

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 44TH SESSION LAO PEOPLE'S DEMOCRATIC REPUBLIC 6-7TH REPORT 24 JULY 2009

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Key facts¹

Ratification	Reservations	Party to Optional Protocol?	Submission of State party report	Other core treaties ratified
1981	None	No	Due: 13 September 2002 Submitted: 25 May 2008	ICERD, ICESCR, CRC

Opening remarks by the delegation

The delegation of the Lao People's Democratic Republic was led by Mr. Lengsavat, Standing Deputy-Prime Minister and President of the National Commission for the Advancement of Women (NCAW). He was supported by a large delegation consisting of 12 representatives of the Lao Women's Union; NCAW; Ministries of Education, Justice, Foreign Affairs, Labour and Social Welfare, Health; Office of the Prime Minister; and the Permanent Mission of the Lao People's Democratic Republic to the United Nations.²

To introduce the State party report, Mr. Lengsavat outlined the government's key achievements between 2006 and 2009, which provided a general summary of the written report.³ He focused on the work of the NCAW and the Lao Women's Union, as well as the impact of the National Policy for the Advancement of Women

¹ The information in this table is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx.

² The list of members the Lao People's Democratic Republic delegation is available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>

³ The opening statement is available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>

2006-2010, referring to specific examples of progress, such as the criminalisation of discrimination against women, increased participation of women in senior political decision-making positions (from a low base), and reform of labour laws to promote gender equality in the workplace. However, his remarks avoided references to where implementation of the Convention was lacking or ongoing challenges that the government needed to address.

Overview of key issues

The delegation did its best to answer the Committee's questions, but was repeatedly asked follow-up questions on the definition of rape, marital rape and the status of the Convention in domestic law. The delegation's responses to questions about maternal health care and HIV/AIDS prevention campaigns were especially detailed and useful.

Legislative framework and incorporation of the Convention into domestic law

Concluding observations

10. The Committee calls on the State party to consider including a definition of discrimination in its Constitution or other appropriate legislation that encompasses both direct and indirect discrimination and discrimination in the public and private spheres, in accordance with article 1 of the Convention. The Committee further calls on the State party to explicitly provide in its Constitution or other appropriate legislation that the provisions of international human rights agreements, in particular the Convention, are directly applicable and prevail over conflicting legislation.

** See also concluding observation No.8 (affirms the Convention is binding on all branches of government).*

Lead by Mr. Flinterman (Netherlands), the Committee sought specific information about how the Convention was implemented at the domestic level. He asked if the Convention could be invoked in domestic courts, and, if so, whether any court decisions specifically referred to the provisions of the Convention. In relation to the Law on the Development and Protection of Women, he was interested to know why it did not incorporate the definition of discrimination from the Convention, whether its scope extended to the private sector, and whether it provided for temporary special measures.

The delegation explained that three pieces of domestic legislation gave effect to the Convention;⁴ the National Assembly was responsible for monitoring their implementation; and the Law on Development applied to the private sector. Further, the Ministry of Foreign Affairs was considering the option of ratifying the Optional Protocol. Unsatisfied with these answers, Mr. Flinterman sought clarification on the status of the Convention and again emphasised his view that the general prohibition of discrimination against women was insufficient. He urged the government to enact laws that specified the various forms of discrimination against women and criminalised each of them.

Violence against women and trafficking

Concluding observations

24. The Committee urges the State party to give priority attention to combating violence against women and girls and to adopting comprehensive measures to address all forms of violence against women and girls, in accordance with its general recommendation 19. It calls upon the State party to adopt a specific law on domestic violence and gender-based violence against women and to develop and implement a coherent and multi-sectoral national action plan to prevent violence against women, including through legal remedies, effective protection measures and systematic data collection, in a participatory process between the Government and non-governmental sectors. It also requests the State party to raise public awareness,

⁴ Law on Development and Protection of Women, Family Law and Heritage Law.

through the media and education programmes, of the fact that all forms of violence against women are a form of discrimination under the Convention and, therefore, are in violation of women's human rights. The Committee requests the State party to remove any impediments faced by women victims in gaining access to justice and to immediate means of redress and protection and recommends the implementation of training for the judiciary and public officials, in particular law enforcement personnel, health-service providers and the Village Mediation Units in order to ensure that they are sensitized to all forms of violence against women and can provide adequate gender-sensitive support to victims. It also recommends the establishment of quality counselling services and additional shelters for victims of violence. The Committee requests the State party to provide information on the laws and policies in place to deal with violence against women and girls and on the impact of such measures, as well as data and trends on the prevalence of various forms of such violence, disaggregated by age and ethnic group. The Committee also recommends that the State party undertake studies and/or surveys on the extent of such violence and its root causes.

28. The Committee urges the State party to adopt and effectively implement a comprehensive national action plan for combating trafficking, including the prevention of trafficking, timely prosecution and punishment of traffickers, both those who are directly or indirectly involved in trafficking and those who are negligent in dealing with or preventing trafficking cases, as well as the provision of protection from traffickers/agents and support to victims. The Committee calls upon the State party to improve the implementation of the 2005 Memorandum of Understanding with Thailand on trafficking, especially along the border areas. The Committee also recommends that information and training on the anti-trafficking legislation be provided to the judiciary, law enforcement officials, including border police, public officials and social workers in all parts of the country. In addition, the Committee recommends that the State party conduct comparative studies on trafficking, covering both cross-border and rural to urban trafficking, and address the root causes of trafficking in order to eliminate the vulnerability of girls and women to sexual exploitation and traffickers and to undertake efforts for the recovery and social integration of the victims. In this respect, the State party should take the necessary steps to ensure that trafficked women and girls have access to quality medical care, counselling, financial support, adequate housing and opportunities for further training, as well as access to free legal services. The Committee calls upon the State party to ensure systematic monitoring and periodic evaluation in this respect, including the collection and analysis of data.

The Committee was very concerned about the conflicting and inadequate statistics regarding violence against women that were provided in both the country report and during the interactive dialogue. For example, Ms. Kaddari (Israel) sought more concrete data on the specific trials and prosecution of perpetrators of gender-based violence, a concern echoed by Ms. Begum (Bangladesh), who also wanted more information about legislative provisions to ensure victims received health, education, legal and other services, especially if they lived in rural or remote areas. Ms. Chutikul (Thailand) asked whether the Lao and Thai Governments were collaborating to prevent and combat trafficking of women and girls, and whether similar cooperation was underway with China and other countries in the region.

Several members of the Committee held grave concerns about key definitional matters under Lao law regarding violence against women. For example, Ms Popescu (Romania) felt the definition of domestic violence implied that certain types of violence were condoned by the State, and she reminded the delegation that the Committee believed all forms of domestic violence were harmful and should be criminalised. Other Committee members spent considerable time trying to clarify the law on rape, and marital rape in particular. Ms Kaddari was of the view that the definition of rape was too narrow and should be amended to include all cases in which women were forced to have sex against their will, including marital rape. Ms Pimentel was concerned by allegations that certain ethnic groups condoned the rape of girls before puberty and added that marital rape should be criminalised because women were not the property of their husbands.

The delegation acknowledged the problem of domestic violence and sought to reassure the Committee that the government had the matter in hand. It explained that many victims returned to live with their abusers out of economic necessity, but the government was providing legal and counselling services to assist victims to take legal action. However, the delegation's explanation that legislation classified violence against women as either "harmful" or "less harmful", only served to heighten concern among Committee members.⁵ Rather than all domestic violence cases being handled by the courts, the delegation advised that "less harmful" cases (i.e. those not endangering the victim's life) were able to be resolved by relatives of the victim and the aggressor, or the senior elders of the village in which they lived, or government mediation units in rural areas. Committee members were sceptical about the delegation's response that only 400 cases of "less harmful" domestic violence (mostly yelling and scolding) were reported between 2006 and 2009. Ms. Pimentel also questioned the veracity of the delegation's assurances that there had only been three cases of "harmful" domestic violence, all of which were cases of fathers raping their daughters, given this was a worldwide phenomenon.

As for the definition of rape, the delegation explained that it included any person using force or other means to put a woman in a state of unconsciousness, and thus in a state against her will, and then having sexual intercourse with her. The delegation did not regard this as a narrow definition, but remained equivocal as to whether it would cover marital rape. A member of the delegation admitted that the rape of ethnic women prior to reaching puberty had been a problem in the past. However, no cases had been reported in recent years and the Lao Women's Union had conducted grassroots surveys that confirmed this to be the case.

In response to trafficking, the delegation explained that a cross-government committee had been established with the mandate to end trafficking in women. The Lao and Thai Governments had concluded a memorandum of understanding on trafficking. The government was only able to provide limited financial assistance to female and male victims of trafficking for commercial and sexual exploitation, which meant that victims often had to turn to their families for support and rehabilitation. Hence the government looked to the Lao Women's Union to play a critical role in this respect.

Participation in political and public life

Concluding observations

32. The Committee recommends that the State party pursue sustained policies aimed at the promotion of women's full and equal participation in decision-making in all areas of public, political and professional life. It recommends that the State party fully utilize general recommendation 23, concerning women in public life, and calls upon the State party to adopt, wherever necessary, temporary special measures, as referred to in paragraph 16 above, in order to accelerate women's full and equal participation in public and political life, in particular at high levels of decision-making. It recommends the implementation of awareness-raising activities about the importance of women's participation in decision-making for society as a whole and the development of targeted training and mentoring programmes for women candidates and women elected to public office. It further recommends that the State party offer training programmes on leadership and negotiation skills for current and future women leaders. The Committee also urges the State party to take measures to empower village women so that they can participate equally in village matters and serve as village chiefs. The Committee recommends that the State party carefully monitor the effectiveness of measures taken and results achieved and to inform the Committee thereof in its next report. The State party is also called upon to provide statistical data on the representation of women in all areas of political and public life, including in the judiciary, police and military areas.

The Committee asked for details and statistics concerning women's participation in the political and public spheres. Ms. Hayashi (Japan) inquired whether the government had asked political parties to increase the

⁵ Ms Popescu advised that the Committee considered all forms of domestic violence to be harmful.

number of female candidates and what other capacity-building measures had been taken. Ms. Gabr (Egypt) noted that clear figures on the numbers of women in foreign affairs were lacking and asked for clarification about status of the positions women held within the diplomatic corps. Ms. Popescu was interested in specific statistics on the number of female lawyers, magistrates and armed forces personnel. She expressed dismay at the low number of women Ministers and the female village chiefs, adding that the representation of women in local posts was very important, given that 80 percent of the population lived in rural areas. Finally, Ms. Popescu asked whether there would be temporary special measures enacted to reach the goals intended to increase the percentage of women in political office.

The delegation assured the Committee that statistics would be included in the next periodic report and provided details on the numbers of women in various fields. It reported that the government had developed a training programme for women interested in entering politics and this had helped to boost women's representation. Further, the government was committed to achieving its target for increasing the percentage of women in government by 2010. In relation to women's participation in other decision-making positions, the delegation advised that the government had established the Lao Businesswomen's Group and was working with the Lao Women's Union to implement programmes to boost women's employment and tackle gender stereotypes in the workplace.

Health and HIV/AIDS

Concluding observations

38. *The Committee urges the State party to pay increased attention to female health throughout the life cycle, including by allocating the necessary resources for the implementation of various projects and programmes. The Committee also urges the State party to prioritize reducing maternal and infant mortality rates by developing the midwifery workforce and making the services of skilled birth attendants available and accessible, including emergency obstetric delivery services, and by granting free services where necessary. It calls upon the State party to strengthen food security, primary health care and adequate sanitation, especially in rural areas, and to establish mechanisms to monitor women's access to health care and health delivery systems. It also recommends the strengthening and expansion of efforts to increase knowledge of and access to affordable contraceptive methods throughout the country so that women and men can make informed choices about the number and spacing of children. It further recommends that sex education be widely promoted and targeted at adolescent girls and boys, with special attention to the prevention of early pregnancy and the control of sexually transmitted infections, and that family planning education programmes take due account of traditions and physical barriers of women in rural areas.*

41. *The Committee recommends continued and sustained efforts to address the impact of HIV/AIDS on women and girls, as well as its consequences for society and the family. It urges the State party to enhance its focus on women's empowerment and to include a clear and visible gender perspective in its policies and programmes on HIV/AIDS and increase the role of men in all relevant measures. The State party is encouraged to undertake awareness-raising campaigns among Government personnel in the prevention of and protection against and maintenance of confidentiality in order to systemize and integrate approaches for multiple government sectors. The Committee recommends that the State party include information on measures taken in this respect, obstacles encountered and results achieved in its next report.*

** See also concluding observation No.39 (financial and technical support from the international community and civil society to improve women's health and address maternal and infant mortality).*

The Committee focused on health services available to migrant and rural women and on the access to health care and antiretroviral (ARV) therapies for those with HIV/AIDS. Ms. Appiah (Ghana) asked specifically about the measures taken to provide health care and ARVs to migrant workers who tested positive for HIV. In light of Lao's status as a developing country with scarce resources, Ms. Arocha (Cuba) asked how the government planned to make health services more accessible and affordable to women. Identifying traditional practices of ethnic groups and minorities as obstacles to proper access to healthcare, she also expressed

concern about the growing infection rate of HIV and its potential effect on the population under 25 years of age. Ms. Arocha questioned whether seasonal migrant workers were a source for the spread of HIV.

Maternal health was another issue addressed in this discussion. Ms. Arocha and Ms. Hayashi both recognised that although the rates of both maternal and infant mortality had decreased, they remained high. They suggested that family planning education for men and women was needed to alert them to the risks associated with early pregnancy and too little time between pregnancies. They also asked about the fundamental causes of female death in Laos, whether women were aware of the methods to prevent various cancers, and to what extent clandestine abortions were practiced. In terms of the health care budget, Ms. Hayashi sought information about the percentage of the health care budget to the GDP, and noted that only 0.079 percent was allocated for mother and infant health care.

The delegation endeavoured to answer all of the Committee's questions, and at times acknowledged where the government was challenged by the scale of the problems that confronted it. For example, the delegation agreed that ensuring access to health services in rural areas was a "daunting challenge" due to the country's vast remote areas and poor infrastructure network. However it went on to add that a bill currently before the National Assembly was designed to improve access to healthcare facilities for people in rural areas, and the government had distributed 5000 medical kits to all villages, targeting those in rural and remote areas.

The delegation emphasised the government's determination to reduce the maternal mortality rate. It outlined a series of programs that would be extended to rural areas in attempt to help all women become directly involved in improving their own health, and explained that women in rural areas were already benefitting from outreach campaigns on breastfeeding, nutrition, maternal health and the prevention of sexually transmitted diseases. At the national level, it had finalised a nutrition policy at the end of 2008, a nutrition action plan was being drafted, and four bills on healthcare were before the National Assembly. In relation to improving infant mortality rates, a child survival campaign was being implemented to encourage mothers to breastfeed and immunise their babies.

Addressing questions about HIV/AIDS, the delegation explained that the first case was discovered in Laos in 1991 and that since then, 925 people had died from the effects of HIV/AIDS. A national steering committee to fight HIV/AIDS had been established in cooperation with the United Nations Population Fund (UNFPA), and it undertook annual national evaluations. The government encouraged prostitutes to use condoms and had distributed condoms nationwide. Further, medical treatment centres had been set up to serve HIV carriers, and a national network was responsible for disseminating information on HIV prevention. According to government figures, 60 percent of HIV-infected people nationwide had received appropriate medical treatment. In response to the questions about discrimination against HIV-infected migrant workers upon their return home, the delegation said there was none and that if women were denied healthcare services, they had the right to lodge a complaint.

Conclusions and next steps

The delegation ran out of time and was unable to make substantial final remarks. The Committee Chair concluded by thanking the State party for its combined report, oral presentation and written replies to the list of issues. However, she noted that while it followed the established guidelines for the preparation of reports, Laos had not addressed the Committee's concluding observations from the last report. She also conveyed the Committee's disappointment at the generality of the information in the State report, and encouraged Laos to provide disaggregated data, particularly in relation to ethnic groups, in its next report. While the Chair expressed concern that not all of the oral questions were answered by the delegation, she commended the State party for its high-level delegation and its willingness to carry on a constructive dialogue. She hoped that a good number of NGOs from the Lao People's Democratic Republic would attend the next review, and that executive and government agencies would work with them to promote the rights of rural women.

The Committee invited the State party to submit its eighth periodic report, which is due in September 2010, and its ninth periodic report, which is due in September 2014, in a combined report in 2014.

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