



# General Assembly

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## Human Rights Council

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Agenda item 6

Universal periodic review

### Report of the Working Group on the Universal Periodic Review\*

#### Lao People's Democratic Republic

#### Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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\* The present document was not edited before being sent to the United Nations translation services.



1. The Lao People's Democratic Republic considers the Universal Periodic Review Mechanism as an important process to review human rights practices of UN Member States and encourages global efforts for promotion and protection of human rights based on objectivity, equal treatment and respect for State sovereignty.

2. At the UPR 35<sup>th</sup> Session of the UPR Working Group of the UN-HRC on 23 January 2020, the Lao delegation enjoyed a constructive and fruitful discussion on the promotion and protection of human rights in the Lao PDR with 89 Member States and received 226 recommendations.

3. Following the review, the Lao PDR has organized a number of consultations on all received recommendations with all relevant administrative, legislative and judicial authorities and other stakeholders, including Civil Society Organizations. The consultation sessions were led by the National Committee on Human Rights as a National Mechanism for reporting and following-up of the implementation of the UPR's recommendations in the Lao PDR.

4. After careful and thorough examination of all 226 recommendations, the Lao PDR fully supported 160 recommendations and noted 66 recommendations.

### **160 supported recommendations**

5. 6, 8, 9, 13, 19, 25, 28, 29, 30, 35, 36, 37, 38, 39, 40, 41, 42, 45, 48, 49, 50, 51, 52, 53, 54, 55, 57, 58, 72, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 98, 99, 100, 101, 102, 103, 108, 112, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225 and 226.

### **66 noted recommendations**

6. 1, 2, 3, 4, 5, 7, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 26, 27, 31, 32, 33, 34, 43, 44, 46, 47, 56, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 76, 77, 78, 79, 81, 91, 94, 95, 96, 97, 104, 105, 106, 107, 109, 110, 111, 113, 114 and 117.

### **Reasons for noted recommendations**

#### **Recommendations No. 7, 10, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23 and 24**

7. Like other countries, the Lao PDR will continue to thoroughly study the contents of those conventions as recommended, however the questions on when and whether it is possible to ratify any of them shall remain open.

#### **Recommendations No. 26 and 27**

8. The Lao PDR will continue its cooperation with all special procedures of the Human Rights Council. However, a standing invitation is not applicable as the Lao PDR maintains a policy to consider extending the invitation to UN special rapporteurs on a case by case basis and also based on convenient timing for both sides.

#### **Recommendations No. 31, 32, 33 and 34**

9. After extensive consultations and studies, as well as exchanging lessons learnt from other countries, the Lao PDR has come to the conclusion that it will continue to maintain its existing domestic mechanism, namely the National Committee on Human Rights (NCHR), as the overarching human rights mechanism for the promotion and protection of human rights at the national level. In addition, there are other domestic mechanisms for the

promotion and protection of human rights of certain groups such as the National Commission on Advancement of Women, Mothers-Children (NCAWMC), the National Committee for Persons with Disabilities and the Elderly, the National Steering Committee on Anti-Human Trafficking, and the National Assembly with its complaint mechanism.

**Recommendation No. 43**

10. The Lao PDR cannot support it due to its unclear nature.

**Recommendation No. 44**

11. The Lao PDR will maintain the existing mechanisms, namely, the National Committee on Human Rights to follow-up and report on the implementation of human rights Recommendations.

**Recommendation No. 46**

12. Despite not having a comprehensive law on anti-discrimination, the Constitution and relevant laws prohibit any discrimination irrespective of their gender, ethnicity, religion or belief, and social strata. Most notably, such provisions are clearly stipulated in the Law on Gender Equality, Law on Education, Law on Medical Treatment, among others. Regarding the LGBTI, the reasons have been provided in para. 13 below.

**Recommendation No. 47**

13. The Constitution of the Lao PDR stipulates that Lao citizens are equal before the law irrespective of their ethnicity and gender. Lao citizens, both men and women, enjoy equal rights in the political, economic, cultural, social and family spheres, including the rights to elect and to stand as a candidate at the elections, and the rights to participate in public affairs. Therefore, the Lao PDR cannot support the Recommendation No. 47 as the Lao laws do not acknowledge any other gender identity other than female and male.

**Recommendation No. 56**

14. The Lao PDR does not have the plan to develop an action plan for implementation of the UN Guiding Principles on Business and Human Rights within the next 4 years. In the meantime, the Lao PDR will focus on strengthening the existing legal measures on the promotion and protection of human rights in relation to obligation of the private sectors, while also continuing to raise awareness on the UN Guiding Principles on Business and Human Rights for both government and private sectors.

**Recommendations No. 1, 2, 3, 4, 5, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 and 69**

15. The Lao PDR cannot support these recommendations as they are against the provisions of the Penal Code, which has newly been codified through extensive consultations, including the special debate and vote in the National Assembly specifically on maintaining the death penalty in the Penal Code. The decision to keep the death penalty as a result of majority vote in the National Assembly shall be respected and upheld. The remaining provisions of the Penal Code prescribe the death penalty in line with the article 6 of ICCPR.

**Recommendation No. 11**

16. The Lao PDR is considering to ratify the ICPPED, however, the Lao PDR cannot support the rest of the recommendation due to the reasons as mentioned in para. 20 below.

**Recommendations No. 91, 94, 95, 96, 97, 104, 105, 106, 107 and 111**

17. The freedom of expression is guaranteed by the national legal framework. The Government of the Lao PDR has made efforts to facilitate freedom of expression by creating conditions to promote and protect the freedom of speech, writing, peaceful assembly and association, which are in conformity with the article 19 of the ICCPR.

18. At the same time, the Lao PDR cannot support the recommendations no.91, 95, 97, 105, 106 and 107, on amending of some restrictions under the current Media Law and Law on Combating Cybercrime and other relevant legislations, as these limitations are to ensure the protection of rights, reputations, dignity and honour of others, as well as national security and social order as stipulated in Article 19 of ICCPR. Through a Gap Analysis conducted by an international law expert, those laws were found to be in conformity with the permissible restrictions in Article 19 of the ICCPR. As these laws were recently adopted, the Law on Media and the Law on Cybercrime are not included in the current 5-years Law Making and amendment plan of the National Assembly for 2020-2025.

19. The Lao PDR cannot also support the recommendations no. 91, 95, 96, 97 and 104 on amending the Penal Code and relevant legislations by the 4<sup>th</sup> cycle of UPR. As the Penal Code is newly codified, adopted and was promulgated in 2018, it is therefore, excluded from the current 5-years Law Making and Amendment Plan (2020-2025) of the National Assembly.

**Recommendations No. 70, 71, 73, 74, 75, 76, 77, 78 and 79**

20. The Lao PDR cannot support these recommendations. However, the search for missing Lao citizens, including Sombath Somphone, is the duty of the Lao government. The decision to issue an official investigation order into the alleged cases of missing or disappearance shall be considered on a case by case basis, by competent agencies based on the credibility of information and legal grounds.

**Recommendations No. 81, 109, 110 and 113**

21. The Lao PDR upholds its laws which prohibit arbitrary arrests, torture and other ill-treatments, such protection of which is provided for all citizens regardless of gender, ethnicity, religion or belief and other social strata as stipulated in the Constitution and relevant laws. However, the Lao PDR considers these recommendations as entirely inaccurate and do not reflect the real situation in the country.

**Recommendation No.114**

22. The Lao PDR cannot support recommendation no. 114 on making an amendment to the newly amended Decree No.238 on Associations because the drafting process of this Decree had gone through extensive consultations with all relevant stakeholders. Moreover, the Lao PDR considers some parts of this recommendation as entirely inaccurate and do not reflect the real situation in the country.

**Recommendation No. 117**

23. The right to freedom of religion of the Lao citizen is guaranteed by the Constitution and relevant legislations. However, the conduct of religious activities shall abide by the Decree No. 315. The purpose of the Decree 315 is to facilitate the religious activities. The drafting process of this Decree also included extensive consultations with representatives of all legally recognized religious organizations in the Lao PDR.

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