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Lao People's Democratic Republic

Submission to the UN Universal Periodic Review

**Eighth session of the UPR Working Group of the
Human Rights Council**

May 2010



Executive summary

In this submission, Amnesty International provides information under sections B, C and D, as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*.¹

- Under section B, Amnesty International raises concern about the ratification record of the Lao People's Democratic Republic of human rights standards, its lack of cooperation with the UN human rights mechanisms and legislative measures which impact negatively on human rights.
- Section C highlights Amnesty International's concerns in relation to freedom of expression, poor prison conditions, restrictions on freedom of religions, protection of refugees and asylum-seekers and the death penalty.
- In section D, Amnesty International makes a number of recommendations for action by the government to address the areas of concern.

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

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B. Normative and institutional framework of the State

National legislation

Amnesty International welcomes the government decree on registration of domestic associations, signed in April 2009, which will enable the formation of civil society groups and organizations for the first time. The decree comes into force in November 2009.

The Constitution (as amended in 2003) and domestic law provide for freedom of speech, press, assembly and association. In practice, however, the authorities continue to restrict these rights, and domestic legislation imposes additional restrictions. The Penal Code contains vaguely worded provisions prohibiting propaganda and slander against the state, distorting its policies or those of the Lao People's Revolutionary Party, inciting disorder, and undermining national solidarity.

The National Assembly passed a new media law in July 2008, allowing foreign media outlets to establish offices in the Lao People's Democratic Republic (Laos). The law has yet to be implemented and the current restrictions remain in place.

Ratification of human rights standards and co-operation with UN human rights mechanisms

On 25 September 2009, Laos ratified the International Covenant on Civil and Political Rights, nine years after signing the treaty. The country also ratified the Convention on the Rights of Persons with Disabilities, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Corruption.

Laos has not yet ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Rome Statute of the International Criminal Court.

A number of periodic reports to the UN treaty monitoring bodies are overdue, including the 16th and 17th periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination. Members of the Committee on the Elimination of Racial Discrimination held a workshop in Vientiane in April 2008 on reporting; however, the reports, due since 2007, have not yet been submitted by the government.

The Committee on the Elimination of Discrimination against Women considered Laos' combined sixth and seventh report in July 2009. The Committee found that the information provided in the report was too general in many aspects and lacked the necessary disaggregated data pertaining to, inter alia, the various ethnic groups so as to permit the Committee to evaluate the situation of women in Laos.

C. Promotion and protection of human rights on the ground

Restrictions on the right to freedom of expression

The authorities strictly control public debate, including in the media and on the internet. Journalists and authors appear to exercise a considerable amount of self-censorship, due to fear of reprisals. The government owns most domestic print and electronic media, and maintains strict controls over these. Some publications of a non-political nature are allowed to publish, although officials reportedly scrutinize their contents. Facilities to monitor internet usage and to block sites deemed politically sensitive are in place.

In October 1999, some 30 young people attempted to display posters calling for peaceful economic, political and social change in Laos. Police immediately surrounded and arrested five of them. They were subsequently sentenced to up to 10 years' imprisonment on charges of treason. Despite repeated interventions by the international community, the Lao authorities have provided only sparse information about the fate of the five men since their arrest. News of the death of one of them – Khamphouvieng Sisaath – in September 2001 as a result of harsh punishment inflicted by prison guards, only emerged in 2004. The release of another – Keochay – in 2002 was only learnt of several years later. The surviving three men should have been released by October 2009; however, Amnesty International is not aware of information about their whereabouts or well-being.

Thao Moua and Pa Fue Khang were arrested in June 2003 in Xieng Khouang province with two European journalists and their Hmong-American interpreter. The journalists had been researching a news story on ethnic Hmong in the Lao jungles, with Thao Moua and Pa Fue Khang, both ethnic Hmong, acting as their local guides. They were charged with numerous offences and given long sentences after an apparently politically motivated unfair trial, which lasted less than three hours. They two men were not provided with any legal representation and the outcome of the trial was apparently pre-determined. Thao Moua and Pa Fue Khang remain in Samkhe prison, Vientiane, serving sentences of 12 and 15 years, respectively.

Poor prison conditions

Independent human rights monitors do not have unfettered access to the country, including to its detention facilities. This prevents an accurate assessment of the number of political prisoners and the conditions in which they are held. However, despite the widespread secrecy exercised by the authorities, credible reports have emerged of harsh conditions in Laos' prisons and police detention facilities. There is a shortage of food and clean water and reports of guards beating and isolating prisoners as punishment; in some prisons wooden shackles are used.

Restrictions on freedom of religion

According to reports, local officials in Savannaketh and Saravan provinces have tried to force Christians to recant their faith, including through interrogation, harassment and death threats. Recent converts to Christianity appear to be particularly targeted. In the period between July and September 2008, the prosecution of Christians intensified and at least 90 Christians, from mainly evangelical congregations, were arrested and detained without charge or trial. Some were held for several weeks. At least two people were released after being forced to renounce their faith.

Protection of refugees and asylum-seekers

Following the return of around 2,800 Lao Hmong people from Thailand, coordinated by Thai and Lao authorities, several hundred returnees resettled at two designated sites, Phalak village in Kasi district and Namtha on the Vietnamese border. However, Amnesty International is concerned that these resettlement sites do not have adequate facilities and resources to cope with the large influx. Independent observers have not been allowed unfettered access to these areas and the situation of most of the returnees is not known.

A camp in Phetchabun province in northern Thailand, with a Lao Hmong population, is scheduled to close in December 2009. Most of the 4,200 persons in the camp are to be returned to Laos, according to a bilateral agreement between the two countries. There are concerns that humanitarian provisions to meet the basic needs of the returnees are not in place in Laos, and that the Lao government is not allowing for any third party monitoring of the well-being of the returnees.

Lao government representatives have also demanded that Thailand return 158 recognised refugees in breach of the principle of *non-refoulement*. The refugees are currently in an Immigration Detention Centre in Nong Khai in northeast Thailand.

The Thai authorities forcibly returned a group of 21 children and young people, plus a leader, in December 2005. They were arbitrarily detained in Laos for at least one year, when the Lao government announced it had reunited the girls in the group with family members inside the country. Within months, at least 12 of the girls escaped to Thailand where they provided credible accounts of ill-treatment and torture during the period in custody. Reports have since emerged that the boys may have been released some time thereafter, but these have not been verified. The leader, a woman, remains missing.

The death penalty

Amnesty International considers Laos as abolitionist in practice, in view of the absence of executions since 1989. However, in December 2007, Laos abstained in the vote on UN General Assembly resolution 62/149 which sought to establish a global moratorium on the use of the death penalty. Amnesty International was further disappointed to note that a month later Laos went on to support a statement in which 58 countries disassociated themselves from the resolution.²

In a March 2009 letter to Amnesty International, the Lao government stated that at the end of 2008, 85 people were on death row.

A British national arrested in 2008 for suspected drug trafficking faced a mandatory death sentence. The trial did not meet international standards of fairness. The woman did not have access to an independent defence and officials forced her to sign statements incriminating herself. A court in Vientiane subsequently commuted her death sentence to life imprisonment, as stipulated in domestic law, because she was pregnant. She was later transferred to the UK to serve her sentence.

D. Identification of achievements, best practice, challenges and constraints

Amnesty International calls on the government:

Ratification of human rights standards and co-operation with UN human rights mechanisms

- To ratify the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Rome Statute of the International Criminal Court;
- To submit overdue reports to the Committee on Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, and the Committee on the Rights of the Child;
- To promptly facilitate the visit by the Special Rapporteur on adequate housing.

² The statement was circulated on 11 January 2008 to the General Assembly as a *Note Verbale*.

National legislation

- To ensure that national legislation and its implementation in practice upholds obligations on Laos under international law, including the International Covenant on Civil and Political Rights.

Restrictions on the right to freedom of expression, prisoners of conscience

- To repeal or reform vaguely worded provisions in the Penal Code restricting the right to freedom of expression;
- To allow the legitimate activities of media and civil society organizations, and to bring national legislation and practice into line with the government's international obligations;
- To ensure that both media and civil society organisations are able to undertake monitoring and reporting on human rights violations;
- To release prisoners of conscience Thongpaseuth Keuakoun, Seng-Aloun Phengphanh and Bouavanh Chanhmanivong, and ensure that Thao Moua and Pa Fue Khang are released if there is no credible evidence that they have committed recognizably criminal offences.

Poor prison conditions

- To improve conditions in prison camps and detention facilities to ensure compliance with international standards, including the UN Standard Minimum Rules for the Treatment of Prisoners;
- To allow unfettered access to all places of detention for independent human rights monitors.

Restrictions on freedom of religion

- To end restrictions on the right to practice one's religion of choice without discrimination, in accordance with international human rights standards;
- To ensure that relevant authorities, including at the local level, are aware of their duty to protect individuals' right to freedom of religion, and to impose legal sanctions on officials, including police, who are found to have arbitrarily detained or otherwise punished persons solely on the basis of their religion or religious activities.

Protection of refugees and asylum-seekers

- To ensure that all returns of Lao Hmong people from Thailand are strictly voluntary, and that returnees are provided with adequate information about the human rights situation in the area to which they are returning so that they can make an informed decision regarding return;
- To respect the right of all persons to seek asylum as provided in the International Covenant on Civil and Political Rights and immediately withdraw any demands on the Thai authorities to return recognized refugees to Laos.

The death penalty

- To immediately impose a moratorium on executions, with a view to complete abolition of the death penalty, in line with UN General Assembly resolutions 62/149 and 63/168;
- To commute all outstanding death sentences;
- To make public all information about the imposition and use of the death penalty;
- To encourage discussion among National Assembly members and other appropriate legislative institutions on abolition of the death penalty for all crimes.

