

Open Letter: UN member states must highlight Laos's severely restrictive civic space environment at its upcoming UN human rights review

Your Excellency,

As you will be aware, Lao People's Democratic Republic (Lao PDR) will face its third review under the UN's UPR mechanism on 21 January 2020.

Following its last review in 2015, the government of Lao PDR committed to reassess the policy framework and restrictions on domestic and international civil society organisations and facilitate an enabling environment for them; to fully respect and ensure freedom of expression by revising legislation; to ensure freedom of assembly in accordance with the International Covenant on Civil and Political Rights (ICCPR); and to investigate individual cases such as the enforced disappearance of human rights defender Sombath Somphone.

In total, member states made 33 recommendations to the Lao government that directly relate to barriers to open civic space. Since then, the government has partially implemented just three of these recommendations.

In a [submission](#) to this UN review cycle, the Manushya Foundation, FORUM ASIA and CIVICUS outlined some of the most serious concerns facing civil society in Lao PDR. The submission found that the country's persistent failure to uphold its commitments has resulted in continued unwarranted restrictions to civic space and acute shortcomings with respect to right to freedom to freedom expression, assembly and association, and in the protection of human rights defenders.

In Laos's pre-UPR session, held in December 2019, independent civil society organizations highlighted that the situation for fundamental freedoms had worsened, particularly in relation to online surveillance.

We are encouraged by Laos's renewed commitment to the sustainable development goals which it reaffirmed during its UPR pre-session. However, we remind states, and the Lao government, that civic space is central to the achievement of all of the SDGs, and without engagement of independent civil society, any improvements in SDGs are cosmetic at best.

Based on our research, the government continues to exercise pervasive control over civil society, which faces severe restrictions as a result. Extensive surveillance, reprisals and the criminalisation and enforced disappearance of human rights defenders have created an environment in which it is all but impossible to speak out.

While the right to freedom of expression, peaceful assembly and association are guaranteed in the Constitution of Lao PDR, an array of restrictive laws and government decrees continue to exist that serves to restrict civic freedoms and criminalise any expression perceived as critical of the government. This lack of civic space has meant many people fear speaking up about corruption or the violation of rights resulting from development projects and investments, specifically those related to land and sustainable development.

A new Decree No. 238 on Associations that came into effect in November 2017 imposes severe restrictions on civil society organisations (CSOs) and force CSOs to maintain close relations with the

state, making independent human rights organisations virtually non-existent. Further, international CSOs also face challenges operating in the country.

The UN Special Rapporteur on extreme poverty and human rights said in March 2019 after his visit to Lao PDR that he “received countless reports from people inside the country and who have recently fled Laos about the extent to which people feel they are not able to speak freely and fear reprisal for expressing criticism of government policies”.

Given this environment, and the lack of political will demonstrated thus far by the government of Lao PDR to uphold its civil space obligations, we urge states to ensure that civic space remains a key issue raised during this third cycle of Laos’s UPR.

This means ensuring freedom of association, freedom of expression, freedom of peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding, and the state’s duty to protect. At a minimum, such recommendations should include:

- Take measures to foster a safe, respectful, enabling environment for civil society, including through removing legal and policy measures, which unwarrantedly limit the right to association.
- Relevant laws and regulations should be revised - in particular, Decree No. 238 on Associations and Decree No. 13 of 2010 on INGOs - to guarantee that undue restrictions on freedom of association are removed and to bring them into compliance with 22 of the ICCPR.
- Ensure that human rights defenders are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Establish a new commission tasked with carrying out a prompt, thorough, independent, and impartial investigation aimed at determining the fate or whereabouts of human rights defender Sombath Somphone.
- Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards. In particular, Article 65 the Penal Code (propaganda against the state), the Media Act of 2008 and Decree No. 327 on Internet-Based Information Control/Management, should be reviewed to ensure that national legislation are in line with the best practices and international standards in the area of freedom of expression.
- Extend a standing invitation to all UN Special Procedures mandate holders and prioritize official visits with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association.

Yours sincerely,

Emilie Pradichit
Director
Manushya Foundation

Ahmed Adam
Programme Manager, United
Nations Advocacy
FORUM-ASIA

David E. Kode
Advocacy & Campaigns Lead
CIVICUS: World Alliance for
Citizen Participation