



**FIDH (International Federation for Human Rights)
Lao Movement for Human Rights (LMHR)**

LAOS HUMAN RIGHTS UPDATE

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The Lao government's failure to adequately address ongoing human rights violations in the country blatantly contradict the numerous pledges and commitments it has made at the international level. In March 2015, in an aide-memoire in support of its candidature to the UN Human Rights Council (HRC) for the 2016-2018 term, Laos pledged to adopt policies and measures to promote the full enjoyment of human rights in line with the conventions to which the country is a state party.¹ Laos also promised to continue its efforts to implement the accepted recommendations from the second cycle of its Universal Periodic Review (UPR).² On 28 October 2015, Laos failed to win a seat on the UNHRC for the 2016-2018 term.³

This FIDH-LMHR joint briefing paper details human rights developments that have been observed in Laos since the previous the previous EU-Laos human rights dialogue, held on 19 May 2014 in Brussels.

New restrictions on freedom of information

The Lao government enacted additional draconian legislation to augment its existing arsenal of repressive laws. Under Decree 327, adopted on 16 September 2014 and enacted on 10 October 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" as well as content that is deemed to "divide the solidarity among ethnic groups."⁴ 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.

¹ <http://yourhrc.org/>, 2015 election guide; available at: <http://yourhrc.org/wp-content/uploads/2015/10/yourHRC.org-2015-election-guide-corr.1.pdf>

² <http://yourhrc.org/>, 2015 election guide; available at: <http://yourhrc.org/wp-content/uploads/2015/10/yourHRC.org-2015-election-guide-corr.1.pdf>

³ RFA, Few Surprised as Laos Fails to Win U.N. Rights Council Seat, 29 October 2015

⁴ Vientiane Times, Internet abusers to face punitive measures, 22 September 2014

In July 2015, the government introduced a draft Cybercrime Law in the National Assembly.⁵ Posts and Telecommunications Deputy Minister Thansamai Kommasith justified the need for additional legislation to counter “untrue or inappropriate information” online, including information that could pose a threat to national security.⁶ No details of the proposed law have been made public and FIDH and LMHR are not aware of the legislation’s current status.

The government also threatened to enforce online censorship. In July 2014, Post and Telecommunications Minister Hiem Phommachanh warned authorities would block online information that tarnished “the image of the country and the government.”⁷

Cyber dissidents detained and imprisoned

Authorities have arbitrarily arrested and imprisoned individuals who have used the internet to criticize the government or expose instances of corruption.

On 21 May 2015, police in Phieng District, Xayaburi Province, detained Phout Mitane without an arrest warrant. Police accused the 26-year-old local woman of posting photos on Facebook allegedly showing police officers extorting money from her brother over a traffic violation.⁸ Phout was released on 4 August and fined one million kip (US\$125) after a police investigation found that despite taking the photos, she did not post them on Facebook.⁹

On 25 June 2015, authorities in Luang Prabang Province detained Chanthaphone, a civil servant from the provincial Natural Resources and Environment Department for a month for posting a “confidential document” on Facebook.¹⁰ The document contained information about provincial authorities granting a land concession to Chinese investors to develop the area around the Kouangxi waterfalls, in Luang Prabang Province.¹¹

On 18 September 2015, a court in Vientiane sentenced 52-year-old pro-democracy activist Bounthanh Khammavong to four years and nine months in prison for criticizing the Lao government on Facebook.¹² The defendant, a Laos-born Polish citizen, was never given access to an attorney before or during the trial. Bounthanh was arrested in June 2015 in Vientiane and charged with “disseminating propaganda against the government with the intention of undermining the state” under Article 65 of the Criminal Code in connection with

⁵ Vientiane Times, NA passes draft law on the prevention of cybercrime, 17 July 2015

⁶ Vientiane Times, NA passes draft law on the prevention of cybercrime, 17 July 2015

⁷ RFA, Laos Warns Facebook Users Who Disrupt ‘Social Order, Undermine Security’, 14 July 2014

⁸ RFA, Lao Woman Detained After Posting Police Extortion Photos to Facebook, 28 May 2015

⁹ RFA, Lao Authorities Free Woman Detained For Alleged Extortion Photos, 12 August 2015

¹⁰ RFA, Laos Frees Woman Detained For Publishing Concession Document Online, 6 August 2015

¹¹ RFA, Laos Frees Woman Detained For Publishing Concession Document Online, 6 August 2015

¹² RFA, Lao Court Jails Polish Activist Following Online Criticism of Government, 1 October 2015; RFA, Wife of Jailed Lao Activist Asks Poland’s Justice Ministry For Help With Extradition, 8 October 2015

a Facebook post that allegedly “criticized the guidelines and policies of the party and government.”¹³

Space for civil society non-existent

The space for Lao civil society to conduct human rights activities remains non-existent. New regulations, proposed by the Lao government without any meaningful consultation with civil society, could impose further restrictions on activities of local non-profit associations (NPAs) and international non-governmental organizations (INGOs), if enacted.¹⁴

New guidelines for INGOs proposed by the Ministry of Foreign Affairs in June 2014 would impose cumbersome and lengthy approval requirements for INGOs’ operations. This would considerably limit their ability to operate independently from the government.¹⁵

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).¹⁶ In addition, the proposed rules limit the scope of NPAs’ activities to the fields of agriculture, education, public health, sport, science, and humanitarian benefits.¹⁷ As a result, NPAs would be barred from carrying out any human rights-related activities.

In mid-April 2015, information surfaced that the government had pressured Lao civil society organizations to omit key concerns, such as land rights, the impact of hydropower dams, and enforced disappearances from the list of human rights issues to be discussed during the 21-24 April ASEAN Peoples’ Forum/ASEAN Civil Society Conference (APF/ACSC).¹⁸

In October 2015, it was reported that the Lao government had decided not to host the 2016 APF/ACSC.¹⁹ Chair of the pro-government Lao CSO Committee Maydom Chanthasinh related that among the reasons for the cancellation of APF/ACSC were that “foreigners” would use the event to criticize ASEAN governments and that the government could not guarantee the safety of “extremist” activists who planned to attend the meeting.²⁰ The APF/ACSC meets just before the annual ASEAN Summit. Since its inception in 2005, this will be the first time the APF/ACSC will not be held.

¹³ RFA, Lao Court Jails Polish Activist Following Online Criticism of Government, 1 October 2015; RFA, Wife of Jailed Lao Activist Asks Poland’s Justice Ministry For Help With Extradition, 8 October 2015

¹⁴ RFA, UNDP Wants NGOs to be Closely Involved in Laos Policy Debate, 17 November 2014; RFA, Call For Laos to Consult NGOs on ‘Restrictive’ Guidelines, 8 December 2014

¹⁵ RFA, NGOs Say Proposed Guidelines Would Hamstring Lao Civil Society, 2 October 2014

¹⁶ RFA, NGOs Say Proposed Guidelines Would Hamstring Lao Civil Society, 2 October 2014

¹⁷ RFA, NGOs Say Proposed Guidelines Would Hamstring Lao Civil Society, 2 October 2014

¹⁸ RFA, Lao Civil Society Pressured to Drop Rights Issues From ASEAN Forum, 22 April 2015

¹⁹ RFA, Laos Refuses to Host Meeting of ASEAN Civil Society Groups, 12 October 2015

²⁰ RFA, Laos Refuses to Host Meeting of ASEAN Civil Society Groups, 12 October 2015

Impunity reigns for enforced disappearances

The government has failed to provide any updates on the investigation of the enforced disappearance of prominent civil society leader Sombath Somphone, whose fate and whereabouts remain unknown. Sombath Somphone was last seen at a police checkpoint on a busy street in Vientiane on the evening of 15 December 2012. In June 2015, during the UPR process, the government claimed that it was “still thoroughly conducting” an investigation into Sombath’s whereabouts.

The Lao government has also continued to refuse to disclose any information concerning all other victims of enforced disappearances in the country. To this day, the fate or whereabouts of at least 13 individuals, including three student leaders who were arrested on 26 October 1999 for organizing a peaceful pro-democracy protest in Vientiane remain unknown. In June 2015, the government outrageously labeled allegations of those unresolved enforced disappearances as “not true.”²¹

Death sentences still imposed

Despite the fact that Laos has not executed anyone since 1989, courts have continued to impose death sentences on convicted criminals, mostly for drug-related offenses. On 9 October 2015, it was reported that from 2010 to 2015, courts imposed about 20 death sentences each year.²² In addition, the government has made no tangible progress on its commitment to amend the Criminal Code in order to limit capital punishment to the most serious crimes, in accordance with international standards.²³

Religious persecution continues

Authorities have continued to crackdown on religious minorities, arresting numerous members of various Christian groups.

On 24 June 2014, authorities in Saisomboon Village, Savannakhet Province, detained five villagers who organized a Christian funeral for a member of their family.²⁴

In July and August 2015, authorities repeatedly harassed a group of about 50 Christians in the villages of Nhang and Don Keo, Nakai District, Khammouane Province, seizing Bibles and barring them from holding religious ceremonies.²⁵

²¹ UNHRC, 29th session, Report of the Working Group on the Universal Periodic Review - Lao People's Democratic Republic, 23 June 2015, UN Doc. A/HRC/29/7/Add.1

²² Vientiane Times, EU campaigns to end capital punishment, 9 October 2015

²³ National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 - Lao People's Democratic Republic, 5 November 2014, A/HRC/WG.6/21/LAO/1; UNHRC, 29th session, Report of the Working Group on the Universal Periodic Review - Lao People's Democratic Republic, 23 June 2015, UN Doc. A/HRC/29/7/Add.1

²⁴ UCANews, Pastors detained in Laos over Christian funeral service, 27 June 2014

²⁵ RFA, Lao Authorities Threaten to Jail Christians For Practicing Their Religion, 10 September 2015

In early September 2015, local authorities detained four Christian villagers in Nakai District, Khammouane Province, and threatened to put them in jail unless they signed a document recanting their beliefs.²⁶

On 8 September 2015, authorities arrested two Christian adherents in Nonghang Village, Khammouane Province, and charged them with 'spreading the Christian religion.'²⁷

Investment and infrastructure projects negatively impact communities

Reports of evictions without adequate compensation in connection with investment projects continue to emerge. In June 2015, it was reported that authorities harassed and threatened to detain more than 500 families in Vientiane's Xiengda Village if they did not accept compensation of five million kip (US\$615) per hectare to vacate 50 hectares of land, which the government had granted as a concession to a development firm. Villagers said the compensation offered was a mere 10% of the land's market value.²⁸

The Lao government's determination in unilaterally pursuing the construction of the Don Sahong dam could have severe impacts on the food security and livelihoods of local communities as well as millions people in neighboring countries.²⁹ The dam project, located on the Mekong River a few kilometers upstream of the Laos-Cambodia border in Champasak Province, poses a risk in blocking migratory fish routes, affecting fish migration throughout the Lower Mekong Basin.³⁰ The dam is currently being developed by Malaysia's Mega First Corporation and the Lao government. Construction is expected to begin at the end of 2015.³¹ In early September, the Lao government said the dam construction would proceed despite concerns over the potential negative impacts of the dam raised by Vietnam, Cambodia, and Thailand.³²

²⁶ RFA, Lao Authorities Threaten to Jail Christians For Practicing Their Religion, 10 September 2015

²⁷ RFA, Lao Authorities Threaten to Jail Christians For Practicing Their Religion, 10 September 2015

²⁸ RFA, Lao Villagers Must Accept Land Compensation or Face Detention, 22 June 2015

²⁹ International Rivers, Laos' Don Sahong Dam Could Affect Millions: Report, 27 August 2009

³⁰ RFA, Laos Agrees to Consult With Neighbors on Don Sahong Dam Project, 26 June 2014

³¹ Phnom Penh Post, Don Sahong dam gets official approval, 1 September 2015

³² Phnom Penh Post, Don Sahong dam gets official approval, 1 September 2015