



FIDH - International Federation for Human Rights
and its member organization for Laos
Lao Movement for Human Rights (LMHR)

Update for the 7th European Union (EU)-Laos human rights dialogue
16 February 2017, Vientiane, Laos

Key human rights issues of concern

- 1....Government critics arbitrarily detained
- 2....Enforced disappearances remain unaddressed
- 3....Freedom of expression continues to be severely repressed
- 4....Death penalty still on the books
- 4....Sham elections cement one-party rule
- 5....International indexes show lack of progress on democracy and human rights
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Government critics arbitrarily detained

In 2016, authorities continued to arbitrarily arrest and imprison individuals who used the internet to criticize the government or expose instances of corruption.

In March 2016, authorities arrested **Somphone Phimmasone**, **Lodkham Thammavong**, and **Soukan Chaithad** after they 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.¹ Authorities held them incommunicado for several days.² They are currently detained in Vientiane's Phonethanh Prison on unspecified charges under the Criminal Code.³

In December 2016, authorities released 327 prisoners in a presidential amnesty granted on the occasion of Laos' National Day (2 December). In addition, 1,123

¹ RFA, *Lao Police Publicly Confirm Arrest of Trio of Workers For Criticizing State*, 27 May 2016

² RFA, *Three Lao Nationals Are Latest Victims of Forced Disappearances*, 16 May 2016

³ UNWGEID, *Report on Enforced or Involuntary Disappearances – Lao People's Democratic Republic - Case No: 10006329*, 7 July 2016

inmates had their prison sentences reduced as a result of the amnesty.⁴ Most of the pardoned prisoners had been in jail for drug-related offenses.⁵ No political prisoners benefitted from the amnesty.

Background

- The arbitrary detention of peaceful dissidents is not a new phenomenon in Laos. Pro-democracy activist **Bounthanh Khamvong**, a Lao-born Polish citizen, remains detained in Vientiane's Phonetong Prison since his arrest in June 2015. On 18 September 2015, Bounthanh was sentenced to four years and nine months in prison for criticizing the Lao government on Facebook.
- **Thongpaseuth Keuakoun** and **Sengaloun Phengphanh**, two student leaders who were arrested in October 1999 for organizing a peaceful pro-democracy protest in Vientiane, were incarcerated in Vientiane's Samkhe Prison for more than 16 years, on charges of treason. On 26 January 2016, the two were released before the completion of their 20-year prison sentences.⁶

Recommendation

- End the arbitrary arrest of all individuals who peacefully criticize the government and immediately and unconditionally release dissidents who remain detained.

Enforced disappearances remain unaddressed

On 15 December 2016, it was the four-year anniversary of the enforced disappearance of prominent civil society leader Sombath Somphone. Sombath was last seen at a police checkpoint on a busy street of Vientiane on the evening of 15 December 2012. Despite the Lao government's claim of an ongoing investigation, the authorities have failed to provide any update on the probe since 7 June 2013.

Background

- Laos signed the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) in September 2008. However, the Lao government has not ratified the convention. Despite having accepted several recommendations that called for the ratification of the ICPPED at its first Universal Periodic Review (UPR) in May 2010, during its second UPR in June 2015, the government said it was only "considering" ratifying the treaty.
- In addition to Sombath Somphone, to this day the fate or whereabouts of at least 12 people remain unknown. They include:
 - Two student leaders, **Bouavanh Chanhmanivon** and **Keochay**, who were arrested in October 1999 for organizing a peaceful pro-democracy protest in Vientiane;
 - Nine people (two women, **Kingkeo** and **Somchit**, and seven men, **Soubinh**, **Souane**, **Sinpasong**, **Khamsone**, **Nou**, **Somkhith**, and **Sourigna**) who were

⁴ Vientiane Times, *President pardons reformed prisoners*, 15 December 2016

⁵ Vientiane Times, *President pardons reformed prisoners*, 15 December 2016

⁶ Permanent Mission of the Lao PDR to the United Nations Office and other International Organizations in Geneva, *No. 291/Lao.PM.GE.16*, 15 November 2016

detained by security forces in November 2009 in various locations across the country for planning peaceful pro-democracy demonstrations; and

- **Somphone Khantisouk**, an outspoken critic of Chinese-sponsored agricultural projects in Luang Namtha Province, who disappeared in January 2007, after uniformed men abducted him.

Recommendations

- Ratify the ICPPED.
- Reveal the fate or whereabouts of Sombath Somphone and the 12 other victims of enforced disappearance.
- Thoroughly investigate all cases of enforced disappearance in the country and provide regular updates on the status and progress of the investigations.

Freedom of expression continues to be severely repressed

Under a Prime Ministerial 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.

Background

- The state controls almost all media in Laos, including TV, radio, and printed publications.
- Repressive laws prevent free expression and the circulation of opinions and information.⁷ In recent years, the government extended its existing arsenal of repressive laws to target online communications.⁸
- In the rare instances where people have tried to express their opinions, authorities have cracked down on the public expression of government criticism.

Recommendation

- Amend or repeal legislation that limits the right to freedom of opinion and expression and that is inconsistent with Laos' obligations under international law.

⁷ 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.

⁸ 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.*" 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.

Death penalty still on the books

The Lao government has repeatedly announced that it was in the process of amending the Criminal Code in order to limit capital punishment to the ‘most serious crimes,’ in accordance with international standards. However, the government has made no tangible progress on this commitment to date.

Background

- Up-to-date information on the death penalty, including statistics, is difficult to obtain in Laos.
- On 9 October 2015, it was reported that from 2010 to 2015, courts imposed about 20 death sentences each year.⁹

Recommendations

- Release detailed and up-to-date statistics on death sentences.
- Declare an official moratorium on executions.
- Complete the reform of the Criminal Code with a view to reduce the number of crimes punishable by death.
- Abolish the death penalty for all crimes.

Sham elections cement one-party rule

On 20 March 2016, Laos held its sixth legislative election since the establishment of the National Assembly in 1991. Like the past legislative elections, the polls failed to meet most of the benchmarks that define a competitive, free, fair, inclusive, and participatory electoral process.

The polls elected 149 members to the National Assembly for a five-year term. Of the total 149 National Assembly members, 26% retained their seats from the previous legislature. Forty-one (or 27.5%) of those elected were women. For the first time, polls were also held to elect representatives at the provincial level. Despite an official turnout of 97.9%, voters largely viewed the election process with indifference and many told LMHR that nothing would change.

Background

- Laos’ oppressive legal framework allows the existence of only one party. All candidates have to be approved by the ruling Lao People’s Revolutionary Party (LPRP).
- The LPRP tightly controlled every aspect of the electoral process through the National Election Committee, including a dull, carefully orchestrated campaign period.

Recommendations

- Take measures to ensure competitive general elections that allow the registration and participation of other political parties and independent candidates.

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

- Establish an independent body tasked with the management of all electoral processes.

International indexes show lack of progress on democracy and human rights

Since its first human rights dialogue with the EU in 2005, Laos has consistently ranked near the bottom of many international indexes and rankings compiled by independent organizations that measure respect for democratic principles and key civil and political rights.

Laos has been categorized as an “authoritarian regime” (the lowest possible category) in every *Democracy Index* published by the Economist Intelligence Unit (EIU) since it first began in 2006.

Freedom House has continually rated Laos as ‘Not Free’ with regard to the situation of civil liberties and political rights, as well as its press freedom. In its *Press Freedom Index*, Reporters Without Borders (RSF) has consistently ranked Laos among the bottom 15 countries surveyed.

Key indexes surveying the global situation regarding human trafficking, religious freedom, corruption, and economic freedom showed that Laos has made little to no progress in these areas.

In 2016, the US Department of State placed Laos on the ‘Tier 2 Watch List’ (the second-lowest ranking) in its *Trafficking in Persons (TIP) Report* for the third consecutive year. The United States Commission on International Religious Freedom (USCIRF) has, since 2009, listed Laos as ‘Tier 2’ – used for countries that require close monitoring due to the nature and extent of violations engaged in or tolerated by governments. In 2005, Laos ranked 77th out of the 159 countries surveyed in Transparency International’s *Corruption Perceptions Index*. In 2016, it ranked 123rd out of 176. The Heritage Foundation has steadily rated Laos’ economic freedom either “mostly unfree” or “repressed” in its annual *Index of Economic Freedom*.

International indexes

	Freedom House ¹⁰		Reporters Without Borders (RSF)	Economist Intelligence Unit (EIU)	US Department of State	United States Commission on International Religious Freedom (USCIRF)	Transparency International	Heritage Foundation
	Freedom in the World (political rights and civil liberties) [Score: 0=worst, 100=best]	Freedom of the Press [Score: 0=best, 100=worst]	Press Freedom Index [Score: 0=best, 100=worst]	Democracy Index [Score: 0=worst, 10=best]	Trafficking in Persons (TIP) Report	Annual Report	Corruption Perceptions Index [Score: 0=highly corrupt, 100=very clean; ¹¹ 0=highly corrupt, 10=very clean ¹²]	Index of Economic Freedom [Score: % free]
2017	Status: Not Free Score: 12							
2016	Status: Not Free Score: 12	Rank: 181/199 Status: Not Free Score: 84	Rank: 173/180 Score: 71.58	Rank: =151/167 Score: 2.37 Category: Authoritarian	Tier 2 Watch List	Tier 2	Rank: 123/176 Score: 30	Rank: 155/178 Score: 49.8% (Repressed)
2015	Status: Not Free	Rank: 183/199 Status: Not Free Score: 84	Rank: 171/180 Score: 71.25	Rank: 155/167 Score: 2.21 Category: Authoritarian	Tier 2 Watch List	Tier 2	Rank: 139/168 Score: 25	Rank: 150/178 Score: 51.4% (Mostly Unfree)
2014	Status: Not Free	Rank: 183/197 Status: Not Free Score: 84	Rank: 171/180 Score: 71.22	Rank: 157/167 Score: 2.21 Category: Authoritarian	Tier 2 Watch List	Tier 2	Rank: 145/175 Score: 25	Rank: 144/178 Score: 51.2% (Mostly Unfree)
2013	Status: Not Free	Rank: 182/196 Status: Not Free Score: 84	Rank: 168/179 Score: 67.99	Rank: 156/167 Score: 2.21 Category: Authoritarian	Tier 2	Tier 2	Rank: 140/177 Score: 26	Rank: 144/177 Score: 50.1% (Mostly Unfree)
2012	Status: Not Free	Rank: 182/197 Status: Not Free Score: 84	Rank: 165/179 Score: 89.00	Rank: 156/167 Score: 2.32 Category: Authoritarian	Tier 2	Tier 2	Rank: 160/176 Score: 21	Rank: 150/179 Score: 50.0% (Mostly Unfree)
2011	Status: Not Free	Rank: 184/196 Status: Not Free Score: 85		Rank: 156/167 Score: 2.10 Category: Authoritarian	Tier 2	Tier 2	Rank: 154/183 Score: 2.2	Rank: 141/179 Score: 51.3% (Mostly Unfree)
2010	Status: Not Free	Rank: 181/196 Status: Not Free Score: 84	Rank: 168/178 Score: 80.50	Rank: 156/167 Score: 2.10 Category: Authoritarian	Tier 2 Watch List	Tier 2	Rank: 154/178 Score: 2.1	Rank: 138/179 Score: 51.1% (Mostly Unfree)
2009	Status: Not Free	Rank: 184/195 Status: Not Free Score: 86	Rank: 169/175 Score: 92.00		Tier 2	Tier 2	Rank: 158/180 Score: 2.0	Rank: 150/179 Score: 50.4% (Mostly Unfree)
2008	Status: Not Free	Rank: 179/195 Status: Not Free Score: 83	Rank: 164/173 Score: 70.00	Rank: 157/167 Score: 2.10 Category: Authoritarian	Tier 2	Not designated	Rank: 151/180 Score: 2.0	Rank: 137/157 Score: 49.2% (Repressed)
2007	Status: Not Free	Rank: 176/195 Status: Not Free Score: 81	Rank: 161/169 Score: 75.00		Tier 2	Not designated	Rank: 168/179 Score: 1.9	Rank: 140/157 Score: 49.1% (Repressed)
2006	Status: Not Free	Rank: 174/194 Status: Not Free Score: 81	Rank: 156/168 Score: 67.50	Rank: 155/167 Score: 2.10 Category: Authoritarian	Tier 3	Not designated	Rank: 111/163 Score: 2.6	Rank: 149/157 Score: 47.5% (Repressed)
2005	Status: Not Free	Rank: 179/194 Status: Not Free Score: 83	Rank: 155/167 Score: 66.50		Tier 2	Not designated	Rank: 77/159 Score: 3.3	Rank: 150/155 Score: 44.4% (Repressed)

¹⁰ No available data for Laos for Freedom House's *Freedom on the Net*.

¹¹ After 2011.

¹² 2011 and prior.