

Lao People's Democratic Republic

**Joint Submission to the UN
Universal Periodic Review**

**35th Session of the UPR
Working Group**

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Joint UPR Submission by:
Manushya Foundation
and

Asia Indigenous Peoples Pact (AIPP),
NGO in Special Consultative Status with
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Table of Contents

1.	Introduction.....	3
2.	Right to development.....	6
3.	Political framework and good governance—corruption in development projects and investments fuelling poverty and unsustainable development.....	7
4.	Racial discrimination and cultural rights.....	8
5.	Right to participate in public affairs, particularly of women	9
6.	Right to an adequate standard of living in relation to land-related rights and concessions.....	11
7.	Internally displaced persons.....	13
8.	Right to an effective remedy.....	14
9.	Recommendations to the Government of Lao PDR.....	15
10.	Annex.....	18
11.	Endnotes.....	21





1. Introduction

1.1. Manushya Foundation is an Asia regional non-governmental organization with the aim of empowering communities and advancing social justice. Founded in 2017, we strengthen and connect diverse community and grassroots groups to place them at the centre of human rights and sustainable development responses of their countries.

1.2. Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples' movements. AIPP is committed to the cause of promoting and defending indigenous peoples' rights and articulating issues of relevance to them.

1.3. In this submission, the organizations examine the compliance of the Government of Lao PDR with the recommendations received during the 2nd UPR cycle of Lao PDR, particularly in relation to development projects and investments in the country. In this context, we analyse the efforts made by the government to implement recommendations received related to rights to development, to political framework and good governance, to participate in public affairs, to an adequate standard of living and to an effective remedy. We also assess racial discrimination among and impacts on cultural rights of the affected groups as well as forced displacement of communities affected by them and impacts thereof on their rights. The organizations then draw specific, measurable and result-oriented recommendations to address to ensure sustainable development with respect for the rights of individuals and communities.

1.4. During the 2nd UPR cycle, the Government of Lao PDR received 17 recommendations directly relevant to the human rights impacts of development projects and investments. Of these recommendations, 16 were supported and one was noted. Our assessment demonstrates that the government has partially implemented three recommendations. However, it has persistently failed to implement 14 recommendations since its last UPR.

1.5. We are concerned with Lao PDR's economic growth strategies, which heavily rely on large-scale infrastructure projects, particularly mega hydropower dams, land concessions, resource extraction and other foreign investments. They disproportionately benefit the wealthy elites while often greatly harming the environment and local communities due to poor planning and inadequate resettlement and remedy programs. While those affected by development or business projects, particularly women and indigenous ethnic groups, have limited participation in decision-making, we are further alarmed by severe restrictions on freedom of expression, assembly and association in Lao PDR, which make it almost impossible for affected communities and individuals to access effective remedy for harms suffered.



1.6. This submission indicates that development projects and investments in Lao PDR are not carried out in a sustainable manner resulting in violations of human rights in the following manner:

- Section 2 discusses Lao PDR's development initiatives for poverty eradication to examine the government's implementation of UPR recommendations with respect to the right to development.
- Section 3 discusses corruption in development projects and investments in Lao PDR. The section examines the government's implementation of recommendation with respect to political framework and good governance.
- Section 4 examines Lao PDR's implementation of UPR recommendations and compliance with international human rights obligations related to racial discrimination and cultural rights of ethnic groups.
- Section 5 discusses implementation of UPR recommendations and compliance with human rights obligations of Lao PDR in relation to the right to participate in public affairs, particularly of women.
- Section 6 analyses land-related rights and the impact of land concessions to examine Lao PDR's implementation of recommendations with respect to the right to an adequate standard of living.
- Section 7 discusses relocation and resettlement programs to examine implementation of UPR recommendation in relation to internally displaced persons.
- Section 8 analyses Lao PRD's implementation of UPR recommendations in relation to right to effective remedy in the context of development or business projects.
- Section 9 includes a set of recommendations to advance the implementation of UPR recommendations received during the 2nd UPR cycle as discussed in this submission.
- An Annex is provided for an overview of the recommendations examined in this submission.





2. Right to development

2.1. During Lao PDR's examination under the 2nd UPR cycle, the government received seven recommendations with respect to the right to development, which it has supported. Among others, the government committed to 'intensify its efforts to promote inclusive growth, especially in the rural and mountainous areas', and to 'continue its efforts to eliminate poverty, especially in remote regions'. As evidenced below, it can be concluded that the government has not yet implemented those recommendations. With GDP growth rate at 6.5% in 2018¹, the government has reported a reduction in the population living below the poverty line (1.90 USD per day) from 46% in 1992 to 23% in 2015², which is commendable. However, many who escape the national poverty line remain close to the line or subsequently fall below it with 80% of population living on less than 2.50 USD per day as of 2012/13.³ Worse, as per an official report in 2018, the poverty rate in rural areas is 2.9 times that of urban areas and one-third of population in mountainous areas still live below poverty line compared to one-fifth of the population in lowland areas.⁴

2.2. Moreover, as mentioned above, there is excessive focus on large-scale infrastructure projects such as mega hydropower dams, land concessions, resource extraction and foreign investments in the government's growth strategies. Given the mountainous terrain and plentiful water resources in the country, strategy to develop the hydropower sector in particular has been reaffirmed as a means to alleviate poverty in Lao PDR in the 8th National Socio-Economic Development Plan (2016-2020).⁵ Although contributing to national economic growth, the infrastructure and business investments have disproportionately benefited the elites and resulted in lower ratio of poverty reduction to economic growth and increase in inequality with little benefits for the large proportion of population.⁶ Many large-scale development projects and investments bring in their own workers and do not create employment for the local population, leaving them unemployed.⁷

2.3. That explains the increased poverty incidence for population in rural and mountainous areas, where they have poor infrastructural support in the form of roads and electricity and inadequate access to government services and face decrease in means of livelihoods, including cultivable land, worsening quality and availability of resources due to ill-planned development or business projects. To illustrate, hydropower dams constructed in the Nam Ou watershed have resulted in a decline in forests and rivers, resources such as fish have disappeared, and the water was contaminated. As a result, several communities who relied mainly on natural resources for their livelihoods have been affected as they have lost their main sources of income and nutrition. This has disproportionately affected the elderly, pregnant women, and children who have experienced a decline in their health due to the lack of nutrition.⁸

2.4. In 2017, the government has revised the poverty line from the standards set in the 2013 Prime Ministerial Decree to extend beyond an analysis only of the income of persons to the ability to afford food, clothing, shelter, healthcare, access to basic education and other public services.⁹ However, that still ignores the multidimensional nature of poverty that goes beyond income and access to basic services, without taking into consideration socio-cultural differences and qualitative aspects such as discrimination, stigma, isolation and powerlessness that may contribute to poverty.¹⁰



3. Political and good governance – corruption in development projects and investments fuelling poverty and unsustainable development

3.1. Under the 2nd UPR cycle, the Government of Lao PDR received one recommendation with respect to its political framework and good governance, which it supported. Although it committed to ‘implement the national action plan to combat corruption, including strengthening of laws and enforcement, and provide greater resources to independent anti-corruption bodies’, as evidenced below, the government has only partially implemented this recommendation.

3.2. Lao ranks 132nd out of 180 on the corruption perception index of Transparency International.¹¹ The government’s economic strategies, focusing on investments in development and business projects, are not benefiting the majority of the population, but instead enrich the wealthy elites. Moreover, the Lao government lost state revenue through providing corporate tax exemptions for investors, as well as because corruption largely takes place in the country, especially in the context of development projects and investments.¹² Further, although the Prime Minister has made several attempts to limit corruption in the country, including crackdowns on ‘ghost projects’ and the dismissal of officers engaged in corruption, in an environment of restricted civil society space and freedom of expression, media and assembly, corruption is unlikely to be exposed to the public¹³ and the public is not able, neither permitted, to campaign against corrupt actions. If corruption cannot be tacked, land concessions required to fulfil development projects and investments benefiting the elite are likely to continue to be implemented in Lao PDR, deepening the poverty levels of rural communities and indigenous ethnic groups that will be affected by the negative effects of such projects.





4. Racial discrimination and cultural rights

4.1. The Government of Lao PDR during the 2nd UPR cycle committed to implement the recommendation to ‘ensure that all ethnic groups are treated equally and that they have equal access to social services, including health and education’. It also supported the recommendation to ‘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 PDR.’ The government recognizes at least 240 subgroups within 49 ethnic groups. Those groups belong to four ethnolinguistic families whereby the Lao-Tai speaking groups dominate politically, culturally and economically and generally inhabit the river plains while majority of the Mon-Khmer, Sino-Tibetan and Hmong-Mien groups live in the remote, mountainous and forested areas and practice more traditional ways of life and experience marginalization.¹⁴ Those groups are considered indigenous peoples of Laos although the government does not recognize them as such and claims that all ethnic groups have same status while it voted in favour of the UN Declaration on the Rights of Indigenous Peoples adopted in 2007. Those groups continue to face unequal treatment, including in their access to social services, and challenges to their cultural rights in the contexts of development and business investments impacting them. Thus, the government has partially implemented the recommendation on equal treatment of ethnic groups but not yet implemented the recommendation in relation to cultural rights.

4.2. While the government has reportedly accorded priority to disadvantaged districts in its Education Strategy by 2020 and Education for All programmes, and the Strategy Plan in Public Health Sector by 2020, access to education and health services in rural areas is still very limited. Although most villages have a primary school, 57% of such schools do not offer all five grades, and many do not have secondary school. 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.¹⁵ As noted in a UN report, 22 out of 78 villages in one district were unable to access health care facilities in the rainy season due to poor infrastructure and far distances.¹⁶ Further, knowledge of health issues among rural communities is poor and access to health care facilities remains challenging, including due to high expenses, and many are unaware of the available assistance.¹⁷ Besides, the Committee on the Elimination of Racial Discrimination (CERD) has also noted language barriers as possible reason for inequality in access to education and health care services among ethnic groups. Inequality in access to social services can also be due to inadequate public social expenditure of the government, which is not in line with Laos’ GDP growth. In 2017, the government spent 6.5% and 13.4% of its budget on healthcare on education, which are largely below the government targets of 9% and 17% respectively.

4.3. At the same time, the government does not recognize the cultural ties of indigenous groups in the country to their lands. Those groups are disproportionately affected by negative impacts of development projects and investments, whereby they face the highest risks to lose their lands, habitat and livelihoods. For indigenous communities, loss of their lands and natural resources is in effect a loss of culture. To elucidate, as a result of the construction of the Nam Ou Dam, communities belonging to eight indigenous groups were affected and had to be relocated. Not only did they have to move away from their ancestral lands, but they were also forced to give up their traditional agricultural and cultural practices. That also negatively impacted the well-being of the community members, who suffered from social dislocation, increased health risks, and psychological trauma.¹⁸ The CERD had urged the government to pay attention to and report on the impact of its relocation policy on livelihoods and culture of ethnic groups and also to take measures to preserve culture heritage of ethnic groups, including their languages.¹⁹ The government is yet to effectively act upon those recommendations.

4.4. Conversely, the government is currently drafting a decree on ethnic affairs, which can exacerbate discrimination against and human rights challenges of indigenous groups. The decree includes, among others, policies to resettle ethnic groups from remote, undeveloped and development project-affected areas to areas that can be developed, where appropriate jobs can be created, as well as to shift their old production methods to new methods to increase productivity. The decree however does not include any provision to recognize the rights of indigenous ethnic groups to their lands and resources or to their traditional livelihoods, and even to provide education in their ethnic languages.



5. Right to participate in public affairs, particularly of women

5.1. During Lao PDR's examination under the 2nd UPR cycle, the government received one recommendation to 'further work in empowering women in decision-making', which it supported. On the other hand, the government only noted the recommendation to 'acknowledge and guarantee indigenous peoples' rights, including by fully engaging indigenous peoples of the country in decision-making in all matters that affect them.' However, the government has partially implemented the recommendation related to women's participation in decision-making; and did not implement the noted recommendation in relation to indigenous peoples.

5.2. Women in Lao PDR have experienced discrimination resulting from existing gender stereotypes and power structures.²⁰ That is indicated in the gender equality index of the country, which stands at 0.461²¹, and from the low representation of women in parliament and community levels at 27.5%²² and 2.6%²³ respectively. Among some positive legislative and administrative steps to enhance gender equality, the government has adopted targets in the 8th National Socio-Economic Development Plan (2016-2020) to increase women's participation public office and in employment. However, the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) has expressed concern that most targets set at 20-25% are inadequate and recommended aiming for minimum of 30% representation of women and adopting temporary special measures at the local levels to address intersecting forms of discrimination against women.

5.3. Women in rural areas or belonging to ethnic groups face multiple forms and layers of discrimination and marginalization, which are exacerbated in the contexts of negative impacts of development or business projects. Dispossession of lands and resources due to such projects causes women to significantly change their roles from caretaker of and provider of food and other resources for family to earn a financial income through other employment as they cannot engage in traditional farming or other activities. 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 sex work or other exploitative labour as well as gender-based violence.²⁴

5.4. In Lao PDR, the government defines the country's economic strategies and policies with very little input from civil society and non-profit associations.²⁵ Development projects and investments are undertaken in rural areas mostly inhabited by indigenous groups without meaningful consultations with them – let alone after obtaining their free, prior and informed consent (FPIC) as required under the UNDRIP.²⁶ The CEDAW also requires States to obtain free and informed consent of rural women prior to any acquisitions or project affecting rural lands or territories and resources, including as related to the lease and sale of land, land expropriation, and resettlement.²⁷ Further, as a member of the Mekong River Commission, Lao PDR has a duty to respect 'the Procedures for Prior Notification, Prior Consultation and Agreement' under the 1995 Mekong Agreement.²⁸

5.5. However, most projects in Lao PDR are undertaken in absence of access to information, and FPIC of affected communities in violation of the provisions of UNDRIP, the 1995 Mekong Agreement, and articles 17, 27, 36-39 of the 31 January 2019 Decree on environmental impact assessments (EIAs).²⁹ Decisions on development projects and investments, including EIAs and resettlement programs, are made without public consultations or the participation of those affected by them. Instead, decisions are made through top-down and non-transparent procedures.³⁰ Far too often, EIAs are conducted by private consulting firms that are not experienced in working with local communities and are therefore carried out without involving affected communities through the different stages of the assessments. For example, for dams along the Nam Ou River, it has been reported that EIAs were conducted prior to the construction of the dams but the findings were not disclosed to the public or to those who may be affected by the impacts of these dams.³¹





6. Right to an adequate standard of living in relation to land-related rights and concessions

6.1. Under the 2nd UPR cycle, the Government of Lao PDR received three recommendations with respect to the right to an adequate standard of living in relation to land rights and concessions, which it has supported. The government committed, amongst others, to '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..., in particular by providing full, adequate and effective compensation for expropriations and by recognizing and protecting customary land rights.' Further, it committed to 'enforce the moratorium on new land concessions announced by the Government...in June 2012 and reform the current system for the management of land leases and concessions' and to 'review existing land concessions and cancel or sanction those found to be violating the law'.

6.2. The legal framework restricts property rights of individuals and customary land rights of communities. Such laws disproportionately affect rural and indigenous communities who are unable to show land ownership, resulting in loss of their lands to concessions.³² Similarly, despite announcement of moratorium on new concessions, reports suggest that new concessions are being issued while there is no information available publicly on review of existing concessions. Therefore, the Lao government has not yet implemented the recommendations.

6.3. To elucidate, firstly, Article 17 of the 2015 Lao Constitution,³³ related to land ownership, gives full control to the State to own all lands in Lao PDR, ignoring customary land rights of communities. This has resulted in land concessions and the establishments of Special Economic Zones, benefiting businesses and their investments, with no concern for rural and local communities that are negatively impacted by such projects, facing inadequate or unfair compensation, or the lack of compensation altogether.³⁴ So far, more than 1,750 land concessions have been made, providing companies with the right to use land, sometimes for as long as a century.³⁵

6.4. Further, the National Land Law (2003)³⁶ is of great concern, which has been going through revisions since 2016 to bring into effect a new law that would not recognise customary land tenure rights, as it would require all land ownership in the country to be recognised with a title by 2025 and would also restrict rights to use forest land.³⁷ However, most of the land in Lao PDR is untitled and the vast majority of individuals and communities reside on customary lands without any form of formal documentation.³⁸ The approval of the law went for a second reading in the National Assembly in March 2019.³⁹ According to the Land Information Working Group, the revised Land Law could put local communities at a greater risk of losing their land to concessions or projects owned by domestic and foreign enterprises without often fair compensation.⁴⁰



6.5. A representative case of land grabbing in concessions is that of the commercial coffee plantation on ancestral lands of ethnic Nha Huen/Yahern people in southern Champasak province, who have been contesting since 2012 that the government handed over their lands to the Singapore-based agribusiness giant Olam International through its Lao-based subsidiary Outspan Bolovens Ltd for the plantation. In one village, eight families are no longer able to secure food for themselves as their cultivable land and rice fields have been destroyed by the coffee plantation while other farmers also continue to experience negative impact on their livelihoods.⁴¹ In October 2018, the company announced further expansion of its coffee plantation in the province,⁴² causing greater worry amongst farmers.

6.6. In another representative case, the Lao government gave the land promised for communities that fell victim to the Xe-Pian Xe-Namnoy dam collapse in July 2018 to a Chinese banana company through land concession in 2019. The communities that were to be relocated on the land in Sanamxay district of Attapeu province were instead encouraged to work at the banana plantations, which they have declined while they also expressed concerns of potential pollutions from the plantation.⁴³ On the other hand, following the dam collapse, the Prime Minister of Lao PDR recognized for a national review of hydropower and the government has recently embarked on a plan to inspect all 55 dams in the country and reportedly already uncovered non-compliance of safety standards in several of the dams. However, only limited to safety standards, the inspection can be considered inadequate as it does not re-evaluate the hydropower projects for their impacts vis-à-vis benefits with effective participation of local communities. At the same time, the government has continued with prior consultations for projects such as the proposed Pak Lay Dam, which has been contentious for high environmental and social impacts along the Mekong River across national borders.⁴⁴

7. Internally displaced persons

7.1. During the 2nd UPR cycle, the Government of Lao PDR received one recommendation with respect to internally displaced persons, whereby it committed to ‘respect all its national and international obligations regarding forcibly displaced persons’. However, displacement of communities continues without adequate compensation, through poorly planned resettlement programs⁴⁵ which results in loss of livelihoods and increasing threat to food security and the natural ecosystem.⁴⁶ Therefore, the Lao government has not yet implemented the recommendation.

7.2. Relocation and internal displacement are significant consequences of development projects and investments, especially in the case of hydropower dams, whereby an average of about 868 persons are being resettled per dam.⁴⁷ For instance, as a result of the construction of Nam Theun 2 Dam, 6,200 indigenous peoples were forcibly resettled due to heavy floods.⁴⁸ A 2018 field research on the impact of the dam found that the livelihoods of resettled communities have not been fully restored due to unresolved issues, such as land degradation and decrease in fish, resulting in serious undermining of food security of the communities.⁴⁹ Even though the dam was funded by international financial institutions with some mitigation measures in place, livelihood restoration of displaced persons depended primarily on the government, which lacked necessary programs and budget. Moreover, the land on which communities were resettled was of poor quality without proper irrigation systems, and thus unsuitable for farming.⁵⁰

7.3. Similarly, following the collapse of a dam under Xe-Pian Xe-Namnoy Hydropower Project, which displaced more than 4,000 people, most were placed in temporary shelters where they experienced poor living conditions.⁵¹ Victims reported that the daily allowance of the government was insufficient for food and health needs as they fell ill to dengue and malnutrition while few families relocated to temporary residence in February 2019 found to lack water resources necessary for agriculture.⁵² With respect to compensation, the sum of 10,000 USD offered by the dam investors for the families of 71 dead or missing has also been reported as insufficient and inadequate to meet the needs of the families.⁵³





8. Right to an effective remedy

8.1. Under the 2nd UPR cycle, the Lao Government received one recommendation with respect to right to an effective remedy specifically relevant to development projects and investments. It has committed to ‘ensure the protection of the rights of persons belonging to religious and other minorities and effectively investigate all alleged abuses and violations.’ However, access to effective remedy, if any, for violations of rights of affected communities, particularly in the context of development projects and investments, is hindered because of the shrinking civic space in the country although freedoms of speech, press and assembly are granted in Article 44 of the Lao Constitution.⁵⁴

8.2. In Lao PDR, in a number of cases, financial or other compensation promised or offered by government as remedy are often inadequate. For example, the victims of the Nam Ou Dam were not compensated for the loss of their fisheries, which was their main source of income. Similarly, after the collapse of a dam in Xe-Pian Xe-Namnoy in July 2018, the government had announced living allowances of USD 12 per month for each ‘survivor’, which the provincial authorities have frequently fallen behind to pay while some victims reportedly received only rice or nothing at all or fishing net instead of compensation to sustain their needs.⁵⁵ At the same time, 60 families, who were affected by the collapse of Nam Ao dam in Xaysomboun province in September 2017, have also been waiting for compensation due to disagreement on the compensation by the dam developer.⁵⁶

8.3. Due to restrictions on expression and media, those affected by development projects and investments have not been able to access necessary information and seek remedy. After the Xe-Pian Xe-Namnoy dam collapse various individuals shared their struggles on social media, which received attention of international news.⁵⁷ However, Lao authorities aimed to conceal information about the dam collapse and warned citizens to be conscious about veracity of the news of the collapse and to follow state-owned media rather than social and foreign media, which would include misinformation.⁵⁸

8.4. Further, few communities that have mobilized for their rights against development projects or investments have been subjected to unjust suppression. For example, when the Yeup villagers in Thateng district of Sekong province protested unfair confiscation of their lands in 2017 given to a Vietnamese rubber company in a land concession by cutting down rubber trees of the company, the police detained fourteen villagers, including a boy and girl of fifteen years old. Several of the detainees were allegedly beaten or subjected to electric shocks in the days following their arrest. In January 2018, one of the 14 villagers, Somsavanh, died under mysterious circumstance in police custody while two are seriously ill.⁵⁹

8.5. At the same time, access to effective remedy for communities affected by development projects and investments is further restricted because of shrinking civil society space in Lao PDR. For instance, non-profit associations’ (NPAs) activities are restricted by Decree No. 238 on Associations (2017), which provides government officials with arbitrary power to forbid NPAs’ activities considered a threat to national security and social order.⁶⁰ NPAs’ activities are heavily monitored and those who advocate for rights of affected communities or raise awareness of human rights violations risk being arrested or even being forcibly disappeared, as in the case of Sombath Somphone. As a result, NPAs are limited in their support to rural communities who are affected by development projects and investments.⁶¹

8.6. Under Article 41 of the Lao Constitution, people have the right to file complaints and petitions to the National Steering Committee on Human Rights, under the National Legislative Assembly. However, the Committee does not comply with the Paris Principles and is perceived as ineffective to redress rights violations because of long procedural delays, corruption, biases towards powerful parties, the presumption of guilt, and the fact that indigenous peoples and rural communities are unable to access statutory systems.⁶² Lao PDR has not taken any effective step to set up a national human rights institution in accordance with the Paris Principles, for which it noted 10 recommendations under the 2nd UPR cycle.



9. Recommendations to the Government of Lao PDR

Manushya Foundation and AIPP make following specific recommendations to the Government of Lao PDR and call on to guarantee sustainable development projects and investments are respectful of rights of individuals and communities in the country with effective remedy for harms when they occur.

9.1. Regarding right to development

- a. Review the 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.⁶³
- b. Undertake a comprehensive study on poverty inequality among different population groups due to existing development and investment policies and practices in order to identify and implement measures towards addressing inequality among the groups.
- c. Take effective steps for further reduction of poverty with an inclusive multi-dimensional approach that address economic, socio-cultural and environmental issues, including aspects such as discrimination and exclusion from the household to local and national levels.

9.2. Regarding political framework and good governance

- a. Provide 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.⁶⁴

9.3. Regarding racial discrimination and cultural rights

- a. 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.⁶⁵
- b. Undertake an independent study on impacts of relocation policies and programs on livelihoods and cultures of ethnic groups⁶⁶ and carry out effective steps to avoid, mitigate and address those impacts.
- c. 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.
- d. Undertake measures to preserve culture heritage of ethnic groups, including their languages⁶⁷ through programmes such as mother-tongue based education.



9.4. Regarding right to participate in public affairs, particularly women

- a. Set targets for minimum of 30% representation of women in all levels of decision-making, and adopt temporary special measures mainly at local levels in areas of education, employment and political participation to address intersecting forms of discrimination against women, especially rural and indigenous women.⁶⁸
- b. Implement further measures to ensure effective access to justice for women facing discrimination and violence by allocating adequate resources to enhance legal literacy, providing mandatory capacity building for judicial and legal authorities and ensuring access to free legal aid and interpretation services.
- c. Require free, prior and informed consent of indigenous ethnic groups and rural women prior to any project affecting their lands, territories and resources in line with international human rights standards, including through amendment of Decree on EIAs and adoption of necessary new laws and policies.
- d. Develop and implement, in consultation with the concerned communities, a law for mandatory human rights due diligence by businesses operating in Lao PDR, including assessment, mitigation and remediation of human rights, environmental and social and gender as well as transboundary impacts, as appropriate, of their operations, as well as a broader national action plan to implement the UN Guiding Principles on Business and Human Rights in the country.

9.5. Regarding right to an adequate standard of living – land rights and concessions

- a. Ensure that the revised land law protect customary land tenure, including for those relying on communal lands,⁶⁹ and provide for greater ownership of rural women⁷⁰, such as through a customary land titling program (covering forest lands as well) undertaken in conjunction with the concerned communities, particularly women.
- b. 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.⁷¹
- c. 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.

9.6. Regarding internally displaced persons

- a. Enhance planning for development and investment projects to refrain from forced displacement and improve resettlement and 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.
- b. Establish an independent monitoring body for social, environmental, and human rights impacts of development projects and investments, including for people subjected to involuntary resettlement and loss of lands.⁷²



9.7. Regarding right to an effective remedy

- a. Undertake immediate measures, in consultation with the concerned communities, to provide effective remedy to the affected communities of Xe-Pian Xe-Namnoy and Nam Ao dam collapses, Nam Theun 2 and Nam Ou dams as well as Sekong rubber plantation, including adequate allowances, restoration of livelihoods and accountability of the companies and authorities involved as appropriate.
- b. Reform existing laws and policies, such as the Penal Law 2005, as well as adopt necessary measures to ensure individuals and communities can fully enjoy their right to freedom of speech, press and assembly, in line with international human rights standards.
- c. Take steps to establish open and dynamic civil society space, including through amendments to NPA Decree 238, so as to ensure non-profit associations can effectively contribute to development efforts and the eradication of poverty.
- d. Establish an effective and independent national human rights institution in accordance with the Paris Principles through necessary international cooperation.



Annex: Assessment of implementation of UPR recommendations received during the 2nd UPR cycle of Lao PDR, particularly in relation to development projects and investments

Theme: Right to development			
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); Source of position: A/HRC/29/7/Add.1	Supported	37. Right to development – general measures of implementation Affected persons: - general	Status: Not implemented Source: Paragraph 2.1-2.4
121.169. Intensify its efforts to promote inclusive growth, especially in the rural and mountainous areas (Thailand); Source of position: A/HRC/29/7/Add.1	Supported	37. Right to development – general measures of implementation Affected persons: - general - persons living in rural areas	Status: Not implemented Source: Paragraph 2.1-2.4
121.167. Continue its efforts in socioeconomic development and poverty eradication with a view of achieving its Millennium Development Goals target (Malaysia); Source of position: A/HRC/29/7/Add.1	Supported	37. Right to development – general measures of implementation 22.1. Right to an adequate standard of living - general Affected persons:	Status: Not implemented Source: Paragraph 2.1-2.4
121.165. Continue its efforts in the eradication of poverty (Bangladesh); Source of position: A/HRC/29/7/Add.1	Supported	37. Right to development – general measures of implementation Affected persons:	Status: Not implemented Source: Paragraph 2.1-2.4
121.163. Continue its efforts to eliminate poverty, especially in remote regions (Viet Nam); Source of position: A/HRC/29/7/Add.1	Supported	37. Right to development – general measures of implementation Affected persons: - general - persons living in rural areas	Status: Not implemented Source: Paragraph 2.1-2.4
121.162. Pursue its efforts to broadly reduce poverty (Djibouti); Source of position: A/HRC/29/7/Add.1	Supported	37. Right to development – general measures of implementation Affected persons: - general	Status: Not implemented Source: Paragraph 2.1-2.4



<p>121.166. Continue to implement the National Action Plan for Poverty Reduction in order to alleviate poverty and improve the standards of living (Kuwait);</p> <p>Source of position: A/HRC/29/7/Add.1</p>	<p>Supported</p>	<p>22.1. Right to an adequate standard of living - general 37. Right to development – general measures of implementation Affected persons: -general</p>	<p>Status: Not implemented</p> <p>Source: Paragraph 2.1-2.4</p>
<p>Theme: Political framework and good governance</p>			
<p>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)</p> <p>Source of position: A/HRC/29/7/</p>	<p>Supported</p>	<p>5.3. Political framework & good governance</p> <p>Affected persons: - general</p>	<p>Status: Partially implemented</p> <p>Source: Paragraph 3.1-3.2</p>
<p>Theme: Racial discrimination</p>			
<p>121.84. Ensure that all ethnic groups are treated equally and have equal access to social services, including health and education (Ghana);</p> <p>Source of position: A/HRC/29/7/Add.1</p>	<p>Supported</p>	<p>9. Racial discrimination Affected persons: • - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	<p>Status: Partially implemented</p> <p>Source: Paragraph 4.1-4.4</p>
<p>Theme: Cultural Rights</p>			
<p>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);</p> <p>Source of position: A/HRC/29/7/Add.1</p>	<p>Supported</p>	<p>27. Cultural rights Affected persons: - general</p>	<p>Status: Not implemented</p> <p>Source: Paragraph 4.1-4.4</p>
<p>Theme: Right to participate in public affairs and right to vote</p>			
<p>121.157. Further work in empowering women in decision-making (Ethiopia);</p> <p>Source of position: A/HRC/29/7/Add.1</p>	<p>Supported</p>	<p>18. Right to participate in public affairs & right to vote Affected persons: - women</p>	<p>Status: Partially implemented</p> <p>Source: Paragraph 5.1-5.5</p>
<p>Theme: Indigenous Peoples</p>			
<p>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);</p> <p>Source of position: A/HRC/29/7/Add.1</p>	<p>Noted</p>	<p>33. Indigenous peoples Affected persons:</p>	<p>Status: Not implemented</p> <p>Source: Paragraph 5.1-5.5</p>



Theme: Right to an adequate standard of living			
<p>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);</p> <p>Source of position: A/HRC/29/7/Add.1</p>	Supported	<p>22.1. Right to an adequate standard of living - general</p> <p>38.1. Human rights, structural adjustment/economic reform policies & foreign</p> <p>Affected persons:</p> <ul style="list-style-type: none"> • General 	<p>Status: Not implemented</p> <p>Source: Paragraph 6.1-6.6</p>
<p>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);</p> <p>Source of position: A/HRC/29/7/Add.1</p>	Supported	<p>22.1. Right to an adequate standard of living - general</p> <p>38.1. Human rights, structural adjustment/economic reform policies & foreign</p> <p>Affected persons:</p> <ul style="list-style-type: none"> • general 	<p>Status: Not implemented</p> <p>Source: Paragraph 6.1-6.6</p>
<p>121.172. Review existing land concessions and cancel or sanction those found to be violating the law (Sweden);</p> <p>Source of position: A/HRC/29/7/Add.1</p>	Supported	<p>22.1. Right to an adequate standard of living - general</p> <p>38.1. Human rights, structural adjustment/economic reform policies & foreign</p> <p>Affected persons:</p> <ul style="list-style-type: none"> • general 	<p>Status: Not implemented</p> <p>Source: Paragraph 6.1-6.6</p>
Theme: Internally Displaced Persons			
<p>121.196. Respect all its national and international obligations regarding forcibly displaced persons (Switzerland).</p> <p>Source of position: A/HRC/29/7/Add.1</p>	Supported	<p>35. Refugees & internally displaced persons (IDPs)</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - internally displaced persons 	<p>Status: Not implemented</p> <p>Source: Paragraph 7.1-7.3</p>
Theme: Right to an effective remedy			
<p>121.130. Ensure the protection of the rights of persons belonging to religious and other minorities and effectively investigate all alleged abuses and violations (Ireland);</p> <p>Source of position: A/HRC/29/7/Add.1</p>	Supported	<p>14.2. Freedom of thought, conscience and religion</p> <p>16. Right to an effective remedy, impunity</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - minorities/ racial, ethnic, linguistic, religious or descent-based groups 	<p>Status: Not implemented</p> <p>Source: Paragraph 8.1-8.6</p>



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MANUSHYA
Empowering Communities | Advancing Social Justice



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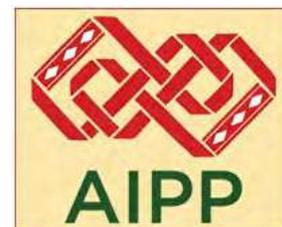


About the organizations:



Founded in 2017, Manushya Foundation serves as a bridge to engage, mobilise, and empower agents of change by: connecting humans through inclusive coalition building and; by developing strategies focused at placing local communities' voices in the centre of human rights advocacy and domestic implementation of international human rights obligations and standards.

Manushya Foundation strengthens the solidarity and capacity of communities and grassroots to ensure they can constructively raise their own concerns and provide solutions in order to improve their livelihoods and the human rights situation on the ground.



Asia Indigenous Peoples Pact (AIPP) is a regional organization founded in 1988 by indigenous peoples' movements. AIPP is committed to the cause of promoting and defending indigenous peoples' rights and articulating issues of relevance to them.