

HIV & MIGRATION

COUNTRY PROFILE 2009: LAO PDR

Lao People's Democratic Republic (PDR) is a source of migrant workers, with Thailand as their main destination country.¹ The long, porous border with Thailand together with Thailand's demand for low-skilled labor make it an attractive option for migrant workers.¹ Around 180,000 Lao nationals are registered as workers in Thailand,² making up 12% of the estimated migrant workforce in Thailand.¹ These figures do not account for the large number of undocumented migrant workers.¹ Migrant workers from Lao PDR are mainly employed in infrastructure projects, domestic and agriculture work, and the fishing industry.¹

After over 25 years of independence, Lao PDR is the second-poorest country (after Cambodia) in East Asia, and relies heavily on the remittances sent home from migrant workers.³ Whatever development Lao PDR has seen over the past decades has been concentrated in the capital city of Vientiane and other towns in the Mekong River plain adjacent to Thailand.³ Over half the population in Vientiane has relatives overseas and almost half the population in the city receives money from them.³ A State Planning Committee report lists "remittances from abroad" as the single most important source of income in the Vientiane valley, representing 28% of household earnings – in contrast to 25% from agriculture, 22% from wages, and 18% from business.³

Summary

Estimated no. of Lao migrants	180,000 ¹
Estimated no. of undocumented migrants	20,000 ¹
Net migration rate, per 1,000 population	-0.2 migrants/1000 population ⁴
Primary destination countries	Thailand, Malaysia ¹
Sending countries	-
Percentage of women among migrants	55% ⁵
Involvement in human trafficking	Yes, source country ⁶
Estimated number of displaced people	0 ⁷
HIV prevalence among migrants	0.7% among returning migrants ⁸

LAO PDR



HIV situation overview

The first case of HIV in Lao PDR was reported in 1990.⁹ It is thought that the earliest cases were primarily among returnee migrant workers.⁸

As of June 2007, the HIV prevalence was 0.1% and official number of people infected with HIV was 2,400, although this figure is generally believed to be low due to underreporting.⁸ Among these reported cases, 58% were male and 42% female.⁸ More than 50% of those infected are between 20 and 39 years old, and the main mode of transmission is through heterosexual intercourse (85%).⁸

Due to its geographical location in the heart of the Mekong region – where migration is widespread – along with high levels of injecting drug use and unsafe sexual practices, Lao PDR faces the possibility of an expanded epidemic.¹⁰



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HIV and STIs among migrants

The National Committee for the Control of AIDS of Lao PDR recently reported that more than half of registered people living with HIV/AIDS in Lao PDR were migrant workers, especially those who migrate to Thailand, and their partners.¹ Most of them acquired the virus through unprotected sex in the destination country.¹ A BSS/HSS among returning labor migrants in 2006 (in 8 provinces) revealed a sero-prevalence of 0.7% within the migrant population.⁸

Exclusion, loneliness, exploitation, abuse, and other hardships that migrants and mobile populations face may result in higher incidences of transactional sex, sex for survival, rape, or commercial sex and increased risk of STI/HIV transmission.¹ There are also larger numbers of sex workers along the border areas well-travelled by migrants.¹

Governance and policies

- **Memorandum of Understanding (MoU) between Government of Lao PDR and Royal Thai Government, Oct 2002:** The MoU on Employment Cooperation initiated a two-phase process aiming to legalise employment of Lao workers in Thailand:¹¹
 - The first phase concentrated on legalising irregular Lao workers already working in Thailand;
 - The second phase involves the development of a formal system for recruiting Lao workers to migrate to Thailand to work legally.Despite signing the MoU in October 2002, due to complexities in authorizing and validating workers, the regularization of Lao migrant workers in Thailand only started in May 2005.⁵
- **Prime Minister Decree 68/2002 on 'Export of Lao Workers Abroad', guidelines No. 2417/MoLSW 'on Implementation of Decree on Export of Lao Workers Abroad' and document number 3824/MoLSW** establish a formalized process of labour migration from the Lao PDR to Thailand.¹¹
- **Ministerial Decree No. 3824/LSW dated 19 December 2002** prohibits Lao migrants from working in professions or locations that are illegal, 'toxic' or 'disgraceful'.¹¹ Accordingly, Lao workers are not permitted to migrate to work as house maids or cleaners.¹¹
- **Lao PDR has ratified three of the eight Fundamental ILO Conventions** about people's rights at work: *Convention 29 Concerning Forced or Compulsory Labour*, *Convention 138 concerning Minimum Age for Admission to Employment* and *Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*.¹¹
- **The National Action Plan on HIV/AIDS/STIs for 2006–2010:** focuses on achieving universal access to treatment, care and support.¹⁰ The National Committee for the Control of AIDS is in charge of policy matters related to HIV and AIDS prevention and control.¹⁰ The committee consists of 14 members from 12 government ministries.¹⁰ The Plan targets vulnerable groups, including mobile populations, sex workers and their clients, drug users, MSM and young people.¹
- **The National Socioeconomic Development Plan for 2006–2010** addresses HIV and AIDS, indicating the government's commitment to expanding the national response.¹⁰ Although the Plan addresses vulnerable people, it does not mention migrants specifically.

Healthcare and HIV-related services

Currently, nine migrant worker recruitment agencies operate in Lao PDR.¹¹ Three recruitment agencies are state-run enterprises and six operate as private businesses.¹¹ All nine recruitment agencies are subject to the same regulations.¹¹

Companies sending Lao workers overseas must meet receiving countries' immigration requirements.¹ HIV testing of migrants before departure is carried out with informed consent, counselling and confidentiality.¹ The Ministry of Labour and Social Welfare approved a pre-departure orientation regulation that mandates labor export companies to provide HIV and AIDS education for outgoing documented migrant workers.¹ However, reports suggest that such training is ineffective because it is offered too late in the moving process and is too brief in duration.¹²

According to a report by the Asia Pacific Migration Research, 2007, legal Lao PDR migrant workers in Thailand can have access to the same health care services as Thai workers, but they must pay 600 Baht (approximately US\$ 18) for service fees and 1,300 Baht (approximately US\$ 38) for health insurance.¹³ Given these expenses, only a fraction of the workers – and even fewer of their dependents – have health insurance.¹³

In Lao PDR, access to care remains limited and HIV awareness is still low among the general public.¹ In addition, Lao PDR experiences challenges in the coordination of HIV-related resources and programmes and lacks a comprehensive monitoring and evaluation system.¹ Thus, migrant workers returning to Lao PDR – like their non-migrant counterparts – are at a disadvantage in accessing adequate prevention, treatment and support for HIV and AIDS.

Vulnerabilities:

- **Lack of or weak official health policies:** While official recruitment channels exist, they are expensive and slow, and still do not guarantee migrants protection from abuse. Where policies exist, they are weakly implemented (e.g. pre-departure training) and in some cases, there are no policies (e.g. for referral and treatment services).
- **Undocumented/irregular migrants:** Use of legal channels to migrate between Lao and Thailand is low because the process of recruitment, approval and job offers is very slow and expensive.⁵ Irregular migrants are even more vulnerable than documented migrants.⁵ The main challenges in the implementation of the MoU between Thailand and Lao PDR are the existing organized illegal recruitment networks that provide services for migrant workers by transporting them across the border and finding them jobs.⁵ Migrant workers do not have to pay anything in advance for these services.⁵
- **Human trafficking:** Lao PDR is a source country for women and girls trafficked – primarily to Thailand – for the purposes of commercial sexual exploitation and forced labor as domestic or factory workers.⁶ Some Lao men, women, and children migrate to neighboring countries in search of better economic opportunities but are subjected to conditions of forced or bonded labor or forced prostitution after their arrival.⁶ Lao men who migrate willingly to Thailand are sometimes subjected to conditions of involuntary servitude in Thai fishing or construction industries.⁶ Women who migrate to Thailand are more likely to rely on recruitment agents and incur debt, increasing their likelihood of becoming trafficking victims as part of a repayment scheme.⁶ A small number of female citizens were also reportedly trafficked to China to become brides for Chinese men.⁶ Ethnic minority populations in Lao PDR are particularly vulnerable to trafficking because of their lack of Thai language skills and

unfamiliarity with Thai society, making them unable to seek help.⁶ Lao PDR is increasingly a country of transit for Vietnamese, Chinese, and Burmese women destined for Thailand – including trafficked women – due to the construction of new highways and the acceleration of infrastructure projects linking China, Vietnam, Thailand, and Cambodia via Lao PDR.⁶

- **Mistreatment and abuse:** A 2005 study of migrants working in Thailand in the sectors of agriculture, domestic work, fishing boats/fish processing and small-scale manufacturing found that many migrant workers experience exploitative working conditions.¹¹ More than 40% of migrant domestic workers were paid only 1,000 Baht (~US\$ 29) per month – or less.¹¹ Around 20% of migrants on fishing boats claimed they were forced to work.¹¹ More than 90% of workers in three sectors had no written contract.¹¹ Less than half of them were in possession of their original identification documents.¹¹ More than 75% of those registered to work in the fishing sector did not have access to their documents which were held by their employers.¹¹ Around 60% of migrant domestic workers weren't allowed to leave the premises to meet with others and 8% claimed they had been physically confined or 'locked up' by their employer.¹¹ Nearly half (45%) of those in the fishing sector and about 82% domestic workers reported working more than 12 hours per day.¹¹ Nearly four-out-of-five domestic workers (79%) had no regular day off per month.¹¹ Indeed, these poor working conditions are of great concern to the large number of Lao migrants working in Thailand.
- **Domestic workers:** Under the Thai and Lao labor laws, domestic work has not been fully protected as a form of labor. As such, the issuing of comprehensive work contracts for domestic workers akin to those required in the formal sector has never been practiced.⁵ This has hindered domestic workers from obtaining the visas and permits required to stay and work legally and has made female domestic workers more vulnerable to exploitation and abuse as they are not recognized under the law as workers.⁵

Notes

- Map from www.worldatlas.com

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