

Freedom of expression: Oppressive environment still in place

Laos ranked 171th out of 180 countries surveyed by Reporters Sans Frontières (RSF) in its 2014 Press Freedom Index. RSF also lists Lao President Choummaly Sayasone as one of the world's 40 "predators of press freedom."

Article 44 of the constitution states that "*Lao citizens have the rights and freedom of speech and assembly; and have the rights to set up associations and to stage demonstration.*" In practice, oppressive laws severely limit freedom of expression and opinion under the pretext of protecting national security. These laws are used to arbitrarily arrest ethnic and religious minorities and social and environmental activists.

The state owns and controls all forms of media. News in all local media exclusively reflects government policy. The government permits the publication of several privately-owned periodicals of nonpolitical nature, including those specializing in business and society. A few foreign newspapers and magazines are available through private outlets that have government permission to sell them.

The government continues to assume more control over the flow of information, not only through the physical infrastructure but also through existing laws that are designed to ensure that the media remain the state-party mouthpiece.

It is estimated that only about 9% of the population use internet – the third lowest internet penetration rate among ASEAN countries. The government channels all internet traffic through a single gateway that enables it to monitor content. Internet providers and internet cafes owners must submit quarterly report to the authorities detailing the numbers of internet users, their name, profession, and the websites they visit. The government controls domestic internet servers and sporadically monitors internet usage, even if apparently it does not have the ability to block access to websites. However, online communications are expected to be more efficiently filtered and controlled following the setup of a National Internet Center in 2013 with China's support and training in developing new monitoring infrastructure. The government is also drafting legislation aimed at restricting online communications. These laws will take effect by the end of 2014.

Freedom of association: CSO registration on a slow track

Article 44 of the constitution grants citizens the right to organize and join associations but the government continues to restrict this right. Political groups other than People's Revolutionary Party (PRP)-backed organizations are banned. The government occasionally tries to influence the membership of civil society organizations' boards and has forced some organizations to change their names to remove sensitive words, such as "rights."

By a decree that went into effect since November 2009, the government allows the registration of nonprofit civil society organizations, including economic, social welfare, professional, technical, and creative associations, at the district, provincial or national level. However, the registration process continues to be slow. By the end of 2011, no organization had obtained registration. By January 2012, 10 organizations had completed the process and were registered. At the end of 2013, only 49 national-level associations were fully registered; 19 were temporarily registered; and 47 registration applications remained pending. At the provincial level 84 associations were registered. Moreover, there has been a growing fear among Lao civil society since Sombath Somphone's enforced disappearance.

Arbitrary detention: 14 remain behind bars

FIDH and MLDH remain extremely concerned by the fate of the following individuals: Student Movement's leaders Thongpaseuth Keukoun, Sengaloun Phengphanh, and Bouavanh Chanmanivong, who have been imprisoned since 26 October 1999; ethnic Hmong Thao Moua and Pa Phue Khang, arrested in 2003 for serving as guides for three foreign journalists; and Mmes. Kingkeo and Somchit, Messrs. Soubinh , Souane , Sinpasong , Khamson , Nou, Somkhit, and Sourigna who were arrested simultaneously in various parts of the country on 2 November 2009 while they were heading to Vientiane to ask for justice and respect of their land rights.

Religious freedom: Christian minorities persecuted

The Prime Minister's 2002 Decree on Religious Practice (Decree 92) contains numerous mechanisms for government control of, and interference in, religious activities. Decree 92 regulates up to the smallest detail of control that the government exercises over religious organizations, including the construction of buildings, the training of religious leaders, the relations with foreign organizations, the donations received from abroad, and the printing of religious documents. Repression against Christians, mainly Protestants, has not diminished. In early 2014, in remote areas of the country, authorities arbitrarily arrested, intimidated or chased Christians from their village for practicing their faith. The central government routinely avoided responsibilities for the abuses by blaming the local authorities. Despite assessing blame, the government failed to take any action to hold local authorities accountable. Christians also face repression on the basis of ethnicity because in many cases they belong to ethnic minorities.

Land rights: Rampant land confiscation and forced evictions

Land rights have become a key issue of concern. The ongoing awarding of long-term concessions to foreign investors has resulted in land confiscation without adequate compensation and has forced many communities from their lands. Land deals are overwhelmingly signed in the mining (mainly copper and gold) and commercial agriculture (mainly rubber and eucalyptus) sectors.

In the northern province of Oudomsay, the government granted Chinese companies leases for up to 100 years for thousands of hectares of land for rubber plantations. In the southern provinces, villagers are facing the same problems. In June 2012, an unknown number of villagers in Ban Yup Village, Thateng District, Sekong Province, approached authorities after they were asked to vacate their farmland to make way for a Vietnamese-backed rubber plantation. Seven people were detained for two weeks and questioned about who organized the protest. Upon their release, authorities arrested a man whom they believed helped the villagers to draft a petition opposing land confiscation.

Land confiscation and forced evictions have also occurred in several cities. In Vientiane, in 2011, authorities ordered the eviction of over 1,000 families to make way for a Chinese-backed urban development project. Although some residents initially refused to relocate because the compensation offered to them for their land was too low, many others agreed to relocate because they knew that if they did not accept the government's compensation offer the land would be confiscated anyway and they would receive nothing.

Luang Prabang, a UNESCO World Heritage Site, known for its unique architecture, urban layout, and natural heritage has not been spared, either. Luang Prabang's heritage rests not only in its landscape, but in the diversity of agricultural methods the local community has used for decades. Throughout the city, families use all available land to grow food both for sustenance and their livelihood in every imaginable space. Land grabs for tourism development have affected Luang Prabang's sustainability by uprooting families, displacement of farmers, and destruction of income sources and food supplies. In most cases, land-related conflicts end up with owners being intimidated and forced to relocate with inadequate compensation. In other situations, they are relocated to a place where lands are not as fertile or non-arable.

Farmers have occasionally attempted to block development projects. Since January 2014, rice farmers in the northern province of Bokeo have defied armed police orders to vacate land seized by the government to make way for the construction of a Chinese-backed airport and casino-driven Special Economic Zone. On 25 April 2014, a 60-year-old woman was arrested for protesting against soldiers, policemen, and technicians who attempted to survey the land. She was released after all the villagers signed an agreement to allow authorities to measure their lands.

Corruption: Endemic and unchecked

Corruption continues to be a serious issue. In 2005, the National Assembly adopted an anti-corruption law. In September 2009, Laos ratified the UN Convention Against Corruption. In June 2011, the government formed an anti-corruption committee that has the responsibility of uncovering corruption in all government ministries, including the Ministry of Public Security.

Despite these largely cosmetic measures, Laos still ranked 140th out of 177 countries surveyed by Transparency International in its 2013 Corruption Perceptions Index. Laos is saturated with corruption in a system that is constantly greased by under-the-table habit. Cases officially revealed by the government involved officials accepting bribes, embezzling state assets, and abusing power for personal gain, among other offences.

The government has failed to enforce laws that provide criminal penalties for corruption. The government tends to deal with serious cases of corruption by forcing corrupt officials to retire or move to less lucrative positions. High-ranking officials are not prosecuted for their offenses and authorities impose administrative sanctions to punish only lower-level officials.

Prosecutors are unable to pursue cases involving high-ranking officials because government agencies do not provide the necessary cooperation. Despite government calls for an end to corruption and the existence of a government-appointed anti-corruption commission, there has been no prosecution of any senior government or party official for corruption. To this day, the only action taken against corrupt high-ranking officials is to ask them to make a commitment not to repeat their wrongdoing.

Recommendations:

Taking the opportunity of the 5th Laos-EU Working Group on Human Rights and Governance, FIDH and MLDH call on the EU to:

- Note the Lao government's persistent reluctance to thoroughly investigate the enforced disappearance of Sombath Somphone and to obtain concrete commitments from the authorities to determine Sombath's fate or whereabouts. The EU has already made numerous recommendations in this regard and it is fundamental that the Lao government addresses the issue of enforced disappearances as a matter of priority and puts an end to the climate of fear that prevents civil society from active participation in public affairs.
- Urge the Laos government to achieve concrete and immediate results regarding the following cases:
 - Thongpaseuth Keukoun, Sengaloun Phengphanh, and Bouavanh Chanmanivong, the Student Movement's leaders detained since 1999;
 - Ethnic Hmong Thao Moua and Pa Phue Khang, detained since 2003;
 - Mmes Kingkeo and Somchit, and Messrs Soubinh, Souane, Sinpasong, Khamstone, Nou, Somkhit, and Sourigna, who were arrested and disappeared in connection with planned land rights protests in November 2009 in Vientiane.
- Urge the Lao government to present a credible and time-bound program for the implementation of the UPR recommendations and offer EU support to that end.
- To insist on the necessity to fight corruption and promote and protect freedom of expression, assembly, and association. In this respect, the EU must demand the Lao government provide a credible, time-bound, and measurable action plan and the EU must also stress that improvement in those area is a necessary precondition to develop bilateral trade and investment relations.
- To put special emphasis on addressing the issues of religious minorities and land confiscation and set up a permanent EU-Laos mechanism to review and amend the legal framework, reform practices, and ensure redress for victims of human rights violations.

Beyond the recommendations made for the dialogue and its follow up, FIDH and MLDH call also on the EU to:

- Ensure the EU Delegation and the Heads of Missions take systematic, proactive, and effective measures in response to credible allegations of human rights violations.
- Support the development and protection of independent civil society and human rights defenders.
- Ensure EU assistance provided to Laos is aimed at empowering civil society and providing protection and support for affected populations and vulnerable communities. In this context, particular attention must be paid to land issues and freedom of religion, expression, and association.
- Develop an action plan for the implementation of the upcoming EU guidelines on freedom of expression, and urge the Lao government to promote a more open media environment.
- Ensure that any trade and investment negotiations address serious human rights issues, including land grabbing and corruption.