

LAO PDR

POPULATION IN 2016

6.758.353

SIZE

230,800 KM²

HDI RANKING 2016

138/188

INEQUALITY ADJUSTED HUMAN
DEVELOPMENT INDEX 2016

0,427

GENDER INEQUALITY INDEX 2016

0,468

CIVIC SPACE (CIVICUS MONITOR 2017)

CLOSED

HDI - Human Development Index and its components, ranks countries by HDI value and details the values of the three HDI components: longevity, education and income.

IHDI - Inequality-adjusted Human Development Index - IHDI looks beyond the average achievements of a country in longevity, education and income to show how these achievements are distributed among its residents. An IHDI value can be interpreted as the level of human development when inequality is accounted for.

GDI - Gender Development Index, measures disparities on the HDI by gender. The table contains HDI values estimated separately for women and men; the ratio of which is the GDI value. The closer the ratio is to 1, the smaller the gap between women and men.

Civic space - The CIVICUS monitor assigns each country a rating on civic space based on constant analysis of multiple streams of data on civic space. The rating is open, narrowed, obstructed, repressed or closed. <https://monitor.civicus.org/Ratings>

Introduction

Lao People's Democratic Republic (PDR) is the smallest and the only land-locked nation in Southeast Asia. It is made up of 18 provinces that are mountainous and rich with tropical forests, and 8,651 villages.¹⁸ Lao PDR boasts great diversity with over 237 ethnic subgroups, although the government of Lao PDR officially recognises only 49.¹⁹ The majority of Lao people practice Theravada Buddhism and there is only one political party, Lao People's Revolutionary Party.

The government of Lao PDR has a complex relationship with its emerging civil society and with international development partners. Voice in Lao PDR strives to give all people being left behind the opportunity to have a say in the policies that should make this goal a reality.

To this end, Voice does not have a specific focus on geographic region, marginalised group or theme. This is because Voice recognises that, between and within the marginalised communities in Lao PDR, those facing the most severe circumstances are plagued with overlapping, multiple vulnerabilities.

State of affairs

In Lao, the majority of people live in the rural areas but urbanisation is growing rapidly and currently approximately 38.6% of the population reside in urban areas.²⁰ While non-Lao-Tai groups, or minority ethnic groups, account for one third of the population, these groups make up more than half of the poor.²¹

Media outlets are heavily controlled by the state. While access to certain Internet sites is not denied, national laws allow for monitoring of citizens' Internet use and movements²² and dissent shared on social media can lead to imprisonment. In 2016, Freedom House classified Lao PDR as 'Not Free' citing special concerns regarding restrictions on political rights (as constrained in Sudan and Saudi Arabia) and civil liberties (as limited in Russia and China).²³

National laws provide a framework for social, political and economic inclusion. These are, for the most part, well-written (with the support of donors) and compliant with Lao PDR obligations under international human rights law. However, implementation, enforcement, legal literacy, discrimination and political participation remain key challenges.

Civil society organisations or local non-profit associations (NPAs) are not independent. They are considered government development partners because they can accept foreign aid. Under Article 44 of the Constitution, CSOs are required to register with the Ministry of Home Affairs,²⁴ a process formalised by the Prime Ministerial Decree 115 in 2009. This has resulted in huge delays and, since 2014, the government has not registered any NPAs. This has led to many informal groups which affects how Voice can operate in the country.

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI)

While the Government of Lao does not recognise the term LGBTI, homosexual acts are legal and the age of consent is the same for homo and heterosexuals. There is no law against an LGBTI person joining the military and it is legal to change

one's gender status/marker without surgery. Same-sex marriage or unions are not recognised but they are also not expressly prohibited under law.

Within society however attitudes are generally negative and hostile. Blatant discrimination is accepted and, in rural Lao PDR, it is believed that if you identify as LGBTI, it is a punishment for transgressions in a previous life. Openly gay people have to contend with daily verbal abuse because they are seen as 'promiscuous and bad'. Society even believes that all transgender women are sex workers and aggressive deviants (e.g. rapists). The LGBTI community has been deemed 'invisible'²⁵ in part because there are no specific anti-discrimination protections under domestic law with respect to employment, education and housing.

There are no openly gay representatives within government and there is no pathway for advocates to run or be elected to office. The blanket denial of the gay community in Lao PDR gives no opportunity for representation in the state-run media outlets. Trans men and women face discrimination in various spaces in Lao PDR to an extent that many flee to Thailand for economic reasons and also to avoid harassment and arrest by the police.

There is a pervasive stereotype that transgender or openly gay persons are sex workers however many work in legitimate jobs. Often, they seek employment in foreign-run private companies or international NGOs with foreigners managing the hiring process. The lack of acceptance and forced conformity in academic institutions often leads to a lack of education, no training and young LGBTI individuals are often propelled into exploitative work.

The police freely exploit and harass transgender women, with respondents stating that the police abuse them and they are forced to pay bribes based solely on their gender identity, while heterosexual females in their presence are not. The police assume that all transgender people are prostitutes and that transgender women can be arrested if they try to stay in a hotel with their boyfriends. This institutionalised abuse, which takes place in both rural and urban communities, increases their vulnerabilities and pushes trans people into engaging in risky livelihoods with no protection. LGBTI people reported that the greatest barrier to accessing education for them is forced conformity. Likewise, members of the LGBTI community do not feel safe seeking care. There is an overriding misconception in Lao PDR that all HIV positive persons will die and if a trans woman becomes ill, people assume she has HIV.

Women facing exploitation, abuse and/or violence

Women in Lao PDR experience being silenced in every aspect of their lives. The OECD's Social Institutions & Gender Index scored Lao PDR 'medium' in 2014 signifying 'moves toward gender equality are slow or patchy, particularly regarding civil liberties, secure access to land, violence against women and political voice.'²⁶ Likewise, CEDAW specifically called on the government to enact special measures to ensure 'women's full and equal participation in public and political life, in particular at high levels of decision-making.'²⁷

Women and girls suffer from a legal framework that provides no real safeguards and the gap between policy, practice and participation deepens their struggles. The denial of freedom of expression and the right to opinion further isolates women in all aspects of their lives and makes change dependent on men. Respondents explained that they are not equal to men. They discussed at length that there is a son bias, especially when it comes to freedoms, assets, land, education and love felt by their families. The notion of women being less than men is deeply imprinted upon women. Low confidence and discomfort discussing any issues of inequality, including gender-based violence, seems to lead to unhealthy behaviours and attitudes, such as women rationalising being physically and sexually abused.

18 ADWLE, 2016.

19 Minority Rights Group International, 2016.

20 CIA, 2015.

21 ASB / NSC, 2006.

22 United States Department of State, 2015.

23 Freedom House, 2016.

24 INGO Network, 2016.

25 Mosbergen, D., 2015.

26 OECD, 2014.

27 Ibid., para. 32

Women face numerous impediments to studying and furthering their career paths due to other obligations such as:

- Homecare – husband, children, family business and housework;
- Insufficient language skills – classrooms require Lao language;
- Inability to pay fees – preference is given to sons;
- Physically unable to access schools – remoteness of their village; and
- Discriminations – isolation by peers, teachers and the administration.

Women in remote rural areas suffer more than those in urban areas. While urban women may appear to have more freedoms within their family and communities, they tend to be more prone to sexual exploitation and other abuses in the workplace. Neither the urban nor the rural environment seems to provide security or a means to escape poverty or social norms.

Politically, it is unknown if the small numbers of high-ranking female voices are being ignored or if attitudes prevent female officials from addressing certain issues.

People living with disabilities

With the exception of people disabled as a result of unexploded ordnance explosions, there is no reliable information on the number of people with disabilities in Laos. Estimates by the UN Economic and Social Commission for Asia and the Pacific suggest that 8% of the national population is likely to be disabled. Applying this estimate to the 2005 population census for Laos (approximately 5 million) would indicate that there may be some 400,000 disabled people in the country. Many disabled people in Laos, as in most developing countries in the world, live in poverty, have limited opportunities for accessing education, health, suitable housing and employment opportunities. Information and educational materials are not readily available in formats such as braille, simple pictures and sign language in Lao language, and is completely unavailable in non-Lao languages.

In employment, discrimination towards people living with disabilities often begins with the initial job posting with non-essential requirements that read ‘being of whole body, good vision, a minimum height, blood test, and police record’. Employers do not provide accommodation or adequate equipment to accommodate people living with disabilities. Respondents often experience verbal harassment and are replaced by able-bodied people, even when they are fully capable of doing the work.

Physical barriers are obstacles of daily life. People living with disabilities often struggle to get from one place to another. This is compounded in rural settings where the roads and other infrastructure are basic. Additionally, buildings are often not accessible with narrow passageways and no ramps.

Age-discriminated vulnerable groups

Youth

Over 60% of the country’s population is under 25 years old. Lao PDR ranks 132nd in the Youth Development Index.²⁸ Despite this number, there is no national youth policy and a national situational analysis was published by UNFPA only in 2015.²⁹

The analysis showed that Lao PDR has one of the highest adolescent pregnancy rates among the countries in the region with 94 in 1000 adolescents girls aged 15 to 19 getting pregnant. Even though many young people have knowledge about modern contraceptive methods, the percentage of adolescent usage of any of these methods remains low. For many reasons, including limited access to adolescent and youth-friendly sexual and reproductive health information and services, young people do not adopt safe sexual behaviour which often results in unwanted pregnancies and unsafe abortions, as well as a high prevalence of sexually transmitted infections which increases the risk of HIV infection.

Early marriage and early child bearing severely affects the lives and future of adolescents, especially of young girls, as it hampers their education, employment opportunities and participation in the community. It is crucial to ensure that young people, particularly young girls from rural settings, stay in school and have access to sexual and reproductive health information and services, including comprehensive sexuality education and family planning.

Traditional customs and poverty seem to curb laws protecting the youth from early marriage, physical harm (including trafficking), accessing resources and public spaces, and fair-pay work.

Politically, the Laos People’s Revolutionary Youth Union³⁰ is dedicated to youth issues with military service being compulsory at 18 years for an 18-month period.³¹ The legal age of consent is 15 years and the voting and age of marriage is 18 years. The age of entering formal employment is also 18 years with youth (15-18 years) permitted to work a maximum of 6 hours a day or 36 hours a week. These young workers are not allowed to work in areas that include arduous physical labour or dangerous chemicals.

While youth do have representation, it is not inclusive or pluralistic regarding the issues facing Lao youth, especially the youth that are members of other marginalised groups explored in this paper.

Indigenous groups and ethnic minorities

The government of Lao recognises 49 ethnic groups and four ethno-linguistic families, namely, Lao-Tai, Mon-Khmer, Chinese-Tibetan and Hmong-Mien.

Within these groups, various tribes are identified by their traditional dress, colours or stripes. Khmu is the largest tribe in the Mon-Khmer ethnic group and resides mainly in the Bolaven plateau, near the Chinese and Vietnamese borders. The Hmong communities can be found in Vientiane province, Luang Namtha, Luang Prabang and Bokeo. The Lao-Tai also inhabit northern Lao PDR and are the dominant ethnic group making up over 66.7% with Mon-Khmer (20.6%) and Hmong-Mien (8.4%) as the larger minority groups.³²

28 <http://youthdevelopmentindex.org/>

29 <http://www.youthpolicy.org/factsheets/country/laos/>

30 Thammavong, S., 2013.

31 CIA, 2015. (references 2012 data).

32 CEDAW/C/Lao/7

The majority of the respondents for the context analysis are Hmong.

Based on historical relations, the Hmong are still ostracised for their part in assisting the Americans during the Secret War over 40 years ago. The 2016 Peoples under Threat index ranks Lao PDR 56th and lists the Hmong and other highland peoples to be at risk.³³

Between and within the ethnic groups there are class hierarchies. The tribes from the Mon-Khmer group are often referred to as 'Kha' or slaves because of their dark skin. There is a widespread sentiment that the Hmong cannot be trusted due to past political relations and this impacts their access to education and employment. Many of the respondents expressed being 'looked down on' by Lao Loum, the lowland dominant members of society. This discrimination has shattered their confidence professionally and academically. However, it is the cultural attitudes and traditional practices within their communities that impact the respondents' lives the most. Burdened with all of the housework, non-wage paying labour, acute isolation and no exit, it appears that an epidemic of young Hmong girls taking their own lives is emerging.

Minority groups experience lack of representation and understanding within academic institutions which forces them to drop out of school early with no prospects to enter university.

Poverty and low education/training, coupled with language barriers, prevent ethnic minorities from attaining gainful employment. They are disproportionately at risk of being trafficked and forced to accept unsafe working conditions such as exposure to harmful, even lethal, chemicals. Most are forced to accept the work because they need money. Khmu women aged 15 to 20 fill many of the garment factories in Vientiane. They do not understand their rights, how their salaries are calculated (per piece) and have no knowledge of any support resources such as trade unions. Workplace inequalities prevail despite anti-discrimination laws and labour laws.

Land rights are the most tenuous issue between civil society, rights defenders and the government of Lao. Ethnic communities do not share in the profits of the investments that are displacing them. Instead, they are forced to assimilate at the expense of their culture, language and livelihoods without any participation or consultation in the process. Foreign direct investment projects that exploit natural resources and land disproportionately impact ethnic minority groups without safeguards in place to provide resettlement and compensations per Committee on Economic, Social and Cultural Rights.

People living with disabilities from minority ethnic groups residing in remote rural Lao PDR suffer from traditional attitudes which are exacerbated by their remoteness. Without access to information in their mother tongue, health facilities and education remain out of reach.

Based on the research reviewed, the context analysis, stakeholders' inputs and Lao PDR's ranking across a number of indices, it is obvious that the country is in need of a robust civil society to ensure their International Human Rights Law (IHRL) commitments are upheld. Beyond the letter of the law, the people need to know their rights, understand when they are being violated and have access to justice. Society has to accept those hidden in the margins and political will has to continue through implementation and enforcement.

33 Minority Rights Group International, 2016b.

