



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

Briefing paper

LAOS: SHAM ELECTION CEMENTS ONE-PARTY RULE

On 20 March 2016, Laos will hold its sixth legislative election since the establishment of the National Assembly in 1991. The polls will elect 149 members to the National Assembly for a five-year term. For the first time, polls will also be held at the provincial level, with 360 representatives to be elected in all 18 provinces.

Like the past legislative elections, the upcoming polls fail to meet most of the benchmarks that define a competitive, free, fair, inclusive, and participatory electoral process. The conditions under which the 20 March polls take place are clearly inconsistent with Laos obligation under Article 25 of the International Covenant on Civil and Political Rights (ICCPR) to hold “genuine elections” that guarantee the “free expression of the will of the electors.”

The oppressive legal framework allows only one party to legally exist and prevents the development of a multi-party political system. All candidates must be approved by the ruling Lao People’s Revolutionary Party (LPRP). The LPRP tightly controls every aspect of the electoral process through the National Election Committee, including a dull, carefully orchestrated campaign period.

Voters largely view the election process with indifference and many said they would not cast the ballot in the upcoming polls because “nothing will change.”

Election in numbers

Population: **6.4 million**
Eligible voters:¹ **3,988,000** (2,006,000 women)
Seats at stake: **149** (National Assembly); **360** (Provincial Assemblies)
Candidates:² **210** (National Assembly); **508** (Provincial Assemblies)
Constituencies: **18**

¹ Lao citizens of all ethnic groups aged 18 years or above regardless of their gender, social status, profession, or religion are eligible to vote in the election.

² Lao citizens aged 21 years and above have the right to stand for election, except insane persons, persons with mental disorders and persons whose rights to vote and to be elected have been revoked by a court.

The election takes place amid the government’s protracted failure to carry out institutional and political reforms and to address serious and systematic human rights violations. The Economist Intelligence Unit’s *Democracy Index 2015* ranks Laos 155th out of 167 countries covered. The index qualifies the country’s political system as ‘authoritarian’ – the lowest tier.

The dire situation with regard to the right to freedom of opinion and expression, the right to freedom of association, and the right to freedom of peaceful assembly - all fundamental prerequisites for free, fair, inclusive, and participatory elections - is illustrated by the position that Laos occupies in two other relevant international indexes. In its *2015 Freedom in the World* survey, Freedom House rated Laos as ‘Not Free’ with regard to the situation of civil liberties and political rights. Freedom House has rated Laos as ‘Not Free’ every year since 1976. Laos ranked 171st out of 180 countries surveyed by Reporters Sans Frontières in its *2015 World Press Freedom Index*.

Oppressive legal framework governs election process

The Constitution and the Law on National and Provincial Elections, adopted by the National Assembly on 14 December 2015, provide the legal framework for the election process.

The Lao People’s Revolutionary Party (LPRP) is the only political party allowed to legally exist and operate. Article 3 of the Constitution states that the “rights of the multi-ethnic people to be the masters of the country are exercised and ensured through the functioning of the political system with the Lao People’s Revolutionary Party as its leading nucleus.” According to Article 13 of the Law on National and Provincial Elections, all candidates must be selected, approved, and proposed by the LPRP or a state-sponsored mass organization.

In the National Assembly, 210 candidates will run for 149 seats nationwide.⁴ Candidates in the upcoming polls are predominantly officials from government ministries, various government agencies, and state-sponsored mass organizations. Two ambassadors are also running for office.

In addition, 48 members of the outgoing National Assembly will stand for re-election.⁵ According to state-run media, only nine candidates (including two women) come from the private sector.⁶ Less than 25% of the candidates (50 out of 210) are women.⁷

Previous legislative elections ³		
Year	Seats	Turnout (official)
2011		
LPRP	128	99.69%
Non-LPRP	4	
Total	132	
2006		
LPRP	113	99.76%
Non-LPRP	2	
Total	115	
2002		
LPRP	108	99.90%
Non-LPRP	1	
Total	109	
1997		
LPRP	98	99.36%
Non-LPRP	1	
Total	99	
1992		
LPRP	85	99.33%
Non-LPRP	0	
Total	85	

³ Sources: *Inter-Parliamentary Union, International Foundation for Electoral Systems*

⁴ Vientiane Times, *Election committee announces NA candidates*, 16 February 2016; Vientiane Times, *NA candidate dies in Attapeu province*, 4 March 2016

⁵ Vientiane Times, *Four million people to vote in National Assembly election*, 23 February 2016

⁶ Vientiane Times, *Election candidates to start campaigns next week*, 20 February 2016; Vientiane Times, *Four million people to vote in National Assembly election*, 23 February 2016

In the past five legislative elections, LPRP members won the overwhelming majority of the seats. On average, non-LPRP candidates won a meager 1.5% of the seats. [See table - *Previous legislative elections*].

The Law on National and Provincial Elections does not contain any provisions that allow domestic or international observers to monitor the polls.

Party members control election administration

The National Election Committee (NEC) controls nearly every aspect of the election process. Members of the NEC are appointed by the President from a list of nominees submitted by the National Assembly. The 17-member body is headed by the country's former Vice-President and new President-designate Bounnhang Vorachit. All NEC members are LPRP members. Fourteen of them are members of the LPRP's Central Committee, including two army generals - Minister of Defense Sengnouan Xayalath and Minister of Public Security Somkeo Sihavong - and the sons of a former President and the current Prime Minister respectively. Only one NEC member is a woman - outgoing National Assembly President and number three in the LPRP's Politburo Pany Yathotou.

Genuine campaigning non-existent

The campaign period, which runs from 25 February to 19 March, has been limited to stage-managed official ceremonies. According to current official media reports, candidates have disseminated texts of the election-related laws, introduced themselves, urged audiences to vote, and explained the roles of elected representatives in "protecting the rights and interest of the people."⁸

According to a report in the state-run *Vientiane Times*, the National Election Committee (NEC) produced CVs of the candidates and their pictures as well as "slogans and propaganda to motivate voters."⁹

Article 44 of the Law on National and Provincial Elections defines making promises, buying votes, defaming other candidates, and interfering with the voting process as election violations.¹⁰ The punishment for engaging in these acts ranges from re-education seminars to warnings, fines, and other unspecified legal sanctions depending on the severity of the violation of Article 44.¹¹

⁷ *Vientiane Times, Election committee announces NA candidates*, 16 February 2016

⁸ *Vientiane Times, Election campaign commences nationwide*, 26 February 2016; *KPL, NA candidates to Luang Prabang launch campaign for votes*, 3 March 2016; *KPL, NA candidates to Vientiane Capital continue urging voters*, 3 March 2016; *KPL, NA and PPC Savannakhet candidates meet voters*, 9 March 2016; *KPL, NA candidates call on civil servants to use democratic rights*, 15 March 2016; *KPL, PPC candidates complete election campaign in Boualapha*, 16 March 2016

⁹ *Vientiane Times, Four million people to vote in National Assembly election*, 23 February 2016

¹⁰ *Vientiane Times, Election candidates prohibited from defaming others*, 24 February 2016

¹¹ Article 48 of the Law on National and Provincial Elections

Widespread indifference among voters

The Lao government has boasted official turnouts close to 100% in previous legislative elections even though voting is not compulsory. However, in the absence of any ability for domestic and foreign independent media and international election monitoring groups to observe elections, it is impossible to verify the government's highly dubious claims.

In the lead-up to the 20 March polls, numerous testimonies collected by LMHR inside Laos indicated that many voters will not vote. Potential voters expressed disillusionment with a political system that does not offer a real choice between candidates. The widely held opinion among eligible voters about the elections was that "nothing will change." Views of the election are summed up by a popular expression: "The Party chooses the candidates, the people choose the Party."

Even Lao students and workers in Thailand told LMHR that they would not return to Laos to vote, even if that could result in being removed from the family list in their villages.

On 19 March, eligible Lao citizens in China, Thailand, and Vietnam will vote at their respective embassies and consulates.¹² It is estimated that there are more than 16,000 eligible voters in those three countries.¹³

New leadership a sign of closer relations with Vietnam

The first session of the National Assembly elected in the 20 March polls is expected to convene in May.¹⁴ National Assembly members will elect the country's President and Vice-President and approve the appointment of the Prime Minister by the President.¹⁵ However, the reality is that the National Assembly will merely rubber stamp designations that have already been made by the Lao People's Revolutionary Party (LPRP).

On 22 January 2016, the LPRP selected its new leaders for the next five years at the conclusion of a five-day congress.¹⁶ The LPRP selected a new 69-member Central Committee, which in turn picked the party's new General Secretary and its 11 Politburo members.¹⁷ The LPRP Politburo is the country's highest policy-making body. Bounhang Vorachit, Thongloun Sisoulith, and Pany Yathotou were selected as the top three members of the Politburo.¹⁸

Bounhang Vorachit was elected new LPRP General Secretary and is the highest-ranking member in the party's Politburo.¹⁹ Bounhang is expected to be nominated as the country's

¹² Vientiane Times, *Polling stations set up for Lao expatriates*, 16 March 2016

¹³ Vientiane Times, *Polling stations set up for Lao expatriates*, 16 March 2016

¹⁴ Vientiane Times, *Committee to announce March election candidates*, 4 February 2016; Articles 53, 66, 67, and 68 of the Constitution.

¹⁵ Vientiane Times, *Committee to announce March election candidates*, 4 February 2016; Articles 53, 66, 67, and 68 of the Constitution.

¹⁶ Nation, *Laos announces new leadership*, 22 January 2016

¹⁷ Vientiane Times, *10th Congress elects new Party leadership*, 23 January 2016

¹⁸ Vientiane Times, *10th Congress elects new Party leadership*, 23 January 2016

¹⁹ Vientiane Times, *10th Congress elects new Party leadership*, 23 January 2016

new President. Born on 15 August 1937, Bounnhang is a party veteran who has served in many executive positions including as Prime Minister from 2001 to 2006.²⁰ Though LPRP general secretaries normally serve two five-year terms, Bounnhang is likely to serve only one term due to his advanced age (78).²¹ Bounnhang has long-standing ties to Hanoi that date back to the early 1950s when he first joined the Lao revolutionary movement and later underwent military training in Vietnam.²²

Thongloun Sisoulith has served as a Deputy Prime Minister since 2001 and concurrently as Foreign Affairs Minister since 2006. Born in Hua Phan Province bordering Vietnam, Thongloun was educated in Vietnam and studied in the Soviet Union. He is married to the adopted daughter of Laos former Acting President Phoumi Vongvichit. Thongloun's earlier positions include Deputy Foreign Minister, Labor and Social Welfare Minister, and National Assembly member.

Pany Yathotou is the President of the National Assembly. An ethnic Hmong, she was the Governor of the Laos Central Bank from 1986 to 1997. She has been a National Assembly member since 1998 and a LPRP Politburo member since 2007. She attended primary school, secondary school, and university in Vietnam. She is married to the former Deputy Minister of Agriculture and Forestry.

The selection of three top Politburo members who have ties to Vietnam could signal the LPRP's attempt to reduce Laos dependence on China and moves to strengthen relations with Vietnam.²³ The replacement of outgoing leaders President Choummaly Sayasone, Prime Minister Thongsing Thammavong, and Deputy Prime Minister Somsavat Lengsavad - all considered to be pro-Beijing – seems to support this analysis.²⁴

²⁰ Nation, *Laos announces new leadership*, 22 January 2016

²¹ Nikkei Asia Review, *Pick of pro-Vietnam leader highlights shift away from China*, 7 February 2016

²² Nikkei Asia Review, *Pick of pro-Vietnam leader highlights shift away from China*, 7 February 2016

²³ Nikkei Asia Review, *Pick of pro-Vietnam leader highlights shift away from China*, 7 February 2016; RFA, *Selection of New National Leaders in Laos Indicates Tilt to Vietnam*, 22 January 2016

²⁴ RFA, *Selection of New National Leaders in Laos Indicates Tilt to Vietnam*, 22 January 2016