



# ພັນທະມິດເພື່ອປະຊາທິປະໄຕໃນລາວ

## ALLIANCE FOR DEMOCRACY IN LAOS

### Alliance pour la Démocratie au Laos

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### ADL report about Political rights in the Lao PDR

#### Article 1:

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

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

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



<http://en.dangcongsan.vn/foreign-affairs/ho-chi-minh-city-s-delegation-visits-uncle-ho-commemorative-site-in-laos-471452.html>

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

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

over long periods of time is unchanged.

Examples from the last years:

2017: 14 villagers from Yeub, Sekong Province have been arrested for their use of land rights. The families of the detainees protested against the expropriation of their property for the benefit of a Vietnamese plastic company by preventing the company's workers from cutting down the trees. In the meantime, one of the detainees, Mr. Somsavanh, died on 29.01.2018 under circumstances that were not completely clarified. The villagers have resisted the expropriations since 2006.

<https://www.rfa.org/english/news/laos/doubt-02212018164255.html>

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

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

#### **Recommendation:**

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

#### **Article 2:**

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

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

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

#### **Recommendation:**

Every person can and must get his human rights. It is not enough to enshrine this in a law; it also has to be implemented in reality. The enforceability of human rights in Laos must be guaranteed. For

this, the country needs profound reforms in all institutions. Only through independent separation of powers, which is also implemented in reality, sustainable development is possible.

### **Article 3:**

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

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

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

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

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

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

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

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

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

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

### **Recommendation:**

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

### **Article 6:**

The right to life hardly exists in Laos. Already since the time of the so-called reeducation camps, in which many politically different thinking were killed are still intact today in another form. ADL has reported that these camps have been converted into agricultural entities. Nikhom 23, for example, is one such unit, located in the province of Saravang, enclosing the cities of Phoukong and Packxong, as well as the communities of Buengkham and Beungxai. There are about 60,000 people living in this

region who live like serfs whose freedom of travel is severely limited. Entry for foreigners is prohibited in this region.

The land grab and the associated forced relocation also lead to increasing poverty in the population and to social tensions. About 30% of the Laos land area is now leased to foreign investors for up to 99 years. The reports about it are numerous:

2017: In the village of Yeub in the province of Sekong, residents are to be expropriated for a Vietnamese plastics company. As a result, 14 settlers are imprisoned for their resistance to expropriation. <https://www.rfa.org/english/news/laos/doubt-02212018164255.html>

In February of the same year, the inhabitants of the village of Banh Houiaxoi are to be relocated for a questionable mega-project of a dam. Despite repeated petition of the inhabitants to the government, the authorities have not responded to this problem. In desperation, the inhabitants turned to the public with a video.

<https://www.youtube.com/watch?v=AtQJTQmoFvI>

2011 Farmers in Bokeo province protest against their expropriation by a Chinese investor. The case caused an international sensation and went around the world.

<https://www.rfa.org/english/news/laos/farmers-04112014180934.html>

#### **Recommendation:**

Property rights must be clarified and implemented. A publicly assisted commission for the clarification of ownership must be used. Public or state ownership must also be subject to greater public scrutiny.

However, since corruption also plays a major role in these cases, public inspections must also be carried out in order to prevent them.

The massive expropriations and resettlements of the civilian population are to be stopped immediately, as this has also led to an indirect ethnic cleansing. If one spoke of 68 ethnic groups in 1975, only 49 are mentioned today. An exact clarification of this circumstance is urgently needed.

#### **Article 7:**

Again and again there are reports from Laos in which alleged perpetrators were arrested and tortured. They are neither given a lawyer to the side nor give a valid court decision. There are even deaths known under torture. Also is the ratio of penalties such as dissidents against traffickers in proportion. Critics of the regime are punished many times higher than traffickers.

The examples are countless, here are just a few:

In March 2016, three young Laotians were arrested and tortured for allegedly anti-state statements. They were not given proper legal assistance and were eventually sentenced to up to 20 years' imprisonment.

In July, 14 residents of Yeub Village, Thadeng Province, were arrested for protesting against the authorities for their inaction in a land grab. The charge is for unauthorized criticism and undermining of authority. The relatives of the detainees confirmed that they had been tortured. In the meantime, one of the detainees died.

#### **Recommendation:**

The separation of powers in Laos must finally be translated into reality. The weakness of Lao justice results in the first line from its lack of independence. Political interference in matters of justice must be avoided.

Like independent justice, Laos must enforce its freedom of choice. Convictions of suspects without legal assistance do not comply with international standards. This also means that judgments that were spoken without legal assistance are invalid and may need to be reopened.

The torture of suspects also does not comply with the general principles of human rights of the UN and should therefore be stopped immediately. Violations by police officers are to be punished.

The proportionality of the sentences must be checked. Helpful for this can be judgments of higher authorities. These must be carried out as soon as possible.

**Article 8:**

The Alliance for Democracy in Laos (ADL) got reports that people work in the authorities without receiving their salary, some even for 8 years. There is no adequate social security in Laos, despite a communist government for over 40 years.

The right of appeal for workers is inadequate. The alarming reports of the former re-education camps that are today's economic units are not in line with either communist ideology or UN human rights principles. (See also article 6 report)

In most cases, Lao authorities authorize land seizures in favor of foreign investors on the grounds that they want to develop the land. However, as the investors almost exclusively hire workers from their countries of origin, the benefits to the Laotian citizens are nil. As a result, many Laotians are unemployed and have no future prospects. To avoid their fate many forced to look abroad for work, traps often fall into the hands of traffickers. In the end, many find themselves as modern slave laborers or prostitutes again or fall victim to the drug mire.

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

**Recommendation:**

Foreign investments are only meaningful if they are required to engage local workers. Exceptions may only be made if specialists who are not available in their own country are needed. A quota of 90% of domestic workers should be a minimum.

The trade unions must be independent. It is not sensible to bind union and party because the interests are not always the same. For this purpose, the NGO law in Laos must be changed.

Fighting corruption under public scrutiny needs to be promoted, as this is the only way to ensure that the funds for civil servants do not disappear and that the spiral of corruption continues to revolve.

**Article 9.10:**

Even after 40 years, the Communist Party did not succeed in implementing adequate full social security for the population provided for in its party program. Due to this lack of social protection no sustainable life planning possible. Life events such as serious illness, death of a family member or occupational disability bring people's life plans out of the ordinary.

Outside of this problem, people's livelihoods are threatened by land grabs, illegal logging and the ongoing destruction of the environment.

The high number of school dropouts also leads to a high poverty rate in Laos.

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

**Recommendation:**

The welfare state needs to be strengthened. The basic security of the population must be ensured, a social security system that is supported by all must be introduced seriously. The denial of medical treatment or hospital treatment, lack of insurance or poverty is unjustifiable, especially in a communist country, and may need to be enforced through statutory action under the auspices of the World Health Organization.

The right to education must not just be on paper. The right to education must also be opposed by the obligation of the state and society to enforce it. It takes more than just legal templates to enforce this. Comprehensive regional planning covering the location and accessibility of schools must be carried out nationwide.

**Articles 11,14,15,16:**

Arrests without judgment and legal assistance are still commonplace in Laos. There is no independent judiciary resulting in a lack of rule of law. Symptomatic here is also the fact that legal proceedings usually take place in camera. (See report on Article 8)

Another point is that some laws are not implemented. The differences between the written law and its execution are serious. To make matters worse, rights that are in the constitution are invalidated by laws or regulations.

**Recommendation:**

The equal treatment of the people before the law must be enforced. Arbitrary arrests must be avoided. A check on the arrests by the judiciary must take place. Basically, the presumption of innocence must apply in court. A corresponding statutory regulation must be implemented and implemented.

**Article 12:**

The ADL has received reports indicating that land grabbing and related forced relocation in Laos are progressing further. So these recent reports:

So it is reported that the family of the deceased Prime Minister and party leader Kaysone Phomvihane have seized an island at the foot Nam Ngeum. This island is located in Ngam Ngeum Reservoir, Ban Thalath, Keoudom City, Vientiane Province. The island measures 7X15Km and is actually public property, yet the family has seized the property and sold it to Chinese investors. In May 2018, Provincial Governor Santipud Phomvihane (Fam. Kaysone Phomvihane) decreed that the Chomkeo School belonging to the communities of Ban Chomkeo and ban Phoxay should be relocated in favor of an investor, Mr. Phonepaseut. The mayor of Ban Phoxay, Mr. Bounju was commissioned with the implementation. The property is to be exchanged for another property owned by the investor. The land on which the school has to be resettled is difficult to access through narrow streets and after being dammed up the river, it is partially flooded so students have to walk through filthy water to reach the school. The area where the school is currently located is central and will be used for the construction of a hotel or a shopping center.

In July 2017, more than 50 families will be displaced from the village of Phonexay in the Luang Prabang area. Company owner Thieng Duangpaseth, who owns the Duangpaseuth Construction Company and was overrun the country, had hoped to settle the matter discreetly. However, ADL has publicized and documented this case in cooperation with RFA.

<https://www.rfa.org/english/news/disputed-07262017114519.html>

The case of the village of Yeub in Sekong province, described in Article 6, in which the citizens who protested against the expropriation were arrested and tortured, is also part of the numerous cases of land grabbing.

**Recommendation:**

State expropriations of the population must be avoided, especially in traditional settlements. Public control of related projects is essential. Likewise, as described in Article 6, a clarification of property rights must be made.

An opportunity to sue before the International Court of Human Rights is required if conditions do not change in the shortest possible time.

The property rights guaranteed by Article 16 of the Laotian Constitution are too unspecific and need to be amended by a more specific wording and legislation.

**Article 17:**

Limited by Decree 327, and other laws are clearly noticeable in Laos. Enrollment and other private correspondence are now monitored by the internet controls provided by Decree 327. This decree seeks to punish people who criticize the state and its institutions. As a result, there are arbitrary arrests.

The privacy is practically nonexistent; the state does not stop at the secrecy of correspondence or before the domestic rights of its citizens.

**Recommendation:**

Decree 327 must be stopped immediately. The associated measures are to be stopped with immediate effect. The house rights of the inhabitants must be strengthened. A legally enforceable guarantee for citizens must be provided.

**Article 18:**

Although religious freedom is in the Laotian constitution, it is largely ineffective. Again and again reports appear in which religious minorities, especially Christians are persecuted and arrested.  
<https://www.rfa.org/english/news/laos/celebration-12222017134957.html>

**Recommendation:**

The discrimination of other religions that are not Buddhist must be stopped.

**Article 19:**

There is no freedom of expression in Laos. The rights guaranteed under Articles 6, 34 and 44 of the Constitution are undermined by Article 3 and Decree 327 and other legal provisions.

**Recommendation:**

The decree 327 must be stopped immediately. The constitutional omnipotence claims of the Revolutionary People's Party under Article 3 must be deleted.

**Article 21.22:**

There is no freedom of assembly in Laos. Since Decree 238 of 2017, the work of NGOs in Laos has been severely restricted.

<https://www.rfa.org/english/news/laos/csos-01242018122715.html>

Demonstrations for freedom or human rights are not allowed, activists are arrested.

**Recommendation:**

Decree 238 on the work of NGOs must be overturned. The NGO law needs to be redone so that the NGOs are free and able to move independently according to international standards.

**Article 24:**

In recent years, reports have emerged to the ADL that schoolchildren are being forced to learn Vietnamese as the first foreign language rather than international languages such as English, Spanish or French. Students who still choose to learn these foreign languages are dubbed as having unclear biography, which means: untrustworthy person for party and government. A creeping Vietnamization of Laos can no longer be denied and the cultural identity of the country and the connection to the international standard are thus in danger.

**Recommendation:**

The learning content must follow international standards and not ideological requirements. It may be useful to learn the languages of neighboring countries, but not as a primary foreign language. The disadvantages of students who do not follow the state doctrine must be ended.

**Article 25:**

Candidates for the parliament are selected by the party; a real freedom of choice is thereby nullified. Other parties except the Communist are not admitted.

There is a quota of party members who are candidates as well as members of parliament. This is not a real democracy.

The government is determined by the party beforehand, thereby nullifying the right of the people to participate in the government of the country.

Petitions of the population are either not heard or not implemented. The right of appeal for the population is therefore ineffective.

**Recommendation:**

Laos needs free elections without restrictions from the state or a party for the candidates. The restrictions on freedom of association must be lifted and replaced by a new law.

**Article 26:**

Party members and their officials are preferred before the law. Ordinary citizens without party affiliation basically have to look it up before the court against citizens with a party book or party office.

**Recommendation:**

The preference of the party cadres must be ended. All people are equal No one is allowed to be above the law.

To do this, Laos needs an independent judiciary and independent separation of powers.

**Article 27:**

Prior to 1975, there were now only 49 ethnic groups in 68 ethnic groups. On the one hand, this may be due to new definitions of ethnic groups. On the other hand, land grabbing, expropriation and forced relocation have resulted in smaller groups being assimilated or displaced by larger ones. Even today, some ethnic groups are partially suppressed as well as the Lao Hmong. The Lao-Hmong ethnic group mostly fought on the side of the Americans in the second Indo-China war and has since been confronted with exclusion and persecution. Although some Lao-Hmong have achieved high political offices, their social standing is still at a low level. An improvement in the circumstances for the protection of ethnic groups is not in sight by the system.

**Recommendation:**

The strong interpretation of the state on the central government prevents adequate protection of ethnic groups and minorities. Therefore, a stronger regional policy must be implemented. This can only be guaranteed in a federal system. Cultural policy must be in the hands of regional policy. It should be noted that the structures are not too bureaucratic. This can be avoided by clear constitutional rules of jurisdiction.

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