

**LAO PEOPLE'S
DEMOCRATIC REPUBLIC**



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*Anonymous***

Part 1: Overview of Lao PDR

A. Country Background

Lao PDR Facts	
Geographical size	236,800 sq km
Population	6.76 million ¹
Ethnic breakdown ²	Main ethnic groups: Lao (53.2%) Khmou (11%) Hmong (9.2%) Phouthay (3.4%) Tai (3.1%) Makong (2.5%) Katang (2.2%)
Official language	Lao-Tai
Literacy rate (aged 15 and above)	79.9% ³
Life expectancy	66.6 ⁴
GDP	US\$15.90 billion (per capita US\$2,353) ⁵
Government	One party communist republic led by Lao People's Revolutionary Party (LPRP). President is head of state, general secretary of LPRP, and leader of the country. The elected National Assembly generally espouses the will of the party.
Political and social situation	As the main actor in development, the government has a monopoly on political power. Together with the politburo, it defines the country's economic orientation, strategies, and policies, with little input from civil societies. ⁶

* Also known as Lao PDR or Laos.

** Due to security concerns, the author prefers to remain anonymous.

¹ Data from 2016. 'Lao PDR' The World Bank, available at <https://data.worldbank.org/country/lao-pdr>, accessed on 14 October 2017.

² 'Results of population and housing census 2015' Lao Population and Housing Census, available at http://lao.unfpa.org/sites/default/files/pub-pdf/PHC-ENG-FNAL-WEB_0.pdf, accessed on 18 October 2017, at 37.

³ Data from 2016. 'Human development report 2016' United Nations Development Programme (UNDP), available at http://hdr.undp.org/sites/default/files/2016_human_development_report.pdf, accessed on 14 October 2017.

⁴ Data from 2016. UNDP (see note 3 above).

⁵ Data from 2016. The World Bank (see note 1 above).

⁶ 'Joint context analysis: Lao PDR' 9 October 2015, available at <http://www.vliruos.be/media/6407508/laos.pdf>, accessed on 14 October 2017.

A landlocked nation in Southeast Asia, Lao PDR shares its borders with China to the north, Cambodia to the south, Vietnam to the east, Thailand to the west, and Myanmar to the northwest. Of its 236,800 sq km, three-quarters consists of mountains and plateaux. The capital, Vientiane, is located on the Mekong River which runs along the western border and serves as a vital artery of the transportation network.

Although Laos ranks amongst the bottom third of countries (138 out of 188) in the United Nations Development Programme's Human Development Index of 2016, it is also one of the fastest growing economies in the region, having expanded by around 7% in 2015 due mostly to increased growth in the power generation, manufacturing, construction, and agricultural sectors.⁷

System of governance

According to the 2015 Constitution, the National Assembly (NA) is the highest organisation of state power with control over fundamental issues such as law-making; thus, it has the ability to amend the Constitution itself and supervise and oversee the activities of administrative and judicial bodies. Elected by Lao citizens, NA members, in turn, elect the President to five-year terms. The NA also has the procedural duty of appointing and dismissing the posts of Vice President, Prime Minister, Deputy Prime Minister, President of the People's Supreme Court (the highest court in the land), and President of the Office of the Public Prosecutor (OPP). The OPP exercises the right of public prosecution and ensures laws and regulations are implemented correctly and uniformly by all including ministries, government and social organisations, civil servants, and citizens.⁸ Political power is controlled by the Central Committee (an eleven-member politburo directing the country's affairs) while the government implements the directives of the party including its economic policies. As head of state, the President is commander-in-chief of the Lao People's Army and is also responsible for the stability of the national governmental system and the country's independent and territorial integrity. Local administration is divided into three levels: provinces, districts, and villages.

Political and social situation

Lao PDR is a one-party state with the LPRP as the only legal political party. Coming to power in 1975 as a Marxist-Leninist regime, it has maintained its hold on power ever since. Indeed, the 2015 Constitution defines the party as the "nucleus" of the political system.⁹ Although the Constitution outlines a formal separation of powers between the

⁷ 'The World Bank in Lao PDR: Overview' The World Bank, September 2017, available at <http://www.worldbank.org/en/country/lao/overview>, accessed on 10 November 2017.

⁸ Constitution of Lao PDR (No 63/NA), 8 December 2015, available at http://www.na.gov.la/index.php?option=com_content&view=category&id=35%3Aconstitution-of-lao-pdr&Itemid=186&layout=default&lang=en, accessed on 14 October 2017, at Art 86.

⁹ Constitution of Lao PDR 2015, Art 3.

NA, administrative, and judicial bodies, in practice, such regulations are not enforced and all remain subject to the ruling LPRP and its leader who can and does override constitutional provisions at will. For example, the State Inspection Organisation (SIO) is supposed to act independently and play the role of government auditor by monitoring state budgets – in practice, again this organisation is under the LPRP’s control. Consequently, no body checks or acts as a counterpoint to the party; neither is there a constitutional court to judge the validity of NA pronouncements.¹⁰

B. International Human Rights Commitments and Obligations

Lao PDR has been a member of the UN since 14 December 1955 and has ratified many of the core human rights instruments. It is now in the process of translating international human rights law into national laws, policies, and programmes.

Table 1: Ratification Status of International Instruments – Lao PDR¹¹

Treaty	Signature Date	Ratification Date, Accession (a), Succession (d) Date
Convention against Torture and Other Cruel Inhuman or Degrading Punishment (CAT)	21 Sep 2010	26 Sep 2012
Optional Protocol of the Convention against Torture		
International Covenant on Civil and Political Rights (ICCPR)	7 Dec 2000	25 Sep 2009
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty		
Convention for the Protection of All Persons from Enforced Disappearance (CED)	29 Sep 2008	
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	17 Jul 1980	14 Aug 1981
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)		22 Feb 1974 (a)
International Covenant on Economic, Social and Cultural Rights (ICESCR)	7 Dec 2000	13 Feb 2007

¹⁰ Bertelsmann Stiftung, *BTI 2016: Laos Country Report*, Gütersloh: Bertelsmann Stiftung, 2016, available at https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Laos.pdf, accessed on 17 October 2017.

¹¹ ‘Ratification status for Lao PDR’ United Nations Human Rights Office of the High Commissioner, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx, accessed on 7 October 2017.

Treaty	Signature Date	Ratification Date, Accession (a), Succession (d) Date
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)		
Convention on the Rights of the Child (CRC)		8 May 1991 (a)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		20 Sep 2006 (a)
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography		20 Sep 2006 (a)
Convention on the Rights of Persons with Disabilities (CRPD)	15 Jan 2008	25 Sep 2009

However, although the country has participated in the first two rounds of the Universal Periodic Review (UPR), “its compliance and engagement with other UN human rights mechanisms has been very limited.” As a report by Civil Rights Defenders puts it, “This low level of cooperation is particularly worrying given the lack of meaningful access to domestic remedies for human rights violations, which continue to take place with impunity.”¹² In addition, the country has only been reviewed by three treaty bodies (CEDAW, ICERD, and CRC) and all expressed concern that its national laws were not fully in line with treaty provisions.¹³

The UPR of 2015 made 196 recommendations to Lao PDR of which it accepted 116, e.g. to promote inclusive growth, review existing land concessions, cancelling or sanctioning those violating the law, revise the Penal Code to comply with international standards, and investigate the disappearance of Sombath Somphone (a community development worker who was abducted in 2012). Further, most of the country’s reports to treaty bodies are long overdue.¹⁴ In general, UPR recommendations deemed unacceptable relate to freedom of expression, association, and peaceful assembly.¹⁵

¹² ‘Laos’ international human rights obligations and commitments’ Civil Rights Defenders, 31 August 2016, available at https://www.civilrightsdefenders.org/files/Laos-international-human-rights-obligations-and-commitments_CRD_final.pdf, accessed on 17 October 2017, at 1.

¹³ Civil Rights Defenders (see note 12 above), at 2.

¹⁴ ‘Country analysis report: Lao PDR’ United Nations, 11 November 2015, available at http://www.la.one.un.org/images/Country_Analysis_Report_Lao_PDR.pdf, accessed on 17 October 2017.

¹⁵ Civil Rights Defenders (see note 12 above).

C. National Laws Protecting Human Rights

Although Lao PDR has no specific human rights legislation, several national laws were introduced to ensure compliance with international obligations to represent and protect human rights, including: Chapter 4 of the 2015 Constitution on the fundamental rights and obligations of citizens; the Law on Anti-Trafficking in Persons (2015); the Law Protecting the Rights of Children (2006); the Law on the Development and Protection of Women (2004); the Penal Law (2005); and the Law on Gender Based Violence (2015). As the Constitution is the highest law in the land, the more contentious rights will be explained based on its provisions:

- **Article 34 (new):** “The state acknowledges, respects, protects, and secures the human rights and basic rights of citizens according to the laws.”
 - In practice, this provision is rarely enforced leading to countless human rights violations.
- **Article 35:** “Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs, and ethnic groups.”
- **Article 37:** “Citizens of both genders enjoy equal rights in the political, economic, cultural, and social fields, and in family affairs.”
- **Article 41 (new):** Lao citizens have the right to lodge complaints and petitions and to propose ideas to relevant state organisations regarding issues pertaining to the public interest or to their own rights and interests.
 - However, implementation of this law is very slow-moving despite the fact human rights abuses generally happen to the vulnerable, most of whom have limited access to the justice system and lawyers.
- **Article 42 (new):** The rights of Lao citizens as relating to their bodies, honour, and houses, are inviolable. Further, Lao citizens cannot be arrested or searched without an order of the Public Prosecutor or the people’s courts, except otherwise provided by law.
- **Article 43:** Lao citizens have the right and freedom to believe or not to believe in religions.
- **Article 44:** Lao citizens have the rights to freedom of speech, press, and assembly; and the right to set up associations, and to stage demonstrations not contrary to law.

Based on the above articles, it appears most human rights are protected by the Constitution and national laws. However, as will be seen in the following section, other legislation may contradict these provisions.

D. National Laws Threatening Human Rights

Article 17 (new) of the 2015 Constitution and land rights

Under the previous Constitution (2003), Art 17 stated that:

The State protects the property rights (such as the rights of possession, use, usufruct, and disposition) and the inheritance rights of organisations and individuals. Land is a national heritage, and the State ensures the rights to use, transfer and inherit it in accordance with the laws.

Article 17 of the 2015 Constitution, however, adds a further paragraph, that “land, mineral, water, non-timber forest products and so on is national heritage ...” The term, “national heritage” is controversial as it limits public access to land and natural resources, even when such resources comprise a community’s livelihood. In practice, it also means that all land and natural resources belong to the government leaving citizens little redress when the state needs said lands for lucrative project developments.

Civil rights abuse of this kind disproportionately affects vulnerable people in rural areas, where foreign companies, particularly those from Vietnam and China, obtain land concessions from either central or provincial authorities for plantation, agriculture, or hydropower projects. Following such acquisitions, affected populations will usually have little choice except to relocate, often with unfair compensation.¹⁶

Death penalty and the right to life (Penal Code, 2005)

Lao PDR is one of the remaining 58 countries in the world that still harbours the death penalty¹⁷ as evidenced by s.32 of the Penal Code (2005) which states that such penalties will be carried out by shooting.¹⁸ It is also mentioned in many other sections including 56, 57, 58, 60, 61, 62, 67, 68, 88, 101, 128(4), 134, and 146. In its defence, the government claims capital punishment is aimed at reducing and preventing crime, not to cause physical suffering or to outrage human dignity.¹⁹

Freedom of expression, assembly, and association

Despite Art 44 of the 2015 Constitution, individuals are unable to criticise the government or engage in political activities. In addition, media organisations are

¹⁶ Bertelsmann Stiftung (see note 10 above).

¹⁷ Smith, O, ‘Mapped: The 58 countries that still have the death penalty’ The Telegraph, 1 September 2016, available at <http://www.telegraph.co.uk/travel/maps-and-graphics/countries-that-still-have-the-death-penalty/>, accessed on 21 August 2017.

¹⁸ Penal Code 2005, s.32.

¹⁹ Penal Code 2005, s.27.

controlled by the LPRP through the Ministry of Information and Culture.²⁰ Section 65 of the Penal Code states:

Any person conducting propaganda activities against and slandering the Lao People's Democratic Republic, or distorting the guidelines of the Party and policies of the government, or circulating false rumours causing disorder by words, in writing, through print, newspapers, motion pictures, videos, photographs, documents or other media which are detrimental to the Lao People's Democratic Republic or are for the purpose of undermining or weakening State authority, shall be punished by one to five years of imprisonment and shall be fined from 500,000 Kip to 10,000,000 Kip.

Thus, it is clear that publicly expressing one's critical views of the government is not acceptable and will fall foul of the law. Additionally, s.72 of the Penal Code states that:

Any person organising or participating in the gathering of groups of persons to conduct protest marches, demonstrations and others with the intention of causing social disorder, shall, where such action causes damage to the society, be punished by one to five years of imprisonment and shall be fined from 200,000 Kip to 50,000,000 Kip.

Similarly, assembly and association are not permitted if such activities aim to protest or demonstrate against the government.

Part 2: Outstanding Human Rights Issues

Because Lao PDR operates as a single-party system and the LPRP's stated purpose is to build a nation-state along communist principles, criticism of political activities and the human rights situation are discouraged. For the purposes of this section, some major issues regarding land concession including land rights, freedom of expression, and human rights abuses (i.e. human trafficking) will be discussed below.

A. Land Rights

Upon gaining independence in 1975, Lao PDR became a communist country, after which it sought to control the economy through centralised planning, nationalised

²⁰ Bertelsmann Stiftung (see note 10 above).

fiscal, industrial, and foreign trade policies, including the introduction of communal collective and agriculture sectors. However, in the period immediately after (1975-1980), the government was unable to achieve economic growth due to economic mismanagement, an unskilled labour force, and limited funds.²¹ As a result, the government introduced the ‘New Economic Mechanism’ to transition from a centrally planned economy to one governed by the market. It was hoped that promoting the development of private sectors and implementing open door policies would attract foreign direct investment (FDI) and international aid.²²

One particular way the government seeks to attract FDI is by peddling its natural resources. Since opening up its land policy, commercial pressure to allow large-scale investments in agriculture, mineral mining, and hydropower has increased. However, whilst undoubtedly contributing to government revenue, these concessions have also had a negative impact on rural livelihoods and the environment.²³ This is made easier by Art 17 of the 2015 Constitution which stipulates that land and natural resources fall under the category of “national heritage,” thus, giving the government unlimited powers to grant land concessions to investors (especially those from Vietnam and China).

As regards land concessions, the problem of ‘unfair’ compensation looms large in Lao PDR. For example, in Champasak province, more than 100 families refused to move from their homes to a site they considered unsuitable for farming. Also, the rate of compensation was deemed unfair compared to the value of their lands and crops. These families are now facing forcible removal,²⁴ despite rarely enforced legislative and regulatory safeguards.²⁵ However, the cost of Lao PDR’s economic growth has not gone unnoticed by the government. In 2017, Prime Minister Thongloun Sisoulith said the government recognised the issues caused by its concession policies and was seeking to begin “the process of correcting them.”²⁶

Likewise, when a Vietnamese rubber company “grabbed” land in Thateng district, Sekong province with the permission of the authorities, the villagers fought for

²¹ Hatthachan, P, ‘Economic reform and regional development of Laos’ *Modern Economy*, 2012, Vol 3, pp 179-186.

²² St John, RB, ‘The political economy of Laos: Poor state or poor policy?’ *Asian Affairs*, 2006, Vol 37, No 2, pp 175-191.

²³ Hett, C, et al, ‘Land deals in Laos: First insights from a new nationwide initiative to assess the quality of investments in land’ paper presented at Land Grabbing, Conflict, and Agrarian-Environmental Transformations: Perspectives from East and Southeast Asia, May 2015, available at https://www.iss.nl/fileadmin/ASSETS/iss/Research_and_projects/Research_networks/MOSAIC/CMCP_18-_Hett_et_al.pdf, accessed on 21 August 2017.

²⁴ ‘Lao villagers face eviction from dam sites after refusing ‘unfair’ compensation’ Radio Free Asia, available at <http://www.rfa.org/english/news/laos/eviction-03292017143705.html>, accessed on 21 August 2017.

²⁵ ‘Lao officials not doing enough to enforce land concession regulations’ Radio Free Asia, available at <http://www.rfa.org/english/news/laos/lao-officials-not-doing-enough-to-enforce-land-concession-regulations-05042017153447.html>, accessed on 21 August 2017.

²⁶ ‘Lao government should grant concession leases based on investment: Former officer’ Radio Free Asia, available at <http://www.rfa.org/english/news/laos/leases-04262017142704.html>, accessed on 21 August 2017.

alternative land and fair compensation. When local government failed to resolve the problem, the villagers submitted a petition against the Vietnamese company to central government but were later arrested in 2012 by the local authorities for chopping down rubber trees in protest. Local police denied the villagers had been arrested, claiming they had only been invited to the station for questioning.²⁷ This well-publicised case served as a lesson to Lao citizens, encouraging many to fight for their rights. Additionally, this case also warned local civil society organisations (CSOs) and non-governmental organisations (NGOs) to focus more on land issues.

B. Freedom of Expression, Association, and Assembly

Media is tightly controlled by the government through the Ministry of Information, Culture, and Tourism – therefore, political dissent is not allowed in any public forum.²⁸ In other words, despite Art 44 of the Constitution, the State is clearly failing in its duty to protect freedom of speech, press, and assembly because such activities are deemed contrary to “national interests” or “traditional culture and dignity” as stipulated by s.65 of the Penal Code.²⁹ Further, in order to prevent growing online criticism, the government enacted the 2015 Law on Prevention and Combating Cyber Crime, criminalising vaguely defined web content that “distorts the truth,” thus, giving it even more arbitrary power to silence critics.

In 2015, many critics of the government were arbitrarily detained for expressing themselves. For example, on 21 May, authorities detained a woman from Xayaburi province without an arrest warrant after she posted a photo of a police officer on Facebook extorting money from her brother for a traffic violation. Likewise, on 25 June, the government also detained a civil servant after she posted a letter to a Chinese investor granting approval for lucrative land concessions in the Khuangxi waterfalls (Luang Prabang province), claiming it was confidential.³⁰ In the same year, on 18 September, a court in Vientiane sentenced a Lao-born Polish citizen for criticising the government on Facebook vis-à-vis its corruption and human rights record.³¹

²⁷ ‘Lao villagers arrested in 11 year old land dispute in Sekong Province’ Radio Free Asia, available at <http://www.rfa.org/english/news/laos/lao-authorities-arrested-in-11-year-old-land-dispute-in-sekong-province-08012017155944.html>, accessed on 21 August 2017.

²⁸ Bertelsmann Stiftung (see note 10 above).

²⁹ ‘Australia-Lao human rights dialogue’ Human Rights Watch, May 2017, available at https://www.hrw.org/sites/default/files/supporting_resources/australia_laos_human_rights_dialogue.pdf, accessed on 21 August 2017.

³⁰ Human Rights Watch (see note 29 above).

³¹ ‘Freedom of expression severely repressed’ International Federation for Human Rights, available at <http://www.sombath.org/wp-content/uploads/2016/08/2016-08-31-Freedom-of-Expression-FIDH.pdf>, accessed on 21 August 2017.

However, the government does not only monitor citizens inside the country but also those living abroad.³² For example, in May 2016, three workers were arrested after returning to Vientiane to renew their passports in circumstances that may constitute enforced disappearance. Whatever the case, the government confirmed their arrest.³³ Following a secret trial, the men were eventually fined and sentenced to prison terms of between 12 and 20 years for the offence of criticising the government on Facebook while working in neighbouring Thailand.³⁴ Consequently, few individuals or organisations dare to speak out for fear of the consequences which could include enforced disappearance as in the case of Sombath Somphone in 2012.

For all the reasons mentioned above, it is hardly surprising Laotian civil society organisations or CSOs are limited to NGOs or non-profit organisations.³⁵ Even so, most CSO activity is controlled by the government which restricts freedom of assembly, protests, or any other activities potentially causing “turmoil or social instability.”³⁶ Thus, CSOs are limited in their areas of work and in how they receive and spend international development funds. Additionally, in 2016, the Laotian administration refused to host the ASEAN People’s Forum as such occasions generally provide platforms for civil society members and activists to highlight human rights issues. When the venue moved to Timor-Leste, the Ministry of Home Affairs handpicked its representatives and warned them to avoid politically sensitive issues.^{37, 38}

Moreover, local NGO staff have been told all their activities will be controlled by the government through compulsory Memorandums of Understanding (MOU),³⁹ while CSO and international NGO activities would need approval especially concerning work in the community. Any CSOs or NGOs working outside their MOUs would, thus, be suspended or withdrawn and local staff may even be prosecuted.

C. Trafficking in Persons

Human trafficking is a serious crime and one in which the exact number of victims may never be known. In East Asia alone, it is estimated between 250,000-400,000 people are

³² ‘Laos: No progress on rights’ Human Rights Watch, 17 July 2017, available at <https://www.hrw.org/news/2017/07/17/laos-no-progress-rights>, accessed on 21 August 2017.

³³ ‘Laos: Three Lao activists held incommunicado’ Amnesty International, 3 August 2016, available at <https://www.amnesty.org/en/documents/asa26/4603/2016/en/>, accessed on 21 August 2017.

³⁴ ‘Three jailed Lao workers were also fined, sources say’ Radio Free Asia, available at <http://www.rfa.org/english/news/laos/fined-06292017173030.html>, accessed on 21 August 2017.

³⁵ ‘Joint context analysis: Lao PDR’ 9 October 2015, available at <http://www.vliruos.be/media/6407508/laos.pdf>, accessed on 14 October 2017.

³⁶ ‘Laos’ Freedom House, available at <https://freedomhouse.org/report/freedom-world/2016/laos>, accessed on 21 August 2017.

³⁷ Human Rights Watch (see note 29 above).

³⁸ ‘Lao government muted representatives to ASEAN People’s Forum’ Radio Free Asia, available at <http://www.rfa.org/english/news/laos/lao-government-muted-08092016165754.html>, accessed on 21 August 2017.

³⁹ This information was revealed by a local NGO which preferred to remain anonymous for reasons of security.

trafficked per year⁴⁰ leading the Laotian government to issue legislation and a national action plan to address the issue. However, many contend it is still failing to respond adequately to the problem;⁴¹ Laos is considered a major source, transit point, and destination for human trafficking victims (mainly women and girls under 18 forced to work in the commercial sex industry or being sold as brides in China).⁴²

According to the Trafficking in Persons Report in 2016 (TIP report), “The Lao government does not fully meet the minimum standards for the elimination of trafficking [which are generally consistent with the Palermo Protocol]”⁴³ although it is making significant efforts to do so. Thus, the US State Department placed Laos on its Tier 2 Watch List for a third consecutive year.⁴⁴ Being placed in Tier 3 would not only lead to embarrassment for the government and international criticism, but could also result in restrictions on US assistance.

Accordingly, the TIP report outlined three major challenges to Lao PDR, indicating in particular, that the country is failing in its law enforcement efforts.

- *Prosecution:* Under s.134 of the Penal Code, all forms of human trafficking are prohibited with penalties ranging from 5 years to life imprisonment, fines ranging from 10 to 100 million Kip (US\$1,230 to US\$12,300), and the confiscation of assets. In 2015, the authorities reported investigating 41 individuals, prosecuting 9 for suspected trafficking offences, and convicting 13 traffickers, a decrease from 31 prosecutions and 21 convictions in 2014, and 24 prosecutions and 35 convictions in 2013. The government reported all convictions were secured under s.134 but provided little specific detail. In fact, local NGOs reported Laotian officials may have accepted payments to facilitate the immigration and/or transportation of girls to Thailand. Despite this, there were no reported prosecutions or convictions of officials for human trafficking.⁴⁵

⁴⁰ Meier, Z, ‘A critical analysis of the legal framework for human trafficking in Lao PDR’ Village Focus International, 28 July 2009, available at http://rightslinklao.org/wp-content/uploads/downloads/2014/05/7.-Zoe-Meier_Exercise-2_Legal-Framework-Anti-Trafficking.pdf, accessed on 21 August 2017.

⁴¹ Meier (see note 40 above).

⁴² ‘Trafficking in persons report 2016’ US Department of State, available at <https://www.state.gov/j/tip/rls/tiprpt/2016/index.htm>, accessed on 21 August 2017.

⁴³ US Department of State (see note 42 above), at 237.

⁴⁴ The Tier 2 Watch List refers to countries not fully meeting the minimum standards of the US’s Trafficking Victims Protection Act of 2000 but are making significant efforts to do so, and for which: (a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; (b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking, e.g. increased investigations, prosecutions, and convictions; and (c) the determination that a country is making significant efforts to meet the minimum standards was based on commitments to take additional steps over the next year. See, US Department of State (note 42 above), at 39 and 237.

⁴⁵ US Department of State (see note 42 above), at 238.

- *Protection:* The report specifically mentioned the government's inadequate victim identification efforts among those exploited within the country and deported from other countries, stating also that it assisted fewer victims than the previous year. Moreover, local experts reported provincial authorities were not applying accepted procedures, often leaving victims of international trafficking largely unidentified.⁴⁶
- *Prevention:* The report accepted the government had made efforts to raise awareness of trafficking through media campaigns, by distributing materials to provincial leaders and local community members, and increasing funding for anti-trafficking activities as part of its national action plan. However, "the lack of transparency, active planning, and resources, made it difficult to coordinate activities with all ministries and international parties [including CSOs and NGOs]."⁴⁷

Part 3: Conclusion

As a signatory to many international treaties, Lao PDR has an obligation to uphold certain human rights. As such, provisions in the 2015 Constitution safeguard the rights of expression, association, and assembly. However, despite its written laws, in reality the government has failed to take serious action to promote human rights, especially freedom of expression, thereby curtailing public criticism of its actions. Another issue where the government has failed to live up to expectations is human trafficking, where again, it needs to take a serious stance, for example, by increasing collaboration among its ministries and international partners. In addition, it needs to address the issue of land rights and lucrative land concessions for development projects in the agricultural, mining, and hydropower sectors, all of which have the power to negatively impact rural livelihoods especially when compensation is low and entire villages are evicted from their ancestral lands.

In conclusion, the LPRP as the only legal political party in Lao PDR, has made discussion of human rights issues and by extension, any criticism of itself, taboo in public arenas with the ban extending to individuals and organisations (such as CSOs and NGOs) alike. Unless the government improves its record on human rights and makes more of an effort to conform to international standards, the outlook for Lao PDR's citizens will continue to be bleak.

⁴⁶ US Department of State (see note 42 above), at 238.

⁴⁷ US Department of State (see note 42 above), at 239.

