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GENERAL ASSEMBLY
Forty-fifth session
Items 92, 103, 109 and 113
of the preliminary list*
EFFECTIVE IMPLEMENTATION OF
UNITED NATIONS INSTRUMENTS ON
HUMAN RIGHTS AND EFFECTIVE
FUNCTIONING OF BODIES ESTABLISHED
PURSUANT TO SUCH INSTRUMENTS
CRIME PREVENTION AND CRIMINAL
JUSTICE
ELIMINATION OF ALL FORMS OF
RELIGIOUS INTOLERANCE
ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 13 April 1990 from the Chargé d'affaires a.i.
of the Permanent Mission of Israel to the United Nations
addressed to the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices For 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Laos. I have underlined passages of special relevance (see annex).

In view of the importance of this information, I have the honour to request that the present letter and the attached extract be issued as an official document of the General Assembly, under items 92, 103, 109 and 113 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN
Ambassador
Acting Permanent Representative

* A/45/50.

109.

ANNEX*

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
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* Underlining has been added by the Chargé d'affaires a.i. of the
Permanent Mission of Israel to the United Nations.

LAOS

The Lao People's Democratic Republic (LPDR) is a one-party, Communist state. The Lao People's Revolutionary Party (LPRP) is the source of all political authority in the country, and the party's leadership imposes broad and arbitrary controls on the population of approximately 3.9 million people.

The LPRP came to power in 1975 after a protracted civil war, during which it received strong support from North Vietnam. Vietnam continues to exert considerable influence over Laos, codified in the 25-year Treaty of Friendship and Cooperation signed in 1977. The number of Vietnamese troops and advisers in Laos, however, has been declining since late 1987. The total of 40,000 to 50,000 troops originally stationed in Laos under the terms of the treaty has been greatly reduced. There have been reports that all Vietnamese combat troops and most military advisers have been withdrawn. In the last 2 years the LPDR has been working to improve relations with the West and to attract more Western assistance. The U.S.S.R. is also very influential in Laos; it is the largest contributor of economic and military assistance. Laos has begun to accept Soviet concepts of perestroika (restructuring), although the LPDR is seeking its own Lao formulation appropriate to its highly underdeveloped conditions.

Established 14 years ago, the LPDR still has no constitution and no published code of law. However, elections were held in March for a national assembly to draft a constitution. All candidates in this election were approved by the LPRP, although a number of victorious candidates were not party members. A constitution is not expected before mid-1990 at the earliest.

Laos is one of the poorest countries in the world. The Government's harsh policies, particularly in its first 5 years, combined with difficult economic conditions in general, drove some 350,000 Lao into exile. Among those refugees were most of the educated elite. Laos accelerated its economic reform efforts in 1988 and 1989. These reforms are designed to stimulate domestic and foreign investment and to improve the efficiency of state-owned enterprises. Laos has also opened its economy to Thai and Western businessmen. Although the economy is improving as a result of these reforms and the ability of many citizens to participate in an emerging private or mixed state/private sector, the average standard of living remains extremely low.

Although difficult for outside observers to judge accurately, the human rights situation appeared to have improved in 1989. Freedom of movement within the country and travel abroad has increased, and the instruments of state control, principally the police and other elements of the Ministry of Interior, seemed to be less evident and perhaps less oppressive. Nevertheless, there continue to be severe limitations on freedom of speech and press and on freedom of assembly and association. Most reeducation camps have been closed and the bulk of the prisoners released. An unknown number of inmates, but at least 34, are entering their 14th year of incarceration, without benefit of judicial trial or legal review for release. Many former camp prisoners apparently have been able to obtain work; some of them now have responsible, professional positions both with the Government of Laos and with international organizations present in Vientiane. Some, however, appear to be blacklisted and able to find only menial positions. These persons seem to be able

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to obtain passports and visas as freely as any other Lao and have been able to travel overseas, despite the fact that some have not returned.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There are sporadic reports of shooting incidents involving organized groups leaving or entering Laos illegally. At least one group of Hmong tribesmen leaving Laos for Thailand was reported to have been pushed back and then suffered casualties from LPDR forces. In addition, in August the Government claimed to have intercepted and killed or captured in southern Laos over 60 armed Vietnamese hostile to the Hanoi Government who had intended to reenter Vietnam. There are occasional reports that government patrols have fatally shot persons leaving or entering Laos illegally. In those instances in which the Government confirms such incidents, it generally claims that the persons were smugglers or members of the resistance. An unknown but small number of people are killed annually in military operations against resistance forces. Many of the insurgents appear to be former Royal Lao Army troops and Hmong tribesmen. Both sides are reported to use brutal tactics, with antigovernment forces attempting assassination and ambush of government military and civilian personnel. There are also recurrent reports of attacks by bandit groups in isolated or interior areas on vehicles bearing government officials and on civilian buses. Official policy calls for the execution of resistance leaders, but no such executions were reported in 1989.

b. Disappearance

No disappearances were reported in 1989.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

A relatively small number of "reeducation" prisoners continue to be held in harsh conditions but recent details are not available. The police do not appear to use torture or degrading or cruel treatment during arrest or detention, although prison conditions are stark.

d. Arbitrary Arrest, Detention, or Exile

The Government continues to maintain reeducation camps, or "seminar camps," in which persons who served the Royal Lao Government, or who have offended the current government, are imprisoned. Even rough estimates for the population of these camps are difficult to make, but range from a minimum of 34 political detainees left from the original population of Royal Lao Government officials to over 1,000. The higher number allegedly includes the original 34 plus many who were imprisoned during the late 1970's and the 1980's. Government officials continued to claim, as they had previously, that nearly all soldiers and officials sent to the camps in 1975-76 had been released and that very few remained. The accuracy of that statement cannot be verified. There were reports of releases of groups of up to 300 persons in 1988. There were reports of additional, substantial releases of camp prisoners

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in 1989, but firm numbers were not available. Since 1979 conditions in the remaining camps reportedly have improved, and the majority of the camps have been reported closed. The Government claims that all reeducation camps have been closed. However, this claim has not been verified.

Remaining detainees now live in a kind of internal exile in isolated provincial areas with severe restrictions on their freedom of movement. Many reportedly have been assigned to collective farms or construction units inside their former camps. Some are on probation or cannot obtain necessary travel documents. Others who have lost property and families are reported to have remained in areas near the camps to begin new lives.

Those accused of hostility to the regime or of what the Government calls "socially undesirable habits," such as prostitution, drug abuse, idleness, and "wrong thought," are sent to "rehabilitation" centers, usually without trial. Most of these persons have been allowed to return to their homes after periods ranging from a few months to several years of hard labor, political indoctrination, and admission of guilt.

With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

A criminal code and laws establishing a judiciary were enacted in November 1989 by the Supreme People's Assembly, although they had not taken effect or been published by year's end. It is not known what changes these laws may make to Lao legal procedures. At present the courts are not independent and there is no guarantee of due process. Prior to the recently passed criminal code, the Government had promulgated interim rules and regulations for the arrest and trial of those accused of specific crimes, including armed resistance to the Government. Although the regulations allow an accused person to make a statement presenting his or her side of the case, they provide no real opportunity for the accused to defend himself and do not permit bail or use of a freely chosen attorney. Rather, the Government has issued instructions on how to investigate, prosecute, and punish wrongdoers. These instructions are applied capriciously and inconsistently. People can be arrested on unsupported accusations and without being informed of the charges or the accusers' identities. Investigations often take a long time unless family members and friends take a strong interest in the cases. Government officials and their families easily can influence judgments. There is some provision for appeal, although important political cases tried by "people's courts" are without an appeals process. Death sentences must be approved by the Council of Ministers. Regulations call for judgment to be given in public. This generally amounts to a public announcement of the sentence and not a true public trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There appears to have been some relaxation of state control by the police and security elements. Knowledgeable observers report seeing fewer obvious signs of monitoring and control of citizens. However, search and seizure continue to be authorized by the security bureaus themselves rather than by judicial authority, and government regulations, which are not always followed, provide little protection. International and

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domestic mail is selectively opened. Mail from China and non-Communist countries is particularly suspect. Telephone calls are frequently monitored. Privately owned land may not be sold but may be inherited. Inheritances cannot be passed on to relatives who have left the country as refugees and acquired other nationalities.

The Government continues to try to monitor some aspects of family and work life through a system of neighborhood and workplace informants.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Public expression of opposition to the Party and State is not permitted, and participants in such activity have been jailed. Newspapers and the state radio are instruments of the Government, reflecting only its views. Ordinary citizens may not import foreign newsmagazines or books; censorship is strict.

The Government makes no attempt to stop citizens from listening to foreign radio stations such as the Voice of America, nor from setting up antennas to receive Thai television.

Academic freedom does not exist.

b. Freedom of Peaceful Assembly and Association

The Government controls all meetings and, except for religious, athletic, and communal events, organizes them. Persons do not have the right to promote nonregime-sponsored activities nor to protest government policies. All associations--such as those for youth, women, workers, and a "peace organization"--are officially authorized to exercise government control and disseminate government policy. The LPRP organizes all professional groups, and their leadership is ordinarily drawn from party ranks. Associations are permitted to maintain relations with like-minded, politically acceptable organizations in other countries, particularly those in Communist countries. Ordinary Lao citizens are able to meet with foreigners only in unusual circumstances, usually involving their work. Nevertheless, contact with foreigners is increasing.

For a discussion of freedom of association as it applies to labor unions, see Section 5.a.

c. Freedom of Religion

Nearly all Lao are Buddhists or, in the case of most highland groups, animists. In official statements, the Government has recognized the right to free exercise of religious belief as well as the contributions religion can make to the development of the country.

Many Lao believe, however, that the Government is engaged in a long-term effort to subvert religion because it considers the maintenance of temples and the activities of monks non-productive and because it objects to active groups with independent beliefs. This effort includes carefully controlling the education of young monks and compelling Buddhist clergy to propagate elements of Marxist-Leninist

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doctrine. Further, since 1975 the Government periodically has taken over Buddhist and Christian places of worship for use as schools, offices, and fire and police stations, as well as for political indoctrination centers and warehouses. Nonetheless, since the Third Party Congress in 1982, the Government has eased its stand on Buddhism. While it has not, so far as is known, contributed to the restoration of temples and religious institutions, it has not opposed efforts of the faithful to do so, and both restoration and new building are now widely evident.

Monks remain the only social group still entitled to special honorific terms of address, which even high party and government officials continue to use. Buddhist clergy are prominently featured at important state and party functions. Religious festivals are permitted without hindrance. The Government does not object to the Lao custom of young people entering religious orders for short periods.

Links may be maintained with coreligionists and religious associations in other countries, usually other Communist countries, only when approved by the Government. Most traditional links to Thai religious sects have been severed. Missionaries are not formally banned from entering Laos to proselytize, but in most cases they are denied permission. Despite the overall government attitude, many high party officials still participate in religious ceremonies.

Roman Catholics and Protestants are permitted to worship, but the activities of their churches are closely monitored. Vatican officials visited in 1987 to meet with the Bishop of Vientiane, as well as with local church and government officials. Attendance at Christian services continues to require discretion, although less so in 1989 than in 1988. The Government tries through the media and other means to persuade highland minority groups to abandon their "old-fashioned" animist beliefs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens must obtain permission from the authorities for internal travel. Non-Lao residents in Vientiane must obtain permission to travel outside the city. Permission is now much easier to obtain than before, but is not necessarily automatic. Government officials have cited threats of "disorders" created by "reactionary elements" as the reason for the restrictions.

Foreign travel is increasingly permitted for officials, students, and others who have family abroad or access to foreign exchange. Most students continue to study in the Communist countries, but the number of students going to the West for higher education, although still small, has increased dramatically. Passports and exit visas have become much easier to obtain. The number of the relatively few travelers to the West and to the United States has increased sharply. Border crossing permits are available for those with business in Thailand. The number of permits increased in 1989, in keeping with the opening of additional border trade locations and the reduction in the number of items restricted by the Thai Government for trade with Laos. The permits are not, however, granted automatically and may be denied arbitrarily.

Legal emigration is rarely authorized for ethnic Lao. To guard against emigration, those permitted to travel must often

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leave their families behind as a guarantee of their return. Since 1975, 343,000 Lao citizens have registered as refugees in Thailand. An unknown number have crossed the border and simply settled with relatives or kindred ethnic groups. Some of those fleeing are fired upon and killed by border patrols as they attempt to cross the Mekong River. Government authorities have imprisoned many persons seeking to leave the country illegally.

Laos and Thailand have agreed to take back, on a case-by-case basis, those of their respective citizens who have illegally crossed into the other country and now wish to return home. Since May 1980, when agreement was reached with Thailand and the United Nations High Commissioner for Refugees (UNHCR) on a voluntary repatriation program, over 4,675 persons have voluntarily returned to Laos under the auspices of the UNHCR. Those accepted for return receive several days of political indoctrination and then are released to return to their homes, where they are placed under the control of village authorities. The UNHCR provides basic necessities for the returnees and monitors their treatment and living conditions thereafter. There appears to be no official harassment or maltreatment of these voluntary returnees, and UNHCR officials have not been prevented from visiting them. In addition, perhaps as many as 10,000 persons have repatriated themselves without official involvement.

The Government has also agreed in principle to take back Lao citizens in Thailand whom the Thai have determined do not meet refugee status criteria. Procedures for the return of these persons were worked out between the two countries in late 1986, and since that time 164 have been returned. Those in Vientiane who follow refugee matters closely report that there is no perceptible difference in the way the Government treats those returnees who were screened out and those who returned voluntarily.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government. The LPRP fully controls the Government. The LPRP is run by a small elite who also occupy many of the principal government posts. There is neither freedom to participate in politics outside the party nor popular choice of policies. The new National Assembly elected in March includes a number of assemblymen who are not formally LPRP members, although their candidacies were approved by the party. Some 121 candidates ran for a total of 79 seats, and each electoral district had more candidates than seats. This election followed elections for district and provincial officials in 1988. No other parties were permitted to organize and voting was mandatory. These elections, the first held since the LPDR was formed in 1975, represent an effort by the LPRP to legitimize the Government and may represent some political liberalization. The new National Assembly is expected to finish writing a constitution in 1990 which may then be approved by a plebiscite. This new constitution would serve as a framework for the criminal code and laws establishing a judiciary and would also serve as a basis for additional laws.

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Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Laos generally does not cooperate with private international human rights organizations. However, it does occasionally permit visits by officials of international humanitarian organizations and has communicated with them by letters. No domestic human rights monitoring groups are permitted.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Approximately half of the population in Laos is ethnic Lao; also called "lowland Lao;" 20 percent are tribal Thai; 15 percent are Phouthoung (or Kha); and another 15 percent are other highland groups (Hmong, Yao, and others). The Government is attempting to integrate these groups through voluntary programs and to overcome traditional antagonisms between lowland Lao and minority groups. Although the LPRP and the Government are dominated by lowland Lao, efforts have been made to include minorities in the political and governmental elites. For instance, 43 of the 121 candidates for the National Assembly were from minority groups.

The Hmong are split along clan lines. During the years of insurgency, many were strongly anti-Communist; others sided with the Communist Pathet Lao and the Vietnamese. The Government represses all groups that fought against it, especially those continuing to resist its authority by force. The Hmong tried to defend some of their tribal areas after 1975, and some continue to support anti-LPDR resistance groups. Lao armed forces conduct operations against resistance groups.

The Government wants to resettle in the lowlands some ethnic minorities from mountainous areas. After resettlement they would be under closer government control and engage in settled agricultural production rather than the present slash-and-burn techniques. For this purpose, the Government has reportedly relied on a voluntary program based on material inducements and has begun several large-scale projects with foreign donors.

Local ethnic Chinese have encountered government suspicion and surveillance since 1979 when Sino-Lao relations deteriorated seriously. This has abated, however, since relations between Laos and the People's Republic of China were normalized in 1988. A majority of the Chinese community departed in the post-1975 period, largely for economic reasons. Those who remain have maintained government-approved Chinese schools in Vientiane and Savannakhet and Chinese associations in several provincial capitals.

Traditionally, women in Lao society have been subservient to men and often discouraged from obtaining an education. Today the active, government-controlled Lao Women's Federation has as one of its goals the achievement of equal rights for women. The Government claims that a higher percentage of women make up the school population now than before 1975, and that women are being encouraged to assume a greater role in economic and state-controlled political activity.

There is no pattern of widespread domestic or culturally approved violence against women. Both lowland Lao and hill tribes tend to hold women in lower esteem than men.

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Section 6 Worker Rights

a. The Right of Association

The overwhelming majority of workers are employed by the State, and they are very poorly paid. Labor laws do not exist. Labor unions exist but are small and have no right to strike. All unions are controlled by the Federation of Lao Trade Unions, which in turn is controlled by the LPRP. The Federation is a member of the Communist-controlled World Federation of Trade Unions.

The LPDR is a member of the International Labor Organization (ILO), but has not ratified ILO Conventions 87 on freedom of association, 98 on the right to organize and bargain collectively, or any other conventions related to the worker rights covered in this report. In its 1989 report, the ILO Committee of Experts cited the LPDR for failing to respond to its requests for information concerning pending complaints.

b. The Right to Organize and Bargain Collectively

Unions play no discernible role in ameliorating the low salaries and wages, for instance, of public employees, the largest single category of employment. Under the foreign investment code published in 1988, some worker rights are guaranteed, such as the right to have job responsibilities defined, to be paid for that job and not another, to be paid more for overtime, and for overtime to be approved by the authorities as well as by the investor. There are no economic incentive zones or special industries where labor standards differ from those elsewhere in the country.

c. Prohibition of Forced or Compulsory Labor

While there is no published code of laws concerning protection from forced labor, there is no general pattern of forced labor in Laos. Prisoners in reeducation camps, or in prison camps (the former for "ideological" crimes, the latter for "economic" or "social" offenses) are expected to do hard labor. In addition, there are reports that some of these prisoners, when released, are restricted to the general area of the camp (always in rugged and mountainous terrain) and expected to work there on state enterprises.

d. Minimum Age for Employment of Children

There is no minimum age for employment of children. In practice children in this rural economy commonly assist in the work of their families.

e. Acceptable Conditions of Work

Workplace conditions are not systematically exploitative, but they sometimes fail to protect workers adequately against sickness or accident. There is no specific system of laws or regulations relating to worker safety. Working hours do not exceed 48 hours a week, except during urgent roadbuilding or construction projects. It is unclear whether such urgent labor is compulsory. There is no minimum wage legislation; wages are low, particularly in the state sector and are, in fact, not sufficient to live on unless supplemented by other sources of income. Some workers receive paid 2-week vacations.