



## **Australia – Laos Human Rights Dialogue**

### **Human Rights Watch Submission**

**June 2019**

We write on the occasion of the forthcoming 6th Australian-Laos human rights dialogue, scheduled to be held in Canberra in August 2019. Australia should raise its concerns about serious human rights issues in an unambiguous manner, set clear benchmarks for improvements, and make the outcome of the discussions public.

Laos continues to be ruled through a one-party system, the Lao People's Revolutionary Party (LPRP). The formation of other political parties is subject to criminal prosecution.

The government of Laos has not taken significant steps to remedy its poor human rights record and severely restricts freedom of speech, association, and peaceful assembly. The lack of fair trials of criminal suspects, especially those accused of political offenses, widespread judicial corruption, and entrenched impunity for those responsible for human rights violations are continuing problems.

Since 1974, Laos has ratified seven core international human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1974, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981, the Convention on the Rights of the Child (CRC) in 1991, the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 2007, the Convention on the Rights of Persons with Disabilities (CRPD) in 2009, the International Covenant on Civil and Political Rights (ICCPR) in 2009, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 2012. Its first reports to the oversight committees for CAT and ICESCR are still overdue.

To date, the government of Laos has invited only three United Nations special rapporteurs to visit the country: the Special Rapporteur on extreme poverty and human rights in 2019; the Special

Rapporteur on freedom of religion or belief in 2010; and the Special Rapporteur on the sale of children, child prostitution and child pornography in 1999.

Human Rights Watch recommends that Australia focus on **(1) freedom of speech, association, and assembly; (2) enforced disappearances of both Lao and Thai nationals; (3) freedom of religion; (4) drug detention centers; and (5) women and girls' rights.**

### **Freedom of Speech, Association, and Assembly**

Laos has failed to protect the rights to freedom of speech, press, and assembly and is taking legislative measures to further entrench a culture of censorship and government control. All television, radio, and printed publications are strictly monitored and controlled by the government. The constitution prohibits all mass media activities that run contrary to “national interests” or “traditional culture and dignity.” While the constitution recognizes that citizens of Laos have fundamental freedoms of speech, press, assembly, association, and demonstration, article 44 of the constitution severely restricts those rights by requiring that their exercise does not run contrary to the penal code.

The government has arbitrarily arrested and detained civil society activists and those deemed critical of the government. The penal code contains broad limitations that prohibit “slandering the state, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the state.” This effectively gives authorities sweeping powers to limit basic rights and fundamental freedoms for anyone they deem critical of the government and the authorities. Harsh prison sentences, ranging from one to five years for anti-government propaganda, and up to 15 years for journalists who fail to file “constructive reports” or who seek to “obstruct” the work of the government, are provided for in article 59.

The government’s repressive control over the media has fueled the expansion of internet and social media usage. As of 2015, 18 percent of the population was using the internet and nearly half a million people were accessing Facebook for news. In response, in July 2015 the government enacted the “Law on Prevention and Combating of Cyber Crime,” which criminalizes vaguely defined web content. Citizens who share information, images, or animations which the government deems to “distort truth” are subject to “re-education and disciplinary measures.”<sup>1</sup>

Government authorities are becoming more attentive to criticism on social media. In 2015, authorities detained a woman without an arrest warrant after she posted a photo on Facebook of

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<sup>1</sup> Law on Prevention and Combating Cyber Crime, No. 61/NA, July 15, 2015, art. 57, [https://www.laocert.gov.la/ftp\\_upload/Cyber\\_Crime\\_Law\\_EnVersion.pdf](https://www.laocert.gov.la/ftp_upload/Cyber_Crime_Law_EnVersion.pdf) (accessed May 28, 2017).

police officers extorting money from her brother in Xayaburi province after a traffic violation.<sup>2</sup> That same year, police officers detained a government worker after she posted information about lucrative land concessions provided by Luang Prabang officials to Chinese investors for development around one of the country's most famous landmarks, the Khouangxi waterfalls.

Ahead of hosting the 2016 Association of Southeast Asian Nations (ASEAN) Summit, the government of Laos began to monitor social media usage closely, and detained citizens for posts it felt threatened the image of the country. Laos refused to host the ASEAN People's Forum in conjunction with the summit, which is the forum that usually allows civil society members to highlight human rights issues. During the forum, which was moved to Timor-Leste, the government handpicked civil society representatives and told them to avoid politically sensitive issues.<sup>3</sup>

The government of Laos not only monitors and suppresses free speech by citizens in the country, but also by those living abroad. In May 2017, three Lao workers were sentenced to prison terms of between 12 and 20 years in a secret trial after criticizing the Lao government while working in neighboring Thailand. Somphone Phimmasone, 29, Lodkham Thammavong, 30, and Soukane Chaithad, 32, were arrested and held incommunicado for over two months after returning to Laos to renew their passports in March 2016.<sup>4</sup> The three workers posted messages critical of corruption, deforestation, and human rights violations in Laos. They also participated in a protest against the Lao government outside the Lao embassy in December 2015.<sup>5</sup> According to the latest information available, these three people remain incarcerated in Samkhe prison in Vientiane.

Laos has also tightened government control in the operating guidelines for Non-Profit Associations (NPAs), civil society organizations founded by Lao people, as well as the decree overseeing the activities of international nongovernmental organizations. These restrictions set out greater requirements to provide notification and seek permission to receive or spend international development funds; limitations on areas of permitted work; and limitations or prohibitions on any speech or activities deemed to offend government defined notions of peace and social order. The result is likely to be greater bureaucratic scrutiny over programs and budgets of nonprofit groups working in development and other grassroots projects in the country.

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<sup>2</sup> Radio Free Asia, "Lao Woman Detained After Posting Police Extortion Photos to Facebook," May 28, 2015, <https://www.rfa.org/english/news/laos/detention-05282015140757.html> (accessed May 28, 2017).

<sup>3</sup> Radio Free Asia, "Lao Government Muted Representatives to ASEAN People's Forum," August 9, 2016, <https://www.rfa.org/english/news/laos/lao-government-muted-08092016165754.html> (accessed May 28, 2017).

<sup>4</sup> Amnesty International, "Laos: Further Information: Three Activists Sentenced to Prison in Secret Trial: Soukan Chaithad, Somphone Phimmasone, and Lodkham Thammavong," May 17, 2017, <https://www.amnesty.org/en/documents/asa26/6270/2017/en/> (accessed May 28, 2017).

<sup>5</sup> Voice of America, "Rights Groups Condemn Harsh Prison Sentence Against Lao Worker," May 18, 2017, <https://www.voanews.com/east-asia/rights-groups-condemn-harsh-prison-sentence-against-lao-worker> (accessed May 28, 2017).

The UN Human Rights Committee, in its concluding observations on Laos' implementation of the ICCPR, raised serious concerns about “restrictions of freedom of association, including (a) the lengthy and cumbersome registration process for non-profit associations, involving intrusive screening, and the reported lack of any registered associations performing human rights activities; (b) the broad powers of the authorities to monitor and curtail the activities of associations under Decree No. 238 on Association of November 2017, the lack of availability of appeal regarding dissolution of associations, and the criminalization of unregistered associations; (c) Decree No. 13 and guidelines No. 1064/MFA.IOD.3, which restrict the activities of international non-governmental organizations solely to those that are in line with government goals and policies (arts. 19 and 22).”<sup>6</sup>

The Ministry of Education tightly controls education in Laos—university professors are not allowed to teach or write about politically sensitive subjects and students are not allowed to organize or demonstrate. Participation in such acts is punishable by imprisonment for one to five years, or longer. On October 26, 1999, the government of Laos arbitrarily detained five former student leaders for pro-democracy activities: Khamphouvieng Sisa-at, Keochay, Bouavanh Chanhmanivong, Thongpaseuth Keuakoun, and Sengaloun Phengphanh. They were convicted of “generating social turmoil and endangering national security” and sentenced to 20-year terms.<sup>7</sup>

Khamphouvieng died in prison owing to food deprivation and inadequate medical care. Keochay has allegedly been released, but his family remain unaware of his whereabouts. The fate of Bouavanh remains unknown. On January 25, 2017, Thongpaseuth and Sengaloun were released from Samkhe prison, according to government officials. However, there have been no updates on their whereabouts. We consider them to have been forcibly disappeared.

**During the upcoming dialogue, Australia should call on the government of Laos to:**

- Cease the harassment and arbitrary arrest and detention of human rights defenders, independent journalists, social activists, and worker advocates.
- Immediately and unconditionally release Somphone Phimmasone, Lodkham Thammavong, and Soukane Chaithad.

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<sup>6</sup> United Nations International Covenant on Civil and Political Rights, Human Rights Committee, “Concluding Observations on the Initial Report of the Lao People’s Democratic Republic,” CCPR/C/LAO/CO/1, November 23, 2018, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsuzZlUkOYm4YH3ex106smaIDZPxIFH15xH5WlUsgkim%2bR2%2bfRTxy%2bNj46sXeVweWy54b34nW6Ei5NuuKNitGNAXrrtV1tgph2VZCwhePok8> (accessed June 26, 2019).

<sup>7</sup> “Free Former Student Leaders Arbitrarily Detained for 17 Years,” International Federation for Human Rights press release, October 26, 2016, <https://www.fidh.org/en/region/asia/laos/free-former-student-leaders-arbitrarily-detained-for-17-years> (accessed May 28, 2017).

- Account for the whereabouts of students Keochay, Bouavanh Chanhmanivong, Thongpaseuth Keuakoun, and Sengaloun Phengphanh.
- End government control of the media, and reform licensing rules to allow media organizations to function freely and without fear of reprisal.
- Revise the Internet Decree to ensure that it aligns with international standards protecting freedom of speech and expression.
- Revise the draft decrees governing the functioning of local and international nongovernmental organizations, ensuring that they can exist independently and without government interference.

### **Enforced Disappearances**

Laos has signed, but not ratified, the International Convention for the Protection of All Persons from Enforced Disappearance. Enforced disappearances violate a range of fundamental rights protected under international law, including prohibitions against arbitrary arrest and detention, torture and other cruel, inhuman or degrading treatment, and extrajudicial execution. The Lao government has an obligation to conduct transparent, thorough, and impartial investigations in all cases of alleged enforced disappearances, to resolve them, and bring those responsible to justice.

The Lao government has failed to make progress on at least 10 cases of enforced disappearance. Emblematic of the government's failure to act in line with its international obligations is the case of prominent civil society activist Sombath Somphone. Sombath was detained at a police checkpoint and subsequently disappeared on the evening of December 15, 2012. Close-circuit television (CCTV) footage obtained by Sombath's family from the Vientiane police shows that Sombath's jeep was stopped by the police at a police post. The police then took Sombath into the checkpoint, after which he was escorted to a different vehicle and driven away.

Lao authorities have repeatedly denied that the government took Sombath into custody and have failed to conduct a serious investigation into his enforced disappearance or provide any other credible information on his fate or whereabouts. Furthermore, the government has repeatedly rejected all offers of technical assistance for the investigation from various governments, including offers to analyze the original CCTV footage to assist with determining the identities of the individuals in the videotape or gathering additional details of the vehicles that were involved.

Following the military coup in Thailand in May 2014, a number of Thai political activists supporting the United Front for Democracy Against Dictatorship (UDD, colloquially referred to as the "Red Shirts") fled to Laos to seek refuge. Since then three have disappeared, two who were abducted have turned up dead, and three more fled from Laos into Vietnam, where they were apprehended and forcibly returned to Bangkok.

The first one, a Thai political radio DJ named Ittipol Sukpaen, disappeared in June 2016 in Vientiane. Lao authorities failed to conduct a serious investigation into his disappearance.

On the evening of July 29, 2017, a group of 10 Thai-speaking, armed masked men abducted Thai Red Shirt activist Wuthipong “Ko Tee” Kachathamakul as he returned to his home in Vientiane with his wife and another person from a meeting with Lao government officials. The assailants hit them, shocked them with stun guns, tied their hands with plastic handcuffs, covered their eyes, and gagged their mouths. Wuthipong was then put in a car and driven away to an unknown location while his wife and his friend were left at the scene. He has not been seen since. His wife reported the incident to the Lao authorities, but they failed to undertake a serious investigation.<sup>8</sup>

On December 11, 2018, unknown persons abducted Surachai Danwattananusorn and his two aides, Kraidej Luelert and Chatchan Buphawan, from their residence in Vientiane.<sup>9</sup> The abduction came after warnings by Lao government authorities to exiled Thais that it was no longer safe for them to remain living openly in Vientiane. On December 26 and 29, Thai authorities recovered two mutilated corpses floating in the Mekong River. Both corpses had their faces beaten beyond recognition and were disemboweled, chest cavities filled with cement, and wrapped in sacks and fishnet and tied with rope. DNA testing determined the bodies were Kraidej and Chatchan.<sup>10</sup> Surachai is still missing.

Three other Thai activists who had sought refuge in Laos—Chuchee Chivasut, Siam Theerawut, and Kritsana Thapthai—fled Laos following the disappearance of Surachai and his two colleagues and entered Vietnam in December 2018. Vietnam authorities subsequently apprehended them and forcibly returned them to Bangkok on May 8, 2019, and they have since disappeared.<sup>11</sup>

The Lao government has failed to make progress in the case of Sompawn Khantisouk, the owner of two ecotourism businesses in Luang Namtha province, who was forcibly disappeared on January 23, 2007. Sompawn received a call from a local police officer to visit the police station concerning

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<sup>8</sup> “Laos/Thailand: Investigate Abduction of Exiled Red Shirt Activist,” Human Rights Watch news release, August 1, 2017, <https://www.hrw.org/news/2017/08/01/laos/thailand-investigate-abduction-exiled-red-shirt-activist>

<sup>9</sup> “Laos: Investigate Disappearance of 3 Thai Dissidents,” Human Rights Watch news release, January 22, 2019, <https://www.hrw.org/news/2019/01/22/laos-investigate-disappearance-3-thai-dissidents>; and BBC News, “Mutilated Thai Bodies on Mekong Shore Are Activist’s Aides,” January 22, 2019, <https://www.bbc.com/news/world-asia-46965839> (accessed June 26, 2019).

<sup>10</sup> Khasod English, “Police Deny Third Corpse Was Found In Mekong,” January 23, 2019, <http://www.khasodenglish.com/news/crimecourtsalamity/2019/01/23/police-deny-3rd-corpse-was-found-in-mekong/> (accessed June 26, 2019).

<sup>11</sup> “Thailand: Critics Feared ‘Disappeared’,” Human Rights Watch news release, May 9, 2019, <https://www.hrw.org/news/2019/05/09/thailand-critics-feared-disappeared>.

an alleged arson attack on his home the previous day. Riding his motorcycle, Sompawn received another phone call from the same police officer.

A few minutes later, as he was driving to the police station, witnesses saw an SUV signal to Sompawn to pull his motorcycle over. Witnesses stated that four men wearing police uniforms then forced Sompawn into the car and drove away. A rudimentary police investigation ensued that focused on discrediting the witnesses and concluded without further evidence that Sompawn's disappearance was the result of an unspecified personal or business conflict.

Laos is obligated under international human rights law to prevent and remedy any enforced disappearances. Despite widespread calls for accountability, both regionally and internationally, questions about enforced disappearances have been met with denial or silence by the government of Laos. In its concluding remarks of its review of the Lao's compliance with the ICCPR,<sup>12</sup> the UN Human Rights Committee said it was "concerned about the lack of a legal framework to define and criminalize all acts of enforced disappearance, and about the prevalent pattern of impunity for such acts."<sup>13</sup> It also raised concerns about the government's failure to provide information on at least a dozen more cases of enforced disappearances that have occurred since the government ratified the ICCPR.

**During the upcoming dialogue, Australia should call on the government of Laos to:**

- Conduct a transparent, thorough, and impartial investigation into all pending cases of enforced disappearances and ensure that those responsible for the disappearances are held to account.
- Disclose the fate or whereabouts of Sombath Somphone and Sompawn Khantissouk, and others forcibly disappeared, and appropriately prosecute those responsible.
- Seriously investigate the disappearance and killing of Thai political activists seeking refuge in Laos, and make public the findings, and take appropriate measures against those responsible.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and enact appropriate implementing legislation.

## **Religious Freedom**

Article 43 of the Lao constitution grants citizens "the right and freedom to believe or not believe in religions," yet the government remains suspicious of non-Buddhist religious groups, particularly Protestant Christians, and maintains restrictive registration requirements for religious orders.

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<sup>12</sup> United Nations International Covenant on Civil and Political Rights, Human Rights Committee, "Concluding Observations on the Initial Report of the Lao People's Democratic Republic," CCPR/C/LAO/CO/1, November 23, 2018.

<sup>13</sup> Ibid.

The Lao government issued Decree 315 in August 2016 to replace the Prime Minister's Decree on Management and Protection of Religious Activities. Decree 315 continues the government requirement to receive approval to conduct various religious activities, with the Ministry of Home Affairs designated as the agency empowered to issue authorizations. The ministry requires approval for religious assemblies, building or fixing houses of worship, and establishing new congregations in districts or villages. The ministry can also shut down any religious activity it views as threatening national stability, peace and order, the environment, or unity between religious and ethnic groups. Local Ministry of Home Affairs offices can act to restrict religious activities if they deem them inimical to local customs or national policies.

Local authorities sometimes use the decree's various conditions to restrict certain aspects of religious practice. The treatment of religious practitioners varies by region, religion, and ethnic group.

Protestant Christians, who are often not ethnically lowland Lao, are suspected of having allegiances to the West and the United States rather than to the Lao government. In the north, in historically sensitive areas such as Luang Prabang and Xieng Khouang provinces, and in central areas, such as Khammouane province, Protestants are among the most severely repressed. They face harassment by police and government officials, including intimidation of family members, pressure to renounce their Christian faith, and forced evictions from their villages.

In 2018, Savannakhet province local officials mistreated religious minorities. In November 2018, Vilabouly district authorities arrested and detained four Christians for a week for holding worship services without a permit. In December 2018, Nakanong village officials arrested seven Christians because they ruled their Christmas church service was illegal, shut down the church and seized church property. The Christians were released in early January 2019.<sup>14</sup>

**During the upcoming dialogue, Australia should call on the government of Laos to:**

- Stop the arbitrary arrest and detention of Christians for practicing their faith.
- Carry out investigations into allegations of arbitrary detention and cruel, inhuman or degrading treatment or punishment against Christian worshippers and other religious minorities.

### **Drug Detention Centers**

The arbitrary detention of people suspected of using drugs, along with beggars, homeless people, children, and people with mental illnesses in compulsory drug detention centers across Laos remains of grave concern. There are at least eight such centers across the country, of which the

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<sup>14</sup> United States Commission on International Religious Freedom, Annual Report 2019 – Laos, April 2019, [https://www.uscifr.gov/sites/default/files/Tier2\\_LAOS\\_2019.pdf](https://www.uscifr.gov/sites/default/files/Tier2_LAOS_2019.pdf) (accessed June 26, 2019).



Somsanga detention center on the outskirts of Vientiane is the oldest and largest. Persons sent to Somsanga (as well as to other drug detention centers) are detained administratively, without judicial due process or oversight, and no mechanism for appeal. None of the persons whom Human Rights Watch interviewed had seen a lawyer or been sent to a court prior to their detention in Somsanga.

Human Rights Watch found that detainees at the Somsanga center are locked in cells inside barbed wire compounds. Former detainees told Human Rights Watch that they were held for periods of three months to more than a year. Police who guard the facility's main gate are responsible for security and are a constant presence among detainees. Detainees live in a punitive and heavily controlled environment. Those who try to escape are sometimes brutally beaten by "room captains"—trusted detainees whom police and center staff designate to play a central role in the daily control of other detainees, including serving the centers as adjunct guards and punishing detainees who infringe center rules. One former detainee told Human Rights Watch that "room captains" beat detainees who had attempted escape "until they were unconscious." The detainee stated that guards witnessed the beatings and encouraged the "room captains." Former detainees also reported being punished by being tied up in the sun for hours without food or water.<sup>15</sup>

Somsanga offers little effective, evidence-based treatment for drug addiction to those who need it. Confinement is Somsanga's central operating principle: most detainees remain in locked cells inside compounds with high walls topped with barbed wire. Human Rights Watch found that Somsanga holds most of its detainees against their will. Police or village militia (tamnautbaan) detain and bring people to Somsanga. Other detainees enter because their family members "volunteer" them to go out of a mistaken belief that the center offers therapeutic treatment, or because they feel pressure from authorities to help make their village "drug free." According to former detainees, street children are among those detained in Somsanga. Children are entitled to additional protections against arbitrary detention. However, a number of former detainees described being detained alongside children 10 years old or younger.

The treatment of individuals in compulsory drug detention centers violates a wide range of human rights, including the right to freedom from torture and cruel, inhuman and degrading treatment; the right to freedom from arbitrary arrest and detention; the right to a fair trial; the right to privacy; and the right to the highest attainable standard of health. Despite reports of arbitrary detention and cruel, inhuman or degrading treatment or punishment at Somsanga, the Lao government has not investigated these reports, held any person responsible or taken steps to close the center

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<sup>15</sup> Human Rights Watch, *Somsanga's Secrets: Arbitrary Detention, Physical Abuse, and Suicide inside a Lao Drug Detention Center* (New York: Human Rights Watch, 2011), <https://www.hrw.org/report/2011/10/11/somsangas-secrets/arbitrary-detention-physical-abuse-and-suicide-inside-lao-drug>.

down. In March 2012, 12 UN agencies—the International Labour Organization, UN Office of the High Commissioner for Human Rights, UN Development Program, UNFPA, UNHCR, UNICEF, UNODC, UN Women, World Food Programme, WHO, and UNAIDS— issued a joint statement condemning compulsory drug detention centers in the region and calling for their immediate closure.

**During the upcoming dialogue, Australia should call on the government of Laos to:**

- Stop the arbitrary arrest and detention of people deemed “undesirable” in drug detention centers.
- Close all drug detention centers and release current detainees.
- Carry out investigations into allegations of arbitrary detention and cruel, inhuman or degrading treatment or punishment in Somsanga and other drug detention centers.
- Expand access to voluntary, community-based drug dependency treatment and ensure that such treatment is medically appropriate and comports with international standards under the Ministry of Health.

**Women and Girls**

Laos has not implemented important UN treaty-body recommendations to improve redress for women and girls who endure domestic violence. In its concluding observations in November 2018 on Laos’ implementation of CEDAW, the CEDAW Committee noted the continued operation of “persistent barriers, including stigma, fear of retribution, deep-rooted discriminatory gender stereotypes and limited legal literacy, that deter women and girls from registering their complaints regarding gender-based discrimination and violence, including domestic violence, marital rape and sexual harassment.”<sup>16</sup>

The situation has not improved significantly since the United Nations Population Fund (UNFPA) released a report in March 2016 on violence against women in Laos. The report revealed that one in seven women has experienced physical or sexual violence from their partners at least once in their lifetime. Nearly half of women experiencing violence do not tell anyone.<sup>17</sup> Many women living in rural or remote areas remain unaware of their rights.

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<sup>16</sup> Office of the United Nations High Commissioner for Human Rights, “Concluding Observations on the Combined Eighth and Ninth Periodic Reports of the Lao People’s Democratic Republic,” November 2, 2018, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKbzyhsvxlfhYepflYmWoeRMA3oVu5SORPdF4KtDcrD77iCqEG8QYBr8zESptfMnUthgfUisBuCuxUCXPUDwilmoHvUDI%2fkPxx6L8XixKd%2b8vFate%2ftfHDFRk8YAjI6Tsw9DsaA%3d%3d> (accessed June 26, 2019).

<sup>17</sup> National Commission for the Advancement of Women, Lao PDR, “Summary Report a Study on Violence against Women in Lao PDR,” 2014-2015, [http://www.la.one.un.org/images/publications/Lao\\_PDR\\_Violence\\_Against\\_Women\\_Summary\\_Report.pdf](http://www.la.one.un.org/images/publications/Lao_PDR_Violence_Against_Women_Summary_Report.pdf) (accessed May 28, 2017), p. 9.

In 2014, the Law on Preventing and Combatting Violence Against Women and Children was passed.<sup>18</sup> However, this law falls short of international standards and good practice as it lacks clarity on the roles and responsibilities of the police when violence is reported, and clear procedures for redress. While marital rape has been expressly criminalized in 2017, the CEDAW Committee noted serious concerns about the “high prevalence of gender-based violence against women, especially domestic and sexual violence and rape” and the “low rates of reporting among women who are victims of domestic violence and the social stigma associated with it.”<sup>19</sup>

Even though the 2014 law improves the prevailing legal options for victims by allowing them to choose whether to settle the case or have the matter brought before courts, the law still lacks clarity. Before this law was enacted, women’s options of approaching the police were severely curtailed, only allowing those who experienced a “serious” impact to approach the police. In all other cases, the victim’s complaint was supposed to be settled locally. The most widely used policy for handling disputes is through the informal “Harmonious Village Policy” with the village chief heading the mediation process in domestic issues.

Women’s awareness about the 2014 law and their legal rights remains poor. This leaves victims at a disadvantage since deep-rooted patriarchal attitudes and traditional gender roles are the norm, especially among many ethnic groups where a woman must move into her husband’s village. Women in abusive situations often remain silent to prevent bringing shame to the village and to avoid retaliation from the husband’s family. Even where women choose to file complaints with authorities, they rarely receive legal assistance after filing complaints against their abusers.<sup>20</sup>

In December 2015, the Lao National Assembly approved the Law on Anti-Trafficking in Persons, which was publicized in February 2016. However, Laos continues to be a transit country for sex-trafficked girls and women from Vietnam and China. The sex trafficking of Lao girls has expanded into China, where marriage proposals from Chinese men acting as wealthy business owners lure girls into working in brothels and prostitution rings.

**During the upcoming dialogue, Australia should call on the government of Laos to:**

- Raise awareness regarding the 2014 law governing violence against women and children and take measures to improve implementation.

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<sup>18</sup> Law on Preventing and Combatting Violence against Women and Children, No. 56 of 2014, <http://un-act.org/publication/view/lao-pdrs-law-on-preventing-and-combating-violence-against-women-and-children-2014/> (accessed May 30, 2017).

<sup>19</sup> Office of the United Nations High Commissioner for Human Rights, “Concluding Observations on the Combined Eighth and Ninth Periodic Reports of the Lao People’s Democratic Republic,” November 2, 2018.

<sup>20</sup> National Commission for the Advancement of Women, Lao PDR, “Summary Report a Study on Violence against Women in Lao PDR,” 2014-2015, pp. 88, 91.

- Periodically report on the implementation of the 2014 law governing violence against women and children.
- Establish and adequately support legal, health, and social services, including shelters, for women who are victims of violence.
- Undertake a widespread program of public awareness and public education regarding gender equality.
- Collect and publicize comprehensive data on sexual and domestic violence and share this with the public.
- Produce guidelines and conduct appropriate training programs for all law enforcement, health, and education professionals regarding gender equality and to implement the 2014 law governing violence against women and children.
- Increase efforts to appropriately prosecute and punish sex trafficking and public officials complicit in trafficking.
- Improve transparency by collecting information on government anti-trafficking activities, including case details and financial allocations, and share this information among ministries and with nongovernmental stakeholders.