



**FIDH – International Federation for Human Rights  
Lao Movement for Human Rights (LMHR)**

**Joint submission for the adoption of the List of Issues**

**United Nations Committee on the Elimination of Discrimination against Women (CEDAW)**

**LAO PDR**

*11 September 2023*

**Women lag in political participation**

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Women remain largely marginalized in the political life of the Lao PDR, and the government has consistently failed to take any effective measures to address and eliminate this form of discrimination. Such failure is inconsistent with the Lao PDR’s obligations under Article 7 of the CEDAW, according to which the government should ensure that women, on equal terms with men, are “eligible for election to all publicly elected bodies.”

In its 10<sup>th</sup> periodic report, the government claimed it developed policies, a national strategy, and an action plan for the promotion of gender equality, which set a target of over 30% for female membership in the National Assembly and Provincial Assemblies.<sup>1</sup>

In reality, women’s political participation is severely limited by the fact that key political processes are tightly controlled by the Lao People’s Revolutionary Party (LPRP), which has been long dominated by men. In the current LPRP’s Central Committee, women account for only 17% of the membership (12 out of 71).

The LPRP is the only political party allowed to legally exist and operate and plays a crucial role in electoral processes, as election laws prescribe that all candidates must be selected, approved, and proposed by the LPRP or a state-sponsored mass organization.

In the past five legislative elections, LPRP members won the overwhelming majority of the seats. On average, non-LPRP candidates won a meager 1.5% of the seats.

The LPRP also controls the National Election Committee (NEC), the body that oversees nearly every aspect of the election process. In 2016, all 17 NEC members were also LPRP members. Only one NEC member was a woman.

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<sup>1</sup> CEDAW, *Tenth periodic report submitted by the Lao People’s Democratic Republic under Article 18 of the Convention, due in 2022*, 17 March 2023; UN Doc. CEDAW/C/LAO/10; para. 35

In the two most recent legislative elections, held on 20 March 2016 and 21 February 2021, respectively, the percentage of female candidates for a seat in the National Assembly was below 30%. In 2016, less than 25% of the candidates (50 out of 210) were women.<sup>2</sup> That proportion went down to 22% (49 out of the 224) in the 2021 elections.<sup>3</sup>

Women currently account for 22% (36 of the 164) National Assembly members, down from 27% (41 out of 149) in the previous legislature.<sup>4</sup>

Since 1975, all seven Presidents of the Lao PDR have been men. All nine Prime Ministers have also been men. During the same period, all five LPRP's General Secretaries have been men. In the current administration, only three (13%) of the 23 cabinet members are women. The National Assembly had only one woman, Pany Yathotou, as its President, from 2010 to 2021.

#### Question for the government

- What concrete measures has the government taken to reach the target of 30% for female membership in the National Assembly and Provincial Assemblies? What is the timeframe to reach this target?
- Please explain what measures the government has taken to ensure that candidates who wish to stand for legislative elections do not require the prior approval or endorsement of the LPRP or a state-sponsored mass organization.
- Please provide statistics about the number of LPRP members nationwide, disaggregated by gender.

#### **Prosecution and arbitrary detention of women activists**

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In the Lao PDR, women activists and human rights defenders are subjected to criminal prosecution and harsh prison sentences for their peaceful dissent and the legitimate exercise of their rights to freedom of expression and freedom of peaceful assembly. This is inconsistent with the Lao PDR's obligation under Article 3 of the CEDAW, which is aimed at empowering women by undertaking measures "to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men."

On 22 March 2017, Ms. Lodkham Thammavong, a former Lao migrant worker, was found guilty and sentenced to 12 years in prison under Articles 56 ("Treason to the nation"), 65 (now Article 117 - "Propaganda against the Lao People's Democratic Republic"), and 72 ("Gatherings aimed at causing social disorder") of the Criminal Code.<sup>5</sup> Ms. Lodkham was prosecuted along with two other former Lao migrant workers Mr. Somphone Phimmason and Mr. Soukan Chaithad, who were sentenced to 20 and 26 years, respectively. The charges against them stemmed from the numerous messages the three had posted on Facebook while working in Thailand, which criticized the Lao PDR government in relation to alleged corruption, deforestation, and human rights violations, as well as their participation in a protest in front of the Lao embassy in Bangkok on 2 December 2015. Despite the opinion adopted on 25 August 2017 by the United Nations (UN) Working Group on Arbitrary Detention (WGAD) declaring their detention

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<sup>2</sup> Vientiane Times, *Election committee announces NA candidates*, 16 February 2016

<sup>3</sup> Vientiane Times, *Elections to take place on February 21*, 2 February 2021

<sup>4</sup> Vientiane Times, *Election achieves goal to strengthen legislative bodies*, 8 March 2021

<sup>5</sup> FIDH, *Three government critics jailed for up to 20 years*, 16 May 2017

“arbitrary,”<sup>6</sup> Ms. Lodkham and Mr. Somphone remain detained in Tan Piao Prison, Vientiane Province, while Mr. Soukan is incarcerated in Kaeng Khan Prison, Savannakhet Province.

On 22 November 2019, Ms. Houayheuang Xayabouly (aka “Mouay”), a social media user, was sentenced to five years in prison and a fine of 20 million kip (approximately US\$2,280) for violating Article 117 of the Criminal Code.<sup>7</sup> The charges against her stemmed from messages she posted on Facebook which were critical of the Lao PDR government’s response to floods that hit the country’s southern provinces in late August and early September 2019. Ms. Houayheuang has been detained at the Champasak provincial prison since her arrest on 12 September 2019. On 31 May 2021, the WGAD found the deprivation of liberty of Ms. Houayheuang “arbitrary” and called for her immediate release.<sup>8</sup>

#### Question for the government

- Please provide information about the steps the government has taken to ensure the protection of women for their peaceful exercise of the right to freedom of opinion and expression.
- Please explain how the use of criminal prosecutions and the arbitrary deprivation of liberty of Ms. Lodkham Thammavong and Ms. Houayheuang Xayabouly are consistent with the Lao PDR’s obligations under Article 3 of the CEDAW.

#### **Trafficking of women in the Golden Triangle Special Economic Zone**

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In recent years, frequent and consistent reports have emerged of human trafficking and other human rights violations against women committed with impunity in the Chinese-run Golden Triangle Special Economic Zone (SEZ) in Tonpheung District, Bokeo Province.

The Lao PDR’s government persistent failure to address the issue of trafficking of women is contrary to the country’s obligation under Article 6 of the CEDAW to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

In the first half of 2022, numerous cases were reported of Lao and Thai women who had been held against their will in the SEZ for being unable to pay alleged debts with their employers for food, housing, and other expenses, such as COVID-19 tests.<sup>9</sup> Women have been lured into working in the SEZ by deceptive ads that promised well-paying jobs and good working conditions.<sup>10</sup> In reality, they became victims of human traffickers and forced to work long hours as “chat girls” who use social media and messaging apps to contact potential customers to try to convince them to invest or buy shares in the infamous Kings Romans Casino.<sup>11</sup> When the women could not meet their sales quotas, they were

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<sup>6</sup> WGAD, *Opinion No. 61/2017 concerning Lodkham Thammavong, Somphone Phimmason and Soukan Chaithad (Lao People’s Democratic Republic)*, 15 September 2017; UN Doc. A/HRC/WGAD/2017/61

<sup>7</sup> FIDH, *Woman jailed for five years for criticizing the government online*, 22 November 2019

<sup>8</sup> WGAD, *Opinion No. 6/2021 concerning Houayheuang Xayabouly (Lao People’s Democratic Republic)*, 31 May 2021; UN Doc. A/HRC/WGAD/2021/6

<sup>9</sup> RFA, *Lao women held by Chinese-run casino plead for help*, 18 January 2022; RFA, *Lao authorities rescue women trapped in Chinese-run economic zone*, 8 February 2022; RFA, *Hundreds of Lao women trapped in Chinese-run SEZ, unable to pay off debt*, 8 March 2022; RFA, *Last of 15 Thais trapped in Laos’ Golden Triangle SEZ are rescued*, 15 March 2022

<sup>10</sup> RFA, *Debt-trapped Lao ‘chat girls’ forced to sell sex in China-run economic zone*, 19 December 2021

<sup>11</sup> RFA, *Debt-trapped Lao ‘chat girls’ forced to sell sex in China-run economic zone*, 19 December 2021; RFA, *Last of 15 Thais trapped in Laos’ Golden Triangle SEZ are rescued*, 15 March 2022; RFA, *Another 3 Thais rescued from Laos’ Golden Triangle*, 18 March 2022

detained against their will and, in many cases, forced into prostitution.<sup>12</sup> In numerous instances, passports and ID cards were confiscated by their employers as well.<sup>13</sup>

On 14 June 2022, local authorities said police had “rescued” 477 workers between May 2021 and May 2022, including about 200 women who were victims of human trafficking.<sup>14</sup>

The Lao authorities’ timid effort to curb such abuses have been insufficient. On 22 February 2022, new regulations came into effect that required all SEZ employers to sign labor contracts that ensured workers had a safe workplace, insurance benefits, and fair wages.<sup>15</sup> The authorities also prohibited forced labor and required regular monitoring and reporting of work and living conditions to the provincial management office.<sup>16</sup> However, labor officials and former SEZ workers said the measures may not be enough to stop labor and human rights abuses, partly because Lao authorities had little power to enforce laws, rules, and regulations in the SEZ, because access was blocked by Chinese employers.<sup>17</sup>

On 19 July 2022, local authorities called on businesses in the SEZ to suspend hiring of workers as “chat girls.”<sup>18</sup>

In August 2022, it was reported that the government’s initiative to register workers in the SEZ to protect them from human trafficking and other abuses had had limited impact, as workers were reluctant to pay the registration fees and feared that signing up will result in them being fired. Foreign workers were required to pay 150,000 kip (US\$10) to register, while Lao citizens must pay about 75,000 kip (US\$5). The workers must also cover the cost of a 250,000 kip (US\$16) annual health examination.<sup>19</sup> In November 2022, it was reported that 1,267 workers in the SEZ had registered - only a fraction of the total, although the exact number employed there is unknown, according to Lao officials.<sup>20</sup>

### Questions for the government

- Please provide information about the efforts by the Lao authorities to combat human trafficking and other human rights violations within the Golden Triangle SEZ.
- How many individuals have faced criminal charges in connection with human trafficking and other abuses within the Golden Triangle SEZ, and what punishment, if any, has been imposed on them?
- Please provide an update of the number of victims of human trafficking within the Golden Triangle SEZ that the authorities have rescued.
- Please provide information about the steps the government has taken to ensure proactive oversight and protection of victims of human trafficking and other human rights violations within the Golden Triangle SEZ.

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<sup>12</sup> RFA, *Debt-trapped Lao ‘chat girls’ forced to sell sex in China-run economic zone*, 19 December 2021; RFA, *Hundreds of Lao women trapped in Chinese-run SEZ, unable to pay off debt*, 8 March 2022; RFA, *Lao authorities rescue nearly 500 workers from Golden Triangle SEZ*, 21 June 2022

<sup>13</sup> RFA, *Lao women held by Chinese-run casino plead for help*, 18 January 2022

<sup>14</sup> RFA, *Lao authorities rescue nearly 500 workers from Golden Triangle SEZ*, 21 June 2022

<sup>15</sup> RFA, *Lao officials propose new labor contract to protect workers in Chinese-run SEZ*, 25 February 2022; RFA, *Lao authorities rescue nearly 500 workers from Golden Triangle SEZ*, 21 June 2022

<sup>16</sup> RFA, *Lao officials propose new labor contract to protect workers in Chinese-run SEZ*, 25 February 2022; RFA, *Lao authorities rescue nearly 500 workers from Golden Triangle SEZ*, 21 June 2022

<sup>17</sup> RFA, *Lao officials propose new labor contract to protect workers in Chinese-run SEZ*, 25 February 2022

<sup>18</sup> RFA, *Lao authorities order Golden Triangle SEZ to suspend hiring locals*, 28 July 2022

<sup>19</sup> RFA, *Lao initiative to register workers in Chinese-run SEZ has limited success*, 24 August 2022

<sup>20</sup> RFA, *Laos rescues 11 Indian nationals trafficked to work as phone scammers*, 3 November 2022

## **Traditional gender stereotypes and discriminatory practices**

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Women and girls, especially those living in remote and rural areas and in ethnic communities, who account for a significant share of women in the Lao PDR, continue to face persistent barriers to the full enjoyment of their human rights as a result of the deeply embedded discriminatory values and traditions.

The government's failure to address these structural, gender-based, and ethnic-based discriminatory beliefs and customs is inconsistent with Article 5(a) of the CEDAW, which requires state parties to "modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women." The government has also failed to comply with its obligations under Article 14 of the CEDAW to "take into account the particular problems faced by rural women" and "take all appropriate measures" to ensure the application of the CEDAW provisions to women in rural areas.

Gender norms and cultural practices, in particular among ethnic minority groups, have perpetuated patriarchal attitudes and negative gender stereotypes regarding the roles, responsibilities, and identities of women. These have included, for example, traditional domestic roles of women and child marriage.<sup>21</sup> Such adverse norms and cultural practices have also restricted access to educational and economic opportunities of women, further reinforcing their disadvantageous position in society as well as putting them at heightened risk of gender-based violence.

In 2021, an increase in child violence as well as child marriage among ethnic minorities was documented amid the country's worst economic crisis in the past two decades, exacerbated by the COVID-19 pandemic.<sup>22</sup> In addition, child sexual abuse and the number of reported child rape cases also increased during the pandemic.

### **Questions for the government**

- Please provide information about systematic action the government has taken to address the negative norms, practices, and traditions that reinforce patriarchal attitudes, gender stereotypes, and discrimination against women and girls, particularly those from rural areas and ethnic minority groups.
- Please indicate whether the government has adopted any policies or measures to promote access of women and girls to all levels of education, with a view to develop their capacities, enhance a positive portrayal of women, and strengthen gender equality and empowerment of women.
- Please provide information on measures in place to ensure the full implementation of the 2015 Law on Preventing and Combating Violence against Women and Children, as well as other policies to tackle the issue of violence against women and girls.

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<sup>21</sup> Save the Children, *Ending child marriage in Laos*, 24 November 2021; Southeast Asian Globe, *As Laos inches closer to economic default, underage girls face a higher risk of child marriage*, 19 October 2022

<sup>22</sup> Southeast Asian Globe, *As Laos inches closer to economic default, underage girls face a higher risk of child marriage*, 19 October 2022