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ALLIANCE FOR DEMOCRACY IN LAOS

Alliance pour la Démocratie au Laos

Letmather Str.71, 58119 Hagen, Germany. Phone: 0049(2334) 44 44 668, [E-Mail: alliance-lao@alice.de](mailto:alliance-lao@alice.de)
www.laoalliance.org

ADL Report on the Economic, Social and Cultural Rights in th Lao PDR

Germany August 6 2023

International Covenant on Economic, Social and Cultural Rights

PART I

Article 1

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

Officially, the government of Laos announces that it intends to abandon its status as one of the poorest countries in the world and become an emerging economy. The fact is, however, that a large part of the population is still considered to be very poor. Before the Corona Pandemic, 18.3% were in extreme poverty. According to reports from our activists in Laos, the situation in Laos has only gotten worse after the pandemic.

Officially, about 10% of the population earns less than U\$1.90 per day. However, our observations assume a significantly higher number. UNDP assumes a poverty rate of 47%,.In our estimation according our observers, the true poverty rate is 80%. Above all the rampant inflation and the economic disempowerment of the Laotian population by investors mainly from China contribute to this development.



Homeless people in Laos in front of Chinese shops

Special economic zones are created for Chinese investors and land is generously bequeathed, which leads to land grabs on an unprecedented scale in Laos. According to the current land law in Laos, the land belongs to the state and is only left to the citizens or investors. This means that whoever pays

the most or gives the most bribes gets the land. However, since the Laotians are mostly poor or have less money than these investors, in most cases they are left behind.

It is also striking that there has been no reliable information on the subject of unemployment since the Corona Pandemic. However, since the number of Laotians who are forced to work abroad has increased to 1 million, we can assume that this is around 15 % of the population.

Sources:



The fact is that a large number of large-scale plantations with monocultures of bananas or rubber have been established by Chinese investors. However, the food produced is unaffordable for the Lao population and is sold to China. Due to the loss of these areas in favor of the investors, the local population is missing more and more cultivation area for their own supply.

As an aside, it might be worth mentioning that most investors don't even pay taxes in Laos.

Sources:



PART II

Article 2

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Land grabs

Corruption and land grabs go hand in hand in Laos. In most land grab crimes, money goes to corrupt officials so these foreign companies can grant land concessions and initiate evictions.

Anyone who protests against the land grabs is immediately arrested or threatened by members of the Lao authorities.

The Laotian government wants to turn land into capital. More and more land is now owned by foreign investors, about 45 percent of Laos, most of it from Vietnam and China. In the capital city of Vientiane, we stand up for our right to residents' property that has been taken from local people by the government. It has confiscated property from people in several provinces across the country and leased it to foreign investors for up to 99 years, regardless of population.

Now the government has created a new land law. The people have to pay more fees for their land title certificates; the problem is that the fee is more than the people can pay. Each village and town has a different fee, there is no national regulation on how much people have to pay to the authorities.

Land grabbing in Laos is leading to increasing poverty. Most of the projects carried out in the land-grabbed areas hardly create any jobs for Laotians. Foreign investors usually bring the workers from their home countries with them. This refutes the government's thesis that the country is developing as a result of these projects.

The ADL has received new cases of land grabs in the Lao People's Republic.

Case 1: In 2016, Air Force Battalion 703 General Mr. Sitat extorted 50 people from their families in Wa Tha Village, Sikottabong District, Vientiane. He chased people out of the area and blackmailed the residents into making a concession for a Chinese investor to build a casino. Three people resisted because they did not accept the blackmail. These three people were subsequently arrested and imprisoned in 2019. They are Ms. Namphan, Mr. Po and Mr. Wann. The latter was recently released from prison. The whereabouts of the other two detainees are still being determined by the ADL. General Sitat is very influential in Laos. He was also involved in land grabs for the large casino Phou Khaokhuay.

Case 2: On April 18, 2023, there was a clash between the police and residents in Ban Vangveun City Xaysanasomboun Province Campasak to build a banana plantation for a Chinese investor along the road through the People's Park.

A video of this incident is here:



Case 3: In 2022, another land grab took place in Xaysavang Village in Xaythani Town near the capital Vientiane by Chinese investor Zhao Wie, who had already built the King Romans

Casino in Bokeo. This is an area of 1,000 hectares for another casino. The area is leased to Zhao Wei for 99 years. It is a forest area that was highly valued by the population as a nature reserve and is now to be cut down despite a ban on logging and a forest protection agreement with the EU.

Case 4: On November 23, 2021, 36 families in Ban Phonsinuan Village, Sisadthanak Town, Vientiane Capital were ordered by the police to leave their country. The families refused to leave the country and even protested with placards. The families demanded fair compensation for their dispossession of 1million. THB which has traded down to just 200,000 THB which is roughly US\$5,800. The lawsuit was dismissed in two instances.

More information here:



Case 5: On May 14, 2023, it was reported to us that in Huaykhom area, Xaydonkhong Village, Sanamxay District, Attapeu Province, villagers resisted an investor who wanted to take the land away from the locals for a coffee plantation.

A video can be viewed here:



Case 6: On May 13, 2023, the next case was reported to us from Donkhong in Champasack province. Apparently construction workers came here who wanted to plow the land of the residents without warning for an investor. This case was also documented by those affected and posted online.



Case7: Another land grab took place in the city of Sanamxay, Attapeu province, against which local residents protested to the Lord Mayor on May 14, 2023. However, he was not interested in solving the problem for the residents. We received a video in which the local residents had to watch helplessly as the Chinese investor's excavators were destroying their land. This video was made secretly because the authorities forbade local residents from filming and even broke some cellphones



We fear that these reported cases are just the tip of the iceberg and that the impact is far worse than anyone can imagine. According to some experts, the reason for this massive increase in land grabs may be that the country is on the verge of bankruptcy and is trying to save itself. But at some point there will no longer be a country that can be sold or where the local population can still live humanely.

But the issues in the ADL human rights report from the beginning of 2023 are still an issue in Laos and neighboring countries:

Corruption

Although the People's Republic of Laos has improved its ranking in the Corruption Index, overall corruption has not improved over the past year. Transparency International reports a slight improvement, but this should be taken with a pinch of salt. Laos is still a one-party dictatorship and there is virtually no independent reporting. The reasons for the persistently poor situation in the country are quite complex.

In theory, the Government Inspection and Anticorruption Committee, established in June 2011, has the same powers as a government ministry and is responsible for exposing corruption in all government ministries, including the Ministry of Public Security. On occasion, the authorities arrested low-ranking officials for corruption and administratively punished them. Reports of criminal cases brought to court were scarce. The government-controlled press rarely reported cases of official corruption. In 2018, over a trillion kip (about US\$44.8 million) was lost on development projects due to violations of laws and financial discipline by government agencies and the private sector.

One reason the Laos government has been ineffective in curbing corruption is its inability to influence the actions of provincial governments. After the passage of the Anti-Corruption Law, great efforts were made to educate provincial officials. Although the Lao state is highly centralized in theory, the central government has traditionally been weak compared to the provinces. Most of the revenue is collected by the provincial governments, which only provide part of their revenue to support the national government in Vientiane. Obviously, this does not give the Laos government much leverage over provincial governors. The revenue structure made it difficult to implement national policies and allowed provinces to obstruct national initiatives to promote transparency and prevent corruption. Ultimately, high officials are protected from criminal prosecution by regular transfers and the people

don't notice anything about it. Only minor officials or ordinary citizens are punished for corruption.

Low wages for civil servants are a critical problem and Laos is at the bottom end in the world. Physician salaries remain in the \$120 to \$150 per month range. In order to receive care in government health facilities, which include most of the major hospitals in Laos, patients have to give extra money to the doctors and nurses who care for them. Police officers are paid even less; A junior officer's monthly salary is approximately \$20. However, Laos does not have the lowest cost of living in the region, and private labor costs are not competitive with China and Vietnam. In order to even come close to the salaries of the private sector, the salaries of civil servants would have to be increased by a factor of ten to twenty. Since civil servants cannot possibly live on their salaries, many government officials see no problem in receiving what they perceive to be nothing more than gratuities, similar to those waiters might receive in the United States; they do not see themselves as participating in a corrupt practice. International aid funds also fall victim to corruption, with the victims of the flood disasters of recent years receiving little or no state aid. Other development aid projects are also regularly victims of corruption.

As a one-party communist state, the Laos People's Democratic Republic is inherently resistant to transparency and accountability. Decision-making power is centralized, and in the absence of an opposition party or effective control of Communist Party power, senior leaders generally do as they please. Nepotism is widespread. Ironically, a number of wealthy and powerful families in the pre-1975 monarchy continued to thrive under communism. There is strong opposition to auditing systems, and many local governments have financial controls on expenditure but not revenue, creating ample opportunity for public money to be diverted. Since the judiciary in Laos is also under state and party control, there is also a lack of prosecution of corrupt officials. In general, party officials have no sense that there is anything wrong with corruption, although some stalwarts still cling to the socialist ideals of their youth.

More information on corruption can be found here:



Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

In addition to the problems embedded in society, a growing problem is that of forced prostitution and forced marriage. We have researched how this is done.

On the Internet, especially in China, girls from Laos are presented and offered for sale. Many of these girls are only 14 or 15 years old. The girls are promised gifts such as a new mobile phone and are kidnapped by dubious businessmen. Apparently, girls from the Lao-Hmong ethnic group are most popular with these criminals. The children's families are completely unsuspecting about the problem and the authorities in Laos do not take care of this problem. So these young girls are on their own with their problems.

Video from the Thai TV:



Human, drug trafficking and torture in Laos

In the past we have repeatedly reported on the problem of human trafficking and the related problem of drug trafficking.

Here's what activists in Laos and neighboring countries tell us:

Above all, young Laotians, women and men, are recruited by dubious agencies for jobs or apprenticeships in neighboring countries, mostly in Thailand. Due to economic hardship and a lack of future prospects in Laos, most accept such an offer. In the case of minors, officials are often bribed to provide these minors with forged papers which then identify the minors as adults. Abroad, most are then forced into forced labor (slave labor), forced prostitution or forced marriage.

Since this situation seems hopeless to many, many take refuge in drug use or become drug dealers themselves. Largely hidden from the world public, Laos remains one of the largest producers of opium products and meth-amphetamines. Recently, Thai media revealed that the Boten Casino in Bokeo Province's Special Economic Zone, run by a Chinese investor with excellent connections to government officials, serves as a drug hub.

But what is the Laos communist government doing to combat the problem? We are told by local and German tourists in Laos that drugs and drug-infused foods like tea are very easy to come by. Locals say drugs are being distributed like candy. The police officers on the street don't seem to care what's happening in front of their eyes. While in the neighboring countries of Thailand and Malaysia one can certainly observe that the police there bust up whole smuggling rings, in Laos one sees that mostly only small drug dealers are caught by the police. We only see a pure alibi function in the actions of

the authorities. Drug addicts who are caught by the authorities or turn themselves in to the authorities are sent to camps, where they are often mistreated. There can be no talk here of a therapy of the kind customary in the EU countries. As with drug trafficking, the authorities deal with trafficking in human beings. The large gangs of traffickers are spared, but individual forced laborers or forced prostitutes are occasionally punished.

After analyzing all the facts, our employees come to the following conclusion:

Obviously the government has no interest in a sustainable solution to these problems. This is mainly due to the fact that far too many in the state apparatus earn money from corruption or are even directly involved in all these problems. On the other hand, Laos is so dependent on foreign investors getting involved; We remind you of the Bokeo Special Economic Zone that the authorities are practically forced not to do much about these abuses.

Lately we have been receiving more and more videos and reports of torture of Laotian workers in Chinese Special Economic Zones. This disturbing video leaked from the golden triangle on March 4th, 2023:



Also Radio Free Asia has already reported on some cases of torture and other criminal events from the Bokeo Special Economic Zone:



Special economy zone in the Bokeo province

A Chinese investor was given free land here, on which the King Roman Casino now stands. Most of the local population had to leave the country and is now being settled by the Chinese. The casino is strongly suspected of being involved in illegal business. These include drug trafficking, money laundering, illegal hunting of endangered animals, human trafficking and prostitution. The Thai media have reported about it several times. But the Laotian authorities seem powerless here, as their own Chinese security forces have the upper hand here.

More information can be found here:



Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Laos is a one-party dictatorship with no freedom of assembly, freedom of speech or freedom of the press. Anyone who peacefully protests for freedom and against the conditions in Laos will be punished with imprisonment for up to 20 years plus a fine for either terrorism or defamation.

Although the constitution guarantees freedom of speech, freedom of the media, freedom of assembly and freedom of association in Article 44, this does not exist in reality. Many laws and decrees do away with the rights guaranteed in the constitution. There are also major differences in the work of Parliament and the implementation of laws by the government. 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.

The freedom of expression, especially the freedom of the press is suppressed by the regime. A disturbing development is the current crackdown on the Internet and social media. Since the decree no. 327 (in 2014) and others has been into act, it is hardly impossible to criticize the government or the party.

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 are unchanged.

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. Decree number 238 (2017) prevents the work of NGOs in Laos. The government of Laos claims that more NGOs work today than ever before. But the fact is that neither human rights organizations nor political NGOs are allowed in Laos. Worse, regime critics are treated like criminals

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

Despite international aid, around 12,000 teachers in Laos suffer from it without having to teach. Many of these teachers are therefore forced to make a living either by charging the parents of the school children extra fees, which only fuels corruption in Laos, or by earning a sideline job. Other teachers are now being forced to give up teaching, which is very tragic for these people.

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 of the country where, for example in the area of the golden triangle under the guise of a special economic zone, China built 'Chinatowns' and Casino to be populated by hundreds of thousands of Chinese without Lao people having any right to object; this is a new kind of colonialism.

In recent years, the influence of China in Laos has become increasingly larger.

In 2007, the Laotian government gave the Bokeo special economic zone to the Chinese investor Zao Weui, the owner of the King Romans Group, for the economic development of the region. In fact, however, the local residents were expelled from the land and Chinese settled in the countryside instead. Most of the well-paid jobs also went to the Chinese. Only low-paying jobs were left for the Laotians.

The casino is strongly suspected of being involved in illegal business. These include drug trafficking, money laundering, illegal hunting of endangered animals, human trafficking and prostitution. The Thai media have reported about it several times. But the Laotian authorities appear powerless here, since their own Chinese security forces have supremacy here.

You'll find further information here:





We've had reports of deception at a casino, deception at a massage parlor with a good salary, actual arrest for call center work, and finally ransom. The press also confirms this:



Some workers are recruited at King Romans Casino to work in other casinos in Laos or Burma, where they also face torture and ill-treatment. The following videos can be very disturbing and are only for people with strong nerves.

Videos from torture in Chinese casinos:



The official media also report again and again about the grievances that prevail in the casino towards the Laotian workers:



Further press reports show that the government of Laos is obviously not interested in improving conditions in the Golden Triangle or in stopping criminal activities. We therefore conclude that the Laos government itself is directly involved in the criminal activities. Thus, one would have to classify the government of Laos as a criminal organization.



Corruption in Laos can be as high as more than 14% per year of total GDP in the country since the seizure of power by the Pathet Lao government from the Vientiane Lao Royal government in 1975, together with the crisis of high inflation since then and more than 68% of total national debt now with revenue in limbo due to corruption in all sectors of government departments and private enterprises .

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

The following 7 facts about education in Laos will demonstrate how the country mismanaged the education funding which mostly relied on foreign aid.(THE BORGEN PROJECT , April 14 , 2023).

1. High Dropout Rates. Laos' education system sees a high number of students dropouts, particularly at lower levels of education. This means very few reach upper secondary education levels. Only 81.9% children complete their primary education, with 15% going on to pursue lower secondary education and just 3% progressing to upper secondary levels.

2. Only 70% of children attend school in rural areas compared to 84% in the urban population. The low enrolment rate in rural areas is largely due to poor road access. Many children live in isolated, mountainous areas. As a result, travelling to the nearest schools is an almost impossible endeavour. Furthermore, parents in the rural population are typically low-income earners who can hardly afford the costs of education. They prefer to have their children work and earn income for the family. Another issue is the disproportionate oversupply of Laotian and international teachers in urban areas, which leaves many rural areas with few teachers.

3. Gender-based Enrolment Disparity. Laos' education system has a clear issue regarding gender equity and equality. There is a higher number of enrolled male children compared to female children. The enrolment rates at the primary education level for boys and girls are

75% and 71% respectively. At the secondary level, the gap is slightly wider, with 36% for boys and 31% for girls. This disparity is mainly due to the old-fashioned values that many Laotian families hold. Several families expect girls to shoulder the burden of caretaking and household chores. Hence female education is not prioritised.

4. Four-part Education Structure. Laos' education system consists of four stages: early childhood education, general education, technical and vocational education and higher education. The enrolment rates drop significantly as the levels go higher than primary enrolment, which also falls under general education, stands at 97%. In contrast, enrolment at the upper secondary levels is just 3% . This results in most Laotian children failing to achieve their full potential.

5. Inadequate Education Budget. Despite the struggles of the education system in Laos, the government does not prioritise funding and spending on the education sector. Only 3.3% of Laos' total GDP goes into education-one of the lowest rates globally. Much of the spending, both domestically and from international aid, goes toward fighting poverty in Laos by providing basic needs such as food, water and shelter.

6. Improved Education System and Government Reform. Government reforms and policy changes have helped improve the quality of education and enrolment through the years. The education reforms of 2006 to 2015 sought to improve education quality and align the education system with international standards. For example, there reforms focused on building more schools in rural areas to facilitate accessibility for children in rural Laos. Reforms have significantly increased enrolment.

7. International Aid Impact. International Aid has been vital in improving the quality of education in Laos. A Save the Children program aimed to ' improve the quality of learning for children in Laos'. With \$8 million in funding , the program enabled 3,000 children to attend primary school in 2012 to 2021 , the World Bank supported by other nations, announced funding of \$47 million "aimed at improving preschool and primary education performance and enhancing education systems nationwide ". And lastly, according to the Ministry of Education and Sports in 2016-17 school year, more than 12,000 volunteer teachers were working at schools around the country (Vientiane Times, July 12 , 2022) indicates that the corruptive government of the Lao PDR .

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(b) To enjoy the benefits of scientific progress and its applications;

(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

more than 90% of the Laotian population, are fed up with the tutelage and dependence on China. This dependency now extends not only to the economic or military sector, it is now also seriously threatening the sovereignty of the country. Cultural exchange between nations has now degenerated into replacing Laotian culture with Chinese culture. Evidence of this is that in some regions of Laos only Chinese is spoken, schools promote the Chinese language more than any other foreign languages, settlements are created exclusively for Chinese and Laotian road signs are replaced by Chinese.

The Laotians are suffering more and more from the ongoing land grabs and the forced resettlements in favor of the Chinese investors and the country is sinking not only into corruption but also into the drug swamp by the Chinese drug dealers in the so-called special economic zones especially the area of the golden triangle. The Laotian government isn't doing nearly as much against illegal land grabs, drug trafficking and human trafficking as it is against human rights activists.

Laotians have repeatedly protested and demonstrated against this development, which the state media keeps silent about. For this protest, the protesters were repeatedly punished with arrests and subsequent torture. They are pursued, arrested, kidnapped or murdered with great effort.

Recommendations:

1. The UN should use development aid for this. that the human rights principles of the United Nations are implemented in Laos; including the freedom of expression, assembly and others.

2.

2. We call on the UN to continue to do everything possible to curb the influence of China in the region. This influence destabilizes the security situation not only in the region but also worldwide and also leads to a further drastic deterioration in the human rights situation.

3. The government of Laos may be persuaded by UN to check the projects in Laos for their usefulness and effectiveness.

4. Exiles' NGOs and other recognized human rights organizations must be permitted in Laos and their employees must be protected.
5. Pressure from the international community must be increased to implement independent and international corruption control.
6. Approval of international and independent aid organizations to help drug addicts and illegal prostitutes.



Signed by Dr. Bounthone Chanthavong- Wiese
President of the ADL

Office in Germany: **Dr. Bounthone Chanthavong- Wiese**, President, Letmather Str.71, 58119 Hagen, Germany
Phone: +49-2334-44 44 668 or +49 173 2930 267, E-mail: chanthalavong@aol.com

France: **Mr.Somphet Vatthanou** Vice-President , 2 AV Combattant en a.f.n.69140, Rillieux La Pape,
Phone: +33-6-15192201, E-mail: s.vatthanou@gmail.com

USA: **Ms.Khamphene Souvannasane**, regional president, ADL chapter of USA , 3837 Rusty Dell St.,
Fortworth, TX 76111, Phone:+1-682- 554- 6675 , E-mail: khamhene@yahoo.com
Vice regional president: **Vieng Savahn**: phone 714-305-7748

Canada: **Mr.Kambane Anonthisen**, regional president, ADL chapter of Canada, 84 Highgatz Rord Kichener , ONT,
Phone:+1-519-58 80 502, E-mail: khambane@hotmail.com

Australia: **Mr.Pheng Sacksady**, regional president, ADL chapter of Australia, 6 Quambone Place,Isabella Plains A.C.T,
Phone+61-41 37 66 216, E-mail: pheng.sone52@gmail.com

New Zealand: **Mr. Somchine Sithivong**, regional president, ADL chapter of New Zealand, 6 Ropata Cres, Lower Hutt.
5010 Wellington,phone: +64- 49 34 86 35, E-Mail: xsittivong24@gmail.com