

ຂະບວນການ ລາວ ເພື່ອ ສິດທິ ມະນຸດ (ຂລສມ)  
**Mouvement Lao pour les Droits de L'Homme (MLDH)**  
**Lao Movement for Human Rights**

Statement

UPR Info pre-session on Lao PDR

Geneva, 11 December 2019

Delivered by Vanida Thephsouvanh

Distinguished members of the diplomatic community,  
Ladies, and gentlemen,

I represent the Lao Movement for Human Rights, a non-profit human rights organization based in France, a member of the International Federation for Human Rights (FIDH). We have been involved with the UPR process since the Lao PDR first cycle in 2010 and have closely monitored the Lao PDR's pledges and implementation of recommendations it accepted.

In the past few years, the government of the Lao PDR has been more open to engagement with UN human rights mechanisms. This development is welcome, and cooperation with UN human rights monitoring mechanisms should be encouraged and continue. Regretfully, increased engagement with UN mechanisms has not translated into greater political will by the Lao PDR government to address the disastrous human rights situation in the country.

The UPR is designed to be a participatory process that envisions the meaningful and active involvement of civil society. Unfortunately, when it comes to the Lao PDR, local independent civil society is excluded from the process. Only state affiliated CSOs can be involved. The Lao PDR is a one-party State with no independent national human rights institution.

There is no sign that the human rights situation in the Lao PDR has improved since the start of its second UPR cycle in 2015. This is true particularly with regard to civil and political rights.

This statement will address three issues: Enforced disappearances; freedom of opinion and expression; and the right to take part in the conduct of public affairs.

**Enforced disappearances**

At the last UPR, the Lao government has accepted to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to establish a thorough, transparent and impartial investigation into Sombath Somphone's disappearance..

Today, we regret that our colleague Lao civil society leader Sombath Somphone remains missing. In a few days – on 15 December – we will mark the seven-year anniversary of his disappearance. The Lao PDR government has made no progress in determining his fate and whereabouts and has instead embarked on a smear campaign against him and his family. In the meantime, the number of cases of enforced disappearances in the country has increased by at least three. During the previous UPR, the Lao PDR government refused to acknowledge the existence of enforced disappearances in the country, with the exception of this case. This is not acceptable.

Under international human rights instruments it has ratified, the Lao PDR has an obligation to investigate allegations of enforced disappearances and provide redress to the victims and their families. The Lao PDR's sweeping denials and the failure to investigate reports of enforced disappearances constitute a blatant violation of international law.

In addition, after more than 11 years since its signature, the Lao PDR government has not yet ratified the International Convention for the Protection of all Persons from Enforced Disappearance (ICPPED).

Recommendations:

- We urge the Lao PDR government to establish an independent *ad hoc* commission tasked with thoroughly and impartially investigating all allegations of enforced disappearance.
- We also urge the government to accede to the ICPPED.

### **Freedom of opinion and expression**

During the second UPR of the Lao PDR, the government accepted four out of the 14 recommendations on freedom of opinion and expression. The accepted recommendations called on the government to ensure the right to freedom of expression, including to fully implement its obligations under the International Covenant on Civil and Political Rights (ICCPR) and to re-examine legislation that limited dissemination of some information via internet and social media.

Since 2015, the situation concerning the right to freedom of opinion and expression has worsened.

As more Lao citizens use online social media to express criticism of the authorities over corruption, human rights violations, and the lack of democracy, the government has stepped up surveillance of online activities. Since the previous UPR, five individuals have been sentenced to prison terms of up to 20 years for their legitimate criticism of the government online. A young woman, known as Mouay, was arbitrarily detained in September 2019 and sentenced in November to 5 years prison for using Facebook to criticize the Lao PDR government's response to floods that had hit the country's southern provinces. No independent media outlets are allowed to exist in the country and foreign news organizations that wish to report from the Lao PDR are routinely subjected to restrictions and controls.

Recommendations:

- We urge the government to release all individuals who remain detained for the exercise of their right to freedom of opinion and expression, to end the arrest of those who peacefully criticize the government and amend or repeal all laws that impose restrictions that are inconsistent with Article 19 of the ICCPR.

### **Right to take part in the conduct of public affairs**

During the first and the second UPR of the Lao PDR, only two out of the 303 the recommendations made to the Lao PDR were about the right to take part in the conduct of public affairs (including the right to vote and be elected in genuine elections). Because this is

an issue that is most important for the silent majority in the country, we have chosen to submit it to you today.

In 2016, the Lao PDR held yet another so-called election of the members of its Parliament, the National Assembly. All candidates had to be vetted and approved by the only party that is allowed to exist, the Lao People's Revolutionary Party (LPRP). Most of them were also members of the Party. This farcical and tightly controlled electoral process is a violation of Article 25 of the ICCPR, which guarantees the right to vote and be elected in genuine periodic elections.

Recommendations:

- We recommend the Lao PDR government immediately enact legislative and institutional reforms that will allow its citizens to freely take part in elections that comply with relevant international standards in 2021.

Ladies and gentlemen, I have highlighted only three issues. I invite you to find more information and recommendations in our joint UPR submission with FIDH, available in this room.

Thank you.