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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Visit to the Lao People's Democratic Republic

Report of the Special Rapporteur in the field of cultural rights, Alexandra Xanthaki*, **

Summary

The Special Rapporteur in the field of cultural rights conducted a visit to the Lao People's Democratic Republic from 19 to 29 November 2024. The purpose of the visit was to discuss, in a spirit of cooperation and constructive dialogue, how the Government implements cultural rights.

In the present report, the Special Rapporteur underlines strengths in, and obstacles to, realizing cultural rights in the country, with a specific focus on the impact of development policies. In the State's policies and practices to foster development and improve the livelihoods of people, a cultural rights-based approach is lacking, with important consequences for the most marginalized. The right of people to meaningfully take part in the decision-making processes that have an impact on their cultural rights is largely reduced to information and mitigation processes, far from the right to free, prior and informed consent that they should enjoy.

A shift in perspective is needed, in order to understand culture from a bottom-up, rather than a top-down, approach. The latter approach feeds a worrying process of assimilation currently under way in the country at various levels. Space for civic expression and participation needs to be enlarged and cultural diversity valued without bias against non-Lao-Tai ethnic groups.

* The present document was submitted to the conference services for processing after the deadline so as to include the most recent information.

** The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.



Annex

Report of the Special Rapporteur in the field of cultural rights, Alexandra Xanthaki, on her visit to the Lao People's Democratic Republic

I. Introduction

1. The Special Rapporteur in the field of cultural rights conducted a visit to the Lao People's Democratic Republic from 19 to 29 November 2024. She thanks the Government for its invitation, which is an expression of the Government's renewed commitment to the United Nations human rights system. The Special Rapporteur appreciates the good collaboration with the Government in organizing the visit and the considerable efforts made to always accommodate her requests.

2. The Special Rapporteur visited Vientiane, as well as Luang Prabang Province, where she visited the city of Luang Prabang and several villages. She travelled to Khammouane Province, in particular Hin Nam No National Park. She held meetings with government officials at the national, regional and local levels, including the Deputy Prime Minister and other high-ranking officials. She also had exchanges with representatives of international organizations, including United Nations entities and the Mekong River Commission, and with development partners such as the World Bank, the Asian Development Bank and some States. She spoke with members of civil society organizations, including non-profit associations recognized in the country, and with chiefs and residents of villages.

3. The Special Rapporteur thanks all stakeholders for the information shared. She extends her gratitude to the United Nations country team and the Office of the United Nations High Commissioner for Human Rights for their assistance and support in the preparation and conduct of the visit.

II. General context

4. The Lao People's Democratic Republic is identified by the United Nations as one of the 44 least developed countries; it is scheduled for graduation from the category in 2026.¹ This will mark an important step, and is occurring at a time in which the Government is prioritizing efforts to reduce poverty through economic development and to improve the livelihoods of people, including by developing access to crucial infrastructure and essential services in the areas of health, water and sanitation, food and education, in particular for remote communities.

5. From 2000 until recently, the Lao People's Democratic Republic was among the fastest growing economies in the world, driven mostly by the mining and hydropower sectors and infrastructure development. The high growth rates have resulted in poverty reduction and improvements in health, education and economic status. However, poverty has decreased at a slower pace than in other fast-growing countries in the region. Inequality has risen, with poverty reduction significantly slower among the non-Lao-Tai ethnic groups, especially those living in mountainous and remote areas. The need to service large external debts, accompanied by high import prices and limitations on foreign exchange, has led to a shrinking fiscal space and a substantial reduction of public spending on social services.² Other critical obstacles on the road to development include corruption, and unexploded ordnance throughout the territory.

¹ See <https://unctad.org/topic/least-developed-countries/list#:~:text=There%20are%20currently%2045%20economies%20designated%20by%20the%20United%20Nations.>

² World Bank Group, *Linking Laos, Unlocking Policies: Lao PDR Country Economic Memorandum* (Washington, D.C., International Bank for Reconstruction and Development/The World Bank, 2022).

6. The contribution of hydropower to poverty reduction is questioned by stakeholders, who regret a lack of transparency concerning costs, partners and lending agreements. This renders the full impact of the sector on people's livelihoods and the debt burden difficult to assess. In addition, production of hydropower reportedly leads to serious social and environmental impacts, undermining livelihoods, food security and the realization of economic, social and cultural rights.

III. Strengths in and obstacles to realizing cultural rights in the Lao People's Democratic Republic

A. Law and practice

7. During the visit, the Lao authorities underlined their dedication to cultural rights, recognizing them as vital for the country's national identity and the rich diversity of its 50 ethnic groups.

8. Cultural rights are enshrined in the Constitution, last modified in March 2025, specifically in article 8, which guarantees "all ethnic groups the right to preserve, promote and develop their fine traditions, customs and cultures as well as those of the nation". Article 46 guarantees the freedom to "conduct studies in and to apply advanced sciences, techniques and technologies, to create artistic and literary works and to engage in cultural activities which are not contrary to the laws".

9. The Special Rapporteur appreciates that these provisions seemed to be well known among officials, who often referred to the Constitution and to relevant laws and guidelines adopted by the Lao People's Revolutionary Party.

10. However, it proved difficult to receive even general information on challenges or shortcomings in concrete efforts to implement cultural rights. Throughout the exchanges, references to the Constitution and existing legislation were repeatedly used to demonstrate implementation, seemingly on the assumption that the legal framework is perfect and uniformly applied in practice. This approach leaves limited space for reflection on gaps between law and implementation. The Special Rapporteur regrets that opportunities for candid discussion of challenges were constrained, particularly given the context of a special procedure mandate holders visit, as the basis for such visits is constructive dialogue.

11. The Special Rapporteur reiterates the importance of a strong legal framework protecting cultural rights in accordance with international human rights treaties, but stresses that it is no less important to ensure that implementation policies and practices are in consonance with those treaties.

B. Principle of non-discrimination in the context of cultural diversity

12. The Special Rapporteur appreciates the State's commitment to the principle of non-discrimination. Various policies are aimed at promoting equality and addressing discrimination in accordance with the Constitution and related legislation. Articles 8, 35 and 36 of the Constitution protect the right to equality before the law and affirm the Government's commitment to unity and equality among all ethnic groups, prohibiting all acts that create division or discrimination among ethnic groups. Given this emphasis, it is surprising that the country lacks a dedicated anti-discrimination law.

13. The understanding of non-discrimination articulated by public authorities is not aligned with international standards. All officials, when asked, stated that non-discrimination meant that everyone was treated "the same", and that measures to protect the cultural rights of some specific people or groups would not be possible due to the principle of non-discrimination.

14. The Committee on the Elimination of Racial Discrimination has stated the following:

The term “non-discrimination” does not signify the necessity of uniform treatment when there are significant differences in situation between one person or group and another, or, in other words, if there is an objective and reasonable justification for differential treatment. To treat in an equal manner persons or groups whose situations are objectively different will constitute discrimination in effect, as will the unequal treatment of persons whose situations are objectively the same. The Committee has also observed that the application of the principle of non-discrimination requires that the characteristics of groups be taken into consideration.³

15. Therefore, special measures must be adopted when circumstances warrant, to secure for disadvantaged groups the full and equal enjoyment of human rights and fundamental freedoms.⁴ In addition, the principle of non-discrimination cannot be fully implemented if efforts are not grounded in the recognition and valuing of cultural diversity. In this regard, for example, educational policies promoting the Lao language at the expense of minority languages should be reassessed.

16. In addition, it is important to consider that indirect discrimination may affect specific groups, for example when resettlement policies affect highland communities more significantly.

C. Recognition of ethnic groups and non-recognition of minorities and Indigenous Peoples

17. There are 50 ethnic groups recognized in the country, belonging to four linguistic groups: Mon-Khmer, Lao-Tai, Sino-Tibetan and Hmong-Iu Mien. This classification was established on the basis of research conducted by the Institute of Anthropology and Religions Research together with the department of ethnic affairs under the Lao Front for National Construction and the ethnic affairs committee of the National Assembly; the work was endorsed by the National Assembly in December 2008. The study recognized 49 groups; a fiftieth was recently added. Although formally abolished in 2008 – on the basis that it was hierarchical and divisive – another system, which categorizes the population into three groups (Lao Soung, Lao Theung and Lao Loum) based on geography (upper highlands, midlands and lowlands, respectively) is used widely in practice, including by the Government.

18. Recognizing the diversity of the Lao people is an important step, and is crucial to ensuring cultural rights. The Special Rapporteur worries however that the principle of self-identification – how each individual identifies with a particular group, as well as how each group determines its own affiliation – seems to be lacking in recognition processes. She also understands that the 50 ethnic groups contain even greater diversity, with estimates of the number of subgroups ranging from 160 to 200.

19. One difficulty lies in the refusal of the Lao People’s Democratic Republic to recognize ethnic minorities or Indigenous Peoples on its territory, referring to “ethnic groups” only, a term that actors operating in the country are compelled to use. The refusal is rooted in the need to avoid discrimination between groups and divisions in society and, with regard to Indigenous Peoples, the view that no group came first. The concept of Indigenous, however, is not about priority but rather historical continuity. The State recognizes all ethnic groups as equal components of the Lao nation.

20. It is obvious to the Special Rapporteur that many groups in the country fulfil the criteria for being considered as ethnic minorities or Indigenous Peoples, including strong connections with communal lands, forests and rivers. Those groups need specific attention, as they often find themselves in a marginalized position. Despite the non-discrimination discourse put forward by the authorities, the Special Rapporteur heard many interlocutors describing the prejudice against highland communities. Indeed, in conversations between the Special Rapporteur and the authorities, such communities were often described, sometimes

³ General recommendation No. 32 (2009), para. 8.

⁴ Ibid., para. 11.

with a condescending attitude, as having “backward” practices, as needing to change their ways of life to adhere to the development movement and as having little chance of seeing their children become decision-makers or work in more prestigious professions. Ethnic minorities reportedly lag on almost all economic and social indicators vis-à-vis the Lao-Tai group. The Lao-Tai group is seen by all, except in the authorities’ official narrative, as a group that dominates others through culture, education, language, religion and political and economic power.

21. Refusal to recognize groups as ethnic minorities and Indigenous Peoples means refusing people the possibility to claim and enjoy their rights under international law, particularly their right to enjoy their own culture, to profess and practise their own religion and to use their own language;⁵ and their right to self-determination.⁶ These rights must be implemented in the Lao People’s Democratic Republic, including in remote areas, which are inhabited primarily by ethnic minorities or Indigenous Peoples and are rich in natural resources.

22. The narrative of the State is that the 50 ethnic groups live in harmony. The authorities should assess more candidly the extent to which the living-in-harmony injunction, coupled with a restrictive understanding of the principle of non-discrimination and the refusal to recognize minorities and Indigenous Peoples, hides persistent patterns of discrimination and prejudice, particularly against the less economically and politically powerful, at the intersection between ethnicity, geographical location and class. The protection guaranteed under international law must be accorded to all ethnic groups, irrespective of whether they are seen as loyal to the State.

D. Differences in approaches to understanding culture and cultural rights

23. The Special Rapporteur had many exchanges on the way culture is featured in the State’s vision for the country. She understands that the Government seeks long-term development, including cultural development. In such a vision, culture is seen as a tool for development and social cohesion, whereby people are steered into cultural practices deemed to foster development. Cultural practices based on beliefs that “are not scientifically based” or deemed to be “backwards” in terms of productivity or safety are discouraged.

24. The concepts of model cultural villages and model cultural families, which are considered to practise “good culture” in opposition to “bad culture”, are instrumental to accomplishing this State vision. The “good culture” that is promoted by the Government is a notion rooted in values promoted by the Party and encompasses, among other things, being a good citizen, being modern and productive, being free from drugs and crime, living in harmony with others and contributing to the community and the wider development of the country. The Special Rapporteur was informed, for example, that model families demonstrate that they have a secure occupation, send their children to school, respect the law and follow the regulations. The criteria are set out in a National Assembly resolution on the implementation of principles on promoting cultural activities and a decree regarding the establishment of villages. Those qualifying as “models”, in return, reportedly have a better material status.

25. Model status, therefore, is used as an incentive to promote ways of life aligned with the authorities’ expectations, which are geared towards socioeconomic development and the maintenance of a peaceful society. Whatever the good intentions, the difficulty with such an approach is that it requires inhabitants to adhere to a cultural model that is presented as “civilized” rather than “backward”, with all the prejudices and discriminations this carries. Such cultural engineering, which shapes cultural dynamics for a transformation of society in the name of development, is problematic to the extent that, in the Lao People’s Democratic Republic, it does not rely on a participatory and democratic process, does not tolerate

⁵ International Covenant on Civil and Political Rights, art. 27; and Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

⁶ Common article 1 of the International Covenants on Human Rights; and United Nations Declaration on the Rights of Indigenous Peoples.

opposition to the models set out, is based on a biased attitude towards ethnic groups and promotes conformity to prescribed models. People are requested to move on, without any possible discussion.

26. Such a notion of “culture” differs from that set out by the Committee on Economic, Social and Cultural Rights in paragraph 13 of its general comment No. 21 (2009). The Committee considers that culture encompasses, *inter alia*, ways of life and a wide array of human expressions, such as language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games, methods of production or technology, natural and human-made environments, food, clothing and shelter and the arts, customs and traditions through which individuals, groups of individuals and communities express their humanity and the meaning they give to their existence, and build their world view representing their encounter with the external forces affecting their lives. Culture shapes and mirrors the values of well-being and the economic, social and political life of individuals, groups and communities. It comes from the bottom up – the expressions of individuals and groups through which they express and live their world views – rather than from a top-down approach – designating which cultural practices are to be promoted or discarded to ensure development and reduce poverty, for example.

27. Therefore, cultural rights must be understood as protecting the development and expression of cultural identities – individual and collective – as decided by individuals and groups themselves. At their core, cultural rights empower individuals and groups to express their humanity and world views and the meanings they attribute to their existence and development through various forms of expression. They also encompass the rights to access and participate in heritage and resources that facilitate the processes of identification and development. Therefore, cultural rights go beyond protecting cultural heritage, traditions, festivities and the arts. They are about valuing diversity in all its forms and all its expressions; they are about both access and participation.

28. Of course, cultural rights are not absolute. They can be subject – only – to such limitations as are determined by law insofar as this may be compatible with the nature of those rights, and solely for the purpose of promoting the general welfare in a democratic society, as stipulated in article 4 of the International Covenant on Economic, Social and Cultural Rights and as further explained in general comment No. 21 (2009) of the Committee on Economic, Social and Cultural Rights. In the Lao People’s Democratic Republic, as in all societies, some cultural practices need to be restricted or prohibited. For example, the Government has an enormous task regarding combating child marriage, an issue in communities throughout the country.

29. The Special Rapporteur appreciates the authorities’ assurances that, in general, they encourage and promote rather than prohibit specific cultural practices. For example, and importantly, although people are encouraged to go to health centres to access natal care and undergo vaccination, public authorities mentioned that some traditional healing practices are also supported. However, the Special Rapporteur stresses that decisions as to which practices are supported and which are not should be informed by a participatory process without prejudice against specific communities.

30. The State’s proclamation that it protects the cultural traditions of the various ethnic groups should be assessed against the policy to protect and promote “good culture”, which, combined with prejudice against groups considered as “backwards”, leads to the assimilation of ethnic groups according to a model largely based on the Lao-Tai group. For example, the Special Rapporteur received many testimonies, including from officials, that a number of cultural practices and traditional food production systems, particularly of mountain peoples, are considered as obstacles to development. These practices, together with the many Indigenous livelihood systems tied to lands, forests and rivers, are seriously jeopardized by national policies based on natural resource exploitation, the construction of numerous dams and the desire to ensure the fast modernization of the country.

E. Civic space for ensuring the right to participate in cultural life

31. In the Lao People's Democratic Republic, strict restrictions on speech, assembly and association and the tight control exercised over civil society organizations, along with harsh reprisals against human rights defenders and individuals deemed to be too critical, lead to self-censorship and fear. This directly affects the enjoyment of cultural rights and prevents a cultural rights-based approach to development, including with regard to fulfilling the requirement of ensuring free, prior and informed consent of Indigenous Peoples and local communities.

32. Officials confirmed to the Special Rapporteur that criticism of the Government is tolerable within the parameters of the law and as long as it does not divide society. However, the Special Rapporteur recalls that restrictions on human rights must fulfil the requirements of legality, necessity and proportionality and pursue a legitimate aim in a democratic society, as specified in international instruments. The argument of "unity" to require the consensus of all is too wide and offers the Government a pretext to abusively restrict freedom of speech.

33. The Special Rapporteur identified three areas in which urgent steps should be taken by the Government.

34. First, the State should fully respect the right to freedom of opinion and expression for all, and lift restrictions that do not comply with the strict requirements of article 19 of the International Covenant on Civil and Political Rights, as recommended by the Human Rights Committee.⁷ The Special Rapporteur was informed that issues relating to development policies, businesses and relationships with China were among the most censored subjects.

35. Second, while Decree No. 536 (2025), on associations, replaced Decree No. 238 (2017), introducing certain positive developments, significant concerns remain regarding compliance with the right to freedom of association under article 22 of the International Covenant on Civil and Political Rights. The very low number of registered non-profit associations in the country, estimated at approximately 250 at the time of the visit, illustrates the persistent practical barriers faced by individuals and groups in establishing and operating associations. In addition, the prohibition on the establishment of associations by ethnic groups unduly restricts their ability to associate publicly around their cultural heritage and to have their specific needs recognized.

36. Third, acts of reprisal against human rights defenders, including those in exile, must cease. Individuals have faced reprisals for sharing information with United Nations human rights mechanisms. For example, in a letter dated 8 September 2025, together with other special procedure mandate holders, the Special Rapporteur expressed her great concern about what appeared to be a case of transnational repression against Joseph Akaravong. She further expressed concern at an alleged systematic pattern of transnational repression against individuals and groups critical of the authorities, which involved acts such as enforced disappearance, surveillance, intimidation and coerced repatriation, in violation of several provisions of the International Covenant on Civil and Political Rights.⁸

37. The Special Rapporteur conveyed to the authorities the perception by many that the legacy of the 2012 disappearance of Sombath Somphone, a prominent development activist and human rights defender, was still strong, and its chilling effect on Lao civil society continued. All information about his fate should be made available and those responsible for his disappearance held accountable.

⁷ CCPR/C/LAO/CO/1, para. 34.

⁸ Communication LAO 3/2025. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30290>.

F. Role of development partners

38. Many development partners, whether individual States, or regional or international organizations, including United Nations entities, are involved in projects aimed at improving the socioeconomic conditions of the Lao people. Some development partners are also investors. The programmes are numerous and too diverse to be summarized; they target many of the areas covered by the International Covenant on Economic, Social and Cultural Rights, particularly work, food, water and sanitation, health and education.

39. The Special Rapporteur encourages these partners to tailor their programmes in order to move away from a needs-based approach towards a human rights-based approach. This means moving from delivering services to implementing rights. This requires improving efforts to ensure, as much as possible, a participatory approach in their encounters with communities, which, as the Special Rapporteur understands, is difficult in the Lao context.

40. Some efforts have been made in this regard. The German Agency for International Cooperation (GIZ) has developed projects on free, prior and informed consent in Hin Nam No National Park; however, discussions with local populations appear to point to the use of such projects to convince them to conform to prevailing nature conservation initiatives, even pushing village residents to patrol the areas from which they were relocated, rather than to ensure the implementation of their extensive right to participation. The World Bank explained its aim of ensuring benefit-sharing and community-driven development, including around the construction of dams, and referred to the applicability of the Bank's Environmental and Social Standard 7. The Special Rapporteur was also informed of projects carried out by United Nations entities aimed at ensuring that communities identify their needs, with an emphasis on the participation of ethnic groups and women, and with grass-roots leadership training to ensure that needs and expectations are voiced, particularly around small infrastructure projects, such as schools and cultural houses. Human rights assessments and human rights evaluations of projects at all phases are essential to ensure that the projects fulfil the purposes for which they were created.

41. In the Lao context, there is a thin line for development partners, particularly United Nations entities, between ensuring a working relationship with the Government that enables progress in the implementation of human rights on the one hand, and ensuring a working relationship at all costs and supporting projects that fall short of complying with human rights on the other. Partners have a responsibility to proceed with real human rights impact assessments, including cultural rights impact assessments. All partners must abide by their international obligations to not support projects that contribute to human rights violations, for example through assimilation policies and/or a lack of real and meaningful participation by communities affected by development projects. When development projects involve commercial enterprises, partners should ensure that the latter follow the Guiding Principles on Business and Human Rights.

IV. Ensuring a cultural rights-based approach to development: a needed shift

A. Ensuring cultural rights impact assessments

42. The Special Rapporteur appreciates the Government's objectives to reduce poverty through economic development and to improve the livelihoods of people, with high priority placed on developing access to crucial infrastructure and essential services in the areas of health, water and sanitation, food and education, in particular for remote communities. She also appreciates the commitment to nature conservation.

43. In some respects, such priorities are in line with the State's commitments under the International Covenant on Economic, Social and Cultural Rights. However, government policies based on people's needs, defined mostly through a top-down approach, fall short of implementing people's rights. For example, the designation of 70% of the national territory as forestland may be a good step towards nature conservation, but this will affect over

3,000 villages located within those areas and raises concerns about the customary rights of long-term forest users. More widely, the argument that “development” and “poverty alleviation” supported by infrastructure projects automatically lead to poverty reduction is challenged by reports indicating that benefits flow mostly to investors, people in urban areas and central and provincial governments, while local communities bear most of the social and economic costs.

44. Cultural rights may be – and are – jeopardized in development processes conducted in the Lao People’s Democratic Republic. The cultural dimension is too often overlooked by the authorities, partly due to the weak consideration given to cultural rights.

45. The Special Rapporteur appreciates that laws and decrees in the Lao People’s Democratic Republic require that impact assessments be conducted for development projects. However, they fall short of ensuring proper cultural rights impact assessments. For example, Decree No. 389, on environmental impact assessment (2022), focuses on the environment. The amended law on national heritage (2021) requires impact assessments for cultural heritage; however, this concerns the protection of national heritage deemed to be of outstanding value, not cultural rights for all, including as expressed through ways of life. Other pieces of legislation, such as Law No. 45, on resettlement and vocation (2018), require feasibility studies that include social impact assessment and information on the “culture” of targeted villages, but this is set out in vague terms with no reference to rights. Such approaches, coupled with an understanding of “culture” as an instrument for cultural engineering, remain insufficient to ensure respect for cultural rights.

46. As stated in article 1 of the Declaration on the Right to Development, the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. Hence, the cultural rights aspect of development policies must not be forgotten, the impact on ways of life must not be overlooked and people must be informed accordingly.

1. Impact of hydropower policies

47. With more than 100 dams under construction or in advanced stages of planning, the country has seen a transformation of its rivers over the last 20 years. This is an integral part of the Government’s scheme for development, transforming the country into the “battery of Asia”. However, this poses numerous threats to the livelihoods of and sources of income for millions of people in the lower Mekong basin and seriously affects ways of life and cultural practices, including through the resettlement of many villages.

48. The Special Rapporteur visited Luang Prabang, which has attracted a lot of attention because an 80-metre-high, 275-metre-wide dam – the Luang Prabang hydropower project – is being built 25 kilometres away from the city, which is a United Nations Educational, Scientific and Cultural Organization (UNESCO) world heritage city.

49. Concerns have been expressed because the construction of the dam, which is expected to be finished in 2027, will result in the relocation of 26 villages comprising almost 10,000 people. According to a social impact assessment, six villages will be fully submerged, and all of the residents fully relocated; nine villages will be partially submerged, and affected households will be relocated; eight villages will lose farmland but residents will not be relocated; and three villages will experience an environmental impact.⁹ In addition, the dam is approximately 10 km away from an active seismic fault. Importantly, in 2020, the Mekong River Commission noted that the city of Luang Prabang would be largely flooded if the dam broke, and that the highest standards of dam safety were needed for the project.

50. In 2022, a UNESCO reactive monitoring mission recommended taking a precautionary approach. Stressing the high likelihood of cumulative impacts of numerous dams upstream and downstream, combined with climate change effects, it noted the absence

⁹ Mekong River Commission, *Technical Review Report: Prior Consultation for the Proposed Luang Prabang Hydropower Project* (2020); see also www.mrcmekong.org/news-and-events/consultations/pnpca-prior-consultations/luang-prabang-hydropower-project/.

of satisfactory analysis and solid proof and certainty that the Luang Prabang hydropower project upstream would not further affect the attributes of the outstanding universal value relating to the natural environment of the Mekong and Nam Khan Rivers, associated religious and cultural practices and the living conditions of local communities. The mission recommended that the Lao People's Democratic Republic not pursue any further advancement of the Luang Prabang hydropower project or any other new hydropower, including dam structures, in the areas where there could potentially be impacts on world heritage properties.¹⁰

51. Notwithstanding the recommendations, the construction started. Since then, the dialogue between the Lao People's Democratic Republic and the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage has been ongoing. The latter requested that a new joint World Heritage Centre/International Council on Monuments and Sites reactive monitoring mission evaluate the progress made in implementing the Committee's previous decisions and the relevant recommendations of the 2022 mission, and advise the State on appropriate steps to ensure that development projects were designed, evaluated and implemented in a manner that provided sustainable social and economic benefits, while ensuring that the property's outstanding universal value was conserved. That joint mission conducted an evaluation in March 2025.¹¹

52. The Special Rapporteur discussed these issues with the authorities, including the Luang Prabang World Heritage Office, and asked how the recommendations of UNESCO and the Mekong River Commission had been implemented. She also raised the issues of participation of the residents of the affected villages in the decision-making, and the specific far-reaching human rights implications of the dam regarding their environment, livelihoods, access to water, food and land, and cultural rights.

53. From these discussions, the Special Rapporteur learned that villages were represented in the heritage committee mechanism for managing the site, together with representatives of various departments, which seems to imply however that village residents have quite a weak voice and are outnumbered by the administration. Moreover, local authorities have no power regarding approving dams, as decisions are adopted at the national level, far away from people's voices, and seem to have few channels for expressing concerns. The Special Rapporteur is concerned that the responses from the authorities remained vague regarding measures adopted to assess impacts on cultural rights, including ways of life, and on human rights more generally, demonstrating that the overriding priority was the construction of the dam. A lack of impact assessments means that appropriate mitigating measures cannot be adopted. The concerns expressed by many stakeholders regarding the impact on thousands of communities living around the project area, as well as in other parts of the Lao People's Democratic Republic and in other countries along the Mekong River, do not seem to have been fully considered.

54. The Special Rapporteur regrets that, according to the Mekong River Commission, human rights issues are not part of the Commission's mandate. However, the human rights implications of water management are huge, particularly around the Mekong River. While the Commission recognizes concerns regarding the impact of resettlement on livelihoods and ways of life, this does not seem to result in any strong consideration for safeguarding rights. In addition, assessment reports are prepared by companies and governments, which does not provide sufficient guarantees for an independent inquiry. The Commission conducts its own technical assessments but no human rights impact assessments, a lacuna that must be addressed. The findings should be taken into account in decision-making.

¹⁰ World Heritage Centre and International Council on Monuments and Sites, *Report on the Joint World Heritage Center / ICOMOS Mission to the "Town of Luang Prabang" (Lao PDR)* (2022). Available at <https://whc.unesco.org/en/documents/196239>.

¹¹ See <https://whc.unesco.org/en/decisions/8804>.

2. Impact of resettlement policies

55. The Law on Resettlement and Vocation sets out numerous objectives of relocation (art. 1), which are further reflected in the recognition of two categories of resettlement (art. 11): “general resettlement”, for people living in remote and underdeveloped areas, areas with high-risk livelihoods or unique areas; and “specific settlement”, for people affected by a development project.

56. Furthermore, Decree No. 207, on ethnic group affairs (2020), prescribes resettlement for ethnic groups that live in hardship and undeveloped areas, risky livelihoods, areas affected by development projects and unique areas to areas that can be developed and where appropriate permanent jobs and employment can be created. This focus on ethnic groups may convey, in the eyes of the authorities, an intention to adopt special measures to address the situation of the most destitute groups. Indeed, in contexts where agricultural production is low, and there is a lack of irrigation systems, particularly in the highlands, one governmental policy is to move some villages to a lower elevation, in order to promote sustainability and productivity and address food insecurity for subsistence farmers. However, in the eyes of the Special Rapporteur, it also shows that ethnic minorities, in particular those in the highlands, would suffer a disproportionate impact in terms of relocation, including because they are often located in areas where development projects are carried out. The Special Rapporteur also understands that the two motives for relocation often overlap, given that offering crucial infrastructure is often part of plans to help convince village residents affected by a development project to relocate.

57. Village residents conveyed to the Special Rapporteur that they had agreed to relocate in order to have access to, among other things: better houses; electricity and sanitation; water in the dry season; a road to reach markets; a school; and a health centre. These advances are indeed immense for the poorest villages. At the same time, the residents stressed that relocation had had a detrimental impact on traditional livelihood practices in agriculture, on their work and occupations and on interactions within and between communities. In one village, people explained that, as a result of the process, they had lost their cultural practices, such as dancing, music and traditional tattooing. Weaving, a strong traditional occupation for women, was being lost. The Special Rapporteur also noted that in the villages she visited, women clearly outnumbered men, who had been pushed by the relocation to work outside the community in factories for several days or even weeks at a time, including in special economic zones.

58. The identity of many ethnic groups in the Lao People’s Democratic Republic is connected to their communal lands, forests and rivers. Ethnic groups have their own farming practices and agricultural heritage sites, combining tradition and biodiversity, for example cultivating a rich rice diversity. These practices and sites do not seem to be valued by the Government, to say the least. The bias against subsistence- and nature-based livelihood systems of ethnic groups, seen as obstacles to development rather than assets, results in the importance of these systems, both for the people and for sustainable development, being overlooked. Cultural practices and sites are jeopardized by relocations, the push for mechanization and modern ways of production that often entail monocultures, as well as nature conservation policies. A shift towards non-agricultural employment is promoted, as implied by the fact that the law on resettlement also concerns “vocation”, understood as capacity-building to ensure that displaced residents have stable sources of income.¹² Residents confirmed to the Special Rapporteur that they had undergone training to that effect.

59. Slash-and-burn agriculture, a form of shifting agriculture that is widely practised in the highlands, exemplifies this approach. The Special Rapporteur heard many contradictory assessments regarding the sustainability or unsustainability of this practice. The Government, sometimes with the support of development partners, has restricted it without sufficient attention to the views of communities. This issue needs further in-depth discussion involving all concerned, with a human rights-based approach.

¹² Law on Resettlement and Vocation, art. 2.

60. Many interlocutors raised the issue of unfair compensation for resettlement, and regretted the repeal, in 2023, of Decree No. 84 (2016), on compensation and resettlement management in development projects. The Government explained that those issues were currently covered by the Law on Resettlement and Vocation and the 2019 Land Law. However, under article 22 of the Law on Resettlement and Vocation, while people with land use rights documents and persons with customary land use rights as certified by local authorities are to receive full remedy, affected persons without documentation are to receive a remedy only for the loss of buildings, trees and crops. According to information received, this places at a particular disadvantage large families that lack formal land titles, especially Indigenous people living on their ancestral customary lands. It is further reported that weak provisions and poor enforcement have allowed land seizures, displacement and dispossession to occur without meaningful participation or consultation and without fair compensation or adequate resettlement. According to the Government, those who have been resettled are doing much better 10 years later. However, the Special Rapporteur is unsure about the criteria used to assess success and the procedure used to obtain the feedback of the relocated people.

61. Without proper impact assessments and guarantees, resettlement policies amount to forced and illegal land-grabbing, leading to mass displacement of communities, particularly ethnic minorities and Indigenous Peoples, in violation of their human rights, including their cultural rights.

3. Impact of education policies

62. Despite the considerable progress made in enhancing access to education in the country, significant disparities reportedly remain between groups, depending on their geographic location, ethnicity and wealth. Teaching is mostly provided in the Lao language. Many non-Lao-Tai children are first exposed to the Lao language when they start school, and do not have access to a curriculum tailored to assist them to develop confidence in speaking and understanding basic Lao before learning to read and write in Lao.¹³

63. While understanding the difficulties in finding teachers with knowledge of ethnic languages, the Special Rapporteur stresses that this policy, added to the many other elements raised earlier, contributes to the assimilation of ethnic groups into the Lao-Tai group. This is further entrenched by the policy to establish dormitories across the country, hosting elementary- and secondary-level students who belong to ethnic groups and are from villages. These boarding schools are compulsory and offer education in the Lao language only. Although students are permitted to communicate in their local language, the schools do not ensure that students have access to the cultural practices and resources of their communities. The Special Rapporteur warns against implementing such a policy, stressing the statement by the Special Rapporteur on the right to education that boarding schools for Indigenous Peoples, minorities and peoples claiming their right to self-determination merit special scrutiny, bearing in mind the legacy of the residential school systems brought to light in such countries as Canada. In addition, such policies can have serious negative sociopsychological impacts on children.¹⁴

64. The Special Rapporteur regrets the Government's argument that there is no alternative by which to ensure the right to education for people in remote areas. The Government stated that there was no intentional promotion of the assimilation of ethnic cultures, thus reducing such assimilation to a side effect of its policies. However, in accordance with the International Covenant on Economic, Social and Cultural Rights, the Lao People's Democratic Republic has the obligation to respect, protect and promote both the right to education and cultural rights. The Special Rapporteur draws the attention of the Government to article 5 of the UNESCO Universal Declaration on Cultural Diversity, stressing that all persons are entitled to quality education and training that fully respect their cultural identity, and that all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.

¹³ UNICEF, *Student Learning Outcomes in Primary Education in Lao PDR – Situational Analysis* (2015), p. 6.

¹⁴ [A/HRC/59/41](#), para. 62.

65. These rights are enshrined in multiple instruments ratified by the Lao People's Democratic Republic, as interpreted by treaty bodies, including the International Covenant on Economic, Social and Cultural Rights (arts. 13 and 15), the International Covenant on Civil and Political Rights (art. 27) and the Convention on the Rights of the Child (arts. 28–30), as well as in the United Nations Declaration on the Rights of Indigenous Peoples and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Minority-specific instruments aside, many general human rights provisions, particularly articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights and 28 and 29 of the Convention on the Rights of the Child, apply to all persons irrespective of whether they belong to minority groups or Indigenous Peoples and must therefore be implemented in the country.

4. Impact of tourism

66. The Special Rapporteur recognizes that some initiatives exist to save traditional practices from being essentialized for tourism or from being lost. For example, she was pleased to see the work done by the Traditional Arts and Ethnology Centre, which includes community research, advocacy for intellectual property rights and heritage training. She welcomes the Government's measures to support efforts to protect against the misappropriation of traditional weaving.

67. However, the Government should pay attention to the impact of tourism on cultural rights. The Special Rapporteur is concerned about cultural practices, such as music performances or almsgiving ceremonies, that are gradually being turned into economic products for mass tourism. The instrumentalization of cultural practices disconnects culture from ways of life. The meanings and ownership of such practices are lost in the efforts to satisfy the customer. Tourism must reflect respect not only for biodiversity but also for cultural diversity, and measures must be put in place to ensure respect for both.

68. Another issue of concern is the scant attention paid by the authorities to the implications of the vocational and professional shift that is required from people as a result of tourism projects. While understanding that communities are offered new opportunities to enhance their livelihoods, the Special Rapporteur stresses the importance of ensuring: that people understand the consequences these opportunities have, not only for their standards of living but also for their ways of life; and that their free, prior and informed consent is sought.

5. Assessing impact on continuously evolving cultural practices

69. Everywhere, cultures are vivid and dynamic. They evolve over time and at different paces, including from one generation to the next, in the light of, among other things, cultural and scientific interactions between communities and across borders, new technologies and new scientific knowledge in many aspects of life and work, and economic pressure and people's mobility.

70. Development policies often accelerate those changes. Such policies should be designed on the basis of prior and thorough cultural rights impact assessments, with those affected participating in the analysis and decision-making. People must be allowed and encouraged to genuinely reflect on what they are ready to lose or change, on what cultural resources they can cultivate to face challenges and mitigate impact, on what support they need to do so, and on the advantages and benefits they will receive.

71. This is currently not the case in the country. Human rights impact assessments, including cultural rights impact assessments, necessarily entail transparency of information; participation in analyses and decision-making; discussion of the sharing of benefits, fair compensation and remedial and accountability procedures; and a commitment to non-discrimination, equality and cultural diversity, as well as to the principle of free, prior and informed consent.

B. Ensuring the free, prior and informed consent of local communities

1. Striving for true free, prior and informed consent: focusing on the necessary preconditions

72. A cultural rights-based approach to sustainable development requires full respect for and integration of the right to participation and the right to free, prior and informed consent of affected communities. This is a precondition to ensure that development processes are self-determined and community led, culturally sensitive and culturally appropriate, contextualized to specific cultural environments and fully aligned with the aspirations, customs, traditions, systems and world views of affected individuals and groups.¹⁵

73. The Special Rapporteur appreciates the assurances from the authorities that national legal instruments recognize the rights of communities to be consulted and involved in decision-making processes. However, a completely different narrative is put forward by other interlocutors, who report that some development projects have been carried out without any consultation of affected communities, in particular relocated communities. Among the projects mentioned were the consolidation of villages to concentrate public services; the construction of dams; the construction of the high-speed railway linking the country to China; and special economic zones.

74. The Special Rapporteur understands, from the responses of officials and other interlocutors, that the Government has adopted a narrow definition of participation, which is reduced to affected communities being notified of the relevant plans, including in the case of resettlement. People are informed about the importance of the project, with positive impacts emphasized and little to no information provided about negative impacts, and are made to agree to it. People are not given opportunities to participate at every phase, from the inception of the project. Consultations are conducted with heads of villages, who are Party members. There has been no occasion, to the knowledge of government officials, where local people have actually disagreed with the plan. There have been no court cases to challenge plans. Families who first resisted relocation were convinced to relocate, through better explanations of the advantages of the plan for them. The Special Rapporteur was told that all those living in the country understood the policy of the Government and agreed with it.

75. The Special Rapporteur finds such a picture unrealistic, even more so when information from other sources points to the contrary. Rather, the Special Rapporteur sees clear failures in the procedure for obtaining the free, prior and informed consent that village residents have supposedly given. For example, article 46 of the Law on Resettlement and Vocation guarantees only a right to receive information, to make a written proposal for solving an issue related to the development project and to provide feedback on the resettlement plan, remedy and livelihood rehabilitation, falling short of standards on free, prior and informed consent. Moreover, under article 50, people are prohibited from: disseminating information against policy directives; engaging in manipulation, incitement, threats and acts of withholding; creating obstacles to or obstructing the implementation of the relocation or resettlement plan and the operation of the project by the project owner or developer. While noting the comment by the Government that the aim of this provision is to ensure that resettlement and development activities, including participation and compensation, proceed without unlawful interference or the dissemination of false information, the Special Rapporteur fears that it may jeopardize people's freedom of expression and peaceful assembly.

76. This is at odds with many of the rights recognized in the International Covenant on Civil and Political Rights, contributes to land-grabbing and has important human rights consequences. There are many cases where difficulties encountered by residents in modern villages could have been addressed had a true participation process been put in place. People are sometimes relocated far from their cemeteries or their farming lands; for example, the Special Rapporteur met women who had to cross a river, which can become dangerous depending on weather conditions, to access agricultural fields. New houses are reportedly unsuitable in some cases. People are not asked what development means to them and what

¹⁵ See [A/77/290](#).

they aspire to. The possible impact on ways of life is not fully considered, on the assumption that people will always sacrifice their traditional ways to happily embrace modern ways of life, with no possible middle ground. There is no acknowledgement of the sacrifices made or of the sacrifices likely to be required, and thus no possibility to address and mitigate them. Rather, people are trained to transition to new occupations created by development projects. This is also a missed opportunity, overlooking what local communities have to offer on the road to development.

2. Using free, prior and informed consent as a tool for agreement-building: the Hin Nam No National Park example

77. The Special Rapporteur visited the Hin Nam No National Park, located in Boualapha District, Khammouane Province. Initially established as a national biodiversity conservation area in 1993, the area became a national park in 2020. It is surrounded by 20 villages, with 1,803 families belonging to six ethnic groups; the Special Rapporteur visited one of the villages – Nong Ping.

78. At the time of the visit, the Park was on the tentative list for recognition as a world heritage site. Following its official nomination, the Park was included in the UNESCO World Heritage List one year later, in November 2025. The Park, an exceptional limestone karst landscape, is a transboundary property located along the border between the Lao People's Democratic Republic and Viet Nam. It is an area of high ethnic diversity and there is a wealth of intangible cultural heritage, including traditional land- and resource-use practices. For the authorities, the aims of the nomination included protecting species, flora and fauna and their habitat, preserving the cultural landscape, enhancing tourism and scientific study and contributing to the livelihood of people through sustainable development.

79. As a result of long-term efforts, supported by the International Union for the Conservation of Nature and Natural Resources and the German Agency for International Cooperation, and collaboration with local authorities, the nomination process was an opportunity to include a free, prior and informed consent approach. This approach was a foundation of the Government's submission for the nomination and is reflected in detail in the UNESCO nomination text.¹⁶ The Special Rapporteur visited the Park to better understand this important initiative, which could be replicated elsewhere in the country.

80. In 2016, a collaborative management system was established for the Park, including a district-level collaborative management committee of 14 representatives and 19 village committees;¹⁷ a twentieth village has since been added, following the split of one village into two. From 2019 to 2023, a free, prior and informed consent programme was in place for surrounding villages as part of the nomination effort. As many stakeholders confirmed to the Special Rapporteur, this constituted a significant upgrade of the process, which lasted three and a half years and culminated with an approved action plan on free, prior and informed consent. The action plan, structured around 21 themes, commits the Province to undertake participatory zoning; recognize Indigenous and local communities, recognize customary use areas and ensure land tenure security; and, in service of wider collective ambitions, to ensure equitable tourism, gender inclusivity, targeted development support and improved food security.¹⁸ The process was documented in a report and the decision was endorsed by the District Governor, in decision No. 1542/Gov BLP (July 2022), and by the Provincial Governor, in decision No. 1542/Gov KM (Sept 2022).¹⁹

¹⁶ Lao People's Democratic Republic, *Nomination of Hin Nam No National Park of Lao PDR as Transboundary Extension to Phong Nha-Ke Bang National Park World Heritage Site of Vietnam* (2024), pp. 200–214. Available at <https://whc.unesco.org/en/list/951/documents/>.

¹⁷ Lao People's Democratic Republic, "Information handout, nomination of Hin Nam No National Park of Lao PDR as transboundary extension to Phong Nha-Ke Bang National Park World Heritage Site of Vietnam", 2024. Available at <https://hinnamno.org/wp-content/uploads/formidable/13/hnn-executive-summary-English-3.pdf>.

¹⁸ See also Peter Bille Larsen and Chantaly Chanthavisouk, "Free, prior, and informed consent, local officials, and changing biodiversity governance in Hin Nam No, Laos", *Conservation Biology*, vol. 38, No. 6 (2024).

¹⁹ Lao People's Democratic Republic, *Nomination of Hin Nam No National Park*, p. 201.

81. The UNESCO nomination text provides more information about the scope of free, prior and informed consent for the purposes of the process. It notes that, whereas international standards stipulate that free, prior and informed consent encompasses the right to say no and possibly withhold consent, the approach adopted was also aimed at ensuring equitable agreement-building with communities through a process that entailed the addressing of their questions and concerns, including with regard to protected-area legacies of resettlement, land tenure insecurity, resource rights and impacts on their livelihoods; recognition of their values, rights and aspirations; the inclusion of mechanisms for local engagement and support; and agreement to identified solutions.²⁰ The Special Rapporteur notes that one aspect does not negate the other: the free, prior and informed consent process must be used to strive for an agreement in good faith. However, if this is not possible, then indeed, the community has the clear right to say no in matters that affect them directly. This right has to be respected by all and not become diluted.

82. The free, prior and informed consent process was aimed at strengthening the pre-existing co-management institutions and mechanisms. Exchanges with villages had revealed that those institutions and mechanisms were not yet sufficiently strong enough guarantee an effective free, prior and informed consent process for the world heritage nomination, with very low levels of understanding among residents regarding existing protected-area processes, implications for local livelihoods, existing zoning arrangements, new park measures and possible implications of the world heritage designation. Many other issues and challenges were identified through the consultations, including the following: questions about access and tenure, forest use and farmland issues remained unanswered for village residents; there was a significant gender deficit in, and often an absence of hunter-gatherer and shifting cultivation communities from, decision-making and representative bodies; and difficulties were faced in reaching communities in the southern area and sedentarized hunter-gatherer communities. Overall, the authorities lacked an overview of the issues faced by, and the perspectives of, communities. In response, the approach was to create a reiterative process of identifying community concerns and recommendations, strengthening inputs to the protected area and world heritage processes, adopting solutions with provincial authorities and enhancing agreement-building around concrete tangible outcomes responding to community rights and needs.²¹

83. At the time of the visit, as of July 2024, only 5 recommendations of the free, prior and informed consent plan had been implemented; 12 were in the process of being implemented and 4 had not yet been implemented. While the objective was to have all recommendations implemented for all villages by November 2025, the Special Rapporteur is unsure as to whether the objective had been achieved within that timeline. As stressed in the nomination text, the journey does not stop with the nomination. In the text, the Government noted that while there were national and provincial level commitments and calls to make the nomination process beneficial for communities, much would depend on whether and how the national park authorities received the necessary support to undertake concrete steps to revise management aspects, regulations and zoning arrangements in order to demonstrate real progress.²² One key aspect requiring specific follow-up relates to the consolidation of land- and forest-use rights in by-laws and Park regulations. Another is ensuring the maintenance of the co-management approach to the Park in the long term, despite the responsibilities undertaken by the State in connection with the property's recognition as a world heritage site. The co-management approach must not only ensure the participation of local communities in implementation, but also in the conception and evaluation of the various phases of the project.

84. Implementing free, prior and informed consent in the Lao context is challenging. The approach developed for the nomination of Hin Nam No National Park should be held as an example to be replicated more widely in the country. However, the Special Rapporteur reiterates that, while free, prior and informed consent indeed implies processes of agreement-building, it also implies, for those affected, the capacity to say no, including the capacity to say no to a nomination process.

²⁰ Ibid., p. 202.

²¹ Ibid., p. 204.

²² Ibid., p. 208.

85. The Special Rapporteur cannot, on the basis of a one-day trip to the Park and brief discussions with authorities and village residents, assess the authenticity of the communities' agreement. In addition, she found it challenging to elicit people's true thoughts. She warns, however, about the thin line that exists between building an agreement on the one side, and convincing communities to agree to a project and do what they are told to do on the other; the latter approach seems to be widely applied in other parts of the country. In this equation, the possibility to say no within a framework that guarantees freedom of expression and access to information is a guarantee for building an authentic agreement.

V. Conclusions and recommendations

86. On its road to development, the Lao People's Democratic Republic can no longer ignore the relevance and importance of cultural rights, which it has recognized through the ratification of key international instruments, in particular the two International Covenants on Human Rights. The cultural rights aspect of development policies must not be forgotten, their impact on ways of life must not be overlooked, and people must be informed accordingly.

87. The Special Rapporteur makes the recommendations set out below.

88. The Government should:

(a) Reassess its efforts to protect cultural rights, to ensure that the diversity of expressions, views, visions, priorities and opinions is respected, protected and encouraged, using a notion of culture that is defined and understood as an inclusive concept encompassing all aspects of human existence and ways of life. A bottom-up approach to understanding culture (the expressions through which people express and live their world views), should replace the current top-down approach (designating which cultural practices are to be promoted or discarded to ensure development and reduce poverty, for example);

(b) Adopt a general anti-discrimination law consistent with the definition of discrimination as set out in international human rights law, including *de facto* and indirect discrimination, and with due respect for cultural diversity;

(c) Further recognize the ethnic diversity in its territory, including through the recognition of the lived realities of Indigenous Peoples and ethnic minorities, which should be accorded the protection they deserve under international human rights law;

(d) Reassess the extent to which various policies and laws create a system of assimilation of ethnic groups into the main Lao-Tai group; decisions as to which practices are supported and which are not should be informed by a participatory process without prejudice against specific communities;

(e) Move away from the concepts of "bad" and "good" culture, to embrace cultural diversity more fully and without bias; in particular, the Government should address the bias against subsistence and nature-based livelihood systems, seen as obstacles to development rather than assets, which results in the importance of these systems, both for the people and for sustainable development, being overlooked;

(f) Fully respect the right to freedom of opinion and expression for all, and lift restrictions that do not comply with the strict requirements of article 19 of the International Covenant on Civil and Political Rights; in this regard, the Government should revise or clarify legal provisions, such as article 50 of the Law on Resettlement and Vocation, that may be used to prohibit people from opposing resettlement plans and development operations, and issues relating to development policies, businesses and relationships with China, among others, should be discussed freely in the country;

(g) Further revise Decree No. 536, on associations, to introduce clear and narrowly defined grounds for restrictions, independent oversight and effective remedies, and lift the prohibition on the establishment of associations by ethnic groups;

(h) Put an end to all acts of reprisal against human rights defenders, including through transnational repression, make available all information about the fate of Sombath Somphone, and hold accountable those responsible for his disappearance;

(i) Ensure that development and nature conservation projects do not jeopardize the enjoyment of cultural rights; ensure a cultural rights-based approach to sustainable development, which requires that development processes be culturally sensitive and culturally appropriate, contextualized to specific cultural environments and designed to ensure full alignment with the aspirations, customs, traditions, systems and world views of the individuals and groups most likely to be affected; and ensure that development processes reflect full respect for, and integrate, the rights of affected people and communities to participation and to free, prior and informed consent, and be self-determined and community led;

(j) Require and ensure that development and nature conservation projects be designed on the basis of prior human rights impact assessments, including a thorough analysis regarding cultural rights; in particular, the potential cumulative impacts of dams, combined with climate change effects, on the cultural sites and practices, ways of life and living conditions of local communities should be fully considered and addressed, for example in the context of the Luang Prabang hydropower project;

(k) Refrain from the resettlement of villages as a matter of principle, exploring other possible options to deliver services, in particular in the areas of health, water and sanitation and education;

(l) Ensure fair compensation for resettlement when it is carried out; in particular, the Government should ensure that the repeal of Decree No. 84, on compensation and resettlement management in development projects (2016), does not leave people without formal land titles, especially Indigenous Peoples living on their ancestral customary lands, without full remedy;

(m) Ensure that communities participate in any development or conservation of nature projects affecting their cultural rights, including any process concerning their resettlement, and that free, prior and informed consent processes guarantee the consent of affected communities and allow their full participation in designing solutions; in this regard, the Government and local authorities should learn from the process carried out in the Hin Nam No National Park, and:

(i) Organize continual training of national, regional and local authorities and of members of local communities on free, prior and informed consent to ensure effective participation and representation in decision-making;

(ii) Increase awareness among local communities about their rights under the free, prior and informed consent framework and the implications of development and conservation initiatives, empowering them to engage meaningfully;

(iii) Ensure that consultation mechanisms and methodologies allow for continuous dialogue between local communities and authorities, ensuring that community concerns are heard and their voices are integrated into development or conservation strategies;

(iv) Acknowledge and respect the rights of local communities to manage their land and resources, ensuring that their traditional knowledge and practices are integrated into conservation efforts;

(v) Establish systems for monitoring and evaluating the outcomes of free, prior and informed consent processes to assess their effectiveness and adjust them based on community feedback;

(vi) Recognize the right of affected communities to oppose projects as a guarantee to build authentic agreements;

(n) Ensure that the local authorities, in collaboration with relevant communities and partners such as the German Agency for International Cooperation,

receive the support necessary to continue the implementation of the free, prior and informed consent plan for Hin Nam No National Park, ensure that specific attention is paid to continuing to explain the concept of free, prior and informed consent to all parties and in particular to the local village residents, with a view to ensuring that their consent is free and true, and ensure that attention is also paid to enabling the consolidation of land- and forest-use rights in by-laws and Park regulations and ensuring the maintenance of the co-management approach to the Park in the long run; in that regard, the Special Rapporteur would appreciate receiving updated information about the level of implementation of the free, prior and informed consent plan recommendations and the remaining steps;

(o) Ensure that persons have the right to quality education and training that fully reflects respect for their cultural identity; this means, in particular, ensuring the teaching of, and teaching in, minority and Indigenous languages, where relevant;

(p) Phase out the practice of boarding schools and develop alternatives that do not require children to leave their communities.

89. Development partners should:

(a) Move further away from a needs-based approach towards a human rights-based approach in their programmes;

(b) Abide by their international obligations to not support projects that contribute to human rights violations, for example through assimilation policies or the lack of real and meaningful participation of communities affected by development or nature conservation projects;

(c) Apply a cultural rights-based approach to all their projects and initiatives so that they enhance and promote the traditions, visions, aspirations and priorities of all people with no discrimination;

(d) Ensure the implementation of the Guiding Principles on Business and Human Rights when commercial enterprises are involved.
