

**Speech by Mr. Laurent Meillan, Acting Regional Representative
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**Panel Discussion on “ASEAN in Laos: Challenges of Leadership, Human Rights and Democracy”,
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We have seen very little progress on the human rights front in Lao PDR although the Government has made several commitments to improve its records, including during the last Universal Periodic Review at the UN Human Rights Council in 2015.

Many of the obstacles faced by Lao PDR to promote and protect democratic values and human rights are institutional.

At the national level, the political and legal system of Lao PDR does not provide a conducive environment for protecting human rights. Lao PDR is a state ruled by a single party. Fundamental rights in the Constitution are very limited. The criminal justice system is inquisitorial in practice and trials contravene international human rights standards, including the right to fair trial. Defendants are usually detained for a prolonged period before the trial without access to family members and lawyers. The country does not have an independent national human rights institution as well as mechanisms for redress and accountability. Civil society is tiny and heavily controlled.

At the regional level, Lao PDR is a member of ASEAN – and currently its chair – and a member of the ASEAN Inter-Governmental Commission on Human Rights. Overall, Lao PDR, along with some other countries, has neglected to properly scrutinize human rights abuses within these regional bodies. Because the rule of consensus prevails, this has largely contributed to weaken the human rights agenda at the regional level. As Lao PDR currently chairs ASEAN, this approach is even more problematic.

At the international level, while Lao PDR has ratified 7 core human rights conventions, it has failed to keep up with its reporting obligations. It has submitted reports on only two of the seven treaties. We also regret that Laos has not engaged in other important human rights mechanisms. For example, only two UN human rights experts have visited the country over the past 18 years. Several UN experts have requested visits but have not been granted permission to enter [e.g., summary executions, adequate housing, sale of children, cultural rights, extreme poverty, and freedom of assembly].

Since 2012, the OHCHR Regional Office for South East Asia has engaged with the Government in a bid to strengthen its capacity to promote and protect human rights. Overall, we have seen very little progress, although the Government has made several commitments to improve the human rights situation in the country. Although we acknowledge that the capacity of the government is limited.

Worryingly, in recent years, we have observed a pattern of increased harassment of civil society activists which is having a chilling effect on freedom of expression. As a result, we note that many individuals have chosen to self-censor over fears they will be punished. This is a very concerning development in a country where democratic and civic space is already very limited.

Even more concerning has been the issue of disappearance of civil society activists. The case of Sombath Somphone is a striking example but it is not an isolated case unfortunately. Eight similar cases

have been brought to the attention of the UN Working Group on Enforced or Involuntary Disappearances. The absence of progress in the investigation of Sombath's disappearance coupled with the lack of cooperation with the family of the victim questions the level of political will to establish the truth in this case.

Another worrying development has been the arrest and secret detention of government critics. In March 2016, three human rights defenders – Mr. Somphone Phimmason, Mr. Soukane Chaithad, and Ms. Lodkham Thammavong – were arrested at their homes for posting Facebook comments critical of the government's human rights policies. They were held incommunicado until appearing on public television at the end of May apologizing for their crimes. Their whereabouts remain unknown.

Our Office has been following these cases very closely, and we have expressed concerns privately and publicly on several occasions. But we have not received a progress report from the authorities for three years.

We are also concerned that a new Draft Decree on Associations could further hinder the ability of civil society activists to do their jobs. The bill limits local civil society organizations to mere service delivery and prohibits associations from receiving foreign funding without government approval. The bill also allows for organizations to be dissolved and their members investigated if they violate its provisions. The process for registering civil society organizations remains slow and tedious.

These restrictions have also been extended to international organizations. In 2013, the Government adopted the Guideline on International Non-Government Organizations which puts similar restrictions on the work of INGOs. INGOs are limited to working on development assistance and humanitarian aid in line with the government's national and economic development plan. The UN has raised concerns that this definition might prevent organizations working on other issues such as human rights, and assisting marginalized groups.

Another law that is a cause for concern is the Decree on Communication Activities of Foreign Media Agencies, Diplomatic Missions, and International Organizations. The Decree, which came into force on 14 January 2016, outlines requirements for attaining approval prior to publishing any work. The Decree specifically states that foreign media must submit their work to MOFA before publication. It also sets out the staffing approval and registration process for foreign media, international organizations, and diplomatic missions.

Human rights violations in Lao PDR go beyond restrictions on freedoms and fair trial to encompass economic, social and cultural rights as well as minority rights. For example, the fate and whereabouts of Lao Hmong deported from Thailand to Lao PDR has been an issue of concern for more than 10 years. Also, large scale development projects and land concessions are severely impacting on the enjoyment of economic, social and cultural rights by local communities.

Looking ahead to next month's ASEAN Summit, I would like to highlight four issues:

The first concerns the case of Mr. Sombath. It is important that the Lao Government takes the concerns of the international community seriously and that it lives up to its pledges and obligations. Lao PDR's human rights records were reviewed by the Human Rights Council in January 2015. During the review,

it committed to conduct an urgent and credible police investigation into the disappearance of Mr. Sombath and to communicate the findings to the public. Our Office continues to raise concerns about the lack of progress in the case. But we are doubtful that all efforts have been made to carefully review all existing evidence. It is crucial that the international community, including our Office, continues to demand that the Government meets its international human rights obligations in relation to this case. Other disappearances should also be effectively investigated, including cases of Lao Hmong.

Secondly, we are concerned about the cases of the three activists arrested in March for criticizing the government on Facebook. The UN has communicated its concerns to the Government, and we urge the government to inform their family members and legal representatives of their whereabouts.

Thirdly, my Office remains very concerned by the decrees affecting associations, and the media, diplomatic missions and international organizations. We urge the government of Lao PDR to review the decrees in line with international standards, and we have offered our assistance in this regard.

Finally, we have concerns about the impact of development projects on land and natural resources in Lao PDR, and how this affects people's lives. In this regard, it is essential for the Government to conduct meaningful and effective consultation with the affected communities, including indigenous people and protect their land entitlements, livelihoods and cultural heritage. To ensure the realization of its economic, social and cultural rights obligations, the government needs to adopt more robust mechanisms for public participation and accountability.

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