



Human Rights Council 45th Session
Joint Oral Statement for the adoption of the UPR outcomes of Lao PDR
Asian Forum for Human Rights and Development (FORUM-ASIA), Manushya Foundation
and CIVICUS: World Alliance for Citizen Participation
Delivered by Lisa Majumdar
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Thank you, Mr. Vice President.

We note that the government of Lao PDR has accepted the majority of the recommendations it received during this Universal Periodic Review. However, we regret that the government has not accepted several key recommendations related to fundamental freedoms, and protection of human rights defenders.

Following the second cycle UPR in 2015, Lao PDR committed to reassess the restrictions on [fundamental freedoms] *civil society organisations, revise legislation to protect the right to freedom of expression and to ensure freedom of assembly* in line with the ICCPR. However, the government's actions since then stand in stark contrast to these commitments as well as Constitutional guarantees of these rights.

New amendments to the Media Act of 2008 introduced in 2016 further consolidate the government's absolute control over the media.

The government continues to criminalise criticism of the government using unwarranted criminal defamation charges on the basis of protecting "national interests," *as well as charges of anti-state propaganda, penalized under article 117 of the criminal code*. For instance, woman human rights defender, Houayheuang Xayabouly, known as Muay, was sentenced in November 2019 to 5-year imprisonment for a Facebook post criticising the slow response of the government in providing assistance to *affected communities displaced by flooding as a result of tropical storm* in August 2019.

The new Decree No. 238 on Associations introduced in November 2017 grants the government broad powers to control or prohibit the formation of associations, monitor and curtail their activities and finances, and to dissolve associations on arbitrary grounds without right of appeal.

We call on Lao PDR to create and maintain, in law and practice, an enabling environment for CSOs, media, journalists and human rights defenders by repealing or reviewing all repressive legislation in accordance with international standards. In particular, we call on Lao to review the Media Act, Decree No. 238 on Associations, Decree number 327 on Internet-Based Information Control/Management and provisions of the Penal Code, including Article 65 on



propaganda against the state, that impose undue restrictions on fundamental freedoms. We also call on the Lao government to stop prosecuting Lao citizens under article 117 of the criminal code and to ensure all Lao people can exercise their fundamental freedom of expression, as enshrined in the ICCPR.

We regret the government's failure to accept key recommendations to effectively investigate the enforced disappearance of *human rights defender* Sombath Somphone. Given the government's protracted failure to disclose any new information about the investigation since June 2013, we call on Lao to establish a new independent and impartial investigative body to determine the fate and whereabouts of Sombath.

We further call on the government to publicly set out a comprehensive, measurable and time-bound action plan for the implementation of UPR recommendations, in full cooperation and consultation with civil society.

Thank you.