



International Covenant on Civil and Political Rights

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Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Lao People's Democratic Republic

Concluding observations (123rd session): [CCPR/C/LAO/CO/1](#), 23 July 2018

Follow-up paragraphs: 20, 38 and 40

Information received from State party: [CCPR/C/LAO/FCO/1](#), 25 September 2023

Information received from stakeholders: [International Federation for Human Rights and Lao Movement for Human Rights](#), 5 April 2024; [Unrepresented Nations and Peoples Organization and Congress of World Hmong People](#), 8 April 2024

Committee's evaluation: 20 [C] [B], 38 [E] and 40 [C]

Paragraph 20: Enforced disappearances

The State party should:

- (a) Effectively criminalize enforced disappearance, in accordance with international standards, and ensure that such criminal provisions are enforced in practice;
- (b) Step up efforts to conduct a thorough, credible, impartial and transparent investigation into the enforced disappearance of Sombath Somphone and into all other cases of alleged enforced disappearances, including of [Kha Yang, Wuthipong Kachathamakul, Bouavanh Chanhmanivon and Keochay, Kingkeo Phongsely, Somchit, Soubinh, Souane, Sinpasong, Khamstone, Nou, Somkhith, and Sourigna, Somphone Khantisouk and a number of members of the Hmong community], in order to clarify their fates and whereabouts and identify those responsible;
- (c) Ensure that victims and their families are regularly informed of the progress and results of investigations and receive the official administrative documents required by international standards; and that they are provided with full reparation, including rehabilitation, adequate compensation and guarantees of non-repetition;

* Adopted by the Committee at its 141st session (1–23 July 2024).



(d) **Ensure that perpetrators are prosecuted and, if convicted, punished with penalties that are commensurate with the gravity of the crime;**

(e) **Provide appropriate specialized training on the effective investigation and handling of enforced disappearances to security forces, and judicial and other law enforcement officials, including on the provisions of relevant international standards;**

(f) **Act upon its commitment to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which the State party accepted in the context of the universal periodic review of the Human Rights Council, in 2010 and 2015.**

Summary of the information received from the State party

(a) The Government does not allow any individual or legal entity to violate the rights of citizens or force them to disappear. In order to ensure protection of and respect for the rights of citizens, the Government has regulated some articles related to offences against the freedom of citizens in Part II of the 2017 Penal Code.

(b) The Government has continued to seek the truth about the disappearance of Sombath Somphone in order to bring the offender or offenders to justice. A task force was established to investigate and coordination efforts were carried out among central and local authorities, as well as with the International Criminal Police Organization (INTERPOL) and the Association of Heads of Police of the Association of Southeast Asian Nations (ASEANAPOL). While no additional solid evidence relating to his disappearance has been found, the task force is still actively investigating. The issuance of a declaration of the disappearance of Sombath Somphone is therefore not currently in compliance with relevant laws.

(c) The injured party, victim (or victims) or his or her (or their) representatives can enquire directly from relevant authorities about the progress of the case and the outcome of the investigation and ask for access to any documents in the case files. Furthermore, the injured party or victim will be granted full compensation from the offender or offenders or party found to be accountable in accordance with the law, including appropriate physical and mental rehabilitation.

(d) Investigating entities, public prosecutors, the people's courts and other parties participating in the criminal process investigate wrongful acts urgently, completely and thoroughly in order to ensure justice. In the prescription of penalties, the court must consider the nature and degree of the social threat posed by the offence, the personality of the offender and circumstances conducive to the reduction or the increase of criminal liability, as provided in article 61 of the Penal Code.

(e) The investigating entities, the Office of the Public Prosecutor and the people's courts organize specialized training every year on various topics to strengthen the capacities of their staff and their unified approach on investigations. Each training institute also provides training courses related to their rights and duties in criminal proceedings. From 14 to 18 March 2023, the police investigation department organized a course on training for investigation officials nationwide on transparent, fair and professional investigation.

(f) Currently, relevant ministries are planning to discuss, study and research the contents of the International Convention for the Protection of All Persons from Enforced Disappearance and relevant domestic legislation and to build the capacity of the relevant officials prior to considering ratification. The State party is still facing challenges and difficulties related to budget constraints and limited national capacity and is not ready to ratify the Convention in the near future.

Summary of the information received from stakeholders

International Federation for Human Rights and Lao Movement for Human Rights and Unrepresented Nations and Peoples Organization and Congress of World Hmong People

The Government has failed to adequately investigate ongoing cases of enforced disappearance and to take steps to ensure that thorough, credible, impartial and transparent

investigations are conducted. Reports of enforced disappearance have persisted, as has the pattern of impunity for such crimes. Three allegations have emerged involving cases of transnational repression against activists and human rights defenders. In 2020, nine special procedure mandate holders of the Human Rights Council and the Working Group on Enforced or Involuntary Disappearances expressed their deep concern regarding enforced and involuntary disappearances of members of the Hmong Indigenous community living near the Phou Bia mountain. The fate and whereabouts of Sombath Somphone remain unknown and there is a lack of political will to address his case. The authorities have continued to ignore his wife's numerous requests for information and have not provided her with any updates on the case since 2017. Furthermore, the fate and whereabouts of at least 10 other individuals who disappeared prior to the Committee's review of the State party in 2018 remain unknown. The authorities have repeatedly demonstrated a lack of commitment to solving these cases. The Government has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance and, to date, has made no demonstrable progress towards its ratification.

Committee's evaluation

[C]: (a), (b), (c), (d) and (f)

While noting the information provided, the Committee regrets: (a) that no measures have been taken to effectively criminalize enforced disappearance in accordance with international standards; (b) the alleged lack of thorough, impartial and transparent investigations into cases of enforced disappearance, including that of Sombath Somphone, and that impunity for such crimes has persisted; and (c) the slow progress towards ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee also regrets the lack of information on specific steps taken during the reporting period to ensure that victims and their families are regularly informed of the progress and results of investigations and that they are provided with full reparation. The Committee requests information in this regard, including statistical data, and reiterates its recommendations.

[B]: (e)

The Committee welcomes the information provided regarding the systematic training and education of judges, public prosecutors and law enforcement officers with the aim of strengthening their investigative capacities and understanding their responsibilities in criminal proceedings. The Committee requests further information regarding the specific content and impact of the training, including statistical data on the number of professionals trained during the reporting period and the frequency with which professionals are required to participate in continuing education and training programmes.

Paragraph 38: Participation in public affairs and the right to vote

The State party should take all measures necessary to give full effect to the right of citizens to genuinely take part in the conduct of public affairs, to vote and to be elected, in accordance with article 25 of the Covenant. It should also ensure that electoral legislation does not discriminate against persons with intellectual or psychosocial disabilities by denying them the right to vote on a basis that is disproportionate or that has no reasonable or objective relation to their ability to vote, and revise legislation denying all convicted prisoners the right to vote.

Summary of the information received from the State party

The State ensures that all citizens, regardless of gender, ethnicity, social and economic status, belief, religion or geographic location, have the right to vote and the right to be elected. Furthermore, the State ensures that persons with disabilities, including persons with intellectual disabilities and memory disabilities, have political equality, including with regard to elections, standing as a candidate for election, participating, consulting, agreeing on significant national issues and being appointed to hold any position according to the criteria and conditions contained in the 2018 law on persons with disabilities. However, those who are insane, persons with mental disorders, persons who have been convicted by a court and

persons who are deprived of their liberty are not eligible to vote or to be elected as members of the parliament.

The Lao Front for National Construction is a union of political organizations, sociopolitical organizations and social organizations and individuals representing all social strata, ethnic groups, religions, genders and ages. The relationship between the people and the Lao Front for National Construction at each level aims to enhance solidarity and harmony; mobilize all Lao multi-ethnic people of all strata, religions, genders and ages to exercise their rights and obligations as prescribed in the Constitution and laws; and to protect the national culture and customs of all Lao multi-ethnic people.

Summary of the information received from stakeholders

International Federation for Human Rights and Lao Movement for Human Rights and Unrepresented Nations and Peoples Organization and Congress of World Hmong People

The Government has failed to take any steps towards implementing the Committee's recommendations regarding the right to participate in public affairs and the right to vote. That was evidenced by another round of one-sided and heavily controlled legislative elections, held in February 2021. Civic and political space has reduced even further as a result of increasing acts of repression against members of civil society. The Lao People's Revolutionary Party tightly controlled every aspect of the electoral process through the National Election Committee, which is headed and dominated by Party members and is not independent from the Government. A short campaign period was characterized by carefully scripted and orchestrated events. As a result of compulsory voting, the election turnout was 98 per cent. Although no data are available on the ethnicity of the members of the National Assembly, there seems to be a de facto exclusion of members belonging to certain ethnicities, especially the Hmong. The State party's political organization precludes any involvement of the Hmong in politics and public life. The Government took no action to amend the legislation on elections of members of the National Assembly and the Provincial People's Council, which denies all convicted prisoners the right to vote and to be elected to legislative bodies.

Committee's evaluation

[E]

While noting the information provided, the Committee regrets the lack of information on steps taken during the reporting period to give full effect to the right of citizens to genuinely take part in the conduct of public affairs, to vote and to be elected. The Committee also regrets that reports indicate the continued restriction of a multi-party system and that all candidates must be approved by the Lao People's Revolutionary Party or a State-sponsored mass organization, as well as the de facto exclusion of ethnic minorities, particularly the Hmong, in politics and public life. Moreover, it regrets the alleged further suppression of civil and political space and the lack of measures taken to revise legislation denying all convicted prisoners the right to vote and to ensure that legislation does not discriminate against persons with intellectual or psychosocial disabilities by denying them the right to vote. The Committee reiterates its recommendations.

Paragraph 40: Rights of persons belonging to minorities

The State party should:

(a) **Take all steps necessary to ensure that meaningful consultations are held with communities with a view to obtaining their free, prior and informed consent for development projects with an impact on their livelihood, lifestyle and culture;**

(b) **Ensure that communities participate in any process concerning their relocation, that such relocation is carried out in accordance with relevant international standards, in particular the principle of non-discrimination, the rights to be informed and consulted, to an effective remedy and to the provision of adequate relocation sites**

that take due account of their traditional lifestyle and, where applicable, their right to ancestral land; and provide adequate compensation when relocation is not possible;

(c) Cease the persecution of members of the Hmong ethnic minority, including their arbitrary arrest, detention and enforced disappearance, and effectively investigate such acts, bring perpetrators to justice, and provide full reparation to victims or their families; and take robust measures to ensure effective access for members of the Hmong community to adequate food and health care, without discrimination.

Summary of the information received from the State party

(a) Legislation has been adopted to ensure the implementation of the policies on natural resources and environmental management, as well as people's participation in development. The law provides that companies carrying out development projects are responsible for conducting social and natural environmental impact assessments as well as participatory consultations with the people who may be affected by the projects. The 2018 Law on Resettlement and Vocation and the Decree on Compensation and Resettlement Management in Development Projects (No. 84 of 5 April 2016) stipulate that resettlement management in development projects must include environmental, social and natural impact assessments and plans for people's relocation, compensation and future livelihoods. They must also ensure coordination, consultation and participation between the project owner, the people affected by the project, State agencies and other stakeholders. As stipulated in the Decree on Environmental Impact Assessment (No. 389 of 20 October 2022), owners of projects or activities must include in environmental impact assessments periodic plans for social participation, especially focused on ethnic groups, gender equality, vulnerable groups and disadvantaged people who are affected by investment projects and various activities.

(b) In cases where there is a need to resettle people from development project sites, the State allocates new housing and implements compensation policies, pursuant to the Decree on Compensation and Resettlement Management in Development Projects. The 2019 Land Law contains revised provisions on compensation for rights to land use, requiring that compensation be in the form of land, material or monetary substitution for the land, agricultural products, livestock and incomes that are affected by development projects, based on established compensation values.

(c) All arrests and detentions are conducted pursuant to an order from the public prosecutor or from the people's court, except in the case of an on-the-spot arrest or in the case of emergency. Only the investigating entities have the right to arrest in such cases. All acts creating division and discrimination among ethnic groups are prohibited. The 2020 decree on ethnic groups was issued in order to define various principles to ensure equality among ethnic groups, create unity, harmony, equality and mutual assistance, and ensure the participation of all multi-ethnic groups in the protection and development of the nation.

Summary of the information received from stakeholders

Unrepresented Nations and Peoples Organization and Congress of World Hmong People

There are persistent structural barriers that prevent ethnic minorities from fully realizing their human rights. The Hmong community faces numerous violations of its cultural and religious rights, and religious activities are severely limited for all minority groups in the country. Hmong women and girls are particularly affected by discriminatory practices. Women and girls who surrendered to the Lao People's Army and were relocated to resettlement villages have been exposed to abuse, including sexual abuse, and threats of forced marriage. The Government is undoubtedly responsible for the devastation of Hmong rights and livelihoods in the country, highlighted by its fatal military campaigns against the ChaoFa Hmong.

The State party's economic strategy has directly affected national minorities through forced and illegal land grabbing by the authorities. In recent years, this practice has increased under the "Turning Land into Capital" policy, under which the Government has granted large companies the right to build industrial plantations, hydropower projects, mines and other

extractive industry projects on large tracts of land. This has resulted in the mass displacement of rural communities, particularly underprivileged minorities.

Committee’s evaluation

[C]

While welcoming the legislative measures taken to ensure consultations are held with communities with regard to development projects that could affect their livelihoods, lifestyles and cultures and to provide compensation and resettlement management in development projects, the Committee is concerned at reports indicating an alleged increase in forced and illegal land grabbing by the authorities under the “Turning Land into Capital” policy, resulting in the mass displacement of rural communities. The Committee is also concerned about information indicating the continued persecution and discrimination of members of the Hmong ethnic minority. It reiterates its recommendations.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party’s next periodic report.

Next periodic report due: 2027 (country review in 2028, in accordance with the predictable review cycle).
