

Freedom of expression severely repressed

Lao authorities impose severe restrictions on the right to freedom of expression in the country. The state controls almost all media in Laos. Repressive laws prevent free expression and the circulation of opinions and information. In the rare instances where people have tried to express their opinions, authorities have cracked down on the public expression of government criticism.

Since 1997, Freedom House has rated Laos as 'Not Free' with regard to its press freedom. Reporters Without Borders (RSF) has consistently ranked Laos among the bottom 15 countries surveyed since the creation of its *Press Freedom Index* in 2002.

Media outlets tightly controlled

The state tightly controls nearly all media in Laos, including TV, radio, and printed publications. Legal sanctions and the screening by government officials of content published by privately owned periodicals have resulted in systematic self-censorship by news outlets to avoid fines. Under a decree issued on 24 November 2015, which came into force on 14 January 2016, foreign media that seek to set up offices in Laos must obtain approval from the government. Foreign reporters who are not based in the country and wish to file a story on Laos are required to apply for permission from the Ministry of Foreign Affairs at least 15 working days in advance.

In January 2012, the Ministry of Information, Culture and Tourism took off the air the popular radio program, *Talk of the News* ('Wao Kao'), without explanation. The show had focused on a range of topics, including social justice, land grabs, and corruption.¹ Fearing for his own safety after the disappearance of Sombath Somphone in December 2012, the program's host, Mr. Ounkeo Souksavanh, fled Laos.²

Oppressive legal framework

Numerous laws in Laos curtail the right to freedom of expression. Article 23 of the Constitution stipulates that all "cultural and mass media activities" contrary to "national interests" or "traditional culture and dignity" are prohibited.

Article 65 of the Criminal Code ('propaganda against the Lao People's Democratic Republic') prohibits "slandering the Lao People's Democratic Republic, or distorting the guidelines of the party and policies of the government, or circulating false rumors causing disorder" detrimental to, or for the purpose of weakening the state. Violators can receive one to five years' imprisonment and a fine ranging from 500,000 Kip (US\$62) to 10 million Kip (US\$1,233).

¹ Asia Times Online, *Off the air in Laos*, 22 February 2012

² Economist, *Radio silence*, 23 July 2016

In recent years, the government extended its existing arsenal of repressive laws to target online communications. Under Decree 327, adopted on 16 September 2014 and enacted on 10 October 2014, web users 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.”³ 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.

Government critics arbitrarily detained

Over the past 15 months, 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 Phiang 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.⁴ Phout was released on 4 August 2015 and fined one million kip (US\$123) after a police investigation found that despite taking the photos, she did not post them on Facebook.⁵

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.⁶ 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.⁷

On **18 September 2015**, a court in Vientiane sentenced 52-year-old pro-democracy activist Bounthanh Khamavong to four years and nine months in prison for criticizing the Lao government on Facebook.⁸ The defendant, a Laos-born Polish citizen, 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 a Facebook post that allegedly “criticized the guidelines and policies of the party and government.”⁹

In **March 2016**, authorities arrested Somphone Phimmasone, 29, Lodkham Thammavong, 30, and Soukan Chaithad, 32, after they had returned to Laos from Thailand to apply for new passports. The three had posted numerous messages on Facebook that criticized the government in relation to alleged corruption, deforestation, and human rights violations.¹⁰ Authorities held them incommunicado for several days.¹¹ They are currently detained in Vientiane’s Phonethanh Prison.¹²

³ Vientiane Times, *Internet abusers to face punitive measures*, 22 September 2014

⁴ RFA, *Lao Woman Detained After Posting Police Extortion Photos to Facebook*, 28 May 2015

⁵ RFA, *Lao Authorities Free Woman Detained For Alleged Extortion Photos*, 12 August 2015

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

⁷ RFA, *Laos Frees Woman Detained For Publishing Concession Document Online*, 6 August 2015

⁸ 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

⁹ 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

¹⁰ RFA, *Lao Police Publicly Confirm Arrest of Trio of Workers For Criticizing State*, 27 May 2016

¹¹ RFA, *Three Lao Nationals Are Latest Victims of Forced Disappearances*, 16 May 2016

¹² RFA, *Three Lao Workers Held in Vientiane Are Denied Family Visits*, 21 July 2016