



Civil society engagement with UN human rights mechanisms on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC)

LAO P.D.R.

ABOUT THE COUNTRY BRIEF

This country brief charts efforts by lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) activists to raise issues related to sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) within UN human rights mechanisms. This brief is based on a review of engagements with various mechanisms, including a desk review of civil society submissions and national-level discussions and individual interviews with activists and stakeholders. The discussions took place over the first half of 2016, with additional data gathered on review cycles. **The objective is to provide baseline information for LGBTIQ activists to help maximize their engagement with UN human rights mechanisms.**

UNIVERSAL PERIODIC REVIEW

1ST CYCLE (2010)

There were no references to SOGIESC issues during the first cycle review of Lao PDR. Similarly, no civil society submissions addressed SOGIESC issues.

2ND CYCLE (2016)

In its submission to the review, the UN Country Team recommended the establishment of a national human rights institution in conformity with the Paris Principles, noting that “the implementation of the rights of minority groups, such as the LGBT community and persons with disabilities, remained particularly low, and those minority groups were at risk without the protection afforded by such an institution.”¹

Forum Asia and the Asia-Europe People’s Forum noted in their joint submission that the government of Lao PDR has “created obstacles to the work of civil society organizations after their official registration,” noting among other things that “Lao-based international and local NGOs that are not led by ex-government officials do not feel free or safe to make submission for this review, fearing consequences for their organisation and the security of their local staff.” They note that “acquiring permits for projects and activities that focus on, among others, LGBT and reproductive and sexual rights and issues relating to the rights of ethnic groups were particularly difficult.”²

No recommendations on SOGIESC issues were made.³

1 UN in Lao PDR, 2015. Contribution by the United Nations in the Lao People’s Democratic Republic for the 21st Session of the Universal Periodic Review. Retrieved from https://www.upr-info.org/sites/default/files/document/lao_people039s_democratic_republic/session_21_-_january_2015/un_in_lao_pdr_-_united_nations_in_the_lao_pdr.pdf.

2 Asian Forum for Human Rights and Development & International Organising Committee of the Asia-Europe People’s Forum, 2014. Universal Periodic Review Second Cycle - Lao PDR Stakeholders’ Submission. Retrieved from https://www.upr-info.org/sites/default/files/document/lao_people039s_democratic_republic/session_21_-_january_2015/js2_-_joint_submission_2.pdf.

3 UN Human Rights Council, 2015. Report of the Working Group on the Universal Periodic Review: Lao People’s Democratic Republic, A/HRC/29/7.

TREATY MONITORING BODIES

LAO PDR HAS RATIFIED⁴ THE FOLLOWING INTERNATIONAL HUMAN RIGHTS TREATIES:

- 01 International Covenant on Civil and Political Rights
- 02 International Covenant on Economic, Social and Cultural Rights
- 03 Convention on the Elimination of All Forms of Discrimination against Women
- 04 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- 05 Convention on the Rights of the Child (with Optional Protocols 1 & 2)
- 06 Convention on the Rights of Persons with Disabilities
- 07 International Convention on the Elimination of All Forms of Racial Discrimination

There were no references to SOGIESC issues in the reviews of State Party reports to the treaty monitoring bodies.

SPECIAL PROCEDURES

Lao PDR has not issued a standing invitation to UN Special Procedures. The Special Rapporteur on freedom of religion and belief visited the country in 2009, but did not address SOGIESC issues.⁵ The Special Rapporteur in the field of cultural rights requested to visit the country during 2016. Lao PDR has agreed to the visit of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, which is scheduled on November 2017.⁶

OTHER POSITIONS AT THE UNITED NATIONS

Lao PDR abstained or was absent from votes on the inclusion of references to sexual orientation and gender identity in resolutions on extrajudicial executions at the General Assembly in 2010, 2012 and 2014.^{7,8,9} Similarly, Lao PDR abstained when the UN General Assembly in December 2016 voted on a resolution to “defer consideration of and action on” the mandate of the Independent Expert on Sexual Orientation and Gender Identity (IESOGI).^{10,11}

5 UN Human Rights Council, 2009. Report of the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Addendum: Lao People's Democratic Republic, A/HRC/13/40/Add.4.

6 UN Office of the High Commissioner for Human Rights, n.d. Country visits of Special Procedures of the Human Rights Council since 1998. Retrieved from http://spinternetohchr.org/_Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en.

7 UN General Assembly, 2010. 65th Session, 71st Plenary Meeting, A/65/PV.71.

8 UN General Assembly, 2012. “Amendment to draft resolution A/C.3/67/L.36” as contained in document L.68 (list of votes). Retrieved from http://www.un.org/en/ga/third/67/docs/voting_sheets/L68.pdf.

9 UN General Assembly, 2014. Amendment to draft resolution A/C.3/69/L.47/Rev.1, A/C.3/69/L/64. Retrieved from http://www.un.org/en/ga/third/69/docs/voting_sheets/L64.L47Rev1.pdf.

10 APCOM (December 21, 2016). Another Victory of the UN Rejecting Another Effort to Suspend the Mandate of Independent Expert on Sexual Orientation and Gender Identity. Retrieved from: <https://apcom.org/2016/12/21/lgbtiq-regional-organizations-asia-pacific-welcome-decision-ungas-5th-committee-meeting-safeguard-mandate-independent-expert-sexual-orientation-gender-identity/>

11 UN Human Rights Council, 2016. Resolution 32/2: Protection against violence and discrimination based on sexual orientation and gender identity, A/HRC/32/L.2/Rev.1.



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ASEAN SOGIE Caucus (ASC) is a regional organization of human rights defenders from various countries in Southeast Asia. ASC advocates for the promotion, protection and fulfilment of the rights of all persons regardless of their sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). The organization aims to support capacities of local activists to engage with domestic and international human rights mechanisms. The organization envisions a SOGIESC-inclusive Southeast Asian community, and advocates for the human rights of all persons regardless of SOGIESC to be respected, protected, promoted, and fulfilled.

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