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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL  
FREEDOMS IN ANY PART OF THE WORLD**

**Written statement\* submitted by the South Asia Human Rights Documentation Centre  
(SAHRDC), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2004]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Rights abuses in Laos an affront to the United Nations**

Laos continues to evade international scrutiny of its human rights record, which ranks amongst the most repressive in Asia. Documented human rights abuses in Laos include: restrictions on the right to freedom of expression and media freedom, freedom of assembly and association; restrictions on religious freedoms, and persecution of religious minorities; arbitrary arrest and detention; torture of detainees, prisoners, and others; violations of international standards of due process and fair trial; “life-threatening” prison conditions; and persecution of the Hmong and other ethnic minorities. Yet the Laos authorities persist in dismissing these reports as “deliberately fabricated for political ends with the mere aim of discrediting the image of the Lao Government.”<sup>1</sup> Such denials are an affront to the purpose and principles of the United Nations and an insidious attempt by the Lao People’s Revolutionary Party (LPRP) to deflect from their own accountability for these egregious and systematic human rights violations.

### **Laos’ Legislative Provisions**

The 1991 Lao Constitution describes the LPRP as the “leading nucleus” of the political system and indirectly prohibits political opposition on any grounds.<sup>2</sup> The LPRP maintains effective control of all institutions in Laos such as the media, religious organisations and trade unions, which are constitutionally obligated to “popularise and propagate all policies, regulations and laws among the people.”<sup>3</sup> It provides for the “right and freedom to believe or not to believe in religions”, but does not provide for the constitutional right to “manifest one’s religious belief.” It provides for the “right and freedom of speech, press and assembly; and the right to set up associations and to stage demonstrations which are not contrary to the law,”<sup>4</sup> but does not define any parameters for the “the law”, such as the necessity in a democratic society for the protection of national security and public order, public health, or morals. It does not acknowledge any adherence to international law, nor are there any official legal procedures to ensure that national laws are brought into compliance with international instruments to which the Laos is a party.

Statutory protections in Laos are likewise grossly inadequate, and effectively exacerbate human rights abuses. The Laos Penal Code forbids “slandering the State, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the State.” Violators are believed to incur prison sentences of anywhere between one year and five years. Article 59 of the Penal Code sets a prison sentence of one to five years for “anti-government propaganda”. The Labour Code restricts any possibility of strikes by punishing “any person or organisation that is involved in a work stoppage.” Article 50 of the Law Concerning Criminal Procedure, allows up to one year's administrative detention without charge or trial.<sup>5</sup>

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<sup>1</sup> Abdelfattah Amor, Interim Report of the Special Rapporteur on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 31 July 2001, U.N. Doc. A/56/253, para. 23.

<sup>2</sup> Constitution of the Lao People's Democratic Republic, Adopted by the 6th Session of the People's Supreme Assembly (2nd Legislature), Vientiane, 13 - 15 August 1991, Article 3.

<sup>3</sup> *Ibid.*, Article 6.

<sup>4</sup> Constitution of the Lao People's Democratic Republic, Adopted by the 6th Session of the People's Supreme Assembly (2nd Legislature), Vientiane, 13 - 15 August 1991, Article 31.

<sup>5</sup> Law Concerning Criminal Procedure, Article 50.

Legislative provisions are in most cases incidental in Laos. Local and central authorities act with relative impunity outside any noticeable rule of law. Despite the fraudulent denials of the LPRP, there are consistent accounts of activities by the authorities that are in violation of Laos' limited domestic legal protections.

### **Persecution of Religious and Ethnic Minorities**

Religious persecution is still endemic in Laos. NGOs routinely list accusations of religious persecution on a weekly basis, including forced recantation, the closing of churches, eviction, arrest, detention and imprisonment.<sup>6</sup>

The Decree on the Administration and Protection of Religious Practice requires that the Lao Front for National Construction (LFNC) officially approve all organisations and all activities.<sup>7</sup> The decree permits the LFNC to prohibit activities that "create social divisions," thus "codifying the government's primary justification for repressing religious minorities and jailing their members in recent years."<sup>8</sup> The process for determining the standards required for approval is entirely arbitrary.<sup>9</sup>

The LPRP is actively involved in persecution of certain factions of the Hmong, who have fled to the jungles in Xaisomboun Special Region. Access to this region is prohibited. This led the Committee on the Elimination of Racial Discrimination (CERD Committee) to express grave concern at the information it had received of "serious and repeated human rights violations [in the Lao People's Democratic Republic], particularly violations of the rights to life, physical integrity and security, and of the freedoms of expression, association and religion, together with reports of economic, social and cultural discrimination against members of the Hmong minority."<sup>10</sup> Acts of "severe brutality", according to the CERD Committee, include "bombing of villages, use of chemical weapons and landmines and extrajudicial killings and torture."<sup>11</sup>

The CERD Committee has urged the Secretary-General of the United Nations to "draw the attention of the competent United Nations bodies to the particularly worrisome human rights

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<sup>6</sup> See International Christian Concern, *Country Profiles: Laos (updated May 2003)*, at <http://www.persecution.org/Countries/laos.html>.

<sup>7</sup> Decree on the Administration and Protection of Religious Practice, Articles 14-19.

<sup>8</sup> US Commission on International Religious Freedom, *Report On Laos*, February 2003.

<sup>9</sup> In 1999, in an attempt to establish clearer guidelines than those provided by the Constitution on the rights and obligations of religious faiths, the Department of Religious Affairs in the LFNC drafted regulations for religious organisations. Following a series of reviews and modifications, some made at the request of religious leaders, the regulations were forwarded to the Office of the Prime Minister in late 2001 for preparation to issue them as a Prime Ministerial Decree. At the end of 2002, the Prime Minister's Office was reviewing the final drafts of the regulations but had yet to promulgate the new rules.

<sup>10</sup> CERD, *Prevention Of Racial Discrimination, Including Early Warning Measures And Urgent Action Procedures, Decision 1 (63), Situation in the Lao People's Democratic Republic*, U.N. Doc. CERD/C/63/ Dec.1/Rev.1, 22 August 2003.

<sup>11</sup> *Ibid.*, para. 3.

situation in Laos and to request them to take all appropriate measures in this regard...<sup>12</sup> The LPRP has dismissed the allegations from outside parties as “slander” which “does not reflect the true situation.”<sup>13</sup> SAHRDC strongly urges that the Commission on Human Rights adopt the position of the CERD Committee in its dealings with Laos.

### **Freedom of Expression, Assembly and Association**

Freedom of the press and other means of free expression do not exist in Laos. All media is controlled by the government agency Khaosan Pathet Lao (KPL). All local and national news is directed towards government policy and development. Journalists are bound to report in a manner that is “more favourable to the government.”<sup>14</sup> Laos also places restrictive measures on foreign journalists, requiring that they apply for special visas. They are not entitled to documentary information, and are escorted at all times by government officials.

Trade union rights in Laos are “systematically repressed in both law and practice.”<sup>15</sup> All workers’ organisations are registered under the Lao Federation of Trade Unions, a federation that operates strictly “under the party’s leadership.”<sup>16</sup> Smaller employers’ organisations must affiliate to the Lao National Chamber of Commerce and Industry (LNCCI), which also functions under authority of the LPRP. There exists in practice no right to trade union assembly, nor any right to strike or collective bargaining.

### **Torture and Other Cruel, Inhuman or Degrading Treatment**

Whilst Article 47 of the Lao Law Concerning Criminal Case Proceedings outlaws torture, in practice it is a routine form of interrogation in Laos. Similarly, whilst the law provides enumerated rights of the accused, there exists “no record of a case where these rights have been upheld in their entirety, or indeed of any of these rights being routinely guaranteed.”<sup>17</sup> In conformity with its general attitude towards international bodies, the LPRP has ignored the

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<sup>12</sup> *Ibid.*

<sup>13</sup> Letter from Minister of Foreign Affairs of the Lao People’s Democratic Republic to the Committee on the Elimination of Racial Discrimination in Response to Decision 1 (63) on the Lao People’s Democratic Republic, reproduced in *Report of the Committee on the Elimination of Racial Discrimination*, 1 November 2003, U.N. Doc. A/58/18, pp. 181-5.

<sup>14</sup> Reporters Without Borders, *2002 Annual Report: Laos*.

<sup>15</sup> International Confederation of Free Trade Unions (ICFTU), *2003 Annual Survey of Violations of Trade Union Rights: Laos*, at <http://www.icftu.org/displaydocument.asp?Index=991217722&Language=EN>.

<sup>16</sup> Speech by Lao Federation of Trade Unions (LFTU) President Venethong Luangvily at the 7th Congress of the LPRP, quoted in *ibid.*

<sup>17</sup> Amnesty International, *Lao People’s Democratic Republic: “The Laws Are Promulgated But Have No Impact on The People”: Torture, Ill-Treatment And Hidden Suffering In Detention*, AI Index: ASA 26/004/2002.

requests of the UN Working Group on Arbitrary Detention that it furnish information in response to its concerns.<sup>18</sup>

Prison conditions are extremely harsh. The Lao authorities maintain that, “conditions of imprisonment in Laos are not unacceptable by Lao standards.”<sup>19</sup> Personal accounts describe conditions as being anything but acceptable. Arbitrary detention without trial for up to ten years is common<sup>20</sup>, corruption is endemic<sup>21</sup>, sanitation is deleteriously bad<sup>22</sup>, and access to medication is frequently denied.<sup>23</sup> Torture employed within prisons includes “punching and kicking with hands and feet, beating with sticks or truncheons, death threats and mock executions, solitary confinement, and long term shackling in wooden stocks...suffocation, near-drowning, use of electric shocks, burning with cigarettes, and exposure to extremes of temperature.”<sup>24</sup>

There are numerous recorded cases of violations of due process and fair trial.<sup>25</sup> The fate and whereabouts of protesters arrested in the 1999 movement for democracy remain unknown. The LPRP is not forthcoming in this matter. Several Hmong were also arrested with journalist Thierry Falise and photographer Bernard Reynaud in June 2003 and their whereabouts are still unknown. They have reportedly already been badly tortured and have no access to legal representation.<sup>26</sup> Latsami Khamphoui and Feng Sakchittaphong were imprisoned for 14 years in 1990 for advocating political and economic reform. The LPRP categorised this as “conducting propaganda”.<sup>27</sup> The men are currently being held in “extremely harsh conditions” in Houa Phanh

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<sup>18</sup> *Report of the Working Group on Arbitrary Detention*, U.N. Doc. E/CN.4/2000/4, 28 December 1999, para. 6: “[Laos] did not provide the Working Group with any reply concerning cases submitted to them, though the 90-day deadline had expired.”

<sup>19</sup> *Laos' Right To Reply To The Written Statement Made By Asian Legal Resource Centre On Item 11(E): Civil And Political Rights, Including The Question Of Religious Intolerance*, U.N. Doc. E/CN.4/2003/NGO/92, 10 March 2003. According to the written statement, “[s]ome people have been in solitary confinement for up to ten years. Some are kept in cells measuring six feet by three, with no windows and no light, the notorious dark rooms. Some have finished serving their sentences, but cannot leave because they can’t afford the 3-dollar ‘release fee’.”

<sup>20</sup> Silvoja Manzi, *When Freedom is Worth Three Dollars*, PROTAGONISTI, 27 November 2001, at [http://coranet.radicalparty.org/pressreview/print\\_right.php?func=detail&par=1629](http://coranet.radicalparty.org/pressreview/print_right.php?func=detail&par=1629).

<sup>21</sup> *Ibid.*, “[Y]ou pay to see a doctor, and even then you have to wait months; you pay to go to hospital, and even then there’s no guarantee that you will be taken (two prisoners have died in the last year, one of a fracture and the other of malaria, because they weren’t taken to hospital); above all, however, you pay to have a trial and to have your sentence reduced.”

<sup>22</sup> *Ibid.*, One squat toilet was shared by all in the cell “to wash the dishes, to wash our clothes, to clean our teeth and to shower.”

<sup>23</sup> *Ibid.*,

<sup>24</sup> Amnesty International, *supra* note 20.

<sup>25</sup> *Rights Groups Fear for Safety of Detained Journalists, Locals in Laos*, The Associated Press, 12 June 2003.

<sup>26</sup> Amnesty International, *Laos: Three Foreigners Released But Lao Nationals Are Tortured And Remain In Detention*, Press Release, 9 July 2003, AI Index: ASA 26/010/2003.

<sup>27</sup> Report of the Special Rapporteur on Torture, Sir Nigel S. Rodley, U.N. Doc. E/CN.4/1999/61, para. 440.

Province, and suffer from illnesses including kidney problems and intestinal problems. Their health, food and medical care are reported to be grossly inadequate.

Laos can be accused of violating almost all prescribed human rights standards in international law. As party to the International Convention on the Elimination of Racial Discrimination and the Convention on the Elimination of Discrimination Against Women – which it has neglected in its administrative as well as substantive obligations – and as a signatory to the International Convention on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights, Laos continues to flaunt its negligence and illegality in the face of the international community. The LPRP must be made directly answerable to these continual violations, which are contrary to the purpose and principles of the United Nations.

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