



FIDH – International Federation for Human Rights

and

Lao Movement for Human Rights (LMHR)

**Assessment of the Lao PDR’s implementation of the UN
Human Rights Committee’s recommendations on key priority issues**

UN Human Rights Committee – 141st session

5 April 2024

FIDH and LMHR regret that the Lao People’s Democratic Republic (PDR) government failed to take any steps towards the implementation of key recommendations made by the United Nations (UN) Human Rights Committee (CCPR), after the review of the Lao PDR’s initial report under the International Covenant on Civil and Political Rights (ICCPR) on 11-12 July 2018.

In its Concluding Observations, adopted on 23 July 2018, the CCPR asked the government to provide information on the implementation of recommendations concerning: 1) enforced disappearances; 2) participation in public affairs and the right to vote; and 3) rights of persons belonging to minorities.

The CCPR gave the government a 27 July 2020 deadline to provide such information, as part of the committee’s follow-up procedure. In its belated submission, received by the CCPR on 25 September 2023, the government repeated provisions of various legislative frameworks and made vague, false, and misleading statements, without providing any evidence of concrete measures it took towards the implementation of the specific recommendations made by the CCPR.

The FIDH-LMHR joint follow-up submission details the government’s failure to take any steps towards the implementation of the recommendations made by the CCPR on enforced disappearances and participation in public affairs and the right to vote. It also shows that, since July 2018, the government has taken measures that, in fact, reflect rejection of the recommendations made by the CCPR. As a result, FIDH and LMHR recommend the CCPR give the lowest grade (E) in its assessment of the government’s implementation of these two priority recommendations.¹

¹ The follow-up assessment criteria of the Human Rights Committee are as follows:

A - Reply/action largely satisfactory

The State party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee.

B – Reply/action partially satisfactory

The State party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary.

C – Reply/action not satisfactory

A response has been received, but action taken or information provided by the State party is not relevant or does not implement the recommendation.

D – No cooperation with the Committee

No follow-up report has been received after the reminder(s).

E – Information or measures taken are contrary to or reflect rejection of the recommendation

1. Enforced disappearances remain unaddressed as new cases emerge

Recommended grade: E

20. The State party should:

- (a) Effectively criminalize enforced disappearance, in accordance with international standards, and ensure that such criminal provisions are enforced in practice;
- (b) Step up efforts to conduct a thorough, credible, impartial and transparent investigation into the enforced disappearance of Sombath Somphone, and into all other cases of alleged enforced disappearances, including of the aforementioned persons, in order to clarify their fates and whereabouts and identify those responsible;
- (c) Ensure that victims and their families are regularly informed of the progress and results of investigations and receive the official administrative documents required by international standards; and that they are provided with full reparation, including rehabilitation, adequate compensation and guarantees of non-repetition;
- (d) Ensure that perpetrators are prosecuted and, if convicted, punished with penalties that are commensurate with the gravity of the crime;
- (e) Provide appropriate specialized training on the effective investigation and handling of enforced disappearances to security forces, and judicial and other law enforcement officials, including on the provisions of relevant international standards;
- (f) Act upon its commitment to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which the State party accepted in the context of the universal periodic review of the Human Rights Council, in 2010 and 2015.

Since the review of the Lao PDR by the CCPR in July 2018, the government has failed to adequately investigate ongoing cases of enforced disappearance, with the aim to identify the perpetrators of such serious crimes and provide victims with an effective remedy and full reparations. In addition, reports of enforced disappearance have persisted, and so has the pattern of impunity for such crimes, which is inconsistent with the CCPR's recommendations.

Persistent failure to adequately investigate enforced disappearances

Since July 2018, authorities have continued in their longstanding failure to take steps to ensure that thorough, credible, impartial, and transparent investigations are conducted into the fate and whereabouts of victims of enforced disappearance.

In the most emblematic case, the fate and whereabouts of civil society leader Sombath Somphone, who disappeared on 15 December 2012, remain unknown to date. Despite numerous calls made by international NGOs and UN human rights mechanisms over the past 11 years, the government's approach to addressing Mr. Sombath's disappearance has continued to be characterized by inaction, misleading statements, and lack of political will to address it.²

In its follow-up submission to the CCPR, the government claimed it "never stopped trying to find the truth" about Mr. Sombath's fate "in order to bring the offender(s) to justice," but failed to disclose any details about the investigation or its findings.³ In addition, authorities have continued to ignore the numerous requests for information from Mr. Sombath's wife, Shui Meng Ng, and have not provided her with any updates on her husband's case since 2017.⁴

In addition to Mr. Sombath, the fate and whereabouts of at least 10 other individuals who have disappeared in the Lao PDR prior to the review of the country by the CCPR in July 2018 remain

² FIDH, *Laos: 11 years of government inaction on Sombath Somphone's enforced disappearance*, 15 December 2023

³ UN Human Rights Committee, *Information received from the Lao People's Democratic Republic on follow-up to the concluding observations on its initial report*, 18 December 2023; UN Doc. CCPR/C/LAO/FCO/1

⁴ FIDH, *Laos: 11 years of government inaction on Sombath Somphone's enforced disappearance*, 15 December 2023

unknown.⁵ Authorities have repeatedly demonstrated a total lack of commitment to solving these cases, with a view to prevent further such instances.

During the third Universal Periodic Review (UPR) of the Lao PDR, held in January 2020, the government did not accept 13 of the 15 recommendations that called for investigations into all cases of enforced disappearance, including that of Sombath Somphone, who was specifically mentioned in five “noted” recommendations.⁶

Lastly, the government has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), which the Lao PDR signed in September 2008. To date, the government has made no demonstrable progress towards the ratification of the treaty, nor has it refrained from committing acts that the ICPPED is intended to remedy or prevent.

More allegations of enforced disappearance unaddressed

Following the review of the Lao PDR in July 2018, allegations of three more enforced disappearances emerged, all involving cases of transnational repression against activists and human rights defenders among countries in the Southeast Asian region.⁷ New cases of enforced disappearance included two Lao nationals living in exile in Thailand as well as a Thai national fleeing prosecution from Thailand to the Lao PDR.

On 26 August 2019, Od Sayavong, a Lao human rights defender who lived in exile in Bangkok, disappeared from his home.⁸ He was a member of Free Lao, a network of Thailand-based Lao migrant workers and activists that advocates for human rights and democracy in the Lao PDR. He had engaged in drawing public attention to human rights abuses and corruption in the Lao PDR, and met with then-UN Special Rapporteur on extreme poverty and human rights Philip Alston on 15 March 2019 in Bangkok, prior to Mr. Alston’s official visit to the Lao PDR. On 17 January 2020, in its reply to a communication by the UN special procedures dated 25 September 2019, the government stated that it had undertaken an investigation into Mr. Od’s alleged disappearance, but could not ascertain his whereabouts and denied any involvement in his disappearance.⁹ To date, Od Sayavong’s fate and whereabouts continue to be unknown.

In mid-November 2019, Phetphouthon Philachane, another Free Lao member, went missing upon his return from Thailand to the Lao PDR to visit his family.¹⁰ He had previously fled persecution in the Lao PDR to Thailand and was the housemate of Od Sayavong in Bangkok.¹¹ According to witnesses, he was arrested by Lao PDR government officials while at an ATM machine in Vientiane.¹² His fate and whereabouts remain unknown.

On 12 December 2018, Thai political activists and critics of the Thai monarchy Surachai Danwattananusorn, Chatcharn Buppawan, and Kraidej Luelert, who fled Thailand to the Lao PDR after

⁵ The 10 individuals are: two women (Kingkeo Phongsely and Somchit) and seven men (Soubinh, Souane, Sinpasong, Khamstone, Nou, Somkhith, and Sourigna) detained by security forces in various locations across the country in November 2009; Somphone Khantisouk, the owner of an eco-tourism business in Luang Namtha Province, who disappeared after men wearing police uniforms pulled over his motorcycle and forced him into an SUV on 23 January 2007; Thai exiled political activist Ittiphon Sukpaen (aka DJ Sunho), who went missing after he left a restaurant in Vientiane on 22 June 2016; and Thai exiled political activist Wuthipong Kachathamakul (aka Ko Tee), who was kidnapped by a group of 10 armed men wearing black balaclavas near his home in Vientiane on 29 July 2017.

⁶ FIDH, *Government response to UN human rights review a step in the wrong direction*, 28 September 2020

⁷ These include Cambodia, Laos, Thailand, and Vietnam; UN OHCHR, *AL LAO 4/2020*, 11 December 2020; <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25648>

⁸ FIDH, *Investigate disappearance of Lao activist seeking asylum*, 6 September 2019

⁹ UN OHCHR, *No. 15/Lao.PM.E.20*, 17 January 2020;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=35121>

¹⁰ RFA, *Lao Migrant Goes Missing, Friends Suspect Government Abduction*, 9 December 2019

¹¹ UN OHCHR, *AL LAO 3/2023*, 13 September 2023;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28346>

¹² *Ibid.*

the May 2014 coup d'état in Thailand, were last seen in their house in Vientiane.¹³ While the bodies of Mr. Chatchan and Mr. Kraidej were found on 27 and 29 December 2018, respectively, on the banks of Mekong River in Thailand's Nakhon Phanom Province, the fate and whereabouts of Surachai Danwattananusorn remain unknown.¹⁴ The Lao PDR government has failed to conduct investigations into both the disappearance of Surachai Danwattananusorn and the killings of Chatcharn Buppawan and Kraidej Luelert to identify the perpetrators of such crimes. In addition, the communications sent jointly by various UN special procedures to the Lao PDR government in March 2019 and December 2020 on the disappearance and killings of the Thai activists have remained unanswered.¹⁵

Participation in public affairs denied amid one-sided elections and increased repression of civil society

Recommended grade: E

38. *The State party should take all measures necessary to give full effect to the right of citizens to genuinely take part in the conduct of public affairs, to vote and to be elected, in accordance with article 25 of the Covenant. It should also ensure that electoral legislation does not discriminate against persons with intellectual or psychosocial disabilities by denying them the right to vote on a basis that is disproportionate or that has no reasonable or objective relation to their ability to vote, and revise legislation denying all convicted prisoners the right to vote.*

The government has failed to take any steps towards the implementation of the CCPR's recommendations regarding the right to participate in public affairs and the right to vote. This was evidenced by yet another round of one-sided legislative elections, held in February 2021, which were not "genuine," as required by Article 25 of the ICCPR and articulated in CCPR General Comment No. 25. In addition, the country's civic and political space, which was already extremely limited at the time of the CCPR's review of the Lao PDR in July 2018, has reduced even further since then, as a result of increasing acts of repression against the few civil society members who dared to publicly express their peaceful criticism of the government, raised awareness about human rights violations, or sought redress for abuses.

The dire situation regarding the right to freedom of opinion and expression and the right to freedom of peaceful assembly – which are essential conditions for the effective exercise of the right to participate in public affairs – is detailed below [See, *Repression of fundamental freedoms limits the right to participate in public affairs*]. It is also reflected by the position that the Lao PDR occupies in relevant international indexes compiled by independent, reputable organizations. The Economist Intelligence Unit's *Democracy Index 2023* ranked the Lao PDR 159th out of 167 countries covered.¹⁶ The index qualified the country's political system as "authoritarian" – the lowest tier. In its *2024 Freedom in the World* survey, Freedom House rated the Lao PDR as "Not Free" regarding the situation of civil liberties and political rights.¹⁷ The Lao PDR ranked 160th out of 180 countries surveyed by Reporters Sans Frontières in its *2023 World Press Freedom Index*.¹⁸

¹³ UN OHCHR, *UA LAO 1/2019*, 8 March 2019;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24392>

¹⁴ *Ibid.*

¹⁵ UN OHCHR, *UA LAO 1/2019*, 8 March 2019;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24392>; UN OHCHR, *AL LAO 4/2020*, 11 December 2020;

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25648>

¹⁶ Economist Intelligence, *Democracy Index 2023*, 15 February 2024

¹⁷ Freedom House, *Freedom in the World 2024*, 29 February 2024

¹⁸ RSF, *2023 World Press Freedom Index*, 3 May 2023

Non-competitive elections leave voters no real choice

The country's seventh legislative elections, held on 21 February 2021, were the result of a one-sided, heavily controlled, and non-competitive process that failed to guarantee the free expression of the voters' will.

The polls were a repeat of the previous six legislative elections held since the establishment of the National Assembly in 1991. The legal framework continued to allow only one political party to legally exist and prevented the development of a multi-party system and participatory and inclusive election processes. According to the election laws, all candidates must be approved by the ruling Lao People's Revolutionary Party (LPRP) or a state-sponsored mass organization.

The LPRP tightly controlled every aspect of the electoral process through the National Election Committee (NEC), a body that is headed and dominated by LPRP members and is not independent from the government. Like in previous legislative elections, a short campaign period (from 10 to 19 February 2021) was characterized by carefully scripted and orchestrated events. According to state-run media, NEC members provided "guidance when accompanying candidates at a meeting with voters."¹⁹ Despite the dull and apathetic process, state-run media claimed voters "flocked" to polling stations amid a "joyful" atmosphere.²⁰ As a result of compulsory voting, the election turnout was 98%.²¹

The February 2021 elections also marked a further marginalization of women in the political life of the Lao PDR. In the previous elections, held in March 2016, 24% of the candidates (50 out of 210) were women.²² That proportion went down to 22% (49 out of 224) in the February 2021 polls.²³ Women currently account for 22% (36 of 164) National Assembly members, down from 28% (41 out of 149) in the previous legislature.²⁴

Women's political participation is severely limited by the fact that key political processes are tightly controlled by the LPRP, which has been long dominated by men. In the current LPRP's Central Committee, women account for only 17% of the membership (12 out of 71).

Lastly, the government took no action to amend Article 7 of the Law on Election of National Assembly and Provincial People's Council Members, which denies all convicted prisoners the right to vote and to be elected to legislative bodies, in a manner that is inconsistent with Articles 10, 25, and 26 of the ICCPR.²⁵

Repression of fundamental freedoms limits the right to participate in public affairs

The government's escalation of the repression of the rights to freedom of opinion and expression and freedom of peaceful assembly resulted in an increasingly limited space for the exercise of the right to participate in public affairs.

Authorities routinely arrested, detained, and intimidated individuals who publicly criticized government policies and actions or exposed instances of corruption.

¹⁹ Vientiane Times, *Voters meet candidates for parliamentary seats*, 17 February 2021

²⁰ Vientiane Times, *Voters elect MPs to national, provincial parliaments*, 22 February 2021

²¹ Vientiane Times, *Election achieves goal to strengthen legislative bodies*, 8 March 2021

²² Vientiane Times, *Election committee announces NA candidates*, 16 February 2016

²³ Vientiane Times, *Elections to take place on February 21*, 2 February 2021

²⁴ Vientiane Times, *Election achieves goal to strengthen legislative bodies*, 8 March 2021

²⁵ UN Human Rights Committee, *Information received from the Lao People's Democratic Republic on follow-up to the concluding observations on its initial report*, 18 December 2023, UN Doc. CCPR/C/LAO/FCO/1

On 22 November 2019, Houayheuang Xayabouly (aka Mouay), a social media user, was sentenced to five years in prison and a fine of 20 million kip (approximately US\$2,280) for violating Article 117 of the Criminal Code (“Propaganda against the Lao PDR”).²⁶ The charges against her stemmed from messages she posted on Facebook to criticize the government’s response to floods that hit the Lao PDR’s southern provinces in late August and early September 2019. She has been detained at the Champasak Provincial Prison since her arrest on 12 September 2019. On 31 May 2021, the UN Working Group on Arbitrary Detention (WGAD) found the deprivation of liberty of Ms. Houayheuang “arbitrary” and called for her immediate release.²⁷

In mid-March 2020, authorities arrested and detained two young individuals, a woman named Keo and a man named Poy, after they posted on Facebook a video of their protest against land confiscation in Xiengda Village, Saysettha District, Vientiane, a few days earlier. The two individuals were “re-educated” by police while in custody at the Saysettha District police station.²⁸ Keo was released the following month after she pledged to stop her protest.²⁹ Poy remained in police detention without charge until his release in February 2021.³⁰

On 6 November 2020, a woman in Vientiane was summoned to a police station and forced to publicly apologize for her online criticism of the police officers who had stopped her son for alleged traffic violations on the night of 24 October 2020 in Vientiane and demanded 200,000 kip (US\$18).³¹

On 26 August 2020, authorities in Bachieng Chareunsouk District, Champasak Province, arrested Sangkhane Phachanthavong (aka Thitsy) for making allegations of corruption against the government on Facebook. He was detained at Bang Yor Prison and released on 29 September 2020.³²

In March 2024, it was reported that police in Boun Tai District, Phongsaly Province, arrested a 24-year-old man known as Bee for posting a video clip on Facebook criticizing local police officers for allegedly demanding bribes from travelers passing through a checkpoint near the border with China. Following the arrest, Bee was subjected to “re-education” before being released.³³

In an extreme act of repression of peaceful dissent, on 29 April 2023, youth activist Anousa Luangsouphom (aka Jack), 25, was shot multiple times at close range in the face and chest by an unknown individual while he was sitting at a coffee shop in Dongmieng Village, Chanthabouly District, Vientiane. Mr. Anousa was subsequently transported to Vientiane’s Friendship Hospital. On 9 May 2023, he was medically evacuated to receive proper medical treatment in a hospital at an undisclosed location outside of the Lao PDR.³⁴ Mr. Anousa had been outspoken on justice and human rights issues in the Lao PDR, particularly through social media. Authorities have failed to identify and hold the perpetrator of this attack accountable.

Attacks also targeted activists and government critics who fled persecution in the Lao PDR to live in neighboring Thailand.

On 20 April 2023, police in Song Khone District, Savannakhet Province, arbitrarily arrested Savang Phaleuth, a Free Lao member in his 40s living in exile in Thailand, upon his return to the Lao PDR.³⁵ In

²⁶ FIDH, *Woman jailed for five years for criticizing the government online*, 22 November 2019

²⁷ WGAD, *Opinion No. 6/2021 concerning Houayheuang Xayabouly (Lao People’s Democratic Republic)*, 31 May 2021; UN Doc. A/HRC/WGAD/2021/6

²⁸ RFA, *Lao police arrested two for video of protest*, 20 March 2020

²⁹ RFA, *Lao villager released after accepting ‘compensation’ for seized land*, 8 June 2020; RFA, *Villagers Displaced by Laos’ Nam Ngum 4 Dam Say Compensation is not Enough*, 7 June 2021

³⁰ RFA, *Lao villager held in detention three months after land protest in Vientiane*, 15 June 2020; RFA, *Villagers Displaced by Laos’ Nam Ngum 4 Dam Say Compensation is not Enough*, 7 June 2021

³¹ RFA, *Police vow to punish officers after victim’s mother apologizes for bribe complaint*, 13 November 2020

³² RFA, *Another Lao arrested for criticism of government on social media*, 1 September 2020; RFA, *Lao Facebook user who criticized government granted rare release on bail*, 1 October 2020

³³ RFA, *Lao police arrest man for criticizing bribe-taking at checkpoint*, 20 March 2024

³⁴ FIDH, *Laos: Attempted murder of 25-year-old activist Anousa “Jack” Luangsouphom*, 16 May 2023

³⁵ RFA, *Thailand-based rights activist arrested in Laos after returning to home village*, 9 May 2023

July 2023, it was reported Savang had been released the previous month.³⁶

On 17 May 2023, former Free Lao member Bounsuan Kitiyano, 56, was found dead in a forest in Si Mueang Mai District, Ubon Ratchathani Province, northeastern Thailand.³⁷ According to Thai police, Bounsuan had been fatally shot while riding a motorcycle in the area. To date, no one has been held accountable for his death. Bounsuan had been living in exile in Thailand and had acquired refugee status from the United Nations High Commissioner for Refugees (UNHCR). He was in the process of resettling to Australia before his death.

Authorities also continued to arrest individuals who sought redress for land rights violations.

In late July 2022, five residents of Houay Nam Yen Village, Naxaithong District, Vientiane Prefecture, were released after more than three months of arbitrary detention in connection with a land dispute. The five were detained at a military facility in Nong Kheng, in Vientiane's Sayathany District.³⁸

In December 2022, it was reported that authorities had arrested and later released five residents of Nong Bok District, Khammouane Province, for protesting against a 35-square kilometer potash mine operated by Sino Agri International Potash, a subsidiary of China's company Asia Potash. The residents said they had not been properly compensated by the company for the loss of their homes and farms.³⁹

In January 2024, four residents of Xang Village, Xieng Khouang Province, were arrested for their participation in a protest against land confiscation. The protesters alleged the confiscated land had been leased to a local wood processing company after the payment of bribes to local officials.⁴⁰

In addition, since July 2018, the government has adopted new measures aimed at discouraging the free flow of information online, particularly by further tightening controls over the use of social media.

In September 2020, the Ministry of Information, Culture, and Tourism issued a notice to social media outlets to register with the government. The notice followed the government's adoption of Order 256 on 12 July 2019. Order 256 prohibited the spread of "fake news and disinformation on social media," which can cause "misinformation and even public panic."⁴¹ In addition, on 21 May 2021, the Ministry of Public Security issued a notice that established a special taskforce to monitor and combat illegal online content and fake news on social media platforms.⁴² On 3 August 2023, authorities announced additional measures to tighten restrictions on social media channels that contained "misleading or distorted information critical of the government."⁴³ Pursuant to these measures, authorities would summon those who posted complaints online "to re-educate and warn them."⁴⁴

³⁶ RFA, *Laos releases Thailand-based Lao democracy activist*, 26 July 2023

³⁷ Amnesty International Thailand, *Thailand/Laos: Investigate the killing of Lao refugee and put an end to transnational repression of human rights defenders*, 26 May 2023

³⁸ RFA, *Lao military releases five land dispute protesters on condition of silence*, 5 May 2022

³⁹ RFA, *Lao villagers arrested for protesting potash mine, later released*, 30 December 2022

⁴⁰ RFA, *Six Lao villagers arrested in government land grab demonstration*, 25 January 2024

⁴¹ RFA, *Laos warns social media-based news outlets to register to prevent 'fake news'*, 8 October 2020

⁴² Laotian Times, *Laos forms special taskforce to combat fake news*, 27 May 2021

⁴³ RFA, *In Laos, critics of the government risk social media shutdown*, 6 September 2023

⁴⁴ RFA, *In Laos, critics of the government risk social media shutdown*, 6 September 2023