

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Follow-up: State Reporting

(i) Action by treaty bodies

CERD, CERD/C/SR.1763 (2006)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
Sixty-ninth session

SUMMARY RECORD OF THE 1763rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 3 August 2006, at 10 a.m.

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FOLLOW-UP PROCEDURE (agenda item 7) (CERD/C/AUS/CO/14 and Add.1;
CERD/C/LAO/CO/15 and Add.1; CERD/C/69/Misc.9)

38. Mr. KJAERUM (Follow-up Coordinator) recalled that five States parties had been due to submit their comments on the follow-up action they had taken in response to the Committee's concluding observations and recommendations. They were: Australia, Azerbaijan, Bahrain, France and the Lao People's Democratic Republic. Australia and the Lao People's Democratic Republic had submitted their responses, and reminders had been sent to the other States parties. The response of France had just been received, but he had not yet had time to study it.

39. He had discussed the responses received from Australia and the Lao People's Democratic Republic with the relevant country rapporteurs, and had made a number of recommendations...

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41. Turning to the comments submitted by the Lao People's Democratic Republic (document CERD/C/LAO/CO/15/Add.1), he suggested that the Committee should write to the Government thanking it for its response and making the following points. The revised version of article 176 of the Penal Code was still not fully consistent with article 1 of the Convention, since it referred only to "ethnicity" rather than to "race", "nationality", "descent" or "colour".

42. The Committee should request additional information about the situation of the Hmong minority, which the Lao Government had addressed in paragraphs 3 and 4 of its comments, particularly the provision of humanitarian aid, the establishment of a dialogue between the Government and the Hmong community and the Government's response to requests for international human rights monitoring. In the light of the investigation described in paragraph 22 of the Government's comments, the Committee should draw the Government's attention to its general recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

43. Finally, the Committee should ask for more information about poverty and limitations in economic development which disproportionately affected certain ethnic groups to be included in the Lao People's Democratic Republic's next periodic report.

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CERD, A/61/18 (2006)

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Chapter IV. Follow-up to the consideration of reports submitted by states parties under article 9 of the Convention

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462. As at 18 August 2006, follow-up reports had been received from the following States parties on the implementation of the recommendations regarding which the Committee had requested information within a year: Australia (CERD/C/AUS/CO/14/Add.1), the Lao People's Democratic Republic (CERD/C/LAO/CO/15/Add.1), and France (CERD/C/FRA/CO/16/Add.1). The Committee continued the constructive dialogue held with two of these States parties, Australia and the Lao People's Democratic Republic, by sending them letters with comments and requests for further information..

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CERD, A/62/18 (2007)

Annex IV

OVERVIEW OF INFORMATION PROVIDED BY STATES PARTIES ON THE
IMPLEMENTATION OF THE CONCLUDING OBSERVATIONS

**Sixty-sixth session (21 February-11 March 2005) -
Follow-up reports due by 11 March 2006**

<u>State party</u>	<u>Date of receipt of follow-up report</u>	<u>Session at which follow-up report was discussed</u>
...		
Lao People's Democratic Republic	19 May 2006	Sixty-ninth session
...		

Follow-up: State Reporting
(ii) Action by State party

CERD, CERD/C/LAO/CO/15/Add.1 (2006)

Comments by the Government of the Lao People's Democratic Republic on the concluding observations of the Committee on the Elimination of Racial Discrimination

[19 May 2006]

Additional Report of the Lao People's Democratic Republic

1. In this document, the Government of Lao People's Democratic Republic submits its additional report pursuant to rule 65, paragraph 1, of the rules of procedure of the Committee on the Elimination of Racial Discrimination in response to the request by the Committee, expressed in the concluding observations (CERD/C/LAO/CO/15) adopted on 9 March 2005 following the consideration of the sixth to fifteenth periodic reports of Lao People's Democratic Republic during the Committee's sixty-sixth session, to forward information within one year on the implementation of the recommendations contained in paragraphs 10, 21 and 22 of the concluding observations.

Regarding paragraph 10

2. In October 2005, the Lao National Assembly taking into account the recommendation of the CERD, adopted the revised article 176 of the penal code which clearly stipulated that "any person who has committed an act of making distinction, exclusion, restriction or preference against other person(s) on the ground of his/her ethnicity shall be liable to punishment of imprisonment of a term ranging from one to three years with a fine of Kip 1,000,000 to 3,000,000". In other words, by definition, ethnic discrimination is a crime or criminal act.

Regarding paragraph 21

3. As we have explained to CERD and the international community on many occasions, there is no conflict between the Government and certain members of the Hmong in the Lao People's Democratic Republic. Of course, sometimes there have been armed attacks followed by murders on passenger-carrying vehicles, but these were acts of banditry, a social phenomenon found in a number of countries. The gangs of bandits included both Hmong and persons from other ethnic groups; they acted indiscriminately - their only concern being to procure money and valuables. Their victims also included Hmongs. Not content just to rob, these individuals also killed innocent persons and burned vehicles. Their acts bore the stamp of cruelty, brutality and inhumanity. The Lao Government has employed against them the measures provided for by the law. When they are arrested, they are tried and imprisoned, where they undergo rehabilitation; a number of them have been pardoned. Several of these persons have been reintegrated into the national community in recent years and have become good citizens, benefiting from the Lao Government's policy of helping them in their reintegration. The Lao Government has resorted to drastic measures to put an end to the illegal acts of the refractory elements and protect the lives and property of innocent

persons.

4. The State protects the legitimate rights and interests of its citizens of all ethnic groups, including Hmongs, and will take resolute measures, as it deems necessary, when the national security is in jeopardy. In Laos, in an effort to gradually build the country into a State ruled by law, whoever commits acts, which violate the laws and regulations of the country, regardless of the ethnic origin he or she emanates from, will be punished, without exception according to the law. The foregoing suffices to illustrate the fairness of the Lao People's Democratic Republic.

Regarding paragraph 22

5. Since its inception on 20 January 1949, the Lao People's Army is traditionally recognized as "beloved sons and daughters" of the people for its heroism and magnificent feats in the trying and protracted struggle for national independence and defence. Highly disciplined, loyal and efficient, the Lao People's Army is committed to protect the people's lives and properties as well as to assist them in earning a living and improving their living conditions. In carrying out their duties, the Lao People's Army is bound to stringently follow its military disciplines and regulations, staying alert to machinations of evil-minded individuals aimed at driving a wedge between the people and the Army.

6. Concerning the allegations of five Hmong children being raped and killed by combatants of the Lao People's Army (LPA) in Xaisomboune Special Zone on 19 May 2004, upon receiving the information, the General Staff Department of the Ministry of National Defense, by its decision No. 352/KPT dated 30 September 2004, has established an ad hoc investigation Team, which is composed of the following staff members:

1. Col. Bouasieng Champaphanh, Deputy Chief of General Staff, Team Leader;
2. Lieutenant Col. Bountham Phonthirath, Deputy Director of the Public Security Department, Member; and
3. Lieutenant Col. Siphanh Phouthavong, Deputy Director of Boundary and Maps cum Secretary of the Committee on Security Cooperation along the Lao-Thai border, Member.

7. On 29 September 2004, the Ministry of Defense also instructed Col. Bountham Phonthirath and Lieutenant Col. BounYong Dadongxay, respectively Director and Deputy Director of the Public Security Department, to investigate the allegation. The Team met with local authorities and villagers. Moreover, it went to the areas where it was suspected that the incident had occurred. After investigation, it was found that no complaint on the incident had been brought to Lao concerned authorities' notice at any levels. The Commander in Chief of LPA in Xaysomboune Special Zone and the Governor of Xienkhuang Province are both Hmong themselves, and therefore, had there been any such incident as claimed could they have had any pretext for justifying their ignorance? This has led the Lao authorities concerned to the conclusion that the alleged incident is unreal, groundless and non-existent, and is proved to be merely a fabrication intended to harm the reputation of the Lao People's Army.

Additional explanatory note

8. Three decades ago, while embarking upon the establishment of the new regime, Laos was listed as one of the most underdeveloped countries in the world due to lack of significant development foundations left behind by the age-long feudal-colonial rule. The national economy was very vulnerable. The economic and sociocultural infrastructure appeared to be in a dismal and outmoded state. The education and health network faced constraints and imperfections. Illiteracy accounted for 90 per cent of the total population. There were enormous and burdensome social fallouts left unsolved by the old regime. Before national liberation, the finance and national budget of the Kingdom of Laos was at risk and could only be sustained by foreign aid.

9. Decades of the protracted aggressive war inflicted great human and material losses to the country. Most of the population became refugees or displaced persons. Paddy fields of the then-liberated zones were covered with bomb craters and contaminated with unexploded ordnance (UXO), thus posing a great hurdle to the country's efforts to revive production as well as reinvigorate the material and spiritual lives of the people. Moreover, imperialist-reactionary forces and unfriendly outfits keep carrying out fallacious propaganda against the new regime with a view to overthrowing and eventually eliminating it.

10. Over the past three decades of socio-economic development, primarily of pursuing the cause of renovation, the economy has enjoyed sustained growth. From 1986 to 1990, the average annual GDP growth improved at 4.8 per cent per annum and rose from 1991-1995 to 6.4 per cent per annum; from 1996 to 2000, it downed to 5.2 per cent due to the Asian financial crisis, and from 2001 to 2005, it recovered steadily at 6 per cent per annum. The GDP per capita was registered at US\$ 144 in 1985, rising to US\$ 380 in 1995 compared with US\$ 211 in 1990; by 2005 it had reached US\$ 491 from US\$ 350 in 2000.

11. As the basis for industrialization, **the agriculture-forestry sector** has constantly expanded, with an average growth rate of 4-5 per cent per annum, making up 46.4 per cent of the GDP. The Government has been pursuing a policy of transforming the nature-based economy to a commodity economy, regarding the farmer family as the starting point and key production unit and agriculture-forestry as battlefield No. 1, with special focus on food security, halting slash-and-burn (shifting) farming practices, providing permanent livelihoods to upland and highland populations, and rehabilitating and protecting forests through the allocation of forest areas to local communities for management and exploitation. This is associated with the pursuit of integrated rural development in order to ensure strong and advanced grassroots. As a result, paddy production reached a record high of 2.6 million tons from just 660,000 tons in 1976.

12. In the area of **industry and handicraft**, there has been an increase in the average growth rate of 11.4 per cent per annum, accounting for 27 per cent of the GDP. The number of factories soared to 26,200 in 2005 from just over 100 in 1975, thus creating over 100,000 jobs. The female labour force is predominant in the garment sector, covering 80 per cent of the jobs created. The processing industry climbed by 11.5 per cent and electricity generation by 0.47 per cent in 2005. The country's current electric power generation capacity totals 690 MW, a big swell from only 33 MW in 1975. The mining sector has grown on average by 33.8 per cent. There are 90 companies, of which 34 are foreign, which were awarded investment licences in the mining sector.

13. In the field of **trade**, the enforcement of import-export management measures has improved

significantly. The foreign trade deficit is declining and export is increasing. In 2004-2005, the import value amounted to about US\$ 596 million whereas the exports accounted for US\$ 420. For the period 2006-2010, the average growth rate for import and export is projected to reach 8 per cent and 15.8 per cent per annum respectively.

14. **Tourism**, a rapidly growing sector of the economy, is regarded as one of the eight priorities of the Government's Development Programme. It aims to improve the living conditions of the people of all ethnic groups and promote domestic production in all spheres. In 2004, the number of tourists reached nearly 895,000 from only 37,613 in 1991, an average annual increase of 27.6 per cent. In 2005, the tourists visiting Laos totalled 1 million and that number is expected to have reached 1.5 million by 2010.

15. As a priority domain in the Development Programme, **the communications, transport, post and construction** sector undertakes to pursue the goal of turning Laos from a landlocked to a land-linked country. Road access is available in all major districts of the 18 provinces and 125 other districts, leaving only 17 districts with unpaved roads. The total length of roads in Laos is 31,209 km, including 4,497 km of asphalted roads (a fivefold), 10,097 km of gravel and 16,600 km of dirt roads. Since 1975 roads have increased at an average rate of over 800 km a year. The amount of goods transported by land in 2004 reached 2,351,000 tons, an 84.4 per cent increase compared with 1976. The number of passengers transported by land accounted for 31 million, a 1,412 per cent increase compared with 1976. In 2004, air transportation system offered services to over 384,000 passengers compared with that of only 16,000 passengers airborne in 1976.

16. Post and telecommunications have also developed faster since 1990 due to the use of modern and advanced technologies. Services are improving and prices becoming more affordable. In 2004, there were 23 automatic telephone centres and the number of mobile telephone centres increased from 1 in 2001 to 4 in 2005. There are over 400,000 fixed line and mobile subscribers, an average of 6.5 users per 100 people. Today's telecommunications networks cover over 80 districts across the country. There are 104 post offices, 130 distribution points, more than 23,000 post office boxes, 117 branches selling stamps and 11 postal saving services.

17. Urban planning and water supply have strongly developed since 1995. Significant investment in this sector has been injected into urban infrastructure development, water supply and public facilities construction, and improvement in cities and rural areas. So far, 96 urban planning projects have been completed in the capital city of Vientiane, provincial chief districts, districts and development group villages. There are now some 38 water supply plants in provincial chief districts and districts, an 18.75 per cent increase compared with 2000. To date, nearly 40 per cent of the total population has access to safe water supply.

18. In the realm of **education**, over the past three decades education networks have widely expanded at all levels, ranging from kindergarten to university. The education system both public and private has gradually improved in quality. Primary schooling is being extended to rural and remote areas. There are 12,438 primary schools across the country, including 184 private and 10 Buddhist schools, and 952 secondary schools. There are also 3 universities and 30 colleges, of which 27 are private, comprising 1,702 teachers and 39,921 students. The two faculties of Economics and Management and Natural Sciences of the National University of Laos (NUL) have

just launched Master degree courses.

19. Over the past 30 years, **the public health networks** have been growing constantly and managed to meet social requirements, an increase of 91 per cent since 1975, covering the poor districts. Equipped with modern medical technologies, the sector pays primary attention to preventive care. Village medical kits were set up and the number of village health volunteers reached 16,618, of midwives 5,227, and of village practitioners 534. In 2004, the public health sector employed 11,326 medical and ancillary personnel including 310 postgraduates, 1,710 diploma graduates and 3,860 trained clinical staff. There are 127 district health centres, 12 provincial hospitals, 1 special zone treatment centre and 3 central hospitals, and 254 private clinics and 1,977 pharmacies.

20. Guided by its policy of promoting cultural development and building a spiritual civilization towards achieving an objective and progressive society, the Government has paid attention to preserving and modernizing **national culture** by searching for the fine values of ethnic culture and other cultural attributes and artifacts. Particular emphasis has been put on the promotion of arts, cultural performances, handicrafts, traditional weaving, pottery, carving, painting, and silver and gold artwork of national significance and uniqueness. Artistic products have become exports increasingly known overseas. Ancient culture and antiquities have been restored around the country. Today, there are 13 museums, 10 traditional exhibition halls, 13 national historical-cultural sites and 2 world heritage sites.

21. The Lao People's Democratic Republic Government has been and remains committed to the fight against poverty. To this end, in 2001, the 7th National Party Congress set out the 10-year Socio-Economic Development Strategy (2001-2010) that emphasized, among other things, the promotion of rapid and sustainable economic growth, poverty reduction and protection of the environment. Popular participation has been at the centre of the Strategy. It set an ambitious GDP growth target of 7 per cent per annum and that of cutting poverty by half by the end of the decade. The Fifth Five-Year National Socio-Economic Development Plan (2001-2005) and the associated Annual Plans were considered to be the primary vehicles for translating the Strategy into action.

22. The Government has undertaken various measures to implement the Fifth Five-Year Plan. GDP has steadily increased on average at 6.3 per cent per annum. Although this rate was slightly short of the target, it was among the highest growth rates in the region. Overall investment increased rapidly from 19.7 per cent of GDP in 2000 to about 26.6 per cent in 2005. Government revenues grew at an average of 17 per cent per annum. The monetary balance improved significantly and contributed to the moderation and reduction of inflation and the stabilization of the exchange rate for the local currency - the kip. Poverty gradually declined from 39 per cent in 1997 to 32 per cent in 2005. In 2000, there were 304,100 poor households. About 135,000 of these households moved out of poverty during the five-year period.

23. To further its efforts towards ending poverty, in 2003 the Government of the Lao People's Democratic Republic launched the National Growth and Poverty Eradication Strategy (NGPES) - a localized Poverty Reduction Strategy Paper or PRSP. It has been formulated in a highly participatory manner, involving people from the grassroots to the national and international stakeholders. It was well-embraced by the country's external development partners. The NGPES has a dual objective, that is, to promote sustainable economic growth and reduce poverty,

particularly in the 72 poor districts (of which 47 are poorest priority districts). Community-driven, access-oriented rural development was at the centre of the strategy for development of the poor districts. The NGPES identified four main sectors (Agriculture, Health, Education and Infrastructure), several supporting sectors, a number of cross-cutting areas (gender, governance, environment, information and culture, population and social security) and a few poverty-focused National Programmes (HIV/AIDS, UXO, and drug control).

24. In pursuit of implementation of the NGPES, the Government, in collaboration with the communities, has prepared focal area development plans for 10 of the 47 poorest priority districts. By the end of 2005, focal area development plans have been completed for 18 poorest districts. The focal area development plans included the costing of priority programmes and projects. The process of preparation of the focal area development plans built significant local capacity (including training of trainers and training of local officials) for participatory planning with the involvement of stakeholders. In addition, the Government facilitated the estimation of the costs of priority programmes and projects in the four key sectors - Agriculture and Forestry, Education, Health and Infrastructure - that are critical for poverty reduction. Further, the Government promoted people's participation and poverty reduction through Village Development Funds that mobilized savings in addition to Government contributions. In parallel, the Poverty Reduction Fund (supported by an IDA Credit) was implemented. The NGPES document in the Lao Language was produced and disseminated widely.

25. With encouragement from donors, the Government undertook to integrate the NGPES in the Sixth Five-Year National Socio-Economic Development Plan (2006-2010). The Sixth Plan was formulated in a highly participatory manner, based on a bottom-up approach. For the first time, the Government shared the draft Sixth Plan with donors at the Annual Round table meeting in January 2006. The donors complimented the Government on the quality and coverage as well as the participatory process adopted in formulating the Plan.

26. The Sixth Five-Year Plan, adopted at the recent eighth Congress of the Lao People's Revolutionary Party, focused, among other things, on accelerating economic growth, strengthening financial and monitoring system, and building a harmony in economic, social and cultural development. Priority was given to human resource development, promotion of market economy, and accelerating the process of integration into the regional and global economic system, particularly through ASEAN and WTO. The Plan provided guidelines for harnessing natural resources and protecting the environment and further strengthening the socio-economic infrastructure. It also emphasized the promotion of the private sector, enhancement of quality and effectiveness of enterprises. Social development and public administration reform are components of no less importance that deserve greater attention and action.

27. To date, the implementation of the NGPES has covered a total of 24 districts, and 309 development group villages in the 3 target provinces of Houaphan, Savannakhet and Champassak. There have been 679 projects executed with expenses of budget amounting to over US\$ 4 million. In implementing the NGPES, the Government is pursuing its policy of developing remote and rugged mountain areas with a view to improving the living conditions of the people of all ethnic groups, including the Hmong. Efforts are under way in building development group villages, for instance, in Phaxay and Phou Kout districts, Xiengkhouang province, in order to facilitate the

development endeavours of ethnic groups, including those living in the distant and isolated areas. Another case of the development model can be found in Viengthong district, Bolikhamxay province, which is one of the poorest, remotest and most ethnically diverse districts, comprising up to 32 per cent of the Hmong. The development group villages of Sobna and Kokham of the district are mostly inhabited by Hmong settlers who would have had a shifting pattern of livelihood. This project is going well. All ethnic groups in the villages enjoy freedom of practising their customs and traditions, food sufficiency, access to electricity and clean water, and permanent employment. Their children are provided education that will help them have a better future.

28. Over the past three decades, the Lao People's Democratic Republic Government has spared no effort in improving the living conditions of our multi-ethnic people, leading the country out of the abyss of underdevelopment and promoting cooperation with the world community in combating and putting an end to racial discrimination. It is hopeful that the efforts by the Lao People's Democratic Republic Government will continue to receive international support and assistance.