



**COUNTRY BASELINE UNDER THE 1998 ILO DECLARATION ANNUAL REVIEW (2000-2008)<sup>1</sup>: LAO PEOPLE'S DEMOCRATIC REPUBLIC**

**THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR (FL)**

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	<b>YES</b> , since 2005 and 2006 Annual Reviews (ARs).	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<b>YES</b> , according to the Government: Involvement of the Lao National Chamber of Commerce and Industry (LNCCI) and the Lao Federation of Trade Union (LFTU) through consultations or communication of Government's report.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2008 AR:</b> Observations of the LNCCI comprised of 23 affiliates. <b>2006 AR:</b> Observations of the LNCCI.	
	<b>Workers' organizations</b>	<b>2008 AR:</b> Observations of the LFTU. <b>2006 AR:</b> Observations of the LFTU.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>The Lao People's Democratic republic has ratified the Forced Labour Convention, 1930 (No. 29) (C.29).</b>
		<b>Ratification intention</b>	<b>YES, since 2002, for C.105.</b> <b>2008 AR:</b> The Government confirmed its intention to ratify C.105. The LNCCI and the LFTU expressed their support to the ratification of C.105 and indicated that a tripartite consultation would accelerate the process. <b>2006 AR:</b> The Government confirmed its intention to ratify in a near future C.105. The LNCCI and the LFTU supported the ratification of all the fundamental conventions by Lao PDR, particularly C.105. <b>2001 AR:</b> Based on information in GB.282/LILS/7 and GB.282/8/2 (Nov. 2001): the Government intends to ratify C.105.
	<b>Recognition of the principle and right (prospect(s), means of action, main legal</b>	<b>Constitution</b>	<b>YES</b> The Constitution (Article 6) guarantees the right to freedom and democracy that is inviolable. Pursuant to this article, any authoritative act and harassment that could jeopardize one's physical or moral integrity, dignity, life, conscience or property, is prohibited. According to the Government, the principle and right (PR) is enshrined in the

<sup>1</sup> Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: information provided by the Government under the Declaration Annual Review, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: [www.ilo.org/ilolex](http://www.ilo.org/ilolex)

	provisions)		Constitution by prohibiting any forms of compulsory or forced labour.		
		<b>Policy, legislation and/or regulations</b>	<ul style="list-style-type: none"> <li>• <b>Policy</b> <b>2005 AR:</b> According to the Government: the PR includes every category of persons or activities and there is also a national policy for its realization.</li> <li>• <b>Legislation</b> <b>2008 AR:</b> a new Labour Code was adopted in 2006 with specific provisions on the prohibition of forced labour.</li> </ul> <p><b>2006 A:</b> According to the Government, the PR is expressly recognized in the Labour Code, which prohibits any forms of compulsory and forced labour.</p>		
		<b>Basic legal provisions</b>	(i) Constitution (Article 6) ; (ii) Labour Code (Articles 1 et 4) and (iii) Penal Code (Article 5).		
		<b>Definition of forced or compulsory labour</b>	<b>2005 AR:</b> According to the Government: forced labour is defined as all work, which is exacted from any person and for which the said person has not offered himself voluntarily in violation with the law.		
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Exercise of the principle and right</b>	<b>Judicial decisions</b>	NIL		
		<b>Special attention to particular situations and human trafficking</b>	<b>2005 AR:</b> According to the Government: the situation of girls and boys.		
		<b>Information/Data collection and dissemination</b>	NIL		
	<b>Monitoring, enforcement and sanctions mechanisms</b>	<b>2005 AR:</b> According to the Government: The PR is realized through: (i) inspection and monitoring, (ii) penal, civil and administrative sanctions.			
	<b>Involvement of the social partners</b>	<b>2005 AR:</b> According to the Government: tripartite consultations are being envisaged.			
	<b>Promotional activities</b>	<p><b>2008 AR:</b> The LNCCI indicated that it collaborates with the Government and trade unions on that issue and participates regularly to activities and workshops organized by the Government of Lao PDR.</p> <p><b>2005 AR:</b> According to the Government: the following measures have been taken for the realization of the PR: (i) employment creation, skills training and income generation; (ii) teaching programmes; (iii) re adaptation of persons subjected to forced labour; (iv) international cooperation programmes and projects.</p>			
	<b>Special initiatives/Progress</b>	<p><b>2006 AR:</b> The Government indicated that is had organized several national workshops on C.29, C.105 and the other fundamental conventions, in collaboration with the ILO.</p> <p>According to the LNCCI: it stated that it had initiated its awareness raising activities in 2003 with the support of the ILO and the Australian Chamber of Commerce, and particularly activities on the national legislation and international labour standards (ILS) have been undertaken for the members of the LNCCI since 2004.</p>			
<b>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>According to social partners</b>	<b>Employers' organization</b>	<b>2008 AR:</b> The LNCCI indicated that the issue of migrant workers is affecting the employers and that they need a larger workforce.		
		<b>Workers' organization</b>	NIL		

	<b>According to the Government</b>	NIL
<b>TECHNICAL COOPERATION</b>	<b>Request</b>	<p><b>2008 AR:</b> According to the Government: ILO technical assistance is needed for conducting a country assessment and seminars on the PR and the Declaration follow-up.</p> <p><b>2006 AR:</b> The Government called for ILO technical assistance for the realization of the PR and ILO fundamental conventions in Lao PDR. It supported moreover the requests mentioned by the LNCCI and the LFTU. The LNCCI requested ILO support for the strengthening of sensitization activities on the national legislation and international labour standards. The LFTU requested ILO technical cooperation for the realization of the PR among the workers.</p> <p><b>EA 2005:</b> According to the Government: ILO technical cooperation is needed in the following areas, in order of priority: (1) Awareness-raising, legal literacy and advocacy; strengthening data collection and capacity for statistical collection and analysis; training of other officials (e.g. police, judiciary, social workers, teachers); development of social protection systems; (2) assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the principle; sharing of experiences across countries/regions; policy advice; legal reform (labour law and other relevant legislation); capacity building of responsible government institutions; strengthening capacity of employers' and workers' organizations; employment creation, skills training and income generation for vulnerable workers; cross-border cooperation mechanisms; rural development policies (for example, land reform, rural infrastructure, agricultural extension, marketing, microfinance).</p>
	<b>Offer</b>	<b>2005 AR:</b> ILO-IPEC Mekong Sub-regional Project to Combat Trafficking in Children and Women.
<b>EXPERT-ADVISERS' OBSERVATIONS/ RECOMMENDATIONS</b>	<p><b>2008 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) listed the Lao PDR among the countries having expressed their intention to ratify C.29 and/or C.105 or to complete the ratification process. They encouraged these countries to accelerate this process so as to make an important step forward towards universal ratification. The IDEAs welcomed the adoption of new laws relating to forced or compulsory labour in the Lao PDR (and another country). Finally, they further noted that a number of governments, employers' or workers' organizations in various countries, including the Lao PDR, were willing to meet these challenges and had requested technical cooperation, with a view to realizing country assessments and workshops with the support of the ILO (Cf. Paragraphs 41, 43 and 51 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p><b>2007 AR:</b> The IDEAS welcomed the significant increase in the reports of action to combat forced labour in several countries, including the Lao PDR, and noted that an increasing number of States were recognizing that forced labour does exist in their country [...]. For the IDEAs, such recognition was indispensable to combating forced or compulsory labour, as it was undoubtedly the first step in what is a daunting but essential task (Cf. Paragraph 41 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p><b>2005 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) expressed satisfaction concerning the concrete information received on progress made in the elimination of all forms of forced or compulsory labour in Nepal in cooperation with the ILO (paragraph 192 of the 2005 Annual Review Introduction). They recommended that the Special Action Programme to combat forced labour (SAP-FL) receive a substantive additional support from donors in order to help the country make further progress in promoting and realizing the PR (Cf. Paragraph 192 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p>	
<b>GOVERNING BODY OBSERVATIONS/ RECOMMENDATIONS</b>	NIL	