mobilization of funds to assist the development of the ethnic groups, the construction and enlargement of nursery schools, primary schools and residential schools, training for greater numbers of professional staff and intellectuals from the various ethnic groups and reduction of the development gap between them;

Prompt and determined reaction to and rejection of splits and ill will among ethnic groups; participation in dispute resolution procedures at the grass-roots level.⁶

21. The role of JPRL is to educate and train young people to become dedicated inheritors of the noble traditions of the nation, to be at the forefront of the acquisition of knowledge, scientific research and the application of new technologies, whether in the workplace, industry or the creative sphere, and to take over the development of the finest values of national culture and the perpetuation of Lao identity.

22. The role of UFL is to encourage and promote equality between the sexes and to protect the rights and legitimate interests of women and children; to unite multi-ethnic Lao women and social strata in unanimous solidarity; to mobilize women to preserve the country and further its socio-economic development; to establish the necessary conditions to enable increasing numbers of women to pursue their studies, have access to health care and receive training so as to be able to exercise a profession and to work; to promote and extend the “Three feminine qualities” movement;⁷ to preserve the magnificent identity of Lao women and progressively exalt the role of women with a view to eliminating all forms of discrimination against them.

23. FSL must act as the principal organizer, educator and trainer of workers, helping them to become good citizens, disciplined, passionate about their occupation and motivated by a spirit of solidarity and mutual aid. At the same time, it should vigorously defend workers’ rights and interests and uphold justice for them.

Development sphere

24. As already indicated, about 34 per cent of the multi-ethnic Lao population still lives in poverty, especially in remote and isolated rural districts.⁸ Poverty affects all ethnic groups: each ethnic group has its share of rich and poor. Thus, the Government’s prime objective in the development sphere is to improve the living conditions of the multi-ethnic population with a view to lifting the country out of the category of least developed countries in or about the year 2020.

25. The goal of reducing the poverty of the population has underpinned the Government's efforts for the past 28 years and has been incorporated into national plans for economic and social development. More specifically, in 1996 the Government submitted the eight-point national priorities programme to the National Assembly for its approval. These priorities are: (1) food production; (2) goods production; (3) discontinuation of slash and burn cultivation; (4) rural development; (5) infrastructure development; (6) development of relationships and cooperation with foreign partners; (7) development of human resources; (8) development of services. These priorities were the core components of the fourth national economic and social development plan (the Fourth Five-year Plan), and they continue to underpin the fifth plan,⁹ one goal of which is to reduce poverty, especially in rural areas and areas with ethnic minority populations.

26. The Government attaches importance to rural development because rural areas make up most of the country, and they are where most of the population lives. The way of life in these areas has not changed for generations. Most rural people continue to live in very difficult conditions; they are illiterate and their knowledge of scientific matters is very limited. Consequently, the Government must invest in education in the rural highland areas inhabited by ethnic minorities by building residential schools in focus zones. The Government must also ensure that health care is geared towards local people, and improve service provision in both quantitative and qualitative terms, especially in rural highland areas. Since 1995, sectoral and subregional development initiatives have been implemented and have delivered substantive improvements in several fields, for example road mending and the construction of new roads, building of schools, clinics and small-scale reservoirs, and the repair and development of small-scale irrigation networks.

27. The grass-roots health-care network has also been extended to the village level in certain provinces. In 2003, 702 villages had clinics and 125 rural towns had hospitals. Immunization coverage under the expanded programme of immunization launched in 1982 has been extended nationwide. In 1998, 56 per cent of children were immunized against diphtheria, tetanus, whooping cough, measles and tuberculosis; polio has been eradicated since 1998. The mother and child health-care network, with birth spacing, nutrition and health education, has been established and extended to the grass-roots level. Training for health workers, including ethnic doctors, has also been developed. Projects to provide drinking water and ensure environmental health have been pursued in remote and isolated rural areas. In 2000, 52 per cent of the multi-ethnic population had access to drinking water and 40 per cent had access to latrines.

28. In line with government instructions, rural development must be focused. This means that each province must clearly determine its development focus in the light of its potential natural resources and its climate. Examples of development focus include poverty elimination zones, border region development zones, steep highland zones with ethnic populations, zones where slash-and-burn rice and opium poppy cultivation is to be discontinued (in 2005 the Lao People's Democratic Republic will proclaim that poppy cultivation has been discontinued once and for all), livestock farming zones, and settled habitat development zones. Once the focus zones have been determined, detailed projects must be worked out. These will make provinces, districts and villages squarely responsible for marshalling funds and technical personnel for each specific zone considered as a priority. This exercise dovetails with government policy on decentralization, which aims to ensure that prefectures, provinces and special zones are treated as strategic units, districts are treated as planning and budgeting units,

and villages are treated as implementation units. At the same time, administrative capacities need to be improved and strengthened so as to be able to coordinate in a uniform manner the activities of other sectors executing these tasks, thereby ensuring the successful development of the focus zones. In this respect, the Government must ensure that managers, especially provincial and local managers, are properly trained with a view to increasing their administrative ability, for example their ability to manage a range of funds and resources efficiently, and boosting the number of skilled managers in the relevant lead agencies.

29. Likewise, rural development must be pursued in an integrated fashion, i.e. it must have a production base (foodstuffs and various products), a well-developed infrastructure base (roads, electricity, drinking water, communications), social services (schools, clinics, arts facilities, libraries and parks), and the population must know how to exploit their traditional resources and know-how. In the period 2001-2005, the central and provincial authorities must endeavour to establish a number of pilot sites to act as models for rural development nationwide. The results obtained from these sites in the period 2005-2010 will be applied in lowland, upland and highland areas. Urban municipalities will be formed in densely populated areas with a view to bringing urban and rural areas closer together.

Article 3

30. The Lao People's Democratic Republic is a unitary State. Although its population comprises a number of ethnic groups, none of them has a separate territorial government distinct from the central authority. The Constitution, laws and regulations of the State apply to all inhabitants of the country, without exception or discrimination. The Lao People's Democratic Republic, as a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, thus considers racial segregation to be unacceptable and contrary to its ideals. Therefore, in past decades, the Lao Government judged the apartheid regime in South Africa to be a crime against humanity and consistently condemned it in debates on South African apartheid policy in the General Assembly of the United Nations or at meetings of the Non-Aligned Movement.

31. During the apartheid era, the Lao People's Democratic Republic had no diplomatic, trade or other ties with the Republic of South Africa. It was only after the black people of South Africa had eliminated the apartheid regime and established the new multiracial South Africa that the Lao People's Democratic Republic established diplomatic relations, on 7 September 1994.

Article 4

32. A resolution of the Sixth Congress of the Lao People's Revolutionary Party in 1996 states that "ethnic affairs are important for national cohesion and strength. Thus it is necessary, above all, to strengthen people's education in the spirit of national unity, solidarity and mutual assistance to prevent and forestall any act that could potentially breed conflict and ill will between ethnic groups, and to make them understand and appreciate that a superiority complex, i.e. treating other ethnic groups with disdain, or an inferiority complex, i.e. not striving to attain the higher level of other ethnic groups, is a totally false mindset" (see also above, paragraph 19).

33. Article 8 of the Constitution forbids “any act calculated to sow division or discrimination among ethnic groups”, and article 60 of the Criminal Code stipulates that “anyone who sows division or hatred among ethnic groups or social strata with a view to undermining solidarity among the people shall be deprived of their liberty for a term of between one and five years and fined between 500,000 and 10 million kip”.

34. Article 6 of the Constitution stipulates that: “The State shall protect the liberties and inviolable democratic rights of citizens. All State organizations and officials are under an obligation to communicate government policies and legal provisions to the population and, in coordination with the public, to apply these policies and provisions in a way that upholds citizens’ rights and legitimate interests.” New article 10 states that: “The State shall regulate society on the basis of the Constitution and the law. Party and State bodies, the Lao Front for Nation Building, mass organizations, social organizations and all citizens must respect and rigorously apply the Constitution and the law.” Thus, if such bodies, officials or organizations act in a way that promotes or encourages racial discrimination, they shall be deemed to be in breach of State policy and law. The directors of such bodies or organizations shall therefore be open to criminal prosecution under the appropriate provisions of the Criminal Code, namely article 60 (offences against the solidarity of the people); article 66 (convening an assembly with a view to causing a disturbance); article 143 (abuse of authority); or article 145 (dereliction of duty).

Article 5

35. Under article 35 of the Constitution, “all Lao citizens, irrespective of gender, social status, level of education, religious beliefs or ethnicity, are equal in the eyes of the law”. Under article 34, “any person holding Lao nationality according to law is considered a Lao citizen”. As stipulated in article 8 of the Lao Nationality Act, “Lao nationality is acquired at birth, through naturalization or otherwise”.

36. On the subject of equal treatment before the courts and other organs administering justice, new article 41 of the Constitution stipulates that: “Lao citizens have the right to lodge petitions, bring legal actions and submit opinions regarding general or individual rights and interests. Citizens’ petitions, legal actions and opinions must be examined and dealt with according to law.” Moreover, article 6, paragraph 1, of the People’s Courts Act states that: “All Lao citizens, irrespective of their birth, economic or social status, race or ethnicity, language, gender, cultural level, occupation, religion, domicile or other considerations, are equal before the law and the courts”. The Code of Civil Procedure confirms that a person “has the right to bring a legal action according to law to protect rights and interests that have been infringed or are disputed by another party” (art. 2) and that “the courts alone are competent to try civil cases; civil-law judgements must be rendered on the basis of the equality of all Lao citizens before the law and the courts, irrespective of their birth, economic or social status, race or ethnicity, language, gender, cultural level, occupation, religion, domicile or other considerations” (art. 4).

37. In criminal law, the Code of Criminal Procedure likewise stipulates that “judgements in criminal cases must be rendered on the basis of the equality of all Lao citizens before the law and the courts, irrespective of their birth, economic or social status, race or ethnicity, language,

gender, religion, cultural level, occupation, domicile or other considerations” (art. 12), and that “the courts, the Office of the Public Prosecutor, investigators and detectives must uphold the accused’s right of defence, as prescribed by law, so as to protect his or her rights and legitimate interests” (art. 13).

38. On the matter of the right to security of person, the Constitution stipulates that: “The State shall protect citizens’ liberties and inviolable democratic rights [...] Any bureaucratic or authoritarian act that could imperil citizens’ honour, dignity, body, life, conscience or property is forbidden” (art. 6), and “Lao citizens have the right to inviolability of their person, their dignity and their home. They may not be arrested, nor may their home be searched, without a warrant issued by the Office of the Public Prosecutor or a court, except in cases established by law” (new art. 42). Moreover, under article 11 of the Code of Criminal Procedure, “no one shall be arrested or detained without a warrant issued by the Office of the Public Prosecutor or a court, except in the case of offences discovered in the course of commission or when urgent action is necessary. Where a person has been arrested or detained unlawfully, held in custody for longer than the statutory period, or pursuant to a court judgement, the Office of the Public Prosecutor shall order the prisoner to be released forthwith”.

39. The Criminal Code does not refer to acts of violence or incitement to violence against other named races or ethnic groups. But if such incidents do occur and cause injury or death, they are covered by new article 83 of the Criminal Code, which states that: “Persons who intentionally cause injury to others shall be deprived of their liberty for between three months and a year and fined between 100,000 and 500,000 kip. In the case of assault by a group or offending acts resulting in serious injury, the term of imprisonment shall be between one and five years and the fine shall be between 500,000 and 1.5 million kip. In cases of disability or death, the term of imprisonment shall be between 5 and 10 years and the fine shall be between 700,000 and 3 million kip. Attempted commission of the same offence shall be punished in like manner.”

40. At the same time, “the accused or counsel for the accused has the right to know the charge and to refute it; to submit evidence; to lodge a petition; to demand to see all the material in the case file following the investigative or interrogatory phase of proceedings; to engage counsel to represent him or her in the case; to participate in preparations for the trial in the court of first instance; to challenge the judges, the Office of the Public Prosecutor, the investigating and interrogating officials, the expert and the interpreter; to lodge complaints about unlawful acts and instructions of detectives and interrogators, investigators, the Office of the Public Prosecutor or the court; to have the last word at trial; to challenge the instructions of detectives and interrogators, investigators and the Office of the Public Prosecutor; and to appeal the instructions, ruling or judgement of the court” (art. 18). Likewise, article 2 of the Criminal Code specifies that “a person shall be deemed criminally liable and punished accordingly only if he or she has committed an intentional or negligent act constituting a public danger, as provided for in the Criminal Code, subject to a verdict handed down by a court”.

41. As to political rights, the Constitution states that: “Lao citizens, both women and men, are equal at law from the standpoint of politics” (art. 37), and that: “Lao citizens are entitled to vote from the age of 18, and to stand for election from the age of 21, with the exception of lunatics, mad people and persons deprived of their electoral rights pursuant to a court verdict” (new art. 36). Moreover, the National Assembly (Elections) Act stipulates that: “All Lao

citizens, irrespective of gender, ethnicity, religious belief, social status, domicile or occupation, are entitled to vote from the age of 18, and to stand for election to the National Assembly from the age of 21” (art. 3), and that “elections shall take place in accordance with the four principles of universal and equal suffrage and direct and secret ballot” (art. 2).

42. The electoral quotient for members of the National Assembly is based on the principle of one deputy per 50,000 inhabitants; however, provinces or special zones with a population of less than 150,000 inhabitants are entitled to three deputies. Deputies should include representatives of social classes, the sexes and ethnic groups in appropriate proportions (art. 7). Thus, there were 85 deputies in the Third Legislature (1992-1996), consisting of 62 Lao Loum, 16 Lao Theung and 17 Lao Sung, including 8 women; there were 99 deputies in the Fourth Legislature (1997-2001), consisting of 64 Lao Loum, 26 Lao Theung and 9 Lao Sung, including 21 women; and there were 109 deputies in the Fifth Legislature (2002-2006), consisting of 81 Lao Loum, 19 Lao Theung and 9 Lao Sung, including 25 women.

43. Moreover, the various ethnic groups also have representatives on the governing bodies of the Party and the State. In the National Assembly, the vice-president is a Hmong and other ethnic groups are represented among the chairpersons and vice-chairpersons of the parliamentary commissions. The chairperson of the Party and State Audit Committee is a Hmong. Within the Government itself, representatives of ethnic minorities hold positions as deputy prime minister, ministers and junior ministers. Ethnic minorities also provide directors and deputy directors of government departments in various ministries, diplomats, directors of academic institutions and hospitals around the country, provincial governors, district chiefs and army and police officers up to the rank of colonel and general. Of the 116 members of the FLEN Central Committee, 76 are Lao Loum, 28 Lao Theung and 12 Lao Sung. In 2002-2003, the total number of civil servants was 91,330 (of whom 35,235 were women), including 80,532 Lao Loum (of whom 31,517 were women), 5,359 Lao Theung (of whom 1,907 were women) and 5,439 Lao Sung (of whom 1,811 were women). This figure consists of 83,679 civil servants (of whom 33,185 were women) working for central government (ministries or equivalents, judicial bodies and mass organizations), including 74,443 Lao Loum (of whom 29,788 were women), 4,131 Lao Theung (of whom 1,648 were women) and 5,105 Lao Sung (of whom 1,749 were women); and 7,651 provincial civil servants (of whom 2,050 were women), including 6,089 Lao Loum (of whom 1,729 were women), 1,228 Lao Theung (of whom 259 were women) and 334 Lao Sung (of whom 62 were women).¹⁰

Freedom of movement and residence within the border of the State

44. Article 40 of the Constitution stipulates that: “Lao citizens enjoy freedom of residence and movement in accordance with the provisions of the law.”

Freedom to leave and to return to one’s country

45. Under article 40 of the Constitution, “Lao citizens have the right to leave the country and return to it on passports bearing visas issued by the competent authorities”.

Right to nationality

46. Pursuant to article 34 of the Constitution, “every person who has Lao nationality in accordance with the provisions of the law is a Lao citizen”. The Nationality Act stipulates that “Lao nationality is a legal and political bond between a person and the Lao People’s Democratic Republic which confers Lao citizenship on this person” (art. 1). “Lao nationality is acquired by: (1) birth; (2) naturalization; (3) other criteria as determined by this Act” (art. 9) (see also paragraph 35 above).

Right to marriage

47. Under article 37 of the Constitution, “Lao citizens, both women and men, are equal before the law from the viewpoint of the family”. In addition, the Family Act stipulates as follows: “With regard to the family, men and women have equal rights in all areas. Family relationships are established independently of the birth, economic and social status, race, cultural level, occupation, domicile or other circumstances of the spouses” (art. 2). “Women and men of marriageable age have the right to marry of their own free will and out of love for each other. Any pressure or impediment applied by a person to prevent others from marrying is prohibited” (art. 3). Under the Act, marriageable age is 18 years except in special, unavoidable cases, in which it may be lowered to less than 18 but not less than 15 years (art. 9).

Right to own property alone as well as in association with others

48. Under the Constitution, the State “shall protect and encourage all forms of ownership: State ownership, collective ownership, individual ownership, private ownership by nationals and foreigners investing in the Lao People’s Democratic Republic” (art. 16) and “shall protect property rights (the right to possession, the right of use, the right to enjoy and the right of disposal) and the right to inherit property of organizations and individuals. As regards land, which is the property of the national community, the State shall guarantee the rights to the use of it, assignment of it and inheritance of it in accordance with the law” (new art. 17). Moreover, the Property Act stipulates that “ownership is the full and absolute right of the State, collective, private individual, private group and person to possess, use, enjoy and dispose of property within the limits set by law” (art. 1). There are five kinds of property, namely, State or public property, collective property, individual property, private property and personal property (art. 2):

Collective property is acquired through the contribution of property by each member, or through production and services, purchases and trade, and material and financial assistance from the State, other organizations and persons and elsewhere (art. 11);

Individual property comprises the means of production, products and merchandise belonging solely to small proprietors: farmers, technicians, craftworkers and others (art. 14). Individual proprietors may engage freely and legally in production, services and the sale of their products (art. 15, para. 1);

Private property comprises the means of production, products, merchandise and capital involved in running the activities of economic units with a view to contributing to the construction and development of the country and improving the living conditions of the

people (art. 16, para. 1). Private economic units have legal personality. The State recognizes their right to own various goods, and no one may infringe upon this right (art. 18);

Personal property comprises everyday objects, articles for personal use, convenience goods, dwelling houses, household items, pets, and income (art. 20). Owners have the right to possess, use, enjoy and dispose of their property and income according to their needs, but may not use them to undermine the legitimate interests of the State, the collective or other persons (art. 21).

49. As far as the ownership of land is concerned, the Land Act stipulates that “the land in the Lao People’s Democratic Republic is the property of the national community, as provided for in article 17 of the Constitution; the State manages land centrally and uniformly throughout the country and gives it or rents or leases it to persons, families and economic organizations for their use; the State gives land to the armed forces, public services, political organizations, FLEN and mass organizations for their use. As far as immigrants, stateless persons and foreigners are concerned, the State rents or leases it to them” (new art. 3). The State “protects the rights and legitimate interests of whoever has obtained the right to use the land in an efficient and basically peaceful manner for a long period, by guaranteeing them the right of preservation, use, enjoyment, transfer and inheritance” (art. 5). It “authorizes persons and families to use, for a long period and in an efficient manner, a maximum of three hectares of cleared forest land or decaying forest per worker per family. Anyone who wishes to use more is entitled to apply to the State to rent or lease it” (new art. 21, para. 1). Similarly, article 13 (para. 1) of the Forestry Act stipulates that “the State grants to persons and organizations, according to their labour capacity and financial means, the right to use a maximum of three hectares of land covered by decaying forest or cleared land per worker per family, to plant trees and restore the forest. Any person who needs more is entitled to apply to the State to rent it; in the case of organizations, the application must be based on their actual production capacity”. In compliance with these two articles, the Lao Government has implemented a programme to return land and forests to villagers, with the following main objectives: (1) to enable villagers to have land to cultivate; and (2) to make them responsible for planting trees and preserving forests, which are very valuable national natural resources. So far, the programme has been implemented in 5,000 villages, with the assistance of the Swedish International Development Agency, the German Agency for Technical Cooperation (GTZ), the International Fund for Agricultural Development, France and the European Union.

Right to inherit

50. In addition to the above-cited new article 17 of the Constitution, the Inheritance Act stipulates that “inheritance is the devolution of the property, rights and obligations of the deceased person to his or her heirs, in accordance with the law or the deceased person’s will” (art. 2). The heirs are the person’s legitimate or adopted children and surviving spouse. If the deceased person has neither children nor a spouse, the inheritance goes to the person’s relatives, in the following order: (a) ascendants (parents, grandparents, great-grandparents); (b) collaterals (brothers and sisters, uncles and aunts, nephews and nieces); (c) the State or the legal persons or individuals determined by law. When an inheritance is shared out, the deceased’s closest relatives receive their share before the others; more distant relatives receive something only if there are no closer relatives (art. 6). Parents who have been ruled unfit by a court do not have

the right to inherit from their children, and the latter have no right to inherit from their parents either. Parents who fail to comply with a court order to maintain their children do not have the right to inherit from them. Similarly, adult children who fail to comply with a court order to maintain their parents have no right to inherit from them (art. 8).

Freedom of thought, conscience, belief, opinion and expression

51. The Constitution stipulates that Lao citizens “enjoy freedom of expression, in both oral and written form, insofar as it is not contrary to legal regulations” (art. 44) and are “free to practise a religion or to practise none” (art. 43). In the specific case of religion, “the State shall respect and protect the legal activities of followers of Buddhism and other religions; it shall call on and encourage bonzes, novices and priests to participate in activities that are useful to the homeland and the people. Any act liable to divide religions and divide the people is prohibited” (new art. 9). Furthermore, Prime Ministerial Decree No. 92/PM of 5 July 2002, on the conduct and protection of religious activities in the Lao People’s Democratic Republic, stipulates that “the State shall respect the rights of the various religions and their followers, and shall protect their legal activities in the Lao People’s Democratic Republic. Lao citizens are equal and free before the law to practise or not to practise a religion, as prescribed in the Constitution and laws of the Lao People’s Democratic Republic” (art. 3). “Lao citizens, immigrants, stateless persons and foreigners in the Lao People’s Democratic Republic have the right to engage in or organize religious ceremonies in their pagodas or churches” (art. 4). “Religious organizations or the followers of each religion in the Lao People’s Democratic Republic have the right to bring together believers to listen to sermons, to disseminate religious teachings, to conduct religious ceremonies and to organize celebrations or prayers on the usual days of importance to each religion in their pagodas or their churches” (art. 11). “The followers of a religion in the Lao People’s Democratic Republic who reveal, or collude in revealing, a State secret to other persons living in the country or abroad, who conduct activities inimical to the regime of the Lao People’s Democratic Republic and who foster division among ethnic groups or religions with a view to disturbing public order, shall be punished in accordance with the regulations and laws of the Lao People’s Democratic Republic” (art. 13).

Right to work

52. According to the Constitution, “the State and society shall provide training in work skills; it shall extol the discipline of work, encourage the people to practise a trade and to work, and defend the rights and legitimate interests of workers” (new art. 27) and “Lao citizens have the right to work and to engage in occupations that are not prohibited by law. Workers have the right to rest, the right to medical treatment when sick and the right to assistance in the event of incapacity for work, disability, old age and other circumstances determined by law” (new art. 39). Moreover, the Labour Act of 14 March 1994 stipulates that “the State shall apply, with regard to employers and workers, the principle whereby their mutual interests are guaranteed without distinction as to race, colour, sex, religion or political and social status. Workers must observe the discipline of work and comply with labour regulations. Employers must guarantee the payment of fair wages and safe working conditions and must comply with social security regulations” (art. 2). “Workers performing work of the same quantity, quality and value shall receive the same salary or the same payment without distinction as to sex, age, nationality or ethnic origin, unless the worker is a foreigner with a special employment contract” (art. 39). Employers are forbidden from forcing workers to perform work against their wishes or

work not in conformity with the employment contract (art. 4). An employer has the right to hire workers according to the needs of the work unit under the employer's supervision, but priority must be given to Lao citizens (art. 6). The work units in the various economic sectors may, if need be, hire foreign workers if there is a shortage of specialized workers in the Lao People's Democratic Republic (art. 7).

53. In addition, workers are entitled to the following paid holidays:

(a) At least one day off a week and official holidays as determined by the Government (art. 28);

(b) Sick leave, certified by a doctor and not exceeding 30 days a year, for salaried workers. For workers paid by the hour, by the day on a piecework basis or at a fixed rate, this scheme applies to them only if they have worked for over 90 days (art. 29);

(c) Annual leave of 15 days for workers on a permanent contract or a fixed contract of at least one year, once they have worked for a whole year. Those performing arduous jobs or job that put their health at risk are entitled to 18 days. Weekly leave and official holidays are not included in annual leave (art. 30).

Right to form and join trade unions

54. Under article 44 of the Constitution, Lao citizens enjoy freedom of association provided that it is not contrary to the law. The Labour Act also stipulates that workers and employers have the right to establish a mass organization and a social organization in accordance with the law, or to join one (art. 3). Also, Prime Ministerial Decree No. 98/PM of 14 December 1995, on the implementation of the Labour Act, states that "workers have the right to establish a trade union branch in their work unit and voluntarily to become members of it in order to protect and promote their rights and legitimate interests" (art. 3) and that employers "have the right to establish organizations of employers' representatives and voluntarily to become members of them in order to protect and promote their specific rights and legitimate interests" (art. 10).

Right to housing

55. Under the new article 28 of the Constitution, "the State and society shall ensure the effective implementation of social security policy, particularly with regard to national heroes, members of the elite fighting forces, retired civil servants, the disabled, the families of those who sacrificed their lives for the revolution and persons deserving the gratitude of the nation". In addition, Prime Ministerial Decree No. 194/PM of 12 November 1994, on the transmission of the right to use State land and property as regards dwelling houses, vehicles and household items needed by civil servants, has enabled the latter, including retirees and families of persons who gave their lives for the State, to purchase, either outright or on credit, houses or building plots. In implementing this policy, the Government has endeavoured to provide a certain amount of accommodation for State employees and civil servants within the constraints of its budget. Moreover, in the national socio-economic development plans, and particularly in the rural development programme which is one of the Government's eight priorities (see above, para. 25 et seq.), government policy is designed to eliminate poverty from the multi-ethnic people, narrow the gap between town and country, distribute income to the disadvantaged and

improve the quality of life of the multi-ethnic people. Once the people's living conditions have been improved, the problem of housing can be resolved gradually. In practice, no homeless persons are found sleeping on the streets of cities in the Lao People's Democratic Republic.

Right to public health, medical care, social security and social services

56. Under the new article 25 of the Constitution, "the State shall ensure that the public health system is improved and extended in order to protect the people's health. The State and society shall play an active role in building up and improving an extended system of prevention and health care, so that everyone can receive treatment and enjoy good health, particularly mothers and children, the poor and those living in remote and isolated areas. The State shall promote and encourage the provision by the private sector of public health services in accordance with the law. Any illegal public health service is prohibited". Moreover, the Health (Hygiene, Prophylaxis and Promotion) Act stipulates that "Lao citizens, without distinction as to ethnic origin, sex, age or social and economic status, have a right to health care and a duty to take care of their own health and that of their family, society and the nation, and to participate in activities in the area of health, prevention of illness and health promotion" (art. 3). "The State attaches importance to and ensures the protection and promotion of the health of the multi-ethnic people by providing know-how and information; encourages, organizes and carries out activities in the area of health, prophylaxis and health promotion in both the public and private sectors; and promotes community involvement in the development of an extended and high-quality system of health services" (art. 4). The State also "encourages domestic and foreign investors from all economic and social sectors to invest in activities in the area of health, prevention of illness and health promotion, by means of appropriate policies, regulations and measures, in accordance with the law of the Lao People's Democratic Republic" (art. 5) and "encourages broad and open cooperation with the international community with regard to learning from each other, staff training and assistance in the field of hygiene, prevention of illness and health promotion" (art. 6). With regard to social security, Prime Ministerial Decree No. 207/PM of 23 December 1999, on the social security scheme for company employees, stipulates that "the social security scheme for company employees is based on the principle of insurance policies underwritten by the State. Employees and employers are required to participate in the compulsory social security scheme and are not allowed to enter into agreements that would allow them to evade this requirement. Employees and employers outside the compulsory social security scheme may apply for membership of it, but assume the same rights and duties as those within the system" (art. 2). The following benefits are covered by the scheme: funeral allowance, allowance for medical treatment, sickness benefit, maternity benefit, benefits for industrial injury or work-related illness, disability benefit, retirement pension, survivors' benefit, child benefit and unemployment benefit (art. 5).

Right to education and training

57. The new article 22 of the Constitution stipulates that "the State shall ensure the implementation of the education development policy and shall implement the compulsory primary education scheme, with a view to training the Lao to be good citizens with a revolutionary mentality, knowledge and capacities. The State and society shall endeavour to improve the quality of the national education system, to create opportunities and favourable conditions for all the people to receive an education, particularly the inhabitants of remote and isolated areas, ethnic minorities, women, children and disadvantaged persons. The State shall

promote and encourage investment by the private sector in the development of the national education system in accordance with the law”. Moreover, the Education Act stipulates that “Lao citizens, without distinction as to ethnic origin, race, religion, sex, age or social status, have the right to education” (art. 3); education “is a public function and the State is directly responsible for the development of the national education system. At the same time, it shall encourage all economic sectors to invest and participate in education by means of appropriate policies on credit and tax exemptions, thereby creating favourable conditions for the development of high-quality education. In pursuing this policy, the State shall pay attention to ethnic minorities in remote and isolated regions, disadvantaged women and talented individuals” (art. 5). “Pupils and students all have equal rights in the education system. Schools, educational institutions and the organizations administering the education system at all levels shall ensure equality between the sexes and ethnic groups in education” (art. 22). “The State shall provide a scheme to support pupils and students from ethnic minorities in remote and isolated regions, disadvantaged female students, excellent students and good students from poor families. At the same time, it shall encourage individuals and social organizations to help these students in appropriate ways” (art. 23). In implementing this Act, the Lao Government has constantly striven to improve and develop the education system in both quantitative and qualitative terms. Thus, in 2002-2003, the country had:

820 crèches and nursery schools, with 38,979 pupils, of whom 19,592 were girls;

8,486 primary schools (for the 11,640 villages in the country), with 875,300 pupils (of whom 399,570 were girls), including 278,387 pupils (of whom 119,508 were girls) from ethnic groups; 13 boarding schools for pupils from ethnic groups, of whom 5,513 (including 1,331 girls) received government scholarships;

879 secondary schools (public and private), with 348,309 pupils (of whom 145,898 were girls), including 49,515 pupils (of whom 15,542 were girls) from ethnic groups;

10 training colleges for primary- and secondary-school teachers, with 6,886 trainee teachers (of whom 3,444 were girls), including 402 trainees from ethnic groups (including 292 girls);

31 vocational and technical colleges, with 19,507 students (including 8,540 girls);

The various professional training institutions and National University of Laos, with 25,270 students in all (including 8,983 girls), or 563 students per 100,000 inhabitants;

A literacy rate among persons in the target group (those aged over 15) of 70 per cent.¹¹

Right to equal participation in cultural activities

58. According to the Constitution, “Lao citizens, women and men alike, have equal rights in the sociocultural sphere” (art. 37) and “have the freedom to create artistic and literary works and engage in cultural activities that do not conflict with the provisions of the law” (art. 45). “All ethnic groups have the right to maintain and develop their own customs, traditions and cultures, in addition to those of the nation” (art. 8).

Right of access to any place or service intended for use by the general public

59. The Lao People's Democratic Republic has no law or regulation denying access to such places or services to persons of a given race or ethnic group. Such places and services are open to all without discrimination of any kind.

Article 6

Measures taken to ensure protection for all against any acts of racial discrimination

60. There are in principle three institutions that are competent to deal with problems relating to ethnic groups: the Lao Front for Nation Building, the National Assembly's Ethnic Affairs Commission and the people's courts.

61. FLEN's task is to educate all the ethnic groups in order to awaken their spirit of patriotism, establish solidarity and harmony and ensure equality between them. If there is discontent or hostility between the ethnic groups, or disputes within the local population, the local branch of FLEN helps the relevant local authority to resolve the matter (see above, paras. 18-19).

62. The task of the National Assembly's Ethnic Affairs Commission is to monitor, oversee and promote the application of the Constitution and the law in areas relating to ethnic groups and rural development, and the implementation of the national socio-economic development plans and the State budget programme for ethnic affairs and rural development; and to submit problems and proposed solutions in respect of ethnic matters to the National Assembly or its Standing Committee for consideration.¹² The Commission receives petitions or proposals from the general public through the respective electoral constituency's representative in the National Assembly. The matter may, however, be resolved at the local level, through FLEN and the relevant local authority, before it is put before the Commission.

63. The task of the people's courts is to consider and rule on civil and criminal cases without regard to the parties' ethnic origin. If a judge, or the court as a whole, shows partiality or hostility to one of the parties based on the latter's membership of an ethnic minority, then the party has the right to challenge the judge or judges or seek annulment of the court ruling, in accordance with the provisions of the Code of Civil Procedure or the Code of Criminal Procedure,¹³ as applicable. Similarly, the Office of the Public Prosecutor, whose mandate is to monitor and oversee the application of the law on the part of investigating and trial judges as well as during court proceedings, and to monitor the enforcement of court rulings, also has the right to challenge such a ruling or seek its annulment.¹⁴ No cases of ethnic or racial discrimination have yet come before the courts. In all disputes between members of a particular ethnic group or members of different groups, and in cases of errors by officials in the application of the Government's ethnic policy that may have given rise to discontent within a given ethnic group, amicable settlements have been reached at the local level.

Measures taken to guarantee to all the right to seek reparation or satisfaction

64. The Code of Civil Procedure guarantees individuals the right to bring an action in law to safeguard any rights or interests that may have been violated or challenged by others (art. 2).

Applications must include the applicant's family name, given name and domicile, the defendant's family name, given name and domicile, the facts leading up to the application and any supporting evidence; they must include a request for compensation and state the amount sought, as well as any other required documents (art. 42). Before a case comes to court, however, either of the parties may first ask the village head to attempt to obtain an amicable settlement (art. 53).

65. At the village level, there is a dispute-settlement unit comprising the village head, who acts as chair, a representative of FLEN, a representative of UFL, a representative of JPRL, and up to three veterans' representatives. The unit is a village-level body for conciliation in village disputes; its task is to assist the administrative authorities in this regard, build up a body of case law, further citizens' rights and interests, publicize legislation and regulations, encourage the multi-ethnic population of the village to observe and strictly apply the law, and coordinate closely with judicial and other relevant organisms.¹⁵

Article 7

Measures taken in the area of education and teaching

66. The right to education has been touched on in paragraph 57 above. Under the Education Act, the national education system comprises a school arm and a non-school arm, which operate in parallel at every level of study, offering the same subjects and having equal status (art. 7).

67. The school system provides the following levels of study:

(a) Pre-school education, which includes crèches and nursery schools, aims to nurture the child's body, mind and spirit, and his or her intelligence, conduct and aptitudes, in preparation for primary school. Crèches take children from the age of 3 months up to 3 years and nursery schools from age 3 up to primary school age (art. 8.1);

(b) Primary schooling is compulsory and free of charge for Lao multi-ethnic children from the age of 6, and lasts five years. The State takes appropriate measures to guarantee Lao citizens of school age the opportunity to attend school. The administrative authorities, parents and guardians must ensure that children of school age receive compulsory primary education (art. 8.2);

(c) Secondary education has two cycles: the first lasts three years and should provide general education and condensed basic technical training; the second is in two parts:

General or ordinary level, which lasts three years and offers general education and condensed basic technical training;

Initial vocational training, which offers a range of appropriate subjects in various forms, with the aim of providing an occupation that is in line with the country's socio-economic development needs, taking into account the demands of the labour market and the individual's own occupational requirements (art. 8.3).

The State has a duty to develop secondary education in such a way as to create favourable conditions for Lao citizens to acquire the knowledge and skills that will enable them to enter an occupation or continue their education;

(d) Intermediate vocational training follows on from the second cycle of secondary education and aims to produce technicians and mid-level professionals with the knowledge and skills to be of service to society and themselves (art. 8.4);

(e) Higher education has two components:

General, which has several stages, preparatory, first degree and postgraduate, and is taught at higher education institutes and universities;

Advanced vocational training, which is taught in the various institutes (art. 8.5).

68. The non-school system is a form of education that aims to make teaching services available to the people and to workers, with no limitation as to age or time and place of study. The system was set up to enable those among the multi-ethnic population who do not have the chance to study, or who are unable to do so within the school system, or have a regular job, to continue receiving an education (art. 9).

69. The curriculum for each class and each section of the school and non-school systems must be in line with Party policy, the Government's education and training goals, the country's socio-economic development, developments in science and technology, and the global environmental situation (art. 17).

70. The Government's aim in education and training is to produce good citizens who are skilled and cultured and have a spirit of patriotism and devotion to the regime of popular democracy, a desire for solidarity and harmony between the ethnic groups, and a knowledge of the legal system and the ability to make use of it, who will cherish and defend the nation's finest cultures and traditions, and understand how to protect the environment and natural resources and participate appropriately in international relations in order to help safeguard and foster the development of their country (art. 1).

71. As things stand at present, the Government is not yet in a position to include in the education curriculum the aims and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination, for Lao teachers have not yet been given appropriate training in human rights. However, the fact that, within the Lao education system, there are pupils and students from the various ethnic groups at every level and in each arm or stage of the system, and in every class, and that the curriculum is consistent with Party policy and the Government's education and training goals, amply demonstrates that there is no discrimination in this area and that the system complies with the aims and principles of the Charter of the United Nations.

Role of institutions and associations

72. The Government's policy on cultural affairs aims to conserve, create and develop a culture of a national, popular and progressive nature. To that end, it is important to examine the

finest values of the cultures of the various ethnic groups and seek out the common elements that together make up the culture of the national community; encourage broad popular participation in cultural activity; and promote the establishment of a common human civilization.

73. Based on this policy, new article 23 of the Constitution provides that “the State shall encourage the preservation of the finest national and ethnic cultural identities and traditions, while also adopting selected elements of universal progressive culture. The State shall promote activities in the area of culture, the arts, literature and creativity, manage and protect the cultural, historic and natural heritage, and maintain and restore historic monuments and artefacts and sacred sites”. The Ministry of Information and Culture has therefore made the Government’s cultural policy part of the spiritual development of the people, through a variety of traditional artistic and cultural activities taken from each ethnic group, such as singing competitions, art exhibitions, theatre performances, fashion shows, costume exhibitions and traditional festivals, which it publicizes through the media. The exploration and revival of the arts and cultures of the various ethnic groups was strongly and constantly encouraged as part of the Year of Lao Tourism (2000-2001), and this helped to enhance the nation’s cultural diversity: thus, archaeological sites, libraries and cultural monuments have been restored,¹⁶ research has been carried out in scientific and cultural fields, books on Lao history have been written and a variety of products produced. Efforts have also been made to teach the multi-ethnic population to leave behind outdated customs and ways of life that have an adverse effect on production, lifestyle, solidarity and harmony within and between the ethnic groups.

Role of the media

74. According to new article 23, paragraphs 3 and 4, of the Constitution, “the State shall ensure that the mass media are made capable of contributing to the protection and development of the country. Any use of the mass media to harm the national interest or undermine the Lao people’s finest traditions or dignity is prohibited”. All the media in the Lao People’s Democratic Republic - press, radio and television - belong to or are controlled by the State. The Government has stepped up its information and propaganda efforts in minority ethnic regions in various ways, notably through broadcasts of radio programmes suited to the tastes and lifestyles of the groups in question in their own languages; particular care has been taken to improve the quality of programmes in Hmong and in Kamu, and in other languages where necessary. Efforts have also been made to increase the length of programmes and the strength of certain stations broadcasting to remote or isolated areas where atmospheric conditions are problematic, and to improve the quality of broadcasts by ethnic groups in the south of the country (Savannakhet and Champassak) by providing them with technicians and presenters who speak their languages. The overall objective is to ensure that these ethnic groups are fully aware of the Party’s and the Government’s political line, the situation within the country, and the rights and duties of citizens. At the same time, the Government has attempted to introduce these groups to modern technologies applicable to production methods and lifestyle, and provide general information on economic and social issues.

75. With regard in particular to information on human rights, and the aims and principles of the international human rights instruments to which the Lao People’s Democratic Republic is a party, the Government organizes radio and television programmes every year for International Children’s Day (to publicize the rights of the child), United Nations Day (to publicize the aims and principles of the Charter of the United Nations), and Human Rights Day. In connection with

Human Rights Day, and to mark the fiftieth anniversary of the Universal Declaration of Human Rights, the Government - with the assistance of the Australian Government - arranged to have a number of the human rights conventions to which the Lao People's Democratic Republic is a party translated into Lao and published for distribution to officials in the various government departments to make them aware of their rights and obligations under these conventions.

76. With the assistance of the Finnish Government and the United Nations Development Programme (UNDP) - project No. LAO/00/006, on international legislation - the Ministry of Foreign Affairs has also had some other human rights conventions translated and published, and in 2003 it organized several seminars on international law and human rights for members of the National Assembly and officials of the various ministries and services involved in the application of the law in the capital and the provinces. The seminars focus on certain basic principles of international law and some of the main human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural 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 and the Convention on the Rights of the Child.

77. As part of the same project, the Ministry of Foreign Affairs has also had a document that was provided to the Government by UNDP, on participation by the Lao People's Democratic Republic in the multilateral treaties deposited with the Secretary-General of the United Nations, translated into Lao, published, and distributed to the various government services.

78. In late 2002, the Lao People's Democratic Republic set up a bilateral working group on human rights with Sweden and, in early 2004, another working group on good governance and human rights with the European Union, with a view to enhancing understanding of the issue of implementation of human rights in the Lao People's Democratic Republic. The Swedish-Lao group held two meetings and the Swedish side expressed its satisfaction with the Lao People's Democratic Republic's achievements in the area of human rights.

79. With regard to attitudes of tolerance and friendship between nations, whether in cultural or other areas, the Lao Government has consistently applied the State's foreign policy as expressed in article 12, paragraph 1, of the Constitution: "The Lao People's Democratic Republic applies a foreign policy based on peace, independence, friendship and cooperation; it develops its relations and cooperation with all countries on the basis of the principles of peaceful coexistence, mutual respect for independence, sovereignty and territorial integrity, non-interference in internal affairs, equality and mutual benefits."

80. The Government of the Lao People's Democratic Republic hopes that the above information will give the Office of the United Nations High Commissioner for Human Rights and the Committee on the Elimination of Racial Discrimination an understanding of the true situation in the Lao People's Democratic Republic and the efforts the country has made to fulfil its international obligations as a party to the International Convention on the Elimination of All Forms of Racial Discrimination. The Lao People's Democratic Republic stands ready to provide further information to the Committee if required.

Notes

¹ When the first census was taken, in 1985, the Lao population was 3,584,803. The second census, taken in 1995, gave a figure of 4,575,000. Between 1985 and 1995, the average rate of population growth was 2.5 per cent per year. At that rate, the Lao population was expected to reach 5.3 million by 2003.

² Until 1981, the ethnic groups that made up the Lao national community were divided into three nationalities and 68 ethnic groups, depending on where they lived: (1) the Lao Loum, who live in the plains and along river banks and practise flooded rice paddy farming, comprise 12 ethnic groups; (2) the Lao Theung, who live on the high plateaux and mountainsides above 700 metres altitude, comprise 36 ethnic groups; (3) the Lao Sung, who live in the mountains above 1,000 metres, comprise 20 groups. The Lao Front for Nation Building, beginning in 1989, undertook extensive ethnological research in coordination with relevant technical services and with the cooperation of the entire population, and concluded that there are 49 ethnic groups, which fall into four language families: Lao-Tai, which is spoken by eight groups, representing 66.5 per cent of the population; Mon-Khmer, spoken by 32 groups (23.5 per cent); Hmong-Iumian, spoken by two groups (7.5 per cent); and Tibeto-Chinese, spoken by 7 groups (2.5 per cent). The Lao Front for Nation Building recently submitted this new classification to the National Assembly for official approval. Once it has been approved, the old nomenclature, Lao Loum, Lao Theung and Lao Sung, will cease to be used as it no longer reflects the true situation.

³ This figure was down to 34 per cent in 2002.

⁴ FLEN is a political organization that aims to forge political unity and comprises representatives of all social strata: workers, peasants, young people, women, intellectuals, religious figures, influential personalities, tribal chiefs, businessmen and others. It was established on 20 February 1979 to replace the Lao Patriotic Front established on 6 January 1956.

⁵ The Lao People's Revolutionary Youth League, the Union of Lao Women and the Federation of Lao Trade Unions also comprise representatives of all ethnic groups.

⁶ FLEN Programme of Action for the period 2001-2005, section II.

⁷ Good citizen, good development and good cultural family.

⁸ According to a World Bank study conducted in 1995, approximately 46 per cent of the total population and 53 per cent of the rural population still live in poverty on an annual per capita income of less than US\$100.

⁹ First Five-year Plan 1981-1985; Second Five-year Plan 1986-1990; Third Five-year Plan 1991-1995; Fourth Five-year Plan 1996-2000; Fifth Five-year Plan 2001-2005.

¹⁰ Statistics provided by the Civil Service Department of the Office of the Prime Minister.

¹¹ Figures supplied by the Ministry of Education.

¹² New article 36, National Assembly Act of 25 February 1993.

¹³ Code of Civil Procedure, art. 18; Code of Criminal Procedure, arts. 18-19.

¹⁴ Office of the Public Prosecutor Act, arts. 1, 2, 14, 15 and 16.

¹⁵ Decision of the Minister of Justice dated 7 August 1997, on the establishment and work of village dispute-settlement units (arts. 1, 2 and 5).

¹⁶ The city of Luang Prabang, the former royal capital, and the temple of Wat Phu, in Champassak, were declared world heritage sites by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1995 and 2003, respectively.
