

## Universal Periodic Review

(21<sup>st</sup> session)

### Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

**Lao People's Democratic Republic (Lao PDR)**

#### I. BACKGROUND AND FRAMEWORK

**A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratification 20/03/1987			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification 26/11/2009			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession 05/11/2007			Right to take part in cultural life

## II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

### Right to education

#### Constitutional Framework:

2. The Constitution of Lao People's Democratic Republic of 1991 was amended in 2003<sup>1</sup>. In the new amended Constitution, *Article 38* sets out that "Lao citizens have the right to receive education and upgrade themselves." and *Article 22* stipulates that "The State attends to developing education and implements compulsory primary education in order to build good citizens with revolutionary competence, knowledge and abilities. The State and society attend to developing high quality national education, to create opportunities and [favourable] conditions in education for all people throughout the country, especially people in remote areas, ethnic groups, women and disadvantaged children. The State promotes private sector investment in the development of national education in accordance with the laws." *Article 24* adds that "The State attends to promoting knowledge and invention in scientific and technological research and application, (...)."

3. Besides, the Constitution ensures gender equality by providing in *Article 35* that "Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group" and by granting in *Article 37* that "Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs." Moreover, *Article 29* sets out 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." Concerning religion, *Article 43* ensures that "Lao citizens have the right and freedom to believe or not to believe in religions" and concerning languages *Article 89* provides that "The Lao language and Lao script are the language and script officially used."

#### Legislative Framework:

4. The basic legislative framework for education in the Lao PDR is made up of:

- a) *The Amended Education Law No. 03/AN of 2007*, which reiterates that all Lao citizens have the right to education without discrimination based on their ethnicity, origin, religion, gender, or social status.<sup>2</sup>
- b) *The Law on the Protection of the Rights and Interests of Children of 2006*<sup>3</sup>
- c) *The Labour Law of 2006*<sup>4</sup>
- d) *The Decree on Compulsory Primary Education No.138/PMO/96 of 1996*<sup>5</sup>

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<sup>1</sup> <http://www.unesco.org/education/edurights/media/docs/b67ebbf2b49e3cd86296d9f2dd4bc1c3d1242e76.pdf>

<sup>2</sup> Lao PDR, World Data on Education, IBE, Seventh Edition, 2010/11, p. 3, accessible at: [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Lao\\_PDR.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Lao_PDR.pdf) (Accessed 4 November 2013)

<sup>3</sup> <http://www.unesco.org/education/edurights/media/docs/0e1abd1a7af94864fcb887b95013224540302930.pdf>

<sup>4</sup> <http://www.unesco.org/education/edurights/media/docs/35b83ea83a0a172fd321996ab9c72ec901af4e15.pdf>

e) The *Decrees No. 0922, 0923 and 0924 dated 17 July 2001*<sup>6</sup>

### **Policy Framework:**

#### **- General information:**

5. The most recent **National Education Reform Strategy (2000-2015)** provides that general education should focus on five dimensions of education: the moral, intellectual, vocational and physical aspects, as well as aesthetic education.<sup>7</sup>

6. To achieve the objectives of the Constitution, laws and decrees mentioned above, the Ministry of Education has implemented different projects supported by international organizations, non-governmental organizations and donors. These projects help construct schools, support teachers, support students from poor families, support girls and those in rural areas, establish facilities for ethnic students (such as boarding schools) and students with physical and visual disabilities (schools and dormitories), provide health and nutrition support to students, train communities to support education, promote women empowerment of women, and develop curriculums and teaching-learning materials. These projects have been implemented in many provinces of the country.<sup>8</sup>

7. According to the **Education Strategic Vision up to the Year 2020**, “the educational vision will have a focus on the following matters:

- a) To universalise compulsory education at primary level and continue to increase participation at lower secondary level, ensuring that all people have the opportunity to apply their education to serve the socio-economic program;
- b) To strive to completely abolish illiteracy among the population, thus providing people living in absolute poverty with the means of improving their quality of life;
- c) To expand vocational, technical and higher education to meet the needs of new labour market and to improve economic rates of return;
- d) To train skilled workers, technicians, professionals and intellectuals to have the capability to apply modern science and technology to serve the needs of socio-economic development;
- e) To raise national education to be gradually closer to the international standards;
- f) To take education as a core of human resource development as well as to appropriately invest in education; and

<sup>5</sup> Lao PDR, World Data on Education, IBE, Seventh Edition, 2010/11, p. 3, accessible at: [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Lao\\_PDR.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Lao_PDR.pdf) (Accessed 4 November 2013)

<sup>6</sup> Lao PDR, World Data on Education, IBE, Seventh Edition, 2010/11, p. 3, accessible at: [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Lao\\_PDR.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Lao_PDR.pdf) (Accessed 4 November 2013)

<sup>7</sup> The Development of Education, National Report submitted by Lao People’s Democratic Republic for the 48<sup>th</sup> International Conference on Education, 2008, p. 8, accessible at: [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/laoPDR\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/laoPDR_NR08.pdf) (Accessed on 4 November 2013)

<sup>8</sup> The Development of Education, National Report submitted by Lao People’s Democratic Republic for the 48<sup>th</sup> International Conference on Education, 2008, p. 11, accessible at: [http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/laoPDR\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/laoPDR_NR08.pdf) (Accessed on 4 November 2013)

g) To make education a duty of all people in the society.”<sup>9</sup>

- **Education Financing**

8. According to EFA Global Monitoring Report 2010, “In the Lao People’s Democratic Republic, tuition fees are officially proscribed but about half the schools still levies them.”<sup>10</sup>

- **Language of instruction**

9. According to EFA Global Monitoring Report 2010, “In the Lao People’s Democratic Republic, the constitution forbids discrimination between ethnic groups and emphasizes the importance of expanding education in ethnic areas. Yet it also establishes Lao as the official language, including of instruction in school – an arrangement that arguably discriminates against children from the 27% of the population that does not have Lao as the mother tongue.”<sup>11</sup>

- **People with special needs**

10. The Ministry of Education in cooperation with some NGOs has implemented Inclusive Education policies for more than ten years. However, the concept of Inclusive Education is still generally understood as education for “children with disabilities” and focused on Primary Education level and an initial pilot project at the Secondary Education level. To implement and achieve the **National EFA Plan of Action, the Center for Promotion of Education for Women-Ethnic-Disabled People** was established in April 2008.<sup>12</sup>

11. However, in the Lao People’s Democratic Republic, “indigenous young adults are far more likely than the non-indigenous to experience extreme education deprivation, especially if they are poor and female.”<sup>13</sup>

**Cooperation:**

12. The Lao People’s Democratic Republic (Lao PDR) is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

13. The Lao PDR **did not report** to UNESCO on the measures taken to implement the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)
- c) **Eighth Consultation** of Member States (covering the period 2006-2011)

<sup>9</sup> The Education Strategic Vision up to the Year 2020, p. 11, accessible at:

[http://planipolis.iiep.unesco.org/upload/Lao%20PDR/Lao\\_PDR\\_EducationStrategicVision2020.pdf](http://planipolis.iiep.unesco.org/upload/Lao%20PDR/Lao_PDR_EducationStrategicVision2020.pdf) (Accessed on 4 November 2013)

<sup>10</sup> EFA Global Monitoring Report, 2010, p. 166, accessible at:

<http://unesdoc.unesco.org/images/0018/001866/186606e.pdf> (Accessed on 4 November 2013)

<sup>11</sup> EFA Global Monitoring Report, 2010, p. 200, accessible at:

<http://unesdoc.unesco.org/images/0018/001866/186606e.pdf> (Accessed on 4 November 2013)

<sup>12</sup> The Development of Education, National Report submitted by Lao People’s Democratic Republic for the 48<sup>th</sup> International Conference on Education, 2008, p. 20, accessible at:

[http://www.ibe.unesco.org/National\\_Reports/ICE\\_2008/laoPDR\\_NR08.pdf](http://www.ibe.unesco.org/National_Reports/ICE_2008/laoPDR_NR08.pdf) (Accessed on 4 November 2013)

<sup>13</sup> EFA Global Monitoring Report, 2010, p.146, accessible at:

<http://unesdoc.unesco.org/images/0018/001866/186606e.pdf> (Accessed on 4 November 2013)

14. The Lao PDR **did not report** to UNESCO on the measures taken to implement the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- a) **Fourth Consultation** of Member States (covering the period 2005-2008)
- b) **Fifth Consultation** of Member States (covering the period 2009-2012)

15. The Lao PDR **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, it **reported** within the framework of the **Second Consultation** of Member States (2011).

16. The Lao PDR is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

### **Freedom of opinion and expression**

#### Constitutional and Legislative Framework:

17. Freedom of speech and the press is guaranteed under Article 44 of the Constitution of the Lao People's of Democratic Republic (1991).<sup>14</sup> However, Article 23 of the Constitution stipulates that "all cultural and mass media activities which are detrimental to national interests or the traditional culture and dignity of Lao people are prohibited."<sup>15</sup>

18. The Lao PDR passed a new media law in 2008 that determines the roles, responsibilities, duties and principles of foreign and domestic media, "prohibitions," management and inspection, policies for contributors, and penalties for violations-including disciplinary sanctions if journalists fail to act in accordance with the law.<sup>16</sup> Under Article 50 of the new law, the Ministry of Information, Culture and Technology (MICT) may ban content falling within a category of prohibited content, such as provoking destructive acts against national and public interests or defaming the truth or affecting dignity of persons or organizations.<sup>17</sup>

19. Defamation, libel and insult are criminal offences under Articles 94-95 of the Penal Code of the Lao PDR (1991, amended in 2005). Article 65 of the Code, individuals may be jailed for up to five years, or fined by up to 10,000,000 Kip (approximately US\$1300) for slandering through print, newspapers, motion pictures, videos, photographs, documents or other media.

20. A freedom of information law does not currently exist in the country.

#### Media Self-Regulation:

21. Media self-regulatory mechanisms are not sufficiently enough developed in the country.

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<sup>14</sup> <http://www.wipo.int/wipolex/en/details.jsp?id=5829>

<sup>15</sup> Ibid.

<sup>16</sup> <http://www.cablegatesearch.net/cable.php?id=08VIENTIANE461>

<sup>17</sup> <http://laoslegalonline.com/prohibited-regulated-content-laos/>

Safety of Journalists:

22. **UNESCO did not record any killing of journalists in the Lao PDR between 2008 and 2012.**<sup>18</sup>

### **III. RECOMMENDATIONS**

23. **Recommendations made within the framework of the Working Group on the Universal Periodic Review, 4 May 2010**<sup>19</sup>

24. **The recommendations listed below have been examined by Laos and enjoy its support:**

- i) 15. Continue to strengthen its efforts to ensure equal access for girls and women to all levels of education, including by taking concrete steps to overcome obstacles for girls' and women's access to, and completion of, education in rural areas (Norway);
- ii) 16. Undertake measures to assist and protect the most vulnerable social groups (Kyrgyzstan); strengthen programmes to promote and protect the human rights of vulnerable groups, such as women and children in rural areas, and persons with disabilities (Philippines); continue efforts undertaken to promote the rights of women and children, particularly in areas such as education, safety and health (Islamic Republic of Iran);
- iii) 27. Increase efforts to provide human rights education to everyone involved in the judicial process, particularly people working in prisons (Japan);
- iv) 35. Continue efforts to provide basic health and education services for vulnerable segments of its population, and continue its commitment to a people-oriented development policy by tackling poverty related issues through investment in social infrastructure and by addressing the probable shortcomings in this regard (Myanmar);
- v) 36. Further strengthen measures to promote health care, the quality of education and job creation for the people living in rural and remote areas (Viet Nam);
- vi) 37. Continue the implementation of ongoing policies and programmes to guarantee access for the entire population to health services and quality education (Cuba);
- vii) 38. Undertake the efforts necessary to increase the budget for social programmes, particularly regarding education and adequate food (Mexico);
- viii) 41. Take further action to further reduce the high rate of maternal and infant mortality and provide full access to health care and health education by women, and address problems relating to poverty, hard work and illiteracy (Kazakhstan);

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<sup>18</sup> <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/>

<sup>19</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/144/18/PDF/G1014418.pdf?OpenElement>

- ix) 43. *Continue to improve the quality of education and further increase access to education for the Lao multi-ethnic people (Democratic People's Republic of Korea); improve the quality of education and increase access to education (Tajikistan); continue its commendable efforts with a view to improving access to education for its citizens (Algeria);*
- x) 44. *Continue its current reform programme in the education system to provide a better education for its people throughout the country, particularly in rural areas (Islamic Republic of Iran); further pursue efforts to develop education, particularly in rural areas of the country (Kyrgyzstan);*
- xi) 45. *Undertake more effective measures to ensure the accessibility of crucial public services, such as education and healthcare, to the general population, particularly those living in rural areas (Malaysia);*
- xii) 46. *Continue to increase investment in education to endeavour to raise the level of education for the whole nation in order to meet the requirements for social and economic development (China);*
- xiii) 47. *Continue activities to increase access for children to education, promote maternal and infant health, and eradicate trafficking in persons (Belarus);*
- xiv) 48. *Seek to introduce human rights sensitization in school and university curriculums (Qatar);*
- xv) 50. *Seek further technical assistance from relevant international organizations to ensure continual success on the path towards achieving human rights and equal access to education, health, employment and livelihood for all (Maldives);*

**25. The following recommendations were examined by Laos, which provided responses by the fifteenth session of the Human Rights Council, in September 2010:**

- i) 98(46). *Allow media and civil society organizations to undertake education, advocacy, monitoring and reporting on human rights issues (Australia) – enjoys support of the Lao Government with explanations;*
- ii) 98 (48). *Increase the budget for health so as to strengthen primary care, in particular in rural areas, including sexual education, and ensure that programmes for family planning and awareness duly take into account the traditions and physical obstacles faced by women in rural areas (Luxembourg) –enjoys full support of the Lao Government.*

26. **Analysis:** The Lao PDR adopted legal provisions which state that all Lao citizens have the right to education without discrimination and improve access to education for vulnerable children. In addition, the Lao PDR adopted, in cooperation with civil society, long-term strategies for education aiming at improving literacy rates and the quality of education. However, according to available information, the Lao PDR has not taken sufficient measures to promote human rights or increase education budget yet.

**27. Specific recommendations for the second UPR cycle on the right to education:**

27.1 The Lao PDR should be encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.

27.2 The Lao PDR is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.

27.3 The Lao PDR is encouraged to increase its efforts to make sure that girls and women fully enjoy their right to education and have access to all levels of education without discrimination.

27.4 The Lao PDR could be encouraged to implement the legislation prohibiting tuition fees and take all necessary measures to ensure that access to schools is truly free for all children.

27.5 The Lao PDR could be encouraged to further promote access to education for all groups, regardless of, among other things, their gender, ethnic group, mother tongue, religion, beliefs, disability and social status.

### **Freedom of opinion and expression**

28. The Lao PDR is encouraged to introduce a freedom of information law that is in accordance with international standards.

29. The Lao PDR is encouraged to decriminalize defamation and insult laws and place them within the civil code that is in accordance with international standards.

30. The Lao PDR is recommended to review the media law 2008 including Article 50 of the law to ensure that it is in accordance with international standards in promoting freedom of expression.

31. The Lao PDR is recommended to develop self-regulatory mechanisms of the media as well as strengthen the professional standards of journalism in the country.

### **Cultural rights**

32. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), the Lao PDR is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, the Lao PDR is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

33. With regard to contribution of science and technology to development, the Lao PDR is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures



undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.