

Laos: an overview of human rights violations

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I. INTRODUCTION

1. General data

- Official name: Lao People's Democratic Republic (LPDR) or Laos.
- Surface area: 236,800 km². Embedded between Burma, Cambodia, China, Thailand and Vietnam, the LPDR is the only country of the region without access to the sea.
- Administration: apart from the capital city Vientiane which enjoys the status of a prefecture, the LDPR is divided into 16 provinces, 141 districts and 11640 villages (LPDR data).
- Population: 6,200,894 inhabitants (World Bank, 2010).
- Life expectancy: 67 years (World Bank, 2009).
- Child mortality rate: 54/1000 (World Bank, 2010).
- Literacy rate: 73% (2005 national census)¹.
- Human Development Index: 138th out of 187 countries (UNDP 2011 human development report), which makes Laos one of the poorest States in Asia-Pacific.
- Annual GDP per capita: 2,659 \$ US - 137th out of 181 countries (International Monetary Fund, 2011)².
- Religion: Theravāda Buddhism is the dominant religion, practiced by nearly 66% of the population; other religions include Christianity and animism.

2. General situation

The Lao People's Democratic Republic (LPDR) has signed or ratified some key international conventions on human rights over the past decades, including 4 in the past 6 years. These include:

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD): ratified in 1974.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW): ratified in 1981.
- Convention on the Rights of the Child (CRC): ratified in 1991.
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC-CRC) and Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC-CRC): acceded to in 2006.
- International Covenant on Economic, Social and Cultural Rights (ICESCR): ratified in 2007.

1 Source: Lao Department of Statistics
(http://www.nsc.gov.la/Products/Populationcensus2005/PopulationCensus2005_chapter4.htm)

2 <http://www.imf.org/external/country/LAO/index.htm>

- International Covenant on Civil and Political Rights (ICCPR): ratified in 2009.
- Convention on the Rights of Persons with Disabilities (CRPD): ratified in 2009.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): ratified in 2012.
- International Convention for the Protection of All Persons from Enforced Disappearance (CED): signed in 2008, not yet ratified.

The LPDR has become familiarized with the processes of international organizations and now understands their expectations as well as how to engage with them. Apart from ratifying international conventions on human rights, it has organized seminars on human rights with the assistance of donor countries, submitted reports to the UN treaty bodies with the assistance of the United Nations Development Program, but at the same time it has failed to implement these conventions domestically.

The LPDR has so far retained the death penalty and 85 people were on death-row at the end of 2008. Nevertheless, no public execution has been reported or documented since 1989.

In a report presented in May 2004 by the specialist Grant Evans, upon request of the United Nations High Commissioner for Refugees (UNHCR)³, it was underlined that the major motivation for countries such as Laos to sign *“international treaties and conventions on human rights stems from the linkings of human rights to foreign aid”*.

The report also states:

“While the provisions of the Constitution and the signing of the above treaties appear to provide all necessary key provisions for the protection of human rights, these are all vitiated by the ‘leading role’ reserved for the Party in power, as the Party can override the judiciary if necessary and indeed any other government institution”.

Indeed, the Lao People's Revolutionary Party (LPRP), under the 1991 Constitution, remains the only legal political party. It holds a leading role at all levels of government, determines who may stand for election to the National Assembly and directs all mass organizations. Following the model of influential neighboring countries, including China and Vietnam, the LPDR has shifted from a centrally planned to a free market oriented economy; however rule of law is undermined by political interference, and corruption is endemic (Laos ranked 154th out of 184 countries in Transparency International 2011 report).

In 2010, at the Universal Periodic Review⁴, the LPDR rejected, among others, the recommendations to:

- Create an independent national human rights institution in compliance with the Paris Principles (recommendation by Canada, Egypt, Germany);
- Protect the right to freedom of religion or belief and end all restrictions on the exercise of this right (recommendation by Denmark, Italy, Netherlands);
- Revoke laws that allow for the suppression of the rights to freedom of assembly and expression (recommendation by New Zealand);

³ “Laos: situation analysis and trend assessment”, Grant Evans, 2004

⁴ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/144/18/PDF/G1014418.pdf?OpenElement>

- Lift existing restrictions on freedom of expression, and guarantee the free activity of civil society and human rights organizations (recommendation by France);
- Free those persons who were detained owing to their participation in peaceful demonstrations, and in particular the student leaders who were arrested in 1999 (recommendation by Belgium);
- Abolish the death penalty, commute death sentences to prison terms, and ratify the Second Optional Protocol of the ICCPR (recommendation by Australia, Belgium, Finland, Germany, Italy, Slovenia, Spain);
- Issue a standing invitation to the special procedures of the UN Human Rights Council (recommendation by Armenia, Brazil, Canada, Spain);
- Fully cooperate with UNHCR to find a lasting solution to the situation of the repatriated Hmongs, and allow international humanitarian organizations, including UNHCR and the diplomatic community, unfettered and confidential access to Hmong returnees, and further ensure that the Hmong people repatriated from Thailand are treated in accordance with international law (recommendation by Australia, Brazil, Canada, France, New Zealand, UK).

MLDH and FIDH reiterate their most serious concerns about the plight of political prisoners, about different forms of discrimination encountered by ethnic and religious minorities and about the complete absence of freedom of expression in the country. Laos is today at a crossroads and the future of the country and its people depends on the capacity, the will and the political courage of its leaders to engage in genuine and urgent reforms needed to bring the country out of a one-party authoritarian rule that is moreover characterized by its opacity, widespread corruption⁵, a dysfunctional judiciary, a stifled civil society, an assisted economy, which all contribute to exacerbate poverty, underdevelopment and associated phenomenon such as land-grabbing, income disparity and an unequal access to health and education. These challenges require substantive and comprehensive reforms based on the full respect of the rule of law and universal human rights.

II. FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION

In practice, freedom of expression is forbidden in Laos in spite of article 44 of the amended Constitution of 2003, which states that “*Lao citizens have the rights and freedom of speech and assembly; and have the rights to set up associations and to stage demonstration*”. Freedoms of expression and opinion are severely limited by laws for the purported purpose of protecting national security, which has been used to justify arbitrary arrests against ethnic, religious minorities or against those who advocate for social justice. The government exercises a total control on all forms of media.

In 2000, a decree of the Lao National Internet Committee forbade any person, organization, or company in Laos to lie, deceive or persuade people inside or outside the country to protest against the one-party rule and against the government. Those in violation of the decree could be fined, re-educated, expelled or prosecuted under the penal code. Internet providers, including owners of Internet cafés, must submit a quarterly report to the authorities providing details, such as the number of Internet users, their profile, names, profession and the websites they visit. The Prime

5 LPDR ranked 154th out of 184 countries in Transparency International 2011 report

Minister's Office requires all Internet service providers to submit quarterly reports and link their gateways to facilitate monitoring, but the government's enforcement capability appeared limited. However, with the set-up of a National Internet Center, government control of the Internet is likely to increase, particularly in view of China's support to develop new monitoring infrastructure.

The daily, weekly or monthly papers that are published belong to the government or to the satellite companies of the ruling party and serve as its mouthpiece. They often publish the same articles, word for word. Every journalist in Laos is a public servant of the Ministry of Information and Culture (MIC). Publication in foreign languages, such as "Vientiane Time" in English and "Le Rénovateur" in French, have recourse to self-censorship or mostly report official translations of texts from KPL (*Khao san Pathat Lao*), the Party's official news agency. Some private cultural or economic magazines are under the surveillance of the MIC.

The penal code forbids criticisms of the government, the State and the policy of the ruling party or to engage in acts of propaganda with the aim of weakening the State. It is forbidden to listen to, to be in possession of, or to read documents criticizing the government.

Foreign journalists must have a special visa to work in the country. This visa does not allow them to have access to sensitive information, to work freely or to travel without escort, a 'service' they have to pay for.

A Media Law, awaited for years, was finally adopted by the National Assembly in July 2008. The law has not changed the drastic measures against freedom of expression and put the emphasis on the obligations of the national media to the LPRP. In particular, it requires journalists to "*inform, make propaganda, defend the line and the Policy of the Party, the laws of the State*" and stand in solidarity of their profession to "*serve the Policy of the Party*" and forbids journalists to "*criticize and attack the LPDR*". In its 2011/2012 Press Freedom Index, Reporters without Borders ranked the LPDR 165th out of 179 countries.

On 27 January 2012, Laotian authorities abruptly canceled a very popular call-in radio program, "Vao Khao" (Talk of the News) broadcast since November 2007, which used to be the only live program of the Lao National Radio that enabled the public to phone in and comment anonymously on news reports, including taboo issues such as social justice, land grabbing or corruption. The presenter, Ounkèò Souksavanh, is still waiting for an official explanation from the Ministry of Information and Culture. After the program's closure, he held discussions with EU representatives in Vientiane and was assured that the issue of press freedom would be raised at the ASEM9.

Besides, a Law on Associations came into effect in November 2009. The law allows two or more Laotians to establish a local non-governmental association to promote economic and professional interests, creative activities, and social welfare.

However, as of January 2012, only 10 organizations had completed the application process and were registered formally while another 70 awaited approval. The delays reflect the length and complexity of the registration process, which involves the formation of several committees and multiple registrations with the Public Administration and Civil Service Authority (PACSA) and appropriate line or technical agencies at the national level, and the Provincial Governor's office and provincial or district line agencies.

III. ARBITRARY ARRESTS AND ENFORCED DISAPPEARANCES

Police and military forces have the power to arrest, although normally only police carried them out. There is a bail system, but it is non-functioning and arbitrarily implemented. Police reportedly sometimes use arrest as a means to intimidate people or extract bribes.

Due to government restrictions on access to information or to detention facilities, there are no reliable estimates of the number of political prisoners. Meanwhile, the authorities do not admit there are any. MLDH and FIDH are extremely preoccupied by the plight of the following people:

- Mistrs **Thongpaseuth Keuakoun**, **Sengaloun Phengphanh**, **Bouavanh Chanmanivong**, and **Keochay** were arrested on 26 October 1999 for attempting to stage a peaceful protest in Vientiane, together with more than 300 other people, mostly students and teachers, calling for the respect of human rights, democratic reforms, social justice and a multi-party system. The protest was immediately repressed. Several hundred people were arrested. To this day, these four leaders are still reportedly jailed in Samkhé prison, Vientiane province. Despite having served their 10-year sentence, they have been imprisoned for more than 12 years. Their colleague, Mr **Khamphouvieng Sisa-At** died in detention in 2001 after being tortured. According to information received by MLDH at the end of November 2011, Mr Keuakoun is very sick. MLDH recalls the following incident which reflects the attitude of the LPDR towards human rights: on 20 March 2007, in Vientiane, when asked about these prisoners by the head of a European Parliament delegation, the president of the Lao National Assembly, Mr Thongsing Thammavong (also Prime Minister) answered that these students leaders “were released at the end of 2006, but no public announcement was made”. This statement could not be confirmed as the families of these political prisoners are still waiting for their release. It should be noted that Mr Thongsing Thammavong denied the request from the European Parliament delegation in 2007⁶ to meet the ‘released’ leaders. At the Universal Periodic Review of Laos in 2010, LPDR authorities rejected the recommendation to release all persons detained for attempting to stage peaceful protests, mainly the leaders of the student movement of 26 October 1999.

- The following activists were arrested on 2 November 2009 simultaneously at different places in the country, while they were on their way to Vientiane to call peacefully for justice and respect of their basic rights: Mrs **Kingkeo** (39, mother of three), Mistrs **Soubinh** (35), **Souane** (50), **Sinpasong** (43) and **Khamstone** (36) in Phonehoh; Mr **Nou** in Pakkading; Miss **Somchit** (29), Mistrs **Somkhith** (28) and **Sourigna** (26) in Vientiane. On 2 November 2009, more than 300 persons were arrested. To this day, they all remain in jail, most probably in the prison of Samkhe. The LPDR government denied these arrests, in the same way it has denied for a long time arresting the leaders of the 26 October 1999 Protest. Mrs Kingkeo’s arrest has been considered by the UN Working Group on Arbitrary Detention, which decided in September 2011 to refer her case to the Working Group on Enforced or Involuntary Disappearances.⁷

6 http://www.mldh-lao.org/act_13042011.htm

7 UN Working Group on Arbitrary Detention, Opinion No. No. 51/2011.

- Mistery **Thao Moua** and **Pa Fue Khang** were arrested on 4 June 2004 and condemned to 12 and 15 years in prison, respectively, on 30 June 2003, for having been hired as guides to European journalists who produced a report for a French TV on the Hmongs in the Saysomboun region. The French and Belgian journalists, including their American translator of Hmong origin, were arrested, condemned, and then deported. Mistery Moua and Khang did not have access to a lawyer. According to the Belgian journalist, Mr Thierry Falise, *“The trial was a farce and when it came to the reading of the conclusions of the sentences... it was a text of five or six pages, which was type-written; we only had a 15 minute pause before that so it was obvious that this text was typed up in advance.”*

- Mrs **Zoua Yang**, a Lao-Hmong refugee in a Phetchabun camp of Thailand, disappeared end of 2005 after being handed over by Thailand to the LPDR authorities. Until today, her family has no news of her.

- Mr **Somphone Khantisouk** disappeared in January 2007. He is the owner of an eco-tourism center in Luang Namtha (North of Laos) and is known for his remarks against large rubber plantations operated by Chinese companies. He complained that these plantations would destroy the ecosystem of the region. He was taken by “men in uniform”. The authorities have not investigated the case.

IV. RELIGIOUS FREEDOM

According to article 43 of the amended Constitution of 2003, *“Lao citizens have the right and freedom to believe or not to believe in religions”*. In practice, the Ministry of Interior, through the Lao Front for National Construction (LFNC), monitors and conducts religious affairs in the country. The practice of Christianity and religions other than Buddhism is difficult, dangerous and too often impossible, mainly in remote villages. In urban areas, the Catholic Church, the “Lao Evangelical Church”, and the “Seventh Day Adventist Church”, recognized by the LPDR and tightly watched by the LFNC, seem to be more or less tolerated.

Decree n°92 of 2002 on *“the control and protection of religious activities in the LPDR”* regulates up to the smallest detail the control of the Party over religious organizations, from the construction of buildings, the training of managers, the relations with foreign organizations, the donations received from abroad, to the printing of religious books or documents. On the one hand, section 1 of article 4 states that *“Lao nationals, foreign residents, stateless persons and foreigners on a temporary stay in the LPDR have the right to practice a religious activity or to take part in the religious celebrations held in the churches or temples of their own religion located in the country”*. On the other hand, section 1 of article 2 reminds that *“the sole objective of the activities of a religion in the Lao People’s Democratic Republic can only be to support and to serve the development of the country”*.

Repression against Christians has not diminished and has even intensified in 2012. Intimidations and threats come in different forms, such as cutting off running water, refusal of social rights, poisoning of cattle, and the throwing of stone or fire at houses of Christians, for instance in Savannakhet province. Local authorities have reportedly encouraged non-Christian villagers to throw stones at their houses or throw burning torches to their house.

Those who are released after signing a renunciation to their religion are not free to conduct their activities, and remain under surveillance by local authorities. Many

Christians in Laos are also from ethnic minorities, thus repression against them often corresponds to a double set of discrimination.

It should be noted that each time international media or Western governments speak out on the arrests of Christians in Laos, LPDR authorities would release some of them only to arrest some others, or the same ones later on. Detention can last a few days, a few weeks or even a few years, and the authorities have total discretionary power to arbitrarily determine the duration. The government seems unwilling or unable to end intimidation and persecution of Christians perpetrated by local actors including authorities, or to establish accountability for these human rights violations.

On 21 December 2011, authorities of Natou village, Phalangsay district, Savannakhet province (Central Laos), summoned four leaders of a community of 47 Christians in the village, threatening them to “chase them from the village unless they renounce their faith”.

This event happened less than a week after the authorities of Bounkham village (situated 5 km from Natou), Adsaphangthong district, Savannakhet province, had arrested eight leaders of a community of 200 Christians: Misters **Phouphet, Oun, Somphong, Ma, Kai, Wanta, Kingmanosorn** and Mrs **Kaithong** -- for having organized a Christmas celebration despite having already obtained a prior authorization for the event. They were released on 30 December 2011 after payment of a bail by the Lao Evangelical Church.

On 7 January 2012, authorities of Saybouli district, Savannakhet province, confiscated the Church of Nadeng village, preventing Christians to enter their Church and pray.

On 22 February, the authorities of the same district, confiscated the 37-year-old church of Kengweng village. The Christians were forbidden to worship with tight restrictions on their gathering in the village.

On 18 February, ten families of Christians in Houaykong village, Pakoo district, Luangprabang province (North of Laos), were asked by the authorities to choose between renouncing their faith or being expelled from their village within 30 days.

On 5 April, the authorities confiscated and shutdown the Protestant church in Khamnonsung village, Saybouli district, Savannakhet province.

On 18 April, a Lao student of ethnic minority and six Thai Christians were arrested for participating in a Christian worship service in Luang Namtha district, Luang Namtha province (North of Laos).

On 6 June, police of Sing district, Luang Namtha province (North of Laos), arrested pastor **Asa** (from the Akha ethnic group) for “leading people to receive the Christian faith”. He is still in prison.

On 16 June, police of Long district, Luang Namtha province, arrested four Christians including two Thai citizens for discussing the Bible with a Lao man. The four Christians were detained for six weeks without legal charges. After being interrogated by the police, they were made to pay a small fine and then released.

On 10 August, authorities of Nongpong village, Khamkeut district, Bolikhamsay province (Central Laos), expelled Mr **Bountheung** from his village, for having “made 300 people in the village embrace the Christian faith”. He was given only a week to sell his house and property. He was finally arrested on 20 June 2012 on the charge

that his religion is unacceptable for other inhabitants of the village. No trial reportedly occurred.

On 11 September, police of Phin district, Savannakhet province (Central Laos) put three pastors – pastor **Bounleuth** from Alowma village, pastor **Adang** from Kengsainoy village, pastor **Onkeaw** from Kapang village — in Phin district prison chaining their hands and feet. Two other unnamed Christian leaders were also arrested and transferred to Savannakhet.

V. MINORITIES

1. *Ethnic minorities*

In its combined 16th to 18th periodic reports submitted to the UN Committee on the Elimination of Racial Discrimination (CERD) on 18 February 2011, the LPDR stated that there are “four larger ethno-linguistic groups comprising 49 ethnic groups”: Lao-Tai, 66% (8 ethnic groups); Mon-Khmer, 21% (32 ethnic groups); Sino-Tibetan, 3% (7 ethnic groups); Hmong-Lu, 9% (2 ethnic groups).

Since the Vietnam War, the Hmongs have been the ethnic minority that has been the most persecuted because of their leader's support to US troops during the war.

According to several sources, the LPDR government commonly uses the draconian charge of guilt by association to punish the Hmongs. This has led thousands of them to flee into the jungles, and scatter in order to hide from the authorities, in particular the military. They survive on roots and leaves and avoid making fires, growing vegetables or building permanent shelters. In the late 1970s, their population was estimated at around 20,000. It is believed that they are less than 3,000 today.

The government continues to offer amnesty to those who surrender but denies access to independent international observers to the 2,000 surrendered Hmongs, who are still in the jungles of the Saysomboun region.

In 2012, in its concluding observations on Laos, the Committee on the Elimination of Racial Discrimination (CERD) reiterated its previous recommendation that “the State party should invite United Nations bodies for the protection and promotion of human rights to visit the areas where members of the Hmong ethnic groups have taken refuge”.

While a small number of these surrendered Hmongs were allowed to go back to their village or to their family, many of them are placed in camps. Among the Hmongs who have left the jungle to deliver themselves to the authorities since 2005, several men have been detained or have disappeared, adding to the fear and mistrust of the Hmongs in the jungle.

MLDH and FIDH remain seriously concerned about the situation of the 4,700 Hmongs forcibly repatriated by the Thai government to Laos at the end of 2009, including 158 who, according to the UNHCR, had already obtained a refugee status before their return to Laos. The 2011 Human Rights Report of the European Union, published in September 2011, reported that all of these 158 cases were solved in 2010 by “their discrete departure to receiving countries”. MLDH and FIDH are not aware of any reports that indicate that the European Union had received any proof on the subject.

Mr **Ka Yang**, who is part of the group of 4700 Hmongs forcibly repatriated in 2009, fled back to Thailand at the end of 2010. Arrested by Thai authorities at the beginning of 2011, he and his family were sent back a second time to Laos on 17 December 2011 despite persistent requests against his return made to Thai authorities by the UNHVR and the US Embassy in Bangkok. MLDH and FIDH fear for the security of Mr Ka Yang and his family, as well as for all those forcibly returned to Laos.

The unsubstantiated conclusion of the safety of the Hmong refugees will most likely be similar to the case of the leaders of the student movement of 26 October 1999, who have been detained beyond their prison terms. The LPDR assured the head of the European Parliament visiting Laos in 2007 that they were all released in 2006, a claim that cannot be verified.

Moreover, the Hmongs repatriated to Laos are kept in camps in Phonekham and Bolikhamsay provinces and in the camps of Phalak and Nongsan, Vientiane province. In March 2010, the LDPR organized and directed a visit for diplomats and foreign journalists, which did not allow free and unsupervised discussions to ascertain their treatment by the authorities. Since then, the LPDR has denied access to these camps to independent international humanitarian organizations. Despite the assurance of the authorities, identity cards have not been provided to these Hmongs. In addition, MLDH has received information that repatriated Hmongs have been victims of imprisonment, re-education and discrimination.

2. Religious minorities

Theravāda Buddhism is deeply embedded into Lao culture and practiced by vast majority of the population. The Lao United Buddhists Association, the only Buddhist “Church” in the country, functions under the watchful eye of the LPRP after the party failed to eliminate Buddhism when it took power in 1975. Monks no longer have to study Marxism Leninism but it is still the LPRP that decides who may join the Lao monastic order. However, Buddhism in Laos is authorized as long as it remains apolitical and does not encourage people to think or act against the party.

The government officially recognizes Buddhism, the Catholic Church, the Lao Evangelical Church (LED), the Seventh Day Adventist Church, Islam and the Baha’i faith. It requires all Protestant groups to be part of either the LED or the Seventh-Day Adventist Church, allegedly to prevent “disharmony,” and has not allowed other Protestant denominations to apply for recognition, making their activities illegal and subjecting followers to harassment, detention, or other serious abuses. For example, in some provincial areas, Methodist congregations cannot gather for worship, build religious venues, or conduct Christian funeral services. The Methodists and other Protestant denominations continue to seek legal recognition.

The government has required several religious groups, apparently with the exception of Buddhists and Catholics, to report membership information periodically to the Religious Affairs Department of the Lao Front for National Construction (LFNC).

The government continues to restrict the operations of the Catholic Church in the Northern part of the country where there are only a handful of small congregations. Catholics in these areas sporadically hold services at home. In Xayabury, Houaphanh and Xieng Khouang Northern provinces, the Lao Front for National

Construction has denied the request by church members to organize an Easter celebration.

The Lao government has been either unwilling or unable to take effective and meaningful action against provincial authorities or security officials who commit serious abuses against ethnic minority Protestants. Lao authorities continue to view the rapid spread of Christianity among ethnic minorities, particularly those who have long resisted or resented government control, as a foreign import that potentially threatens the political system. Most Christians are from ethnic minorities who were originally animists.

VI. LAND GRABBING

Land grabbing in Laos is widespread to the extent that not much land is left to grant concessions to foreign companies. By the government's own estimates in 2011, 5 million hectares, or 21 percent of Laos' total territory, has been granted to either national or foreign entities as concessions, among which 85% were granted for mining exploration.⁸ However, poor farmers are still evicted from their ancestral lands by officials for the benefit of foreign companies – mostly Vietnamese, Chinese, Thai - investing in agriculture (rubber, coffee), gold mining or dams.

Usually, the land deals are made at the provincial level by identifying an agreed quantity of land to be granted for the concession in a contract that is signed prior to identification of the actual area to be set aside. It is then incumbent on the provincial authorities to honor the contract by seeking out "vacant" and "degraded" state land.

There is a "Legal Framework of State Land Leases and Concessions in the Lao PDR" as well as Prime Minister's Decrees. In practice, the power to decide upon the approval of any state land lease or concession in Laos is divided between the national and provincial levels of authorities as well as the National Assembly. District authorities have no legal basis for the granting of any lease or concession. Provincial authorities are now authorized to approve a maximum area of 500 ha in case of concession on barren forestland. National authorities can now approve a maximum area of 30,000 ha in the same case. Provincial authorities, formerly able to approve only a maximum of 100 ha prior to 2009, have thus gained power. Similarly, the central government, which previously could grant concessions up to 10,000 ha, also increased its authority in land concessions. In other words, after 2009, the maximum size of concessions on barren forestland that could be approved by provincial authorities has increased five-fold and, in the case of national authorities, three-fold.

Other forms of land alienation are the flooding of land for hydroelectric reservoirs, as in the case of the 45,000 hectare Nam Theun 2 dam, a project supported by international financial institutions including the European investment bank and involving EU based companies such as EDF, or the sequestering of both public and private land for mining concessions, leaving villagers with broken promises. In June 2012, the National Assembly announced that Laos will construct ten large-scale dams between 2011 and 2015, with five already underway.

Regarding Nam Theun 2 dam, roughly 6,200 persons people living on the Nakai Plateau have been moved to plots of poor quality land that were not irrigated. They

⁸ Minority Rights Group International, *State of the World's Minorities and Indigenous Peoples 2012*, June 2012, page 152.

were forced to grow mainly vegetables to sell in a non-existing market. They were originally guaranteed 10,000 hectares of production forest, but the area has since been reduced by at least 40 percent where illegal logging has begun since. They were promised fish in the new reservoir, but the company has cleared only a minimal amount of vegetation from the area.

Land grabbing has become such a vital issue to the farmers and small land owners that some of them have started to express openly their grievances, claiming they are not “afraid to die” for their land.

In June 2012, a group of villagers from Thateng district, Sekong province (South of Laos) approached district and provincial officials to demand better compensation for their land from the Vietnamese company that had been granted a concession for rubber plantation. Seven of them were arrested for two weeks. After they were released, the authorities arrested a soldier whom they believe had encouraged the villagers to stand up for their rights.

On 25 June 2012, the Lao government said it would not allow any new investments in mining or grant further land for rubber plantations until 2015. As stated by an activist on land issues: *“Several concessions have been documented to undermine national laws, as well as food security and well-being of communities”*. It is however not the first time Laos had made plans to suspend such concessions and previous moratoriums have not been enforced. In May 2007, the Prime Minister had already announced a moratorium on land concessions.

The Lao government will have spent 30 million dollars to host the upcoming ASEM9 with grants and assistance from Brunei, China, Japan, Pakistan, Singapore, Thailand, Vietnam, but also from the European Union. For the summit, the Lao government has moved about 300 families from a small island in the Mekong in front of Vientiane for houses built by Chinese company and Chinese workers to accommodate the heads of State who will attend the summit. The government had used the same practice on the same island to build a hotel for the ASEAN summit in Vientiane in 2004. The residents had documents stating they would be moved 18km out of the city and given 800 m² each but were forced to move 26km from Vientiane and received a smaller piece of arid, infertile clay land with no water. These people are farmers and the ten hectare of the island that were taken away used to be gardens producing green vegetables for some local markets in Vientiane, on which they depended as a major source of income.

VII. CONCLUSION AND RECOMMENDATIONS

The LPDR has failed to respect the international treaties that it has signed or ratified, as well as several provisions of the Universal Declaration of Human Rights.

The upcoming Asia-Europe Meeting in Vientiane (ASEM9) on 5-6 November 2012 will be a unique opportunity for European and Asian countries to engage the Laotian authorities in a frank dialogue in order to raise these serious concerns and, publicly and privately, urge the Government of Lao PDR to take prompt and effective steps to address these concerns.

MLDH and FIDH ask the LPDR to:

- Release immediately and without condition all political prisoners, including Thongpaseuth Keuakoun, Sengaloun Phengphanh, Bouavanh Chanmanivong and Keochay detained since 26 October 1999.
- Conduct without delay a thorough, independent, and impartial investigation into the disappearances in November 2009 of Kingkeo, Soubinh, Souane, Sinpasong and Khamstone, Nou, Somchit, Somkhid and Sourigna, with a view to ascertain the facts surrounding their disappearances, identify perpetrators, and fulfill the rights to justice, truth and reparation of their families.
- Ratify promptly the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or from other states parties.
- Release immediately and without condition all prisoners detained for practicing their religion.
- Immediately stop all repression, intimidation, threats, arrest of any person for their political opinion, religion or ethnic origin.
- Ensure that investments benefit the Lao society as a whole, and that human rights are protected in the conduct of business activities. Local people should be adequately consulted on investment projects.
- Issue a standing invitation to UN special procedures and allow visits by independent international human rights organizations.
- Establish a fully independent and effective national human rights commission, in strict conformity with the Paris Principles, with a strong mandate to monitor, investigate, receive complaints, report publicly on violations and make recommendations to the government. In establishing such a commission, the LPDR should draw on the assistance of the UN Office of the High Commissioner for Human Rights (OHCHR) and independent human rights organizations.
- End all forms of discrimination and intimidation of ethnic and religious minorities and take all necessary and positive measures to promote, protect and fulfill their civil, political, economic, social and cultural rights, in accordance with international human rights law.

- Allow free, unfettered and confidential access by UNHCR and other independent human rights and humanitarian organizations to Hmong returnees.

MLDH and FIDH also request the European Heads of State and Government, as well as the representatives of the European Union participating in the ASEM9, to:

- Raise the aforementioned concerns at ASEM9 and its related meetings with the LPDR and to call on the authorities to end all violations of international human rights and refugee law.
- Ensure the EU Delegation and Heads of Missions take systematic, proactive and effective measures in response to credible allegations of human rights violations and to support the development and protection of independent civil society and human rights defenders.
- Coordinate with the EU Delegation and Heads of Missions and to achieve concrete and immediate results in key areas, including the following:
 - The release of political prisoners, including Misters Thongpaseuth Keuakoun, Sengaloun Phengphanh, Bouavanh Chanmanivong, and Keochay, who, despite EU monitoring,⁹ are still imprisoned, beyond the 10-year prison sentence they have already served;
 - The access to prisons to gather information about the whereabouts of political prisoners;
 - The visit to Hmong returnees in a free, unfettered, and confidential manner;
 - Commitments from the authorities of Laos concerning ratification of international conventions, invitation to UN special procedures, fight against impunity, legislative reforms (penal code, media law etc) and protection of land and natural resource rights issues.
- Coordinate with other Heads of States and Governments, the Heads of Missions, the EU Delegation, and other EU representatives, in order to - and in application of the EU strategic framework and action plan on human rights and democracy endorsed in June 2012 by the Council of the EU - place human rights at the center of bilateral relations with Laos and to “make use of the full range of instruments at its disposal [...] in all areas of its external action without exception [including] trade, investment [...] corporate social responsibility, and development policy”¹⁰. This requires actions to:
 - Ensure that the November 2012 EU Laos Joint Committee Working Group on institution building and administrative reform, governance and human rights, will focus on the aforementioned concerns in the field of land grabbing, minorities, freedoms of expression and association, arbitrary arrests and disappearances, and will contribute to best define the rights-based design of the activities to be financed

⁹ HR/VP Ashton reply to Linda McAvan MEP question on 13 September 2011

¹⁰ Council of the European Union, EU strategic framework and action plan on human rights and democracy Luxembourg, 25 June 2012, 11855/12

- by the EU as stated in the Multiannual Indicative Programme (MIP) 2011-2013¹¹;
- Ensure that those issues are raised in all political dialogue with the Lao government;
 - Review and question the opportunity and the modalities of the EU Budget support¹² taking into account the endemic corruption in Laos and the need to make sure that, if maintained, the budget support is conceptualized in a way so as to ensure it can serve as incentive to obtain concrete results and improvement in human rights (road-map and targeted supports, specific human rights targets and benchmarks, indicators, tangible and measurable results against which the transfer of future tranches allocation of budget support should be conditioned etc.).
- Conduct impact assessments on human rights of the trade and development cooperation policies, notably to improve positive impacts and to ensure that the EU does not support policies leading to or complicit in land grabbing and forced evictions. Those impact assessments should be made public.
 - Ensure, by using by a wide range of legal and policy measures, that private actors legally registered under the EU jurisdiction do not cause, contribute or benefit from human rights violations in their operations abroad; to take steps to prevent, punish, investigate and redress harm suffered by victims of abuses committed by corporations or their subsidiaries under the EU jurisdiction; to take steps to avoid any complicity with the commission of human rights abuses in the context of economic and land concessions. Avoid granting specific advantages (quota and tariff) to products which then benefit to companies involved in human rights abuses.
 - Ensure that the principle of non-refoulement is treated as a priority issue in the region, including in the framework of the EU-ASEAN regional co-operation.

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¹¹ European Commission “The Mid Term Review document 2009 LAO PDR” eeas.europa.eu/laos/csp/07_13_mtr_annex_en.pdf, consulted in October 2012

¹² On these issues please consult European Commission, Lao PDR European community Strategy paper, for the period 2007-2013 http://eeas.europa.eu/sp/index_en.htm#L ; European Commission “The Mid Term Review document 2009 LAO PDR” eeas.europa.eu/laos/csp/07_13_mtr_annex_en.pdf, consulted on October 2012; European Court of auditors, “Special Report No 11/2010 – The Commission’s management of general budget support in ACP, Latin American and Asian countries”; the 13 October 2011 Communication from the European Commission on the Future Approach to EU Budget Support to Third Countries, COM (2011) 638 final; European Commission, Budget support guidelines, September 2012, part 1, 2 & 3, http://ec.europa.eu/europeaid/how/delivering-aid/budget-support/index_en.htm