



Law Council  
OF AUSTRALIA

Office of the President

28 October 2025

Mr Raphael McQueenie  
Assistant Director,  
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Department of Foreign Affairs and Trade  
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Dear Mr McQueenie

### 9<sup>th</sup> Lao PDR-Australia Human Rights Dialogue CSO Consultation

The Law Council of Australia thanks the Department of Foreign Affairs and Trade for the opportunity to engage in the Civil Society Consultation on 29 October 2025, and to provide a written submission ahead of the 9<sup>th</sup> Australia-Lao People's Democratic Republic (**Lao PDR**) Human Rights Dialogue (the **Dialogue**), scheduled to be held in Laos in mid-November 2025. The Law Council has previously provided a submission ahead of the 5<sup>th</sup> Dialogue in 2017.<sup>1</sup>

The Law Council of Australia represents the Australian legal profession at the national level and advises governments, courts and federal agencies on the improvement of the law and justice system for the benefit of the community. Through its constituent bodies, the Law Council represents more than 107,000 Australian lawyers.

The Law Council also represents the Australian legal profession internationally, and maintains relationships with national, regional, and global legal professional associations. It maintains special consultative status with the United Nations Economic and Social Council (**ECOSOC**).

As only a short time frame has been provided to make submissions, the Law Council had limited time to consult with its stakeholders and expert committees. For this reason, our submission is limited to highlighting concerns regarding the independence of the judiciary and legal profession, and in relation to the retention of the death penalty.

### Independence of the Judiciary and Legal Profession

The right, in full equality, to a fair and public hearing by an independent and impartial tribunal is enshrined both in the Universal Declaration of Human Rights (**UDHR**) and the International Covenant on Civil and Political Rights (**ICCPR**), which Laos has ratified.<sup>2</sup>

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<sup>1</sup> Law Council of Australia, [5<sup>th</sup> Australia-Lao PDR 2017 Human Rights Dialogue: Civil Society Consultation](#) (Submission, 7 June 2017).

<sup>2</sup> *Universal Declaration of Human Rights*, GA Res 217A (III) UN GAOR, UN Doc A/810 (10 December 1948) Article 10.

According to the United Nations Human Rights Committee, the requirement of independence and impartiality under Article 14(1) of the ICCPR is an absolute right, and refers to procedures for appointment as well as the actual independence of the judiciary from political interference by the executive branch in its operation.<sup>3</sup>

Lao PDR is a one-party state in which the ruling Lao People's Revolutionary Party (**LPRP**) exercises considerable influence over the appointment of judges and the independence of the judiciary.

Whilst there are Constitutional and statutory guarantees that judges must be independent in their adjudication,<sup>4</sup> the Law Council understands that the judiciary is not in practice independent from the ruling Party.

Lao PDR has a low number of lawyers relative to the country's population, which compromises access to justice. As of August 2024, the United Nations country team in Lao PDR reported that there were 532 lawyers in the country, most of whom are based in Vientiane.<sup>5</sup> Capacity constraints result in many litigants being unrepresented.

The Law Council acknowledges the work of legal professional bodies such as the Lao Bar Association which provide legal aid programs. A digital legal aid platform is also available through a Ministry of Justice-hosted website providing information on accessing legal assistance for vulnerable groups. However, limited user uptake and resource constraints have hindered further updates or enhancements since its launch.<sup>6</sup> It is important to ensure these program initiatives are maintained and expanded to ensure that the rights of individuals are protected.

The Law Council urges the Australian Government to consider how Australia may increase its activities to support the legal profession and judiciary in Lao PDR, including through the existing Australia-Lao PDR Human Rights Technical Cooperation Program (**HRTCP**).

## Death Penalty

Lao PDR continues to maintain the death penalty for a wide range of offences that do not meet the threshold of the 'most serious crimes' under Article 6(2) of the ICCPR, including drug trafficking and possession.<sup>7</sup>

In 2018, the Government of Lao PDR reported that there were 315 prisoners on death row, most of whom have received the death sentence for drug-related offences.<sup>8</sup> Courts continue to impose the death penalty in Laos for drug-related offenses as recently as 2024.<sup>9</sup> In practice, however, the country is de facto abolitionist with the last known execution occurring in 1989.

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<sup>3</sup> Human Rights Committee, *General Comment No.32 Article 14: Right to equality before courts and tribunals and to a fair trial*, UN Doc CCPR/C/GC/32 (23 August 2007) 5.

<sup>4</sup> See Constitution of Lao PDR, Article 94; Law on Civil Procedure (2012), Arts 12, 13 and 195; Law on Criminal Procedure (2012), Arts 10 & 19.

<sup>5</sup> Human Rights Council Working Group on the Universal Periodic Review, *Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights*, 48<sup>th</sup> sess, UN Doc A/HRC/WG.6/49/LAO/2 (22 January 2025).

<sup>6</sup> UNDP, *Judicial Integrity and Independence in Southeast Asia* (16 June 2025) 67.

<sup>7</sup> The Cornell Center on the Death Penalty provides a list of capital crimes in Laos referencing the relevant laws. This list was last updated on 2 April 2011. Lao PDR has reportedly decreased the number of offenses carrying the death penalty in the intervening period. See Cornell Center on the Death Penalty Worldwide, [Lao People's Democratic Republic \(Laos\)](#).

<sup>8</sup> Human Rights Committee, *List of Issues in relation to the initial report of the Lao People's Democratic Republic*, 123<sup>rd</sup> sess, UN Doc CCPR/C/LAO/Q/1/Add.1 (20 June 2018) 7,10.

<sup>9</sup> Amnesty International, *Amnesty International Global Report Death Sentences and Executions 2024*, 21.

The Law Council has a long-standing policy against the death penalty in all circumstances for all people.<sup>10</sup> The Law Council considers that, because all States are bound by customary international law on the subject and some States are bound by specific treaty obligations, the imposition and execution of the death penalty by any State is a legitimate subject of scrutiny and comment by individuals and agencies within and outside the State and indeed by other States.

We encourage the Australian Government to continue to urge Lao PDR to amend legislation to reduce the number of crimes punishable by death, including drug offences, and to work towards a formal moratorium and ultimately abolition of the death penalty.<sup>11</sup> We would also encourage Lao PDR to provide greater transparency about capital punishment cases and data, including the breakdown of demographic information of individuals who have been sentenced to death.

The Law Council is aware that, on 12 June 2025, Laos PDR held a seminar on the death penalty as a side event to the 14<sup>th</sup> Lao PDR–European Union Human Rights Dialogue, which was attended by high-level representatives of Lao PDR governmental institutions, representatives from the EU, the judiciary, academics, UN agencies, development partners and civil society.<sup>12</sup>

During the seminar, the Lao Ministry of Foreign Affairs reportedly reaffirmed that, while the death penalty remains in national legislation, the Government is actively reflecting on its scope in the context of ongoing legal reforms and international human rights commitments.<sup>13</sup>

The Law Council encourages the Australian Government to build on this momentum and consider whether a similar event coordinated with Laotian counterparts could be held in the margins of the upcoming Dialogue.

The Law Council has previously recommended the establishment of a Council of Eminent Persons comprised of senior judges, lawyers and others with specialist knowledge in the field to act as influencers and advance regional discussions on the progressive abolition of the death penalty in the Asia Pacific region in private and public fora.<sup>14</sup>

The Law Council would be pleased to work with the Australian Government and civil society partners in the region to assist with this advocacy.

## **Enforced Disappearances**

The Law Council continues to express concern regarding the ongoing restrictions on freedom of expression and association, and the use of enforced disappearances.<sup>15</sup> There has still been no information provided on the case of Sombath Somphone, a prominent social activist and civil society leader, twelve years after his disappearance. The UN High Commissioner for Human Rights Volker Türk raised the case of Sombath Somphone and twelve others as a priority during his June 2024 visit to Laos.<sup>16</sup> The Law Council encourages the Australian Government to urge the Laos Government to provide information on the whereabouts of all

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<sup>10</sup> Law Council of Australia, [Law Council Policy Statement on the Death Penalty](#) (October 2021).

<sup>11</sup> Department of Foreign Affairs and Trade, [‘Universal Periodic Review of Laos, Statement by Australia’](#) (29 April 2025).

<sup>12</sup> International Commission Against the Death Penalty, [Statement by the International Commission against the Death Penalty: ICDP participates in historic seminar on the death penalty in Lao PDR](#), (25 June 2025).

<sup>13</sup> Ibid.

<sup>14</sup> Law Council of Australia, [Australia’s efforts to advocate for the worldwide abolition of the death penalty](#) (Submission, 12 August 2024) 36.

<sup>15</sup> See Law Council of Australia [5<sup>th</sup> Australia-Lao PDR 2017 Human Rights Dialogue: Civil Society Consultation](#) (Submission, 7 June 2017) 6.

<sup>16</sup> Volker Türk, [‘Press stakeout in Lao People’s Democratic Republic by UN High Commissioner for Human Rights Volker Türk’](#) (Speech, 7 June 2024).

forcibly disappeared persons, and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

If you wish to discuss this submission or have any questions or comments, please do not hesitate to contact Dominic Harvey-Taylor, Policy Lawyer (International) [REDACTED].

Yours sincerely

A handwritten signature in black ink, appearing to be 'JW', followed by a horizontal line extending to the right.

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**Juliana Warner**  
**President**