INDIGENOUS

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United Nations Human Rights Committee

Initial Review of LAO PDR

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INDIGENOUS is pleased the UN Human Rights Committee will examine the civil and political rights in the upcoming session.  We are pleased an initial, albeit inadequate, report has been submitted for review. We are also concerned with the commitment to civil and political rights as this report is 7 years past due from the original deadline. We hope future reviews will include more civil society input and reflect the commitment of the government to civil and political rights allowing the people to exercise their fundamental freedoms in the actual review.

Regarding Article 1, right of self-determination, we believe this article is quite significant for the peoples of Laos on numerous levels.

The right of self-determination guarantees peoples opportunity to determine their political destiny and pursue economic and social development based on own values and visions.  Unfortunately, many feel their land is facing international influence from larger neighbors and the government is not representing the will of the everyday citizens of Laos. If people raise their voice to exercise the rights under the International Covenant on Civil and Political Rights (ICCPR) to defend Article 1 then many other rights under this covenant are violently violated.

There are many indigenous peoples desiring to exercise control of their land to provide basic living. It is a common understanding that land grabbing is at such a high level that people are displaced and when they resist they face even more human rights violations featured in the ICCPR.

Another important issue is a treaty created in the early days of the current regime.  The Laos Vietnam Friendship Treaty in 1977 was created for 25 year period with a renewal every 10 years.  With the next review coming in 2022, it is important the peoples of Laos can openly and freely participate in the national dialogue. Recent years, a Vietnamization of Laos culture and way of life is challenging centuries old practices rooted in Budhhism.

Regarding Article 2, implementation is not being done adequately.  In fact, proposed and recently adopted laws are inconsistent and violate the spirit of the ICCPR regarding regarding, but not limited to, freedom of religion, expression, peaceful assembly and association.  An important component of ICCPR Article 2 is effective remedy.  Regarding most of the violations around land grabbing and other major human rights violations including enforced disappearance, there is no remedy at all.  In fact, there is a pattern of persistent refusal to provide adequate responses that can begin to lead to a remedy.

Recommendation:

Regarding both articles, a new culture of engagement with the citizens of Laos must be adopted. It must also include the Hmong people in the decision-making process building on the legacy where Hmong were included in public policy making.  The creation of an inclusive Laos National Human Rights Commission embracing the Paris Principles would be a significant sign and step signaling a new direction in civil and political rights.

Regarding Article 3, the future of Laos depends on how the rights of women will be protected. Women are currently facing systematic discrimination and offered no opportunities to organize to change their conditions in the current political system.  The rising rate of domestic violence, divorce, trafficking, prostitution underlined by lack of economic opportunities for women must be addressed.

Recommendation:

Laos must issue open invitation and welcome visits of the UN Human Rights Council special procedures focusing on gender, equality and justice.

Regarding Articles 6 and 7, there is a great deal to be concerned about. People don't believe they have a right to life and face torture if they exercise basic rights to protect their family and village from economic exploitation.

There is a culture of enforced disappearances that must be addressed. It is a form of severe torture that creates a climate of fear among all people.  Most often, the result is a loss of life after months and years of torture.

Recommendations:

Laos must immediately ratify and implement the UN Convention on Enforced Disappearances and also ratify the Convention Against Torture (CAT) Optional Protocol.  Laos must also work with international actors to solve the enforced disappearance of Sombath Somphone and also other cases that have been documented by families still worrying about their loved ones over the past decades.

Regarding Articles 8, 9 and 10, these rights are not respected.  Arbitrary detention is widespread and a government tactic to challenge communities standing up against recent international investments projects. The influx of international investments is a huge challenge facing the country. Peoples stand up against losing their homeland and livelihood. They are arrested immediately. Once people are taken into custody, the rights violations increase denying and depriving liberty.

The denial of rights can be seen with recent land grabbing cases. However, they have existed for decades when people demanded basic human rights and democracy.

The denial of these rights can be examined regarding case of student leaders arrested in 1999. Following their case one can see a pattern of painful practices of solitary confinement, the common practice of wooden stocks that has been documented, and lack of visitation rights. Unfortunately, these practices continue to date for people declaring their desire for the rights in the ICCPR.

Recommendations:

Laos must prepare a National Action Plan for Business and Human Rights. This could assist to include the people and community perspective regarding basic livelihood. Trade unions must be allowed to organize openly and freely. It is an important component to combat corruption in Laos. Laos should also ratify and accept the ICCPR Optional Protocol creating an opportunity for people to raise the gross violations of civil and political rights with the UN Human Rights Committee.

Regarding Articles 11 - 17 there is no judiciary system that is independent.  People feel if they do anything against the current regime they will be unfairly put into prison without proper procedures including innocent until proven guilty and a fair trial.  There is no privacy and one party political system violates rights with impunity.

Recommendations:

There must be a strengthening of an independent judiciary system.  There must be the creation of a legal aid process to assist those living in poverty to defend their rights and avoid unfair sentencing where treatment behind bars amounts to torture. We note that Decree 327 must be revoked immediately as it is being used to punish innocent people exercising the rights enshrined in the ICCPR.

Regarding Article 18, we not there is no freedom of religion and it is a fundamental freedom, many people desire to express in Laos.  It is important to cite the example of the Indigenous Hmong people.  Hmong people are animist and also Christian.  Hmong are systematically discriminated against for practicing both historical and current models of religious beliefs.  Hmong worshipping nature is constantly violated as forest is being destroyed at a rapid rate violating the right to worship.  Also Hmong Christians face discrimination for practicing their Christian faith

Recommendations:

Hmong must be allowed ability to worship in their own cultural ways.  The UN Special Rapporteur on Freedom of Religion or Belief should be invited and a visit carried out before the Universal Periodic Review of Laos. Also Decree 315 must be amended.

Regarding Article 19, it is one of the most important issues today for individuals in Laos.  The regime currently controls and criminalizes any attempt by people to express their opinions and beliefs.  The state is strangling the voice of the Laos people.  Laos is attempting to control youth inside and outside its national borders.  While there are many cases that deserve attention, it is important to feature recent cases regarding social media. Three youths were punished under the criminal code under various articles.  The youth were sentenced between 12 - 20 years and are serving time for providing posts while in Thailand on Facebook. Many other citizens of Laos are also intimidated from expressing their opinions through police brutality and corrupt actions as well. Unfortunately, even foreigners, expressing themselves are not safe.  A Swiss NGO was even forced to leave the country.

Recommendations:

The case of the three youth must be addressed during the UN Human Rights Committee review and they must be freed immediately. It will be a sign of good faith that Lao PDR takes its responsibilities seriously under the ICCPR.

Regarding Articles 21 and 22, the lack of ability for people to assemble and associate together is atrocious.  The people cannot come together and discuss the issues they care about and are important to their daily lives and future.  There is a culture of fear throughout the nation.  Too often, people are imprisoned for coming together.  There are no independent civil society organizations.  Only Government Organized Non-Governmental Organizations are allowed to meet regularly.   The Decree 115 is an act to regulate and control. It also didn't allow for any human rights or advocacy associations to be created.

Too many people are being bars for only coming together to talk. The Decree 238 is troubling on multiple fronts as it violates the ICCPR.

Recommendations:

Prisoners of Conscience as recognized by Amnesty International must be immediately released.  Also Decrees 115 and 238 must be revoked.  Lao PDR should invite other National Human Rights Institutions of the Asia Pacific Forum to assist to respect basic civil and political rights.

Regarding Article 25, there is no ability for public participation.  Every election is not free and fair.  Only candidates that are selected by the single political party may seek office.

Recommendations:

There must be gradual and guaranteed steps toward a multiparty, competitive general election allowing for independent candidates and parties to participate.  The creation of a Laos Human Rights Commission could be one institution leading in this effort.

Regarding Article 27, we feel this is one of the most important issues regarding ICCPR.  The Hmong people are denied their existence and are experiencing a cultural genocide. The repression is systematic by the state denying the most basic of cultural ceremonies to respect the life of Hmong from birth to death.  Many Hmong have not been able to bury their dead that perished in the re-education camps.  This causes multigenerational trauma that has not been addressed for decades.  Also land rights and protection of natural environment has come to the forefront with the land grabbing taking place in many provinces impacting thousands of people.

Recommendations:

There must be a shift from the state to respect Hmong rights recognized in the UN Declaration on the Rights of Indigenous Peoples. The most basic right to respect life is return of the remains of Hmong leaders that perished in the re-education camps in the mid-1970s would be an important first step toward realizing Article 27. The return of human remains to family members of Hmong would indicate a spirit of reconciliation and cooperation toward respecting cultural rights.  Regarding land rights, a national body must be established to respect the land of Hmong and other indigenous peoples protecting their sacred homeland.