

In its last Universal Periodic Review in May 2010, Lao People's Democratic Republic (Laos) received a total of eight recommendations with respect to human rights defenders (HRDs), five regarding the right to the freedom of assembly and expression, and three regarding the free activities and safety of civil society, in particular calls to free activists detained owing to their participation in peaceful demonstrations. Laos accepted only one of these recommendations, committing to allow media and civil society to undertake education, advocacy, monitoring, and reporting of human rights issues.

## 1. Risks facing human rights defenders

- The climate of fear and intimidation is such that sensitive topics are avoided. Human rights defenders prefer to be known as 'community workers' and are afraid of reprisals if they are associated with regional and international human rights organisations.<sup>1</sup>
- There are at least nine unresolved cases of enforced disappearance, following the arbitrary detention by Laos's security forces, in November 2009, of activists in various locations across the country.<sup>2</sup>
- Mr Souvanh, a farmer active on land rights, was arrested along with seven other defenders on 18 June 2012. The defenders had been protesting to demand compensation for villagers following the land concession given by the local government to the Cong Ty Cao Su Nghi Lao-Viet (LVF) company to plant rubber in the district.<sup>3</sup>
- Sombath Somphone, a prominent civil activist from Laos, was abducted on the evening of 15 December 2012 from a Laos police checkpoint in Vientiane. This deplorable event was recorded on Laos Government surveillance cameras.<sup>4</sup> Laos authorities have ignored widespread international calls for an urgent investigation into his disappearance.<sup>5</sup>
- On 7 December 2012, the Government of Laos expelled Anne-Sophie Gindroz, the country director of Helvetas (a Swiss NGO focused on agricultural development), for criticising the country's form of government in a letter sent to certain international donors.<sup>6</sup>
- The registration process for non-governmental organisations is lengthy and complex.<sup>7</sup>
- Laos is ranked on the 171 place out of 180 in the 2014 Press Freedom Index.<sup>8</sup>

## 2. Official restrictions on the space for human rights defenders

- The Constitution of Laos guarantees the right to freedom of expression. In practice, however, this right is heavily restricted. All media are fully controlled by the government.<sup>9</sup> On 27 January 2012, the Ministry of Information, Culture and Tourism ordered Ounkeo Souksavanh, host of the country's only call-in radio show, 'Wao Kao', to cancel his program. Ounkeo had discussed sensitive topics with callers to the show, including government land seizures.<sup>10</sup>
- The Penal Code contains several vaguely worded transgressions such as 'distorting the guidelines of the Party and policies of the Government, or circulating false rumours (...)'.<sup>11</sup> The vaguely worded articles have been invoked on numerous occasions to justify the arbitrary arrest of HRDs and political dissidents.
- The Penal Code prohibits organising or participating in protest marches or demonstrations 'with the intention of causing social disorder'. Those who do organise protests, or who attempt to do so, can receive sentences of up to five years in prison.<sup>12</sup>
- Defamation and misinformation are criminal offences, carrying lengthy prison terms and even the possibility of execution. Due to high levels of official and self-censorship, legal cases are in fact extremely rare.<sup>13</sup> According to the United States Department of State's Country Reports on Human Rights Practices for 2013, authorities may prohibit the dissemination of materials the Ministry of Information and Culture deemed indecent, subversive of 'national culture', or politically sensitive. Any person found guilty of importing a publication considered offensive to the national culture may face a fine or imprisonment for up to one year.<sup>14</sup>

## 3. Intimidation and reprisals against defenders accessing international human rights mechanisms

- HRDs in Laos exercise extreme self-censorship. Due to fear of being branded as anti-government, defenders do not generally attend international human rights meetings or engage with UN mechanisms.<sup>15</sup>

#### 4. Human rights defenders facing particular risks

- Defenders working on land and environment rights are particularly threatened. The UN Special Rapporteur on human rights defenders expressed her concern about cases of land rights defenders in the country, who remain at risk of arbitrary detention, ill-treatment and enforced disappearance as a result of exercising their rights to freedom of peaceful assembly, of association and of expression.<sup>16</sup>
- There is little information regarding particular risks faced by women human rights defenders and LGBTI defenders, however gender-based discrimination and violence are widespread, and tradition and religious practices have contributed to women being denied access to education, employment opportunities, and worker benefits.<sup>17</sup>

#### 5. The lack of response of the State regarding the protection of human rights defenders

- The International Federation for Human Rights and Laos Movement for Human Rights expressed their deep disappointment that Laos completely ignored the recommendations made by the EU regarding enforced disappearances.<sup>18</sup>
- For the end of 2014, the government is preparing legislation which will restrict online communications.<sup>19</sup>

#### 6. Recommendations to the Government of Lao People's Democratic Republic

- Laos should immediately establish an independent commission to carry out a thorough, transparent and impartial investigation into the disappearance of Sombath Somphone, to make his fate and whereabouts known, and to bring those responsible to justice.
- Laos should develop and enact specific laws and policies to recognise and protect the work of HRDs, facilitate the establishment of non-governmental organisations and give full force and effect to the international Declaration on Human Rights Defenders at the national level.
- Laos should combat impunity by undertaking a thorough, impartial, and effective investigation of all allegations of enforced disappearances and all violations against HRDs, and ensure the prosecution of perpetrators and access to effective remedies for victims.
- Laos should address the on-going repression of civil and political rights, including freedom of expression, association and peaceful assembly, to ensure protection of all human rights defenders and members of civil society. Specifically, Laos should remove restrictions in the Penal Code on freedom of expression and peaceful assembly, should decriminalise defamation and misinformation, and should not enact the planned legislation to restrict online communications.
- Laos should demonstrate strong, high-level political support for HRDs through public statements by its officials which recognise their important and legitimate work.
- Laos should ensure the creation of a strong, independent National Human Rights Institution, which adheres to the Paris Principles and includes a focal point for HRDs.
- Laos should ratify without further delay the International Convention for the Protection of all Persons from Enforced Disappearance which it signed in 2008.

**The Lao People's Democratic Republic will go to its second Universal Periodic Review early 2015. This represents an important opportunity to strengthen its commitment to human rights at home, by guaranteeing the freedom and protection of civil society through its official provisions.**

<sup>1</sup> <http://www.frontlinedefenders.org/Laos>

<sup>2</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0044&language=EN&ring=B7-2014-0039>

<sup>3</sup> [https://spdb.ohchr.org/hrdb/22nd/public-UA\\_Laos\\_13.08.12\\_\(1.2012\).pdf](https://spdb.ohchr.org/hrdb/22nd/public-UA_Laos_13.08.12_(1.2012).pdf)

<sup>4</sup> <http://www.amnestyusa.org/news/news-item/laos-must-ensure-return-of-disappeared-civil-society-leader>

<sup>5</sup> <https://www.hrw.org/news/2013/06/14/laos-end-cover-activist-s-disappearance>

<sup>6</sup> <http://www.freedomhouse.org/report/freedom-world/2013/laos#.U2zyTPmSw2U>

<sup>7</sup> <http://sombathdotorg.files.wordpress.com/2014/05/14-05-19-fidh.pdf>

<sup>8</sup> <http://rsf.org/index2014/en-index2014.php>

<sup>9</sup> [http://www.fidh.org/IMG/pdf/mldh\\_fidh\\_briefing\\_paper\\_on\\_human\\_rights\\_in\\_laos\\_final\\_25102012-2.pdf](http://www.fidh.org/IMG/pdf/mldh_fidh_briefing_paper_on_human_rights_in_laos_final_25102012-2.pdf)

<sup>10</sup> <http://www.freedomhouse.org/report/freedom-press/2013/laos#.U2zyvpmSw2U>

<sup>11</sup> [http://www.vientianetimes.org.la/Constitution/Constitution\\_penalLaw.html](http://www.vientianetimes.org.la/Constitution/Constitution_penalLaw.html)

<sup>12</sup> [http://www.vientianetimes.org.la/Constitution/Constitution\\_penalLaw.html](http://www.vientianetimes.org.la/Constitution/Constitution_penalLaw.html)

<sup>13</sup> <http://www.freedomhouse.org/report/freedom-press/2013/laos#.U2zyvpmSw2U>

<sup>14</sup> <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220206>

<sup>15</sup> <http://www.frontlinedefenders.org/Laos>

<sup>16</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/115/29/PDF/G1311529.pdf?OpenElement>

<sup>17</sup> [http://www.freedomhouse.org/report/freedom-world/2013/laos#.U2zzK\\_mSw2U](http://www.freedomhouse.org/report/freedom-world/2013/laos#.U2zzK_mSw2U)

<sup>18</sup> <http://phuketwan.com/tourism/asked-push-improved-human-rights-laos-20277/>

<sup>19</sup> <http://sombathdotorg.files.wordpress.com/2014/05/14-05-19-fidh.pdf>