

Journal of Conventional Weapons Destruction

Volume 18
Issue 2 *The Journal of ERW and Mine Action*

Article 8

July 2014

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Recommended Citation

Hinton, Megan and Rutherford, Ken (2014) "Disability Rights in Laos," *The Journal of ERW and Mine Action* : Vol. 18 : Iss. 2 , Article 8.

Available at: <https://commons.lib.jmu.edu/cisr-journal/vol18/iss2/8>

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Disability Rights in Laos

Relatively poor immunization and health standards, inadequate transportation infrastructure, and explosive remnants of war from previous conflicts are prevalent causes of disability in Laos. The exact number of disabled people living in Laos today is unknown due to inadequate surveys, poor reporting and little incentive for individuals to register as disabled.¹ Despite the large number of disabled persons in Laos, they are a highly underrepresented minority. However, disability issues have become increasingly mainstream in Lao society in recent years, and a renewed effort to secure disability rights has ensued.

by Megan Hinton and Ken Rutherford [CISR]

With over two million tons of ordnance dropped between 1964 and 1973, Laos is considered the most heavily bombed country per capita in history. It is estimated that up to 30 percent of the 270 million cluster bomblets dropped on the country failed to detonate and remained after the conflict ended.² According to the country's mine action center, the National Regulatory Authority for UXO/Mine Action Sector in Laos (UXO-NRA), unexploded ordnance (UXO) contamination exists to some degree in every province; about one in every four villages is contaminated.³ The widespread and severe UXO contamination is a major cause of disability in Laos, where an estimated 12,500 to 15,000 mine/UXO survivors currently live.⁴ New UXO casualties can be prevented by clearance operations and risk education initiatives.

International and National Legislation

Laos signed the *Convention on Cluster Munitions* (CCM) on 3 December 2008 and ratified the legislation on 8 March 2009.⁵ The CCM is especially significant because Article 5 outlines the principles of victim assistance for UXO survivors. These principles are in agreement with the rights guaranteed to disabled people by the *Convention on the Rights of Persons with Disabilities* (CRPD), which Laos signed on 15 January 2008 and ratified 15 September 2009.⁶ For example, that UXO survivors should receive support through medical and rehabilitative care corresponds with their right to the highest obtainable level of health and rehabilitation set forth by the CRPD. The CCM and the CRPD both emphasize social and economic inclusion for survivors. Like the CRPD, which highlights the rights of disabled women and children, the CCM stipulates that victim assistance for UXO survivors should be gender- and age-sensitive.^{7,8}



Former Secretary of State Hillary Clinton visits with Phongsavath Souliyalat at COPE Center in Vientiane, Laos, during her July 2012 visit.

Photo courtesy of the U.S. Department of State.

Shortly after the CCM's entry into force on 1 August 2010, the First Meeting of States Parties was held in Vientiane, Laos.⁹ The *Vientiane Action Plan*, which was adopted at this meeting, outlines what the State Parties should prioritize. Although not legally binding, the *Vientiane Action Plan* serves as an aid for the States Parties as they attempt to implement the measures set forth by the CCM.¹⁰

As the national mine action center in Laos, UXO-NRA is responsible for the regulation and coordination of all clearance operations in the country. In addition to coordinating clearance activities, UXO-NRA also works toward the inclusion of UXO survivors into society.³ UXO-NRA has

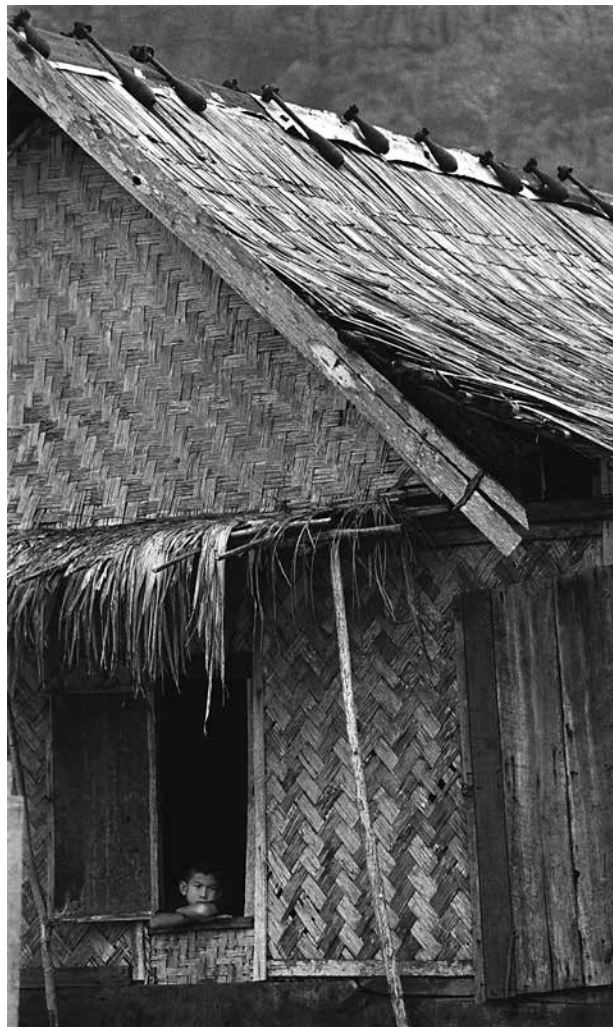
a victim assistance unit as specified in their strategic plan, titled Safe Path Forward. The plan calls for the creation and management of a national database for landmine/UXO incidents. Such a database will not only depict which areas to prioritize for clearance and mine risk education (MRE) tasks but also the number of survivors and their specific needs. This information will then be factored into future public health initiatives.¹¹ UXO-NRA has conducted the Lao National UXO Victim and Accident Phase 1 Survey, which identified particular areas with high concentrations of UXO incidents and recurring characteristics of survivors such as activities, occupations, age and gender.¹²

Disability Rights in Laos

While ratifying the CRPD is undoubtedly a step toward the fulfillment of disability rights, the focus on disability rights is not a new trend in Laos. Laos passed several national laws addressing issues disabled people face. As a result of its revision in 2003, the Laotian Constitution now guarantees that disabled persons will receive social security benefits and receive time off work in the event of incapacitation or disability.¹³

Additional national laws, such as the amended *Labour Law of Lao People's Democratic Republic* of 2006, further address issues disabled people encounter. This legislation encourages employers to give disabled persons positions with pay comparable to other workers and calls for employers to provide assistance to those disabled during work or while commuting. Those who fail to comply with this law may receive a warning or fine, have their business suspended or license revoked, and legal action may be taken against them. While the law does address issues such as providing suitable jobs and aid in the case of work-related disability, it fails to protect disabled people in areas such as workplace discrimination. The law states that the employer and the employee should mutually benefit without "discrimination as to race, nationality, gender, age, religion, beliefs and socio-economic status."¹⁴ Missing from this clause, as well as other national legislation, is any explicit prohibition of discrimination on the basis of disability. Because disability-based discrimination is not explicitly prohibited, legal action cannot remedy such situations.¹⁵

In 1995, the Prime Minister's Office issued a decree establishing the National Committee for Disabled People (NCDP).¹⁶ However, the roles and responsibilities of NCDP are not clearly outlined in the decree. A second decree was passed in 2009, shortly after Laos signed the CRPD, aligning the responsibilities of NCDP with the convention's requirement for structure to "promote, protect, and monitor



A child looks out of a window of a house that uses bombies to hold down the roof. The prevalence of UXO in Laos is a primary cause of the high rate of disabled people in the country. Photo courtesy of Sean Sutton/MAG.

the implementation" of the CRPD.⁷ The decree further clarified that NCDP is to coordinate disability-related policies and programs in Laos, conduct nationwide needs surveys and produce statistics depicting the distribution of various types of disabilities and disabled peoples' needs.¹⁶ NCDP has the advantage of access to government-controlled information channels such as newspapers, radio broadcasts and television.¹⁵

Challenges for Disabled People

To fully participate within society, often disabled people must overcome physical and attitudinal barriers. In Laos, many live in rural settings where rough roads and topography limit mobility. Weather indirectly, yet significantly, impacts disabled people in Laos. During the rainy seasons, numerous rural roads become nearly impassable by foot. Many public and commercial buildings feature a set of front



In Laos, rough roads and difficult topography hinder mobility of disabled persons in rural areas.
Photo courtesy of U.N./Lamphay Inthakoun.

steps in case of flooding. Similarly, stilts support houses in rural areas and homes generally have steps leading to the front entrance. The country's political history has also affected the architecture of its buildings. Shops in Laos are often very narrow with several floors, because businesses were traditionally taxed on the amount of street frontage their business occupied.¹⁵ Some disabled people with mobility issues cannot access the buildings due to their tight, narrow construction, which prohibits wheelchair ramps and makes other accommodations equally difficult.

In addition to these environmental challenges, disabled people in Laos must overcome societal stigma. Similar to several other countries, disability and disabled persons in Laos are often associated with negative stereotypes, widely misunderstood and misrepresented.^{17,18} Because Laos has an agrarian-based economy, in which most jobs require physical labor and mobility, many Laotians believe that disabled people cannot contribute and are a burden to their families and society.

Because of the negative stigma associated with disability, society is more likely to abandon, ostracize or even hide children with disabilities. Furthermore, families receive little or no benefits from registering a child as disabled. When a family

hides a disabled member from authorities, it affects the government's ability to improve legislation and living conditions and reduce overall prejudice because the total number and distribution of disabled people remains unclear.¹⁵

Advocacy

Creating awareness about disabled persons' abilities and contributions is one way to change societal beliefs and dispel associated stereotypes. In accordance with the CRPD, States Parties must take measures to spread awareness about the rights of disabled people at all societal levels, including the nuclear family, to prevent potential discrimination or concealment.⁷

At the forefront of awareness efforts are disabled people's organizations (DPO). As the majority of their members are disabled, DPOs work directly with and serve as a representative for persons with disabilities.¹⁹ In order to counteract the stigma associated with being disabled, DPOs aim to educate the public about disability rights.²⁰ One of the largest DPOs in Laos is the Laos Disabled Persons Association (LDPA) with branches in 11 of the 18 provinces.¹⁵ Because of its physical and ideological breadth, LDPA has become the prominent DPO in Laos. One of its most important responsibilities is to monitor

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What Help Does Laos Receive?

In 2013, the Office of Weapons Removal and Abatement in the U.S. Department of State's Bureau of Political-Military Affairs (PM/WRA) funded several clearance, mine risk education (MRE) and survivor assistance projects in Laos. The clearance projects were as follows:

- The HALO Trust conducted clearance in the Savannakhet province.
- MAG (Mines Advisory Group) coordinated survey and clearance operations in the province of Xiangkhouang.
- Norwegian People's Aid conducted survey and clearance activities in the Xekong province.
- Sterling Global provided capacity development to UXO-NRA as well as monitored and coordinated UXO Lao clearance units, ultimately extending their technological capacity.^{1a}

PM/WRA survivor assistance initiatives for disabled persons in Laos were implemented by the following organizations:

- Health Leadership International developed and strengthened the diagnostic capabilities of medical personnel at the district level and provided portable ultrasounds.
- World Education Inc. enhanced victim assistance services in Xiangkhouang province, improved trauma care training capacity for Laos medical personnel and developed first-aid curriculum to be used nationwide.^{1a}

Additionally, PM/WRA supported MRE programs in Laos:

- Catholic Relief Services distributed MRE materials in two provinces.
- Spirit of Soccer used sports-oriented curriculum to teach MRE to children living in high-impact areas.^{1a}

Australia, Germany, Ireland, Japan, Luxembourg, the U.K. and the European Commission also provide funding for clearance and MRE in Laos.^{2a}

Organizations such as Handicap International (HI) and the Cooperative Orthotic and Prosthetic Enterprise (COPE) are devoted to the physical rehabilitation of UXO survivors and other disabled people in Laos. HI strives to strengthen the operational capacity of Lao institutions and increase their collaboration to address factors that cause disability and to promote and protect the rights of disabled people. With a budget of about EU€1,768,000 (US\$2,417,794 as of 12 January 2014), HI supports capacity building of disabled people's organizations (DPO) through partnership and collaboration and advocates for the prevention of disability through UXO clearance, MRE, maternal and childhood healthcare, and improved road safety measures.^{3a} HI works closely with the Laos Disabled Persons As-

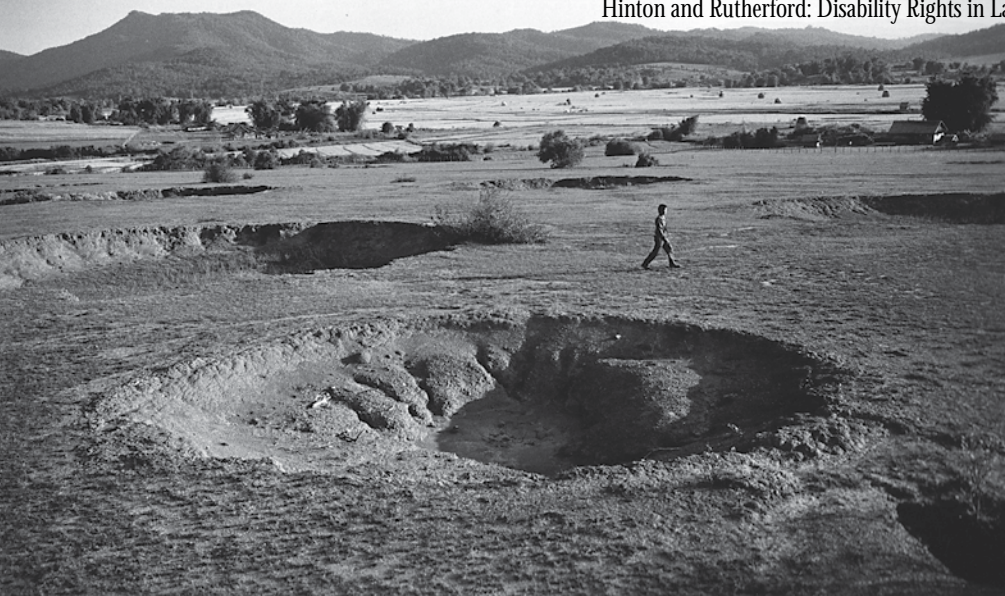
sociation (LDPA), supporting the DPO in its efforts to construct a nationwide network of local committees dedicated to promoting disability rights. Additionally, HI and LDPA have collaborated to make work more accessible for disabled people by creating a job center that provides jobs and a support center that helps those currently employed.^{4a}

COPE is a nonprofit organization created in 1997 by the Lao Ministry of Health and several nongovernmental organizations including POWER, World Vision, and the Cambodian School of Prosthetics and Orthotics to address the need for rehabilitative and orthotic care for UXO survivors.^{5a} COPE now collaborates with the Center of Medical Rehabilitation, the Lao Ministry of Health and four provincial rehabilitation centers to ensure that UXO survivors and other disabled people receive comprehensive rehabilitative care. In 2012, COPE supplied more than 1,000 orthotic and prosthetic devices to survivors free of charge for those unable to afford them.^{6a} In addition to subsidization of the costs to equip disabled persons with prosthetics and mobility devices, COPE strives to develop the capacity of rehabilitative services by conducting nationwide trainings on physiotherapy, occupational therapy and pediatric healthcare.^{7a} Although many of the individuals that COPE equips with prosthetics and mobility devices are survivors of UXO incidents, the organization also provides assistive devices to children born with disabilities, victims of trauma and individuals affected by diseases such as polio and leprosy.^{8a}

The International Committee of the Red Cross Special Fund for the Disabled has given financial support to COPE since 2007. This funding provides for the costs of prosthetic rehabilitation of about 250 disabled persons annually, many of whom are UXO survivors. Costs of food, accommodation and transportation to one of the partner rehabilitation centers located in Vientiane, Pakse, and Xiangkhouang to receive treatment is also covered for the duration of the patient's rehabilitation.^{6a}

The U.S. Agency for International Development (USAID) has supported survivor assistance programs in Laos since 1990. Over US\$10.3 million has been provided to support programs aimed at improving the quality of emergency, orthopedic, rehabilitation and referral services for survivors of UXO incidents and other physical trauma. USAID-funded programs also focus on the expansion of educational opportunities for children with disabilities, vocational training and employment opportunities for people with disabilities and building capacity of DPOs. Since December 2010, USAID has provided financial support to COPE to strengthen physical rehabilitation services with a specific focus on improving the prescription and manufacture of orthotic devices.^{9a} ©

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Laos is considered to be the most heavily bombed country per capita in history.
Photo courtesy of Sean Sutton/MAG.

the implementation of the measures set forth by the CRPD.²¹ Additionally, LDPA broadcasts a 30-minute radio show weekly that discusses disability rights and other disability-related issues. The content of the radio show is written and presented by disabled people. Because radio is the main mode of news and information exchange in Laos, the show serves as an effective way to educate the public about disability rights. LDPA also broadcasts a 30-minute television program monthly, in which disabled people present information related to disability issues. Both the radio show and the television program serve as invaluable media for disabled people to voice their opinions, educate the public and dispel stereotypes.^{15,22} Ultimately, LDPA serves as a liaison between disabled people and government, nongovernmental organizations (NGO) and society as a whole.

Future Action

Despite ratification of the CRPD and the CCM and related national legislation, many issues related to disability, including disabilities caused by UXO, remain unclear or have yet to be addressed for full CRPD implementation. The government of Laos and LDPA

recently collaborated to create a draft of the *Decree on the Rights of Persons with Disabilities*. More detailed and expansive than previous legislation, this decree, which was still pending approval from the government as of January 2014, is crucial to the improvement of conditions for disabled people in Laos.^{20,21}

Laws that feature vague language are much easier to exploit and circumvent than those with clear, precise language. Unlike previous legislation, this decree explicitly defines what qualifies as discrimination on the basis of disability, reasonable accommodation, universal design, assistive devices and public infrastructure. Furthermore, the decree not only calls for reasonable accommodations, but also addresses measures that prevent disabling conditions such as improved maternal healthcare, increased immunization, childhood nutrition, prompt treatment and rehabilitation, and prevention of accidents, including UXO-related incidents.²³ ©

The authors would like to thank Channapha Khamvongsa, executive director of Legacies of War, for providing helpful information for this article.

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