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ALLIANCE FOR DEMOCRACY IN LAOS

Alliance pour la Démocratie au Laos

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Hagen, January 30, 2012

Report of the Alliance for democracy in Laos about the human- rights situation and the race discrimination in Laos

Ladies and Gentlemen!

The *Alliance for Democracy in Laos* is a people's movement connecting Lao citizens and active advocates in a global network committed to peaceful change for genuine good governance and dynamic democracy in our homeland. ADL organizes campaigns to promote democratic change and human rights reform in Laos. We represent the people in Laos receiving daily updates from every village and province concerning human rights, environment, poverty eradication, women's empowerment and economic development.

ADL demands a full democracy in Laos rooted in fundamental freedoms and basic human rights including free speech, assembly and elections in a multiparty political system with universal suffrage for all citizens. ADL aims for an independent judiciary respecting human dignity and equality insisting on the release of all political prisoners punished for exercising their rights. ADL ensures equality and equity for all peoples in Laos recognizing the rights of indigenous peoples and ethnic minorities in their traditional territories. ADL protects the environment and natural resources for future generations with sustainable development principles rooted in cultural practices. ADL insists that the youth are one of the most valuable resources and organizes to end economic exploitation through human trafficking and other forms of oppressive practices. ADL notes the necessity of accountable and transparent good governance. ADL disseminates information from affected communities in Laos to international press and media including creative social media to reach interested individuals through internet around the world.

We see that, the Lao government makes violations against several Articles of the International Covenant on the Elimination of all forms of Racial Discrimination (ICERD). On the basis that

the violations of human rights are significant mainly in the field of racial discrimination, we provide in our shadow report the main violations regarding Laos.

1. Article No. 5 c: Right to political rights, to vote, stand for election, participate in election based on universal suffrage

There's no political freedom in Laos. There is still an authoritarian regime in Laos. There are also no free elections, only one party; the Communist so called People's Revolutionary Party is approved since 1975.

2. Article No 5 e/3: Right to housing

The right for housing is restricted by the special treaties and the special economy- zones. These treaties are made by the Lao regime.

On July 18th, 1977 Laos signed with Vietnam a treaty "Treaty of friendship and special Cooperation" valid for 25 years and renewable every 10 years and without time limit. This treaty legalizes the de facto control of Vietnam over Laos. The stationing of Vietnamese soldiers and consultants in Laos insures the Laotian powers stability by supplying him the necessary material and human means in order to impose to the population an unprecedented totalitarian regime in the history of the country.

So through the political control over all power structures (the government, the administration, the organizations of mass and the army), the party, and of course Hanoi government, exercises a total control over the population. The control also focused on the mountainous ethnic groups because the authorities suspect them of stirring up the anti-governmental movements. So these populations are forced to leave their natural house to come to live in plains, giving up their places of worship, their cultures and their traditions. They are forced to assimilate the culture and the habits of Lao Lum. (Majority Ethnic group). Last years the Lao government makes some new contracts with China for similar results. Action must be taken to prevent a similar situation dominating from Beijing.

3. Article No.3: States condemns racial segregation & apartheid and prevents, prohibits and eradicates practices

The government of the Lao PDR has made concessions of land to China under soft leases with terms up to as long as ninety-nine years in many provinces (25.000ha Bokeo Province) in the north of the country where, for example in the area of the golden triangle under the guise of a special economic zone, China built 'Chinatowns' to be populated by two hundred thousands of Chinese without Lao people having any right to object; this is a new kind of colonialism.

It's a selection at the special- zones for the Chinese, by the access rights are denied for the Lao people. Lao people reports from the special economic region in the north of Laos, that there is no Lao policemen in service at the tourist- area in the city of Thonphen at the golden triangle (Donexao), because they has been replaced by Chinese policemen. The Chinese policeman wants to have an admission fee of 20 Baht (Thai money). This situation starts in Oct. 2011 and the Chinese policemen plans to banish the Lao people out of their huts for Thai and other tourists in that region. This situation has led to a huge dissatisfaction by the Lao people. It's made by the ruling powers of Laos, suppressing the hearts of the Lao people. The

Lao people have to consider, will we the Lao nation still exist in 10 to 20 years, when these ruling powers will govern Laos?

4. Article No 4: State condemns propaganda & all organizations based on racial superiority

There is a silent propaganda against the Lao people. The Lao officials supports people from Vietnam or China to come up and takes care that the Lao people has no chance for better education or better positions in their jobs. The best Jobs mostly are reserved for Vietnamese or Chinese people. These persons are at the gear levers of Laos. It's prohibited to criticize this kind of politics.

Ethnic cleansing is a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.

An earlier draft by the Commission of Experts described ethnic cleansing as "the planned deliberate removal from a specific territory, persons of a particular ethnic group, by force or intimidation, in order to render that area ethnically homogenous." which it based on "the many reports describing the policy and practices conducted in the former Yugoslavia, 'ethnic cleansing' has been carried out by means of murder, torture, arbitrary arrest and detention, extra-judicial executions, confinement of civilian population in ghetto areas, forcible removal, displacement and deportation of civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property. Those practices constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention".

In December 2009, the forced deportation of more than 4,500 Lao-Hmong refugees to Laos was starkly and tragically carried out, by the demand of the Lao Government. These refugees had lived since the end of the Vietnam War in refugee camps in Thailand. They won't come back to Laos. Now their destiny is unclear.

5. Article No 4 a: To prohibit the superiority of a race

Vietnamese to Lao people are priority in the switch points of public administration and policy. This is a result of the politics by the communistic Lao party. To make good relationships with Vietnam they sacrifice their own people.

This situation will have major consequences on the political, economic and social areas. It would then be interesting to study the main origins of the seizure of Vietnam by Laos on the political area through the links weaved during the revolutionary wars and on the economic area with the implementation of a systematic wealth transfer from Laos to Vietnam. It issues an increase of the poverty, and especially the ceaseless violations of the most fundamental human rights. The Ministers, vice-ministers and the directors of the various ministerial services are members of the party. In the same way, the executives of the high rank of the administrative device come from the party. Then, the army is not outdone. In the totalitarian country as Laos, army is the backbone of the power; the seven of nine members of the Political Bureau elected in 2001 are the former senior military personnel. The major figures of the power moreover arise from the army. And finally, the party watches minutely the mass organizations to locate and suppress any vague desire of protest or questioning of his monopoly of power. The only organizations authorized to work are the ones which are

directly managed by the party. Then, on the economic field the treaty sets up a systematic confiscation of financial aid and especially the natural wealth of Laos (wood, gold, precious stones, etc.) to Vietnam. Indeed, the State and the party have the total control over all the key sectors of the economy through public companies. These companies absorb the big part of grants coming from abroad by means of the loans which will never be paid off; furthermore they resist to any pressure of the international organizations to place them under control of the private sector. The anarchy operation of the soil's wealth creates huge damages on the environment. For these companies the natural resources are exported to only reach the objectives fixed by the party. It's the same concerning the extensive fishing intended only to feed the Vietnamese market. This situation has serious outcomes on the redundancy plan with the obstinacy of the unemployment, in particular the youth unemployment, but especially on blocking of the society in the aspiration of the population towards more sharing of wealth and freedom.

The London-based Environmental Investigation Agency alleged that the Vietnamese military was heavily involved in bribing Lao officials and then trafficking the timber on a massive scale to wood processing factories in neighboring Vietnam. This was denied by the Lao government and military. In an undercover operation in 2010 and 2011, the group said it tracked logs in Laos obtained by three Vietnamese enterprises as they made their way across the porous border to factories in Vietnam. It estimates the enterprises yearly smuggle some 8.8 million cubic feet (250,000 cubic meters) of wood worth some \$80 million.

6. Article No 5 d: Right to civil rights

There is no freedom of expression in Laos, all civil rights were mentioned in the 1991 National Constitution but in practice the Lao authorities apply differently and discriminately.

So the Amnesty International Report 2011:

Restrictions on freedom of expression, association and assembly continued.
Prisoners of conscience and political prisoners remained imprisoned.

The Thai Criminal Court said "the raising of the three-headed elephant flag to replace the Lao National Flag during the operation cannot be deemed as a normal robbery but it was a kind of political expression".

F.P.S.S calls for immediate and urgent action from the United Nations High Commissioner for Refugees (UNHCR), to intervene and uphold the request submitted by lawyer Phuthisit Bounthon, on behalf of the 16 Vang Tao Laotians seeking political asylum and resettlement in the third country.

F.P.S.S wishes to express immediate concern over the processes that has led to the extradition of the 16 Vang Tao Laotians, particularly, given that on December 30, 2003 the Appellate court of Bangkok had ruled "inadmissible" the extradition request filed by the Lao dictatorship. Moreover, these persons had already been convicted in Oubol provincial court [Thailand] of illegally entering Thailand, and all had completed their sentences and were waiting for the reply of the High Commissioner for Refugees on their refugee status application. In that petition submitted to the U.N. High Commissioner for Refugees, the 16 Vang Tao Laotians argued that, if they were returned to Laos, they would face "cruel treatment ... to intimidate people who would try to fight the regime, to introduce freedom and democracy." Now they are in the prison in Laos.

We estimate that many thousands of political prisoners are imprisoned in Laos until now, nobody knows about their destiny. The Lao government still prohibits control by Amnesty International and the other human- rights- organizations.

7. Article No 5 d/9: Right to freedom of peaceful assembly and association

There is no right for peaceful assemblies in Laos.

However, associations grouping including the intellectuals or the students being political conscious developed are closely watched and repressed in case of public protest such as the peaceful demonstration organized by the students on October 26th, 1999 to demand more social justice and more freedom was repressed in the blood by the authorities. To date, the authors of the demonstration are still imprisoned. In 2008, an armed rebellion in the north of the country arose but was crushed by the Lao and Vietnamese military.

On 2 November 2009, over 300 Laotians were arrested because they wanted to demonstrate for democracy and free elections, human rights, and independence from Vietnam. The participants and their leader, Mrs. Kingkeo Phongsery, of this demonstration are imprisoned. The government of the Lao PDR still arrests and incarcerate political prisoners and Laotians who advocate and protest for democracy in the country including the student protesters of October 1999 (Mr. Thongpaseut Keuakoun, Mr. Sengaroun Phenphanh, and Mr. Bouachanh Chanhmanivong) and the protesters of 2009 under the leadership of Ms. Kingkeo Phongsery and thousands of others who called for democratic change and who remain incarcerated and tortured in various prisons while the government denies Amnesty International access to learn their fates and conditions.

8. Article No 5 d/2: Right to leave any country and return to own country

The right to leave the country and to come back is not for every Laotian. Some asylum seekers, especially political opposition activists are excluded.

9. Article No 5 d/3: Right to nationality

The right to nationality is granted not all Lao people. People from Vietnam or China became citizens after some years of residence in Laos, very easy. Lao people from abroad have to pay lots of money or have to work for the officials to get a Lao passport. It is prohibited to come back for Lao people who are activists for democracy.

10. Article No 5 f: Right to access to place for general public

As part of the Special Agreement to the special economic zones, the access to public places is restricted for Laotians. New casino's and insert plants have been built by Chinese investors. Most of the workers in that area are Chinese people. Lao people needs a special passport and have to pay toll for this area.

11. Article No 5 e/1: Right to work, choice of employment, just conditions of work, protect against unemployment, right to equal pay for equal work, favorable remuneration

The right to work is restricted by the corrupt rulers, thus the drugs and trafficking of children is promoted. The government of the Lao PDR neglects the youth, girls and boys, in the hundreds of thousands, who become victims of the black market as slave labourers' and

prostitutes in Thailand and instead of being concerned and seeking solutions to the problem the government manufactures narcotics like methamphetamines for sale in neighbouring countries while affecting also the youth in Laos.

A Brisbane-based charity says it has smashed a child-trafficking ring that has sent 200 teenage girls from Laos into sex slavery in Thailand. Two Brisbane business figures started the charity, The Grey Man, which claims more than 400 supporters in Australia and South-East Asia. The Grey Man says its raids this month, with the help of Thai police, rescued five 15-year-old girls from brothels and karaoke bars. All these children at the brothels are 12 to 18 years old. It is alleged an accused child-trafficker took the girls from their families in 2005 after promising to find them factory work. The girls' families allegedly each received \$600 - twice the average annual wage in Thailand. Three alleged ringleaders of the child trafficking ring were arrested this month in northern Laos, The Grey Man says.

Retired chartered accountant Russell Hawksford is one of the two men who front The Grey Man. The other, who only goes by the name "John", is said to be an ex-Special Air Service (SAS) officer. "John . . . became an anthropologist," Mr. Hawksford said. "He works in Brisbane when he is not in Laos." The Grey Man also runs projects to provide solar energy, community centers or school equipment. Rotary backs some projects. But the main game was running covert operations to rescue child prostitutes, Mr. Hawksford said. The last raids had been the most successful since the group formed in 2004. "We find that [the girls] are trafficked for either their labour or for the sex trade," he said. "We find that in the south [of Laos] . . . a lot of them are trafficked into Thailand for factories. But the ones we rescued were definitely for the sex trade. The intelligence we have is that the gang has been running roughly 200 girls a year."

Mr. Hawksford said The Grey Man's work barely scraped the surface towards eradicating child prostitution. "It is the tip of the iceberg, but it is still five lives," he said. "Once they are trafficked, they are beaten and raped. And if they resist they are beaten and raped and many of them end up with AIDS." Intelligence about the latest child-trafficking ring had come from a non-government agency working in northern Laos, he said. "They would prefer to give the intelligence to us and then we would work out the best way of handling the operation," he said. "We don't break the law, we don't do operations that might become an international incident and we obviously engage the police. "In this case, the provincial police engaged the Bangkok special squad and we worked out the logistics of doing it." He said the arrests, near Chiang Khong, had taken place on the Mekong River, with Thai police leading the operation. Police now had information that could lead to seven more arrests. Mr. Hawksford said there was no evidence of children trafficked to Australia, but there had been a few cases of Asian women smuggled into brothels. No one knows how many women and children are affected, but estimates for the East Asia region alone are between 250,000 and 400,000 a year.

12. Article No 5 a: Right to equal treatment before tribunals, justice organs

Equal treatment before the Court is out of order. We have some examples for violations against this article. Some lawyers have reported that they have to condemn people just before they come to the house of justice. The judges will be forced to take this action by the regents.

13. Article No 5 d/7: Right to freedom of thought, conscience and religion

Freedom of religion is trampled, so the persecution of Christians

This feeling becomes as unbearable as the population has no excuses to show their indignation. Indeed, by means of a systematic meshing of the population through mass organizations which are controlled by the party and especially by means of the councilors of Hanoi, the party maintains a lead screed on the population. Any attempt of protest under a shape or under the other one is hardly repressed. Associations emanating from the civil society which are tolerated by the power are regularly watched and checked. So the Christian congregations are strictly controlled by the authorities and the exactions to their member's takes place. The regime suspects these Laotian Christians of having contacts with the other international Christian associations and it can be a threat to the security and to the national unity. The associations which aim at the school or sports support are also tolerated by the regime.

14. Article No 6: States assure effective protection and remedy through national institutions, tribunals

The Lao people are not protected by the officials and the law. In the contrary the following report from Human Rights Watch about prisoners in Laos, shows another picture. In a drugs treatment center in Laos where hundreds of detainees, including children, are held against their will and are beaten and brutalized, Human Rights Watch says. Detainees locked in barbed wire compounds include homeless people, street children, people with mental disabilities and others deemed "undesirable", the organization says. A detainee of the Somsanga Treatment and Rehabilitation Centre, on the outskirts of the Lao capital, Vientiane, described witnessing a beating of five detainees who had tried to escape. "The detainee guards beat them until they were unconscious. Some were kicked, some [beaten] with a stick of wood," the detainee said. "The Human Rights Watch report raises serious allegations which warrant careful attention by the Somsanga Drug Treatment and Rehabilitation Centre and by Lao authorities," the Department of Foreign Affairs and Trade spokeswoman said. In a 76-page report on the Lao center, Human Rights Watch describes desperate detainees attempting suicide by ingesting glass, or by hanging. While operating as a detention center, Somsanga lacks the basic protection prisons provide, including due process, judicial oversight, accountability and ways for prisoners to appeal, the report says. The director of health and human rights at Human Rights Watch, Joe Amon, said the most vulnerable and marginalized Laotians were picked up and held in the center to "clean the streets". Human Rights Watch urged donors and their implementing agencies to ensure no funding was supporting policies or programs that violated international human rights laws, including the prohibition on arbitrary detention.

Yours sincerely

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