



ພັນທະມິດເພື່ອປະຊາທິປະໄຕໃນລາວ

ALLIANCE FOR DEMOCRACY IN LAOS

Alliance pour la Démocratie au Laos

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

ADL Human Rights report on the Lao PDR September 2018 update

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

1) Issue: Laos is with its many dams along the Mekong one of the largest electricity producers in Asia. Nevertheless, a large part of the population is without electricity. According to official information, this affects about 25% of the population. (Source: Worldbank)

<https://data.worldbank.org/indicator/EG.ELC.ACCS.ZS>

Development workers and independent NGOs expect at least 30%. This is all the more surprising given that Laos claims to produce 1.9 GWh with its hydroelectric power plants.

(Source: Actualitix)

160 dams are planned. China has already built eight and planned eleven more. In Laos itself, there are currently 46 dams and 54 other projects. By 2020, a total of 100 dams are to be completed. Electricity accounts for about two thirds of the country's exports. "Laos has neither the technical expertise nor the resources to build the dams themselves," says Maureen Harris, director of the Southeast Asia program of the environmental organization International Rivers. In the past two years, two dams in Laos have already been broken.

(Source: Deutsche Welle) <https://www.dw.com/de/umstrittene-wasserkraft-in-laos/a-44821456>

A detailed map can be watched here:

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

The dam projects in Laos are mostly financed by foreign direct investment and built by private companies. As a rule, the private companies get the rights to use the hydropower plants for 25 to 30 years before they become the property of the Lao government.

The dams on the Mekong are seen as a threat to the diversity of animals and plants. The Mekong is a cohesive ecosystem that not only supplies fish to millions of people, but also supplies the South Vietnamese Mekong Delta, known as the rice chamber of Southeast Asia, with water and fertile sediments.

The dams split up this ecosystem. "Studies show that fish stocks will decline by up to 40 percent if all the dams on the Mekong River are completed as planned," says Harris. This is about the food security of the densely populated region.

There are also other follow-up problems, such as forced resettlement and wasting money through corruption.

Question: Why are profits from electricity sales not used for the electrification of their own population?

If the government of Laos receives the rights to exploit the dams only after 25 to 30 years, is the expense of the previously minor benefits justified?

Why does the government fail to develop an adequate security concept for the dams?

Recommendation: It's time to stop the projects, re-evaluate them, and seek alternatives. Other

countries in Southeast Asia are currently focusing more on solar and wind energy. Collaboration with international environmental organizations such as Greenpeace would help to better assess and avert environmental damage. Laos must consistently use the revenue generated from the export of electricity for the expansion of its own electricity network instead of the expansion towards foreign countries. However, since the massive construction of dams is also of ecological concern, it must also be tested under the help of international specialists for environmental protection. Moreover, the economic data of the Laotian electricity industry must be disclosed in order to be able to be controlled by Parliament.

2)Issue: On July 23, 2018, there was a repeated dam failure in the province of Attapeu, in the south of Laos. During the night of July 23, 2018, the unfinished dam of the US \$ 1.02 billion Xe Pian Xe Namnoy hydropower project collapsed after heavy rains. Officially, there are only 39 dead, but it is doubted by the population. The misfortune was therefore predictable in our view, especially since this is not the first disaster of this kind. Almost three dams have been broken until now. So in 2016 the SeKhaman in the Sekong province, already on 11.09.2017 the Nam Ao dam in the province of Xaysomboun at the Thathom area was broken after heavy rains, on July 22 2018 the Nam Beng dam near the city Pakbeng, province Oudomaxay.

An exact statement of the ADL can be found at:

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

According to our information, the government paid the victims of the last catastrophe 100,000, - Lao Kip per month as compensation. This sum is equivalent to U\$ 12, -. For the survivors of the dead a sum of 1.700.000, - Lao Kip was paid, this corresponds to a sum of U \$ 200, -. This is all the more surprising as there have been large sums of international aid payments. Unfortunately, the government of Laos is concealing the exact sum of all aid payments from abroad.

Furthermore, it is confirmed by locals that the relief supplies are poorly distributed. For example, relief supplies are stored in various warehouses. But instead of distributing these relief supplies, the needy people have to pick up these goods there. As a result, many needy people receive no relief supplies. In addition, we have reports from locals that \$ 10 million in aid was misappropriated for normal road construction. Significantly, since the disaster, entry to Laos has been severely restricted for journalists.

Question: How much money has been paid in total to aid from international donors?

Who has to pay for the damage?

Why is there no disaster management?

Why are journalists hindered in their work?

Where did the money of international aid payments go?

Recommendation:

1. The Government of Laos must disclose all aid payments from abroad.
2. A commission of inquiry must identify the culprits for the disaster and those responsible must pay the damage.
3. A disaster plan for such situations has to be developed.
4. Journalists must have access to the disaster areas without interfering with the rescue work.
5. The misappropriated funds must be paid back.

3)Issue: In August and September of 2018, massive floods occurred in Laos. Affected by this disaster were the following provinces: Attapeu, Bolikhamxai, Champasak, Houaphan, Khammouane, Luang Namtha, Louangphabang, Oudômxai, Savannakhét, Vientiane, Vientiane Capital, Xaignabouli, Xiangkhouang.

These floods were triggered by heavy Mosun rain. The massive deforestation of recent decades, as well as the uncontrolled dam construction, which has mixed up the groundwater level, have favored this disaster. While in 1975 70% of the Laos area was covered by rainforest, in 2018 it is only 40%. In

addition to the logging by dam construction and other projects, there are still illegal logging by Vietnamese companies. This in turn is possible because of the ongoing corruption in Laos.

Question: Why did not the consequences of the deforestation of the rain forests have been considered?

After more than 40 years, why is the Lao government unable to tackle the problems of illegal logging and corruption?

Why is there no disaster plan, although the problems were known?

Recommendation: All illegal and groundless deforestation must be stopped immediately; there is no time for transitional periods! A massive reforestation program must start immediately. The dam projects must be urgently reviewed for their benefits and the damage they cause to the environment.

4)Issue: In 2017, 14 villagers from Yeub, Sekong Province have been arrested for their use of land rights. The families of the detainees protested against the expropriation of their property for the benefit of a Vietnamese plastic company by preventing the company's workers from cutting down the trees. In the meantime, one of the detainees, Mr. Somsavanh, died on 29.01.2018 under circumstances that were not completely clarified. The villagers have resisted the expropriations since 2006. <https://www.rfa.org/english/news/laos/doubt-02212018164255.html>

Question: Why are the economic interests of fewer investors placed above the interests of the population?

Who is responsible for the death of Mr. Somsavanh?

Recommendation: The circumstances of the death of Mr. Somsavanh must be clarified immediately. The residents of Yeub must be adequately compensated.

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

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

Question: The government of Laos has claimed in Geneva on 16.07.2018 that the three bloggers have been accredited to the Lao People's Republic. How can a constructive criticism lead to this?

Why were the three bloggers not given legal advice of their choice?

Why were such disproportionate sentence imposed?

Recommendation: The process must be rolled up under fair conditions. A criticism of the regime or the legal conditions in Laos can not be a criminal offense.

6)Issue: The political and civil rights in Laos are severely limited by the pronounced control by Vietnam. The Lao Vietnamese Friendship Treaty of 18.07.1977, which was then closed for 25 years and renewed every 10 years, guarantees Vietnam control over the Lao People's Republic. Key officials in Laos continue to be occupied by Vietnamese, and Vietnamese advisers and superiors are still present in Laos, with an increasing trend. This also continues in the political offices. Equally progressive is the yield of natural resources by Vietnam.

The control has also been very clear in recent times. So should now be renamed the traditional city Savannakhet with 120,000 inhabitants in Kaysone Phomvihane city. This was announced on 25.05.2018 in an official ceremony. Kaysone was a long-time companion of Ho Chi Minh and was considered a proponent of the Vietnamese occupation of Laos.

Ho Chi Minh's statues are now appearing in several cities in the country.

<http://en.dangcongsan.vn/foreign-affairs/ho-chi-minh-city-s-delegation-visits-uncle-ho->

commemorative-site-in-laos-471452.html

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

The institutions in Laos are against the principle and spirit of the Convention on Political Rights. According to the Laos Constitution in Art.3, the Lao Revolutionary People's Party has the core leadership across the country. Thus, it is impossible for other organizations to work and exist; the same applies to other thinkers. It can be observed that the arrests of politically different thinking over long periods of time are unchanged.

Question: What is the basis which reserves the right of the Communist Party to give the sole opinion in the country?

Why does it take so long to implement the rule of law principles of the United Nations?

Why is the government so unilaterally committed to Vietnam?

Does not such a partnership have to be based on reciprocity?

Recommendation: 1. The Constitution needs to be amended in Article 3. Other parties and organizations must be admitted. The policy for the admission of political organizations should be governed by the United Nations Convention on Human Rights. This can be supplemented by own guidelines, provided they do not restrict the UN declaration.
2. The friendship agreement between Vietnam and Laos must be reconsidered in the Communist Party and reassessed for its pros and cons. Afterwards we recommend an expiration of the contract with the year 2022.
3. Freedom of expression and participation in the political process are elements of the UN Convention on Human Rights, signed by the Government of Laos. These must now be implemented in reality.

7)Issue: The population is hindered in the exercise of their human rights. Civil rights activists but also simple inhabitants of the country disappear or are imprisoned when they stand up for their rights. This is similar in the case of Mr. Sombath Somphone. This case has led to further severe intimidation among the population. Even famous politicians have been affected. So in 1990 in the case of Thongsouk Saysankhi and his companions Feng Sakchittaphong and Latsami Khampheui, who were arrested after a critical statement in Parliament about the lack of democracy and sentenced to 14 years in prison. Thongsouk Saysankhi died in 1998 under torture in Huaphang Prison.

In the case of Dr. med. Khampheu Phanemalaythong In 2012, the politician was completely ousted after publicly criticizing the government's Marxist-Leninist course in the Lao Parliament in 2011. Phanemalaythong, at that time a member of the Politburo and owner of many party offices, was shortly afterwards relieved of almost all of his offices and was no longer admitted to the subsequent parliamentary election.

The arrest of the three bloggers, Mr. Sukane Chaythat, Miss Lodkham Thammavong, and Mr. Somphorn Phimmason, after critical commenting without questioning the system, and the disappearance of Renowned Civil Rights activist Sombath Sophone, have created a climate of anxiety Laos taken care of. The citizens of Laos barely dare to stand up for their rights. As a result, the rule of law of the country is in danger.

Question: Why are critics made oral death in a variety of ways?

Why is it hardly possible to make any criticisms in Laos?

Recommendation: Every person can and must get his human rights. It is not enough to enshrine this in a law; it also has to be implemented in reality. The enforceability of human rights in Laos must be guaranteed. For this, the country needs profound reforms in all institutions. Only through independent separation of powers, which is also implemented in reality, sustainable development is possible. A criticism does not mean to discredit someone, but to draw attention to possible mistakes in order to improve each other. Without this, development in Laos is not possible.

8)Issue: The divorce rate in Laos is rising sharply. The reasons for this are profound reasons, including persistent corruption as well as the drug problem.

Many men have several lovers and let their wives down. This aggravates social problems in society. Unfortunately, the state welfare in Laos is extremely poor. In family law Laos still seems to have a lot of catching up to do.

The drug police also seem to be working very inefficiently, as the reputation of Laos for the drug problem remains one of the worst. Time and again, tourists and other visitors to the country report on the ease of approaching drugs without being bothered by the police. The society in Laos is dominated by men; still in many areas the word of the man is more valid than that of the woman. Prostitution is part of everyday life in society. Many adolescents are lured to neighboring Thailand or other countries to work as prostitutes, often under duress. Corrupt officials in the authorities promote this development by providing those affected with fake papers to allow them to travel abroad. The reasons lie in a failed education policy and a lack of future prospects for young people. An estimated number of 600,000 young people have to share this destiny.

There is also a clear need to catch up with the legal side. Although there have been new anti-trafficking laws in Laos since 2015, which include either fines, imprisonment or even the death penalty, judgments are often very lenient. Thus regime critics or even foreigners who express themselves critically against the regime or the authorities are sentenced to prison terms of 5 to 20 years. On the other hand, so-called tugs and other people involved in trafficking are almost exclusively fined. In the case of imprisonment, there is a premature dismissal on the grounds that there is no further risk of re-offending.

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

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

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

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

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

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

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

Reccomendation:

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

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

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

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

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

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

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

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