



International Federation
for Human Rights

Fédération Internationale des
Ligues des Droits de l'Homme

Federación Internacional
de Derechos Humanos

Международная Федерация
за права человека

الفدرالية الدولية لحقوق الإنسان

Paris, 13 November 2014

Re: 2014 Round Table Implementation Meeting

Dear Mr. / Madam Ambassador,

On 14 November, the 2014 Round Table Implementation Meeting will convene in Vientiane. FIDH and its member organization Lao Movement for Human Rights (LMHR), believe it is of paramount importance that foreign donors use this Round Table Meeting to tell the Lao PDR government that maintaining - or increasing - current levels of official development assistance (ODA) will be contingent upon the government's tangible progress in addressing key human rights issues.

In recent years, ODA to the Lao PDR has steadily increased. ODA rose by 23% from US\$630 million in the 2010-11 fiscal year to US\$777 million in 2012-13. During the first nine months of the 2103-14 fiscal year, the country received about US\$613 million - exceeding the target set by the government at US\$600 million.

FIDH and LMHR regret that the commitment shown by foreign donors to improving the lives of the Lao people has not been matched by a similar willingness by the Lao PDR government to promote and protect its people's fundamental rights.

The Lao PDR government's failure to adequately investigate and attempt to solve most cases of enforced disappearances and to prosecute those responsible is an issue of serious concern. The most high-profile case of enforced disappearance is that of prominent civil society leader and human rights defender Sombath Somphone, who was last seen on the evening of 15 December 2012 in Vientiane. The disappearance of Sombath is not an isolated case. To this day, the fate or whereabouts of at least 13 other activists, including three pro-democracy students arrested in Vientiane on 26 October 1999, remain unknown.

The disappearance of Sombath has had a 'chilling effect' on civil society in the country. Local organizations are unwilling to speak out against human right violations and to carry out activities for the protection and promotion of human rights because they are afraid of reprisal from the authorities.

Other key indicators point to a lack of improvement in the human rights situation in the Lao PDR. The country ranked 168th out of 178 countries surveyed by Reporters Sans Frontières (RSF) in its 2010 Press Freedom Index. In the 2014 Index, it ranked 171th out of 180. Freedom House has consistently rated the Lao PDR as 'not free' in its annual global survey on political rights and civil liberties.

Recently-enacted legislation adds to a body of existing repressive laws that severely restrict the people's enjoyment of their civil and political rights. Under Decree 327, adopted on 16 September 2014, web users will face criminal action for "disseminating or circulating untrue information for negative purposes against the Lao People's Revolutionary Party and the Lao government, undermining peace, independence, sovereignty, unity and prosperity of the country." This excessively broad and vaguely-worded provision effectively criminalizes any online criticism of the government and falls well below international standards on the right to freedom of expression.

New regulations proposed by the Lao PDR government will not only have a negative impact on the Lao people but will also impact International Non-Government Organizations (INGOs) and Non-Profit Associations (NPAs), if enacted. New guidelines for INGOs proposed by the Foreign Ministry in June would impose cumbersome and lengthy approval requirements for INGOs' operations. This would considerably limit their ability to operate independently from the government. Proposed regulations for local NPAs would require them to seek approval from the Ministry of Finance, the Ministry of Foreign Affairs, and the Ministry of Home Affairs for donations higher than 100 million kip (US\$12,400). In addition, the proposed rules limit the scope of NPAs' activities to the fields of agriculture, education, public health, sport, science, and humanitarian benefits. As a result, NPAs would be barred from carrying out any human rights-related activities.

The task of enacting fundamental legislative and institutional reforms ultimately rests on the Lao PDR government and its people. However, foreign donors can serve as an important catalyst for change in a country that is so heavily reliant on ODA. Foreign donors should continue to support programs aimed at improving the lives of the Lao people. ODA must prioritize assistance aimed at supporting independent civil society organizations, protecting human rights defenders, and promoting the promotion and respect of human rights in the country. At the same time, the Lao PDR government must be held accountable for its failure to live up to its human rights commitments. The Lao PDR government must not be allowed to benefit from international donors' generosity while it continues to flout its human rights obligations.

With regard to human rights, the government has become skillful at making promises that it will not keep. This is particularly true of pledges the Lao PDR government has made in international fora. Despite accepting 115 of the 145 recommendations made by various States at its last Universal Periodic Review (UPR) in May 2010, the Lao PDR government has so far failed to undertake any tangible efforts to turn any of the recommendations into concrete actions. The government has also blatantly ignored the five voluntary pledges it made during the same UPR session. In addition, it continues to fail to comply with its legal obligations under several human rights treaties it ratified.

FIDH and LMHR call on international donors to reconsider their allocation of ODA to the Lao PDR unless the government meets the following key minimum benchmarks for progress:

- Disclosure of relevant information that makes it possible to determine the fate or whereabouts of Sombath Somphone and all other victims of enforced disappearances.
- Repeal of laws that allow for the suppression of the rights to freedom of peaceful assembly, expression, and association.

- Ratification of key international human rights treaties and incorporation of their provisions into the national legislation. Important treaties include: the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights; the International Convention for the Protection of All Persons from Enforced Disappearance; the First and Second Optional Protocols to the International Covenant on Civil and Political Rights; and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Establishment of a national human rights institution in accordance with the Paris Principles.
- Extension of a standing invitation for a country visit to the relevant UN Human Rights Council's Special Procedures.
- Establishment of a moratorium on executions with a view to abolish the death penalty.

International donors should negotiate timeframes on each issue with the Lao PDR government depending on their complexity.

FIDH and LMHR hope that you will raise the above-mentioned issues of concerns and make relevant recommendations at the Round Table Meeting. We look forward to hearing from you about steps that you have taken to engage with the Lao PDR government on this matter.

Yours sincerely,

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FIDH President



Vanida Thepsouvanh
LMHR President

