



ພັນທະມິດເພື່ອປະຊາທິປະໄຕໃນລາວ

ALLIANCE FOR DEMOCRACY IN LAOS

Alliance pour la Démocratie au Laos

Letmather Str.71, 58119 Hagen, Germany. Tel & Fax: 0049(2334) 44 44 668, E-Mail: alliance-lao@alice.de
www.laoalliance.org

ADL Human Rights report on the Lao PDR June 2019 update

Background: Laos is one of the five remaining communist countries in the world and Lao is one of the less developed countries in the world. At the 2015 UPR Cycle, the Lao People's Republic received 196 recommendations regarding the human rights situation from the working group of the Universal Periodic Report. However, many of these recommendations have not been implemented. Some things have even deteriorated despite different promises.

The Dam problems

1) Issue:

The People's Republic of Laos wants to become the battery of Southeast Asia with the construction of dams. In addition, it promises to contribute something positive to climate change with this so-called green energy. There are, however, some facts that mock the neutral observer. Nevertheless, a large part of the population is without electricity. According to official information, this affects about 25% of the population. (Source: Worldbank) <https://data.worldbank.org/indicator/EG.ELC.ACCS.ZS>. Development workers and independent NGOs expect at least 30%. The ecological risks such as the decimation of fish stocks in the rivers, as well as the formation of greenhouse gases such as Methane in stagnant water caused by the damming and much more were not taken into account. <https://www.dw.com/de/umstrittene-wasserkraft-in-laos/a-44821456>

Likewise, the construction of the dam was criticized by Brian Eyler, the consultant of UNDP, with the indication of the better possibility of producing solar power. There are even economic risks to the ecological risks that were not considered. The companies that build the dams have a right of use of 25 to 30 years, only then the dams come into the possession of the Government of Laos. So there is no profit, which is invested in the development of the country.

Last but not least, there are the problems that the devastating dam failures and floods in 2017 and 2018 have revealed. There is obviously no working disaster plan for such incidents. Apart from that, once again the risks for humans and the environment are shown. Much of the help for the victims has not been paid to date. Despite aid payments by the Korean dam construction companies in the amount of \$ 10 million and the government's promise to pay \$ 10,000 each to the victim families, this aid has only partially arrived. An exact statement of the ADL can be found at:

<https://www.laoalliance.org/ADL%20Statement%20on%20the%20misfortune%20of%20the%20Xe%20Pian%20Xe%20Namnoy%20project.pdf>

The official casualties of 40 casualties must be doubted, since only those who had a passport were counted. but the majority of people in Laos have no passport. The government of Laos does not disclose the level of international disaster relief, nor can independent foreign reporters report in Laos. Despite all these problems, Laos plans to build 100 dams until 2020. In total, 300 dams are to be built in Laos.

A detailed map can be watched here:

https://www.geni.org/globalenergy/library/national_energy_grid/laos/laotianationalelectricitygrid.shtml

Question:

1. Why are profits from electricity sales not used for the electrification of their own population?
2. If the government of Laos receives the rights to exploit the dams only after 25 to 30 years, is the expense of the previously minor benefits justified?
3. Why does the government fail to develop an adequate security concept for the dams?
4. How much money has been paid in total to aid from international donors?
5. Who has to pay for the damage?
6. Why is there no disaster management?
7. Why are international and independent journalists hindered in their work?
8. Where did the money of international aid payments go?

Recommendation:

1. It's time to stop the projects, re-evaluate them, and seek alternatives. Other countries in Southeast Asia are

- currently focusing more on solar and wind energy. The UN should focus on awarding projects.
2. Collaboration with international environmental organizations such as Greenpeace would help to better assess and avert environmental damage. Of course, their suggestions must also be implemented
 3. The Land grabs in relation to the dam projects has to be stopped, the people have to get an adequate compensation. .
 4. Moreover, the economic data of the Laotian electricity industry must be disclosed in order to be able to be controlled by Parliament.
 5. Laos must consistently use the revenue generated from the export of electricity for the expansion of its own electricity network instead of the expansion towards foreign countries. However, since the massive construction of dams is also of ecological concern, it must also be tested under the help of international specialists for environmental protection.
 6. The Government of Laos must disclose all aid payments from abroad. Thereafter, the compensation must be paid immediately to the needy.
 7. An independent commission of inquiry, identify and report the culprits for the disaster and those responsible must pay the damage. We ask the UN for support. The population and independent NGOs need a say.
 8. A disaster plan for such situations has to be developed.
 9. Journalists must have access to the disaster areas without interfering with the rescue work.
 10. The misappropriated funds must be paid back and the funds must be paid directly to the victims..

Land grabs

2)Issue: The land grab in Laos continues unhindered despite other government commitments. The reasons for this are on the one hand the many megaprojects in the country, but also the relocation for foreign investors, and the establishment of special economic zones. The examples are manifold: In 2017, 14 villagers from Yeub, Sekong Province have been arrested for their use of land rights. The families of the detainees protested against the expropriation of their property for the benefit of a Vietnamese plastic company by preventing the company's workers from cutting down the trees. In the meantime, one of the detainees, Mr. Somsavanh, died on 29.01.2018 under circumstances that were not completely clarified. The villagers have resisted the expropriations since 2006. <https://www.rfa.org/english/news/laos/doubt-02212018164255.html>
Concerning the report of the population of May 17 2019 to Radio Free Asia, published on May 20, 2019 about the arrested people in village Ban Dane Nhai, the city and the province Salavan, concerning the land grab of the population by a Vietnamese company.

The following has been reported:

On the evening of 07.08.2011, 25 people were arrested by the authorities in the village of Ban Dane Nhai after a rally that did not lose their paddy fields to a Vietnamese company that had just surveyed the entire site for a eucalyptus tree plantation. The rice fields of the citizens of Ban Dane Nhai were also measured.

The authorities arrested these 25 people and took them to Ban Naxay Prison, about 30 kilometers from Salavan City. A little later, 23 people were released. However, two people remained in detention because they were considered leaders. These are Mr. Sy Phong and Mr. Som Nuek. They were accused of being political agitators.

According to our information, Mr. Sy Phong, (55), died on March 07 2019 in prison. The authorities informed the family ten days later, saying he died because of his illness (but there was no autopsy).

The above mentioned situation was confirmed by the police in the village of Ban Dane Nhai, but the police denied the arrest of 25 people, arresting only 2 people, arresting them not for the land dispute but for illegal political activities. According to the authorities in the city of Salavan and the Deputy District Governor, the knowledge about the arrests is denied; at first they want to learn more about the background.

In 2019, at least 140 families from eight villages in the Khong district in the southwestern Laos province of Champasak will be forced to leave their country to make way for a special economic zone planned for their area. <https://www.rfa.org/english/news/laos/laos-sez-champassak-05092019173146.html>

UN Special Rapporteur Philip Alston reported in April 2019 on the conditions in Laos. He rightly criticized the bad conditions in Laos.

Question:

1. Why are the recommendations of UN Special Rapporteur Philip Alston and of all other independent observers questioned by the government?
2. Why give foreign investors so many advantages, where their projects have no benefit for the population?
3. Why are the economic interests of fewer investors placed above the interests of the population?
4. Who is responsible for the death of Mr. Sy Phong and Mr. Somsavanh?

Recommendation:

1. Instead of any projects for foreign investors, much better projects of the own population should be supported.
2. We call on the UN Human Rights Commission to initiate an investigation into these incidents for the EU Human Rights Commissioner.
3. All countries with diplomatic relations to the Lao PDR and the Lao government's lenders should use their influence to make the Lao government significantly improve the human rights situation in Laos. The UN Human Rights Convention, signed by the Lao People's Republic, must now finally be turned into reality.
4. The circumstances of the death of Mr. Sy Phong and Mr. Somsavanh must be clarified immediately.
5. All resettled people in Laos must receive adequate compensation..

Freedom of expression

3)Issue: In 2016, the 3 bloggers, Mr. Sukane Chaythat, Miss Lodkham Thammavong, and Mr. Somphorn Phimmason, were arrested in March 2016 and sentenced to 12, 18, and 20 years in prison for criticizing the regime on the Internet and a petition to the Government of Laos in front of the Lao Embassy in Thailand, where they were migrant workers. They were not given adequate legal assistance and were publicly humiliated on Lao state television.

<http://www.laoalliance.org/wgad-requests-laos-governmen>

The decree number 327 rigorously limits the freedoms on the Internet, especially on social media. This is not compatible with the general human rights charter of the UN.

Question:

1. The government of Laos has claimed in Geneva on 16.07.2018 that the three bloggers have been accredited to the Lao People's Republic.
2. How can a constructive criticism lead to this?
3. Why were the three bloggers not given legal advice of their choice?
4. Why were such disproportionate sentence imposed?

Recommendation:

1. The process must be rolled up under fair conditions. A criticism of the regime or the legal conditions in Laos cannot be a criminal offense.
2. All decrees and laws that restrict the speech and press freedom in Laos must be reversed.

Civil Rights

4)Issue: The political and civil rights in Laos are severely limited by the pronounced control by Vietnam. The Lao Vietnamese Friendship Treaty of 18.07.1977, which was then closed for 25 years and renewed every 10 years, guarantees Vietnam control over the Lao People's Republic. Key officials in Laos continue to be occupied by Vietnamese, and Vietnamese advisers and superiors are still present in Laos, with an increasing trend. This also continues in the political offices. Equally progressive is the yield of natural resources by Vietnam. As we have already reported, and have now been confirmed by UN Special Rapporteur Phillip Alston, already 40% of the land area of Laos is owned by foreign investors. The associated mega-projects, special economic zones or mining concessions have neither led to Laos having enough tax revenue nor to many jobs being created for the people of Laos. On the contrary, most of the foreign companies bring the labor force from abroad to a large extent, and the local population suffers from the relocations on much poorer estates. The government has now appealed to foreign investors to hire more workers from Laos instead of contracting it in advance. The control has also been very clear in recent times. Ho Chi Minh's statues are now appearing in several cities in the country.

<http://en.dangcongsan.vn/foreign-affairs/ho-chi-minh-city-s-delegation-visits-uncle-ho-commemorative-site-in-laos-471452.html>

<https://www.rfa.org/english/news/laos/statue-10162014150403.html>

In the last years the influence of China grows up. China got a lot of special economy zones, dam projects and more land concessions after they have been awarded the contract to build a fast train through Laos. The institutions in Laos are against the principle and spirit of the Convention on Political Rights. According to the Laos Constitution in Art.3, the Lao Revolutionary People's Party has the core leadership across the country. Thus, it is impossible for other organizations to work and exist; the same applies to other thinkers. It can be observed that the arrests of politically different thinking over long periods of time are unchanged.

Question:

1. Why is the government of Laos so frivolous giving the land and foreign investors? Is the government unaware that land is no longer available for sale or lease, and that this is where Laos' last source of income is drying up?

2. What is the basis which reserves the right of the Communist Party to give the sole opinion in the country?
3. Why does it take so long to implement the rule of law principles of the United Nations?
4. Why is the government so unilaterally committed to Vietnam? Does not such a partnership have to be based on reciprocity?
5. How do you not immediately arrange with the foreign investors the creation of jobs for Lao?

Recommendation: 1. The Constitution needs to be amended in Article 3. Other parties and organizations must be admitted. The policy for the admission of political organizations should be governed by the United Nations Convention on Human Rights. This can be supplemented by own guidelines, provided they do not restrict the UN declaration.

2. The friendship agreement between Vietnam and Laos must be reconsidered in the Communist Party and reassessed for its pros and cons. Afterwards we recommend an expiration of the contract with the year 2022.

3. Freedom of expression and participation in the political process are elements of the UN Convention on Human Rights, signed by the Government of Laos. These must now be implemented in reality. Therefore, the Parliament must be able to handle complaints and an independent judiciary must be created.

Basic human rights

5)Issue: The population is hindered in the exercise of their human rights. Civil rights activists but also simple inhabitants of the country disappear or are imprisoned when they stand up for their rights. This is similar in the case of Mr. Sombath Somphone. This case has led to further severe intimidation among the population. Even famous politicians have been affected. So in 1990 in the case of Thongsouk Saysankhi and his companions Feng Sakchittaphong and Latsami Khampheui, who were arrested after a critical statement in Parliament about the lack of democracy and sentenced to 14 years in prison. Thongsouk Saysankhi died in 1998 under torture in Huaphang Prison. In 2015, Bounthanh Thammavong was sentenced to prison for his criticism of the regime, and in addition he was fined. The arrest of the three bloggers, Mr. Sukane Chaythat, Miss Lodkham Thammavong, and Mr. Somphorn Phimmasone, after critical commenting without questioning the system, and the disappearance of Renowned Civil Rights activist Sombath Sophone, have created a climate of anxiety Laos taken care of. The citizens of Laos barely dare to stand up for their rights. As a result, the rule of law of the country is in danger. Decree number 218 prevents the work of NGOs in Laos. The government of Laos claims that more NGOs work today than ever before. But the fact is that neither human rights organizations nor political NGOs are allowed in Laos. Worse, regime critics are treated like criminals.

Question:

1. Why are critics made oral death in a variety of ways?
2. Why is it hardly possible to make any criticisms in Laos, when the government or their bodies makes something wrong?

Recommendation:

1. Every person can and must get his human rights. It is not enough to enshrine this in a law; it also has to be implemented in reality.

2. The enforceability of human rights in Laos must be guaranteed. For this, the country needs profound reforms in all institutions. Only through independent separation of powers, which is also implemented in reality, sustainable development is possible.

3. A criticism does not mean to discredit someone, but to draw attention to possible mistakes in order to improve each other. Without this, development in Laos is not possible.

4. The laws must finally be adapted to the international standard.

Human dignity

6)Issue: The divorce rate in Laos is rising sharply. The reasons for this are profound reasons, including persistent corruption as well as the drug problem. Many men have several lovers and let their wives down. This aggravates social problems in society. Unfortunately, the state welfare in Laos is extremely poor. In family law Laos still seems to have a lot of catching up to do. The drug police also seem to be working very inefficiently, as the reputation of Laos for the drug problem remains one of the worst. Time and again, tourists and other visitors to the country report on the ease of approaching drugs without being bothered by the police. The society in Laos is dominated by men; still in many areas the word of the man is more valid than that of the woman. Prostitution is part of everyday life in society. Many adolescents are lured to neighboring Thailand or other countries to work as prostitutes, often under duress. Corrupt officials in the authorities promote this development by providing those affected with fake papers to allow them to travel abroad. The reasons lie in a failed education policy and a lack of future prospects for young people. An estimated number of 600,000 young people have to share this destiny. There is also a clear need to catch up with the legal side. Although there have been new anti-trafficking laws in Laos since 2015, which include either fines,

imprisonment or even the death penalty, judgments are often very lenient. Thus regime critics or even foreigners who express themselves critically against the regime or the authorities are sentenced to prison terms of 5 to 20 years. On the other hand, so-called tugs and other people involved in trafficking are almost exclusively fined. In the case of imprisonment, there is a premature dismissal on the grounds that there is no further risk of re-offending.

Links:

<http://englishnews.thaipbs.or.th/labour-trafficking-threat-laos/>

<https://www.state.gov/j/tip/rls/tiprpt/2008/105388.htm>

<https://www.rfa.org/lao/daily/human-trafficking/lao-has-plan-to-crackdown-on-human-tracking-but-lack-of-budget-06012018112037.html>

<https://www.rfa.org/english/news/laos/chinese-marriage-proposals-02132017122352.html>

<http://www.laoalliance.org/100-000pupils>

<http://www.laoalliance.org/laoofficialsignoretheanticor>

Question: When will these problems, which threaten the future of the country, be seriously addressed?

Recommendation:

1. The rights of divorced women need to be strengthened. In particular, the maintenance rights must be improved.
2. Education for women for women and villagers needs to be strengthened. Some 300,000 students are still dropping out of school to take care of their families. Better education can reduce the risk of poverty and improve equal opportunities.
3. The proportionality in the implementation of the laws against trafficking against the penalties received by dissidents is out of proportion. The international institutions are called upon to give more aid here. A right of action before the International Court of Human Rights must be made possible and made easier for citizens.
4. The fight against corruption through stronger public scrutiny needs to be strengthened to prevent trafficking by corrupt officials.

7) Freedom of religion

Issue: Time and again there is discrimination and arrests of Christians in Laos. This is all the more disturbing, because the population of Laos is mostly Buddhist and therefore very tolerant. Responsible for these cases are again and again the authorities and government offices in the country. Here are some examples:

In 2005, 27 Hmong in Bolikhamxai Province were arrested for their Christian worship. In May 2017, Luang Phrabang Province students from a Bible School and Lao Hmong are being arrested for propagating the gospel. In April 2019, three US citizens are arrested for their Christian activities. Also in 2019, we were told that in the province of Attapeu Christians were driven out of their homes, who are now homeless. In addition, officials were dismissed for their Christian beliefs. The officials did not receive either their discharge papers or a certificate.

Question:

1. Why is the constitutionally guaranteed religious freedom not respected?
2. Why are decrees 92 and 315 contrary to the constitution?

Recommendation:

1. The decrees restricting religious freedom must be repealed.
2. All people in prison for their religious practice must be released.
3. Instead of persecution, tolerance and respect must reign in Laos. The Christian religion is not a threat to the bourgeoisie; in many countries of the world, both religions coexist or live in people who even belong to both religions.

Office in Germany: Dr. Bounthone Chanthavong- Wiese, President, Letmather Str.71, 58119 Hagen, Germany

Tel.& Fax: +49-2334-44 44 668, Email: chanthalavong@aol.com

USA: Mr.Seng Chidhalay, ADL USA representative, 12607 Hoover Street, Grandan Grove CA 92841, USA, cell: +1 714 343-3925, office: +1 714 372-7900, Email: sengchidhalay50@outlook.com

Australia: Mr.Khampheo Lathamany, Vice-President, 53 McIntyre Drive,Altona Vic., Australia Tel.:+61-3-9398 45 42,cell: 61-4-04169927, Email: ksithandone@hotmail.com

Canada: Mr.Kambane Anonthisen, Vice-President, 84 Highgatz Rord Kichener ,ONT, Tel. cell: 519-58 80 502, email: kambane@hotmail.com

France: Mr.Sovath Thongsavat Vice-President , ADL Fr. , 1 chemin du bief 01230 Tenay, France, Tel.+33-4-74 36 56 44, or +33- 6-63 99 42 09, Email: thinan.t@laposte.net

New Zealand: Mr.Touy Manikham Vice-President, 1 The Anchorage Whitby ,Wellington 5024, NZ, Tel.: +64-4-234 1535, Email: touy.manikham@gmail.com