

19 November 2021

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Department of Foreign Affairs and Trade
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ACHRE SUBMISSION

Re: The Department of Foreign Affairs and Trade's 7th Australia-Lao PDR Human Rights Dialogue

I respectfully make a submission on behalf of the Australian Council for Human Rights Education as its contribution to the 7th Australia-Lao PDR Human Rights Dialogue held on 17 November 2021 via Webex.

We bring your attention to the following human rights issues which are of particular concern:

1. Rights of women and girls:

- a. Approximately one in seven women experience domestic violence but most do not report it for fear of reprisals and further violence. The family is patriarchal and it is the expectation in Laotian society that women are expected to be subservient to their husbands and the older members of her extended family.

Recommendation:

- Laotian women should be given equal rights in the family. The family is the natural and fundamental group unit of society and should be given protection by society and the government.
- b. Laos serves as a transit route of sex workers from Vietnam and China, which may lead to the exploitation of Laotian women into prostitution by Chinese recruiters.
- c. **Recommendation:**
 - Government needs tighter controls over sex tourism and the exploitation of women. This is a form of modern slavery and should be prohibited in all its forms.
- d. The rights of children:
 - An estimated 10% of children in Laos work, as permitted by Law, for as young as twelve-year-olds to be legally employed. Children, instead of attending school, are required to work to help feed their families. They mainly work in agriculture, fishing or manufacturing and are subjected to atrocious working conditions and become susceptible to disease and illnesses.

- In Laos, 20% of children are not given the opportunity to have a proper education because of poverty (unaffordable school fees) and discrimination (ethnic minorities are not taught in their language).
- Many children in Laos are victims of physical and sexual abuse within the family circle. Children run away from home because they are subjected to domestic violence.
- Many children have also been recruited by paedophiles and sex recruiters for pornographic purposes.

Recommendation:

The Laotian laws regarding child employment should be repealed and the Convention of the Rights of the Child should be upheld.

<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

2. The Right to education and freedom of education

- a. The tight and restrictive measures on education by The Ministry for Education dictate what is to be taught in schools. They violate Article 26 of the Universal Declaration of Human Rights which states: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- b. Students are not allowed to demonstrate and be critical of government. According to an article by the Observatory for the Protection of Human Rights Defenders (a joint FIDH and OMCT partnership) and the Lao Movement for Human Rights (LMHR) regarding the detention of former student leaders: "Mr. Thongpaseuth Keuakoun and Mr. Sengaloun Phengphanh, two former student leaders with the Lao Students Movement for Democracy (LSMD), are believed to be detained in Samkhe prison, located on the eastern outskirts of Vientiane. Messrs. Thongpaseuth and Sengaloun were arrested in Vientiane on October 26, 1999, along with fellow LSMD members Mr. Bouavanh Chanhmanivong, Mr. Khamphouvieng Sisa-at, and Mr. Keochay, for planning peaceful demonstrations that called for democracy, social justice, and respect for human rights. All five were subsequently sentenced to 20 years in prison for "generating social turmoil and endangering national security." ... "Mr. Khamphouvieng Sisa-at died in Samkhe prison in September 2001 as a result of serious food deprivation, prolonged heat exposure, and lack of adequate medical care. In 2006, the government stated that Mr. Keochay had been released in 2002 upon completion of his prison term and "transferred to guardians to further educate him to become a good citizen". However, Keochay's family was never informed of his alleged release, and his fate or whereabouts remain unknown. The government's claim about Mr. Keochay's release as well as Mr. Khamphouvieng's death in custody contradict Vientiane's earlier statement that only two LSMD members – Messrs. Thongpaseuth and Sengaloun - had been arrested on October 26, 1999. The Lao government had initially refused to acknowledge even the detention of Messrs.

Thongpaseuth and Sengaloun. To this day, the fate and whereabouts of the fifth former student leader, Mr. Bouavanh, also remain unknown.”

Read the full article: <https://freedomhouse.org/country/laos/freedom-world/2021>

3. Human rights and prodemocracy activists are at risk of unexplained disappearances: According to the NGO Washington-based Freedom House, “Laos is a one-party state in which the ruling Lao People’s Revolutionary Party (LPRP) dominates all aspects of politics and harshly restricts civil liberties. There is no organized opposition and no truly independent civil society.”

Laos signed the International Convention for the Protection of All Persons from Enforced Disappearances but has yet to ratify it.

Source: <https://www.rfa.org/english/news/laos/dissappeared-08282020173331.html>

- a. An award-winning Human Rights activist, Sombath Somphone, was abducted in Vientiane on the evening of 15 December 2012 recorded on CCTV although the Lao Government immediately denied responsibility for his disappearance. Urgent calls from governments around the world and human rights organisations went unanswered. Senator John Kerry, as Secretary of State, said: “Regrettably, the continuing, unexplained disappearance of Mr. Sombath, a widely respected and inspiring Lao citizen who has worked for the greater benefit of all of his countrymen, raises questions about the Lao government’s commitment to the rule of law and to engage responsibly with the world.”

- b. Other missing rights activists are: Od Sayavong, in exile in Thailand, held anti-corruption protests outside the Lao Embassy and UN offices in Bangkok. He applied for political asylum and was recognised as a refugee. He was last seen on August 26, 2019.

Sompawn Khantisouk, mobilised local villagers to speak out against land seizures. He went missing after reporting to a police station in January 2007.

Kha Yang, is an ethnic Hmong refugee detained in Thailand and sent back to Laos. In December 2011. His whereabouts are unknown.

In 1993, Vue Mai, a former Hmong soldier who had been recruited by the U.S.

Embassy in Bangkok to return to Laos as proof of the repatriation program's success, disappeared in Vientiane. According to the U.S. Committee for Refugees, he was arrested by Lao security forces and was never seen again.

Sources: US State Department, Amnesty International, Human Rights Watch, PBS.

Recommendation:

- Implement an international, thorough and impartial investigation into enforced disappearances and ensure that all guilty parties are held into account
- Increase lobbying and strengthen advocacy by western countries, UNHCR and NGOs worldwide for the Lao government to obey the Human Rights law.

4. Freedom of religion and race. According to Human Rights Watch, the government discriminates against religious minorities, particularly non-Buddhist religious groups and including Christians because of their perceived alliance with the western nations. Religious freedom, although guaranteed in the constitution, is followed in name only and remains restrictive, giving the power to the LPRP to control clergy training and supervision of Buddhist temples. In October 2020, reports revealed that four Lao Christians were imprisoned for several months for planning Christian funeral rites. That same month, a group of Lao Christians were evicted from their homes and moved into a forest because they would not renounce Christianity.

SUMMARY OF RECOMMENDATIONS INCLUDING THE ABOVE RECOMMENDATIONS:

1. The Lao Government should be made obligated to observe the Universal Declaration of Human Rights by the United Nations.
2. Ensure that equal rights which the Lao Government guaranteed constitutionally are put into practice
3. Ensure that all laws and ordinances promoting human rights be observed and implemented fairly and equitably
4. Laotian women should be given equal rights in the family. The family is the natural and fundamental group unit of society and is entitled to protection by society and the government.
5. Government needs tighter controls over sex tourism and the exploitation of women. Sex tourism is a conduit for modern slavery and should be prohibited in all its forms.
6. The Laotian laws regarding the rights of children and child employment should be repealed and the Convention of the Rights of the Child should be upheld.
<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
7. Implement an international, thorough and impartial investigation into enforced disappearances and ensure that all guilty parties are held into account
8. Global advocacy for human rights should be strengthened by the United Nations, Lao's Asian neighbours, western countries and NGOs for the Lao government to be held accountable for its human rights violations and develop measures to improve its human rights status.

I am grateful to DFAT for allowing the Australian Council for Human Rights Education to participate in the dialogue and to make this submission. We look forward to further engagement with DFAT and the Australian Human Rights Commission on all issues concerning human rights and human rights education.

Kind Regards,



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References:

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