



**FIDH – International Federation for Human Rights**

*and its member organization*

**Lao Movement for Human Rights (LMHR)**

## **Briefing paper for the 10<sup>th</sup> EU-Laos Human Rights Dialogue**

**14 June 2021**

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There has been no improvement in the human rights situation in Laos in 2020-2021. Serious violations of civil and political rights, as well as social, economic, and cultural rights, have continued to occur and have remained unaddressed. This briefing paper provides a summary of key human rights developments during this period.

### **Political prisoners remain behind bars**

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Several individuals who have been imprisoned for the exercise of their right to freedom of opinion and expression remain behind bars. They include:

- Ms. Houayheuang Xayabouly, aka Mouay, 32, who has been detained since 12 September 2019, is serving a five-year prison sentence on spurious charges under Article 117 of the Criminal Code (“Propaganda against the Lao People’s Democratic Republic”). Mouay is currently detained in Champasak provincial prison.
- Mr. Somphone Phimmasone, 34, Mr. Soukan Chaithad, 37, and Ms. Lodkham Thammavong, approximately 35, who have been detained since March 2016, are serving prison sentences of 20, 16, and 12 years, respectively, on trumped-up charges under Articles 56, 65, and 72 of the Criminal Code. The three are currently detained in Tan Piao prison, Vientiane Province.

## **Failure to cooperate with UN human rights mechanisms**

The Lao government has failed to cooperate with UN human rights monitoring mechanisms in a constructive manner.

Between April 2020 and April 2021, the Lao government received six communications from various UN special procedures on important human rights issues.<sup>1</sup> Four of the communications have remained unanswered and the government's responses to the remaining two were characterized by hostile language and lack of commitment to address the issues.

In addition, the government has not submitted its follow-up report to the UN Human Rights Committee (CCPR). The report, which was due by 27 July 2020, stemmed from the CCPR's first-ever review of the situation of civil and political rights in Laos in July 2018, under Article 40 of the International Covenant on Civil and Political Rights (ICCPR). The government was required to provide information on the implementation of the recommendations made by the CCPR on three priority issues: 1) enforced disappearances; 2) participation in public affairs and the right to vote; and 3) rights of persons belonging to minorities.<sup>2</sup>

In addition, the government has never submitted the initial reports under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), despite its ratification of these treaties in February 2007 and September 2012, respectively. The two initial reports were due in February 2009 and September 2013, respectively.

### **Recommendations to the government**

- Reply to pending communications received from UN special procedures and submit follow-up reports concerning communications to which initial responses were provided.
- Submit the follow-up report to the UN Human Rights Committee without delay.
- Submit initial reports to the UN Committee on Economic, Social and Cultural Rights (CESCR) and the UN Committee Against Torture (CAT) without delay.

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<sup>1</sup> The government did not reply to the following communications: *Situation of the Hmong indigenous community located in the Phou Bia region*, 28 August 2020 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25491>; *Four alleged cases of Thai political activists disappearing in the Lao PDR*, 11 December 2020 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25648>; *Alleged enforced disappearance of human rights defender Sombath Somphone*, 5 February 2021 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26000>; *Arbitrary detention and continued imprisonment of three human rights defenders*, 1 April 2021 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26318>. The government replied to the following communications: *Alleged negative human rights impacts caused by the collapse of an auxiliary dam in Attapeu Province*, 17 Apr 2020 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25088>; *Five-year prison sentence handed down on human rights defender Houayheuang Xayabouly*, 13 July 2020 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25397>

<sup>2</sup> FIDH, *UN slams violations of civil and political rights after landmark review*, 2 August 2018

### **Third UPR marks a step backward**

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During the third Universal Periodic Review (UPR) of Laos, the government refused to accept key recommendations received in January 2020.<sup>3</sup>

The government did not accept 13 of the 15 recommendations that called for investigations into cases of enforced disappearance, including five concerning the case of civil society leader Sombath Somphone. This marks a step backward from the previous UPR in 2015, during which the government had accepted four recommendations to undertake an impartial and in-depth investigation into Sombath's disappearance. In addition, the government made no commitment regarding the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which Laos signed in September 2008.

All 16 recommendations regarding the abolition of the death penalty, along with all three recommendations that called for an end to the persecution of individuals for the exercise of their right to freedom of expression, did not enjoy the government's support. The government failed to accept four recommendations that called for the establishment of a National Human Rights Institution (NHRI) in accordance with the Paris Principles. With regard to its failure to establish an NHRI, the government cited the existence of the National Committee on Human Rights (NCHR), a government inter-agency coordination body whose composition, powers, and mandate are inconsistent with the Paris Principles.

The government also refused to accept the two recommendations to issue a standing invitation to all UN special procedures mandate holders, saying that invitations would be considered "on a case by case basis and also based on convenient timing for both sides."

#### **Recommendations to the government**

- Determine the fate or whereabouts of civil society leader Sombath Somphone and all other victims of enforced disappearance.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) without delay.
- Implement recommendations that are consistent with Laos' obligations under relevant human rights treaties to which it is a state party, regardless of their acceptance status during the third UPR.
- Ensure the meaningful and broad participation of civil society in the third UPR.

### **Legislative elections fail to meet international standards**

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The country's seventh legislative elections, held on 21 February 2021, were the result of a heavily controlled and non-competitive process that failed to guarantee the free expression of the voters' will and ignored the recommendations made by the CCPR in July 2018 on the right to participation in public affairs and the right to vote, in accordance with Article 25 of the ICCPR.<sup>4</sup>

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<sup>3</sup> FIDH, *Government response to UN human rights review a step in the wrong direction*, 28 September 2020

<sup>4</sup> UN Human Rights Committee, *Concluding observations on the initial report of the Lao People's Democratic Republic*, 23 November 2018; UN Doc. CCPR/C/LAO/CO/1; The CCPR found the principles and procedures governing the nomination of candidates for elections, compounded by the restrictions on the freedoms of expression, assembly, and association do not ensure the right of citizens to genuinely take part in the conduct of public affairs, to vote, and to be elected. The CCPR called

All 224 candidates for the National Assembly had to be approved by the ruling Lao People’s Revolutionary Party (LPRP) - the only political party that is allowed to exist and operate in the country.<sup>5</sup> The electoral process was overseen by the National Election Committee (NEC), a body that is headed and dominated by LPRP members and is not independent from the government. Just days before the polls, the NEC disqualified candidates Buakham Thippavong and Saithong Keouangdy over their past criticism of corruption and economic mismanagement among the government and the LPRP’s upper ranks.<sup>6</sup>

Like in previous legislative elections, a short campaign period (from 10 to 19 February) was characterized by tightly controlled and carefully scripted events. According to state-run media, NEC members provided “guidance when accompanying candidates at a meeting with voters.”<sup>7</sup> The general lack of interest among voters was compounded by the enforcement of measures (compulsory face masks, hand sanitizer, temperature checks, and social distancing) to prevent the spread of COVID-19.<sup>8</sup>

Despite a dull and apathetic process, state-run media claimed voters “flocked” to polling stations amid a “joyful” atmosphere.<sup>9</sup> As a result of compulsory voting, the election turnout was 98%.<sup>10</sup>

All of the 164 National Assembly members who were elected in these polls previously held government positions at either the national or provincial level. Women (36) now account for 22% of the National Assembly members, down from 27% (41 out of 149) in the previous legislature.<sup>11</sup>

Prior to the legislative elections, in mid-January, the LPRP picked its new leadership for the next five years at a three-day Congress in Vientiane. At the conclusion of the Congress on 15 January, the LPRP promoted Prime Minister Thongloun Sisoulith to the position of Secretary General of its Central Committee, replacing party leader - and country’s President - Bounnhang Vorachit. This set the stage for Thongloun to become the next President.<sup>12</sup>

On 8 March 2021, during the inaugural session of the new legislature, the National Assembly almost unanimously rubber stamped the ruling party’s picks for the country’s leadership.<sup>13</sup> With the exception of Bounnhang

<b>Laos’ leadership: Old wine in a new bottle</b>		
<i>Name</i>	<i>Position</i>	<i>Previous position</i>
Thongloun Sisoulith	President	Prime Minister
Pany Yathotou (F)	Vice-President	National Assembly President
Bounthong Chitmany	Vice-President	Deputy Prime Minister
Phankham Viphavanh	Prime Minister	Vice-President
Xaysomphone Phomvihane	National Assembly President	Lao Front for National Development President

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on the government to “take all measures necessary to give full effect” to the right of citizens to genuinely take part in the conduct of public affairs, to vote, and to be elected, in accordance with Article 25 of the ICCPR.

<sup>5</sup> Vientiane Times, *Elections to take place on February 21*, 2 February 2021

<sup>6</sup> RFA, *Two Critics of Lao Government Removed as Candidates for Reelection to National Assembly*, 19 February 2021

<sup>7</sup> Vientiane Times, *Voters meet candidates for parliamentary seats*, 17 February 2021

<sup>8</sup> Vientiane Times, *Candidates, voters to meet in compliance with virus prevention rules*, 8 February 2021

<sup>9</sup> Vientiane Times, *Voters elect MPs to national, provincial parliaments*, 22 February 2021

<sup>10</sup> Vientiane Times, *Election achieves goal to strengthen legislative bodies*, 8 March 2021

<sup>11</sup> Vientiane Times, *Election achieves goal to strengthen legislative bodies*, 8 March 2021

<sup>12</sup> RFA, *Lao Prime Minister Thongloun Sisoulith Elected Secretary General*, 15 January 2021

<sup>13</sup> Vientiane Times, *Former PM elected as state president, former vice president elected as PM*, 23 March 2021

Vorachit, who retired at the age of 83, top ranking officials were reshuffled among the key positions in the executive and legislative leadership [See table *Laos' leadership: Old wine in a new bottle*]. The National Assembly also approved the appointment of a new cabinet, almost half of which (seven of 17 members) comes from the powerful Siphandone and Phomvihane families.<sup>14</sup>

**Thongloun Sisoulith**, 75, has been a member of the LPRP leadership since 1975 and has held senior posts in government since 1987. He served as the country's Deputy Prime Minister from 2001 to 2016, when he was elevated to the position of Prime Minister. He also served concurrently as Foreign Affairs Minister from 2006 to 2016. Thongloun's earlier positions also included Labor and Social Welfare Minister and National Assembly member. Born in Huaphan Province bordering Vietnam, Thongloun was educated in Vietnam and studied in the Soviet Union. He is married to the adopted daughter of Laos former Acting President Phoumi Vongvichit.

Despite Thongloun's frequent attempts to project an image of an anti-graft crusader, corruption in Laos worsened during his tenure as Prime Minister.<sup>15</sup> Under Thongloun, the country's economic woes also worsened. "During the last five years, the debt has not been successfully tackled. Our financial management has failed," Thongloun admitted in a speech at the LPRP Congress in January 2021.<sup>16</sup>

Less than a month into his presidency, Thongloun revealed his authoritarian character when he publicly called on the authorities to "firmly and immediately" crack down on social media users who "destroy" the country, cause disorder, and create misunderstanding.<sup>17</sup>

### Recommendations to the government

- Take measures to ensure competitive general elections that allow the registration and participation of other political parties and independent candidates.
- Establish an independent body tasked with the management of all electoral processes.
- Implement the recommendations made by the UN Human Rights Committee in July 2018 in relation to Article 25 of the ICCPR.

### Freedom of expression stifled

The Lao government further tightened controls over the use of social media. In September 2020, the Ministry of Information, Culture, and Tourism issued a notice to social media outlets to register with the government. The notice followed the government's adoption of Order 256 on 12 July 2019. Order 256 prohibits the spread of "fake news and disinformation on social media", which can cause "misinformation and even public panic."<sup>18</sup> In addition, on 21 May 2021, the Ministry of Public Security issued a notice that established a special taskforce to monitor and combat illegal online content and fake news on social media platforms.<sup>19</sup>

Authorities also arrested, detained, and intimidated individuals who publicly criticized government policies and actions or exposed instances of corruption.

<sup>14</sup> RFA, *Nepotism 'Strong in Laos' as Children of Party Faithful Fill Top Jobs*, 26 March 2021

<sup>15</sup> In 2016, Laos ranked 123rd (out of 176 countries surveyed), with a score of 30 in Transparency International's Corruption Perceptions Index: [https://images.transparencycdn.org/images/2016\\_CPI\\_Report\\_EN.pdf](https://images.transparencycdn.org/images/2016_CPI_Report_EN.pdf); in 2020, it ranked 134th (out of 179 countries surveyed) with a score of 29: <https://www.transparency.org/en/cpi/2020/index/nzl>

<sup>16</sup> RFA, *Lao PM Sisoulith Set to Become Ruling Communist Party Chief*, 14 January 2021

<sup>17</sup> RFA, *Laotians 'Confused' by President Urging Police Whistleblowing, Threatening Social Media Use*, 12 April 2021

<sup>18</sup> RFA, *Laos warns social media-based news outlets to register to prevent 'fake news'*, 8 October 2020

<sup>19</sup> Laotian Times, *Laos forms special taskforce to combat fake news*, 27 May 2021

In mid-March 2020, authorities arrested and detained two young individuals, a woman named Keo and a man named Poy, after they posted on Facebook a video of their protest against land confiscation in Xiengda Village, Saysettha District, Vientiane, a few days earlier. The two individuals were “re-educated” by police while in custody at the Saysettha District police station.<sup>20</sup> Keo was released the following month after she pledged to stop her protest.<sup>21</sup> Poy remained in police detention without charge and was eventually released in February 2021.<sup>22</sup>

On 6 November 2020, a woman in Vientiane was summoned to the police station and forced to publicly apologize for her online criticism of the police officers who had stopped her son for alleged traffic violations on the night of 24 October in Vientiane and demanded 200,000 kip (EUR 18).<sup>23</sup>

On 26 August 2020, authorities in Bachieng Chareounsouk District, Champasak Province, arrested Sangkhane “Thitsy” Phachanthavong for making allegations of corruption against the government on Facebook. He was detained at the Bang Yor jail in the Province’s Pakse District.<sup>24</sup> He was released on 1 October.<sup>25</sup>

### Recommendations to the government

- Ensure that restrictions on the right to freedom of expression in domestic legislations comply with international human rights standards.
- End the harassment, arbitrary arrest, and detention of individuals who peacefully criticize the authorities and immediately and unconditionally release those who remain detained.

### Serious violations of religious freedoms persist

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Authorities have continued to harass, arrest, and discriminate against religious minorities in various parts of the country. Lao Christians have been repeatedly subjected to violence, prosecution, and discrimination.

In February 2020, authorities in Sekong Province banned members of the Talieng ethnic minority group from erecting religious shrines in front of their homes or businesses - an animistic practice belonging to the group, whose members number around 23,000.<sup>26</sup>

On 15 March 2020, authorities arrested Christian pastor Sithon Thippavong in Kaleum Vangkae Village, Chonnaburi District, Savannakhet Province, for organizing a mass religious ceremony without authorities’ permission. He was taken into custody without charges and was not allowed to receive family visits.<sup>27</sup> On 6 April, a provincial court found him guilty of “disrupting unity” and “creating

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<sup>20</sup> RFA, *Lao police arrested two for video of protest*, 20 March 2020

<sup>21</sup> RFA, *Lao villager released after accepting ‘compensation’ for seized land*, 8 June 2020; RFA, *Villagers Displaced by Laos’ Nam Ngum 4 Dam Say Compensation is not Enough*, 7 June 2021

<sup>22</sup> RFA, *Lao villager held in detention three months after land protest in Vientiane*, 15 June 2020; RFA, *Villagers Displaced by Laos’ Nam Ngum 4 Dam Say Compensation is not Enough*, 7 June 2021

<sup>23</sup> RFA, *Police vow to punish officers after victim’s mother apologizes for bribe complaint*, 13 November 2020

<sup>24</sup> RFA, *Another Lao arrested for criticism of government on social media*, 1 September 2020

<sup>25</sup> RFA, *Lao Facebook user who criticized government granted rare release on bail*, 1 October 2020

<sup>26</sup> RFA, *Local authorities in Laos ban minority religion’s shrines*, 10 February 2020

<sup>27</sup> RFA, *Family cut off from Lao pastor since his mid-March arrest for Christian service*, 20 April 2020

disorder” and sentenced him to one year in jail and a fine of four million kip (EUR 360).<sup>28</sup> He was released on 9 April 2021.<sup>29</sup>

On 3 July 2020, authorities arrested four Christians in Phousath Village, Khammouane Province, for planning to conduct religious funeral rites. The four were taken into custody and detained at the Khook Ban Kham Khikai jail in Khammouane Province’s Thakhek District.<sup>30</sup>

On 10 October 2020, authorities evicted seven Christians and demolished their homes in Pasing-Kang Village, Ta Oy District, Salavan Province, for refusing to renounce their faith. The Christians were forced to live in the forest before being allowed to return to their village in November.<sup>31</sup> However, upon their return, the village chief barred them from rebuilding their homes.<sup>32</sup>

On 13 December 2020, an unknown assailant fatally shot ethnic Hmong Christian community leader Cha Xiong while he was on his way home in Nam Bak District, Luang Prabang Province. Authorities failed to identify the shooter and determine the motive of the killing.<sup>33</sup>

#### Recommendation to the government

- End all acts of discrimination and harassment - including at the judicial level - against individuals who exercise their legitimate right to freedom of religion or belief.

#### **Negative impact of infrastructure and investment projects**

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With regard to the negative human rights impact of infrastructure and investment projects implemented in Laos, the government has continued in its failure to comply with its obligations to respect and fulfill economic, social, and cultural rights of affected individuals and communities. In addition, reports have continued to surface of the failure by domestic and foreign companies to uphold their responsibility to respect human rights, in accordance with the UN Guiding Principles on Business and Human Rights. The failure has been particularly evident with regard to operations involving Chinese companies and joint ventures in which Chinese companies have a significant participation.

#### **Worker rights**

On 10 April 2020, nearly 300 workers protested in front of China-owned Comfort Garment Manufacturing garment factory in Vientiane’s Nasaythong District to demand the payment of their wages for March.<sup>34</sup>

During the same month, it was also reported that a group of up to 30 workers working on the China-backed Vientiane-Boten railway in Na Mo District, Oudomxay Province, had not received their salaries for several months and had not been told when they would be paid. Because of the delayed salaries, the

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<sup>28</sup> RFA, *Lao pastor held for more than a year for ‘disrupting unity’ has been released*, 9 April 2021

<sup>29</sup> RFA, *Lao pastor held for more than a year for ‘disrupting unity’ has been released*, 9 April 2021

<sup>30</sup> RFA, *Lao Christians arrested, held in jail for planning funeral rites*, 16 October 2020

<sup>31</sup> RFA, *Seven Lao Christians evicted from their homes for refusing to renounce their faith*, 13 October 2020

<sup>32</sup> RFA, *Lao Christians evicted from their village return, but can’t build homes*, 4 December 2020

<sup>33</sup> RFA, *Lao police unable to identify suspect, motive in shooting of Hmong Christian leader*, 10 February 2021

<sup>34</sup> RFA, *Nearly 300 Lao Workers Strike Over Unpaid Wages at Chinese Garment Factory*, 14 April 2020

workers could not afford to buy food, pay their rent, or buy essential items for their families.<sup>35</sup> Another group of ethnic Hmong railway workers also demanded the payment of their salaries.<sup>36</sup>

On 10 May 2020, four miners (two Lao and two Chinese) were killed in an explosion at a coal mine operated by a Chinese company in Ta Oy District, Salavan Province.<sup>37</sup>

On 26 July 2020, an ethnic Hmong worker was subjected to electric shocks, had his hands and feet tied, and was severely beaten at a Chinese-run banana plantation in Hin Heuap District, Vientiane Province, after he complained of long work hours.<sup>38</sup>

In April 2021, it was reported that the owner of a cement plant operated by the Chinese company Guestown-Lao in Nam Bak District, Luang Prabang Province, failed to pay a month's wages to more than 200 workers following the plant's closure in late November 2020.<sup>39</sup> In May 2021, it was reported that plant's new owner, the Chinese company Jiang Qe, had paid back wages owed by the former owners.<sup>40</sup>

### **Vientiane-Boten railway**

With construction of the Vientiane-Boten railway more than 90% complete and operations set to start in early 2022, the rate and pace of compensation for land confiscation, damages, and resettlement have been inadequate.

In April 2020, it was reported that more than 10 families in Nga District, Oudomxay Province, were still awaiting compensation for land confiscated to make way for the construction of a railway bridge over the Mekong river, despite having repeatedly petitioned local authorities.<sup>41</sup>

In November 2020, it was reported that 308 families in Nga District and 507 families in Xay District, Oudomxay Province, were still waiting for compensation for damages caused to the irrigation systems by the railway construction.<sup>42</sup>

In January 2021, it was reported that dozens of families in Koulong Village, Na Mo District, Oudomxay Province, were unable to tend their land after the China Railway Engineering Group company dumped soil onto their farm plots. Villagers complained that the company failed to provide compensation for the damage.<sup>43</sup>

### **Dams**

Despite its pledge to “promote environmentally-friendly and sustainable hydropower projects” that avoid negative impacts on the environment and local communities, the government is pressing ahead

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<sup>35</sup> RFA, *Local Workers on Lao-China Railway Say They Have Gone Without Pay For Months*, 21 April 2020

<sup>36</sup> RFA, *Local Workers on Lao-China Railway Say They Have Gone Without Pay For Months*, 21 April 2020

<sup>37</sup> RFA, *Five Miners Killed in Blast at Chinese Coal Mine in Laos*, 14 May 2020

<sup>38</sup> RFA, *Lao Farm Worker Beaten, Tied Up, in Dispute at Chinese Banana Plantation*, 3 August 2020

<sup>39</sup> RFA, *Chinese Employer Detained in Laos for Not Paying Workers*, 2 April 2021

<sup>40</sup> RFA, *Lao Workers Are Paid Back Wages at Chinese-Owned Cement Plant, Ending Dispute*, 3 May 2021

<sup>41</sup> RFA, *Coronavirus Delays Construction on Lao-China Railway*, 7 April 2020

<sup>42</sup> RFA, *Thousands Wait for Railway Compensation in Laos' Oudomxay Province*, 16 November 2020

<sup>43</sup> RFA, *Lao Village Farmland, Paddies Destroyed by Work on Lao-China Railway Line*, 29 January 2021



with the construction of dams without proper consultation with affected communities and other concerned stakeholders.<sup>44</sup>

In April 2020, the developer of the Luang Prabang dam in Luang Prabang Province began clearing land and building infrastructure for the project. The large-scale dam, which is expected to affect 21 villages and displace 2,285 people, is scheduled to be completed in 2027. The dam is being built by a joint venture that includes the Lao government and Petro Vietnam Power Corporation.<sup>45</sup> In addition to concerns expressed by villagers who are slated to be displaced by the dam construction, the United Nations Educational, Scientific and Cultural Organization (UNESCO) feared the project could have a negative impact for the city of Luang Prabang, a World Heritage Site.<sup>46</sup>

In May 2020, it was reported that the developer of the Sanakham dam on the Mekong river in Sanakham District, Vientiane Province, was building an access road to the construction site and villagers affected by the project had not been consulted. The dam, which is set for completion in 2028, is developed by the Datang Sanakham Hydropower Company, a subsidiary of China's Datang International Power Generation company. Nearly 3,000 people in 13 villages in the area are expected to be affected by the project.<sup>47</sup>

On a positive note, in March 2020, the government announced the establishment of a committee of local and foreign experts to inspect the safety of all 39 of the country's operational dams by the end of 2020.<sup>48</sup>

Meanwhile, reports have continued to emerge of the ongoing failure by both the Lao government and business enterprises to address the negative impacts of dams whose construction is either underway or complete.

In February 2020, it was reported that 88 families that were displaced to make way for the construction of the Xe La Nong 1 dam in Savannakhet Province had yet to receive any kind of compensation from the developer after their resettlement to a new village in June 2019. The new village had no arable land, no school, or health center.<sup>49</sup> The dam, which is being built by a joint venture led by China's YEIG International Development company, is set to be completed in 2021.<sup>50</sup>

In July 2020, 87 families displaced by the construction of the Nam Hung 1 dam in Houeikeng and Pak Hung Villages, Xayaburi Province, had received insufficient compensation for the loss of farmland and orchards.<sup>51</sup>

In the same month, it was reported that more than 600 families displaced by the construction of the Nam Khan 2 and Nam Khan 3 dams in Xieng-Ngeun District, Luang Prabang Province, were still waiting for land on which to farm after their resettlement to temporary camps between 2016 and 2018.

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<sup>44</sup> Vientiane Times, *Govt promotes environmentally-friendly hydro projects*, 6 November 2019

<sup>45</sup> RFA, *Laos Builds Road and Workers' Camp for Luangprabang Dam Ahead of Formal Approval*, 31 July 2020

<sup>46</sup> RFA, *UNESCO Requests New Impact Assessment for Luang Prabang Dam*, 1 March 2021; RFA, *Villagers Worried About Premature Construction on Laos' Luang Prabang Dam*, 17 March 2021

<sup>47</sup> RFA, *Laos Moves Forward Plans to Build Seventh Large-Scale Mekong River Dam*, 13 May 2020

<sup>48</sup> RFA, *Laos Establishes Committee to Inspect Safety of Nation's Dams*, 3 March 2020

<sup>49</sup> RFA, *Still no Compensation for 88 Families Relocated for Laos' Xe La Nong 1 Dam*, 25 February 2020

<sup>50</sup> RFA, *Still no Compensation for 88 Families Relocated for Laos' Xe La Nong 1 Dam*, 25 February 2020

<sup>51</sup> RFA, *Lao Villagers Displaced by Dam Are Left Without Farms, Money For New Land*, 18 August 2020

Villagers also reported that compensation for lost orchards and vegetable plots had been inadequate. The two dams, built by China's Sinohydro Corporation, began operating in 2016.<sup>52</sup>

In September 2020, it was reported that many villagers displaced to make way for the China-backed Nam Ou 3 dam in Luang Prabang Province were still awaiting full compensation for the loss of farmland, orchards, homes, and jobs.<sup>53</sup>

In the same month, it was reported that at least 335 villagers displaced by the construction of the Nam Theun 1 dam in Bolikhamxay Province were unable to return to farming in the Houay Hoy resettlement village due to lack of available land. The dam construction, which is being built by a consortium of Lao and Thai companies, is set to be completed in 2022.<sup>54</sup>

In January 2021, 18 families in Junla Village, Thateng District, Sekong Province, reported they had received inadequate compensation for farmland lost for the construction of the Houay Lamphanh Lower dam. Construction of the dam by a joint venture between two Lao companies and China Gezhouba Group was completed in December 2020.<sup>55</sup>

In February 2021, it was reported that more than 10,000 villagers resettled to make way for the construction of the Namtha 1 Dam in Luang Namtha Province had no land to farm in 11 new villages built on mountainous terrain. The dam, built by a joint venture between China Southern Power Grid International and Électricité du Laos, was completed in 2018.<sup>56</sup>

In June 2021, it was reported that villagers displaced by the construction of the Nam Ngum 4 dam in Phoukout and Pek Districts, Xieng Khouang Province, said they had received inadequate compensation for the loss of homes and farmland.<sup>57</sup>

### **Other projects**

Besides the Vientiane-Boten railway and the construction of dams, other China-backed investment and infrastructure projects have been marred by inadequate compensation of affected communities.

In March 2020, it was reported that 10 families in Naheung Village, Hin Heup District, Vientiane Province, refused to relocate from an area used for rock blasting by China's Rock Grinding company because of inadequate compensation.<sup>58</sup>

In July 2020, it was reported that 284 residents of Vientiane's Saysettha and Xaythany Districts were resisting land confiscation for the construction of a 13-km road because of inadequate compensation. The road, which is scheduled for completion in February 2023, is being built by the Vientiane Expressway No. 1 Sole Company, a joint venture between a Lao firm and China's Norinco company.<sup>59</sup>

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<sup>52</sup> RFA, *Lao Villagers Displaced by Dams in Luang Prabang Still Wait for Promised Land*, 28 July 2020

<sup>53</sup> RFA, *New Homes Built For Lao Flood Survivors Two Years After Dam Collapse*, 9 September 2020

<sup>54</sup> RFA, *Last Group of Families Displaced by Laos' Nam Theun 1 Dam Accept Compensation*, 15 September 2020

<sup>55</sup> RFA, *Lao Village Farmland, Paddies Destroyed by Work on Lao-China Railway Line*, 29 January 2021

<sup>56</sup> RFA, *Lao Villagers Relocated From China-Backed Dam Lack Land to Grow Crops*, 3 February 2021

<sup>57</sup> RFA, *Villagers Displaced by Laos' Nam Ngum 4 Dam Say Compensation is not Enough*, 7 June

<sup>58</sup> RFA, *Lao Villagers Told to Move Refuse Compensation, Calling Payout Too Low*, 11 March 2020

<sup>59</sup> RFA, *Lao Capital Residents Fight Land Grab, Reject Offered Compensation*, 16 July 2020

In November 2020, it was reported that 24 families in Tong Village, Pakbeng District, Oudomxay Province, were still waiting for resettlement and adequate compensation four years after land was confiscated from them to make way for a gold mine operated by China's Lao-Xinlong company.<sup>60</sup>

In April and May 2021, two Lao workers at China's VS Company-owned banana plantation in Borikhan District, Borikhamxay Province, died after experiencing severe breathing difficulties. Co-workers suspected the illness was caused by prolonged exposure to chemicals used on the farm. The company failed to provide any medical treatment to the two workers and did not compensate the workers' families for their death.<sup>61</sup>

### Recommendations to the government

- Ensure the respect of obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) in relation to the implementation of all infrastructure and investment projects in the country.
- Immediately ensure that fair and adequate compensation is awarded to all individuals and communities affected by infrastructure and investment projects, including compensation for their loss of land, livelihood, and income.
- Suspend all planned hydropower projects pending a comprehensive, independent, and transparent review of such projects and an assessment of alternative options for energy planning and development revenue.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

### COVID-19 affects infrastructure projects and their impact

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The ongoing COVID-19 pandemic has resulted in delays in the implementation of infrastructure projects. In some cases, government officials and project developers blamed COVID-19 curbs for their inability or unwillingness to fulfill their obligations.

In April 2020, delays in the payment of salaries owed to workers working on the Vientiane-Boten railway were attributed to the fact that the employers had left project areas and returned to China earlier in the year amid the spread of COVID-19.<sup>62</sup>

On the same month, in response to complaints by displaced survivors of the Xe-Pian Xe-Namnoy dam collapse in Attapeu Province [See below, *Dam collapse survivors neglected*] that the rice allocated to them was "rotten", a local government official blamed "transportation" restrictions imposed to prevent the spread of COVID-19.<sup>63</sup>

In February, an official involved in the Xe La Nong 1 dam project in Savannakhet Province said displaced villagers had to wait for the return of the dam developer's owner from China to pursue their

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<sup>60</sup> RFA, *Lao Villagers Wait For New Homes as Work Proceeds on Chinese Gold Mine*, 18 November 2020

<sup>61</sup> RFA, *Two Lao Workers Die From Suspected Chemical Use at Chinese-Owned Banana Farm*, 24 May 2021

<sup>62</sup> RFA, *Local Workers on Lao-China Railway Say They Have Gone Without Pay For Months*, 21 April 2020

<sup>63</sup> RFA, *Survivors of PNPC Dam Collapse in Laos Flee Deteriorating Relocation Centers*, 23 April 2020

compensation claims. According to the official, the owner was unable to return to Laos as a result of COVID-19 travel restrictions.<sup>64</sup>

Similarly, in September 2020, a government official in Viengthong District, Bolikhamxay Province, said that delays in the compensation to villages displaced by the construction of the Nam Theun 1 dam were caused by COVID-19.<sup>65</sup>

### **Dam collapse survivors neglected**

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Almost three years after the deadly Xe-Pian Xe-Namnoy dam collapse in Attapeu Province, the right to an adequate standard of living, including the right to food and to adequate housing, has remained unfulfilled for many survivors.

In January 2020, survivors said they were still awaiting compensation for losses to property and crops.<sup>66</sup> By July 2020, survivors from 12 of the 19 villages in Sanamxay District had been fully compensated.<sup>67</sup> However, villagers reported that authorities had withheld 20% of the total compensation to cover administration costs.<sup>68</sup>

Survivors remained in temporary shelters that lacked running water and toilets.<sup>69</sup> In April 2020, it was reported that many survivors had left the shelters in Sanamxay District due to lack of proper ventilation, absence of clean water, and unsanitary conditions.<sup>70</sup> Construction of permanent homes for displaced survivors began in July 2020, two years after the dam collapse.<sup>71</sup> Survivors also complained that the payment of their monthly allowances were subject to chronic delays for most of 2020, forcing some of them to go into debt to be able to purchase food.<sup>72</sup> In July 2020, an Attapeu provincial official was quoted as saying that the payment of monthly allowances may be discontinued “in the near future, once everyone has received their full compensation.”<sup>73</sup> Displaced survivors in Sanamxay District began receiving small plots of land for cultivation only in May 2020.<sup>74</sup> However, some complained that the plots were too small and located on hilly terrain that had no proper irrigation.<sup>75</sup>

### Recommendation to the government

- Ensure that all survivors of the Xe-Pian Xe-Namnoy dam collapse receive adequate compensation for their losses and harm suffered and that their rights to livelihood, adequate housing, food, health, work, and education are fulfilled.

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<sup>64</sup> RFA, *Still no Compensation for 88 Families Relocated for Laos’ Xe La Nong 1 Dam*, 25 February 2020

<sup>65</sup> RFA, *Last Group of Families Displaced by Laos’ Nam Theun 1 Dam Accept Compensation*, 15 September 2020

<sup>66</sup> RFA, *Lao Dam Collapse Families Denied Aid, Endure Poor Conditions at Shelters For Displaced*, 18 March 2020

<sup>67</sup> RFA, *Survivors of Laos’ Worst Dam Disaster Still Struggling Two Years Later*, 22 July 2020

<sup>68</sup> RFA, *Survivors of Laos’ Worst Dam Disaster Still Struggling Two Years Later*, 22 July 2020

<sup>69</sup> RFA, *Lao Dam Collapse Families Denied Aid, Endure Poor Conditions at Shelters For Displaced*, 18 March 2020

<sup>70</sup> RFA, *Survivors of PNPC Dam Collapse in Laos Flee Deteriorating Relocation Centers*, 23 April 2020

<sup>71</sup> RFA, *New Homes Built For Lao Flood Survivors Two Years After Dam Collapse*, 9 July 2020

<sup>72</sup> RFA, *Survivors of PNPC Dam Collapse in Laos Flee Deteriorating Relocation Centers*, 23 April 2020; RFA, *New Homes Built For Lao Flood Survivors Two Years After Dam Collapse*, 9 July 2020; RFA, *Survivors of Laos’ Worst Dam Disaster Still Struggling Two Years Later*, 22 July 2020; RFA, *Compensation Delays for Survivors of Laos’ Worst Dam Disaster*, 25 November 2020

<sup>73</sup> RFA, *New Homes Built For Lao Flood Survivors Two Years After Dam Collapse*, 9 July 2020

<sup>74</sup> RFA, *Survivors of 2018 Dam Collapse in Laos Begin Receiving Compensation*, 27 May 2020

<sup>75</sup> RFA, *Survivors of Laos’ Worst Dam Disaster Still Struggling Two Years Later*, 22 July 2020