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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on extreme poverty and human rights on his visit to Lao People's Democratic Republic**

**Comments by the State\***

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\* The present document is being issued without formal editing.

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## **Comments on the UN Special Rapporteur's Statement and Final Report**

The Lao PDR received a visit from the United Nations Special Rapporteur on extreme poverty and human rights, Prof. Philip Alston, from 17 to 28 of March 2019. The Government of the Lao PDR would like to thank the Special Rapporteur for the opportunity to provide comments with a view to ensuring accuracy through highlighting errors of fact and law, within the report. The Government of the Lao PDR refers to the advanced, unedited version of the report of the Special Rapporteur, which was addressed to the Government of the Lao PDR on 25 April 2019. As it is suggested in the draft report that it is to be read in conjunction with "End of Mission" statement, thus, the following comments shall first reflect the Government's observations towards the Special Rapporteur's "End of Mission" statement which was released on 28 March 2019, before addressing the draft Final Report. The Government of the Lao PDR thus offers comments, clarifications, corrections and changes as follows:

### **I. Comments on the End of Mission Statement**

#### **1. In general**

The Statement should have taken more into account on the achievements made by the Lao PDR over the past 40 years, bearing in mind the very low baseline and the reasons for that baseline. While understanding the limitations of a 10 day mission, the Lao PDR is dishearten that the Special Rapporteur, while on his "fact finding mission" has rather taken it as a fault finding mission, by actively avoiding visits to areas where the State has done well in terms of Poverty Reduction.

The language used in the End of Mission Statement can be observed as prejudice, unconstructive, counterproductive and even demeaning and disrespectful at times. The Lao Government believes that this type of language is both unwelcomed and unnecessary to all.

While there are some facts stemming from this mission, they can be undermined by blatant false accusations supplied by overseas groups with counter-interest to the Lao PDR. Such accusation is categorically unacceptable. The Lao PDR does not recall any part of the UN Manual of Operations of the Special Procedures of the Human Rights Council or the Code of Conduct for Special Procedures Mandate-holders of the HRC that called for judicial characteristics, unfounded and politically motivated accusations.

#### **2. In the End of Mission Statement, under the heading "1. Introduction" para 3**

The Special Rapporteur quoted a personal view of an expert from the Centre for Development and Environment, University of Bern, Switzerland; this personal view is without reference and contradicting to the survey findings and indicators.

#### **3. Under the heading "1. Introduction" para 7 and 8**

Sanamxay was a natural disaster magnified by the unfortunate incident of the saddle dam's collapse, for which the Government has established a special committee to oversee and coordinate between local authorities and others, regarding all matters surrounding the incident.

#### **4. Under the heading "1. Introduction" para 11**

UN in Lao PDR has provided many supports in poverty reduction and promotion and protection of human rights in Lao PDR.

**5. Under the heading “2. The Extent of Poverty in Lao PDR” para 3**

The local districts have used their capacities to seek for international assistance in poverty reduction projects such as: PRF, AFN and other INGO projects.

The Poverty Reduction Fund has produced assessment tools for all projects to use for evaluating and monitoring progress in poverty reduction in the project areas.

Due to the fact that in recent years the country has been hit by natural disasters, poverty has always been an important agenda for the government to attest in connection with natural disaster.

**6. Under the heading “2. The Extent of Poverty in Lao PDR” para 4**

Upon checking with the district authorities, with whom Special Rapporteur has met, they said that at the meeting the district authority reported 84.6% of the villages had electricity, not 100% but they have planned to cover 100% of the villages in the near future. This could be a discrepancy in translation.

**7. Under the heading “3. The Failure of Economic Growth to Alleviate Poverty” para 1**

The Lao government policy is a mixture between the Top-Down and the Bottom-Up approaches. In reality, the poor and vulnerable groups have benefited from the development projects, particularly they have lifted their living conditions, and have permanent land for cultivation, permanent income source. Their livelihoods are much better than before although it took them quite a long time to adapt to the new environment. They eventually are happy with their new livelihoods because of the development projects.

**8. Under the subheading “Land issues” para 2**

This is a one-sided assessment on a larger spectrum of development, investment and poverty reduction made by the International Rivers which is one of NGOs abroad that oppose to the development in Laos. Therefore, it is suggested that the SR should reflect on this in a more constructive way.

**9. Under the subheading “Land issues” para 3**

This paragraph does not reflect the true situation. In reality the people whose land is affected by development project received due compensation according to the law and regulations. In some cases, there were people who received compensation of more values than their previous land.

**10. Under the subheading “Land issues” para 4**

As far as the Government’s responsible committee is aware, the Special Rapporteur never visited Vang Vieng or Vientiane province. The governor of Vientiane province has never spoken to the Special Rapporteur. This statement is not factual, therefore, this paragraph should be removed.

**11. Under the subheading “Land issues” para 5 and 6**

The Law on Resettlement and Livelihood emphasizes the assurances of the interests of the State, investor and the people at the same time. Therefore, some information in this paragraph gives a wrong impression. The drafting of the new Land Law has gone through a wide consultation process with the participation of the State agencies, private sector and

representatives of the people. The Special Rapporteur should not use any manipulative information provided by NGOs in this report.

**12. Under the subheading “Social and environmental impacts” para 2**

Contract Farming, in general, has benefited a large number of farmers as they can find markets for their products to generate cash and thus reduce their poverty. There have been few cases where orders have been issued to shut down a number of contract farming projects due to the toxin exposure problems in the previous year. The government has assigned relevant agencies to re-assess such plantations and bringing contractors to answer before the law.

**13. Under the subheading “Failure to link growth with poverty reduction” para 2**

These examples are taken out of contexts, having read the full articles with explanations as to the reasons for these early results and their potential results in the future. It is not fair to simply quote and show only the damaging phrases while distorting from the full contexts. As for the figures, please double-check for more correct ones as they do not seem to match the official figure as provided by Ministry of Energy and Mining. Please consider adding more information or remove it altogether.

**14. Under the heading “4. The Xe Pian Xe Namnoy Dam and the future of hydropower” para 1**

The Special Rapporteur had received information from the agencies concerned regarding their plans for immediate and long-term remedy and reparation for the affected people. The lack of awareness of those plans by some of the affected people could be due to ineffective communication. Please consider rephrasing/changing the word “Limbo”.

**15. Under the heading “4. The Xe Pian Xe Namnoy Dam and the future of hydropower” para 2**

This paragraph has some true and untrue information, therefore it is suggested that the Special Rapporteur revise this paragraph in a more constructive and correct way. In reality, the central Government and the local authorities of Attapeu and Sanamxay have been trying their utmost to help the affected people, to restore the affected areas so that the people’s livelihood returns to normalcy. Of course, in this process the affected people may not be happy with the temporary house and the assistance but it is the best effort by the authorities to help them.

The Special Rapporteur mentioned one person describing the condition as “torturous” this is a view of one person among thousands affected, therefore should not be used as reference representing the view of a larger group of affected people.

**16. Under the heading “4. The Xe Pian Xe Namnoy Dam and the future of hydropower” para 3**

This is just some comments of a few people who might have misunderstood or have not been aware at all of the plans and policies of the government, these comments could not reflect the situation as a whole and not appropriate to put in the report. So we propose to remove these sentences.

**17. Under the heading “4. The Xe Pian Xe Namnoy Dam and the future of hydropower” para 4 (the last sentence)**

This is the previous vision of the Government and it’s no longer relevant to the current Government’s vision.

**18. Under the heading “5. Challenges” subheading “Gender” para 1 (the last sentence)**

The comments of the said official is not in line with the National Policy and does not reflect an accurate perspective of the Lao Government towards women and thus must be removed. Women are encouraged to take steps towards their advancement and take up management positions based on merits just as men. Affirmative action in favour of women is selectively practiced in the country, where deemed appropriate and necessary.

**19. Under the heading “5. Challenges” subheading “Gender” para 4 (the last sentence)**

In the People’s Provincial Assemblies, women make up 31.75 percent of the total members. In addition, the President and a Vice-President of the National Assembly are also female.

**20. Under the subheading “Ethnic minorities and indigenous people”**

The subheading itself is problematic, as it is well noticed by the Special Rapporteur that the Lao PDR does not apply such terms, but rather “ethnic groups” is used throughout the country and all of its documents. The rights of the Lao multi-ethnic people are protected by the Constitution and subsequent laws and regulations. The term “indigenous” is not applicable for the reason that all ethnic groups in the Lao PDR would qualify as indigenous.

The Country highly values its national unity and harmony among all its people, any acts of division is prohibited by the Constitution and laws. The Lao PDR recognizes that the term “minority” would rather create division among its people in a demeaning and useless manner, thus the term is not preferred. The Lao PDR does use the term “ethnic groups with smaller population” instead, to avoid the said negative cognition.

At the moment, the Ministry of Home Affairs is in the process of drafting the Decree on Ethnic Affairs, with the aim to further the advancement of ethnic groups and protecting the rights and interests of all ethnic groups.

**21. Under the subheading “Ethnic minorities and indigenous people” para 5**

The teachers who have been trained can teach in their own language by translating from the official Lao language into their own mother-tongue, although some challenges may arise as some ethnic language has no written alphabets. This might be a misunderstanding of the Special Rapporteur during his meeting with the Ministry of Education and Sports. Thus, the sentence should be rephrased.

**22. Under the subheading “Rural poverty”**

The government issued the National Poverty Line and the Development criteria for families, villages and districts along with focus areas for rural development according to Prime Minister’s Decision No.65 on focus area for rural development, land allocation and consolidating cluster villages into small districts in the rural areas for 449 focus areas and conduct surveys, create data bases, using project-based approach to raise funding for

economic infrastructure development projects, building capacity for the communities in terms of local production, building robust and peaceful communities and better access to public service.

**23. Under the heading “6. Key Social Protection Programmes” para 1**

Lao PDR has a comprehensive social security system that prioritizes formal economy sectors first, according to its capacity.

The sentence “If a family is poor because they are lazy, we will not support them”, this could be a break done in translation, it is not that the local administrations that do not want to support poor families, it is rather the fact that they do not have the capacity to do so. The government provides all the support and services that it can and where appropriate, while it has to also rather emphasize on teaching people how to make a better living rather than total reliance approach.

**24. Under the subheading “Education” para 1**

In reality, the Government of Lao PDR has always attached importance to the Education Sector with the target of 17% of the State Budget to sufficiently fund the education and sports development with quality. At present, the said target has yet to be met due to many factors.

**25. Under the subheading “Education” para 4 last sentence**

Regarding the Ministry of Education and Sports’ policy towards students from poor families, the information reported by the Special Rapporteur is not totally accurate. The Ministry of Education and Sports has implemented its policy for students in poverty in accordance with the Decree on Allowances for the Students in Poverty and Disadvantaged in the Common Education System No. 385/Gov, dated 15/12/2017, which states that each year the Ministry of Education and Sports shall provide special allowances for 1,000 students in poverty, each year this number of supported students shall increase by 1,000 students, while the supported students will continue to be supported throughout their secondary school years. The details are as follows:

- Including allowances for students in primary schools of 100,000 Kip/person/month in the entire school year (from September to May of the year after) continuously until the students graduate from primary school.
- For secondary school students, the allowance is 150,000 Kip/person/month in the entire school year (from September to May of the year after) continuously until the students graduate from secondary school.

The comparison in percentage of the students in poverty who received the allowance of 0.0006% of the total 1.45 million students is not a very fair comparison, as not all 1.45 million students are in poverty.

**26. Under the subheading “Education” para 5 on primary school students dropped out rate**

The Ministry of Education and Sports suggests that the Special Rapporteur should use the data from our Annual Report of 2017-2018 and Development Plan for 2018-2019 of the Education and Sports Sector as follows:

- Net Enrollment in primary level: 98.8%
- Survival rate: 82.2%
- Completion rate: 104.5% (compared to new enrollments of Grade 5)

- Transition rate: 88.0% (compared to students who can pass the exam)

Regarding the dormitories, the Ministry of Education would like to inform the Special Rapporteur that currently there are total of 377 dormitories in place and the ministry has planned to build more to accommodate the increasing numbers of students.

**27. Under the subheading “Education” para 7 on percentage of schools with electricity**

The Ministry of Education and Sports observes that the information used in the statement is inaccurate. According to the actual survey conducted by Education and Sports Statistics Center of the Ministry, it is found that 50% of all primary schools have electricity and 82% of all secondary schools have access to electricity.

**28. Under the subheading “Education” para 9 on teachers**

Regarding the school teacher’s salary being deducted to contribute to the national disaster relief fund, in reality the Ministry of Education and Sports did not have such policy or issued any order to deduct salary for the said fund. Furthermore, the number of teacher-trainees dropping by 12% in colleges is not due to salary issues, but it is in accordance with the policy of the Ministry of Education and Sports to adjust the teacher’s deficit-surplus rates by reducing sectors where there are surpluses, which lead to the reduced number of teacher-trainees.

**29. Under the heading “7. Civil society space/participation” para 3**

The Lao people have the right to express themselves within the boundaries of the laws and regulations of the nation, while this right must not infringe upon the rights of other people, the limitations that have been legally set for the said purposes are well within limitations permitted by the ICCPR as the government has explained during the country’s review last year. The matters concerning CSOs have also been clarified during the SR’s visit and other parts of this comments to the End of Mission Statement. Please consider rephrasing or remove this paragraph altogether.

**30. Under the heading “7. Civil society space/participation” para 4**

These matters have already been clarified during Lao PDR’s review under the ICCPR and other treaty reviews, Please remove these sentences.

**31. Under the heading “7. Civil society space/participation” para 5**

These cases have been clarified to relevant UN treaty bodies, propose for removal.

Furthermore, Lao PDR does not interfere with the internal politics of the neighbouring country. The Lao border authorities have no record of such individuals entering the territory of Laos. The mentioning by the Special Rapporteur of this issue is deemed as an unethical attempt by the Special Rapporteur to create political persuasions in the neighbouring country, which is well beyond the mandate of the SR and the territory of the Lao PDR. Propose for removal.

**32. Under the heading “7. Civil society space/participation” para 6**

The so called “exit tax” has already been clarified to the UN Human Rights Committee. Human Rights Watch has had no access to Somsanga Drug Rehabilitation Center, while the Special Rapporteur on Sale and Exploitation of Children did during her visit in 2017.

Before that, many members of the diplomatic corps along with other foreign delegations have visited the said center. Please remove this unfounded accusation.

**33. Under the heading “7. Civil society space/participation” para 7**

Any Law abiding individual, group or legal entity who have done nothing against the law or have no intent to, they should have no reason to be afraid of being arrested. Furthermore, any request for registration of CSO or associations that are lawful and follow correctly the procedures in the Decree and as instructed by the Ministry of Home Affairs should have no trouble gaining the approvals. In any case, Lao PDR does not find any relevance for such comments to be in the report.

**34. Under the heading “8. international community” para 3**

The entire paragraph consists of unfounded accusations with no supporting evidence, which can be observed as the Rapporteur’s attempt to corrode the relationship between the International Community and Lao PDR, thus, it is highly inappropriate at all levels to include such text in a UN official document.

**35. Under the heading “9. Recommendations ” (v)**

The Lao PDR has its human rights mechanism called “the National Steering Committee on Human Rights Coordination” which is in the process of reviewing and strengthening its mandates with reference to the Paris Principles.

**36. Under the heading “9. Recommendations ” (viii)**

These cases have been clarified to relevant UN treaty bodies, propose for removal.

## **II. Comments on the draft Final Report**

**37. In general**

The Lao Government appreciates that draft Final Report styled a much improved and more professional form and language than the End of Mission Report. Due to the fact that it is to be read in conjunction with one another, the Lao Government is of a view that it is more useful to the Lao PDR, the Human Rights Council members and observers to focus more on the Final Report.

While some comments presented here are for the purpose of ensuring accuracy of the report, it is to be noted those paragraphs and topics that were not mentioned in this document are not to be taken as fully accepted or accurate. As there are time limits for this document to be submitted and the report did cover many topics, relevant to many agencies and organizations in Lao PDR, it is not possible to reach them all (especially those at local levels) and gather their feedbacks in time.

The Lao Government thanks the Special Rapporteur for the recommendations for the State to take into its consideration. It would also like to reiterate its views towards false accusations and their unsuitability to be included in an official UN document.

**38. Para 15**

Women are encouraged to take steps towards their advancement and take up management positions based on merits just as men. Affirmative action is selectively practiced in the country, where deemed appropriate and necessary. This is because an outright total affirmative action can be counterproductive.

**39. Para 24**

This is to provide clarification regarding the tax collection. Taxation in the Lao PDR is implemented in accordance with the amended Tax Law, No. 70/NA, dated 15 December 2015. For instance, Article 48 (1) of this Law stipulates that the rates of income tax of salary vary from 0% - 24% depending on the amount of income gained by each individual. For those who receive salary of 1,000,000 kip or below are exemption to pay income tax. This provision clearly certifies that the taxation of the Lao PDR has taken into account the inequality of income.

**40. Para 33**

The source for this accusation are special interest groups outside of the Lao PDR with a front name of human rights, these accusations are prejudicial which the Lao PDR has repeatedly refuted and clarified before the treaty bodies of the HRC.

**41. Para 40**

The Government of Lao PDR has established national mechanisms for the promotion and protection of human rights. One of the key mechanisms is the National Steering Committee on Human Rights (NSCHR) which consists of representatives of line ministries concerned. One of the main objectives of the NSCHR is to coordinate the compliance with human rights obligations including hydropower projects and also the implementation of human rights as a whole including before the construction of major development projects like hydropower projects. The relevant ministry concerned such as the Ministry of Natural Resources and Environment has the responsibility to provide technical instructions to the project developers on the process of conduct and assessment of the environmental and social impacts, and on the conduct of consultation with the participation of the people affected by the project in order to ensure that they are aware of and express their views on the project under development. The project developer must take full responsibility for completing the process of environmental and social impact assessment and ensuring the attainment of environmental certificate and approval from the Ministry of Natural Resources and Environment before commencing the construction of the proposed project.

**42. Para 42**

The affected people has fairly received compensations. Progress has been made by the Government of Lao PDR to help people in affected areas. The Government of Lao PDR is the process of building permanent houses for them. All allegations of delay in receiving financial support is not true.

**43. Para 43**

The Government of Lao PDR is in the process of finalizing the result and review of the collapse of the Xe-Pian Xe-Namnoy dam. Prior to start building any dam, a comprehensive assessment of economic, social and environmental aspects are conducted. All steps are carried out according to the international standards, principles, and engineering technics of construction.

**44. Para 44**

The Government of the Lao PDR is strongly committed to improve social protection system. Currently, it has a comprehensive social security but targeting only for formal economic sector.

**45. Subheading “A. Health”**

A great progress has been made by the Government of Lao PDR in improving access to health care. The Government of the Lao PDR has continued to implement the policies to improve the general health of the people. Along with capacity building of doctors and nurses at various levels each year, the healthcare network also has been further improved and expanded from the central to local levels. Currently, there are 1,018 health centers, 135 community hospitals, 17 provincial hospitals and 5 central hospitals and 1,050 of the private medical clinics which are officially approved by the Ministry of Health. The Government continuously implements the policy of free baby delivery service and free health treatment for children, and also encourages the private sectors to contribute more in healthcare sector. All of which has contributed to the proportion of baby born with below standard weigh which has reduced to 20.5 %. Infant mortality rate under the aged of one years old has reduced to 41 per 1000 new born babies, rate of mortality of children under 5 years old has dropped to 45 per 1000 children and maternal mortality rate has dropped to 167 per 100,000. Coverage of the health insurance fund is 78%, rate of clean water usage is 89% and the family households have proper toilets is 74 %.

The Government of Lao PDR has clear strategies such as improving service accessibility, availability and ensuring acceptable quality. This includes expanding outreach as well as improving the quality of services at all levels and accelerating health system reform. The Ministry is prioritizing improvement of health staff quality and availability, especially in remote areas. Increased and sustained levels of funding are also necessary to fund health commodities and accelerate interventions in poorer and remote areas. Health education, sanitation and other preventative health interventions need to be stepped up. Management and logistics systems for health supplies and essential drugs need strengthening to address frequent stockpile shortages.

**46. Para 47, para 51 and subheading C. Ethnic minorities**

These problems are some of the reasons for the focus areas and cluster villages initiatives.

**47. Para 51**

Please see comment number 26.

**48. Para 53**

The phrase “around half the schools water proof roof or toilet” is simply not true, please remove such false information.

**49. Para 54**

The Lao Government has focused on the reform in the national education sector, aiming at enhancing the human resource development, accelerating the expansion of opportunities for access to education for all, promoting education quality, improving and elevating the level of education service, administrating education in a more appropriate manner.

The Government attaches importance to creating opportunities for Lao citizens in both urban and rural remote areas to have better access to education of various levels. The primary net enrolment rate (NER) reached 98.8 percent; completion rate (compared to new enrolment of grade) is 104.5 percent and transition rate compared to student who can pass exam is 88 percent. Lao PDR has two types of primary schools: incomplete and complete. Incomplete schools are those that cannot provide the complete primary education cycle due to infrastructure constraints.

For the education sector, the Lao Government is committed to strengthening financial planning to ensure fiscal sustainability and meet priority needs. The education budget for

non-wage recurrent support is inadequate; avoiding greater reliance on external sources will mean dropping initiatives that do not align with sector priorities or are fiscally unrealistic.

Addressing non-performance in teachers: this issue contributes directly to the low-level of student performance 60 and requires technical and financial support. To recruit and retain quality teachers, Lao PDR will implement skills upgrading and quality assurance. Appropriate human resource policies, such as local area recruitment and salary improvements, will also be required.

Strengthening multi-sectoral response to early childhood development and education (ECD/ECE): in view of its impact on school readiness and education outcomes, ECD/ECE needs a holistic approach with health, nutrition, and parenting education.

Prioritizing lifelong learning and expanding flexible learning and non-formal education programmes. Providing a bridge into mainstream education and promoting lifelong learning will better prepare Lao PDR for LDC graduation. Given that lifelong learning is a policy priority, the MoES is developing the lifelong learning strategy and plan for Lao PDR, making a multi-sectoral approach the central tenet of the design and implementation of the policy.

## **50. Para 55**

Lao PDR has adopted SDG 18 on unexploded ordnance (UXO). UXO impedes the progress of economic development in Lao PDR, limiting the use of land for agriculture, making infrastructure construction costly and dangerous, and holding back development which cover 15 out of 18 provinces in the country. More than 40 years after the end of war, an estimated 80 million cluster submunitions remain unexploded. Therefore, the Prime Minister of Lao PDR H.E. Mr. Thongloun Sisoulith and UN Secretary-General Mr. Ban Kimoon formally launched the country's SDG 18 ("Lives Safe from UXO") on 7 September 2016 in Vientiane.

In this regard, the Lao government recognizes that poverty eradication is and always has been a goal and a basic right of all people. A number of relevant and key initiatives/programmes have been put into action for the socio-economic development for the whole country. Therefore, the Government of the Lao PDR expresses political will and commitment to narrow the development gap among people to reduce poverty.

## **51. Para 57**

The word "blunt policies" is not suitable to be used in this report as it does not reflect or represent to the real situation of all groups of people living in rural areas of the Lao PDR.

The Lao Government regards the development and reduction poverty as the priority work of the Government in order to lift up the country out of the least development status and to achieve the Sustainable Development Goals "SDGs". In achieving this the Government has adopted the 5-year Rural Development and Poverty Eradication's Plan(2015-2020), the strategic plan on rural development and poverty eradication 2016-2025 and the 2030 strategic plan and currently the Government is implementing the 8<sup>th</sup> five year National Socio-Economic Development Plan (2016-2020). In addition, the Government has also promulgated and adopted laws and regulations which aim to support and lift the living conditions of rural people, including the Law on Resettlement and Occupation, amending the previous Decree No 309/Gov on the Criteria of Poverty and Development, to a new Decree No. 348/Gov on the Criteria for Poverty Graduation and Development. According to the Prime Minister's Decision No 65, the Government has defined the development priority of focus areas under the local authorities (2018-2020), presently there are 449 focus areas throughout the country.

The Government has invested substantially in rural development and poverty reduction throughout the country. The implementation of the projects were conducted by the line ministries concerned at central, provincial and the district level.

For the benefit of people who are affected by development projects, the Government has defined an appropriate compensation measures and has implementation compensation policies, laws and decree on compensation and resettlement for affected people to enable them to receive benefits that could better improve their living conditions as such providing electricity, water sanitation, and school for the children, healthcare centre and creating permanent job for them to generate income above poverty line as well as provide other convenience facilities.

**52. Para 59**

In reality the Government has attached importance to greater social service for those who live in rural areas by strengthening and improving of the quality of health care at the grassroots level, particularly in under-served areas. Government has been paying attention to improve and extend health care services to rural areas by improving disease prevention system, provide free medical treatment for poor people and creating conditions for all people to access to health care services, particularly the vulnerable groups including women, children and person with disabilities. The national health insurance projects has been extending to all ethnic groups throughout the country, the Government has increased the budget to health sector more than 9% of GDP in each year, and healthcare funding for poor people has also established.

**53. Para 60**

The Lao PDR is pleased to clarify that the populations of Lao PDR is composed of 50 ethnic groups which are divided into 4 main ethno-linguistic groups: Lao-Tai 62.5%, Mon-Khmer 23.7%, Hmong-Mien 9.7%, Sino-Tibetan 2.9%. These multi-ethnic people have always co-existed, living together peacefully and enjoyed the equality and non-discrimination. All ethnic groups living together in peace and harmony throughout the country. The Lao Government does not classify any ethnic group as minority or majority ethnic group regardless of the different size of their population. Ethnic groups have equal rights and obligations

The Government pursues a policy to enhance the unity, solidarity and equality among all ethnic groups, reaffirming non-discrimination based on race, language, belief or ethnicity. Article 2 of the Constitution stipulates that the State of the Lao PDR is a people's democratic state; all powers belong to the people, and are exercised by the people and for the interests of the multi-ethnic people of all social strata whose foundation is the alliance between workers, farmers and intelligentsia. Articles 8 and 9 of the Constitution 2015, stipulate that the State implements the policy of unity, solidarity and equality among ethnic groups; all ethnic groups have the right to preserve, promote their respective fine traditions and cultures as well as the fine traditions and culture of the whole nation; all acts of religious division and discrimination among ethnic groups are prohibited as clearly states in Articles 66 and 176 of the Penal Law that “any person dividing, obstructing, limiting the participation or discriminate against others base on their ethnicity is punishable by imprisonment”.

**54. Para 62**

According to the archaeologists and historians, there had been multi ethnic groups living in the land, which is presently called Lao PDR for thousands years, and thus none of them can lay claim to be more indigenous than any other group.

Since the establishment of country as “the Lao People’s Democratic Republic” in 2<sup>nd</sup> December 1975, Lao PDR has been enjoying political, social-economic stability, all of the Lao ethnic groups (50 ethnic groups) are always co-existed, living together in peaceful, harmony and enjoyed the equality and non-discrimination. There has been no experience in the Lao history that certain ethnic groups have laid claim indigenous status as such.

## 55. Subheading C. Ethnic minorities

The Lao PDR does not recognize any of its ethnic groups as “minorities” for the reasons already explained in the comment number 20 of this document. Therefore, the term ethnic groups or ethnic groups with smaller population is preferred.

## 56. Para 63

The promotion and protection of women’s rights is a priority of the Lao Government, the constitution of the Lao PDR 2015, Article 35 and Article 37 define that all Lao citizens are equal before the law irrespective of their gender, social status, education, beliefs and ethnicity, and Lao citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs. Article 29 of the Constitution has also stated that the State, society and families attend to implementing development policies and supporting the progress of women and to protecting the legitimate rights and benefits of women and children.

The efforts to ensure the promotion of gender equality, elimination of all forms of discrimination and violence against women and children have also include in the Law on Development and Protection of Women 2004, the Law on Women’s Union 2013, the Law on Preventing and Combating Violence Against Women and Children 2015, the amended Law on Education 2015, the amended Law on Labour 2013 (Article 45 stipulates that employee who performs equality, quality and value of work are entitled to receive equal salary, wages and other benefits without any discrimination as to race, nationality, gender, age, religion, beliefs, or social-economic status), and the amended Law on Criminal Procedure 2012 (Article 13 stipulates that the criminal proceedings must be conducted on the basis of equal rights of all citizens before the laws and the people’s courts without discrimination on the basis of gender, race, ethnicity, social-economic status, language, education, occupation, belief, place of residence, and etc).

An act of gender discrimination violates the criminal law of the Lao PDR as stated in penal law Article 177. (New) Discrimination against Women: any person who discriminates against [any woman], or who keeps [any woman] separate from, or prevents or restricts the participation of any woman in, any political, economic, socio-cultural or family activity, based on gender reasons, shall be punished by imprisonment from one year to three years and shall be fined from 1,000,000 Kip to 3,000,000 Kip.

The Government of the Lao PDR has always attached importance on empowering of women in all sectors by continuing to put in place policy and work plans to ensure that Lao women participate in the political life and decision making positions, women in Lao PDR play an important role in the nation’s political life. In 2015, women occupied 19.6% of the total 62 ministerial and equivalent positions, 12.3% in the total number of 121 deputy minister and equivalent positions, 16.2% of the total 437 director general positions, 19.6% of the total 946 deputy director general positions, 5% of the total 50 deputy provincial governors, 6% of the total 48 district chief positions.

To ensure women continue participation in political and social rights, the National Commission on the Advancement of Women and Mothers-Children has created the Five-Year National Plan of Action for Gender Equality (2016-2020) which includes a target for each sector to have women in leadership and decision making positions at least 15-20%.

## 57. Para 64

Please see comments number 18 and 19 above.

## 58. Para 73

Lao PDR rejects to the term used in the report “... repressive policies designed to suppress and deter all civil society ...”, please see comments numbers 29 and 30 above.

**59. Para 74**

Please see comment number 33 above.

**60. Para 77**

Once again, the Lao PDR is disappointed in the blatant false accusation. Facts of the case have been released to the public and international community, including the statements of the Investigation Committee responsible for the case, detailed description of the footage was stated in the first statement of the said Committee and certainly there is no “police van” appearing in the footage. Also, please see comment number 30.

Lao PDR strongly rejects the false accusation made in the report – “Sombath Somphone [...] last seen getting into a police van”. According to the analysis of the Investigation committee, the vehicle shown in the video recorded on CCTV footage was an unknown van without a plate number and it was not a government-owned or police vehicle. The Investigation Committee has made all efforts in the investigation which, the Government would like to confirm again, is still ongoing until a conclusion can be drawn. The Investigation Committee, from time to time, has met with and provided updates to foreign diplomats and the family of the missing person on the investigation, including at the bilateral human rights dialogues with the EU and Australia.

**61. Para 84**

Lao PDR rejects to the term used in this report that “... the failures of its [the World Bank] “model” dam Nam Theun 2” and the footnote 67, which solely represented the personal views and lacked of concrete evidence to support. It is suggested that the Special Rapporteur seek the latest credible and full-analysed report of the 28th mission of the independent International Environmental and Social Panel of Experts who visited the Lao PDR in June-July 2018, which is available on the World Bank’s website (<http://www.worldbank.org/en/country/lao/brief/nam-theun-2-project-overview-and-update>). The Panel of Experts’ report and its official letter sent to the Government of the Lao PDR clearly stated that the experts were fully satisfied with the Nam Theun 2 Project.

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