

# LAOS 2016 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Lao People's Democratic Republic (Lao PDR) is ruled by its only constitutionally legitimate party, the Lao People's Revolutionary Party (LPRP). The most recent National Assembly election held on March 20 was not free and fair. The LPRP selected all candidates, and voting is mandatory for all citizens. Following the election the National Assembly approved Thongloun Sisoulith to be the new prime minister.

Civilian authorities maintained effective control over the security forces.

The most significant human rights problem continued to be that the government denied citizens the ability to choose their government.

Other human rights problems continued to include: abusive prison conditions; lack of due process, including arbitrary arrest and detention; government infringements on freedoms of speech, press, assembly, and association, as well as on the right to privacy; government restrictions on academic freedom; local restrictions on religious freedom; trafficking in persons; societal discrimination based on sexual orientation and against persons with HIV/AIDS; and restrictions on workers' rights.

The government neither prosecuted nor punished officials who committed abuses, and police and security forces acted with impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

There were no credible reports the government or its agents committed arbitrary or unlawful killings, including of insurgents.

There were no developments in cases of persons allegedly killed by the military or police in previous years.

#### **b. Disappearance**

There was still no progress in the 2012 abduction of Sombath Somphone, a prominent civil society leader and retired founder of a nonprofit training center, by persons in plainclothes after what appeared to be an orchestrated stop of his vehicle by traffic police in Vientiane. The government denied knowledge of his whereabouts and claimed its investigation was continuing.

Sompawn Khantisouk, owner and manager of a small ecotourism lodge, disappeared in early 2007 after mobilizing local villagers and speaking out against land seizures. Authorities revealed no information on his whereabouts.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

There were no credible reports of torture or other cruel, inhuman, or degrading treatment or punishment by government officials.

### **Prison and Detention Center Conditions**

Prison and detention facility conditions varied widely and in some prisons were harsh due to minimal food supply, overcrowding, and inadequate medical care. There was a separate prison for foreigners. The government conducts annual pardons of prisoners, including female inmates and foreign prisoners. The government also reduces prison sentences for good behavior.

Physical Conditions: Some prisons reportedly held juveniles with adults, although no official or reliable statistics were available on the overall population or gender of prisoners countrywide. Cells were crowded. Food rations were minimally adequate, and family members were responsible for bringing food to their relatives in prison. Some prisons required inmates to reimburse authorities upon release for the cost of food eaten during incarceration. Prisoners reportedly could grow fruits and vegetables to supplement their meals, and some prisons had a sundry shop where prisoners could purchase basic food and toiletries. Prisoners in the larger facilities in the capital generally fared better than did those in smaller, provincial prisons.

Although most prisons had some form of clinic, usually with a doctor or nurse on the staff, medical facilities were usually deficient. Prisoners had access only to basic medical care, and treatment for serious ailments was unavailable. For example, in a Vientiane prison there was a clinic with four sick beds and a staff of three for 700 inmates. Prisoners received vaccinations upon arrival; if sick, they

had to pay for necessary medicine. In some facilities, prisoners could arrange for treatment in police hospitals, and authorities sent prisoners to these hospitals in emergencies. There was no information available on the prevalence of death in prisons or pretrial detention centers.

Administration: There was no information available regarding the adequacy of recordkeeping on prisoners. At times authorities continued to detain prisoners after they completed their sentences, particularly if prisoners were unable to pay court fines. In some cases officials released prisoners after they agreed to pay fines later. In certain cases the government released offenders convicted of nonviolent crimes without formally sentencing them to prison.

There was no ombudsperson to serve on behalf of prisoners and detainees. Prison wardens set prison visitation policies. Family members generally had access to prisoners and detainees once per month. Prisoners and detainees could follow some religious observances, but authorities did not provide any facilities.

The Ministry of Public Security had responsibility for monitoring prison and detention center conditions. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, although there were no reports prisoners, detainees, or their family members made such requests due to fear of exacerbating poor detention conditions. There were also no known investigations of complaints.

Independent Monitoring: Government officials did not permit regular independent monitoring of prison conditions. Authorities did not allow foreign diplomats access to prisons, other than for consular visits, and such access was strictly limited.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but some government officials did not respect these provisions, and arbitrary arrest and detention persisted.

#### **Role of the Police and Security Apparatus**

The Ministry of Public Security maintains internal security but shares the function of state control with the Ministry of Defense's security forces and with the LPRP and the LPRP's mass organizations. The Ministry of Public Security includes

local, traffic, immigration, and security (including border) police, village police auxiliary, plus other armed police units. The armed forces have domestic security responsibilities, including counterterrorism and counterinsurgency.

Impunity remained a problem, as did police corruption; however, there were no statistics available on their prevalence. The Ministry of Public Security's Inspection Department maintained complaint boxes throughout most of the country for citizens to deposit written complaints, but statistics on utilization were not publicly available. The government revealed no information regarding the existence or nonexistence of a body that investigates abuses by security forces. There were no known actions taken by the government to train security forces on respect for human rights.

The government continued to cooperate with international organizations to implement a national strategy to strengthen law enforcement and deal with increased drug trafficking and abuse, as well as related crime and police corruption.

### **Arrest Procedures and Treatment of Detainees**

Both police and military forces have arrest powers, although normally only police exercised them. The law provides detainees the right to a prompt judicial determination of the legality of their detention. The law also requires authorities to notify detainees of the charges against them and inform next of kin of their detention within 24 hours of arrest, but this did not always occur in remote provinces. Prisoner access to family members was not certain, but officials generally allowed it. There is a bail system, but authorities implemented it arbitrarily. There were procedures for house arrest of detainees, particularly for health reasons, and there were isolated reports of detainees held under house arrest. There were no reports of prisoners held incommunicado. The law provides detained, arrested, or jailed citizens and foreigners the right to legal representation upon request.

Arbitrary Arrest: Police continued to exercise wide latitude in making arrests, relying on a provision of the law that permits warrantless arrests in urgent cases. According to the national criminal investigation unit, police make arrests based on clear evidence of wrongdoing instead of probable cause, and police wait to make an arrest until the person is caught breaking the law. Police reportedly sometimes used arrest as a means to intimidate persons or extract bribes.

Pretrial Detention: There is a one-year statutory limit for detention without trial. The length of detention without a pretrial hearing or formal charges is also limited to one year. The Office of the Prosecutor General reportedly made efforts to have authorities bring all prisoners to trial within the one-year limit, but officials occasionally did not meet the requirement. The Office of the Prosecutor General must authorize police to hold a suspect pending investigation. It grants authorization in three-month increments, and police must release a suspect after a maximum of one year if they lack sufficient evidence to bring charges.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The detainee, or accused, must appeal to the Office of the Prosecutor General, not the court.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but impunity and corruption continued to be problems. Some judges reportedly accepted bribes. There were no reports of government or party officials influencing the courts. The National Assembly may remove judges from office for impropriety but did not announce any such removals during the year. The legal framework provides for defense counsel, evidentiary review, and the presumption of innocence. Despite these provisions, the country was still developing a formal justice system. The preferred and widely used policy for resolving disputes continued to be the ““Harmonious Village Policy”” or ““No Case Village Policy,”” which discouraged villages from referring cases to the formal justice system and provided incentives to village leaders to resolve legal disputes within village mediation units.

Village mediation units are an outgrowth of traditional village mediation. The Ministry of Justice established them as a semiformal mechanism for resolving disputes and providing compensation in civil and criminal cases. Although village mediation units officially do not accept criminal cases, these units frequently handled sensitive cases such as family law and divorce where disputants might prefer to avoid using the formal justice system. Village mediation units also served as the forum for awarding civil damages to victims of crime and restitution or other mediated settlements in civil cases, such as property disputes and car accidents. Disputants must pay 50,000 kip (\$6) to have the village mediation unit hear a case. The unit consists of seven leading community representatives, usually from members of government mass organizations (Lao Women's Union (LWU), village security service, Youth Union), most of them untrained in alternative dispute resolution. Many in rural areas begin dispute resolution with the village

chief, who represents customary justice practices, and may seek the opinion of the Village Mediation Unit if not satisfied. Often the village chief heads the mediation unit panel. The formal justice system also refers some cases to village mediation units.

### **Trial Procedures**

Although the law provides defendants a presumption of innocence, judges usually decided guilt or innocence in advance, basing their decisions on police or prosecutorial investigation reports. Most trials, including criminal trials, were primarily pro forma examinations of the accused and reviews of the evidence. Trials are open, except for those involving certain types of family law or related to national security, state secrets, or children younger than 16 years.

The law provides defendants the right to defend themselves with the assistance of a lawyer or other persons, but there was a lack of qualified lawyers. Lawyers sometimes were unwilling to defend a sensitive case due to fear of retaliation by local authorities. A defense attorney may be present during a trial, but his role is passive, such as asking the court for leniency in sentencing or appealing a technical matter, but not arguing the merits of the case, challenging evidence, or mounting a true defense for the client. Authorities provided defense attorneys at government expense only in cases involving children, cases likely to result in life imprisonment or the death penalty, and cases considered particularly complicated, such as ones involving foreigners.

Defendants do not have a legal right to know promptly and in detail the charges against them, but the law requires authorities to inform persons of their rights. The constitution allows accused persons the right to defend themselves; however, the general population's actual knowledge of the law and their rights was very limited. Government-recognized interpreters who have some ability to communicate in the defendant's language can provide explanation of the law and their rights. They receive payment based on the court fee system, which the court passes on to the defendant. This may limit the defendant's ability to have an interpreter throughout the legal process, although those with financial means might be able to hire private interpreters from the moment charged through final appeal.

The accused has no legal right to examine government-held evidence; however, a defendant may request to view such evidence if the arresting authority has completed its investigation report. Nevertheless, in more serious cases (such as drug cases with a life-imprisonment penalty), the arresting authority normally does

not allow the accused to examine government-held evidence. There is no legal right to adequate time and facilities to prepare a defense. Defendants may have anyone assist them in preparing written cases and accompany them at trial, but only the defendant may present oral arguments at a criminal trial. Defendants may question, present witnesses, and present evidence on their own behalf. Defendants may refuse to testify, although authorities sometimes imposed harsher penalties on defendants who did not cooperate. Defendants have the right to object to charges brought against them, and they have the right to appeal, but only in civil cases. The Court of Appeals is legally obligated to decide a case within 45 days from the time it receives the appeal; however, appeals often took longer than six months or remained pending indefinitely.

Litigants may select members of the Lao Bar Association to represent them at trial. The association had 196 members, 156 of whom were lawyers and only 30 that took cases to court. Of these, 26 worked in Vientiane. The Bar Association was nominally independent but received some direction from the Ministry of Justice. The association had four legal aid clinics in Vientiane, Champasak, Xieng Kuang, and Oudomxay Provinces that provided legal services to citizens. For several reasons, including the general perception that attorneys cannot influence court decisions, most defendants chose not to have attorneys or trained representatives. In preparation for the launch of the Association of South East Asian Nations Economic Community in 2016 and the resulting potential for more foreign direct investment and with cases pending at international tribunals, the government made efforts to train more lawyers and improved the curriculum at the Faculty of Law at the National University. In 2015, 125 students attended the one-year program, and 172 new students enrolled during the year.

Most judges and attorneys were LPRP members. Most had only basic legal training, and some court districts had few or no reference materials available for guidance. The National Assembly's Legal Affairs Committee occasionally reviewed People's Supreme Court decisions for accuracy and returned cases to it or the Prosecutor General's Office for review when the committee believed the court made decisions improperly.

### **Political Prisoners and Detainees**

There were no government statistics or reliable estimates available regarding the number of political prisoners, but the government confirmed that three political prisoners, Thongpaseuth Keuakoun, Seng-aloun Phengpanh, and Bouvanh Chanmanivong, arrested in 1999 and tried for attempting to organize a

prodemocracy demonstration, served their prison sentences. Authorities released Thongpaseuth Keuakoun and Seng-aloun Phengpanh on January 25, 16 years and three months into their 20-year sentence, according to a government official. According to authorities, Bouvanh Chanmanivong died in 2005 from illness while incarcerated. This could not be independently confirmed.

Authorities reportedly detained Zoua Yang, an ethnic Hmong, in 2005 after Thai authorities arrested her with 28 children while promoting Christian beliefs in Thailand and deported her to Laos. Authorities reportedly released most of the children in Thailand and Laos, but the government did not confirm whether Zoua Yang was still serving a prison sentence, was released from prison, or died while incarcerated.

### **Civil Judicial Procedures and Remedies**

The law provides for judicial independence in civil matters, but enforcement of court orders remained a problem. A person may seek a judicial remedy for violations of civil or political rights in a criminal court or pursue an administrative remedy from the National Assembly. Individuals may seek redress for violations of social and cultural rights in a civil court.

#### **f. Arbitrary Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law generally protects privacy, including privacy of mail, telephone, and electronic correspondence, but the government reportedly continued to violate these legal protections when there was a perceived security threat.

The law prohibits unlawful searches and seizures. Although the law requires police to obtain search authorization from a prosecutor or a panel of judges, police did not always obtain prior approval, especially in rural areas. Security laws allow the government to monitor individuals' movements and private communications, including via mobile telephones and e-mail (see section 2.a.).

The Ministry of Public Security monitored citizen activities through a surveillance network that included secret police. A police auxiliary program in urban and rural areas, operating under individual village chiefs and local police, shared responsibility for maintaining public order and reported undesirable elements to police. Members of the LPRP's front organizations, including the LWU, the

Youth Union, and the Lao Front for National Construction, also played a role in monitoring citizens.

The law allows citizens to marry foreigners only with prior government approval. Authorities may annul marriages done without approval, with both parties subject to arrest and fines. The government normally granted permission to marry, but the process was lengthy and burdensome, offering officials opportunity to solicit bribes. Premarital cohabitation with foreigners is illegal, although it was rarely enforced, and generally only when the Lao party complained of some injustice.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, but the government severely restricted political speech and writing and prohibited most public criticism it deemed harmful to its reputation.

Freedom of Speech and Expression: The law provides citizens the right to criticize the government but also forbids slandering the state, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the state.

Nongovernmental organizations (NGOs) generally exercised self-censorship, which civil society considered was a direct result of Sombath Somphone's disappearance. The chilling effect of the disappearance of an internationally respected civil society advocate caused lesser-known local activists to believe they had little hope of avoiding a similar fate if they were too outspoken.

In 2015 police arrested Bounthanh Thammavong, a Polish citizen of Lao heritage, for a posting on Facebook and an article he published in 1997 critical of the government. The Vientiane Supreme Court found Bounthanh guilty of “disseminating propaganda against the government with the intention of undermining the state” under Article 65 of the penal code and sentenced him to four years and nine months in prison for “complaining about and carrying out activities against the regime.”

Press and Media Freedoms: The state owned and controlled most domestic print and electronic media. Local news in all the media reflected government policy. The government permitted publication of several privately owned periodicals of a

nonpolitical nature, including ones specializing in business, society, and trade. A few foreign newspapers and magazines were available through private outlets that had government permission to sell them. In November 2015 the government issued a decree providing a legal framework to require foreign media to submit articles to the government before publication. Authorities did not indicate how the government would enforce these new controls and made no effort to enforce them.

Although the government closely controlled domestic television and radio broadcasts, it did not interfere with broadcasts from abroad. Citizens had 24-hour access to international stations via satellite and cable television. The government required owners of satellite receivers to register them and pay a one-time licensing fee, largely as a revenue-generating measure, but otherwise made no effort to restrict their use.

Violence and Harassment: The government required foreign journalists to apply for special visas and restricted their activities. Authorities continued to deny journalists free access to information sources but often permitted them to travel without official escorts. When the government required escorts, they reportedly were at journalists' expense.

Censorship or Content Restrictions: Officials reviewed all articles in privately owned periodicals after publication (not in advance) and could penalize those whose articles did not meet government approval. Publishers and journalists were generally aware of what content the government would approve for publication and therefore tended to practice self-censorship. The Ministry of Information and Culture's Mass Media Department did not confirm if the government disapproved any publication during the year. The Mass Media Department punishes violations through warnings, fines, and prosecution. The only punishment used during the year was in the form of warnings.

Authorities prohibited dissemination of materials deemed indecent, subversive of national culture, or politically sensitive. Any person found guilty of importing a publication considered offensive to national culture faced a fine of one to three times the value of the item or a maximum imprisonment of one year.

## **Internet Freedom**

The government controlled domestic internet servers and sporadically monitored internet usage but did not block access to websites. The government maintained infrastructure to route all internet traffic through a single gateway, thereby

enabling it to monitor and restrict content. The National Internet Committee under the Prime Minister's Office administers the internet system. The office requires internet service providers to submit quarterly reports and link their gateways to facilitate monitoring.

In 2015 the government passed a cybercrime law designed to protect databases, server systems, and computerized information. The law criminalizes dissent and puts user privacy at risk. In 2015 authorities also arrested persons for online activities, including one who posted on Facebook photos of alleged police extortion and another who alleged a governor granted a controversial land concession to a developer (see section 2.a.).

On May 30, the Ministry of Public Security newspaper reported the results of investigations of Somphone Phimmason and Lodkham Thammavong, who was arrested on February 22, and Soukane Chaithad, who was arrested on March 4. According to a government official, authorities charged all three for violating the 2012 Penal Code, but the government did not specify which provisions of the law. The three remained under detention in Phonthan Prison at year's end.

A 2014 decree prohibits certain types of content on the internet, including deceptive statements, pornography, and statements against the government and party. The Ministry of Posts and Telecommunications has authority to direct internet service providers to terminate internet services of users found violating the decree. A government newspaper quoted Prime Minister Thongloun as encouraging ““young people to use the internet carefully.”“

Many poor and rural citizens lacked access to the internet. According to the International Telecommunication Union, 20 percent of the population had access to the internet in 2015.

### **Academic Freedom and Cultural Events**

The law provides for academic freedom, but the government imposed restrictions. The Ministry of Education tightly controlled curricula, including in private schools and colleges. In 2014 the government initiated a policy permitting only government-run universities to award degrees, but it allowed private universities whose curricula met the standards of state schools to resume awarding degrees. The government allows citizen students to study abroad.

Both citizen and noncitizen academic professionals conducting research in the country may be subject to restrictions on travel, access to information, and publication. Although the government exercised control through requirements for exit stamps and other mechanisms affecting the ability of state-employed academic professionals to travel for research or obtain study grants, the government actively encouraged research and study opportunities worldwide and approved virtually all such proposals.

The government requires producers to submit films and music recordings produced in government studios for official review. Uncensored foreign films and music were available in video and compact disc formats. The Ministry of Information and Culture attempted to limit the influence of Thai culture on local music and entertainment, but these attempts had little effect.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law provides for freedom of assembly, but the government continued to restrict this right. The law prohibits participation in demonstrations, protest marches, or other acts that cause turmoil or social instability. Participation in such acts is punishable by a maximum five years' imprisonment. Although only charged with cybercrimes (see section 2.a.), Somphone Phimmasone, Lodkham Thammavong, and Soukane Chaithad also led a demonstration of Lao democracy advocates in Thailand in front of the Lao Embassy in Bangkok in December 2015.

### **Freedom of Association**

The law provides citizens the right to organize and join associations, but the government continued to restrict this right. For example, political groups other than mass organizations approved by the LPRP remained prohibited. Moreover, the government occasionally tried to influence board membership of civil society organizations and forced some organizations to change their names to remove words it deemed sensitive, such as “rights.” The registration process was generally burdensome, and authorities restricted NGOs' ability to disseminate information and conduct activities without interference.

By decree the government regulates the registration of nonprofit civil society organizations, including economic, social welfare, professional, technical, and creative associations at the district, provincial, or national level, depending on their

scope of work and membership. The registration process continued to be time consuming. Since 2015 there has been no change in the number of registered associations: 147 national-level associations were fully registered, 22 had temporary registration, and 32 others had pending applications, while authorities approved 43 associations in the capital, and 96 associations had registration at the provincial level. During the 2015 UN universal periodic review (UPR) process, the government accepted the recommendation to reconsider decrees and guidelines that were overly burdensome on domestic and international nonprofit organizations due to lengthy and opaque registration requirements, taxation, and other problems. Taxation of civil society organizations varied from organization to organization. Taxation requirements for international and local nonprofit organizations that receive foreign funding could be cumbersome and lacked uniformity, relying heavily on prenegotiated memorandums of understanding. The Ministry of Foreign Affairs Department of Treaties and Law held a meeting in September with line ministries to work on a National Action Plan to comply with the UPR.

In 2015 the Ministry of Home Affairs submitted two decrees to the Prime Minister's Office that provide additional clarity to the registration of civil society organizations but also require the organizations to report donations to the government. Although the National Assembly and the former prime minister indicated they would approve the decrees, the vote was postponed twice during the year; however, the ministry began taking steps to ensure organizations met their annual financial reporting obligations. Prime Minister Thongloun issued Decree 315 on Management and Protection of Religious Activities in the Lao PDR dated August 16, replacing the previous Decree 92, which had been undergoing a lengthy amendment process. The decree on management of civil society organizations remained pending.

Some ministries appeared more open to engagement with civil society organizations, illustrated by an increase in invitations to attend meetings at ministries and UPR information sessions. The government also invited NGOs to the National Assembly's intersession and plenary. Despite some positive steps, civil society organizations still faced many challenges for effective civil engagement and participation.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some restrictions. The government cooperated in some cases with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Citizens traveling for religious purposes including to minister, give advice, or visit other churches, with the exception of Buddhist or animist groups, are required to seek permission from central or provincial authorities. In 2015 authorities arrested at least two dozen citizens for traveling from one province to another while promoting Christian beliefs.

Foreign Travel: Citizens seeking to travel to contiguous areas of neighboring countries generally obtained the required permits easily from district offices. Those wishing to travel farther abroad must apply for passports.

Emigration and Repatriation: The government continued to refuse UNHCR's request to re-establish an in-country presence, which it had in the 1990s, to monitor the reintegration of Hmong returnees from Thailand. The government maintained, however, that UNHCR's mandate expired in 2001 and all former refugees had successfully reintegrated. The government provided the international community access, albeit controlled, to resettlement villages. According to the Ministry of Foreign Affairs, UNHCR plans to send an inspection team to visit the country in 2017, because they were unable to schedule a visit during the year due to other obligations.

Authorities reportedly detained refugees recognized by UNHCR, such as Kha Yang after his deportation from Thailand in 2011. Authorities did not acknowledge UNHCR requests for access to him at that time. Kha Yang's whereabouts remained unknown.

The government's policy, both for Hmong surrendering internally and for those returned from Thailand, was to return them to their community of origin whenever possible.

#### **Internally Displaced Persons**

The absence of comprehensive and timely monitoring by international organizations and independent observers made it difficult to verify the number and condition of internally displaced persons; their situation, protection, and reintegration; government restrictions on them; and their access to basic services and assistance.

The government continued to relocate some villagers to accommodate land concessions given to development projects and continued to relocate highland farmers, mostly from ethnic minority groups, to lowland areas under its plan to provide better access to roads and health and education services, and to end opium production and slash-and-burn agriculture. There were no reports the government forcibly relocated villagers for development purposes; however, there were frequent reports of families displaced by government projects. Although resettlement plans called for compensating farmers for lost land and providing resettlement assistance, in many cases villagers considered the assistance insufficient. Moreover, in some areas farmland allotted to relocated villagers was poor and unsuited for intensive rice farming. The government relied on assistance from NGOs, bilateral donors, and international organizations to cover the needs of those it resettled, but such aid was not available in all areas.

Authorities reportedly also forced a few non-Buddhist minority religious groups from their villages due to local restrictions on religious practices (see section 2.c.).

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum and the protection of stateless persons. The government did not routinely grant refugee or asylum status, but it dealt pragmatically with individual cases.

### **Section 3. Freedom to Participate in the Political Process**

The law denies citizens the ability to choose their government in free and fair elections based on universal and equal suffrage, and it did not provide for the free expression of the will of the people. Although the constitution outlines a system comprising executive, legislative, and judicial branches, the LPRP controlled governance and leadership at all levels through its constitutionally designated leading role.

### **Elections and Political Participation**

The National Assembly appointed election committees, which must approve all candidates for local and national elections. Candidates do not need to be LPRP members, but almost all were, and the party vetted all candidates, including those in the March 20 National Assembly election. During the year the National Assembly began to decentralize its power by establishing provincial councils composed of 360 members countrywide selected from 508 candidates. Most candidates were either government staff or party members.

The National Assembly chooses or removes the country's president, vice president, and other members of the government, generally based on its Standing Committee's recommendations. The Standing Committee also supervises all administrative and judicial organizations; has sole power to recommend presidential decrees; and appoints the National Election Committee, which has authority over elections, including approval of candidates. The activities of the Standing Committee and the National Election Committee were not transparent. The National Assembly exerted increased public oversight over the executive branch. For example, it publicly called on the government to improve implementation of the National Socioeconomic Development Plan and publicly monitored the government's financial situation. Provincial councils, established for the first time during the year, operate in parallel to the National Assembly at the provincial level.

The National Assembly, upon the president's recommendation, formally elects the prime minister and other government ministers.

Recent Elections: The most recent national election for National Assembly members was on March 20. The government allowed independent observers to monitor the election process. Several of the observers were members of the foreign diplomatic corps in the country, as well as foreign press. The government determined which polling stations the various observers could visit, and these selected polling stations were reportedly better prepared and organized than others not under observation.

Political Parties and Political Participation: The constitution legitimizes only the LPRP. The formation of other political parties is illegal.

Participation of Women and Minorities: Women participated in the government. Although 80 percent of the population lived in rural areas where the village chief and council handled most routine matters, fewer than 3 percent of village chiefs

were women. The LWU, the LPRP mass organization focused on women's issues with a presence at every government level. At least one member of the LWU represented women in each village council, generally in a voluntary capacity.

The country officially has 49 ethnic groups. The LPRP's Party Congress elections in January increased the number of ethnic minority members in the 69-member LPRP Central Committee from seven to 15, and from two to three in the 11-member Politburo. The National Assembly has 149 members, including 119 members from the Lao-Tai majority group; the remaining 30 are from ethnic minorities--20 Mon-Khmer, six Hmong-Ioumien, and four Chinese-Tibetan. The National Assembly president is from an ethnic minority. The number of ethnic minority ministers in the 27-member Cabinet increased from two to six, including a deputy prime minister. The president of the Office of the Public Prosecutor is also an ethnic-minority member.

#### **Section 4. Corruption and Lack of Transparency in Government**

Prime Minister Thongloun has made anticorruption a pillar of his administration. There were reports of crackdowns on corruption at both the national and provincial levels. Although the law provides criminal penalties for corruption by officials, the government historically has struggled to implement the law. Corruption continued to be a serious problem. Officials often engaged in corrupt practices with impunity. Wages of all government officials were extremely low, and many officials, such as police, had broad powers they could easily abuse. Many police officers used their authority to extract bribes from citizens. The extent to which the National Police Academy training curriculum covered corruption remained unknown.

The government's Inspection and Anticorruption Organization, with authority equal to a government ministry, is responsible for uncovering corruption in all ministries, including the Ministry of Public Security. Historically authorities occasionally arrested and administratively punished lower-level officials for corruption. Foreign governments provided anticorruption training to officials in the Inspection and Anticorruption Organization.

Corruption: Government-controlled media repeatedly reported official corruption was an outstanding problem, and in October 2015 auditors uncovered 25 “ghost” projects in Oudomxay Province, in which officials repeatedly allocated and spent budgets for the same projects. Authorities reportedly detained the former minister of finance, the former governor of Oudomxay Province, and several other officials

who remained under investigation. In 2015 the head of the government's official inspection authority estimated officials at the central, provincial, and local levels had misappropriated 1.2 trillion kip (\$149 million) from state budgets since 2012. In 2014 authorities sentenced 20 education- and finance-sector officials in Huaphan Province for embezzling 21 billion kip (\$2.6 million).

Additional government-controlled media reported that the government continued to uncover ghost projects worth hundreds of billions of kip and other forms of fraud during anticorruption investigations. In July Vice President Phankham Viphavanh warned businesses that both those who give and receive bribes would face punishment, while encouraging stronger enforcement efforts.

Financial Disclosure: There is no legal requirement for public disclosure of assets and income by appointed or elected officials, although LPRP policy requires senior officials, prior to taking their designated positions, to disclose their personal assets and those of their dependents, but not their incomes, to the party's inspection committee. The committee inspects the officials' assets before and after they have been in their positions. Persons not compliant with this policy are subject to unspecified measures, although the LPRP used its control of government authorities and media to block public censure of corrupt officials who were party members. In 2014 the government announced a plan to require senior officials and their immediate families to declare their assets to the government within one year. In 2015 the government increased efforts to implement this requirement among all government officials and their families by collecting records from various officials. This asset declaration has occurred only once since the government's announcement.

Public Access to Information: The law does not provide for public access to government information, and the government generally guarded the release of any information pertaining to its internal activities, sometimes deeming such secrecy necessary for national security. Nonetheless, the law requires publication of all national and provincial legislation and a 60-day public comment period, including through a website, thus promoting some transparency and citizen understanding of rights and laws.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups operated only under government oversight, and the government limited their ability to investigate or publish findings on human rights cases.

The government intermittently responded in writing to requests for information on the human rights situation from international human rights organizations. Nevertheless, the government maintained human rights dialogues with some foreign governments and continued to receive training in UN human rights conventions from international donors.

The United Nations or Other International Bodies: In June 2015 the government accepted 118 of the 196 human rights recommendations during the UPR. The country's UN representative explained that the remaining 78 did not have the full support of the government. In September the Ministry of Foreign Affairs Department of Treaties and Law held a meeting with representatives from all of the line ministries to disseminate and make clear what the government accepted within the UPR. According to a government official, the 78 recommendations not accepted contained subsections unacceptable to the government, and since the only option is to fully accept or reject a recommendation without amendment, they chose to reject. According to the official, the 78 recommendations either did not comply with the country's constitution and/or the country lacked the capacity to implement them.

Government Human Rights Bodies: The government established a National Steering Committee on Human Rights, chaired by a minister and head of the President's Office, and comprising representatives from the government, National Assembly, the judiciary, and official mass organizations.

The Department of Treaties and Legal Affairs in the Ministry of Foreign Affairs acts as the secretariat for the National Human Rights Steering Committee and has authority to review and highlight challenges and constraints in the protection of human rights.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape, and provides for penalties of three to five years' imprisonment. Sentences are significantly longer and may include capital punishment if the victim is younger than 18 years or is

seriously injured or killed. Rape cases tried in court generally resulted in convictions with sentences ranging from three years' imprisonment to execution. Reports of rape were rare, although observers believed underreporting was likely. The country does not have a central crime database, nor does it release crime statistics.

Domestic violence is illegal, but there is no law against marital rape, and domestic violence often went unreported due to social stigma. Penalties for domestic violence, including battery, torture, and the detention of persons against their will, may include both fines and imprisonment. The law grants exemption from penal liabilities in cases of physical violence without serious injury or physical damage.

The LWU and the Ministry of Labor and Social Welfare, in cooperation with NGOs, assisted victims of domestic violence. The Counseling and Protection Center for Women and Children in Vientiane operated a countrywide hotline for persons to report incidents of domestic violence and receive telephonic counseling. According to an international NGO operating a shelter for homeless children, domestic violence was a key reason children left home to live on the streets of Vientiane.

Sexual Harassment: The law does not criminalize sexual harassment, but indecent sexual behavior toward another person is illegal and punishable by six months to three years in prison. Victims rarely reported sexual harassment, and its frequency remained difficult to assess.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. Access to information on contraception was generally available, although contraceptive commodities were not widely available in rural areas and were often too expensive. The UN Population Fund (UNFPA) estimated that 47 percent of women between 15 and 49 years used a modern method of contraceptives and that 17 percent of women had an unmet need for family planning.

The country decreased the number of maternal deaths since 1990 by 78 percent. Nevertheless, according to 2015 UN estimates, the maternal mortality rate remained high at 197 deaths per 100,000 live births, and the lifetime risk of maternal death was one in 150. Pregnancy and childbirth remained the leading cause of death among women of reproductive age due to a lack of access to

antenatal and obstetric care as well as high rates of adolescent pregnancy. According to UNFPA estimates, skilled health personnel attended just 42 percent of births, and very few medical centers were equipped to deal with obstetric emergencies, especially in small, nomadic, and ethnic villages. The adolescent birth rate remained high at 94 births per 1,000 girls between 15 and 19 years, and UNFPA reported that access to sexual and reproductive health services and information was limited, especially for unmarried young people.

Discrimination: The law provides equal rights for women as for men, but in some areas and at lower socioeconomic levels, traditional attitudes and gender-role stereotyping kept women and girls in subordinate positions and prevented them from equally accessing education, employment, and business opportunities. The law also prohibits discrimination in marriage and inheritance, although varying degrees of cultural-based discrimination against women persisted, with greater discrimination practiced by some ethnic minority groups in remote areas. The law requires equal pay for equal work (see section 7.d.).

The LWU operated countrywide to promote the position of women in society, including conducting programs to strengthen the role of women. The programs were most effective in urban areas. Many women occupied decision-making positions in civil service and private business, and in urban areas their incomes frequently were higher than those of men. Poverty continued to affect women disproportionately, especially in rural and ethnic minority communities. While rural women were responsible for more than half of total agricultural production, the additional burdens of housework and child rearing also fell primarily on women.

Provincial, district, and village subunits of the government's Commission for the Advancement of Women have a mandate to develop actions to eliminate all forms of discrimination against women.

## **Children**

Birth Registration: Regardless of where they are born, children acquire citizenship if both parents are citizens. Children born of one citizen parent acquire citizenship if born in the country or, when born outside the country's territory, if one parent has a permanent in-country address. Parents did not register all births immediately. The village chief registers children born in remote areas, and then the local authority adds the name and date of birth of the child in the family registration book. Every family must have a family registration book. If parents

failed to register a child at birth, they could request to add the child to the family registration book later.

Education: Education is compulsory, free, and universal through fifth grade, but a shortage of teachers and the expectation children would help their parents with farming in rural areas prevented some children from attending school. There were significant differences among ethnic groups in the educational opportunities available to boys and girls. Although the government's policy was to inform ethnic groups about the benefits of education for all children, some ethnic groups considered education for girls neither necessary nor beneficial. School enrollment rates for girls were lower than for boys, although the gender disparity continued to decrease. Overall 17 percent of school-age girls, compared to 11 percent of school-age boys, never attended school. According to the UN Children's Fund (UNICEF), 78.7 percent of women between 15 and 24 years were literate, compared to 89.2 percent of men who were literate within the same age group. In an effort to increase elementary school attendance by ethnic minority children, the government continued to support the establishment of dormitories in rural areas countrywide.

Child Abuse: The law prohibits violence against children, and offenders are subject to re-education programs and unspecified penal measures in more serious cases. According to UNICEF's *Violence against Children Survey in Lao PDR Preliminary Report* released in May, approximately 10 percent of children suffered some form of sexual abuse, 17 percent some form of physical abuse, and 21 percent suffered emotional abuse. According to the National Steering Committee on Anti-Human Trafficking, 54 percent of human trafficking victims were female and more than 42 percent were younger than 18 years in 2015. There were fewer than 300 human trafficking victims identified during the year.

Early and Forced Marriage: The legal minimum age of marriage for boys and girls is 18 years, but the law allows marriage as young as 15 years with parental consent, often in cases of underage pregnancy. Approximately 35 percent of girls married before they reached 18 years, and 9 percent married before they were 15 years old. This practice was particularly prevalent among certain ethnic groups and among impoverished rural families.

Sexual Exploitation of Children: The age of consensual sex is 15 years. The law does not provide penalties for child prostitution, but the penalty for sex with a child (defined as younger than 15 years) is one to five years' imprisonment and a fine of 500,000 to three million kip (\$62 to \$370). The law does not include statutory rape

as a crime distinct from sex with a child or rape of any person. Authorities did not treat child pornography differently from pornography in general, for which the penalty is three months to one year in prison and a fine of 50,000 to 200,000 kip (\$6 to \$24).

The continued growth in tourism in the country and a concomitant rise in child sex tourism in the region led authorities to seek to prevent child sex tourism. The government continued efforts to reduce demand for commercial sex through periodic raids and training workshops and to aid victims as part of a multi-year national plan. The government and NGOs hosted seminars to train tourism-sector employees, and many major international hotels in Vientiane and Luang Prabang displayed posters warning against child sex tourism.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

There was no Jewish community resident in the country, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

Although constitutional protections against discrimination do not apply specifically to persons with disabilities, regulations promulgated by the Ministry of Labor and Social Welfare and the Lao National Commission for the Disabled generally sought to protect such persons against discrimination. A decree covers discrimination in employment, education, air travel and other transportation, access to health care, and provision of state services. Nonetheless, authorities rarely enforced these regulations.

The Ministry of Labor and Social Welfare has primary responsibility for protecting the rights of persons with disabilities. The Ministry of Health is also involved in

addressing health-related needs of persons with disabilities. Because of the large number of disabilities resulting from traffic accidents and unexploded ordnance accidents, the Ministry of Health continued to work extensively on the problem, especially in coordination with international NGOs. The nongovernmental Cooperative Orthotic and Prosthetic Enterprise supplied prosthetic limbs, corrected clubfeet, and provided education to persons with hearing and vision disabilities.

According to the Ministry of Public Works and Transport, the law requires construction projects begun after 2009 to provide accessibility for persons with disabilities and the elderly, particularly buildings, roads, and public places. The law does not mandate accessibility to buildings built before its enactment or government services for persons with disabilities, but Ministry of Labor and Social Welfare regulations resulted in construction of additional sidewalk ramps in Vientiane. Although there was some progress made on accessibility, a lack of resources for infrastructure slowed the retrofitting of most buildings, and limited government staffing prevented effective implementation.

The government continued to implement its strategic plan to protect the rights of children with disabilities and enable them to study alongside other children in schools countrywide. The nongovernmental Lao Disabled People's Association noted that in many cases students with disabilities did not have access to separate education.

Little information was available regarding discrimination in the workplace, although persons with disabilities reported it was difficult sometimes to access basic services and obtain employment.

### **National/Racial/Ethnic Minorities**

The law provides for equal rights for all minority citizens and bars discrimination against them, including in employment and occupation. Nonetheless, some societal discrimination persisted. Moreover, some critics continued to charge the government's resettlement program for ending slash-and-burn agriculture and opium production with adversely affecting many ethnic minority groups, particularly in the north. The program required resettled persons to adopt paddy rice farming and live in large communities, ignoring the traditional livelihoods and community structures of these minority groups. Some international observers questioned whether the benefits promoted by the government, such as access to markets, schools, and medical care for resettled persons, outweighed the negative impact on traditional cultural practices. Some minority groups not involved in

resettlement, notably those in remote locations, maintained they had little voice in government decisions affecting their lands and the allocation of natural resources from their areas. In some rural ethnic minority areas, a lack of livelihoods and decent employment contributed to significant migration to urban areas and practices such as illegal logging.

Of the 49 official ethnic groups in the country, the Hmong are one of the largest and most prominent. A number of Hmong officials served in senior ranks of government and the LPRP, including one Politburo member and several members of the LPRP Central Committee. Some Hmong believed their ethnic group could not coexist with ethnic Lao, a belief that fanned their separatist or irredentist political beliefs. Furthermore, government leadership remained suspicious of the political objectives of some Hmong. The government continued to focus limited assistance projects in Hmong areas to address regional and ethnic disparities in income, which helped ameliorate conditions in the poorest districts.

Residual, small, scattered pockets of insurgents and their families remained in rural areas. The government continued to reduce its efforts to combat them actively, while continuing to offer amnesty to refugees from those groups who surrendered. Because of their past activities, however, amnestied insurgents continued to be the focus of official suspicion and scrutiny.

### **Acts of Violence, Discrimination and Other Abuses Based on Sexual Orientation and Gender Identity**

No law prohibits discrimination based on sexual orientation or gender identity, and there were no reports of discrimination. Nonetheless, observers believed societal stigma and concern about repercussions led some to withhold reporting incidents of abuse.

There were no legal impediments to lesbian, gay, bisexual, transgender, and intersex (LGBTI) organizational activities, but the government discouraged such activities.

Within lowland society, despite wide and growing tolerance of LGBTI persons, societal discrimination in employment and housing persisted, and there were no governmental efforts to address it. Local activists explained that most LGBTI persons did not attempt to apply for government or high-level private-sector jobs because there was a tacit understanding that employers were unwilling to hire

them. Reports indicated lesbians faced greater societal stigma and discrimination than gay men.

### **HIV and AIDS Social Stigma**

Research conducted in 2012 for the Persons Living with HIV Stigma Index found that stigma forced 14 percent of survey respondents to change their residence, 41 percent were the target of gossip, 27 percent experienced verbal insult, and 5 percent reported physical assault because of their HIV status. Women experienced higher frequencies of stigma than did men for almost all events. Another 18 percent reported they lost a job or income due to stigma against HIV/AIDS. The nongovernmental Association for Persons Living with HIV/AIDS (in Laos) assisted persons infected with HIV/AIDS through 14 self-support groups in 12 provinces. The Ministry of Health actively continued to promote tolerance and understanding of persons with HIV/AIDS through public-awareness campaigns.

The government took steps to include gay men and transgender persons in its National Strategy and Action plan for HIV/AIDS prevention. In 2015 the country hosted its first International Day against Homophobia, Transphobia, and Biphobia.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for workers to form and join worker organizations. The law defines collective bargaining but does not set out conditions for collective bargaining and requires that collectively bargained agreements be submitted to the Labor Administration Agency for examination. The law stipulates that parties resolve disputes by various means including negotiation between employee and employer, dispute resolution bodies, and the courts. The law provides for the right to strike, subject to certain limitations. The law does not permit police, civil servants, foreigners, and members of the armed forces to form and join unions. The law stipulates that employers may not fire employees who are employee representatives or the heads of trade unions, or who lodge complaints against employers regarding implementation of the law or cooperate with officials on law implementation and labor disputes, without prior approval of the Labor Administration Agency. There is no explicit requirement for reinstatement of workers fired for union activity. There is a general prohibition against discrimination against employees for reasons unrelated to performance, although there is no explicit prohibition against antiunion discrimination.

The law requires a workforce of 10 or more workers to elect one or more employee representatives. Where a trade union exists, the head of the union is by default the employee representative. Both representatives and trade union heads may bargain collectively with employers on matters including working conditions or recruitment, wages, welfare, and other benefits.

There was no information on the resources dedicated to enforcement of freedom of association provisions of the labor laws, and it was not clear whether labor disputes would be subject to lengthy delay or appeals. Penalties under law for infringing on workers freedom of association include fines, incarcerations, and/or business license revocation, and they were not considered sufficient to deter violations.

Most workers organizations were not independent of the government or its political party and operated within the framework of the Lao Federation of Trade Unions (LFTU), an organ of the LPRP. The government reported that the law permits affiliation between independent unions of separate branches of a company but stated the law does not explicitly allow or disallow affiliation at the industry, provincial, or national levels. There were reports unions not affiliated with the LFTU existed in industries, including the garment industry, light manufacturing, and agriculture processing. There were no reports of discrimination against LFTU-affiliated or other union members.

Labor disputes reportedly were infrequent, and the ministry generally did not enforce the dispute resolution section of the labor law, especially in dealings with joint ventures in the private sector. Employee representatives and ad hoc workers' groups tried to resolve complaints, as did, according to some reports, representatives of the LWU and local community leaders. There was little information available on the effectiveness of employee representatives, although anecdotal evidence suggested some had successfully negotiated for higher wages and better benefits.

The law provides for penalties of one to five years' imprisonment for those who join an organization that encourages protests, demonstrations, and other actions that might cause "turmoil or social instability." The government's overall prohibition of activities it considered subversive or demonstrations it considered destabilizing, lack of familiarity with the provisions of the amended labor law, and a general aversion to open confrontation continued to make workers extremely unlikely to exercise their right to strike, and there were no reports of formal strikes.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The law prohibits private employers from using forced labor, and the penalties for perpetrating forced labor can include fines, suspension from work, revocation of business license, and prosecution. There are no explicit sentencing guidelines for forced labor violations; however, there may be civil or criminal prosecutions for forced labor. Penalties for trafficking in persons, including for labor, range from 15 to 20 years' imprisonment, fines ranging from 100 million to 500 million kip (\$12,300 to \$61,500), and confiscation of assets. Such penalties were sufficiently stringent to deter violations. Due to limited numbers of inspectors and resources, the government did not effectively enforce the law.

According to anecdotal reports, the establishment of large-scale, foreign-invested agricultural plantations led to displacement of local farmers, increasing their vulnerability to trafficking. Unable to continue traditional practices of subsistence agriculture, many farmers sought employment as day laborers through local brokers.

The overwhelming majority of trafficking victims (60 percent) were girls between 12 and 18 years and most victims (35 percent) ended up in forced prostitution.

Also, see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law allows children from 14 to 18 years to work up to eight hours per day, provided such work is not dangerous or difficult. Employers may employ children from ages 12 to 14 years to perform light work. The government had not yet defined a list of hazardous work for children. There is no specific provision criminalizing the compulsory recruitment of children for use in armed conflict. The law applies only to work undertaken in a formal labor relationship, not to self-employment or informal work.

The Ministries of Public Security and Justice, and the Ministry of Labor and Social Welfare are responsible for enforcing child labor laws, including in the informal economy, but enforcement was ineffective due to a lack of inspectors and other resources. The law prescribes penalties of imprisonment ranging from three months to one year and a fine of one million to two million kip (\$125 to \$250),

which were not sufficient to deter violations. The Ministry of Labor and Social Welfare conducted public awareness campaigns, organized workshops with the National Commission for Mothers and Children in the northern and southern provinces, and collected data on child labor as part of its effort to implement the national plan of action for the elimination of the worst forms of child labor, which it adopted in 2014.

According to the government's Child Labor Survey report, released in 2013 and based on 2010 data, approximately 90 percent of child labor occurred in the agricultural, fishing, or forestry sectors, and more than two-thirds of child laborers were involved in work defined as hazardous according to international standards. Many children helped on family farms or in shops and other family businesses, but child labor was rare in industrial (e.g., manufacturing) enterprises. There were reports of commercial sexual exploitation of children (see section 6, Children).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits direct or indirect discrimination by employers against employees in the workforce and prohibits all action by the employer that hinders, is biased, or limits opportunities for promotion and confidence on the part of the employee. The law, however, does not explicitly prohibit employment discrimination based on race, disability, language, sexual orientation, gender identity, political opinion, national origin or citizenship, social origin, age, language, HIV-positive status, or other communicable diseases.

The law requires equal pay for equal work and prohibits discrimination in hiring based on a female employee's marital status or pregnancy, and it protects against dismissal on these grounds.

Penalties under law for such employment discrimination include fines and were not considered sufficient to deter violations. The government did not take any specific action to prevent discrimination.

Women faced some challenges in equal access to employment.

#### **e. Acceptable Conditions of Work**

During the year the government set the monthly minimum wage for all private sector workers at 900,000 kip (\$110) per month. The government also required employers to pay a meal allowance of 50,000 kip (\$6) per day. The minimum

wage for civil servants and state enterprise employees was 1.4 million kip (\$170) per month. The government estimated the national poverty line at an average income of \$1.25 per person per day. Approximately 18 percent of citizens lived below the national poverty line.

The law provides for a workweek limited to 48 hours (36 hours for employment in dangerous activities) and at least one day of rest per week. Overtime may not exceed 45 hours per month, and each period of overtime may not exceed three hours. Employers may apply to the government for an exception, which the law stipulates workers or their representatives must also approve. The overtime pay rate varies from 150 to 350 percent of normal pay. Workers employed under an employment contract for an indefinite period or for a period of more than one year and who have worked for one full year are entitled to 15 days' annual leave. Workers in sectors involving heavy work or work deemed hazardous to health, as specified by law, such as direct exposure to radiation or to contagious disease; to gas or smoke having an adverse effect on health; to dangerous chemicals, in particular to explosives; those who work in pits, or in underground tunnels; underwater or at heights; in an abnormally hot or cold environment; or with direct use of constantly vibrating machinery are entitled to 18 days' annual leave with full pay at the normal rate.

The law provides for safe working conditions and higher compensation for dangerous work, but it does not explicitly protect a worker's right to self-remove from a hazardous situation. In case of injury or death on the job, employers are responsible to compensate a worker or the worker's family. The law requires employers to report accidents causing major injury to or death of an employee, or requiring an employee to take a minimum of four days off work, to the Labor Administration Agency within three and four days, respectively. The law also mandates extensive employer responsibility for workers who became disabled while at work.

The law also prohibits the employment of pregnant women and new mothers in occupations deemed hazardous to women's reproductive health. The law requires the transfer of women working in such jobs to less demanding positions, and they are entitled to maintain the same salary or wage.

The Department of Labor Management within the Ministry of Labor and Social Welfare is responsible for workplace inspections. Its Labor Inspection Division stated there were 341 officials with inspection responsibilities. Many of these officials were district- or local-level ministry officials who managed the full range

of problems related to labor and social welfare; however, the ministry assigned a smaller number of employees to act exclusively as labor inspectors during the reporting period and increased training for these officials. The ministry reported it increased the number of inspections during the year. The ministry reported only a few professional labor inspectors working at the national level. According to labor advocates, the LFTU sometimes needed government permission to enter factories and had to provide advance notice of such visits, which advocates said undermined their ability to protect workers who filed complaints. In emergency cases the LFTU did not need to provide notice for visits. Regulations passed in December clearly give inspectors the right to enter a workplace. Officials made unannounced inspections upon notification of a violation of safe working standards and obliged employers to address violations within three to six months or face a fine. The overtime law was not effectively enforced. The law does not specify penalties for noncompliance with occupational safety and health provisions, but they could include warnings, fines, “re-education,” or suspension of business license.

A report released by the International Labor Organization (ILO) in October 2015 estimated the share of employment in the informal economy, defined as own-account work and unpaid family work, declined from 90 percent in 1995 to 83.8 percent in 2010, the latest year for which such data was available. Although the law applies to the informal economy, the government had very limited ability to enforce it.

The government did not always effectively enforce the law. There were 341 inspectors for all of the country, and they were able to inspect a limited number of entities under their purview. The government did not always pay some civil servants on time and delayed salary payments for up to three months. Some piecework employees, especially on construction sites, earned less than the minimum wage.

The ILO noted the proportion of the workforce employed in the private sector had grown and that there were approximately 30,000 workers employed in the garment industry, most of whom were women younger than 25 years. The ILO reported that most garment-sector workers had limited understanding of their contractual rights and obligations and that working conditions in the sector were often difficult, with long hours and compulsory overtime. There were a number of undocumented migrants in the country, particularly from Vietnam and China, who were vulnerable to exploitation by employers. The law applies equally to legal foreign and citizen workers with regard to working conditions, and there were no documented cases of challenges in its application. Migrants primarily worked in

construction, plantations, logging, casinos, and informal service industries, sectors where wage, hour, and occupational safety and health (OSH) violations were more common. The law sets the percentage of foreign laborers a company operating in the country may hire and requires approval of foreign workers but does not provide specific OSH protections for them.

Employers generally fulfilled the requirement to compensate a worker or the worker's family in case of injury or death on the job in the formal economic sector but not in most informal businesses.