



LAO PEOPLE'S DEMOCRATIC REPUBLIC

A BRIEF ON EQUALITY AND NON-DISCRIMINATION, EDUCATION, CHILD MARRIAGE, AND WORK AND EMPLOYMENT

(Articles 2, 3, 7, 10, and 13, and General Comment No. 5)

*Information for the Committee on Economic, Social, and Cultural Rights
73rd Pre-Sessional Working Group, October 2023*

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INTRODUCTION

The WORLD Policy Analysis Center, based at the University of California, Los Angeles, captures quantitative policy data on more than 2,000 indicators that matter to equality, health, and well-being. We strive to improve the quantity and quality of globally comparative data available to policymakers, citizens, national governments, intergovernmental organizations, civil society, and researchers for all 193 UN member states. We submit the following brief in advance of the 73rd Pre-Sessional Working Group of the Committee on Economic, Social, and Cultural Rights.

This brief will focus on the following areas:

1. Equality and non-discrimination (Articles 2, General Comment No. 5)
2. Child marriage (Articles 2 and 10)
3. Non-discrimination in work and employment (Article 7)
4. Free and compulsory education (Article 13)

We have collected and analyzed information on rights, laws, and policies in these areas for all 193 UN member states using a variety of sources, including primary national legal sources (e.g. original legislation and constitutions), national reports on policies and laws to the United Nations and official global and regional bodies, and secondary sources where clarification or corroboration of primary data is needed. Using a rigorous double-coding process, we create original databases which distill thousands of pages of text to highlight the essential features of each right, law, or policy. These original databases are the reference for the following brief. When drafting each brief, we perform a series of additional verifications to ensure the data provided reflects the current constitutional and legal landscape of a country.

In this report we first provide a summary of our constitutional and legislative findings, as well as suggested questions for the Committee to ask the Lao People's Democratic Republic (Laos) and topics we hope the Committee will address in its concluding observations. This summary is followed by detailed constitutional and legislative excerpts documenting our findings. We hope the Committee will recommend that Laos address any gaps in consultation and collaboration with relevant stakeholders, including civil society organizations. We also recognize that while having strong laws and policies in place are necessary first steps, implementation is also of paramount importance. In areas where we have commended Laos for having provisions in place, we hope the Committee will recommend that Laos work with stakeholders to overcome any obstacles in implementing these provisions.



SUMMARY OF FINDINGS AND RECOMMENDATIONS

1. Equality and Non-Discrimination (Article 2, General Comment No. 5)

Based on our review of full-text national constitutions, the constitution of Laos generally guarantees equality before the law on the basis of ethnic group, gender, beliefs and education. However, some groups guaranteed equality and non-discrimination in the Covenant are not protected by constitutional provisions, including persons facing discrimination on the basis of language, political or other opinion, national origin or disability.

RECOMMENDED CONCLUDING OBSERVATION

We hope the Committee will:

- Recommend in its concluding observations that Laos amend its constitution to add explicit guarantees of equality and non-discrimination based on language, political or other opinion, national origin and disability, consistent with ICESCR commitments. These guarantees could be added to article 35 of the constitution, which already guarantees non-discrimination based on other personal characteristics and statuses.

2. Non-Discrimination in Work and Employment (Article 7)

On broad prohibitions of workplace discrimination:

Laos has a general prohibition against discrimination in its Labor Law, but it **only protects specifically against discrimination on the basis of sex and disability**. All other Covenant groups, including **race and colour, language, religion, political or other opinion, national origin, social origin, property, and birth, do not enjoy this protection**.

On discrimination in remuneration:

Among Covenant groups, Laos only prohibits discrimination in promotions **on the basis of sex and disability**. All other Covenant groups, including **race and colour, language, religion, political or other opinion, national origin, social origin property, and birth, do not enjoy this protection**.

Neither prohibition – for sex or disability – mandates equal pay for work of equal value; they only mandate the weaker protections of equal pay or equal pay for equal work.

On discrimination in promotions:

Among Covenant groups, Laos only prohibits discrimination in promotions **on the basis of disability**. All other Covenant groups, including **race and colour, sex, language, religion, political or other opinion, national origin, social origin, property, and birth, do not enjoy this protection**.



Table 1. Guaranteed legal provisions of non-discrimination in Laos across key areas of employment for personal characteristics covered by the Covenant

	Discrimination broadly prohibited	Remuneration	Promotions
Race and colour			
Sex	✓	✓*	
Language			
Religion			
Political opinion			
National origin			
Social origin			
Property status			
Birth status			
Disability	✓	✓*	✓

**Only the weaker guarantee of equal pay or equal pay for equal work – as opposed to equal pay for work of equal value – are guaranteed.*



RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

On broad prohibitions of workplace discrimination:

We hope the Committee will:

- In its list of issues, ask Laos: can Laos provide the Committee with any concrete, near-term steps it is taking to pass legislation that adds broad prohibitions against workplace discrimination on the basis of race and colour, language, religion, political or other opinion, national origin, social origin, property, and birth?
 - If concrete, near-term plans are not in place, recommend in its concluding observations that Laos amend its legislation to provide broad guarantees against workplace discrimination on the basis of race and colour, language, religion, political or other opinion, national origin, social origin, property, and birth.

On discrimination in remuneration

We hope the Committee will:

- In its list of issues, can Laos provide the Committee with any concrete, near-term steps it is taking to pass legislation that protects against discrimination in remuneration on the basis of race and colour, language, religion, political or other opinion, national origin, social origin, property, and birth?
 - If concrete, near-term plans are not in place, recommend in its concluding observations that Laos amend its legislation to provide explicit guarantees against discrimination in remuneration on the basis of race and colour, language, religion, political or other opinion, national origin, social origin, property, and birth.

On discrimination in promotions:

We hope the Committee will:

- In its list of issues, can Laos provide the Committee with any concrete, near-term steps it is taking to pass legislation that adds specific prohibitions against discrimination in promotions on the race and colour, sex, language, religion, political or other opinion, national origin, social origin, property, and birth?
 - If concrete, near-term plans are not in place, recommend in its concluding observations that Laos amend its legislation to provide broad guarantees against discrimination in promotions on the basis of race and colour, sex, language, religion, political or other opinion, national origin, social origin property, and birth.

3. Child Marriage (Articles 3, 10)

Based on our review, **Lao's Family Law sets a minimum age of marriage of 18 for both girls and boys, but this age can be lowered to 15 in "special and necessary cases"**. Laos's last recorded child marriage rates, from 2017, were high: 33% of girls married before age 18 and 7% married before age 15.¹

¹ UNICEF. UNICEF Data Warehouse – Child Marriage. Retrieved July 20, 2023 from https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=.PT



RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Laos: Can Laos outline any concrete, near-term plans to pass legislation that removes all existing exceptions to a minimum age of marriage of 18 years for both boys and girls?
 - If Laos does not have concrete, near-term plans in place, recommend in its concluding observations that Laos develop a concrete plan to pass and implement legislation that protects children under the age of 18 from early marriage without exceptions.

4. Free and Compulsory Education (Article 13)

Education in Laos is free and compulsory through completing secondary education.

However, as of 2022, the out-of-school rate for children of primary age was 8%, a figure largely unchanged over the last 5 years, and the out-of-school rate for children of secondary school age was 40%.²

RECOMMENDED QUESTIONS FOR THE LIST OF ISSUES AND CONCLUDING OBSERVATIONS

We hope the Committee will:

- In its list of issues, ask Laos: Given the current out-of-school rates for primary students, can Laos provide any information on what concrete measures it is currently taking to effectively implement its free and compulsory education provisions?
 - If Laos does not have concrete measures in place, recommend in its concluding observations that Laos develop a concrete, near-term plan to effectively enforce its provisions to provide primary education that is both free and compulsory.

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² UNESCO Institute for Statistics. SDG 4 March 23 Release. Retrieved July 20, 2023 from <http://sdg4-data.uis.unesco.org/>



DETAIL OF LEGISLATIVE FINDINGS

1. Equality and Non-Discrimination (Article 2, General Comment No. 5)

Article 2 (2) of The Covenant states that:

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, General Comment No. 5, explicitly addresses non-discrimination of persons with disabilities by stating:

[...] the requirement contained in article 2 (2) of the Covenant that the rights “enunciated ... will be exercised without discrimination of any kind” based on certain specified grounds “or other status” clearly applies to discrimination on the grounds of disability.

Constitutions state the values of a country, describe the rights of people living within the country, and profoundly influence norms and practice. In nearly all countries, constitutions take precedence over other sources of law—making them critical tools for delineating and implementing equal rights. New constitutions and new rights guaranteed in constitutions can be used to overturn discriminatory laws as well as to legislate non-discrimination guarantees. Moreover, constitutions can offer protection against policy and legal changes during periods of social and political shifts that may seek to undermine equal rights. For these reasons and others, as the foundational document setting out the rights of all human beings in a country, a constitution and the rights contained therein are essential to realizing equal rights.

We reviewed full text constitutions for all 193 UN member states available from official government sources to determine whether the constitution took any approach to equality across the grounds listed in Article 2.2 and General Comment No. 5 of the Covenant by prohibiting discrimination based on each specific status, guaranteeing equal rights, guaranteeing equality before the law, or guaranteeing overall equality or equal opportunities.

LAOS'S CONSTITUTIONAL PROVISIONS: MULTIPLE COVENANT GROUPS NOT PROTECTED

The Constitution of Laos provides in article 35 for equality before the law regardless of ethnic group, gender, beliefs, social status, and education; article 37 reiterates that men and women have equal rights.

Constitution of 1991, amended to 2015

Article 35

Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.

Article 37



Citizens of both genders enjoy equal rights in the political, economic, cultural and social fields and in family affairs.

Despite General Comment No. 5 which explicitly addresses non-discrimination of persons with disabilities, the Laotian constitution **does not explicitly guarantee equality for persons with disabilities**. Our research has shown that these protections are becoming increasingly common: While only 12% of current constitutions that were passed before 1990 explicitly guarantee equality for persons with disabilities, 69% of those passed since 2010 do. In addition, older constitutions can be amended to include protections for persons with disabilities where none existed before. In two examples from our research, the Republic of Georgia amended its constitution to protect the rights of persons with disabilities in 2018, as did the Republic of Guyana in 2003.

The constitution also does not guarantee equality explicitly on the basis of language, political or other opinion, or national origin.

2. Work and Employment (Article 7)

In addition to Article 2(2) and General Comment No. 5 of the Covenant which guarantees equal rights regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and disability status, Article 7 of the Covenant outlines a number of specific measures States Parties shall undertake in order to eliminate discrimination in the field of employment, including specific measures in the areas of remuneration and promotion.

We systematically reviewed national labor codes, penal codes, equal opportunity, anti-discrimination legislation and other relevant legislation available through the International Labour Organization's NATLEX database for all 193 UN member states to determine whether national legislation prohibited workplace discrimination broadly, as well as in employment across the two areas specified in the Covenant:

- Equal remuneration for work of equal value
- Promotions

For each area, we assessed whether there were explicit prohibitions from discrimination across the grounds listed in Article 2.2 and General Comment No. 5 of the Covenant.

LAOS'S LEGISLATIVE PROVISIONS: MOST COVENANT GROUPS NOT EXPLICITLY PROTECTED

BROAD PROTECTIONS AGAINST DISCRIMINATION

Article 141 of the Laos Labor Law broadly prohibits discrimination, but it does not explicitly name any groups or statuses to which this prohibition may apply.

Labor Law, amended to 2014

Article 141 Prohibitions for Employers

The employer is prohibited from the following actions:

(...)



*9. Direct or indirect discrimination toward employees within the labor unit;
(...)*

Articles 11, 17 and 46 of Lao's gender-based violence law prohibits violence against women in the workplace, and considers discrimination a form of violence.

Law on Preventing and Combatting Violence against Women and Children, 2004

Article 17. Acts considered as Violence against Women and Children

Acts considered as violence against women and children are:

(...)

-Gossip, slander, scorn, insults, defamation, insult or other acts that intend to degrade/harm the reputation or dignity or psychology [of women and children];

-Discrimination, isolation, expulsion from the residence, improper discharge or pressure on the psychological health;

Article 46. Prohibitions for Individuals, Legal Entities or Other Organizations

Individuals, legal entities, and other organizations are strictly prohibited to act as follows:

(...)

-Using violence as defined in Article 17 of this law;

Further, a 2014 decree generally protects persons with disabilities from discrimination in the workplace.

Decree on the Rights of Persons with Disabilities, 2014

Article 25. Jobs for Persons with Disabilities

Persons with disabilities, irrespective of the cause of disabilities, shall have the right to work in all State and private sectors according to their capacity and on equal basis with others with out any discrimination, such as application for employment, acceptance, salary, rank promotion, compensation, job determination, right to enhancement of skills, and other.

(...)

Our research did not uncover any provisions that broadly protect against discrimination on the basis of race or colour, language, religion, political or other opinion, national or social origin, property, or birth.

ON REMUNERATION

The Covenant states that:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:



- (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;*
- (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;*

The Covenant requires all workers – and more specifically women -- to receive equal pay for equal work, or equal pay for work of equal value. Laos’s Law on the Development and Protection of Women gives women the right to equal pay for equal work compared to men.

Law on the Development and Protection of Women, No. 08/NA, 2004

Article 15. Equal Economic Rights

(...)

Women who have the same position, task, work, and responsibility as men shall have the right to remuneration and benefits on an equal basis with men.

(...)

Laos’s new disability law, highlighted in paragraph 33 of the state party report, grants equal remuneration to persons with disabilities.

Law on Disabled Persons, 2019

Article 38 Job Application

Disabled persons can apply for a job with any labor unit, both public and private organization, including international organization active in the Lao PDR based on their qualifications, and must be given wage, salary, promotion, position and welfare as equal to other people.

According to our research, **all other Covenant groups and statuses, including race or colour, language, religion, political or other opinion, national origin, social origin, property status and birth status are not covered by this protection.**

ON PROMOTIONS

The Covenant calls for equal opportunity in promotions, subject only to competence and seniority:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;*

Only persons with disabilities are explicitly protected from discrimination in promotions, according to both the 2014 decree and the 2019 law cited above.



Law on Disabled Persons, 2019

Article 38 Job Application

Disabled persons can apply for a job with any labor unit, both public and private organization, including international organization active in the Lao PDR based on their qualifications, and must be given wage, salary, promotion, position and welfare as equal to other people.

Decree on the Rights of Persons with Disabilities, 2014

Article 25. Jobs for Persons with Disabilities

Persons with disabilities, irrespective of the cause of disabilities, shall have the right to work in all State and private sectors according to their capacity and on equal basis with others with out any discrimination, such as application for employment, acceptance, salary, rank promotion, compensation, job determination, right to enhancement of skills, and other.

(...)

In our review of Laotian legislation, **we found no prohibitions of discrimination in promotions on the basis of race or colour, sex, language, religion, political or other opinion, national origin, social origin, birth status, and property status.**

3. Child Marriage (Articles 3, 10)

Article 10 (1) of the Covenant states that all States Parties must recognize that:

[...] Marriage must be entered into with the free consent of the intending spouses.

Additionally, Article 3 guarantees this right to be applied to all persons equally regardless of sex:

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Child marriage has life-long health, educational, and economic consequences, particularly for girls. Child brides are more likely to drop out of school, be victims of domestic abuse, and experience pregnancy and childbirth complications due to early childbearing, all of which affect core rights of the Covenant, specifically the right to physical and mental health (Article 12), and the right to education (Article 13). We systematically reviewed national civil codes and child-related legislation for all 193 UN member states to determine whether national legislation established a minimum age of marriage for both girls and boys generally, with parental consent, and under religious and customary law. We reviewed all legislation available through the Lexadin World Law Guide, Foreign Law Guide, International Labor Organization's NATLEX database, Pacific Islands Legal Information Institute, Asian Legal Information Institute, JaFBASE, and official country websites.



LAOS'S LEGISLATIVE PROVISIONS: UNDERAGE MARRIAGE PROHIBITED IN PRINCIPLE, BUT STILL WIDELY PRACTICED

Based on our review, Laotian law does not generally allow marriages before age 18 for boys nor girls, although this age can be lowered to fifteen in “special and necessary cases”.

Family Law, 1990

Article 9. Conditions for Marriage

Men and women have the right to marry at eighteen years of age. In special and necessary cases, this limit may be lowered to less than eighteen years of age but not less than fifteen years of age. Marriage must be based on mutual consent from both sides without coercion from any side or individual.

In the last year for which there is available data in Laos, child marriage rates were exceedingly high: 33% of women aged 20-24 at the time of survey had been married before age 18, and 7% had been married before age 15,³ so this remains a matter of concern.

4. Free and Compulsory Education (Articles 13)

Article 13 of the Covenant states that:

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

For all 193 UN member states, we systematically reviewed education acts and child protection laws available online through UNESCO's Observatory on the Right to Education Library and International Labour Organization's NATLEX database. Through the review we determined whether national legislation guaranteed free and compulsory education at the primary and secondary level.

³ 2017 data taken from UNICEF. UNICEF Data Warehouse – Child Marriage. Retrieved July 20, 2023 from https://data.unicef.org/resources/data_explorer/unicef_f/?ag=UNICEF&df=GLOBAL_DATAFLOW&ver=1.0&dq=PT_F_20-24_MRD_U15+PT_M_20-24_MRD_U18+PT_F_20-24_MRD_U18+PT_M_15-19_MRD+PT_F_15-19_MRD.&startPeriod=2016&endPeriod=2022



LAOS'S LEGISLATIVE PROVISIONS: SCHOOL IS FREE AND COMPULSORY THROUGH SECONDARY EDUCATION

According to the current Education Law of 2015, primary education and secondary education are both compulsory, and compulsory education is to be provided free of fees and charges.

Education Law, 2015

ມາດຕາ 28(ໃໝ່)

ການສຶກສາພາກບັງຄັບ

ການສຶກສາພາກບັງຄັບ ແມ່ນ ການສຶກສາທີ່ຈຳເປັນ ສາມາດຜ່ານລະເມືອງທຸກຄົນ ຊຶ່ງຕ້ອງຮຽນ
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- ລັດ ກຳນົດເອົາການສຶກສາ ແຕ່ຊັ້ນປະຖົມສຶກສາ ຈົນຈົບຊັ້ນມັດທະຍົມສຶກສາຕອນຕົ້ນ
ເປັນການສຶກສາພາກບັງຄັບ.

ມາດຕາ 61(ບັບບຸງ) ຄ່າທຳນຽມ

ແລະ ຄ່າບໍລິການ

ສະຖານການສຶກສາ ມີສິດເກັບຄ່າທຳນຽມ ແລະ ຄ່າບໍລິການການສຶກສາ ຕາມລະບຽບການ
ທີ່ປະກາດໃຊ້ໃນແຕ່ລະໄລຍະ ຍົກເວັ້ນການສຶກສາພາກບັງຄັບ ທີ່ເປັນຂອງລັດ.

Despite these provisions, in 2022 8% of Laotian children of primary school age were out of school, a figure that has remained stable for the last 5 years, as were 40% of Laotian children of secondary school age,⁴ so this remains a matter of concern.

⁴ UNESCO Institute for Statistics. SDG 4 March 23 Release. Retrieved July 20, 2023 from <http://sdg4-data.uis.unesco.org/>