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Third Universal Periodic Review Cycle LAO PDR #UPR 2020



Overview of the Human Rights Situation in Lao PDR:
Legal Framework, Challenges, Case Studies & Community-led
UPR Recommendations



TABLE OF CONTENTS

1. Civic Space in Lao PDR

2. Business and Human Rights in Lao PDR

3. Rights of Indigenous Peoples in Lao PDR

4. Women's Rights in Lao PDR

5. The Law on Resettlement and Vocation (August 2018) in Lao PDR

6. Access to Justice & Effective Remedies in Lao PDR





CIVIC SPACE IN LAO PDR

OVERALL CONTEXT

Lao PDR is a one-party state in which the ruling Lao People's Revolutionary Party (LPRP) dominates all aspects of politics and harshly restricts civil liberties. Authorities use legislations, media control, surveillance of civil society and intimidation tactics to maintain an environment that secures the regime. Under this condition, there is no truly independent civil society, news coverage is weak and heavy sentences threaten any critique against the state, resulting in a widespread chilling effect and self-censorship. The current condition of civic space in Lao PDR is therefore critical and fragile, with serious violations on freedom of expression, online speech, freedom of assembly, freedom of association and protection of human rights defenders. The practices used by the Government are not only detrimental to an enabling environment for civil society, but also place individuals under serious threat to a dignified life. Recent cases of arbitrary arrests, enforced disappearances, and unjust prosecution reflect these concerns.

BRIEF ASSESSMENT OF THE IMPLEMENTATION OF THE 2nd CYCLE UPR RECOMMENDATIONS

During the 2nd UPR cycle, the Government of Lao PDR received 33 recommendations relating to the space for civil society (civic space). Of these recommendations, 13 were accepted and 20 were noted, with only three recommendations partially implemented and the rest not implemented. Although freedom of expression and assembly are guaranteed in Article 44 of the Constitution, in policy and practice an array of restrictive laws continue to undermine the creation of a safe and enabling environment for civil society, ranking Lao PDR “not Free” according to the Freedom in the World 2019 Index (Freedom House), “closed” according to CIVICUS' 2019 state of civil society, and 171 out of 180 countries by the 2019 World Press Freedom Index.



REALITIES ON THE GROUND

Challenges

Challenge 1: Government's control and restrictions over Civil Society Organizations (CSOs) is detrimental to the mission and functioning of both national and international CSOs and actors.

Challenge 2: Breach to right to information and control over the media: the Lao Government's restriction on news coverage and spread of information not only goes against the right to information, but can also endanger people's lives.

Challenge 3: Digital Dictatorship: Free online speech is criminalized, allowing authorities to neutralize the threat posed by critics and opponents of the Government. Online

Cases, Facts, Comments

In November 2017, Decree No. 238 on Non-profit Associations (NPAs) came into effect to replace the 2009 Decree, imposing further pervasive controls and restrictions on CSOs. This includes unreasonable powers to control or prohibit the formation of non-profit associations; inspect, monitor and curtail the activities and finances of non-profit associations; order the dissolution of associations on arbitrary grounds and without right of appeal; and to discipline associations and individual members on arbitrary grounds. The decree also includes measures to criminalise unregistered associations and allow for prosecution of their members. As a result, many CSOs have experienced fund delays and some even had to shut down.

International CSOs have also been facing challenges to operate in Lao PDR following Decree No. 13 (2010) that restrict their activities to those in line with the Government's goals. Regarding foreign journalists, they are jeopardised by Decree No. 377 (2015) which requires them to seek approval of content with the Ministry of Foreign Affairs 15 days before entering the country.

The Government of Lao PDR exercises absolute control over the media, including TV, radio and printed publications, through the Ministry of Information, Culture and Tourism. Due to the strict media controls, many Lao people lack access to information. For example, during the July 2018 Xe Pien-Xe Nam Noy dam collapse, many villagers were unaware of the situation, resulting in at least 6,000 immediately affected by the floods and 30 persons confirmed dead. This event has encouraged many people to mistrust state-owned media and seek information online on social media. However, the Government has nonetheless applied a strict intolerance to online speech, encouraging self-censorship and poor access to information.

In the Lao dam collapse case, most first-hand information was being reported on social media, as the Prime Minister's office immediately after the dam collapse, notified that all individuals and entities were blocked from accessing the site unless authorised by the government. Lao Youth started to raise concerns through social media over the lack of accurate information and lack of accountability from the government and constructor sides. It resulted in the Prime Minister issuing a warning letter to all Lao citizens, requesting them not to believe the misinformation of the foreign media and social media and instead to only trust information shared by state-owned media.

News agencies forced to register their social media platforms with the government: In July 2019, the Government has ordered administrators of news on social media platforms like Facebook and others to register their accounts or pages, or they could face legal action. While the Lao Ministry of Information, Culture and Tourism have justified the action as an improved way to control fake news and disinformation, civil society has criticised it for being just another effort to further limit freedom of speech and freedom of the press in the country.

Dismissal from work for questioning on Facebook the government's responsibility in relation to poor road conditions: In September 2018, Phijika Boonkwang, the president of the Vientiane



criticism and the circulation of ‘false information online’ are criminalized in Decree No. 327 on Internet-Based Information Control/Management of 16 September 2014 and in the Law on Prevention and Combating Cyber Crime (2015), which also criminalises vaguely defined web content. Furthermore, the government also uses article 117 of the Penal Code related to propaganda against the government, to prosecute activists who question the government’s policies on social media.

Football United Club, was questioned by police and lost her job after being accused of harming the reputation of Lao PDR and conducting inappropriate activities on Facebook. This was only because she criticised the condition of the road leading up to the football federation headquarters in a Facebook live video.

Criminalized for propaganda against the government over Facebook posts: In 2015, a Polish citizen of Lao heritage and pro-democracy activist, Bounthanh Thammavong served a four-year-and-nine-month prison sentence for a Facebook post in which he criticised the Government’s policies and actions. He was convicted in October 2015 for propaganda against the state (article 117 of the Penal Code, previously article 65 of the Penal Code).

On 22 November 2019, a 31-year-old woman from Champasak Province, Houayheuang Xayabouly also known as Mouay was sentenced to 5 years in prison and a 20 million Kip fine on charges under Article 117 of the Penal Code for propaganda activities against Lao PDR. This sentence was only because she made a Facebook post that was critical of the response of the Lao government to the floods in the Southern provinces of Lao PDR in late August and September 2019. Prior to her trial and sentencing, she was also detained in Champasak provincial prison from the date of her arrest on 12 September 2019, with her family not being allowed to meet her. It is believed that she was made an example to prevent any other individuals from being critical of the government, an action that has proved successful in increasing self-censorship of dissenting opinions.

Challenge 4: Self-Censorship: new and existing legislations, threatening harsh sentences, have been used to discourage freedom of speech among the population and journalists

There is extensive surveillance of society in Lao PDR all the way down to the village level, creating a chilling effect. The UN Special Rapporteur on extreme poverty and human rights stated in March 2019 that countless people feel they are not able to speak freely and fear reprisal for expressing criticism of Government policies.

Challenge 5: Human rights defenders and activists engaged in peaceful protests or associations face severe repercussions or live in fear of state reprisal: Article 56 and Article 72 of the Penal Code are often used to restrict freedom of assembly or association and justify actions against human rights defenders and journalists on grounds of social disorder, social damage and national security. Common practices include intimidation and self-censorship but also arbitrary arrests and enforced disappearances.

In February 2016, three activists Lodkham Thammavong, Soukane Chaithad and Somphone Phimmasone were arrested after participating in a peaceful demonstration outside of the Lao PDR Embassy in Bangkok and after expressing concerns on Facebook over the Lao Government’s human rights record. They were detained incommunicado for over two months, forced to admit their crimes on national TV. In May 2017, they were convicted for acts of betrayal towards the nation, propaganda against the state, and gatherings aimed at causing social disorder. They were given lengthy prison sentences of 12 years, 18 years and 20 years, respectively. In September 2017, the UN Working Group on Arbitrary Detention declared their detention to be arbitrary.

In 2017, an activist documented on Facebook the concerns of communities, who had been forcibly relocated to 3 villages because of the construction of the Xe Pian-Xe Namnoy Hydroelectric Power Project in Champasak province. The reports went viral after the collapse of the dam due to the flooding, death and destruction in downstream Attapeu province. The activist was searched by the government and had to flee and live in hiding due to fear of state reprisal.

In July 2017, in a dispute going on since 2006, 14 residents of Yeub village in Thateng district in Sekong province were arrested by the police for protesting against the cutting down of trees on land granted by the Government to a Vietnamese rubber company. Several of the detainees were allegedly beaten or subjected to



electric shocks while in custody, and in 2018 one of the 14 villagers, Somsavanh, died in mysterious circumstances while in police custody.

In November 2019, 8 people were arbitrarily detained for attempting to participate in a peaceful pro-democracy demonstration, calling for free speech and condemning land grabs and dam projects. After repeated calls from civil society, and due to a lack of real charges by the police, all have been released by November 19.

Concerns over the abusive treatments of activists are crucial especially in light of the enforced disappearance case of Sombath Somphone in 2012. Despite strong appeals both from the domestic and international human rights community, the Government continues to fail to provide any credible investigation or answers for this case, or any improvement in the recognition of freedom of expression and the protection of human rights defenders.

Challenge 6: Enforced disappearances: The disappearance of activists and Human Rights Defenders has resulted in a chilling effect with members of civil society afraid to use the language of 'human rights' in their work. As a result, they constantly fear being monitored by Lao authorities and meeting the same fate as those who have disappeared. Additionally, although having signed the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED), 11 years back in September 2008, it has still to be ratified by the government of Lao PDR. This absence of ratification has been used by the government to justify its failure to recognise enforced disappearance as a crime under domestic law. Further, this legal vacuum also creates an environment of impunity, leaving families of the victims of enforced disappearance without the right to know the truth and without receiving justice.

Seven years after the disappearance of development expert and advocate, Sombath Somphone on 15 December 2012 from Vientiane for his role in questioning land deals negotiated by the Lao government that left a massive number of rural Lao villagers homeless, there is still no information that has been provided on his whereabouts. Despite international pressure and several recommendations made during the 2nd UPR cycle in 2015, and by treaty bodies, urging the government to address the case of Sombath Somphone, so far there has not been much progress made. When questioned, the government while assuring of its commitment to resolve the case, constantly states that they are still investigating the case. However, its commitment to this cause has been brought into question by its refusal to accept any independent international assistance in the investigation and failure to provide information on the progress of the investigation being conducted.

Additionally, other cases which took place in 2019 are of specific concern pointing to an emerging and disturbing trend related to enforced disappearance. This is the disappearance of Lao individuals across borders.

For instance, five critics of the Thai monarchy and its military government, including Ittiphon Sukpaen, Wuthipong Kachathamakul, Surachai Danwattananusorn, Chatcharn Buppawan, and Kraidej Luelert disappeared between June 2016 and December 2018 while they were living in a self-imposed exile in Lao PDR. The mutilated bodies of two of the missing, Chatcharn Buppawan and Kraidej Luelert were found two weeks after their disappearances on the Mekong River, as confirmed in January 2019. A third body identified as being Surachai Danwattananusorn was also found but later disappeared without a trace.

In another cross-border case, Od Sayavong, a Lao worker and activist disappeared from Bangkok on 26 August 2019. It is believed that his public critique of the human rights situation in Lao PDR was responsible for his fate. This includes a meeting between Od Sayavong with UN Special Rapporteur of Extreme Poverty and Human Rights prior to his mission to Lao PDR on 15 March 2019. In a joint statement of 1 October 2019, the UN Working Group on Enforced and Involuntary Disappearances and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on extreme poverty and human rights, expressed serious concern about this case.



RECOMMENDATIONS TO THE GOVERNMENT OF LAO PDR

- 1. Governments' control and restriction over Civil Society Organizations (CSOs) is detrimental to the mission and functioning of both national and international CSOs and actors.**
 - 1.1.** As recommended in the Human Rights Committee's Concluding Observation 34, 35, 36 (2018) take steps to establish an open and dynamic civil society space through amendments to laws related to CSOs (Decree 238) to allow concerns on development and human rights challenges to be addressed through legitimate means without fear of obstruction of funds or heavy oversight by Lao authorities. This includes greater freedom of action to international CSOs and foreign journalists as well.
- 2. Breach to the right to information and control over the media.**
 - 2.1.** Guarantee to all the population unfettered access to information and freedom of expression as noted in the Human Rights Committee's Concluding Observation 33 (2018) and in the Report of the Special Rapporteur on extreme poverty and human rights section 11 (2019) ; this includes promoting infrastructure and independent media, both traditional and online media, that individuals can rely on, especially in situation of life risk.
- 3. Digital Dictatorship: Online speech is criminalised, allowing authorities to neutralize the threat posed by critics and opponents of the Government.**
 - 3.1.** In line with the Human Rights Committee's Concluding Observation 33 (2018) and section 11 of the Report of the Special Rapporteur on extreme poverty and human rights (2019), decriminalize online speech and emphasise the web as a free space of expression. This includes revising existing legislations, such as the 2016 amendment of the Media Act, Decree No. 327 on Internet-Based Information Control /Management, and the 2015 Law on Prevention and Combating Cyber Crime, and provide clearer definitions of web contents.
- 4. Self-censorship: New and existing legislations, threatening with harsh sentences, have been used to discourage freedom of speech among the population and journalists.**
 - 4.1.** In accordance to the Human Rights Committee's Concluding Observation 33 (2018), modify legislations to provide clearer terms and definitions to ensure human rights defenders and activists, as well as political opponents and critics of the state can fully enjoy their right to free speech without fear of prosecution or self-censorship.
- 5. Human rights defenders and activists engaged in free speech, protests or associations face severe repercussions or live in fear of state reprisal.**
 - 5.1.** Taking into account the Human Rights Committee's Concluding Observation 20 (b) and 28 (2018), release all activists detained for exercising their right to freedom of peaceful assembly and freedom of speech, review their cases to prevent further harassment and conclude the ongoing investigation on Sombath Somphone by providing a truthful explanation.
 - 5.2.** Begin the process of establishing a human rights institution with a mandate to protect the full range of human rights in fully compliance with the Paris Principles as suggested in the Human Rights Committee concluding observation 8 (2018).
- 6. Addressing the Enforced Disappearances of human rights defenders and activists.**
 - 6.1.** In accordance with the Committee on the Elimination of Discrimination against Women Concluding Observation 57 (2009), the Committee on the Rights of the Child Concluding Observation (2011 and 2018), the Human Rights Committee's Concluding Observation 20 (f) (2018) and UPR recommendations that were accepted during the 1st and 2nd UPR cycles of Lao PDR in 2010 and 2015, the State must act upon its commitment to ratify the ICPPED without delay; and integrate the provisions of this international legislation in domestic law including through its criminalization under the Penal Code as set out in Article 4 of ICPPED.
 - 6.2.** Establish a new commission tasked with carrying out a prompt, thorough, independent and impartial investigation into the disappearance or whereabouts of human rights defender, Sombath Somphone and others; in line with the Human Rights Committee's Concluding Observation 20 (b) (2018) and UPR Recommendations made during the 1st and 2nd UPR cycles of Lao PDR.
 - 6.3.** In line with the Preamble and Articles 18, 19, 20 and 24 of the ICPPED and the Human Rights Committee's Concluding Observation 20 (c) (2018), ensure that victims and their families are regularly informed of the progress and results of an investigation through official administrative documents and that they are provided with rehabilitation including rehabilitation, adequate compensation and guarantees of non-repetition.
 - 6.4.** Ensure that perpetrators are prosecuted and if convicted, they are punished in accordance with the penalties that are commensurate with the gravity of the crime, as provided in Articles 6, 7 and 11 of the ICPPED and the Human Rights Committee's Concluding Observation 20 (d) (2018).



UPR 2nd CYCLE RECOMMENDATIONS

#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Compliance of National Legislations with International Human Rights Obligations of Lao PDR					
121.136	Fully implement its obligations under ICCPR to respect and ensure the right to freedom of expression.	Canada	16.3 & 16.10	Supported	Not Implemented
121.138	Guarantee freedom of expression, the press, assembly and association, as well as freedom of religion and belief in accordance with the International Covenant on Civil and Political Rights.	Uruguay	16.3 & 16.10	Supported	Not Implemented
121.129	Ensure de jure and de facto protection of fundamental freedoms in order to be in conformity with ICCPR that has been ratified by the Lao People's Democratic Republic. Regarding freedom of expression; lift the restrictions to freedom of press, ensure the independence and pluralism of media, and a safe environment for the work of journalists. Regarding freedom of association, facilitate unhindered action for human rights defenders and NGOs, notably through a reform of their registration system.	France	16.3 & 16.10	Noted	Not Implemented
Theme: Civil society and the rights to freedom of expression, assembly and association					
121.146	Guarantee the effective exercise of freedom of expression, assembly and association by reforming its legislation particularly in order not to undermine the legitimate work of NGOs and human rights defenders.	Luxembourg	16.10	Noted	Not Implemented
121.147	Reverse the approval of the Prime Minister's Decree on International Non-Governmental Organizations and implement the mechanisms necessary to accelerate the process of legalizing NGOs.	Spain	16.10	Noted	Not Implemented
121.148	Refrain from undue restrictions, such as the prohibition to engage in the promotion and protection of human rights, in the elaboration of legislation on civil society organizations, and facilitate the registration of international NGOs.	Germany	16.10	Noted	Partially Implemented
121.149	Enable independent local and international NGOs, including international human rights organizations, to freely register and to operate in accordance with international law and standards.	Norway	16.3 & 16.10	Noted	Not Implemented
121.150	Remove all restrictions in law and practice which infringe upon the work of civil societies and to ensure that all legal provisions on the rights to freedom of expression, association and peaceful assembly are in line with international human rights standards.	Poland	16.3 & 16.10	Noted	Not Implemented
121.152	Reconsider decrees and guidelines that are overly burdensome on domestic and international civil society organizations through lengthy and opaque registration requirements, taxation and other means.	United States of America	16.10	Supported	Not Implemented
121.153	Facilitate an environment for local and international civil society organizations to fulfil their role.	Australia	16.10	Supported	Partially Implemented
121.154	Fully enable civil society and NGO groups to conduct their activities.	New Zealand	16.10	Supported	Partially Implemented
121.155	Create a framework where civil society, including active human rights NGOs, can be included in the follow-up to the UPR without any fear of retaliation.	Belgium	16.10	Noted	Not Implemented



#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Enforced disappearance of human rights defenders and civil society, including the case of Sombath Somphone					
121.151	Fully implement its international obligations to ensure the protection of human rights defenders and other civil society actors while exercising their human rights, including the freedom of expression, association and assembly, and remove all restrictions in law and practice which infringe on their work. The Government of the Lao People's Democratic Republic should establish without delay a new independent commission to undertake an impartial and thorough investigation into the enforced disappearance of Sombath Somphone.	Finland	16.3, 16.6 & 16.10	Noted	Not Implemented
121.94	Carry out without further delay an independent, credible investigation into the unexplained disappearance of a human rights defender, Sombath Somphone, which occurred on 15 December 2012 in Vientiane.	Luxembourg	16.3 & 16.6	Noted	Not Implemented
121.95	Carry out a prompt, independent and impartial investigation aimed at determining the fate or whereabouts of Sombath Somphone.	Poland	16.3 & 16.6	Noted	Not Implemented
121.96	Undertake a thorough investigation, consistent with international practices and standards, into the disappearance of Sombath Somphone.	Portugal	16.3 & 16.6	Supported	Not Implemented
121.97	Intensify the investigation into the disappearance of Sombath Somphone and accept external assistance in the investigation and make the results publicly known, and investigate in a transparent and credible manner all cases of enforced disappearances.	Sweden	16.3 & 16.6	Noted	Not Implemented
121.98	Intensify the investigation into the disappearance of Sombath Somphone and accept external assistance in the investigation and make the results publicly known, and investigate in a transparent and credible manner all cases of enforced disappearances.	Switzerland	16.3 & 16.6	Supported	Not Implemented
121.99	Establish a thorough, transparent and impartial investigation into Sombath Somphone's disappearance, as recommended by the United Nations Special Rapporteurs.	United Kingdom	16.3 & 16.6	Supported	Not Implemented
121.100	Conduct an urgent and credible police investigation into the disappearance of Sombath Somphone, and communicate the findings, including to address any suspicions of government involvement in his abduction.	Australia	16.3 & 16.6	Supported	Not Implemented
121.101	Undertake a thorough and credible investigation into the disappearance of Sombath Somphone and other cases of purported enforced disappearances.	Canada	16.3 & 16.6	Noted	Not Implemented
121.102	Conduct a thorough and credible investigation into all and any unresolved cases of disappearances of civil society workers in the Lao People's Democratic Republic.	New Zealand	16.3 & 16.6	Noted	Not Implemented
Theme: Protection of the freedom of expression online, including restrictions placed on media through law and policy					
121.37	Revise the Penal Code to make all new laws conform with international human rights standards, and repeal provisions of the law on media and the new decree on the Internet that criminalize basic human rights and subordinate individual rights to the interests of the state.	Sweden	16.3 & 16.10	Noted	Not Implemented
121.135	Decriminalize defamation and misinformation and remove all undue restrictions on freedom of expression from the Penal Code, the Law on Publications and the newly adopted Internet law in conformity with the country's international human rights obligations.	Latvia	16.3 & 16.10	Noted	Not Implemented



#	Recommendations	Country	SDGs	Response	Level of Implementation
121.139	Ensure that the right to freedom of expression and its other international human rights commitments are upheld in any move to adopt a cyber law.	United Kingdom	16.3 & 16.10	Supported	Not Implemented
121.140	Review its decree on Internet-based information control and management to ensure citizens' rights to information and expression are respected.	Australia	16.10	Noted	Not Implemented
121.141	Ensure freedom of expression and media freedom, including Internet freedom by bringing its national legislation fully in line with international standards, including by decriminalizing defamation, misinformation and related offences in relevant national laws.	Estonia	16.3 & 16.10	Noted	Not Implemented
121.142	Re-examine recent legislation that limits dissemination of certain information via the Internet, including through social media.	New Zealand	16.10	Supported	Not Implemented
121.143	Promote the development of a free and open Internet by amending the Prime Minister's Decree, which appears to unduly limit the right to freedom of expression online.	United States of America	16.10	Noted	Not Implemented
121.144	Take measures to ensure that all the legislation, especially on press and media, including digital media, is fully aligned with its international human rights obligations.	Costa Rica	16.3 & 16.10	Supported	Not Implemented
121.145	Continue efforts to improve and facilitate access to the Internet and refrain from any restrictions on content other than permitted under international human rights law, in particular ICCPR.	Germany	16.3 & 16.10	Supported	Not Implemented



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BUSINESS AND HUMAN RIGHTS IN LAO PDR

OVERALL CONTEXT

Over the last few decades, Lao PDR has seen a vast amount of economic growth. While Lao PDR counts 72% of its population depending on agriculture as a main source of income, its principal approach to economic development and poverty alleviation has been by expanding investments in hydropower projects, mining activities and the extractive industry. These large-scale development projects harm the environment and result in serious violations of the human rights of local communities; with cases of land grabbing, loss of livelihoods, unfair compensation and relocation being the most recurrent. Although Lao PDR has enacted domestic laws and policies covering various aspects of infrastructure projects, including natural resources and environmental management, environmental and social impact assessments, public participation, compensation and resettlement; in practice, these laws and policies do not protect the rights of individuals and communities and do not provide effective means to remedy. It is evident that the government's economic strategies focusing on investments in development and infrastructure projects are not benefiting the majority of the population, mainly rural, but instead enrich the wealthy elites. Moreover, Lao PDR does not provide for a legal framework holding companies and investors accountable for abusive business conducts and harms caused to communities and the environment. As a result, the unsustainable economic development of the country has put profits over people and nature, creating an environment of impunity, hurting Mother Nature and further putting rural communities and indigenous peoples in situation of poverty and at the margins of society.

BRIEF ASSESSMENT OF THE IMPLEMENTATION OF THE 2nd CYCLE UPR RECOMMENDATIONS

During the 2nd UPR cycle, the Government of Lao PDR received 17 recommendations related to the impact of infrastructure investment and development projects on human rights. The recommendations covered eliminating poverty and improving the standard of living, promoting inclusive growth, particularly in rural and remote areas, reviewing land concessions granted by the government, protecting and enhancing the rights of women and indigenous peoples, and ensuring national policies related to forced displacement of persons are compliant with international human rights standards. Of the 17 recommendations made, the government accepted 16 and made note of one recommendation on engaging indigenous peoples in decision-making processes that affect them. At present, only 3 recommendations on combating corruption, empowering women in decision-making, and providing ethnic groups with equal access to social services have been partially implemented, with the remaining 14 recommendations not being implemented at all.



REALITIES ON THE GROUND

Challenges

Cases, Facts, Comments

Challenge 1: Corruption and its contribution to increasing inequality:

High levels of corruption in the infrastructure development sector lead to massive losses of state revenue, increasing poverty and disparity in wealth distribution with the wealthy benefitting from these projects at the cost of the poor and marginalised. In 2018 alone, corruption cost the government about 846.44 billion kip or U.S. \$97.7 million. According to Transparency International Corruption Perceptions Index 2018, which measures public sector corruption, the government of Lao PDR ranks 132 out of 180 for 2018.

In development projects, corruption takes many forms. In some cases, it was reported that some projects which had already received funding from the government were not formally accounted for, or the work was left unfinished or of substandard quality. In some cases, officials inflated project costs and misappropriated the extra money.

Challenge 2: Infrastructure development projects increase inequality, are damaging to the human rights of local communities, further putting them in situation of displacement and poverty:

In the 8th Five-Year National Socio-Economic Development Plan (2016-2020), the government of Lao PDR sets infrastructure development, specifically hydropower development as a means to generate income and reduce poverty. However, by following this approach, the economic growth of Lao PDR has not improved the lives of most of the population. The benefits of investment and development projects have not reached the most marginalised section, with the wealthy sections of society benefiting from them disproportionately.

This has led to the marginalised being put further into poverty, not just from losing economic benefits such as capital and employment opportunities coming out of these projects but also due to forced displacement following a government strategy of **'turning land into capital'**, leading to a loss of natural resources that they depend on for their income, livelihood and survival. Displaced, negatively affected by development projects for a long period of time and without any adequate compensation such as the failure to fully restore their livelihood, individuals belonging to local communities are denied their right to work, their right to a healthy environment, their right to physical health, their right to food, their right to water and to an adequate standard of living.

Further, the actual benefit of the construction of these dams will be enjoyed by other countries that commission the construction of the dams, with very little to no benefit reaching the local economy or population. Even when the Lao government will take ownership of these dams, the cost for the upgrade and maintenance may be too high compared to possibly more effective forms of electricity generation that are being developed. This means it will not be a beneficial means for revenue even in the future.

Challenge 3: Lack of access to information, media control over information being shared on development projects & failure to meaningfully consult with affected communities on decisions related to development projects that affect them:

No access to information on development projects affecting communities: Communities that are affected by development projects are not given access to information about the project and its social, environmental or human rights impact. Environmental impact assessments (EIAs) are said to be conducted by private consulting firms in the case of most projects, without involving local

The government of Lao PDR has taken measures towards combating corruption, but more needs to be done. For instance, the Government has cracked down on "ghost projects" where officials embezzled the government's money for non-existent projects, and also dismissed many officers engaged in corruption.

However, two problems arise in appropriately addressing corruption. The first is the serious restrictions on civic space and freedom of expression in Lao PDR which makes it difficult to combat corruption effectively. The second is the ability of the government to combat corruption in all situations. For instance, as of October 2019, the Lao government is still attempting to determine the actual number of civil servants as it was found that payments were being made to 'ghost' civil servants that did not exist.

An example of the serious social & human rights impact of dams and other investment projects was seen during the collapse of a saddle dam in the Xe-Pian Xe-Namnoy Hydropower Project in Attapeu province on 23rd July 2018. The collapse of the dam caused flooding in 13 downstream villages, with over 4,000 people displaced and relocated to temporary shelters. More than a year after the collapse, thousands of people displaced have still to be resettled and adequately compensated. They continue living in poor conditions, with no means of livelihood and their basic needs being denied leading to a violation of several rights including the right to food, water and to an adequate standard of living.

In response to the collapse, in June 2019, the Ministry of Energy and Mines announced a plan to inspect all existing dams and those under construction in order to prevent future accidents, loss of life, and damage to property. The investigation has revealed poor standards, the lack of proper consultation, and the absence of insurance for some dams.

Case studies in relation to lack of information on development projects

In several instances, the right of individuals to access information is not protected or respected, particularly on informing them of the negative impacts of development projects. For instance, the findings of the EIA conducted before construction of the Nam Ou dam were not disclosed to the public or those communities who would be affected by the project.

Another example of poor provision of information and consultation has been found in the latest dam that is being planned called the



communities in the assessment, and without applying a human rights lens. This information is often not provided to affected communities before, during as well as after the project is completed.

Strict control of media and silencing critics of development projects sharing information on development projects

Through strict control of the media, information that highlights the negative impact of a project shared either by foreign media or by individuals on social media is denied by the government. Additionally, information is put out by the government or state-owned media to maintain a positive image of development projects. There is a firm control of public dialogue and any independence expressed in civil society as well as a complete rejection or punishment of any criticism. Through this tight control on any view different from that of the government's, meaningful consultation with communities or their participation in decision-making are completely impossible.

No meaningful consultation and no respect of FPIC:

Domestic laws in Lao PDR provide for consultation with affected communities prior to commencement of a development project. Commitments have also been made at the regional and international level, in this regard. However, most projects in the country are undertaken without meaningful participation of communities and in the absence of their free, prior, informed consent. This is in violation of the provisions of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), the Procedures for Prior Notification, Prior Consultation and Agreement (PNPCA) under the 1995 Mekong Agreement and Articles 7 and 8 of Decree 112 on EIAs.

Some groups such as women, specifically indigenous women, who are disproportionately affected by development projects are not included in these decision-making processes. For more information on this aspect, please refer to the UPR Advocacy Factsheet on Women's rights.

Luang Prabang hydropower dam. In this case, it was found by experts from the Mekong River Commission that the plans for the project were missing vital information, such as the potential ecological impact on the loss of grounds for fish spawning, how the turbines of the dam claim to be friendly to fish, and what compensation will be provided to affected communities. Moreover, those most affected by the project such as rural communities from Lao PDR and those further downstream in Cambodia were completely excluded from public consultations.

The Xe-Pian Xe-Namnoy dam which collapsed in 2018, was constructed despite reported gaps in the public consultation process, inadequate EIAs and failure to meet international environmental standards.

Case studies in relation to media control and criminalisation of individuals sharing information on negative impacts of development projects or questioning government's responsibility:

With economic growth seen as a matter of national importance and national security, any critique of such projects or of the government is restricted and accompanied by a heavy penalty and prison sentences on any individual that highlights any negative impacts on communities resulting from these projects. This prevents transparency and access to information by all those individuals that could be impacted by development projects.

For instance, following the collapse of the Xe-Pian Xe-Namnoy dam, the Lao government attempted to conceal information related to the dam collapse through a letter of the Prime Minister warning Lao citizens not to believe the misinformation of the foreign and social media and instead to follow state-owned media.

Furthermore, on 22 November 2019, a 31-year-old woman from Champasak Province, Houayheuung Xayabouly also known as Mouay was sentenced to 5 years in prison and a 20 million Kip fine on charges under Article 117 of the Criminal Code for propaganda activities against and slandering Lao PDR. Her only actions were criticising the actions taken by the Lao government in response to the flood that affected the Southern provinces of the country in late August and September 2019. She also previously highlighted instances of corruption and denounced the handling of the Xe-Pian Xe-Namnoy dam collapse in 2018. Prior to her trial and sentencing, she was also detained in Champasak provincial prison from the date of her arrest on 12 September 2019, with her family not being allowed to meet her.

Case study in relation to lack of meaningful consultation and consent of communities prior to the development of the project:

The Lao government is guilty of violating the right to Free, Prior and Informed Consent (FPIC) of indigenous peoples in their country. This violation was seen in 2012, when the government granted a land concession to the ancestral land of the ethnic Nha Huen/Yahern in Southern Champasak province to a Lao based subsidiary of Olam International company to set up a coffee plantation, without consulting them. In further violation of their rights, in October 2018, the company announced plans to expand the coffee plantation further.

In an example of unsustainable development, in September 2019, the government officially confirmed its plan to build the Luang Prabang hydropower dam in Houygnou village despite several warnings about the impact on the environment, particularly on the risk of droughts and the decline of fish stock.

Future development projects will also continue to harm local communities and their livelihood, as concluded by a study of the Mekong River Commission (MRC). The Study states that 11 hydropower projects to be constructed South of China by 2040, 9 of which are in Lao PDR, will threaten the economic and food security of

Challenge 4: Unsustainable development in the country has serious environmental impacts:

The construction of hydropower and other infrastructure development projects in Lao PDR negatively affects the ecology of the region and the lives of individuals who reside at or near the project site, which creates further vulnerability for the affected people. This happens because of threat to food security due to the loss of fisheries, flooding, contamination of water, and health risks due to pollution resulting from construction of these projects. This is particularly dangerous since the government hopes to make Lao PDR



'the battery of Asia' through a hydropower program, under which 46 large dams have already been built and with 100 projects expected to be in operation by 2020.

the Mekong region. These projects are expected to result in a drop of fish stocks by an alarming 40 percent.

Further fear is being caused by the drought like conditions resulting from the Mekong river and some of its tributaries running dry. The clearest sign of this was seen in December 2019, when the Mekong river turning an aquamarine colour because of the less flow of water, sedimentation and the visibility of the riverbed which has algae. This could also result in less food being available for insects and small fish reducing aquatic biodiversity, which will subsequently affect the fish catch of local communities and their livelihoods.

Challenge 5: Land concessions granted to businesses result in land grabbing, denying land-related rights and harming the lives & livelihood of communities:

As two-thirds of the population of Lao PDR derives its income from land, the loss of land results in destruction of their livelihood, income, employment, and food security. Individuals and communities have been forcibly displaced from their lands without adequate avenues for resettlement or effective compensation. The customary rights of local communities to their land is also denied, in this manner.

Land confiscations have caused serious impacts on local communities residing in the area. The majority of people residing on these lands are rural and indigenous communities, who are further marginalised as a result especially the indigenous and rural communities. With the loss of land that they are dependent on, the way of life of indigenous communities as well as their identity being lost with the youth moving to cities in search of sources of income. For further information on this aspect, please refer to the UPR advocacy factsheet on indigenous peoples.

Land-related rights are also denied to individuals and communities who have been resettled due to development projects and the creation of Special Economic Zones (SEZs). Several communities that are displaced by these projects are being given land already assigned to other

According to Article 17 of the 2015 Constitution of Lao PDR and the 2003 Land Law, all land in the country belongs to the State. Individuals have to register their ownership of the land. However, this practice is not followed by rural and indigenous communities due to their inability to register their ownership due to language barriers and difficulties in accessing the process for registration. As a result, the customary land rights of these communities are being denied. Their lands are often confiscated and allotted by the government to companies, under its system of land concessions. In this manner, as of 2018, the government of Lao PDR has reportedly granted over 1750 land concessions to companies, to use the lands of local communities for long periods of time with some granted for as long as 100 years.

In 2012, the government issued a moratorium on issuance of new land concessions. However, according to reports, new concessions are still being issued. Additionally, there is no information available publicly on review of existing concessions and those affected have not been involved or consulted during the process of review of land concessions.

In a more obvious act of denying the land-related rights of local communities, in 2019, the government of Lao PDR gave the land that was promised to the victims of the 2018 Xe-Pian Xe-Namnoy dam collapse to a Chinese banana company in the form of a land concession. The affected community members were instead asked to work in the banana plantation, which they refused to do because of the risk of pollution from the plantation that had been identified.

Challenge 6: Lack of effective remedy such as adequate and timely compensation for harms suffered from development projects:

Individuals and communities who bear the brunt of business activities, do not receive timely or adequate compensation and other remedies for the harms that they suffer. Often, they are not provided with appropriate resettlement options, and find themselves in temporary shelters with poor living conditions, on poor quality lands, without proper access to resources, healthcare, education, and employment, which only drives them further into poverty. In a number of cases, it was reported that the compensation given by the Government was either inadequate or there was a delay in making payments to affected parties.

Access to effective remedies for communities who have been affected by investment and development projects is also restricted because of the shrinking space for civil society in Lao PDR. For more information on this aspect, please refer to the UPR Advocacy Factsheet on Access to Effective Remedy.

In the Luang Namtha province of Lao PDR, the construction of the Nam Thai 1 Dam hydropower project saw the resettlement of more than 100 families in a village almost four years ago. However, these families have no means of obtaining water due to a drought resulting in the drying up of the Nam Tha river located 10 km from the resettlement village. With a limited commitment to assist the villagers the Sengphet company, a Lao subcontractor of China South Power Grid Corporation involved in their support does not do so anymore as their commitment ended in 2018. Moreover, with the dam beginning operations in November 2019, the flow of water downstream has been further reduced worsening the condition of the people living there.

In 2018, a similar situation arose in the resettlement village for the Xekaman I hydropower plant in Sanxay district of Attapeu province where the already marginalised ethnic Katu villagers were without potable water for more than 3 months, due to a broken pump that was put in place to supply this water. They were also unable to use their wet paddy lands to earn a living.

The newly passed Law on Resettlement and Vocation (2018) was meant to address major issues about relocation. Nonetheless, the new law contains several provisions that significantly violate international human rights standards, particularly the right to effective remedy for all. For more information about it, refer to the Law on Resettlement and Vocation Factsheet.



Challenge 7: International Finance institutions (IFIs) and foreign Governments provide funds for large-scale infrastructure projects without undertaking a proper assessment of the social, environmental and human rights impact of these projects:

International Finance Institutions like the World Bank, the Asian Development Bank provide development assistance to Lao PDR and contribute to its economic growth. The World Bank has long been a proponent of the Laos' program to expand hydropower production to propel economic growth. As illustrated in some cases, development partners and funders have often failed to critically assess the human rights implications of projects before funding them, resulting in land grabs and displacement of persons. They are also reported to withdraw from the project without ensuring that all communities affected by the project have been adequately resettled and compensated.

Additionally, in an effort to provide development aid towards poverty alleviation or institutional improvement, the effectiveness of this aid is not effectively assessed. In Lao PDR, the tangible benefits and impact on the rights of individuals is not assessed with ineffective monitoring particularly of the local authorities at the provincial level.

Expert voice: *"Although States are the main guarantors of human rights, international financial institutions can also be held responsible if they are complicit in prescribing policies with probable negative impacts on human rights,"* the expert said. (UN Independent Expert on foreign debt and human rights, Juan Pablo Bohoslavsky)

Challenge 8: The threat of Chinese investments such as the Belt and Road Initiative (BRI) on local communities:

Chinese investments in Lao PDR have been focussed on obtaining as much benefit as possible from the resource rich Lao PDR. In doing so, projects such as the Belt and Road Initiative (BRI) have focused on facilitating economic and political cooperation amongst several Asian countries through infrastructure development projects, such as the China-Laos railways which aim at connecting an otherwise landlocked country. Although intended to have a positive outcome, the BRI reflects a scenario where several challenges explained above merge altogether, namely: foreign investments without impact assessments, development projects leading to unsustainable development and increase inequality, human rights violations and environmental negative impacts, land grabbing, lack of effective remedy - including financial compensation or alternative housing.

The World Bank continued to advise the Government on and fund the controversial Nam Theun 2 Dam in Lao PDR despite heavy criticism of the project for its adverse environmental and human rights impacts.

The Nam Theun 2 Dam, which became operational in 2010, was financed by the World Bank, Asian Development Bank and other lenders who claimed it to be a model of sustainable development which would generate revenue and reduce poverty. Despite heavy criticism of the project for its adverse environmental and human rights impact on communities, the World Bank continued to advise the Government on and fund the project. The project is reported to have forcibly displaced approximately 6,200 indigenous persons and other communities, destroyed fisheries, impaired water quality, and destroyed people's livelihoods. According to a recent 2019 report, villagers who were displaced by the dam close to 10 years ago are still struggling to access land and earn a livelihood.

In the case of the \$4.47 billion Xayaburi dam that took more than 12 years to construct, which is found to disadvantageously benefit the Electricity Generating Authority of Thailand (EGAT), further studies and consultations were urged by several individuals including the governments of Cambodia and Vietnam. However, it was found from the study of the construction agreement that delay in construction would require a payment of \$210,000 per day to the Thai government, which could have motivated the government of Lao PDR to push ahead with the construction. This is particularly alarming given that the EGAT had about 12,000 MW or 30 percent electricity reserve or excess electricity in 2019 alone, which is equal to the power that can be generated by 10 Xayaburi dams.

As part of the BRI, the projects planned in Lao PDR include the Nam Ou hydropower plant, the Phonxaly-Yunna Road, and the Vientiane-Boten Railway which will serve as a land bridge to facilitate the export of goods from continental ASEAN into China and Europe. Critics point to the fact that these projects will result in Lao PDR serving as a land connection reducing the cost of delivery of goods from China to Europe, without the domestic economy benefiting from this. Such critiques have been disregarded by claims stating that the BRI also intends to improve the telecommunication capability of Lao PDR bringing it into the internet age, thus opening new avenues because of these developments and owing to jobs created along these new infrastructure developments. This argument is also questioned due to the fact that even to undertake all jobs resulting from the BRI, Chinese nationals are being brought in denying jobs to the local population.

The Laos-China railway project, part of China's BRI initiative has added to the rising public debt of Lao PDR. To finance BRI projects, Lao PDR has borrowed large sums of money from China resulting in it being identified as one of eight countries in 2018 that remains at a risk of not being able to sustain its debt. In fact, statistics from the International Monetary shows that by the end of 2017, Lao PDR had an overall debt of \$13.6 billion, of which close to half is owed by the government to China. Due to this, China now owns an increased amount of public debt in Lao PDR which was found to be higher than the nominal GDP of the country in 2017. Currently, it is not known what the government of Lao PDR has placed as collateral due to the lack of transparency in these projects. Therefore, the ultimate cost of Chinese investment to the people of Lao PDR could be unknown and much higher than anticipated, if the government is unable to settle its debt.



RECOMMENDATIONS TO THE GOVERNMENT OF LAO PDR

1. Corruption and its contribution to increasing inequality.

- 1.1.** In line with observation no. 70 of the UN Special Rapporteur on extreme poverty and human rights (2019), corruption must be tackled systematically at all levels of government. This includes providing full disclosure of existing tax and tariff exemptions provided to investors, as well as full disclosure of public debt and ensure transparency of information, including up-to-date social and economic statistics, budgetary information, hydropower contracts, and land concessions, in order to achieve good governance and informed policy-making.

2. Infrastructure development projects increase inequality, and are damaging to the human rights of local communities, further putting them in situation of poverty.

- 2.1.** Amend the 8th National Socio-Economic Development Plan to reduce heavy reliance on hydropower, large infrastructure and land concessions so as to re-evaluate the country's hydropower strategy and diversify investments for local development and employment opportunities, in line with recommendations in the report of the UN Special Rapporteur on extreme poverty and human rights on his visit to the Lao People's Democratic Republic.
- 2.2.** Develop a National Action Plan on Business and Human Rights, to implement the UN Guiding Principles on Business & Human Rights (UNGPs) on the ground in Lao PDR, in order to regulate corporate activity and reduce their negative incidence on poverty.
- 2.3.** Ensure redistribution of development benefits, particularly to those affected by development projects through a shared value approach, to ensure that the success of the activities of enterprises is linked to the value it produces for society by addressing the challenges it faces in accordance with the right to equality and the right to development as enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the Declaration on the Right to Development.
- 2.4.** Enhance planning for development and investment projects to refrain from forced displacement and improve resettlement & compensation plans for land expropriation by providing effective access to information to the concerned communities, and adopting transparent and equitable approach to determine resettlement and compensation in a fair manner with involvement of neutral third parties as needed, in accordance with the Basic principles and guidelines on development-based evictions and displacement as set out in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living.
- 2.5.** Establish an independent monitoring body for social, environmental & human rights impacts of development projects and investments, including for people subjected to involuntary resettlement and loss of lands, in line with recommendation 90 (e) in the report of the UN Special Rapporteur on extreme poverty and human rights (2019) on his visit to the Lao People's Democratic Republic.

3. Lack of access to information & failure to meaningfully consult with affected communities on decisions related to development projects that affect them.

- 3.1.** In line with recommendation 40 (a) of the Human Rights Committee (2018), Lao PDR should take all steps necessary to ensure that meaningful consultations are held with communities with a view to obtaining their free, prior and informed consent for development projects with an impact on their livelihood, lifestyle and culture.
- 3.2.** Ensure that communities participate in any process concerning their relocation, that such relocation is carried out in accordance with relevant international standards, in particular the principle of non-discrimination, the rights to be informed and consulted, to an effective remedy and to the provision of adequate relocation sites that take due account of their traditional lifestyle and, where applicable, their right to ancestral land; and provide adequate compensation when relocation is not possible.
- 3.3.** Improve process for identification, design, impact assessments and impact mitigation measures of development and investment projects to ensure transparency, participation and consent of and accountability to local communities in line with international human rights standards.

4. Unsustainable development in the country has serious environmental impacts.

- 4.1.** In line with recommendation 90 (e) of the UN Special Rapporteur on extreme poverty and human rights (2019) on his visit to the Lao People's Democratic Republic, promote the establishment of an independent monitoring body to assess, monitor and regulate the environmental impacts of natural resource-related and development infrastructure projects, such as hydropower projects. As suggested by the UN special Rapporteur in observation no. 39 (a) (2019), this includes a cumulative assessment of the environmental, ecological and human rights impacts, including on livelihood and food security for affected people and areas.

5. Unsustainable development in the country has serious environmental impacts.

- 5.1.** In line with observation 94 of the UN Special Rapporteur on extreme poverty and human rights (2019), ensure that the revised land law protects customary land tenure, including for those relying on communal lands and provide for greater ownership of rural women such as through a customary land titling program (covering forest lands as well) undertaken in conjunction with the concerned communities, particularly women.
- 5.2.** Strictly enforce the moratorium on new land concessions until review of the existing concessions through a public and transparent process with meaningful participation of the concerned communities is undertaken to terminate or bring into compliance improperly executed or corrupt concessions.
- 5.3.** Cease works on ongoing and new large-scale hydropower projects until a comprehensive review of those projects are undertaken for safety, impacts vis-à-vis benefits, including to local communities, and respect of rights and environmental protection.
- 5.4.** In line with observation no. 35 of the UN Special Rapporteur (2019), improve resettlement planning for development and investment projects to refrain from involuntary resettlement and improve land valuation methods for expropriated lands by communicating methodologies involved in determination of resettlement and compensation, and undertaking those in a fair manner through the involvement of neutral third parties.

6. Effective remedies for harms suffered from development projects.

6.1. In line with the UPR recommendation made by Germany and supported by the Lao government during its 2nd UPR cycle in January 2015, aimed to ensure that in the elaboration and implementation of the national land policy that economic, social and cultural as well as civil and political rights of all affected persons are fully respected, including by applying international standards such as the guidelines on land tenure and on responsible investment in agriculture of the Food and Agriculture Organization of the United Nations, in particular by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights.

7. International Finance institutions and foreign Governments provide funds for large-scale infrastructure projects without undertaking a proper assessment of the social, environmental and human rights impact of these projects.

7.1. According to the recommendations in the report of the UN Special Rapporteur on extreme poverty and human rights (2019), development partners should reckon with their own responsibilities for the lack of progress in relation to poverty elimination and human rights. Multilateral and bilateral lenders should give more consideration to the harms caused by foreign investment and ensure that projects bring greater benefit to the Lao people.

8. The threat of Chinese investments such as the Belt and Road Initiative (BRI) on local communities.

8.1. In line with the report of the UN Special Rapporteur on extreme poverty and human rights (2019), the government of Lao PDR and the international community must highlight the attendant risks that accompany Chinese investments such as the Belt and Road Initiative (BRI) on countries borrowing for the project and transparency must be urged for all actions taken for projects that fall under it.

UPR 2nd CYCLE RECOMMENDATIONS

#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Compliance of National legislation with International Human Rights Obligations of Lao PDR					
121.38	Continue to incorporate the provisions of the human rights conventions, to which it is a party, in its national laws and development policies.	Vietnam	16.3	Supported	Not Implemented
Theme: Addressing corruption					
121.113	Implement the national action plan to combat corruption, including strengthening of laws and enforcement, and provide greater resources to independent anti-corruption bodies.	New Zealand	16.5, 16.6 & 16.a	Supported	Partially Implemented
Theme: Poverty eradication, inclusive growth and development in a sustainable manner					
121.51	Continue its efforts to reach the remaining targets of the Millennium Development Goals.	Myanmar		Supported	Not Implemented
121.61	Further mainstream the rights of the vulnerable populations into its formulation of the Eighth National Socioeconomic Development Plan for 2016–2020. Enhancing economic and social opportunities for women, children, persons with disabilities, and older persons should be clearly mentioned in the next National Plan in order to ensure full implementation at all levels and in all sectors of society.	Thailand	1.3, 1.4, 1.b & 16.3	Supported	Not Implemented
121.162	Pursue its efforts to broadly reduce poverty.	Djibouti	1	Supported	Not Implemented
121.163	Continue its efforts to eliminate poverty, especially in remote regions.	Vietnam	1, 10.2 & 10.3	Supported	Not Implemented
121.164	Continue its efforts to adopt a development policy to meet the needs of the people to reduce poverty in order to protect and promote human rights.	Yemen	1 & 17.14	Supported	Not Implemented
121.167	Continue its efforts in socioeconomic development and poverty eradication with a view of achieving its Millennium Development Goals target.	Malaysia	1, 4, 6, 8, 10.2 & 11.1	Supported	Not Implemented
121.169	Intensify its efforts to promote inclusive growth, especially in the rural and mountainous areas.	Thailand	8.3, 10.2, 10.3 & 16.7	Supported	Not Implemented
Theme: National land policy and land concessions					

#	Recommendations	Country	SDGs	Response	Level of Implementation
121.170	Ensure in the elaboration and implementation of the national land policy that economic, social and cultural as well as civil and political rights of all affected persons are fully respected, including by applying international standards such as the guidelines on land tenure and on responsible investment in agriculture of the Food and Agriculture Organization of the United Nations, in particular by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights.	Germany	1.4 & 2.3	Supported	Not Implemented
Theme: Compliance of National legislation with International Human Rights Obligations of Lao PDR					
121.171	Enforce the moratorium on new land concessions announced by the Government of the Lao People's Democratic Republic in June 2012 and reform the current system for the management of land leases and concessions.	Poland	1.4 & 2.3	Supported	Not Implemented
121.172	Review existing land concessions and cancel or sanction those found to be violating the law.	Sweden	1.4 & 2.3	Supported	Not Implemented
Theme: Women's rights to participation in decision-making processes					
121.82	Ensure full participation of women in the monitoring mechanisms of the Law on Development and Protection of Women adopted in 2004 and carry out dissemination campaign among the whole population of the country, particularly in rural areas.	Mexico	5.5	Supported	Not Implemented
121.157	Further work in empowering women in decision-making.	Ethiopia	5.5	Supported	Partially Implemented
Theme: Indigenous peoples' rights and their participation in decision-making processes					
121.162	Ensure that all ethnic groups are treated equally and have equal access to social services, including health and education.	Ghana	10.3	Supported	Partially Implemented
121.191	Acknowledge and guarantee the indigenous peoples' rights, including by fully engaging indigenous peoples of the country in decision-making in all the matters that affect them.	Estonia	16.7	Noted	Not Implemented
Theme: Respect for the rights of persons displaced by development projects					
121.196	Respect all its national and international obligations regarding forcibly displaced persons.	Switzerland	16.3	Supported	Not Implemented



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INDIGENOUS PEOPLES' RIGHTS IN LAO PDR



OVERALL CONTEXT

Lao PDR is the most ethnically diverse country in Southeast Asia with at least 240 subgroups recognized within 50 official ethnic groups, which are divided into 4 main ethno-linguistic groups: Lao Tai, Hmong-Lu Mien, Mon-Khmer, and Sino-Tibetan. Despite this rate of diversity and the high proportion of indigenous peoples (IPs) among the total population (estimated between 35-70 percent), the Lao government does not constitutionally recognize these ethnic groups as “indigenous peoples” and instead claims that all ethnic groups in Lao PDR have the same status. However, the Lao government voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. The Lao government’s recent policies, focusing on promoting unity and a multi-ethnic nation, have reinforced the critical human rights situation of indigenous communities in the country, deprived of access to basic social services, health, education and denied meaningful participation in decision-making in the country. Moreover, forced evictions and land grabbing in the name of conservation, development and investments continues its encroachment with impunity. In this context, indigenous peoples’ rights, including the right to Free, Prior and Informed Consent (FPIC) significantly protected under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), are under serious threat currently in the country due to an inadequate legal framework and controversies in investment and development projects.

BRIEF ASSESSMENT OF THE IMPLEMENTATION OF THE 2nd CYCLE UPR RECOMMENDATIONS

During the 2nd UPR cycle, the Government of Lao PDR received one recommendation from Estonia directly referring to the rights of indigenous peoples, which was to guarantee their rights and fully engage them in decision-making in matters that affect them. The government noted this recommendation. Lao PDR also received three recommendations on land-related rights, calling for the review of land concessions and elaboration of land policies in line with international standards and protecting customary land of persons affected by expropriation. These recommendations have been supported but not implemented. Other recommendations relating to the rights of indigenous peoples included intensifying efforts to promote inclusive growth, especially in rural and mountainous areas; ensuring all ethnic groups are treated equally with equal access to social services, and protecting the culture and language of ethnic groups in Lao PDR. The Government of Lao PDR accepted these recommendations. Analysis shows that Lao PDR has partially implemented the recommendation with respect to equal treatment of ethnic groups and providing equal access to social services to ethnic groups. However, it has failed to implement the recommendation in relation to protecting the economic, cultural and social rights of indigenous peoples.



REALITIES ON THE GROUND

Challenges

Challenge 1: There is a lack of adequate and meaningful consultation with IPs in decision-making processes affecting them:

The government has failed to ensure that IPs are consulted and have a chance to meaningfully participate in decision-making regarding development projects in line with their right of Free, Prior and Informed Consent (FPIC) protected under UNDRIP, the 1995 Mekong Agreement and national laws like the 2019 Decree on Environmental Impact Assessments. Decisions on these projects such as resettlement programmes and environmental impact assessment procedures are made through top-down, non-transparent strategies. As such, often development projects are more detrimental rather than beneficial for indigenous peoples and their lands.

Challenge 2: The domestic laws of Lao PDR do not recognize the customary land rights of IPs:

As per Article 17 of the 2015 Lao PDR Constitution and the 2003 Land Law, all lands in Lao PDR belong to the State. The lack of recognition of the people's rights to own land directly contradicts with the basic principle that the State's power is derived from its citizens.

Challenge 3: Land grabbing and land concessions in indigenous territories for development and investment projects are detrimental to the livelihoods of IPs in the area, resulting in violations to their right to an adequate standard of living:

- **Forced eviction from indigenous lands:** As IPs' customary land rights are not respected by the government, IPs often lose their lands through concessions granted by the Government to infrastructure development and investment projects like mining, hydropower, railways etc.

- **Lack of access to effective remedies and resettlement programs:** In the context of these land grabbing for development projects, IPs are denied effective remedies, which are culturally appropriate. They instead have to face different forms of harm including loss of their income and livelihood, threats to food security and health due to loss of fisheries, land degradation and environmental damage, social isolation and psychological trauma. Alongside poor resettlement conditions, compensation is often delayed or not paid at all. These conditions exacerbate IPs' vulnerability to human rights

Cases, Facts, Comments

In 2012, the government granted ancestral lands of the ethnic Nha Huen/Yahern people in the Southern Champasak province to a Lao based subsidiary of Olam International company for setting up of a commercial coffee plantation. Not only the villagers were not consulted and had no say in the grant of this concession but also, in October 2018, the company announced further expansion of its plantation in the province. Lack of consultation with IPs can also have life-risk consequences. In the case of the 2018 dam collapse villagers were not consulted and received no warning from the authorities about the collapse of the dam, resulting in 6,000 immediately affected persons and 30 deaths.

Proposed amendments to the 2003 Land Law illustrate that the government continues to ignore the vulnerability of indigenous peoples to land grabbing. The revision to the law requires all land ownership in Lao PDR to be proved by formal documentation by 2025 and also restricts the use of forest land. These changes would particularly impact indigenous communities that have been residing on customary lands without any formal proof of title. Using this law, the government can legally confiscate indigenous peoples' lands and grant them to investors to pursue development projects.

The construction of the Nam Theun 2 dam in 2010 resulted in the displacement of approximately 6200 persons belonging to indigenous groups. In 2017, as a result of hydropower development plans, 100 families were reported as victims of forced removal from indigenous lands.

In 2018, the collapse of a dam under Xe Pian-Xe Namnoy Hydropower Project displaced more than 4,000 people. The living conditions for about 700 families still living in temporary shelters are reportedly difficult, with the government's daily allowance not sufficient to secure food for displaced families. The project owners have not yet paid compensation for lost houses or land. Health problems exist throughout the camp, such as dengue and malnutrition, and water for daily bathing and drinking is not available. In January 2019, the dam investors informed they would compensate families of each of the 71 dead or missing a total amount of ten thousand dollars, which is considered insufficient and inadequate by the families.

Transboundary Impacts: Negative social and environmental impacts target also neighbouring



violation and extreme poverty. Further barriers to accessing effective remedies include heavy restrictions in Lao PDR on freedom of expression, assembly, association and civic space, which often leads to arrests, detention, ill-treatments and enforced disappearance for those protesting for IPs' rights. Further information can be found in the advocacy factsheet on Effective Remedy.

countries. For example, the Hongsa coal plant and mining project in Xayaburi province of the Northern Lao PDR operating since 2016, not only puts at risk the local population but also Thai communities living in Nan province. A complaint by the Thai community has been submitted to the National Human Rights Commission of Thailand (NHRCT) to investigate the transboundary impacts of the project).

Also, a newly opened hydropower dam in the lower Mekong River in Lao PDR has sparked protests from Thai villagers who claim it detrimental for their own livelihoods and for the environment, as evident by the persisting reduction of the river flow since the dam project began.

For further information, refer to the Business & Human Rights Factsheet and the Access to Effective Remedy Factsheet.

Challenge 4: Indigenous Peoples are discriminated in their enjoyment of economic and social rights, including in the access to adequate health, education, welfare, other social services in Lao PDR. Lao PDR does not have a functioning comprehensive social protection system, and people must often rely on networks based on kinship, village, ethnicity or patronage.

Reasons for IPs' particular vulnerability to poor access include the remoteness and inaccessibility of IPs' villages, language barriers in delivering services, poor infrastructure and long distances to the services, lack of information given to communities about available services and insufficient public expenditure on social services. As such, IPs account for the 93 percent of the poor in the country.

Even though the government has shown efforts to strengthen IPs' enjoyment of economic and social rights through policy and programmes such as the Education for All programmes and the Strategy Plan in Public Health Sector by 2020, in reality the situation on the ground shows access to basic services is still very limited in rural areas where the majority of IPs live.

As the Special Rapporteur on extreme poverty and human rights has argued after his visit in Lao PDR in March 2019, in one district with 78 villages, 22 were unable to access health care facilities in the rainy season due to poor infrastructure and far distances.

Denied access to adequate services is reflected also in the social expenditure of the government budget for 2017 below the targets: about 6.5 percent on health care and 13.4 percent on education instead of the planned 9 percent and 17 percent respectively.

Challenge 5: IPs are deprived of their basic right to preserve and promote their customs and cultures: The attention placed by the government in national development plans and poverty reduction strategies for solving critical economic and social conditions of IPs often outweighs the lack of attention on IPs' cultural needs and rights.

Development policies and commercial resource exploitation, which result in relocation and forest degradation, significantly limit IPs from accessing natural resources and engaging in traditional farming and agricultural activities, which are crucial parts of IPs' traditions and cultures.

The government's educational policy centred on Lao language instruction undermines and discriminates against indigenous languages. While the government justifies this strategy as a way to promote national unity and reduce educational inequalities, limited access to education for indigenous groups is also caused by a lack of teachers and the absence of the provision of education materials in local languages. As the Special Rapporteur on extreme poverty and human rights have pointed out in his 2019 report on Lao PDR that this is not just discriminatory, but it is a significant additional barrier to ethnic children's education.

A decree on better relocation schemes and new methods of production to increase productivity is currently under draft. Nevertheless, the decree fails to recognise the

rights of IPs to their lands, resources and traditional livelihoods, including schooling in their ethnic languages.

Challenge 6: Hmong ethnic group faces systemic discrimination that often leads to extreme violence:

Hmong people continue to experience systematic discrimination and violence from the government following their involvement in the “CIA’s Secret War” during the Vietnam War. Hmong individuals are specifically discriminated against and targeted by the State because the Lao government perceives them as anti-government.

Abuses against Hmong individuals includes acts of extreme violence such as acts such as bombing, extrajudicial killings and torture, as well as use of landmines and chemical weapons and substances that have caused. Recent evidence comes from an attack on 15 October 2018, which developed into three months of extreme suffering for the Hmong ChaoFa. This systematic violence often leads Hmong people to them seeking asylum outside Lao PDR in large numbers, including refugee camps in Thailand. As a result of their continuous displacement and the need for them to remain invisible to the government military forces, they are precluded from establishing permanent agricultural and housing structures, hence enjoying adequate standards of living, facing undernourishment, lack of basic sanitary conditions and extreme poverty.

Challenge 7: Indigenous women face multiple forms of discrimination and are denied special protection:

Indigenous women belong to the most vulnerable sectors of society due to their double marginalisation, being indigenous and women.

Among indigenous women, Hmong women face not only discrimination for their ethnicity and gender, but are also subjected to systematic persecution and severe human rights violations due to tensions between their community and the government.

For more information about indigenous women’s rights refer to UPR Factsheet on women’s rights.



RECOMMENDATIONS TO THE GOVERNMENT OF LAO PDR

- 1. There is a lack of adequate and meaningful consultation with IPs in decision-making processes affecting them.**
 - 1.1.** In line with Human Rights Committee Concluding Observation No. 40 (a) (2018), take all steps necessary to ensure that meaningful consultations are held with communities with a view to respect their Free, Prior and Informed Consent (FPIC) defined in UNDRIP, for development projects with an impact on their livelihood, lifestyle and culture.
- 2. The domestic laws of Lao PDR do not recognize the customary land rights of IPs.**
 - 2.1.** Review the national legal framework with the aim of incorporating provisions of the UN Declaration on the Rights of Indigenous Peoples, especially to the right to lands, territories and resources, to self- governance, and cultural integrity; and repeal/revise laws and policies that violate these collective rights. As recommended in the Joint UPR Submission (2019) by Manushya Foundation and AIPP on the situation in Lao PDR, this should include recognition and protection from the Lao government of indigenous customary land rights.
- 3. Land grabbing and land concessions in indigenous territories for development and investment projects are detrimental to the livelihoods of indigenous peoples in the area.**
 - 3.1.** Ensure that relocation is carried out in accordance with relevant international standards, in particular the principle of non-discrimination, the right to a dignified life as noted in the Human Rights Committee Concluding Observation No. 40 (b) (2018).

3.2. Provide effective remedies for loss of livelihoods, environmental damage and land degradation taking into account IPs' traditional lifestyles, including fair and adequate compensation.

3.3. As suggested in the Report of the Special Rapporteur on extreme poverty and human rights section 32 (2019), ensure that authorities and investors engaging in development projects over indigenous areas focus on assessing whether potential projects are justified on general welfare grounds, taking into consideration both their intended development benefits as well as the anticipated magnitude and impacts of physical and economic displacement that it will cause. This includes engaging in social and environmental impact assessments prior to land concessions and permissions of development projects.

3.4. In line with Germany's UPR recommendation made during the 2nd UPR Cycle (2015), ensure in the elaboration and implementation of the national land policy that economic, social and cultural as well as civil and political rights of all affected persons are fully respected, including by applying international standards such as the guidelines on land tenure and on responsible investment in agriculture of the Food and Agriculture Organization of the United Nations, in particular by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights.

4. Indigenous Peoples are discriminated in their enjoyment of economic and social rights, including in the access to adequate health, education, welfare, other social services in Lao PDR.

4.1. Promote governments' efforts to ensure respect for economic and social rights for indigenous peoples in accordance with the International Covenant on Economic, Social and Cultural Rights, including the right to access health care, education, welfare and economic opportunities that can secure their traditional livelihoods.

4.2. Increase public spending on health, education and other social services targeted for rural and indigenous ethnic communities and take special measures to overcome language obstacle in delivery of services.

4.3. Ensure the decree on ethnic affairs recognize the rights of ethnic groups, including to their lands and resources and traditional livelihoods in line with applicable international human rights standards such as the UNDRIP.

5. Indigenous peoples are deprived of their basic right to preserve and promote their customs and cultures.

5.1. Respect IPs' cultural rights in line with Article 3 of UNDRIP on IPs' freedom to pursue their form of economic, social and cultural development. As such, their cultural traditions and customs should be not undermined through unsustainable development projects or claims of national unity engaged by the Government. For instance, cultural impact assessments or open dialogues with IPs should be promoted when dealing with development projects and relocation schemes.

5.2. Undertake measures to preserve culture heritage of ethnic groups, including their languages through programmes such as mother-tongue based education.

5.3. Promote use of ethnic languages for education in IPs areas to enhance educational performances and literacy.

6. Hmong ethnic group faces systemic discrimination that often leads to extreme violence.

6.1. Cease the persecution of indigenous peoples, particularly members of the Hmong ethnic group, including their arbitrary arrests and violent attacks, and provide full reparation to victims or their families in accordance with Human Rights Committee Concluding Observation No. 40 (c) (2018).

7. Indigenous women face multiple forms of discrimination and are denied special protection.

7.1. In line with CEDAW Concluding Observation No. 46 (2018) and with its general recommendation No. 34 (2016), ensure that indigenous women receive greater protection and attention, particularly with respect to their vulnerable position within development projects, as well as to the access to information about reproductive and health rights.



UPR 2nd CYCLE RECOMMENDATIONS

#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Participation in decision-making that affect indigenous peoples					
121.191	Acknowledge and guarantee the indigenous peoples' rights, including by fully engaging indigenous peoples of the country in decision-making in all the matters that affect them.	Estonia	16.7	Noted	Not Implemented
Theme: Customary Land of Indigenous Peoples and Right to an Adequate Standard of Living					
121.170	Ensure in the elaboration and implementation of the national land policy that economic, social and cultural as well as civil and political rights of all affected persons are fully respected, including by applying international standards such as the guidelines on land tenure and on responsible investment in agriculture of the Food and Agriculture Organization of the United Nations, in particular by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights.	Germany	1.4 & 2.3	Supported	Not Implemented
121.171	Enforce the moratorium on new land concessions announced by the Government of the Lao People's Democratic Republic in June 2012 and reform the current system for the management of land leases and concessions.	Poland	1.4 & 2.3	Supported	Not Implemented
121.172	Review existing land concessions and cancel or sanction those found to be violating the law.	Sweden	1.4 & 2.3	Supported	Not Implemented
Theme: Racial Discrimination in Indigenous Peoples' enjoyment of economic and social rights, including in the access to adequate health, education, welfare, other social services in Lao PDR					
121.84	Ensure that all ethnic groups are treated equally and have equal access to social services, including health and education.	Ghana	10.3	Supported	Partially Implemented
121.178	Continue the implementation of ongoing national policies to guarantee for the multi-ethnic people to quality education.	Democratic People's Republic of Korea	4	Supported	Not Implemented
Theme: Cultural Rights					
121.187	Increase efforts to promote and protect the cultural rights of the Lao people to preserve the national culture and the cultures and languages of ethnic groups in the Lao People's Democratic Republic	Cambodia	11	Supported	Not Implemented

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The Submission to the UN Special Rapporteur (UNSR) on Extreme Poverty and Human Rights prior to his visit to the Lao People's Democratic Republic, (March 2019)

United Nations, International Covenant on Civil and Political Rights (ICCPR), Human Rights Committee, *Concluding observations on the initial report of the Lao People's Democratic Republic*, CCPR/C/LAO/CO/1, (23 November 2018)

Report of the UNSR on Extreme Poverty and Human Rights, A/HRC/41/39/Add.2 (2019)

United Nations Committee on the Elimination of Discrimination Against Women (CEDAW), *Concluding observations on the combined eighth and ninth periodic reports of the Lao People's Democratic Republic*, CEDAW/C/LAO/CO/8-9, (2018)

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WOMEN'S RIGHTS IN LAO PDR

OVERALL CONTEXT

The Lao Government has made efforts to legally and constitutionally address gender inequality and advance women's rights. Among some positive legislative and administrative steps to enhance gender equality, the government has revised the constitution in 2015, providing for gender equality before the law, and adopted a National Action Plan on Prevention and Elimination of Violence Against Women and Children (2021-2025). This agenda is reflected in the promotion of a series of laws targeting women's vulnerability at different levels: the 2015 Law on Prevention and Elimination of Violence against Women and Children, finally criminalizing marital rape among other forms of sexual violence; and the 2016 Law on Anti-Trafficking in Persons, addressing Lao PDR's significant problem of trafficking as a primary source country as well as a transit one in the region. Nevertheless, in spite of these commitments, women in Lao PDR continue to experience discrimination resulting from existing gender stereotypes and power structures, in particular gender traditional norms and problems of weak enforcement of laws, policies and services. Gender disparities continue to dominate and women remain highly vulnerable to sexual violence, trafficking, lack of access to health and reproductive rights, poor education, and political and economic isolation. Young women and women belonging to ethnic and indigenous groups represent the most vulnerable populations.

BRIEF ASSESSMENT OF THE IMPLEMENTATION OF THE 2nd CYCLE UPR RECOMMENDATIONS

During the 2nd UPR cycle, the government of Lao PDR received 12 recommendations on women's rights and gender equality. Only one recommendation was noted, appealing to the ratification of the Optional Protocol of CEDAW, which has not been implemented. The other eleven recommendations, focusing on women's protection from trafficking, poverty and different forms of discrimination have been accepted. The government has shown efforts to advance women's rights, particularly with regards to violence against women. In November 2019, during the 25th International Conference on Population and Development (ICPD), the country has discussed a set of actions aimed at promoting the rights and welfare of women, particularly through a National Action Plan on Prevention and Elimination of Violence Against Women and Children (2021-2025). Nonetheless, issues of discrimination, gender inequality due to traditional gender norms, poor implementation and monitoring mechanisms, allow significant challenges to persist.



REALITIES ON THE GROUND

Challenges

Challenge 1: Poor Political and Public Representation, Participation & Inclusion in decision-making: women in Lao PDR are largely excluded from decision-making processes.

Challenge 2: Gender disparity in education leads to higher levels of illiteracy, unemployment and lack of information among women, especially the youth.

Challenge 3: Maternal mortality: While the level of maternal mortality has decreased and efforts have been made to improve prenatal and obstetric postnatal care, maternal mortality is still significant in Lao PDR, with one of the highest levels in Asia, due to failing medical treatments and restrictive laws on reproductive rights.

Cases, Facts, Comments

Women's public representation at the national level has reflected some improvements in the past years, with a rise in the number of seats in the National Assembly from 25 percent in 2011, to 27.5 percent in 2016.


Nonetheless, women's representation in politics and decision-making is still considerably low. For instance, only 3 percent of village chiefs are women, and the number stay as low as only 9 percent at central party and local government levels, and 15 percent at the Minister level. The significant lack of women in public participation diminishes the credibility and effectiveness of gender strategy and action plan at the government and policy-making level.

There is a disproportionate low rate of enrollment among women and girls in vocational schools and higher education, particularly in non-traditional fields of study such as science, technology and engineering. Reasons are attached to traditional norms of gender roles, with family prioritizing boys' education in contrast to early marriage for girls. This results in gender disparity in literacy rates – 69 percent for girls against 77 percent for men – and lower educational attainments, leading women to have less chances to obtain a fair job or significant role in Lao society.

Gender disparity in education is also problematically evident in the lack of information about reproductive and health rights for women, including knowledge about HIV and HIV treatments: data reveals that about 44% of women with no or little education have not heard of HIV.

About 50% of mothers and new-born babies have been found to lack access to post-natal health checks within two days of birth. Moreover, the criminalization of abortion under article 92 of the Penal Code raises significant concerns. With sentences between two to five years imprisonment for women engaging in abortion and between five to ten years for any person practicing abortion professionally, the prevalence of unsafe abortions is highly reported. As a result, women's lives and health are put at greater risk, contributing to maternal mortality.

The Committee on the Elimination of Discrimination against Women at its session in November 2018 brought up the specific vulnerability of young women, more vulnerable to high rates of teenage pregnancy, limited access to sexual and reproductive health services, and lack of information.



Challenge 4: Trafficking of women for the purpose of sexual exploitation or forced labour continues to dominate. The insufficient measures available to address the drivers of trafficking including poverty and lack of economic opportunities, provide significant obstacles to tackle this issue, with more girls and women pushed to go out of the country, where they commonly fall into commercial sex labour.

The Lao Women's Union (LWU) reported providing services, including shelter, to 52 victims of trafficking during 2018, including 47 victims of sex and labour trafficking abroad. In 2018 the government increased law enforcement efforts to fight trafficking: Article 215 of the 2018 Penal Code criminalizes sex trafficking and labour trafficking and increases penalties of five to 15 years' imprisonment and a fine of 10 million to 100 million Lao kip (\$1,170 to \$11,720). In this period the Lao Anti-Trafficking Secretariat and National Steering Committee focused on providing training to law enforcement officials, and the Ministry of Justice organized trainings for district level police, the judiciary and social welfare to disseminate information for the management of trafficking cases. Anti-trafficking organizations however continue to report bribes among low-level officials that facilitate trafficking of girls, including through falsification of travel and identity documents.

Challenge 5: Violence against women: positive steps have been taken to address gender-based violence; in particular sexual violence. However, the issue is still critical and mostly linked to traditional norms and weak complaints mechanisms.

According to the 2014 Lao National Survey on Women's Health and Life Experiences, country's first national survey on violence against women, one in three women in a relationship have experienced physical, sexual or emotional violence at the hands of their partner. The 2015 Law on Prevention and Elimination of Violence against Women and Children has been a positive step for the protection of women's rights: marital rape has finally been criminalized among sexual violence crimes, and direct and indirect discrimination against women has been prohibited. Nonetheless, sexual violence remains a significant and underreported issue, due to weakly enforced complaint mechanisms and traditional gender norms and roles. Often women lack information about complaint mechanisms or feel discouraged to use them due to fear of stigma and fear of reprisals within their family. According to the 2017 Lao Social Indicator Survey, 30 percent of women believe that domestic violence against women is justified when women do not comply with gender norms and roles.

In November 2019, at the Nairobi Summit on the 25th International Conference on Population and Development (ICPD), the government of Lao PDR has committed to a set of actions to promote the rights and welfare of women, mainly referring to achieving the end of gender-based violence through the National Action Plan for the Prevention and Elimination of Violence Against Women (2021-2025).

Challenge 6: Women in rural areas or belonging to ethnic and indigenous groups face multiple forms and layers of discrimination and marginalization.

Indigenous women are significantly vulnerable to violation of their human rights due to their double marginalization, being women and indigenous. Moreover, this is exacerbated in the contexts of negative impacts of development or business projects, with women being dispossessed of their customary lands and resources.



As a result, it causes women to significantly change their roles from caretaker and provider of food and other resources for their families, to earn a financial income.

Absence of economic opportunities in rural areas exposes many women and girls, including those in resettled villages or underaged, to high risks of trafficking for sexual exploitation or other exploitative labour as well as gender-based violence.



RECOMMENDATIONS TO THE GOVERNMENT OF LAO PDR

- 1. Poor Political Representation, Participation & Inclusion in Decision-making: Women in Lao PDR are largely excluded from decision-making.**
 - 1.1.** In line with CEDAW Concluding Observation 12 (a) (2018), strengthen capacity building and enforcement mechanisms to ensure the effective inclusion of women in decision-making.
 - 1.2.** Increased numbers and enhanced quality of women's representation and leadership in the political party and in leadership posts, especially at local government and village levels, in line with CEDAW Concluding Observation 31 (2018).
 - 1.3.** As recommended in the Report of the Special Rapporteur on extreme poverty and human rights section 65 (2019), the number of women should reach at least one third of all provincial governors and village chiefs by 2025.
- 2. Gender disparity in education leads to higher levels of illiteracy, unemployment and lack of information among women, especially the youth.**
 - 2.1.** Increase efforts to raise girls' enrollment rate in school, literacy levels and knowledge of non-traditional subjects as noted in CEDAW Concluding Observation 36 (2018). This includes awareness raising campaigns among parents and community leaders to express the importance of education for women.
 - 2.2.** In line with CEDAW Concluding Observation 12 (a) (2018), strengthen capacity building and enforcement mechanisms to ensure the prohibition of discrimination against women in the field of education, including the allocation of adequate human, technical and financial resources.
- 3. Maternal mortality is still significant in Lao PDR, with one of the highest levels in Asia, due to failing medical treatments and restrictive laws on reproductive rights.**
 - 3.1.** Redouble efforts to effectively reduce maternal mortality, including mortality due lack of access to adequate healthcare or unsafe abortions in line with the Human Rights Committee's Concluding Observation 22 (2018) and the CEDAW Concluding Observation 39 (2018). A legislation should be amended to access safe, legal abortion, especially when the pregnancy is the result of rape and ensure that no criminal sanctions are applied to women or medical assistants involved in the practice..
- 4. Trafficking of women for the purpose of sexual exploitation or forced labour continues to dominate.**
 - 4.1.** In line with CEDAW Concluding Observation 14 (b) (2018), ensure the protection of women and girls who are victims of trafficking and provide them with free and immediate access to specialized shelters, medical care, psychosocial counselling, legal aid and rehabilitation and reintegration services.



4.2. Encourage women to lodge formal complaints about gender-based violence by de-stigmatising victims and raising awareness about the criminal nature of such acts.

5. Violence against Women: Positive steps have been taken to address gender-based violence, especially sexual violence. However, the issue is still critical and mostly linked to traditional norms and weak complaints mechanisms.

5.1. Eliminate traditional discriminatory stereotypes about gender norms and roles that allow deep-rooted gender-based discrimination and disparities against women's rights, as suggested by CEDAW Concluding Observation 24 (2018). This includes raising awareness about women's empowerment and the prohibition of any form of violence against women.

5.2. In line with the Human Rights Committee's Concluding Observation 8 (2018), establish an independent national human rights institution in line with the Paris principles to promote and protect women's rights and gender equality.

5.3. In line with CEDAW Concluding Observation 12 (a) (2018), improve the capacity building, enforcement mechanisms and sanctions, including the allocation of adequate human, technical and financial resources, to implement effectively the National Action Plan for the Prevention and Elimination of Violence Against Women and Children (2021-2025).

6. Women in rural areas or belonging to ethnic and indigenous groups face multiple forms and layers of discrimination and marginalization.

6.1. Young women and women living in rural areas or belonging to ethnic and indigenous minorities should receive greater attention, especially with reference to information about reproductive and health rights as well as to development or business projects as recognised by CEDAW.

6.2. Ensure Women from ethnic and indigenous communities are meaningfully involved and consulted, with their consent sought prior to the development of business and/or development projects.



UPR 2nd CYCLE RECOMMENDATIONS

#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Ratification of International Treaties					
121.11	Ratify CEDAW and its Optional Protocol.	Algeria	5 & 8	Noted	Not Implemented
Theme: Discrimination against Women, Poor Political Participation & Decision-making					
121.157	Further work in empowering women in decision-making.	Ethiopia	5.5	Supported	Partially Implemented
121.79	Put forward more efforts to eliminate all forms of discrimination against women and ensure greater women's empowerment, representation and advancement in all sectors.	Republic of Korea	5.1 & 5.2	Supported	Partially Implemented
121.80	Further promote measures for the advancement of women and address traditional stereotypes which limit their self-development.	Myanmar	5.1	Supported	Partially Implemented
Theme: Women & Access to Education and Health					
121.49	Continue with the efforts of realizing the targets of the Millennium Development Goals in the areas of nutrition, gender equality in primary education, reduction of maternal and child mortality.	Sri Lanka	2.1 3.1 3.2 4.1 4.5	Supported	Partially Implemented
121.81	Pursue efforts to improve women's access to education and health services and strengthen the local development planning.	India	4.3 4.5 5.6	Supported	Partially Implemented
121.186	Increase input in poverty reduction, implement the Eighth National Socioeconomic Development Plan, increase input in education, and further increase girls' enrolment rate.	China	1.2 & 4.5	Supported	Partially Implemented
Theme: Women & Human Trafficking					
121.112	Establish measures and programmes to eradicate human trafficking and gender-based violence, especially of women and girls.	Sierra Leone	5.2 & 8.7	Supported	Partially Implemented
121.117	Continue implementing the legislation against all forms of trafficking, and formulate a specific legislation to combat human trafficking, especially of women and children.	Holy See	5.2 & 8.7	Supported	Partially Implemented
121.123	Continue its efforts in training and capacity-building programme for government and law enforcement officials in dealing with the issue of trafficking in persons, particularly women and girls.	Malaysia	5.2 & 8.7	Supported	Partially Implemented



#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Violence Against Women (VAW)					
121.45	Take additional measures for the protection of women and children.	Japan	5 & 16	Supported	Partially Implemented
121.62	Adopt a National Action Plan on Security Council resolution 1325 (2000) on women, peace and security.	Portugal	5 & 16	Supported	Implemented



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2018 LAW ON RESETTLEMENT AND VOCATION IN LAO PDR

OVERALL CONTEXT

In August 2018, the Law on Resettlement and Vocation was passed in Lao PDR to replace the 2016 Decree 84, “Decree on Compensation and Resettlement Management in Development Projects” on the issue of resettlement management. The law is designed to manage and monitor resettlement to ensure that the affected people are provided with residential and production land and occupation with the wider goal to address illegal relocation, poverty and disrupted livelihoods. Nevertheless, the Law on Resettlement and Vocation contains different provisions that reflect systematic violations of human rights and fundamental freedoms protected under different international human rights treaties, including the International Convention on the Elimination of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the UN declaration on the Rights of Indigenous Peoples (UNDRIP). The significance of these human rights violations questions the effectiveness of this newly implemented framework for resettlement in Lao PDR.

BRIEF ASSESSMENT OF THE IMPLEMENTATION OF THE 2nd CYCLE UPR RECOMMENDATIONS

During the 2nd cycle of UPR recommendations, the government of Lao PDR received only 4 recommendations indirectly related to the Law on Resettlement and Vocation: since this legal text was passed only in 2018, no recommendation mentions it directly, but rather addresses the issue of resettlement in general. Among the only 4 relevant recommendations, recommendation no. 121.170 (Germany) names clearly the issue of resettlement, calling for the elaboration and implementation of national land policy which would respect the rights of the people affected, “by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights”. In addition to this, two other recommendations target respectively the protection of indigenous peoples’ rights (recommendation no. 121.191, Estonia) and freedom of expression (recommendation no. 121.136, Canada). Finally, recommendation no. 121.13 (Finland) addresses the need to respect and promote international human rights conventions and harmonize the national legislation accordingly. The government has accepted all recommendations except for the one on indigenous peoples’ rights. However, analysis shows that Lao PDR has failed to implement all of the recommendations related to the field of resettlement, as evident from the decision to pass the new Law on Resettlement and Vocation despite several key concerning provisions, which are hereby developed thanks to the support of an analysis of the law by Mekong Watch.



Challenges

Challenge 1: Objective of the Law (Article 1): Article 1, defining the scope and the objective of the Resettlement Law, specifies that it applies to “Lao multi-ethnic persons only” to solve “illegal relocation problems, reduce poverty and improve livelihoods”. This definition relies on the controversial term “Lao multi-ethnic persons” that leaves ambiguity and gives opportunity to discriminate against and deny the vulnerability of certain ethnic minority groups and indigenous peoples.

Challenge 2: Resettlement Categories (Articles 11-16): these articles explain the application of the law between two categories of resettlement: (i) “general” forms of relocation, meaning the reallocation of persons living in remote or underdeveloped areas at high risk for them to live and make a living, and (ii) “specific” forms of resettlement, related to the resettlement of people affected by development projects. While it is important to define different situations of resettlement, the categories explained in these articles provide potential harm to the people affected by the resettlement.

Challenge 3: Resettlement Areas requirements (Articles 18-19): these articles discuss the requirements to consider when selecting the resettlement areas. This includes labour- needed areas such as industrial areas and sites of development projects like hydropower projects; as well as areas chosen to develop from villages to towns. This series of requirements seem to work against, rather than in favour of protecting the rights and the wellness of the people affected by resettlement programs.

Potential Negative Impacts

Lao PDR policy emphasizes the multi-ethnic nature of the nation, which is significantly controversial. On one side it tries to emphasises that Lao PDR is characterised by a significant number of ethnicities, each with its own traits that must be acknowledged and respected without discrimination. On the other side, the government uses this term to try to push for a localized version of national unity among the people of Lao PDR. The definition of “Lao multi-ethnic persons” is therefore vague and unclear, open to manipulation and different interpretations. The consequences of this is that, by generalising and undermining differences, vulnerabilities of certain ethnic and indigenous groups can be undermined or discriminated.

The category of “general resettlement” reflects denied consideration of cultural/ancestral connections people, in particular indigenous peoples, may have to their land, and of the related consequences of displacement.¹ This article therefore challenges freedom from discrimination in aspects of economic, cultural and social life (ICERD, Art.5) and the right not to be removed from customary lands (UNDRIP, Art. 9-12, 19-29).

Moreover, with the enactment of the law, there is a strong emphasis and acceptance of displacement in favour of development projects, like hydropower projects, mining, infrastructure and special economic zones that undermines the negative effects these may have on the affected people. Finally, both categories follow a top-down approach that allows little space for the people affected to participate in decision-making that concern them and discuss key concerns depending on each context. The right to access effective remedy for all (ICERD, Art. 6) is therefore under question. These fixed structures increase the risk of failing to provide fair and adequate compensation and full restoration of livelihoods for people affected in both general and specific resettlements.

These articles problematically seem to represent the interest of stakeholders in development projects, businesses and the Lao government - including the significant benefit of manpower - against that of the resettled families, such as the right to work in an occupation freely chosen (ICESCR, Art. 6) or the respect for mental and physical health and wellbeing (ICESCR, Art. 12). Moreover, the requirements undermine freedom from discrimination and the right to a dignified life that respects traditions and norms such as urban structures and livelihoods specific to different groups and regions of

¹ Mekong Watch, *Human Rights Concerns Re: Law on Resettlement and Vocation in Lao PDR (2018)*, November 2019.



Lao PDR (ICESCR, Art. 15). In addition to this, as suggested by Manushya Foundation's Submission to the UN Special Rapporteur on Extreme Poverty and Human Rights (2019), articles 18 and 19 express top-down and non-transparent procedures, which deepen the issue of lack of consultation for people affected by resettlement and therefore ineffective access to remedy.

Challenge 4: Compensation for Damages caused by Resettlement (Article 22): this article states that in cases of project-induced displacement, compensation for loss of land is considered only for people in possession of lawful property documents, leaving behind indigenous peoples and ethnic groups living on ancestral lands without land titles. This article implies a limited access to compensation for resettled families and individuals, violating fundamentally basic human rights in international human rights standards.

Considering that large families lack formal land titles, especially indigenous peoples living on their ancestral customary lands, the law violates the right to a dignified life and effective remedy and reparation for all (ICERD, Art.6), freedom from discrimination in the aspects of economic, social, cultural and political life (ICERD, Art.5), and the right of indigenous peoples not to be removed from customary lands (UNDRIP, Art. 9-12, 19-29). It further denies the vulnerability of families which have been resettled in the past for other projects and therefore lack official titles.²

This Law increases the risk of human rights violations and environmental exploitation by the government and the private sector during development projects or business plans: by reducing the cost of resettlement programs and increasing the likelihood of land grabbing, Article 22 favours the interests of these stakeholders against the respect to the most significant international human rights treaties and declarations and clearly showcases the intention of the Lao government to put profits over people and nature. Moreover, it further increases the chances of poorly planned resettlement programs, with lack of compensation and loss of livelihood.

Challenge 5: Handover and End of resettlement (Articles 27-28); Vocation (Articles 34-36); Rights of Project Developer (Article 44): these various articles define the guidelines for handover and the end of the resettlement programs, alongside arrangements for infrastructure and selection of suitable vocation for people. Development companies are required to "self-monitor" and "self-inspect" cases of displacement from their development projects until the handover is undertaken and the project developers are relieved from any duties.³ The problem with these articles is that it heavily relies on self-assessment and monitoring of development companies to implement, elaborate and monitor resettlement programmes, which could result in discriminatory and unjust practices.

The reliance on autonomous assessment and monitoring of resettlement programs by the related development companies, paired with the lack of human rights safeguards, including effective grievance mechanisms or independent monitoring bodies, significantly increases the chances of violation of human rights and lack of remedy. Firstly, this can lead to a weak implementation of compensation and restoration for the people affected. Secondly, the right of project developer to be relieved from responsibility at the end of the resettlement increases the long-term vulnerability of the resettled families in cases of poor handover and exit strategies and creates an environment of impunity. The accountability of the project developer is necessary until after the end of resettlement to guarantee fair compensation and sustainable restoration of livelihoods.

² Mekong Watch, 2019.

³ Mekong Watch, 2019.



Challenge 6: Rights, obligations and prohibition for persons receiving resettlement and vocation (Articles 46-49, 53): among the rights and obligations explained in these articles, resettled people have the ‘restricted right’ to seek consideration on “resolving issues related to the development project”, to be invited to participate in consultations and collaborate in the resettlement program only under the circumstance of a submitted written request that is accepted by the project developer. The articles also prohibit resettled persons from engaging in any action that could be seen as obstructing the programme, as well as from returning to their former land or move to a new territory without approval from the government, and from providing “inaccurate information” about their lost assets or causing disagreements among those within their new village.

Under these terms of rights, obligations and prohibitions, people affected by resettlement are subject to several restrictions to their human rights and freedoms. Regarding their given rights, these are restricted to the permission of the project developer, undermining people’s freedom of expression and their participation in decision-making regardless of their position in the frontline of resettlement programs. Alongside this, the chosen prohibitions significantly violate freedom of expression and association (ICCPR, Art. 19 and 22), freedom of movement (ICCPR, Art. 12), the Free, Prior and Informed Consent (FPIC) of indigenous peoples (UNDRIP, Art. 32) and the right of ethnic minorities and indigenous peoples to access areas related to their cultural and subsistence activities (ICERD, Art.5) (ICCPR, Art. 2, 12, 17 and 27) (ICESCR, Art. 2, 12, and 5).

Challenge 7: General Prohibitions (Articles 50-52): these articles claim that any individual or organization is prohibited from undertaking actions or provide information that could “disseminate against policy direction, manipulate, incite, threatening, withhold, create obstacles or obstruct the implementation of resettlement displacement program and against the project owner or project developer from performing the project”.

Under these terms, freedom of expression and association is restricted for any individual or organization interpreted as “hostile” to the project owner or the government. This reduces the chances of exposing the human rights abuses, implementation issues, including inadequate access to remedy, to which resettled families are subject. The interests and goals of the business stakeholders and the government seems to be favoured over the protection of the affected people and the environment.

Challenge 8: Measures against violators and sanctions (Articles 77-82): these articles discuss the provisions for penalizing the breaking of the Law of Resettlement and Vocation. Depending on the severity of each case, individuals or organizations in violation of the law shall be “educated, punished, fined, sentenced to civil measure or criminal offences”.

The phrasing of these measures as “depending on the severity of each case” leaves ambiguity and freedom of manipulation of the judicial system that can be used by the project owners and the companies involved to silence cases that expose human rights violations, justified as protecting the Law on Resettlement and Vocation. Furthermore, the phrasing of these articles may create a chilling effect on affected communities and people who would censor themselves from reporting human rights abuses, unfair compensation and relocation.



RECOMMENDATIONS TO THE GOVERNMENT OF LAO PDR

1. Objective of the Law (Article 1)

- 1.1. Review the definition of the objective and scope of the Law to avoid ambiguity in applicability, including the controversial and discriminatory use of the law.

2. Resettlement Categories (Articles 11-16)

- 2.1. In line with the Human Rights Committee's Concluding Observation 6 (2018), review the definition of resettlement categories to ensure that they respect international human rights standards, including the freedom from discrimination, the right to effective remedy and the right not to be removed from customary lands (ICERD Art. 5, UNDRIP Art. 9-12, 19-29).



2.2. Increase the involvement of affected communities in the process of resettlement to guarantee effective remedy and adequate restoration of livelihoods (ICERD, Art.5, UNDRIP Art. 9-12, 19-29). This includes communicating and discussing methodologies involved in the determination of resettlement and compensation.

3. Resettlement Areas requirements (Articles 18-19)

3.1. Increase the involvement of affected communities in the process of selecting resettlement areas to ensure that remedy and restoration of livelihoods are in compliance with international human rights standards (ICESCR Art. 6 and 12; ICERD, Art. 5; UNDRIP, Art. 9-12, 19-29). , including their involvement in communicating and discussing methodologies involved in determination of resettlement and compensation.

4. Compensation for Damages caused by Resettlement (Article 22)

4.1. In line with Article 4 and 6 of ICERD and with articles 9-12 of UNDRIP, remove the restrictions on resettlement for people without official land titles, in order to provide equal access for all, and effective compensation for damages caused by resettlement.

5. Handover and End of resettlement (Articles 27-28); Vocation (Articles 34-36); Rights of Project Developer (Article 44)

5.1. In line with the Human Rights Committee's Concluding Observation 7 (2018), review the legal text to require the establishment of an independent human rights body that can monitor, promote and protect the rights of resettled families, as a precondition for every step of resettlement programmes. This includes an independent evaluation of the project developer's handover and exit strategies before approval.

5.2. Review the project developer's conditions of handover and end of resettlement programs in order to promote accountability and sustainability of the resettlement program in the long term.

6. Rights, obligations and prohibition for persons receiving resettlement and vocation (Articles 46-49, 53)

6.1. In line with the Human Rights Committee's Concluding Observation 6 (2018), the rights, obligations and prohibitions defined by the national law on resettlement management must respect the standards set in international human rights treaties and declarations. This includes primarily the respect for freedom to return to their homeland (ICCPR, Art. 12; UNDRIP, 9-12, 19-29), as well as the respect for freedom of expression (ICCPR, Art. 19).

6.2. Ensure the unrestricted rights to participation, consultation and consent in decision-making for affected communities throughout the different stages of the resettlement programs, to ensure the respect for international human rights standards and promote adequate solutions accordingly.

6.3. In line with the Paris Principles (Art.2), include in the legal text the need to establish an independent grievance mechanism to ensure that the rights of the resettled families are protected in line with international standards.

7. General Prohibitions (Articles 50-52)

7.1. Review the general prohibitions to ensure that they respect international human rights standards, in line with the Human Rights Committee's Concluding Observation 6 (2018). In specific, prohibitions must respect freedom of expression and the right to receive and impart information (ICCPR, Art.19) to ensure that human rights violations in resettlement areas can be freely exposed and shared.

8. Measures against violators and sanctions (Articles 77-82)

8.1. In line with the Human Rights Committee's Concluding Observation 28 (c) (2018) on the principles of legality and proportionality, clarify and provide more structural guidelines to measure the severity of the violations and the related punishments and sanctions.



UPR 2nd CYCLE RECOMMENDATIONS

#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Compliance of National legislation with International Human Rights Obligations of Lao PDR					
121.3	Ratify the remaining international human rights conventions and continue without delay to harmonize its national legislation with the international obligations of the Lao People's Democratic Republic's under the respective human rights conventions, and implement them in policy and practice and strengthen its legal complaints system to ensure that most vulnerable groups have effective access to justice.	Finland	16.3	Accepted	Not Implemented
Theme: Indigenous peoples' rights					
121.191	Acknowledge and guarantee the indigenous peoples' rights, including by fully engaging indigenous peoples of the country in decision-making in all the matters that affect them.	Estonia	16.7	Noted	Not Implemented
Theme: National land policy and right to adequate living and compensation for affected persons					
121.170	Ensure in the elaboration and implementation of the national land policy that economic, social and cultural as well as civil and political rights of all affected persons are fully respected, including by applying international standards such as the guidelines on land tenure and on responsible investment in agriculture of the Food and Agriculture Organization of the United Nations, in particular by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights.	Germany	1.4 & 2.3	Accepted	Not Implemented
Theme: Freedom of expression					
121.136	Fully implement its obligations under ICCPR to respect and ensure the right to freedom of expression.	Canada	16.10	Accepted	Not Implemented



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ACCESS TO JUSTICE & EFFECTIVE REMEDIES IN LAO PDR



OVERALL CONTEXT

Efforts to improve the human rights situation in any country must ensure that the promotion of new law and policy frameworks and development projects, is accompanied with effective remedies, along with implementation and oversight mechanisms. In the context of Lao PDR, the standard of government accountability and oversight is extremely poor, leading to failures in human rights protection even when some positive steps are put in place. The failure to ratify legal treaties by the government of Lao PDR (such as the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED), the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention Against Torture (OP-CAT), and the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families (ICMW)) creates a legal vacuum that maintains the status quo of human rights violations. Without these legally binding treaties there is no assurance that actions like torture or enforced disappearance will be penalised and treated like the crimes they should be in the country. Meanwhile, national legislations like the recently passed Law on Resettlement and Vocation (2018) continues to systematise human rights violations and fails to meet its purpose of providing effective remedies in relocation programmes. Evidence of human rights violations linked to the lack of effective remedies and oversight mechanisms – ranging from financial, judicial and non-judicial remedies at the national, regional and international level – especially in controversial development projects, coupled with a shrinking civic space and weak judicial system, illustrate that the country still has a long way to go in the field of human rights.

BRIEF ASSESSMENT OF THE IMPLEMENTATION OF THE 2nd CYCLE UPR RECOMMENDATIONS

During the 2nd UPR cycle, the Government of Lao PDR received 49 recommendations related to effective remedy, such as the need to strengthen the law and policy framework, enforcement mechanisms and institutional oversight; government accountability; access to justice; and protection of civic space. Ten recommendations highlighted the need to establish an effective National Human rights institution in line with the Paris Principles, with a separate recommendation specifically addressing the right to fair compensation and remedy in the context of the national land policy (UPR recommendation No. 121.170 made by Germany). In general, the government fails to promote effective remedy at the national, regional and international levels, and to protect the human rights situation of the local population on different grounds. To protect human rights of the population and respect international treaties and standards, the government must work to resolve key challenges that currently obstruct effective remedy in Lao PDR.



REALITIES ON THE GROUND

Challenges

Challenge 1: No access to justice, due to the legal vacuum created by the failure to ratify international human rights treaties: Lack of ratification of international treaties, such as the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED), the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention Against Torture (OP-CAT), and the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families (ICMW), results in a legal vacuum creating an environment of impunity, with accountability of the perpetrators of rights violations being ignored. This also allows the government of Lao PDR to ignore their accountability to provide effective remedy in the case of rights violations. Thus, access to justice is denied.

Challenge 2: A shrinking civic space, restrictions on freedom of expression and poor access to information undermine efforts to denounce rights violations and seek remedy. Civil society and human rights defenders who have mobilised to expose the rights violations resulting from development projects or investments have been subjected to unjust suppression. Restricting the media and obstructing access to information from them also contributes to this problem. For more information refer to the Civic Space factsheet.

Challenge 3: National justice mechanisms and institutions fail to align with international standards.

This includes the failure of national institutions and mechanisms to protect the right to freedom from arbitrary arrests and enforced disappearances, the right to a fair trial, and the right to a fair conviction. Instead both the police and the judiciary have become another means for the government to limit criticism and legitimise their actions that violate peoples' rights. An abusive judiciary also undermines trust in an independent system and denies access to justice and an effective remedy.

Cases, Facts, Comments

The government has been criticised for the lack of accountability and transparency in the investigation of enforced disappearance cases, which as a result never lead to prosecution of a perpetrator. Signing, but not ratifying the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED) despite committing to do so allows this abusive approach. For instance, seven years after the 2012 disappearance of land rights advocate Sombath Somphone no information has been provided on the investigation at all.

The extreme level of poverty in Lao PDR increasingly pushes the local population to find economic opportunities abroad to support their families. In 2019, about 278,485 Lao workers were registered in Thailand alone, with the number of illegal workers being unknown (estimated at about 30,000). However, poor legal protection for migrant workers, such as the failure to ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of their families (ICMW), increases their vulnerability to human trafficking, threat to life, exploitation, unsafe working conditions, and poor living conditions. To illustrate the damage that could result, on 18 August 2018, nine Lao illegal migrant workers died in a car accident while travelling to renew their tourist visa, which they rely on to work in Thailand. The body of only two of the Lao workers have been claimed so far.

Following an arrest on 12 September 2019, Houayheuang Xayabouly, also known as Mouay was sentenced to five years in prison and a fine of 20 million Kip (about \$2000) under Article 117 for criticizing the government. This was due to her post on Facebook complaining about the slow government response to the floods in the Southern provinces.

Legal restrictions on non-profit associations' (NPAs) activities under Decree No. 238 on Associations of 2017 also creates barriers on the activities of NPAs that would otherwise hold the government accountable by highlighting human rights violations and promoting efforts to access effective remedy, especially in cases of rural communities against development projects and investments.

As a positive step, the judicial system has been working to resolve a larger number of cases brought before it. To illustrate, as of November 2018, about 86 percent of the 5,291 criminal cases and almost 60 percent of the 4,168 civil or other cases submitted have also been resolved by the Peoples' Court. Additionally, the appeal courts have solved 74 percent of the 335 cases before them. However, while resolving cases, opinions have been expressed that the judicial and other institutions are not independent and can be manipulated to favour the government or businesses.

Arbitrary arrest, detention and custodial torture for protest against the unfair confiscation of land: In 2017, villagers from Yeup in Thateng district of Sekong province who cut down trees of a Vietnamese rubber company against the unfair confiscation of their lands, were arrested. All the fourteen activists were detained, with several beaten or subjected to electric shocks. In January 2018, one of the activists died in the police custody with two others falling seriously ill. In June 2019, nine of the villagers were sentenced to prison terms of two to six years, after about two years of being detained without a trial.

Arbitrary arrest for refusing to hand over land to the government: In September 2019, a 69-year old man was arrested for refusing to sign papers to vacate a land that was in his family for more than 50 years in order to fit into the government's plan to build a health centre on it. After being detained arbitrarily for three months, he was released on bail.

Intimidation and enforced disappearance of Lao activists, across the border: Members of "Free Lao", a network of Lao migrant workers and activists living in exile in Thailand who peacefully advocate for human rights in Lao PDR, have been repeatedly intimidated. Additionally, Od Sayavong, a Lao worker, activist, and a member of Free Lao disappeared



from Bangkok on 26 August 2019 for his public criticism of the Lao government. At present, authorities have not provided information as to his whereabouts, even after a joint statement by the UN Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the situation of human rights defenders, and the Special Rapporteur on extreme poverty and human rights, expressing their concern about the case.

Challenge 4: National non-judicial mechanisms and institutions to protect human rights are found to be inefficient, with weak powers of implementation and oversight: Failure relates to the significant lack of an independent human rights institution.

In accordance with the Constitution and the 2003 amended law on the National Assembly, the National Assembly is tasked as an institution having both legislative and oversight functions, to ensure accountability and good governance. For this purpose, a hotline has been established to improve access to remedy. However, the hotline does not offer a robust independent remedy, as it works only for eight weeks per year and resembles more a complaint clearinghouse rather than a body to investigate and resolve grievances.

The right to file complaints and petitions is also undermined, despite being protected under Article 41 of the Constitution. The National Steering Committee on Human Rights, which is responsible for filing complaints and petitions, fails to address issues due to long procedural delays, but also due to corruption and bias against any opposition to or critique of the government.

In this context, the government has made no effort to promote an independent human rights mechanism or institution to assess and protect the right of the population, in accordance with the Paris Principles to which the country is a signatory.

Challenge 5: Ethnic minorities, the poor and those living in rural areas face significant barriers to access judicial remedy, despite positive government efforts: Barriers such as geographical distance, lack of finances, absence of procedures in ethnic languages, illiteracy and stigmatization obstruct access to these groups, that are most in need of remedy particularly in the context of forced evictions, unfair treatment and criminalisation. Over the last few years, the government has shown positive efforts to improve their access to legal aid and dispute settlement mechanisms, including in remote areas, but all in vain.

The government has made efforts to introduce formal legal aid and institutional support to people living in remote areas and villages, as part of the 'Master Plan on Development of the Rule of Law in Lao PDR toward Year 2020'. In 2016, village mediation services were formalised through the establishment of Village Dispute Resolution Committees. Also, since 2018, after the approval of the Legal Aid Decree, legal aid offices have been expanded across the country.

As an example of the successful use of the legal aid clinics, in 2017, 124 factory workers turned to a legal aid clinic after their factory closed and relocated without prior notice or pay to their employees. The case was won and the workers received LAK 800 million (about \$92,000) in compensation from the factory owners.

Despite these positive steps, there are still problems that the government has to manage and overcome to ensure sustainable legal access for people in remote areas, including the provision of financial support, lawyers and legal officers to make the system work.

Challenge 6: Inadequate and inconsistent compensation for forced relocation and livelihood disruption in the context of infrastructure and development projects, as well as national land policies: The lack of adequate compensation and remedy in the form of financial support, poor geographical resettlement, assistance in protecting traditional livelihoods, and failure to provide compensation and remedy in a timely manner, jeopardises potential benefits of government projects focusing on development, leaving the people involved even more vulnerable.

Extreme delay in providing compensation to families affected by a dam collapse: Two years after the Nam Ao dam collapse in Xaysomboun province in September 2017, 60 families affected are still awaiting the compensation solely due to a claim by the dam developer that the compensation claimed was inflated.

Continuing impunity and failure to effectively compensate victims of a dam collapse due to poor provision of information and weak support from authorities: In July 2018, in the aftermath of the Xe-Pian Xe-Namnoy dam collapse, the government announced a living allowances of \$12 per month for each survivor. The major insurance companies also hold \$50 million in liability insurance for the project. However, real-life evidence shows that financial compensation to the victims are delayed or missing altogether, with some victims reportedly only receiving rice or fishing nets. Many of those affected are unaware of the compensation or their right to claim it, due to lack of public disclosure. A year after the event, about 4,400 individuals live in poor conditions in relocations camps and 10,000 others have returned to their villages but continue to suffer hardship as they try to restore their livelihood with weak support from the authorities. So far, nobody has been held liable or prosecuted for the catastrophic collapse.

Often individuals or whole community groups affected by infrastructure development projects are relocated into poor living conditions without any adequate or any means of a livelihood or the financial means to survive, putting them further into poverty.



Failure to provide any water to families in a resettlement village: In the Luang Namtha province, the construction of Nam Thai 1 hydropower project saw the resettlement of more than 100 families. However, these families have no means to obtain water, due to a drought drying up the Nam Tha river located 10 km from the resettlement village. With limited commitment to assist the villagers, the Sengphet company, a Lao subcontractor of a Chinese Corporation involved in supporting them does not do so anymore as their commitment ended in 2018. Further, with the dam commencing operations in November 2019, the flow of water in the river has reduced further, worsening the condition of the people living there.

Resettlement village with no potable water for more than 3 months: In 2018, a similar situation arose in the resettlement village for the Xekaman I hydropower plant in Sanxay district of Attapeu province, where the already marginalised ethnic Katu villagers were without potable water for more than 3 months, due to a broken pump that was put in place to supply this water. They are also unable to use their wet paddy lands to earn a living and thus survive.

Failure to compensate or poor payment for those displaced by the Laos-China railway: The Laos-China railway under construction until 2021 has been described as a significant benefit to boost the socioeconomic development of the country. However, it has caused many Lao villagers to relocate, with most of them not having received any compensation or lower payments than expected.

Human rights violations in the Law on Resettlement and Vocation: In 2018, the Law on Resettlement and Vocation was passed to address the issue of relocation further. Instead, several provisions perpetuate the systematic violation of rights, including the lack of adequate compensation for certain categories, strict rights and prohibitions for resettled families, and selection of resettled areas that discriminate against traditional economic, social and cultural lifestyles of the affected people. For further information refer to the Law on Resettlement and Vocation Factsheet.

According to the 2018 financial audit presented by the State Audit Organization to the National Assembly, an estimated amount of 433 billion kip has not been handed over by central and local state agencies to the national treasury, as required by law. Financial misconduct was found to be higher during natural disasters or infrastructure development because local authorities often need to address the situation as soon as possible using public money, with very general orders from the government creating the opportunity to misuse funds. The National Assembly has repeatedly urged the government to address financial violations by strengthening oversight and implementation measures.

Absence to hold States accountable for failure to comply with procedure: Although there was no consensus following the Procedures for Notification, Prior Consultation and Agreement (PNCPA) between Lao PDR and the other States on the Xayaburi and Don Sahong hydropower projects because of their call for further reassessment of the social and environmental projects, the projects still continued unilaterally. This action could continue due to the absence of a legal mechanism inside the MRC to punish states that do not respect MRC procedure and decisions.

Transboundary impact and failed MRC consultations: The prior consultation by the MRC on the Pak Beng hydropower project, between 2016 and 2017 failed to provide adequate information and solutions on the transboundary impacts. The impact assessment studies conducted during the consultation were unclear and imprecise, as to assess social impact communities only within a 5-kilometre radius of the dam were involved, and to assess environmental impacts only 6 locations were analysed.

The World Bank has been a significant investor in hydropower projects related to economic development since the 1990s. However, its involvement in infrastructure development projects should be reassessed after the World Bank ignored the adverse environmental and human rights impact on communities resulting from the controversial Nam Theun 2 Dam, and instead continued to advise the Government on and fund the project. For further information refer to Business & Human Rights factsheet.

Challenge 7: Financial misconduct, with lack of effective remedy often being linked to corruption or incorrect disbursement of funds.

Challenge 8: The Mekong River Commission is a weak regional mechanism not able to legally hold member states accountable for rights violations & damages to the environment: The Mekong River Commission (MRC), born to strengthen regional cooperation in the best interests of ecological and human sustainability, has been criticised for failing to be a platform for unanimous decisions, lacking authority over its member states and providing inadequate impact assessments which lead to unilateral decisions on development projects with a serious impact on sustainability in the region. This lack of accountability increases the creation of loopholes in the regulation of development projects that allow authorities and investors to evade their responsibility.

Challenge 9: Weak oversight, evaluation and monitoring on the involvement of international financial institutions: The poor evaluation and oversight of international donors and investors engaging in development projects results in their inadequate accountability for impact assessments and poor compensation to affected communities. These are additional barriers to respecting human rights standards and the right to an effective remedy.



RECOMMENDATIONS TO THE GOVERNMENT OF LAO PDR

- 1. No access to justice, due to the legal vacuum created by the failure to ratify international human rights treaties.**
 - 1.1.** In line with Human Rights Committee Concluding Observations no. 6, 18, and 20 (2018), ensure the ratification of the remaining human rights treaties, such as the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED), the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention Against Torture (OP-CAT), and the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families (ICMW); in order to respect international human rights standards and harmonise national legislations accordingly.
- 2. A shrinking civic space, restrictions on freedom of expression and poor access to information undermine efforts to denounce rights violations and seek remedy.**
 - 2.1.** In line with paragraph 90 (g) in the report of the UN Special Rapporteur on extreme poverty and human rights on his visit to the Lao People's Democratic Republic (2019) and with Article 19 of the International Covenant on Civil and Political Rights (ICCPR), immediately end restrictions on civic space, end retaliation on peaceful speech and enable the registration of associations in less than a month.
- 3. National justice mechanisms fail to act in line with international and national human rights standards, including the right to fair trials, freedom from arbitrary arrests, enforced disappearance, and fair convictions.**
 - 3.1.** In line with Concluding Observation No. 29 of the Human Rights Committee (HRC) (2018), take all measures necessary to eradicate all forms of undue interference with the judiciary by the legislative and executive branches and safeguard, in law and in practice, the full independence and impartiality of the judiciary. Freedom from arbitrary arrests and abusive treatments, fair trial and legal support must be guaranteed to all Lao citizens, especially to those that face the most significant barriers, such as to ethnic minorities, the poor and people living in remote areas.
- 4. National non-judicial mechanisms and institutions to protect human rights are found to be inefficient, inconclusive, with weak powers of implementation and oversight.**
 - 4.1.** In line with paragraph 90 (e) in the report of the UN Special Rapporteur on extreme poverty and human rights on his visit to the Lao People's Democratic Republic (2019), and to respect the Paris Principles, establish an independent human rights body for oversight and evaluation of the environmental, social and human rights impact of development and infrastructure projects. This includes the creation of a confidential complaint mechanism for individuals and communities to access, without the need to exhaust alternative remedies. The mechanism should operate all year-round, be empowered to investigate allegations and prescribe appropriate remedies.
- 5. Ethnic minorities, the poor and those living in rural areas face significant barriers to access judicial remedy, despite positive government efforts.**
 - 5.1.** In line with paragraph 90 (d) in the report of the UN Special Rapporteur on extreme poverty and human rights on his visit to the Lao People's Democratic Republic (2019), strengthen legal access to people in remote areas so that they can effectively access judicial remedy. This includes reforming village mediation to promote procedural fairness and the feasibility of appeals, as well as the development of a structural system with sustainable funds, legal officers and lawyers that can be accessible without barrier.
- 6. Inadequate and inconsistent compensation for forced relocation and livelihood disruption in the context of infrastructure and development projects, as well as national land policies.**
 - 6.1.** In line with paragraph 86 in the report of the UN Special Rapporteur on extreme poverty and human rights on his visit to the Lao People's Democratic Republic (2019), companies investing in Lao hydropower and development sectors should ensure an ongoing human rights due diligence process to identify, prevent and mitigate their impact on human rights, as well as to provide effective remedy and compensation where needed.
 - 6.2.** Adequate and consistent compensation must be immediately provided for the communities affected by hydropower projects, especially for those of the Xe-Pian Xe-Namnoy dam collapse. As suggested in the report by the UN Special Rapporteur on extreme poverty and human rights on his visit to the Lao People's Democratic Republic (2019), monthly allowances must be increased and paid on time, with fertile land provided, in addition to basic services and counselling.
- 7. Financial misconduct, with lack of effective remedy often being linked to corruption or incorrect disbursement of funds.**
 - 7.1.** Strengthen oversight and implementation measures, to monitor financial movements and prevent misconduct.
 - 7.2.** Improve the delivery of timely responses and effective compensation during natural disasters. This includes the creation of agencies that can monitor situations on the ground and pre-determine where money would be needed, along with the creation of a public fund specific to times of emergency in order to allow local authorities to deliver timely funds without affecting the public budget.



8. The Mekong River Commission is a weak regional mechanism not able to legally hold member states accountable for rights violations & damages to the environment.

8.1. In line with Concluding observation 57 of the Committee on the Elimination of Discrimination against Women (CEDAW) (2018), promote regional cooperation and mechanisms. In particular, MRC should establish a legal mechanism that obliges member states to respect unanimous decisions and regulations, regarding development and infrastructure projects. Within this framework, the institution should strengthen its methodology of impact assessment, to provide valid results that emphasise and protect the human, environmental and social vulnerabilities on the ground.

9. Weak oversight, evaluation and monitoring on the involvement of international financial institutions.

9.1. Establish greater scrutiny on development projects with foreign investments and partnerships, as carried out by the Government and private investors, to ensure that projects bring greater and sustainable benefit to Lao people, as recommended in paragraph 95 in the report of the UN Special Rapporteur on extreme poverty and human rights on his visit to the Lao People’s Democratic Republic (2019).

UPR 2nd CYCLE RECOMMENDATIONS

#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Ratification of International Treaties					
121.13	Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.	Paraguay	16.3	Noted	Not Implemented
121.15	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.	Algeria, Honduras, Uruguay	16.3	Noted	Not Implemented
121.20	Implement its commitment made during the 2010 UPR to ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance.	Netherlands	16.3	Supported	Not Implemented
121.21	Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.	Canada, Spain	16.3	Supported	Not Implemented
121.28	Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities as well as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.	Spain	16.3	Noted	Not Implemented
121.36	Continue implementing the obligations under the international human rights treaties ratified by the Lao People’s Democratic Republic.	Kuwait	16.3	Supported	Partially Implemented
121.3	Ratify the remaining international human rights conventions and continue without delay to harmonize its national legislation with the international obligations of the Lao People’s Democratic Republic’s under the respective human rights conventions, and implement them in policy and practice and strengthen its legal complaints system to ensure that most vulnerable groups have effective access to justice.	Finland	16.3	Supported	Not Implemented
121.23	Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and establish an independent commission to carry out impartial investigations in a prompt, impartial and effective manner into the alleged cases of enforced disappearances reported in the country.	Italy	16.3	Noted	Not Implemented
121.24	Ratify the ICPPED and adopt implementing legislation, as well as mechanisms to independently investigate and identify perpetrators of those crimes.	Brazil	16.3	Noted	Not Implemented
Theme: Compliance of National legislation with International Human Rights Obligations of Lao PDR					



#	Recommendations	Country	SDGs	Response	Level of Implementation
121.39	Fully incorporate the major human rights treaties that the Lao People's Democratic Republic has ratified into its domestic laws and allocate adequate human and financial resources to implement the laws.	Republic of Korea	16.3 & 16.a	Supported	Not Implemented
121.43	Enhance the implementation of the international human rights treaties, to which the Lao People's Democratic Republic is a party and the ASEAN Human Rights Declaration to benefit the entire Lao population.	Cambodia	16.3	Supported	Partially Implemented
121.37	Revise the Penal Code to make all new laws conform with international human rights standards, and repeal provisions of the law on media and the new decree on the Internet that criminalize basic human rights and subordinate individual rights to the interests of the state.	Sweden	16.3	Supported	Not Implemented
121.170	Ensure in the elaboration and implementation of the national land policy that economic, social and cultural as well as civil and political rights of all affected persons are fully respected, including by applying international standards such as the guidelines on land tenure and on responsible investment in agriculture of the Food and Agriculture Organization of the United Nations, in particular by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights.	Germany	1.4 & 2.3	Supported	Not Implemented
Theme: Co-operation with the international community for promotion and protection of human rights					
121.68	Cooperate more systematically with the treaty bodies and permit the visits by special procedures.	Luxembourg	16.a & 17.9	Supported	Implemented
121.69	Strengthen the national capacities through cooperation with the United Nations human rights mechanisms, particularly the special procedures.	Morocco	16.a & 17.9	Supported	Implemented
121.76	Extend an open invitation to the special procedures and follow the recommendations they have provided as well as those of the treaty bodies.	Uruguay	16.a & 17.9	Noted	Partially Implemented
121.64	Strengthen international and regional cooperation in the protection and promotion of human rights.	Vietnam	16.a & 17.9	Supported	Partially Implemented
121.77	Request technical assistance and cooperation as deemed appropriate from the international community, including relevant United Nation and specialized agencies in respect of capacity development for human rights implementation.	Mongolia	16.a & 17.9	Supported	Implemented
121.51	Continue the realization of all national efforts and international cooperation for the establishment of a national human rights institution in accordance with the Paris Principles	Chile	16.a & 17.9	Noted	Not Implemented
Theme: National Human Rights Institution					
121.52	Give continuity to strengthening of national human rights institutions and mechanisms.	Nepal	16.6 & 16.a	Noted	Not Implemented
121.113	Implement the national action plan to combat corruption, including strengthening of laws and enforcement, and provide greater resources to independent anti-corruption bodies.	New Zealand	16.6	Supported	Not Implemented
121.47	Further develop its sound and successful social policies to support the population, especially those most in need.	Venezuela	16.6	Supported	Partially Implemented
121.26	Continue to strengthen the rule of law and improve governance.	Singapore	16.a & 17.9	Supported	Partially Implemented



#	Recommendations	Country	SDGs	Response	Level of Implementation
Theme: Investigation into unresolved cases of disappearance					
121.94	Carry out without further delay an independent, credible investigation into the unexplained disappearance of a human rights defender, Sombath Somphone, which occurred on 15 December 2012 in Vientiane.	Luxembourg	16.3 & 16.6	Noted	Not Implemented
121.156	Take all necessary steps to protect human rights defenders from intimidation, ill-treatment or violence, including enforced disappearances, and to ensure prompt, impartial and thorough investigation of all allegations, including those of enforced disappearances.	Ireland	16.3 & 16.6	Noted	Not Implemented
121.102	Conduct a thorough and credible investigation into all and any unresolved cases of disappearances of civil society workers in the Lao People's Democratic Republic.	New Zealand	16.3 & 16.6	Noted	Not Implemented
Theme: Freedom from torture and adequate treatment of detained persons					
121.106	Ensure that detained persons are treated humanely and given access to legal counsel and all allegations of torture in detention are properly investigated.	Ghana	16.3	Supported	Partially Implemented
121.127	Endeavour to implement the obligations under article 14 of ICCPR, which comprehensively guarantees the right to a fair trial and the rights of the accused.	Namibia	16.3	Supported	Partially Implemented
Theme: Freedom of expression and protection of human rights defenders					
121.141	Ensure freedom of expression and media freedom, including Internet freedom by bringing its national legislation fully in line with international standards, including by decriminalizing defamation, misinformation and related offences in relevant national laws.	Estonia	16.3 & 16.10	Noted	Not Implemented
121.146	Guarantee the effective exercise of freedom of expression, assembly and association by reforming its legislation particularly in order not to undermine the legitimate work of NGOs and human rights defenders.	Luxembourg	16.10	Noted	Not Implemented



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For more information, email us at: contact@manushyafoundation.org