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Just Atonement Inc.

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Just Atonement Inc. (JAI) is global community of lawyers who have joined forces to address imminent threats to democracy, human rights and a livable planet.

JAI was established in 2017 in the United States of America.

JAI invites and organizes legal professionals globally into a single order and aligns a vision of a peaceful, sustainable world, governed by the democratic rule of law; litigates in courts all over the world on cutting edge human rights cases to build peace and sustainability, and to defend democracy; and advocates for a vision of a true Golden Age for humanity: a world where countries settle their disputes peacefully, manage social and economic systems that are in harmony with the planet, and govern themselves through the principles of democracy, the rule of law, and human rights.

JAI submits this written submission with respect to the Universal Periodic Review of the Lao People's Democratic Republic ("Laos").

Summary of Conclusions

1. Laos has issued a number of vaguely defined Decrees limiting freedom of religion, association, and the press. Provincial governments are allowed to interpret Decree No. 315 on the Management and Protection of Religious Activities broadly and use this leeway to apply Decree No. 315 arbitrarily to religious minorities. Laos uses Decree No. 238 on Association to shutter civil society organizations, and censorship of the media and internet is also pervasive under Decree No. 327 on Internet Information Management and No. 377 on Activities of Foreign Media in Laos.



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2. The Government of Laos remains unaccountable for a series of forced disappearances and arbitrary detentions. Civil society activists from both Laos and Thailand are targeted, and national and international appeals for information are ignored.
3. Laos continues to persecute the Hmong ethnic minority. In the last year, violent military attacks on Hmong peoples living within the jungle of Laos have increased.
4. Increased foreign investment in Laos continues to threaten the environment and Laotians health. Internally displaced persons have received little, if any compensation, from the Government of Laos or companies building factories, railways, and dams.

Analysis

Restriction of Freedom of Religion, the Press, and Association

Freedom of Religion

5. The Government of Laos' restriction of religion is pervasive and severe. Religious freedom in Laos is restricted at both the national and provincial levels. The Government of Laos formally recognizes four religions: Buddhism, Christianity, Islam, and the Baha'i faith. The Government of Laos further recognizes three separate Christian groups—the Lao Evangelical Church, the Catholic Church, and the Seventh-Day Adventist Church. According to the United States Commission on International Freedoms, religious makeup of the country is 64.7% Buddhist, 1.7% Christian, 2.1% other, and 31.4% nonreligious.
6. The national government manages religion through Decree No. 315 on the Management and Protection of Religious Activities, which requires government approval before any religious materials are published, construction is done on places of worship, or a religion is taught in more than one village, district, or province. Furthermore, Laotians not practicing in a recognized church are forced to join a recognized church or not practice at all.



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7. Decree No. 315 provides wide latitude to the Ministry of Home Affairs and the Lao Front for National Construction to interpret and enforce its terms, and this freedom has been used to persecute Christians. Christians who do not belong to a recognized church often join or establish “house churches,” which they run out of their homes. These “house churches” are illegal under the Decree No. 315, but provincial authorities can often be bribed into allowing the churches to run. This type of corruption is prevalent throughout enforcement of Decree No. 315. Decree No. 315 has also been used by authorities to persecute the minority Hmong ethnic group, which is predominantly Christian.
8. Finally, Buddhism is promoted through state institutions, such as schools, in violation of the Government of Laos’ promises of religious freedom and equality before the law.
9. Besides harassment and persecution by the government, tension between Christians and Animists is also common. The U.S. State Department reports on Animists interfering with Christian burials and conversions and preventing Christians from participating in non-Christian ceremonies. Discrimination against and harassment of Christians in Laos is made worse by the government’s own failure to provide protection and use of discriminatory treatment.

Freedom of the Press

10. The Government of Laos, furthermore, censors both domestic and foreign news agencies, as well as the internet. All media publications by domestic news outlets must be approved by the Ministry of Information, Culture, and Tourism in Laos. The ministry has established strict guidelines for content, and post-publication monitoring frequently occurs. News articles are only allowed to cover specific topics.
11. Foreign media are allowed to publish within the country but must adhere to Lao censorship standards set out under Decree No. 377 on Activities of Foreign Media in Laos. Like with domestic media organizations, foreign media are only allowed to cover specific topics and deviation from this list is prohibited. For example, neither foreign nor domestic journalists were allowed to cover the collapse of a major dam on the Mekong River in July 2018. Consequently, the numbers of those dead or injured were never published. China and Vietnam are the main providers of foreign news in Laos because of their willingness to conform with Lao policies on censorship.



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12. Internet access in Laos has increased in recent years, but severe limitations are still in place. Decree No. 327 on Internet Information Management, issued in 2014, prohibits online criticism of the government and requires internet users to identify themselves by their registered, given name. Fear of legal action and heavy penalties has led to a large degree of self-censorship among Laotians. Self-censorship is so strong that no journalists have been jailed or killed this year as a result of inappropriate media publications.

Freedom of Association

13. The Government of Laos restricts association among and between civil societies and the general population through Decree No. 238 on Association. Like with Decree No. 315, the terms of Decree No. 238 are broadly defined and often enforced arbitrarily.
14. By restricting group participation to “economic, professional, technical and creative and social welfare and development” activities, the law discourages political association. Associations violating the decree are subject to dissolution, and, in extreme cases, criminal prosecution of their members. Thus, Decree No. 238 seriously impedes organization of civil society organizations.

Recommendations

15. Besides the promises made in their own constitution, the Government of Laos is a party to the International Covenant on Civil and Political Rights (ICCPR), which guarantees the rights to freedom of religion, expression, and association. Under Article 18 of the ICCPR, “everyone shall have the right to freedom of thought, conscience and religion,” as well as “freedom to manifest one’s religions or beliefs.” Under Article 19 of the ICCPR, everyone has the right to freedom of expression, including freedom to seek, receive and impart information and ideas of all kinds. This right is extended to journalists and media in Laos, as well as religious figures. Article 22 guarantees “everyone shall have the right to freedom of association with others.”
16. To promote freedom of religion, the Government of Laos should issue new decrees either overruling or clarifying Decree No 315. The government should immediately cease



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institutionalized preference for certain religions, including ceasing the promotion of Buddhism in public schools.

17. To promote freedom of association, Decree No. 238 should be overturned. Civil society organizations should be allowed to freely criticize and participate in their governance.
18. Additionally, The Government of Laos should overturn Decree No. 327 and 377 and cease censoring both domestic and foreign media and internet users.

Arbitrary Detentions and Forced Disappearances

19. The Government of Laos continues to ignore requests from the international community and its own people to investigate the disappearances and arbitrary detentions of civil society activists.
20. Prominent Laotian and civil society activist Sombath Somphone remains missing. Somphone was last seen in 2012, outside a police post in Vientiane. CCTV cameras captured what is believed to be his abduction, showing Lao police stopping Somphone and driving him away. Samphone's wife has repeatedly pled with the government for information to no avail.
21. Authorities have also failed to establish the fate or location of Kha Yang, a Lao ethnic Hmong who was arrested after his forced return from Thailand in 2011, or of Sompawn Khantisouk, an entrepreneur who was active on conservation issues and abducted by men believed to be Lao police in 2007.
22. Thai activists have also gone missing or been found deceased in Laos. In January 2019, the bodies of two exiled Thai activists, last seen in the Lao capital Vientiane, were found in the Mekong River separating the two countries. Despite repeated calls upon Lao authorities, there have been no investigations into the causes of their deaths. Two more Thai activists have since gone missing. Other similarly exiled Thai dissidents who have criticized the Thai royal family and military are now expressing concern for their own safety in Laos. Some have even accused the Laos of collaborating with the Government of Thailand in the disappearances.



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23. In addition to disappearances, arbitrary detentions are also an issue in Laos. In April 2018, the Government of Laos convicted activists Soukan Chaithad, Somphone Phimmasone and Lodkham Thammavong on charges related to “co-operating with foreign entities to undermine the state, distributing propaganda, and organizing protests to cause ‘turmoil.’” Each was sentenced to between 12 and 20 years in prison. Numerous human rights groups have declared their detentions arbitrary and called for their release. The Government of Laos still has not responded.

Recommendations

24. Article 6 of the ICCPR guarantees both that “every human being has the inherent right to life” and “no one shall be arbitrarily deprived of his [or her] life.” Therefore, to further promote their obligations under the ICCPR, the Government of Laos should open investigations into the deaths and disappearances of their own civil society members and Thai activists exiled in the country. Article 9 of the ICCPR provides “no one shall be subjected to arbitrary arrest or detention.” Furthermore, Article 25 codifies the right to participate in public affairs. As a party to the ICCPR, the Government of Laos should honor their commitments to the treaty and release activists who were arbitrarily jailed for exercising their civil and political rights.

Treatment of the Hmong

25. Laos and its military continue to harass and murder the Hmong ethnic community. Systematic violations of Hmong peoples’ rights include uncompensated land confiscation, arbitrary arrests, enforced disappearances, suppression of freedom of expression and religion and severe restrictions on the Hmong’s economic, social and cultural rights, as well as military violence. Hmong refugees who manage to escape to bordering countries, such as Thailand and Vietnam, are often forced to return to Laos. Most recently the military has targeted a group of Hmong people living in the jungle of Northern Laos and ordered a series of lethal attacks.

26. Among the most severely persecuted, the Hmong Chaofa are living alienated from Lao society and without access to basic services, including education and health care. Their



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encampments also lack access to necessary goods, including food, clothing and medicines. In late 2018 and early 2019, the Government of Laos sent military personnel into the jungle to shoot and bomb Hmong Chaofa communities.

Recommendations

27. The Government of Laos should either cease their persecution of the Hmong ethnic minority or be held accountable by the international community under the Geneva Convention on the Prevention and Punishment of Crimes of Genocide for committing ethnic cleansing against the Hmong. Furthermore, the Governments of Thailand and Vietnam should no longer be complicit in forced repatriation of Hmong refugees.

Foreign Investment and Human Rights Abuses

28. As the Government of Laos attempts to grow the country's economy, human rights abuses and environmental damages proliferate related to the expansion of foreign investment.
29. Expanding dam construction in Laos threatens the living conditions of villagers and the environment. A recent study prepared by the Mekong River Commission predicts that increased dam construction in Laos and neighboring countries will disrupt river ecology, cause substantial deforestation, generate loss of biodiversity, release large amounts of greenhouse gases, affect food systems, water quality and agriculture, as well as displace thousands of people.
30. Furthermore, the report predicts a significant decrease in fisheries by 2040, and significant erosion along the Mekong River due to sediment loss. This erosion will likely lead to increased floods. As the effects of climate change intensify, this combination of reduced riverbanks and increased floods could prove highly dangerous for Laotians.
31. Investment in factories has similarly led to environmental damage and displacement of Laotians, as well as negative impacts on the standard of living in the factories' vicinities. Chinese cement factories coat Loa villages in dust and smog. In addition to the pollution



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caused directly by the factories, trucks coming to and from the buildings dislodge soil and debris that pollutes the air. Garbage dumps set up near the factories create a strong stench of rot. Conditions within the factories are also detrimental to Laotians. While the Government of Laos recently passed a new law raising the wages of Lao factory workers, many have left for Thailand where wages are higher and working conditions are better.

32. Additionally, Laotians and environmental and human rights groups have voiced similar concerns in connection to the growth of the Kunming-Vientiane Railway. The displacement caused by the project incentivized the Government of Laos to pass a law promising compensation for Laotians displaced by dam, factory, and railway construction. However, the actual amount of money awarded is often less than that promised, however, if compensation ever materializes at all.

Recommendations

33. Article 25 of the Universal Declaration of Human Rights guarantees everyone the right to a standard of living adequate for their health and well-being. Therefore, the Government of Laos should require foreign investment projects to conduct studies of their potential environmental and human impact before construction is allowed to begin. If the environment will be severely and negatively impacted, the government should not allow the projects to move forward or should require projects be redesigned to promote sustainability. Laotians should be compensated for health concerns related to the pollution connected to foreign investment projects.
34. Furthermore, Laos should look to the Guiding Principles of Internal Displacement to benefit citizens displaced by foreign investment projects. Specifically, the Government of Laos should look to Article 6 of the Principles in determining the legitimacy of the displacement, Article 7(1) in considering alternatives, and Article 7(2) in properly accommodating displaced persons. The Government of Laos should, furthermore, award promised compensation packages to Laotians displaced by foreign investment projects. Other countries involved in the projects should contribute to these funds.
35. States have a duty not to pollute other countries, and governments responsible for foreign investment in Laos should be held accountable to this international law. China, as well as South Korea, is at the forefront of investment in hydro-power dams and factories in Laos,



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and their governments should be held equally responsible. China, again, is primarily responsible for investment in the railway.

Respectfully submitted,

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of Just Atonement Inc.

