

LAOS (Tier 2)

Laos is a source, and to a much lesser extent, a transit and destination country for women, children, and men who are subjected to forced prostitution and forced labor. Lao trafficking victims often are migrants seeking work outside of the country who encounter conditions of involuntary exploitation only after arriving in their destination countries, most often Thailand. Many Lao migrants, particularly women, pay broker fees, normally ranging from the equivalents of \$70 to \$200, to obtain jobs in Thailand, but after their arrival are subjected to conditions of sexual servitude in Thailand's commercial sex trade, and sometimes to forced labor in domestic service, garment factories, or agricultural industries. Lao men and boys are also victims of forced labor in Thailand, especially in the fishing and construction industries. Ethnic minority populations of Laos often are vulnerable to trafficking in Thailand, due to their lack of Thai language skills and unfamiliarity with Thai society. Members of the lowland Lao majority ethnic group are drawn to Thailand because of the cultural similarities and their ability to speak Thai, both of which allow them to acculturate with ease. Unfortunately, this also makes locating and identifying Lao victims more difficult. Small number of Lao women and girls are reportedly sold as brides in China.

Given its porous borders, Laos is increasingly a transit country for Vietnamese, Chinese, and Burmese women who are subjected to sex trafficking and forced labor in neighboring countries. Some Vietnamese and Chinese women are also subjected to forced prostitution in Laos, usually in close proximity to casinos or Special Economic Zones. Although there are fewer reported instances of internal trafficking, sex trafficking of Lao women and girls within the country remained a problem. Additionally, children, especially girls, are also vulnerable to the worst forms of trafficking, both domestically and internationally.

The Government of Laos does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the current reporting period, the government reported investigating 49 trafficking cases and convicting 37 trafficking offenders. While the victims received temporary services from the government, the trafficking laws do not fully protect all victims. Neither proactive identification measures nor systematic monitoring efforts were implemented during the current year. The immigration police, who operate a trafficking in persons division at the Lao-Thai border, have reported minimal identification of victims among Lao who have returned or been deported from Thailand. The Government of Laos continued to operate a transit center in Vientiane, provided funding for the Lao Women's Union shelter, and continued to rely heavily on foreign donor support for long-term victim assistance. In mid-2011 the Ministry of Public Security (MOPS) upgraded its anti-trafficking division to a department in order to elevate its profile status within other government entities. Inefficiencies within the Lao bureaucracy, however, continued to delay approvals for local and international NGOs to implement anti-trafficking projects

and agreements. The prime minister has yet to approve a final draft of the anti-trafficking national plan of action.

Recommendations for Laos: Increase efforts to address internal trafficking by identifying and assisting Lao citizens trafficked within the country and prosecuting their traffickers; demonstrate greater efforts to combat the trafficking complicity of public officials, especially on the local level, through the criminal prosecution of officials involved in trafficking crimes; develop monitoring mechanisms for labor recruiters tasked with processing work permits and contracts to prevent the trafficking of migrant workers; develop and implement formal victim identification procedures and train police and border officials to systematically identify trafficking victims, particularly among migrants returning from Thailand; increase resources and vocational trainings to support victims in reintegration after returning to their home communities; develop a victims' protection framework to increase the number of victims willing to testify or assist in investigations; approve memoranda of understanding with NGOs and international organizations in a more timely manner; increase country-wide awareness of court proceedings and legal avenues for trafficking matters; continue to implement visible anti-trafficking awareness campaigns directed at clients of the sex and labor trade; reduce the demand for sex tourism by promulgating awareness and enforcing criminal penalties; disseminate anti-trafficking educational materials to those dwelling in rural or minority areas of Laos, including the Northern provinces; sustain progress on the proposed national database system on trafficking cases; and continue to develop a comprehensive anti-trafficking law.

Prosecution

The Lao government made progress in its anti-trafficking law enforcement efforts during the current year. The government prohibits all forms of human trafficking through its 2006 revision of penal code Article 134, which prescribes penalties ranging from five years' to life imprisonment, fines ranging from the equivalent of \$1,250 to \$12,500, and confiscation of assets, which are sufficiently stringent punishments and commensurate with those prescribed for other serious crimes, such as rape. In the fall of 2011, the government approved the establishment of a committee tasked with assessing current trafficking laws to locate and address gaps. Within the current reporting period, authorities reported investigating 49 cases of suspected trafficking, involving 69 alleged offenders, resulting in 37 convictions, compared with 20 cases investigated and 33 convictions in 2010. The government did not, however, provide details on punishment or sentences for the individual cases. Court proceedings still lacked due process and transparency, and the Lao judicial sector remained weak and inefficient. The general public's continued reluctance to work with law enforcement hampered the government's ability to effectively investigate internal or cross-border trafficking cases. Corruption remained an endemic problem in Laos. Anti-trafficking organizations reported that some village officials received payment to facilitate the immigration or transportation of girls to

Thailand. The government did not report any investigations, prosecutions, or convictions of officials allegedly complicit in human trafficking.

Protection

The Government of Laos made modest efforts to identify and protect trafficking victims during the current reporting period. The government has yet to develop or implement formal victim identification procedures to proactively identify victims of trafficking among vulnerable groups. Upon their return from Thailand, victims identified by Thai or Lao authorities were referred to shelters or other providers of medical care, counseling services, and vocational training. During the year, 195 trafficking victims were returned to Laos under the official repatriation system, but more victims were among those “pushed back” unofficially by Thai authorities as undocumented migrants. The government continued to rely almost completely on NGOs and international organizations to provide or fund victim services. However, the central government funded and operated a transit center in Vientiane where identified victims of trafficking returning from Thailand stayed while assessments were conducted by the authorities. The Lao Women’s Union continued to operate a hotline for reporting suspected cases of domestic violence and trafficking; although trafficking-related calls have been received, the number has not been recorded. Through the Law on Development and Protection of Women, women and children identified as trafficking victims are exempted from criminal prosecution for unlawful acts committed as a direct result of trafficking. The government reported encouraging victims to cooperate with prosecutions, and provided them privacy protections, but did not implement a framework for witness protection. Most anti-trafficking organizations focus on women and children, leaving male victims of trafficking without similar support. Anti-trafficking organizations also identified Northern Laos as a region that lacks much-needed victim assistance services. While the government depended on NGOs to provide resources for many trafficking initiatives, its own internal inefficiencies caused lengthy delays in granting approvals to NGOs and international organizations to implement anti-trafficking efforts in Laos. The government did not approve victim protection guidelines that were drafted during the previous reporting period with support from the UN and NGOs. Victim access to legal redress is undercut by unfamiliarity with court procedures. Laos does not provide legal alternatives to the removal of foreign victims to countries where they may face retribution or hardship.

Prevention

During the past year with assistance from international organizations and NGOs, the Lao government made moderate progress with its prevention efforts. The Lao Tourism Authority, a government agency, led workshops for hotel and other tourism professionals on how to recognize suspected child trafficking cases. Also, the People’s Supreme Court, public prosecutors, and the MOPS trained village chiefs and district officials on trafficking investigations, and the Ministry of Justice disseminated

information related to trafficking laws and victims' rights. Government authorities funded the equivalent of an estimated \$31,000 for other trainings facilitated by the Lao Women's Union. The Ministry of Information, Culture, and Tourism assisted in the sponsorship of a concert that raised awareness of human trafficking, and the government-controlled media continued to report on human trafficking. Although the National Assembly approved a national plan of action on human trafficking in 2007, it has yet to be approved by the prime minister's office. The Lao government publicized a national poster campaign against child sex tourism and also initiated a national hotline for callers to report suspected acts of child exploitation. However, due to a lack of human and physical resources, and an insufficient understanding of the scope and details of sex tourism in Laos, the government remained unable to sustain the implementation of these prevention efforts aimed at Lao or foreign nationals who participate in such activity.