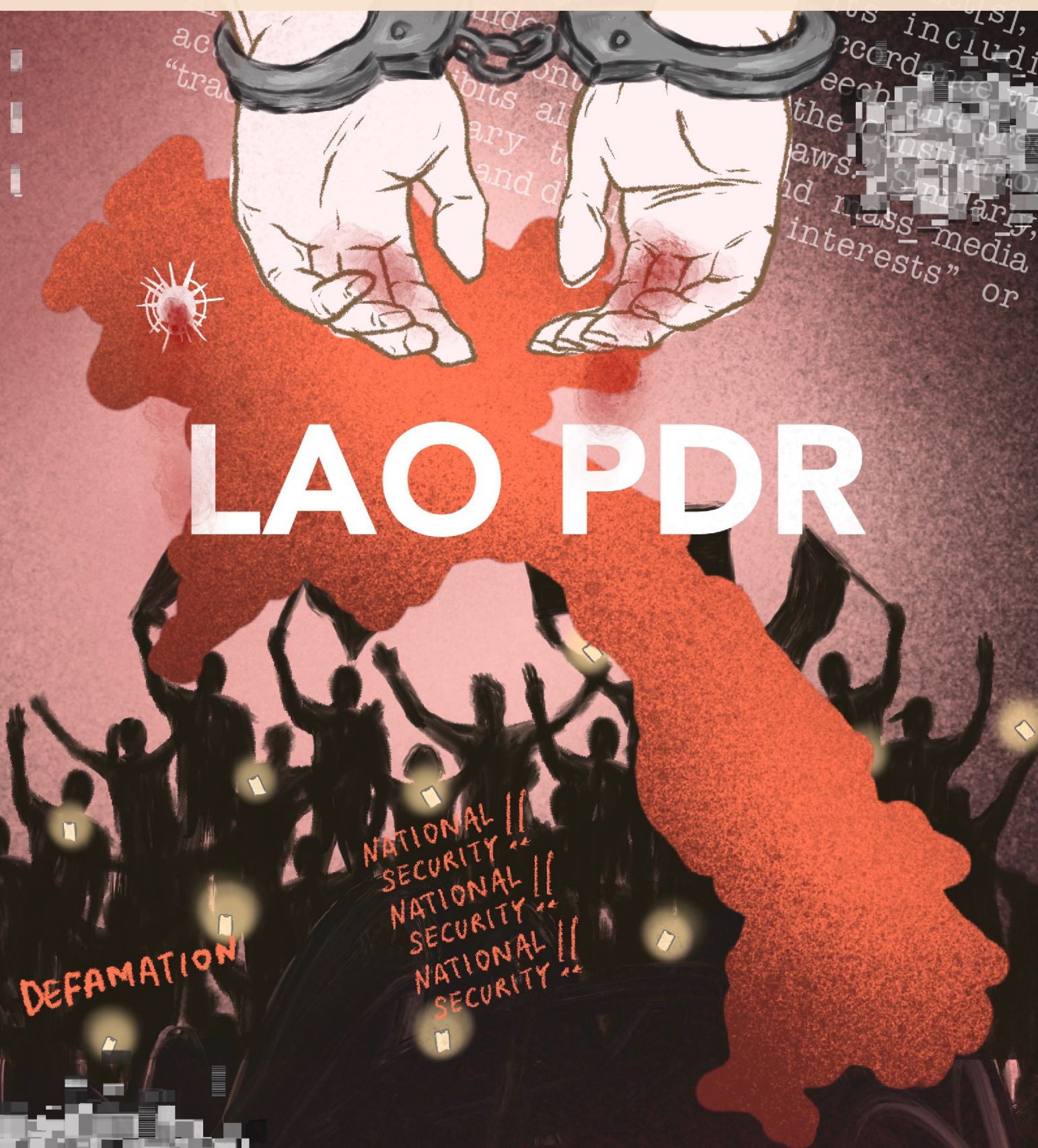


DAWN OF DIGITAL DICTATORSHIP: WEAPONISING THE LAW AGAINST ONLINE SPEECH

LAO PDR



What is the ASEAN Regional Coalition to #StopDigitalDictatorship?

The ASEAN Regional Coalition to #StopDigitalDictatorship was established in 2020, by human rights and digital rights activists from Southeast Asia, on a mission to decolonize digital rights and restore our online democracies.

Together, we stand in solidarity with one another, with people from the Global Majority, resisting and pushing back against authoritarian governments and complicit tech companies.

We tell our realities from the ground, and we develop solutions together.

Our truths. Our Stories. Our Solutions. Our Liberation.

Fighting back online authoritarianism in Southeast Asia is, and shall always be, decolonial, grounded on feminist values, centred on our voices and our collective power.

Listed alphabetically, members of the Coalition include: ALTSEAN-Burma, Cambodian Center for Human Rights, ELSAM, Free Expression Myanmar, Foundation for Media Alternatives, ILGA Asia, Manushya Foundation, The Rohingya Maiyafuñor Collaborative Network, SAFEnet, Viet Tan, and Women's Peace Network.

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List of Abbreviations

APF	ASEAN People's Forum
CSOs	civil society organisations
ISP	Internet Service Providers
LPRP	Lao People's Revolutionary Party
NAPGE	National Action Plan on Gender Equality 2021-2025
NPA's	Non-profit Associations
OGBV	Online Gender-Based Violence
PADETC	Participatory Development Training Centre
UNWGAD	United Nations Working Group on Arbitrary Detention
UPR	Universal Periodic Review

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This project would not have been possible without the help of the authors below, as well as reviewers who asked to remain anonymous, in validating our desk-research and in some cases, contributing content that informed this report.

Chapter I.

Introduction

The digital space is quickly emerging as one of the key spaces in which human rights are threatened. In Southeast Asia, the internet is no longer a free, safe, and secure space for expression. Restrictive legislation, intimidation, and even the murder of human rights defenders, activists, and journalists tarnishes the commitment to freedom of expression of the countries in the region. In this light, the need for our rights to be respected, including online, becomes greater.

This report is the outcome of the collaborative work of the ASEAN Regional Coalition to #StopDigitalDictatorship (“the Coalition”). After its establishment in 2020, with the coordination of Manushya Foundation, virtual discussions were initiated to discuss challenges faced, while determining collaborative and inclusive efforts to assess, amend, and monitor the implementation of legislations affecting digital rights. The Coalition has established itself as a leading regional expert voice on digital rights in the region and is now a key player, powering local and regional voices to speak their truth to power and to resist digital dictatorship.

A core group of members of the Coalition has collectively developed the research and analysis framework of a regional ASEAN Study, which is divided into three thematic reports. This report is part of a series of three thematic reports and focuses on the right to freedom of speech and expression in the digital space.

The aim of this report goes far beyond merely analysing the legal framework related to freedom of expression online and documenting rights violations in the nine Southeast Asian countries covered. The main goal is to increase public understanding of how important digital rights are to everyone’s lives and to strengthen netizens’ knowledge of those rights. But there is more to consider. As intersectional feminists, we recognise the internet is not equal for everyone. While the digital realm offers immense opportunities, it is far from being neutral or egalitarian, and it remains susceptible to persistent backlash against the rights of women and LGBTIQ+ people. Like other social spaces, it reflects and reproduces power relations and inequalities, including those related to gender.

Coalition members dedicate their work to making Asia a safe and peaceful place for all. While they have different goals and perspectives, the cultivation of an open, safe, and inclusive digital space for all is a key priority for them. At **Manushya Foundation**, we place “equality” at the core of our activities, apply a gender lens to all of our work, and focus on powering women activists and human rights defenders, youth, and LGBTIQ+ individuals to tell their very own stories in a powerful manner for their advocacy. Likewise, **ILGA**

Asia, a regional federation of more than 204 member organisations, works for the equality of all people regardless of sexual orientation, gender identity, and sex characteristics, as well as liberation from all forms of discrimination and stigmatisation. **Women’s Peace Network** has “equality” as one of its core visions and works to protect the rights and increase the inclusion of marginalised women, youth, and communities in the Rakhine state and across Myanmar. **The Foundation for Media Alternatives** focuses on the intersection between information and communication technology (ICT) and gender rights, including tech-related gender-based violence.

We also recognise that gender inequality intersects with other forms of oppression, such as race, ethnicity, class, sexuality, and disability, and women exposed to intersecting forms of discrimination are particularly vulnerable to violence in the digital world. Understanding the intricate ways in which power operates, we apply an intersectional feminist lens to explore and tackle the multifaceted dynamics within the digital realm. With this report, we shed light on this and the patriarchal power dynamics that hold our world back from fulfilling a society where everyone is treated with fairness and dignity.

However, that is not where our work ends. The ultimate objective is to call, as a strong and unified voice, on governments, policy-makers, and tech companies to move the needle forward from commitments on paper to concrete measures to respect their international human rights obligations—in order to restore our only democracy. Recommendations are also extended to civil society, which provides a critical foundation for holding governments and businesses accountable, and promoting human rights and democracy.

Following **Chapter II: Methodology**, which will clarify our research and compilation process, **Chapter III: Summary of International Human Rights Laws and Standards** will provide important context for the rest of the report with a table addressing the right to freedom of expression; the rights of human rights defenders; the right to privacy; and the right to effective remedy, and indicates the ratification status by country of each convention, where appropriate. Following, **Chapter IV:**

Country Overviews (Analysis) is originally split into nine sections, each one focused on a specific country: **Cambodia, Indonesia, Lao PDR (Laos), Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam.** Each section explains how laws and legal frameworks are being used to target free expression and information online, censor or regulate content, and monitor online activities. Each section includes cases of individuals arrested and charged for their online activities, as well as instances of online censorship, monitoring, and surveillance. However, in this booklet, the focus is solely on Lao PDR.

In this booklet, a section is dedicated to the impact of COVID-19 and democracy in Lao PDR. Although the pandemic has brought the world grinding to a halt, Southeast Asian governments took it as an opportunity to tighten their grip over civic space and implemented self-serving laws and policies. Under the banner of safeguarding public health, governments exploited emergency powers and other legal tools, including “fake news” laws, in restrictive and repressive ways, to advance their authoritarian agendas, suppress freedoms and critical speech, silence political opponents, control the flow of information, and attack media freedoms. While national circumstances differed in how the pandemic was governed, the states covered in this report had extensive repressive powers and used COVID-19 as a pretext to limit democratic space both offline and online.

Further, another section draws particular attention to cases of online gender-based violence and harassment experienced by women, including those who are more susceptible to online violence because of their jobs, race, ethnicity, religion, or identity, such as women activists and human rights defenders, women journalists, women belonging to religious or ethnic minorities, young women, women with intersecting identities (Indigenous, ethnic and minority, migrant women; lesbian, bisexual, transgender and intersex women; women with disabilities).

The report concludes with a number of **recommendations** for the primary actors identified as holding key functions in enhancing the state of digital freedoms in Lao PDR, specifically that of online expression. Governments, members of Parliament, tech companies, and civil

society have—each one to a different extent—a crucial role to play to uphold human rights and fundamental freedoms in the digital space. Since civil society civil groups are front and centre in representing the factual needs of the people and they can power citizens by providing civic education on human rights, a series of recommendations is likewise made to them. People are more likely to resist attempts to suppress their rights if they are aware of them.

Creating a safe internet space for everyone is crucial for promoting inclusivity, respect, and equal opportunities.

Only together can we foster a more inclusive and respectful internet culture where everyone can engage, express themselves, and participate without fear of discrimination or harassment. None of us are free until we are all free.

What is the ASEAN Regional Coalition to #StopDigitalDictatorship?

The ASEAN Regional Coalition to #StopDigitalDictatorship was established in 2020, by human rights and digital rights activists from Southeast Asia, on a mission to decolonise digital rights and restore our online democracies. Together, we stand in solidarity with one another, with people from the Global Majority, resisting and pushing back against authoritarian governments and complicit tech companies. We tell our realities on the ground, and we develop solutions together.

Our truths. Our Stories. Our Solutions.

Fighting back online authoritarianism in Southeast Asia is, and shall always be, decolonial, grounded on feminist values, centred on our voices and our collective power.

Chapter II.

Methodology

This Thematic Report is a culmination of four years of monitoring, research, writing, reviewing, and examining the digital rights space in nine ASEAN countries: Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, The Philippines, Singapore, Thailand, and Vietnam. Our research does not cover Brunei Darussalam and Timor-Leste due to the lack of coalition members in these countries. As mentioned previously, this booklet will, however, focus solely on Lao PDR.

Whe methodology used in this report encompasses both primary and secondary sources. Primary data was gathered by Manushya Foundation, together with organisation members of the ASEAN Regional Coalition to #StopDigitalDictatorship. We have entrusted our coalition members to write thorough country-specific analyses, based on their expertise in the digital rights landscapes of their respective countries. It must thus also be noted that as these coalition members are specialists in their own rights, with a wealth of information obtained through lived experiences and field research, not every source will be cited, as a lot of information was first-handedly provided by the author and not obtained from elsewhere.

We included voices from the ground and experts' insight from panel discussions, including sessions we held as part of RightsCon, such as the 2022 "Thailand: Digital Authoritarianism Rising" session, the 2021 "Online Freedom Under Attack: Weaponising Misinformation, Disinformation, and 'Fake News' for Censorship in Southeast Asia" session, as well as a series of other webinars hosted by the Coalition. Participants of the webinars and discussions consisted of citizens, experts, representatives of academia, and civil society groups. For some countries, our Coalition members also conducted independent investigations and compiled data from open sources published by the relevant authorities, government agencies and the judiciary. The report's coverage spans the years 2020 through 2023, except for the chapter on Laos (**Chapter IV, 3. Lao PDR**), where

egregious human rights breaches instances prior to 2020 are also included. Similarly, for Myanmar (**Chapter IV, 5. Myanmar**) and Cambodia (**Chapter IV, 1. Cambodia**), countries for which we are also incorporating elements from 2024 due to the rapidly evolving events. We focused our inquiries on different target areas, which were ultimately synthesised into primary themes featured in the reports in this series: criminalisation of defamation and lack of human-centred cyber laws and policies; online monitoring and content moderation; threats to privacy and data protection; harassment of activists and human rights defenders (HRDs); and internet shutdowns.

This report is also composed on the basis of desk research, including a systematic literature review of relevant legislation and regulations; reports, studies, and recommendations by UN human rights mechanisms and NGOs; online news articles; policy and white papers; and independent publications. Data was also obtained from studies and external civil society organisations. We carried out interviews with a wide range of stakeholders to receive the most accurate insight on the state of digital rights on the ground relating to the target areas specified above. The study's ultimate objective is to provide a comprehensive analysis of the state of digital rights in the Southeast Asia region, including during the COVID-19 pandemic, by looking at existing national laws, policies and measures; recorded cases of violation; as well as previous recommendations or proposals made in line with international human rights laws and standards.

Chapter III.

Summary of International Human Rights Laws and Standards

Fig. G: Summary table of international human rights laws and standards.

FREEDOMS OF EXPRESSION AND TO HOLD OPINION		
International Human Rights Instruments	Relevant Provisions and Interpretations	Ratification/Voting/Adoption Date and Status
UDHR	Article 19: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”	NOT Binding but serves as a cornerstone for the development and evolution of international human rights law. as a matter of customary international law
ICCPR	Article 19: Upholds the right of every individual to freedom of expression, including the freedom to “seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media” without interference.	Ratified Cambodia (May 26, 1992) Indonesia (Feb. 23, 2006) Lao PDR (Sept. 25, 2009) Philippines (Oct. 23, 1986) Thailand (Oct. 29, 1996)
	Article 19(3): Articulates a three-part test, stipulating that any restrictions on expression must be “provided by law”, proportionate, and necessary for “respect of the rights and reputations of others,” “for the protection of national security or of public order, or of public health and morals.”	General comment no. 34: Article 19 (freedoms of opinion and expression): States that criminalize defamation must decriminalize it given that “imprisonment is never an appropriate penalty” for, and is neither necessary nor proportionate to the aim of protecting others. ²
UDHR	Article 12: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”	NOT Binding but serves as a cornerstone for the development and evolution of international human rights law. Binding as a matter of customary international law

Fig. G: Summary table of international human rights laws and standards.(continuous)

<p>ICCPR</p>	<p>Article 17: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.” It also upholds the right of persons to receive legal protection from such interference or attacks.</p> <hr/> <p>General comment no. 16: Article 17 (right to privacy): This Article is intended to protect against said infringements, both by states and private individuals. Further, “interference authorized by States can only take place on the basis of law, which itself must comply with the provisions, aims and objectives of the Covenant.” The principles of legality, necessity and proportionality also apply to privacy limitations.³</p>	<p>Ratified Cambodia (May 26, 1992)</p> <p>Indonesia (Feb. 23, 2006)</p> <p>Lao PDR (Sept. 25, 2009)</p> <p>Philippines (Oct. 23, 1986)</p> <p>Thailand (Oct. 29, 1996)</p> <p>Vietnam (Sept. 24, 1982)</p> <p>Not signed or ratified Malaysia, Myanmar, Singapore</p>
<p>Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (2016) juncto Report of the OHCHR on the right to privacy in the digital age (2014)</p>	<p>Legitimate surveillance, where intended to limit the freedom of expression, requires states to demonstrate the risk that the expression “poses to a definite interest in national security or public order.”⁴ All interference with the right to privacy must also be authorised by an independent oversight body through careful review, and be accompanied with an assurance of effective remedy in case of a breach.⁵</p>	<p>Non-binding (interpretive)</p>
<p>RIGHTS OF HRDS</p>		
<p>International Human Rights Instruments</p>	<p>Relevant Provisions and Interpretations</p>	<p>Ratification/Voting/Adoption Date and Status</p>
<p>UN Declaration on Human Rights Defenders</p>	<p>Article 6: Provides for the right of persons to seek, obtain, receive and hold information about all human rights and fundamental freedoms; freely publish or impart or disseminate information and knowledge on all human rights and fundamental freedoms; and to study, discuss and hold opinions on the observance of these rights.</p> <p>Article 7: “Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.”</p> <p>Article 9: Everyone whose rights or freedoms pursuant to the Declaration are allegedly violated must be able to access an effective remedy and have their complaint heard by an independent, impartial and competent authority.</p>	<p>NOT Binding but serves as a cornerstone for the development and evolution of international human rights law</p>

Fig. G: Summary table of international human rights laws and standards.(continuous)

RIGHT TO AN EFFECTIVE REMEDY		
International Human Rights Instruments	Relevant Provisions and Interpretations	Ratification/Voting/Adoption Date and Status
UDHR	Article 8: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.	NOT Binding but serves as a cornerstone for the development and evolution of international human rights law
ICCPR	Article 2(3): Provides for the obligation of states to ensure that those individuals whose rights have been violated have access to an effective remedy whether the violation(s) were committed by a person acting in their official capacity. Further, the effective remedy is to be determined by a competent judicial, administrative, legislative or other authority as mandated by the national legal system. The bottomline is that, regardless of the authority in charge, remedy must actually be granted.	<p>Ratified</p> <p>Cambodia (May 26, 1992)</p> <p>Indonesia (Feb. 23, 2006)</p> <p>Lao PDR (Sept. 25, 2009)</p>
	General comment no. 31 (the nature of the general legal obligation imposed on States Parties to the Covenant): Judicial and administrative mechanisms must be set in place to “investigate allegations of violations promptly, thoroughly and effectively through independent and impartial bodies.” Reparation to individuals can take the forms of “restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.” ⁷	<p>Philippines (Oct. 23, 1986)</p> <p>Thailand (Oct. 29, 1996)</p> <p>Vietnam (Sept. 24, 1982)</p> <p>Not signed or ratified Malaysia, Myanmar, Singapore</p>

Chapter IV.

Country Analysis

4. Lao PDR (Laos)

YEAR	DEMOCRATIC STATUS OF THE COUNTRY <small>(according to the Freedom In The World index)</small>	DIGITAL SPACE & ONLINE FREEDOM STATUS OF THE COUNTRY <small>(according to Manushya Foundation's Assessment)</small>	PRESS & MEDIA FREEDOM STATUS OF THE COUNTRY <small>(according to the World's Press Freedom Index)</small>
2020	14/100 <small>NOT FREE</small>	<small>NOT FREE</small>	172/180 (35,72) <small>VERY SERIOUS</small>
2021	13/100 <small>NOT FREE</small>	<small>NOT FREE</small>	172/180 (29,44) <small>VERY SERIOUS</small>
2022	13/100 <small>NOT FREE</small>	<small>NOT FREE</small>	161/180 (36,64) <small>VERY SERIOUS</small>
2023	13/100 <small>NOT FREE</small>	<small>NOT FREE</small>	160/180 (36,66) <small>VERY SERIOUS</small>

✓ **FREE** Scores 100-70
⋯ **PARTLY FREE** Scores 69-40
✗ **NOT FREE** Scores 39-0

GOOD 85-100 points	SATISFACTORY 75-85 points	PROBLEMATIC 65-75 points	DIFFICULT 45-65 points	VERY SERIOUS 0-45 points
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Fig. 4.1: Summary of freedom ratings for Lao PDR (Laos), 2020-2023.¹

4.1 Legal Framework

Freedom of Expression is Guaranteed but Illegitimately Restricted

Although the Lao Constitution recognises basic human rights, there are many laws that hinder online freedoms. Article 34 of the Constitution provides that “the state acknowledge[s], respect[s], protect[s], and guarantee[s] the human rights including fundamental rights of the citizen in accordance with the law.” The rights to freedom of speech and press are recognised under Article 44 of the Constitution but should not be “contrary to the laws.” Similarly, Article 23 prohibits all “cultural and mass media activities” contrary to “national interests” or “traditional culture and dignity.”²

Criminalisation of Defamation: the Penal Code

The Lao Penal Code provides vague and broadly formulated offences of defamation, libel and insult. Articles 205 and 206 of the 2017 Penal Code (Articles 94 and 95 of the 2005 Penal Code) provide broad definitions of defamation. More precisely, article 205 stipulates that “any person severely damaging the reputation of another person or resulting in severe damage to the other person’s honour through written, verbal or other means and any person seriously infringing upon the dignity or honour of another shall be sentenced to imprisonment for a term ranging from three months to one year or by reeducation without deprivation of liberty and a fine ranging from LAK 1 to 5 million (\$52-262).”³

“

Using unwarranted defamation, libel, and slander charges, justified by vague claims of ‘national interests’, the government increasingly restricts any speech or actions that would highlight corruption or the violation of rights resulting from development projects and investments, specifically those related to land and sustainable development. The Lao government must immediately repeal or amend legislations that do not comply with international human rights standards and obligations through transparent and inclusive mechanisms of public consultation. The Lao government must also end the harassment and intimidation against persons who speak up, and provide effective remedy in cases where the rights of individuals have been denied or violated.”⁴

—Emilie Pradichit, Founder & Executive Director of Manushya Foundation

Censoring Dissent: The 2015 Cybercrime Law

The 2015 Law on Prevention and Combating Cyber Crime further affords the government power to silence online criticisms by criminalising vaguely defined web content including deceptive statements and statements “propagating to destroy or against the political regime in order to cause turbulence in society” or against the government and Lao PDR. “Causing damages via online social media” is identified as one of the cybercrimes under Article 8. Particularly, actions including applying “false,” “misleading” and “deception information,” and bringing information “destroying national security, peace, order in society, national culture and fine tradition of the nation” are punishable by imprisonment from three months to three years with fining from LAK 4 to 20 million (\$230 to 1,180) according to Articles 13 and 62.⁵

Restricting Expression on Grounds of Protecting National Security: The Weaponisation of ‘anti-state propaganda’

Aside from defamation provisions, a series of legal provisions and laws prescribe restrictions on freedom of expression, access to information and media freedom on the basis of “national security” or “public order.” Article 117 of the Penal Code (Article 65 of the 2005 Penal Code), known as the provision on “propaganda against the state,” punishes anyone “conducting propaganda activities against and slandering the Lao PDR, or distorting the guidelines of the Party and policies of the government, or circulating false rumours causing disorder by words, in writing, through print, newspapers, motion pictures, videos, photographs, documents, electronic media, or by other means, which are detrimental to the Lao PDR or are for the purpose of undermining or weakening state authority”, with one to five years of imprisonment and a fine from LAK 5 to 20 million (\$290 to 1,180). Given the imprecision of various aspects of this provision, it grants unfettered discretion to the authorities and allows for arbitrary interpretation.⁶

“

We can't say much. If you say something bad, you'll be accused of trying to break up the Party and government. We can't talk back to or make any argument against the authorities.⁷

—A resident of Champasak province

Restricting Expression on Grounds of Combating False Information: The Weaponization of ‘Fake News’

Decree No. 327 on Internet-Based Information Control/Management, which entered into force on Oct. 1, 2014

The Decree contains a number of provisions that unduly restrict the right to freedom of expression by imposing harsh penalties on online criticism and the circulation of “false information online.” It criminalises the dissemination and commenting of “false or misleading information against the Lao People’s Revolutionary Party or the Government”; “false propaganda” with the aim of undermining social unity and the solidarity among ethnic/minority groups and nations; “edited photos and other photos that are prohibited under the law of the Lao PDR, including photos discrediting the Lao tradition”; national secrets, military secrets or “other secrets”

“

When there are no clear guidelines for punishing specific wrong actions, those in power can unfairly punish individuals. By deliberately avoiding the establishment of such limits, the authorities seek to stifle the very essence of democracy and suppress dissenting voices.

–Emilie Palamy Pradichit, Founder and Executive Director of Manushya Foundation

as indicated in Lao PDR’s legislation and regulation. The range of prohibitions applies to the online space as the Decree explicitly covers information shared on social media platforms and websites. Terms such as “false,” “misleading” or “untrue” information are vague and open to misapplication. Article 26 lists a number of sanctions applicable to individuals, legal entities or organisations who violate the Decree. These sanctions range from warnings, education, penalty, fines, to criminal prosecution, depending on the severity of the case. Nevertheless, it does not specify the violations to which each sanction corresponds, allowing the authorities to arbitrarily punish legitimate criticism against government policies.⁸

The 2021 Special Task Force to control the spread of ‘fake news’ related to the COVID-19 pandemic

In May 2021, the Ministry of Public Security ordered the establishment of a “special task force” designated for tracking and combating online “fake news” concerning the COVID-19 pandemic on social media platforms. The task force is to be composed of officials from the Ministry of Information, Culture and Tourism, and public security and police divisions.⁹

The 2023 Social Media Clampdown: the Lao government’s Intention to Address ‘Fake News’ from social media accounts inside and outside Lao PDR (Laos)¹⁰

Early in August 2023, the Ministry of Technology and Communications of the Lao government announced its intention to regulate social media utilisation both inside and outside the country.¹¹ A representative from the Lao Ministry of Defence and Security indicated that those who use social media to spread false news, distort information, or criticise the government may face repercussions. Initially, so-called “education” would be enforced for the first offence, with legal punishment and prosecution ensuing for subsequent offences. This measure seeks to maintain societal order and address the issue of foreign media outlets that disturb the peace, misrepresent the facts, or criticise the actions of Lao authorities. The government elaborated that while it intended to exercise control over the content shared on domestic social media platforms, the primary challenge lies in effectively managing the content originating from accounts or individuals located outside the country that spread ‘fake news’ about the Lao government. The stakes are elevated. The government is not only determined

to censor social media content within the country, but it also seeks to expand its reach beyond the Lao borders, alleging without legal evidence that some foreign social media accounts are spreading “fake news” about the Lao government.¹²

No Independent Media: Lao Authorities’ Tool for Controlling Information

The 2016 Media Law

The Media Law was adopted in 2008 and amended in 2016 to “ensure that the media implements their duties and mission to be a sharp voice of the ruling [Lao People’s Revolutionary] Party and the people in order to propagate the guidelines and directions, and laws and social-economic development plans of the state.” It allows the authorities to have broad discretion to control information and communication, which greatly undermines the independence of the media.¹³

There is no independent media in Lao PDR (Laos). Despite the intended role of the media to serve as a voice, bringing attention to societal issues and scrutinising government policies for public awareness, the reality is that the state exerts total control over the media. The government tightly controls media to ensure that TV, radio and printed publications comply with and reflect the government policies. The 24 newspapers, 32 television networks, and 44 radio stations in the country are all obliged to follow the party line mandated by the Peoples’ Propaganda Commissariat, meaning that people in Lao PDR (Laos) have access to little, if any, reliable information.¹⁴

This severe control results in a lack of clear, detailed, and comprehensive coverage of societal problems, making it less appealing for people to rely on the country’s state media outlets for news about their communities.¹⁵ As a result, in recent years, Lao people have increasingly turned to social media to find the truth, social media accounts of online bloggers, activists, and citizen journalists.

This has led to the Lao government’s growing attempts to control social media platforms and accounts functioning as online news outlets, to silence citizen journalists, and stopping the world from knowing what’s really happening in Laos. .

The 2019 Order Number 256 Mandating Registration of News Outlet Administrators on Social Media

As highlighted, Lao citizens increasingly prefer internet and social media platforms over state-controlled news outlets for accessing uncensored information. In response, the Ministry of Information, Culture, and Tourism (MICT) issued the Government Order Number 256 in July 2019, mandating registration of news outlet administrators on social media. Non-compliance with this directive carries harsh penalties, justified as measures to combat fake news and disinformation.

The order was issued with the intention of regulating the dissemination of “fake news and disinformation in social media” to combat the spread of misinformation and prevent public panic.¹⁶

In August 2020, former Prime Minister Thongloun Sisoulith pushed media and publishing officials to continue “defeating the fake, deceptive, and harmful news” found on social media.¹⁷ In September 2020, the Ministry of Information, Culture, and Tourism issued another notice, reiterating that “any individual, legal entity, state or private sector that continues to publish and provide information to the public via social media without permission will face measures in line with the laws of the Lao PDR”. Reportedly, 20 Facebook pages, including Tholakhong, Inside Laos, and Lao Youth, have been registered while some news sites such as the Lao-Thai Facebook page have not.¹⁸

The 2021 Order to Register Social Media Platforms Disseminating News¹⁹

In addition, the Ministry of Information, Culture, and Tourism (MICT) requires any “individual, legal entity, state or private sector” that distributes news on social media platforms to register or face legal consequences.²⁰ Indeed, on 20 May 2021, the Ministry of Information, Culture and Tourism (MICT) ordered the departments of Information, Culture and Tourism in all provinces to keep records of official social media platforms including websites, online news pages and Facebook pages and to forward them to the Mass Media Department, under the guise of combating

“false information” during the COVID-19 pandemic. It also encouraged its provincial departments to supervise the registration of social media platforms. The notice stated that unregistered platforms would not be allowed to publish information or news under the Media Law and continuous operation would also face legal consequences. It was claimed that registration aims to regulate social media and ensure that information and news posted on social media platforms are accurate. Officials highlighted punishment for the circulation of fake news and misinformation causing loss or damage through social media under the 2015 Law on Prevention and Combating Cyber Crime.

#PeoplePower | How Are People Resisting #DigitalDictatorship?

The ASEAN Regional Coalition to #StopDigitalDictatorship calls for Immediate Reforms for the Safeguard of LAO PDR (Laos) Digital Rights Landscape



The ASEAN Regional Coalition to #StopDigitalDictatorship issued two Joint Statements in 2021 and 2023 to stand in solidarity with the Lao people, calling on the Lao government to stop online control and surveillance. The coalition advocates for an independent and free media, and urges Lao authorities to repeal or amend laws and regulations that curtail freedom of expression, independent media, and access to information, aligning them with Article 19 of the UDHR and the ICCPR. The coalition strongly emphasises the need to refrain from using allegations of ‘fake news’ as a pretext to restrict online information and stifle free media.

Additionally, the coalition implores the Lao government to cease the weaponisation of constitutional provisions, such as Article 23, to unduly limit media activities under vague and overly broad notions of ‘national interests.’ Furthermore, the coalition calls for a commitment to transparency, ensuring access to information for all individuals in Lao PDR (Laos), especially when

it pertains to the public interest and impacts individuals’ rights to expression, information, and public participation. The coalition advocates for the adoption of a law that facilitates such access, guaranteeing transparency and promoting open information flow. The coalition also stresses the importance of ensuring that measures addressing disinformation and misinformation align with international human rights obligations.

Finally, the Coalition reminds the Lao government of the UN Human Rights Committee’s concerns in its 2018 Concluding Observations over the state’s absolute control over media aiming at ensuring that TV, radio and printed publications adhere to and reflect the government policies. In January 2020, during its 3rd Universal Periodic Review (UPR) cycle, Lao PDR received 24 recommendations relating to freedom of opinion and expression and 7 recommendations calling for respect of press freedom.²¹

China’s Grip Tightens: Controlling Lao News through the One Belt, One Road Initiative

Lao PDR (Laos) and China are closely collaborating under the One Belt, One Road initiative, strengthening their relationship through improved infrastructure. At the 3rd One Belt, One Road summit, the Lao and Chinese presidents endorsed a media cooperation agreement to enhance reporting on initiative developments.²²

In 2023, the Lao Ministry of Information, Culture, and Tourism (MICT) and China’s Radio-Television signed an agreement to modernise the Lao media industry over the next decade. Foresees increased exchanges between radio and television personnel to promote the One Belt, One Road initiative globally. Collaboration between Lao National Television and Chinese counterparts has already improved electronic media quality through equipment provision and training. China has granted scholarships for Lao media officials’ training, fostering closer ties. The growing relationship is evident in joint efforts to report on One Belt, One Road developments, including feature films, documentaries, online broadcasts, and collaborative radio and television programs.²³

This orchestrated control over media outlets not only stifles journalistic freedom but also results in a dire lack of credible information for the Lao citizens, undermining their right to access accurate and diverse news sources.

Web of Control: Internet Service Providers and Mass Surveillance in Lao PDR (Laos)

Surveilling Netizens: The 2020 Notice for Mandatory Sim Card Registration

In June 2020, the Ministry of Posts and Telecommunications issued a notice²⁴ to Lao people making it mandatory to register all sim cards, and all phone numbers, as a way to surveil Lao people.

The deadline for Lao people to register their mobile phone numbers was extended several times, until December 16, 2023. Individuals who fail to register their SIM cards would face fines and could risk being disconnected and permanently removed from the phone network.²⁵

The ministerial notice was originally issued amid the COVID-19 pandemic under the guise of virus containment measures, but officials now claim it’s aimed at combating scams, while Human Rights groups suspect its true intent is to surveil dissenting voices.

Regulating Content by Controlling Internet Service Providers: The Telecom Law 2021

The New Telecommunications Law, dated 16 November 2021 (the Telecom Law 2021), has replaced the previous Telecommunications Law of December 2011.²⁶ Under the Telecom Law 2021, Internet Service Providers (ISPs) will have the obligation to cooperate with the government to block content deemed inappropriate, and to “report web users’ names, professions and data search histories to the authorities.”²⁷

4.2 Challenges and Cases

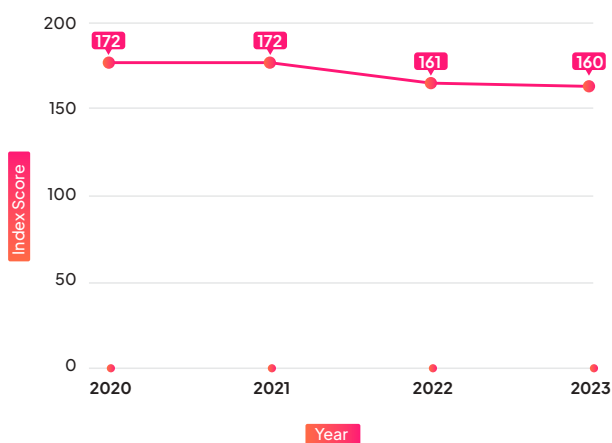
#WhatsHappeningInLaos

The Lao PDR (Laos) is a single-party state, with the Lao People’s Revolutionary Party (LPRP) exercising monopoly over every aspect of the country, often by impinging on fundamental rights. In December 2022, Sonexay Siphandone was nominated as prime minister with an overwhelming majority, winning 149 out of the 151 votes from the National Assembly. He is a former deputy prime minister and investment minister.²⁸

Lao PDR (Laos) Freedom Ratings

Despite constitutional provisions aimed at recognising basic rights, Lao PDR (Laos) maintains a consistently poor human rights record. Although Freedom on the Net data is unavailable for Lao PDR (Laos), the Manushya Foundation, serving as the digital rights expert in Lao PDR (Laos), has assessed the digital space as 'not free'. Furthermore, according to the Freedom in the World report by Freedom House, Lao PDR (Laos) has consistently been rated as 'not free', with scores of 13/100 in 2021, 2022, and 2023.²⁹ The political rights score is 2 out of 40, and the civil liberties score is 11 out of 60. Additionally, the country's 2022 press freedom score of 36.64, ranking 161st out of 180 countries, highlights issues in the functioning of media and democracy. Unfortunately, the situation did not improve in 2023, with the country now placed at the 160th position with a score of 36.66.³⁰

PRESS & MEDIA FREEDOM STATUS: Lao PDR



Reporters sans frontières, *Classement*, (n.d.), available at: <https://rsf.org/fr/classement>

Fig. 4.2. Media & Press Freedom (World Press Freedom Index) Rating for Lao PDR (Laos) over the years, 2020-2023

The government's efforts to suppress increasing criticism from the population follow a familiar pattern observed in authoritarian regimes across the ASEAN region. Despite the rise of digital dictatorship in the country, citizens are increasingly vocal about issues such as the lack of accountability, mismanagement of national finances, escalating crime rates, and rampant corruption.³¹ A telling illustration of this corruption surfaced in October 2022 when Zhao Wei, a notorious casino owner and businessman, was shockingly awarded a Medal of Bravery "to honour his [...] contribution to [...] national public security."³² However, Zhao Wei's true identity as an internationally-recognised criminal, sanctioned by the US for offences including drug and human trafficking, money laundering, and bribery, starkly contrasts with the government's attempt to honour him. Even amidst such glaring examples of corruption, censorship and intimidation tactics persist, particularly targeting dissenters who dare to challenge the oppressive regime.³³

The country's freedom ratings highlight a concerning situation: the Lao government maintains strict control over the media, abusing its authority to manipulate and suppress public opinion. This misuse of power constitutes a serious infringement on the rights and freedoms of Lao citizens. Given this dominance, social media has become a crucial avenue for accessing information for the Lao people.³⁴ Consequently, there is a growing surge of public discontent in Lao PDR (Laos), with individuals turning to social media to voice their opinions.

Lack of Freedoms worsened by Soaring Inflation: Lao PDR (Laos) witnessed its first online government protests

The country's deteriorating economic situation, highlighted by an inflation rate exceeding 41%³⁵ in February 2023, presents a particularly alarming trend. It all started in the summer of 2022, when the inflation rate skyrocketed, plunging the Lao people into economic distress. Yet, amidst this turmoil,

something unprecedented occurred: for the first time in history, the Lao people refused to cower in fear. Using the power of social media, they boldly criticised the government's incompetence and economic injustices without reservation, mainly on the Facebook platform. This courageous act marked a historic turning point, demonstrating the irrepressible spirit of a populace determined to hold their leaders accountable, no matter the consequences.³⁶

Sadly, this period of online empowerment was short-lived. Following the rise of a new Lao Prime Minister, Sonexay Siphandone, in December 2022, repression against Lao people resurged. This was compounded by a tragic event on April 29, 2023, when Jack Anousa, a Lao youth democracy activist, fell victim to an attempted murder due to his online activism.³⁷ A few weeks later, Bounsuan Kitiyano, a 56-year-old Lao activist affiliated with the 'Free Laos' democracy group and recognized as a political refugee who had fled to Thailand, fell victim to transnational repression. His lifeless body was discovered on May 17, 2023, in Ubon Ratchathani Province, situated in the Isaan region of Thailand.³⁸

When the Rich get Richer, and the Poor get Poorer... Young people are escaping

Despite the government's attempts to curb inflation, the average rate for the year stood at 31.23% by 2023 end⁴⁰, exacerbating inequalities and impoverishing large segments of the population, disproportionately impacting low-income earners and marginalised communities. Lao PDR (Laos) has incurred debt and faced distress as a result of China's promise of prosperity, as the country grapples with the consequences of heavy borrowing and economic dependence.⁴¹ As a result, the rising cost of living is placing immense strain on households already struggling to make ends meet, pushing many further into poverty. Meanwhile, the wealthy elite are able to navigate the inflationary environment, often benefiting from investments and assets that shield them from the worst effects of rising prices. This widening gap between the rich and the poor underscores the systemic inequalities ingrained within the economic structure, where inflation serves to further entrench the disparities between the privileged few and the marginalised many.⁴²

“

[Young people] aren't even thinking about change, it's a feeling of how am I going to get out of this country - I'm stuck here, there's no future for me. If you see your country becoming a colony of China, you see a government that is totally corrupt, and you cannot speak up because if you do you might be killed - would you want to stay?³⁹

–Emilie Palamy Pradichit, Founder & Executive Director of Manushya Foundation

“

*Every person in this generation doesn't believe in the government. They want to leave Laos, they don't believe anything the government says. Most of my friends have the same thoughts, but we only talk about it privately. If you say bad things about them in public, I don't know what will happen.*⁴⁴

–Jo, a 22-year-old Lao Youth

The economic uncertainty and restricted freedoms have driven Lao youth abroad, particularly to neighbouring Thailand, seeing little hope and limited free speech in Lao PDR (Laos).⁴³ This talent drain compounds the nation's challenges, hindering its development.

The Lack of Independent and Free Civil Society inside Lao PDR (Laos): self-censoring by fear of reprisals

The rise of digital dictatorship and economic uncertainty in Lao PDR (Laos) has exacerbated an already restricted civic space, dating back to the enforced disappearance of Sombath Somphone in December 2012. Sombath, a prominent development activist and founder of the Participatory Development Training Centre (PADETC), vanished under suspicious circumstances, casting a chilling shadow over civil

society and citizen engagement. Since then, the climate of fear has only intensified, stifling free expression and dissent.⁴⁵ The absence of recognition for human rights defenders further undermines efforts to establish a legal framework supporting their vital work. Instead, HRDs are viewed as 'enemies' by the State, impeding the growth of an independent civil society.⁴⁶ This control is further reinforced through the Decree No. 238 on Non-profit Associations (NPAs) adopted in November 2017, replacing the previous 2009 Decree, which significantly heightens scrutiny over civil society organisations (CSOs). The decree grants authorities broad powers to obstruct NPA formation, criminalise human rights organisations, restrict activities, limit foreign funding, and dissolve groups at will, with no avenue for appeal. Consequently, civil society operates under constant fear of reprisals and stringent limitations.⁴⁷

Struggles, Legislation, and Repression in Lao PDR (Laos) (2020–2023)

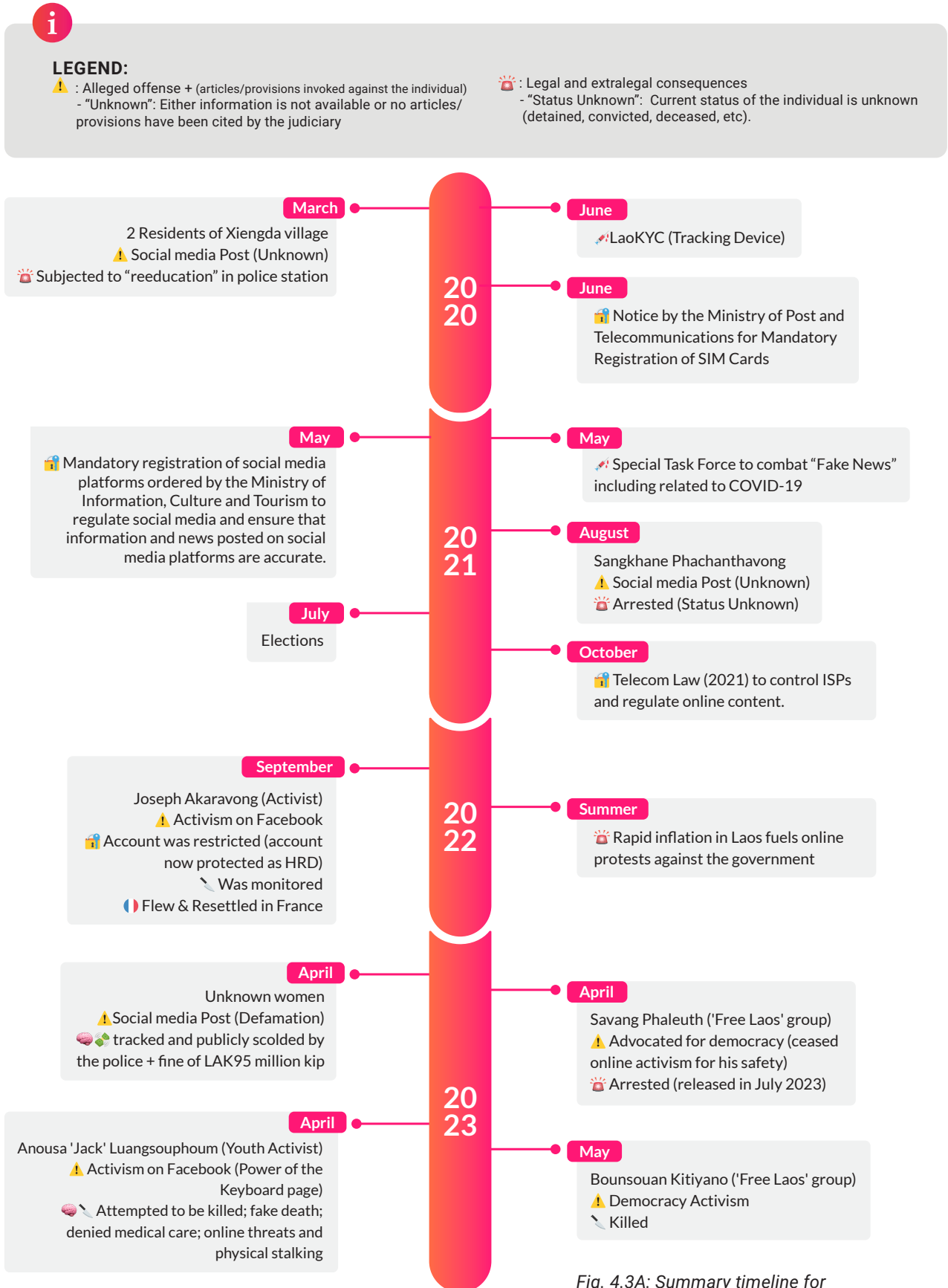


Fig. 4.3A: Summary timeline for Lao PDR (Laos), 2020-2023





Country	Event	Contextualisation
 LAO PDR (LAOS)	 Telecom Law (2021)	Telecom Law 2021 requires ISPs to cooperate with the government to block access to certain online content deemed inappropriate or against the law. In addition, Telecom Law 2021 provides for severe penalties, including substantial fines, for ISPs that fail to comply with the requirements of the law.
	 SIM Card Registration Act (2020)	This law requires all SIM card users to register their personal details, including name, address and identity card number, with telecoms operators.
	 Elections	The Laotian legislative elections of 2021 took place on February 21, 2021, to elect members of the 9th legislature of the National Assembly of Laos. Laos is a single-party state, where the Lao People’s Revolutionary Party (LPRP) is the only legal party and controls the entire electoral process. Elections in Laos are not considered free and fair, as all candidates are approved by the LPRP, and no significant opposition is allowed.

Fig. 4.3B: Contextualisation for Lao PDR (Laos)’s timeline, 2020-2023

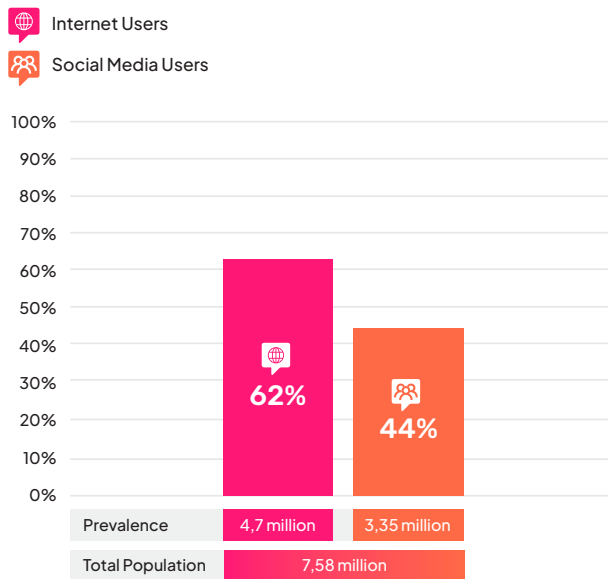
Heavy reliance on Social Media and Online Citizen Journalists as Sources of Truth

The ASEAN Regional Coalition to #StopDigitalDictatorship observed that Lao people have increasingly relied on the Internet and social media - rather than state-owned media - to share information and seek uncensored news in recent years. This shift happened after the 2018 Xe-Pian Xe-Namnoy dam collapse - a widespread environmental and human-made disaster which impacted thousands of people. While state-controlled media were vague and inconsistent in their reporting of the damage, social media users reported on and checked most of first-hand information. In a bid to discredit critical online information, the Prime Minister warned all Lao citizens not to believe the alleged misinformation of the foreign media and social media and instead to only trust information shared by state-owned media instead. Warning from the Lao government did not stop the Lao people. Radio Free Asia reported that residents in Vientiane revealed a growing reliance on social media as a primary source for staying informed about societal news, government policies,

and potential solutions to prevailing issues, with Facebook and YouTube, as their main channels for tracking local news and government initiatives.⁴⁸ In October 2020, inspired by the #MilkTeaAlliance and pro-democracy movements in Asia, Lao online users launched a rare online campaign with the hashtag #ຖ້າການຮັບຮອງໄດ້ດີ (#IfLaoPoliticsAreGood) on Twitter. The hashtag has been used hundreds of thousands of times by netizens to criticise bad governance.⁴⁹

Furthermore, data in 2023 revealed that a substantial segment of the Lao population embraces the digital era, actively participating in social media engagement: 85% possessing smartphones and 65% having Internet accessibility. Popular platforms such as Facebook, Instagram, Twitter, and YouTube played a pivotal role, with 44.2% of users relying on these avenues for information dissemination and personal expression.⁵⁰ Despite social media serving as a platform for expressing opinions and advocating for fundamental human and digital rights, the prevailing digital repression in Laos obstructs citizens from fully enjoying their rights.

Lao PDR(Laos) Percentage of Internet and Social Media Users



DataReportal, *Digital 2023, Laos*, (9 february 2023), available at : <https://datareportal.com/reports/digital-2023-laos>

Fig. 4.3C: Percentage of Internet and Social Media Users in Laos, 2023.

Lao Netizens: Persecuted and Intimidated for Posting Critical Information Online

While Lao people rely on social media as a primary source of information, individuals remain reluctant to voice dissent against the government's oppressive policies and actions, fearing potential reprisals and repercussions.⁵¹ Instead of defamation provisions, authorities have a tendency to opt for slander, "propaganda against the state," and "national security" provisions to stifle online expression, arresting and charging users who speak up online. Moreover, the authority frequently threatens online users by warning them to abide by laws and refrain from posting content critical of the government. In August 2020, the Ministry of Posts and Telecommunications issued instructions warning social media users against posting content or comments criticising the country's government, leading to a sudden disappearance of some critical articles and comments from social media.⁵² In April 2021, president Thongloun Sisoulith warned people who "use social media to commit crimes,

to destroy the country and to cause any disorder by undermining the unity, creating misunderstanding and creating antagonistic parties in the country" and called on all security forces to make efforts against such actions.⁵³

There have been numerous cases of individuals being arbitrarily arrested, detained and interrogated for reporting alleged wrongdoings by officials. However, due to repression of domestic media and the regime's opaque nature, coverage of such cases in the country is limited. In March 2020, two residents of Xiangda village in Vientiane's Saysettha district were arrested for circulating a video of a land grab on social media. They were reportedly subjected to "reeducation" in the district police station.⁵⁴ A similar case happened in August 2020 in Champasak where Sangkhane Phachanthavong, known as Thisi, was arrested and detained for over a month after posting a video criticising nepotism among the high-level government officials. He is now on bail and facing charges.⁵⁵ In a recent 2023 case, a woman was tracked and publicly scolded by the police for an online post alleging that to become a public security official, one must pay LAK 95 million (\$4,989). The authorities denied the allegations and labelled the post as defamatory, followed by a warning to the public to abstain from spreading false information.⁵⁶

Speaking Out Online Comes at a Steep Price: Attempted Murder and Arbitrary Detention

Lao authorities primarily target courageous human rights defenders who dare to raise their voices against the environmental and social consequences of development projects. Their dissent is met with severe repercussions including threats, arbitrary arrests, detentions, enforced disappearances, and killings. This systematic repression undermines freedom of expression and peaceful dissent, fostering an atmosphere of fear and intimidation that erodes the human rights landscape in Lao PDR (Laos).⁵⁷

““

*I survived the attempted murder, and that day changed my life forever. I will never give up my activism. We, Lao people, want democracy and freedom!*⁵⁹

–“Jack” Anousa Luangsouphom

#JusticeForJack: Shot, but Not Silenced!

In an egregious case, Anousa Luangsouphom, also known as “Jack,” a youth democracy activist known for his calls for justice and human rights in Laos, was attempted to be killed. On April 29, 2023, he was shot twice in a café in Vientiane and was initially reported to be dead. In reality, he was alive but his family was afraid to make this public, as they thought the killer might try to come back to finish the job. Additionally, after the police visited Jack in hospital, he stopped receiving medical care, despite having extensive injuries. While Lao authorities claimed that Jack was targeted due to a personal dispute, attempting to cover up the truth, he was, in fact, silenced because of his online activism.⁵⁸

In addition, Jack is one of the administrators of two distinct Facebook pages that both advocate for the protection of human rights in Laos from the repressive Lao government.

He is also the administrator of a closed Facebook group “Laos Drama”⁶⁰, which was set up in April 2020 by citizen journalists to discuss democracy and human rights issues in Laos, counting more than 7,000 members, using the hashtag #ຖ້າການເມືອງລາວດີ (if only Lao politics were good)—a hashtag created among members of the Milk Tea Alliance across Asia. The group was infiltrated by government spies, prompting Jack to create his own Facebook page in March 2022 with three other passionate activists. The page created is called ຂັບເຄື່ອງປັດວັຍຄີບໍ້ອັດ (“Power of the Keyboard”)⁶¹ and serves as a platform for public political debate in the country. It discusses human rights topics, with a focus on China’s quasi-monopoly regarding investments in Laos, as well as Lao children’s and teenagers’ right to education. It denounces Lao teacher’s violent physical and emotional practices to “punish” students daring to speak up.

The page also discusses environmental issues, decrying the severe haze pollution during burning seasons, and advocates for LGBTIQ+ rights. During the summer of 2022, the followers of the page criticised the government, expressing their discontent over the economic crisis and the high inflation rate. Jack is also one of the administrators of another public Facebook page created in March 2022 called “Sathalanalat” (“The Republic”), promoting human rights in Laos and discussing similar issues as the “Power of the Keyboard,” with a focus on the need for a democratic regime. Due to his outspoken stance against human rights abuses, he has been intimidated and received online threats from fake Facebook accounts. Online political trolls frequently messaged him directly on his personal account, asking him to close the “Power of the Keyboard” page.

In October 2022, he received his last death threat, warning him to leave the country as he would be killed if he did not stop his online activism. After being monitored online for about a year, he started to be physically followed since at least January 2023.⁶²

The brutal attempted murder of Jack is the latest in a string of similar attacks in recent years targeting Lao human rights activists who speak out against the authoritarian government, furthering the cycle of political violence and suppression of dissenting voices in the country. It confirmed that Lao authorities have a record of oppressing, repressing, and forcibly disappearing activists and human rights defenders, as well as taking part in transnational repression to silence dissent among diasporas and exiles.⁶³

“

We received strong indications that the attempted murder of Jack is extrajudicial, perpetrated in the hands of Lao authorities wanting to stop any pro-democracy youth movement to grow from inside the country. Voices of dissent cannot be stifled by the barrel of the gun.

–Emilie Palamy Pradichit, Founder & Executive Director of Manushya Foundation

LAOS



2023 Political Overview

One-Party Parliamentary Socialist Republic in theory, authoritarian regime in practice.

Head of State, Head of Government

President Thongloun Sisoulith (de facto power), with Prime Minister Sonexay Siphandone.

#JusticeForJack #PowerOfTheKeyboard

#FreeLaos #Laolssara

CASE STUDY

A murder attempt was carried out to silence a Lao youth activist for online activism, almost resulting in his death. This is Digital Dictatorship.

WHEN

29 April 2023 (attack)

WHERE

'After School Chocolate & Bar,' a local cafe in Vientiane, Laos (site of shooting)

WHO

Anousa 'Jack' Luangsouphom, a Lao youth activist. 🇱🇵 🗳️ 🌿

WHY/WHAT

🇱🇵 🗳️ 🌿 🗣️: Jack is a very prominent youth activist who ran a Facebook community page, 'Power of the Keyboard,' that engaged members in topics such as corruption, air pollution, LGBTIQ+, and government accountability.

🔪 🩸: On 29th April 2023, he was shot in the face and chest while he was sitting in a local cafe. A masked and gloved shooter approached the bar Jack was at and fired shots directly at him, before promptly leaving.

HOW

⚠️ How Digital Dictatorship has caused the violation of Jack's human rights:

Lao authorities responded with deflections and denying their own involvement, such as by claiming that Jack was subjected to this violence because of personal disputes related to 'business' and 'romantic affairs with a girl.'

🗣️ 🗳️: The informed public became quickly suspicious of these claims, for many reasons. For one, Jack openly identifies as gay. Further, Jack's case is one of many examples of forced disappearances, violent attacks, and assassination attempts made against Lao activists trying to hold the government accountable for their actions. To protect him until he received medical care and made his way to safety, Jack's support system pronounced him dead, before revealing later on that he was alive and had sought refuge outside of Laos.



Anousa 'Jack' Luangsouphom

Lao youth activist



Manushya Foundation, News Release: #JusticeForJack, (2 May 2023), available at:

<https://www.manushyafoundation.org/post/news-release-justiceforjack>

Manushya Foundation, #NewsUpdate 🗣️ Jack thanks you for all your support! #JusticeForJack, (4 May, 2023), available at:

<https://www.manushyafoundation.org/post/news-update-jack-is-alive-justiceforjack>

Manushya Foundation, #JusticeForJack 🗣️ The Battle for Jack's Life: A Journey Across Borders!, (12 May 2023), available at:

<https://www.manushyafoundation.org/post/justiceforjack-the-battle-for-jack-s-life-a-journey-across-borders>



Arrests, litigation, and the other forms of harassment mentioned in this case study are just some examples of how Digital Dictatorship has affected the individual(s) mentioned, as well as Southeast Asian society as a whole. HRDs and/or journalists, including the one(s) in this case study, are often perpetually targeted by Digital Dictatorship in numerous ways that go beyond just what is discussed here.

#FreeMuay from Jail!

In another case, on Sept. 12, 2019, environmental activist and WHRD, Houayheuang Xayabouly, –also known as “Muay”, –was arbitrarily arrested by authorities for repeatedly criticising the Lao government on Facebook. She was charged with defamation and distributing anti-state propaganda under Article 117 of the Penal Code. Muay remained in custody until her trial commenced more than a month later. During this time, she was denied communication with her family and lawyer, and never had the opportunity to challenge the legality of her detention. She was also not allowed to appoint her own lawyer for her summary trial in November that year. Following a trial that violated Muay’s right to due process, she was sentenced to five years in jail and fined LAK 20 million.⁶⁴ As of December 2023, she remained in prison, serving the sentence.

Muay’s online advocacy dates back to 2017, when she recorded a video to raise awareness of the financial burden caused against common tradespeople who had to use a bridge on the Chong Mek border with Thailand, and pay a toll, on a daily basis. She herself had been subjected to paying an excessive toll to cross the same bridge.⁶⁵ Following the viral spread of the video, local law enforcement officers paid her a visit, warning her about expressing criticism towards the government.⁶⁶

In May 2018, Muay began to address corruption in Lao PDR (Laos) by bringing attention to the buying and selling of government positions. Due to Muay’s constant activism and criticism of rampant government corruption in Lao PDR (Laos), her employer was pressured by the government to fire her from her tour guide job. After losing her job, Muay began highlighting problems that resulted from international businesses and investments in the country which she witnessed while working in the tourism industry. In 2018, following the collapse of the Xe-Pian Xe-Namnoy dam,⁶⁸ Muay spoke up about the consequences of the collapse and how it affected the communities in the South of Lao PDR (Laos), and created Facebook videos while visiting camps that housed displaced villagers. In a Facebook video posted on Sept. 5, 2019, she criticised the slow response of the government in providing assistance to the victims of heavy floods in Southern Lao PDR (Laos), and brought attention to the failure of the government to learn from its shortcomings. The video was viewed more than 173,000 times, and caused her to be arbitrarily arrested and detained.

“

*I cannot be silent as we have in the past. The era of the regime keeping the eyes and mouths of the people closed has come to an end.*⁶⁷

– “Muay”, Houayheuang Xayabouly

#PeoplePower | How Are People Resisting #DigitalDictatorship?

Manushya Foundation's Impact Litigation before the United Nations:

Defending Muay Against Online Authoritarianism⁶⁹

In the shadows of Lao PDR (Laos)'s authoritarian regime, Muay's story emerged as a stark testament to the brutality endured by its citizens. Recognising the urgency of Muay's case, her deserving of justice, and the need to tell the truth about #WhatsHappeningInLaos and the harsh realities faced by women human rights defenders, Manushya Foundation has been tirelessly advocating for Muay's release since March 2020. It was critical to hold the Lao government accountable, by shedding light on the regime's online authoritarianism and atrocities.



At the forefront of Manushya's efforts

was the litigation before the United Nations

to #FreeMuay.

On March 30, 2020, Manushya, in collaboration with Humanity Beyond Borders, filed an international legal complaint⁷⁰ against the Lao government. This complaint denounced the harrowing human rights violations endured by Muay and urged UN Special Rapporteurs to protect the victim. On July 13, 2020, following Manushya's complaint, the United Nations issued a communication⁷¹ to the Lao government, requesting information and explanation regarding Muay's

case. The UN human rights experts, in their communication, expressed their concern « regarding the sentencing of woman human rights defender Ms Xayabouly for the legitimate exercise of her right to freedom of opinion and expression », and called for her immediate release.

Lies, lies, lies, and more lies by Lao authorities to justify its digital dictatorship

In October 2020, the Lao government released an official reply to the Joint Allegation Letter sent by UN Human Rights Experts on July 13, 2020. In their reply, Lao authorities rejected any allegation of wrongful conviction and human rights violations concerning Muay, and went as far as finding that *"many information and allegations included in the said joint communication are inaccurate and twisted, and some are blatantly fabricated"*.⁷²

Manushya Foundation's Continued Fight for Justice:

Filing a Second UN Complaint for Muay

Following the Lao government's lies and their wrongful justification to detain Muay, Manushya decided to send another warning to the government, by filing a second complaint before the United Nations on December 15, 2020. This time, the international legal complaint⁷³ was filed before a semi-judicial body, the United Nations Working Group on Arbitrary Detention (UNWGAD), to seek justice for Muay and address the inadequacies of the judicial system in an authoritarian regime like Lao PDR (Laos). In May 2021, the United Nations Working Group on Arbitrary Detention (UNWGAD) ruled Muay's arrest and subsequent detention as arbitrary, demanding her immediate release. In their opinion, the UNWGAD also condemned Lao PDR (Laos) for its persecution of Muay.⁷⁴ The Lao government has yet to respond.⁷⁵



POLITICAL PROFILE & CASE STUDY

LAOS



2023 Political Overview

One-Party Parliamentary Socialist Republic in theory, authoritarian regime in practice.

Head of State, Head of Government

President Thongloun Sisoulith (de facto power), with Prime Minister Sonexay Siphandone.

#FreeMuay

📍🗳️🌱 CASE STUDY

Environmental activists, particularly women human rights defenders fighting for corporate accountability and climate justice, face disproportionately high levels of repression under Digital Dictatorship for their activism, such as this **Lao WHRD**...

WHEN

12 September 2019 (arbitrarily arrested and detained)

WHY/WHAT

📍🗳️ Muay is a woman human rights defender (WHRD) dedicated to exposing and speaking out against the injustices and human rights violations tied to foreign investment in her province in Southern Laos, including:

1. Corruption:

Muay exposed the rampant buying and selling of government positions.

2. Business Ethics:

Muay denounced the activities of Chinese enterprises and investment in Laos, which led to land grabbing.

3. Environmental Harm and Adverse Impacts on Local Communities:

Muay exposed the chemical pollution from Chinese-owned banana plantations, adversely affecting the environment and the suffering of forced

4. Government Inaction:

Muay highlighted the government's inaction and inadequate assistance to communities affected by the 2018 Xe-Pian Xe-Namnoy dam collapse and 2019 tropical storm floods.

WHERE

Champasak Province, Southern Laos.

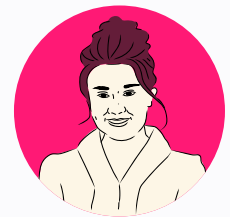
WHO

Houayheuang 'Muay' Xayabouly

HOW

⚠️ How Digital Dictatorship has caused the violation of Muay's human rights:

📍🗳️🗣️ Muay was arbitrarily arrested and detained since September 2019, unjustly charged with **"anti-state propaganda"** under **Article 117 of the Lao Penal Code** for using Facebook live videos to criticise the government's inaction while Lao people were severely affected and displaced due to heavy floods in Southern Laos. Muay also exposed the government's corruption and harmful business practices. Following a trial that violated Muay's right to due process, she was sentenced to 5 years in prison and fined 20 million KIP in November 2019. It must be noted that Muay was the main breadwinner for her family. Without her, Muay's entire family is forced to continue without her support. While in detention, Muay was denied visitations from friends; only immediate family members were allowed. All her visits are highly monitored. Her mental and physical health have deteriorated, leading to depression and significant weight loss. September 2024 will mark 5 years since Muay was imprisoned. There is no updated news regarding her rights to be freed, despite UN human rights experts ruling her detention as arbitrary and calling for her immediate release.



Houayheuang
'Muay' Xayabouly

Manushya Foundation, *#FreeMuay 4 Years Behind Bar- Honoring Muay's Fight for Economic, Social and Cultural Rights in Laos*, (13 September 2023), available at:

<https://www.manushyafoundation.org/post/freemuay-4-years-behind-bars>

Learn more about our #FreeMuay Campaign:

<https://www.manushyafoundation.org/free-muay-from-jail-in-laos>

Sign our Change.org Petition to #FreeMuay from Jail in Laos!

👉 <https://chn9.it/5WKtFKN4V8>

Arrests, litigation, and the other forms of harassment mentioned in this case study are just some examples of how Digital Dictatorship has affected the individual(s) mentioned, as well as Southeast Asian society as a whole. HRDs and/or journalists, including the one(s) in this case study, are often perpetually targeted by Digital Dictatorship in numerous ways that go beyond just what is discussed here.



“

Muay fearlessly used Facebook Live videos to expose government corruption, business abuses, and destructive practices that harm local communities and the environment, gaining widespread attention among the Lao audience. The popularity of her videos became evident; Muay vocalised what others were afraid to say, and what the Lao government couldn't bear to hear.⁷⁶

–Emilie Palamy Pradichit, Founder & Executive Director of Manushya Foundation

Transnational Repression against Lao Blogger Citizen Journalist and Democracy Activists

The risk faced by HRDs in Lao PDR (Laos) extends beyond borders to include the threat of transnational repression in neighbouring or safe countries, where they are exiled to seek refuge.

Joseph Akaravong: a Lao Blogger exposing environmental damages and corruption

Similar to Muay, the online activism of Lao blogger Joseph Akaravong made him a target of reprisal by the Lao government. He had to leave his motherland in August 2018 and has been in hiding for many years for denouncing the corruption around the failed construction of the Xe-Pian Xe-Namnoy, which collapsed on July 23, 2018.⁷⁸ He has been using Facebook as the main channel to advocate

What is Transnational Repression?

According to Freedom House's definition, it is governments reaching across borders to silence dissent among diasporas and exiles, including through assassinations, illegal deportations, abductions, digital threats, Interpol abuse, and family intimidation.⁷⁷

for human rights and denounce Lao authorities' violations and human rights abuses.⁷⁹ On August 9, 2022, after weeks of intense activism on Facebook with regards to two leaks from the Nam Theun 1 dam in Laos, his account was restricted for 29 days, purportedly for violating Facebook Community Standards.⁸⁰ In September 2022, the Head of Department of Public Relations of Lao PDR issued an official report on Akaravong's case in which the Lao government admitted to having monitored his account and attempted to have it suspended or disabled. The same report disclosed that the Lao Department of Cybersecurity had requested the Lao Embassy in France and the Lao Ministry of Foreign Affairs to track down Akaravong, and "educate" him. Throughout October 2022, Joseph Akaravong issued seven Facebook posts on a very controversial issue: he revealed that the Lao businesswoman who was murdered and whose body was found on Sept. 29, 2022, in a suitcase floating in the Mekong River, had a close relationship with the Lao Prime Minister. His Facebook posts generated important online debates in Lao PDR (Laos) and resulted in the creation of several fake Facebook accounts by Lao authorities, impersonating Joseph Akaravong, and sharing false scandalous news, including sexual insults on Lao human rights activists and diaspora. On Oct. 25, 2022, Joseph Akaravong's authentic Facebook account was abruptly deactivated without prior notice. Multiple fake accounts impersonated him, spreading false narratives about him and his work. Following appeals from the Manushya Foundation, Meta reinstated Joseph's account on Nov. 12, 2022 recognising it as an HRD account. As of December 2023, Joseph has not encountered any significant issues with his account.⁸¹

'Free Laos' Democracy Group: disappearing and being killed, one after the other

Members of the 'Free Laos' democracy group, comprising Lao workers and pro-democracy activists residing in exile in Thailand, have become a prominent target of the Lao government, due to their online and offline activism and calls for democracy.⁸² Since August 26, 2019, Od Sayavong, a Lao democracy activist and refugee in Bangkok, has gone missing. Known for his activism, Od actively exposed human rights violations and corruption in Lao PDR (Laos). A few months before his disappearance, Od met with the UN Special Rapporteur on Extreme Poverty and Human Rights in Bangkok in March 2019, ahead of the Rapporteur's mission to Lao PDR (Laos). Od was also planning to stage a protest during the ASEAN People's Forum (APF) held in September 2019 in Thailand.⁸³ After the enforced disappearance of Od Sayavong, some members of the 'Free Laos' group ceased their online activism and gradually relocated to a third country for their safety between 2019 and 2022. However, in January 2022, Khoukham Keomanivong, one of the co-founder of 'Free Laos' democracy group was arrested by the Thai police in Thailand and faced deportation to Lao PDR (Laos) where he was wanted by the Lao government for his online and offline activism. He was thankfully bailed out and relocated to Canada in March 2022.

In 2023, Manushya observed a surge in violence and repression against Lao activists, a trend that aligns with the inauguration of the new Lao Prime Minister, Sonexay Siphandone, who assumed office in December 2022. This escalation in brutality against activists likely aims to quash any dissenting voices that could tarnish his authority and reputation, 'particularly in anticipation of Laos' 2024 Chairmanship of ASEAN.'⁸⁴

Savang Phaleuth, also member of the ‘Free Laos’ democracy group, was arbitrarily arrested by the Lao police on April 20, 2023, in Song Khone District, Savannakhet Province while he returned to Lao PDR (Laos) from Thailand to visit his Lao family. He was released in July 2023, and returned to live in Thailand.⁸⁵ More tragic is the killing of Bounsuan Kitiyano, a recognized-UNHCR refugee and also a member of the ‘Free Laos’ group, on May 17, 2023. He was found dead in a forest along the Thai-Laos border, in Ubon Ratchathani, a week before his resettlement to Australia. As of December 2023, the responsible party for his death remains unknown.⁸⁶

Online Content Manipulation & Restrictions

The official number of government requests for content restriction or removal remains unknown. Laos is not included in Google’s and Twitter’s transparency reports, while Meta did not report any requests from 2020 through 2023,⁸⁷ and neither did TikTok ever since 2019 when the platform started sharing transparency reports.⁸⁸ However, according to Vientiane Times, over 12 million items of misinformation were removed from Facebook between March and October 2020.⁸⁹ The exact numbers in this respect for the past three years remain unknown.



PANDEMIC POLITICS: COVID-19 IMPACT ON ONLINE ACTIVITIES

The COVID-19 pandemic facilitated state control over the online environment. On May 20, 2021, the Ministry of Information, Culture and Tourism requested provincial authorities to keep records of official social media platforms including websites, online news pages, and Facebook pages, and to forward them to the Mass Media Department, under the guise of combating “false information” during the pandemic. The notice also stated that unregistered platforms would not be allowed to publish information or news under the Media Law. Officials highlighted punishment for the circulation of fake news and misinformation causing loss or damage through social media under the 2015 Law on Prevention and Combating Cyber Crime.⁹⁰ The following day, on May 21, the Ministry of Public Security issued a notice

indicating that a special task force had been set up to surveil, trace, and respond to “illegal online media” and “fake news” posted by both domestic and international actors. A first-time offence carries a warning, while a second offence is punished with a fine and a third time offender will be jailed.⁹¹

This excessive control can be seen through the number of arrests. Multiple cases of “fake news” or “spreading rumours aimed at causing public panic” related to COVID-19 have been documented. For instance, in February 2020, a 25-year-old woman was arrested and reportedly charged with “spreading rumours” for posting allegations that persons infected with coronavirus were shopping at a shopping mall in Vientiane. In another case, a Facebook user was arrested for live-streaming an event that violated a stay-at-home order.⁹² The District Governor explained that the person “was handed over to the district police who will summon and charge him according to the law.”⁹³



INTERSECTIONAL GENDER ANALYSIS: LAO PDR (LAOS)

The 1991 Constitution acknowledges the equal rights of women and men, laying the foundation for gender equality. However, the Lao constitution fails to explicitly recognise the equality of the LGBTIQ+ community under the law, as it does not state that all Lao citizens are equal in the eyes of the law, irrespective of their sexual orientation and gender identity. Article 37 unambiguously excludes LGBTIQ+ individuals by specifying that only 'both genders' enjoy economic, social, and cultural rights. This omission not only reflects a legal gap but also perpetuates societal discrimination and marginalisation against LGBTIQ+ individuals.⁹⁴

Complementing the constitutional mandate on gender equality, the National Action Plan on Gender Equality 2021–2025 (NAPGE) aims to promote gender equality and eliminate discrimination. Contrastingly, Laos' Parliament reflects a disparity in gender representation. For example, in 2021, the Lao PDR (Laos) had only 21.95% representation of women in Parliament.⁹⁵ These rates have been low for some years, although they are one of the highest in Southeast Asia. Unlike some neighbouring countries, Lao PDR (Laos) does not enforce gender quotas in its national Parliament, contributing to the persistent underrepresentation of women in political decision-making processes.

The gender composition of Parliament significantly influences the gender responsiveness of legislation, including laws about digital freedom, thus warranting attention to address gender disparities in political representation.⁹⁶

Globally, 85% of women reported witnessing digital violence, and nearly 40% have experienced it personally, but there is no data of this nature in Lao PDR (Laos).⁹⁷ While the NAPGE categorises violence into physical, sexual, psychological, and economic forms, digital violence remains underexplored within Lao PDR (Laos). The absence of this specific data on digital violence against women hampers targeted interventions and policy formulation in this domain. It underscores a critical gap in addressing gender disparities in digital spaces because such data is crucial for policymakers, advocacy groups, and stakeholders to develop targeted interventions and policies aimed at addressing and preventing digital violence against women effectively.⁹⁸

Interestingly, in Lao PDR (Laos), just 2% of women who experience violence appeal to legal authorities, although more than a third of women experience one type of violence in their life.⁹⁹ Cultural norms, fear of retaliation, and distrust in legal mechanisms contribute to this underreporting, perpetuating a cycle of impunity for perpetrators and silence for victims. Online Gender-Based Violence (OGBV) is deeply rooted in discriminatory social norms, and gender inequality and is often connected to offline violence.¹⁰⁰

4.3 Access to Effective Remedy: Outlined in Law but Routinely Denied in Practice

Lao people may seek judicial remedy for violations of their rights in a court or an administrative remedy from the National Assembly. Article 41 of the Lao Constitution allows people to file complaints and petitions to the National Steering Committee on Human Rights, under the National Legislative Assembly.¹⁰¹

However, HRDs and activists who have been detained and prosecuted for online activities face barriers in seeking redress as due process, judicial independence and trial procedures remain a serious problem. LPRP's influence on the judiciary as well as corruption continue to undermine the rule of law in the country. Due process rights have been denied and appeals processes are often non-existent or delayed, sometimes indefinitely. Alarming, judges often decide guilt or innocence prior to trials on the basis of police or prosecutorial investigation reports, despite assurances of presumption of innocence being in place.¹⁰²

Lack of Anti-SLAPP and Whistleblowers Protection: A Challenge for Freedom of Speech

The national legal system does not provide any definition of HRDs as the term is considered to be “very broad and vague” and the Declaration on HRDs is likewise “very open and all-encompassing.”¹⁰³ Therefore, there is no legal framework to protect HRDs. Statutory provisions on anti-SLAPP are non-existent and enforced disappearance is neither defined or criminalised.¹⁰⁴ Equally absent is a comprehensive regime on witnesses and whistleblowers protection.¹⁰⁵

For instance, in the case of Muay, she was denied prompt access to and assistance by a legal counsel, due process, the right to a fair trial, and an opportunity to appeal. During her detention, she was denied bail and forced to confess guilt without a lawyer or judge present. As mentioned above, she was also not given the option to choose her own counsel and the state appointed her a lawyer without explaining how the lawyer was appointed or prior consultation with her. Her state-appointed legal counsel allegedly neither spoke with Muay regarding her case, nor advocated on her behalf. Instead, the counsel reportedly assisted the government in obtaining a forced confession from her. She never received her case file, such as the court order pronouncing her sentencing. Her parents specifically asked her counsel for such an order, but the Court refused to provide it to them as well. Additionally, Muay was not given the opportunity to appeal against the decision of the court. She did not have access to remedy in light of these fundamental breaches of her rights.¹⁰⁶

Similar issues were manifest in the prosecution of three pro-democracy activists: Lodkham Thammavong, Somphone Phimmasone, and Soukan Chaithad in 2016-2017. Their families were barred from accessing remedies. Soukan’s family lodged a complaint regarding his detention at the local police station but there were no reports of a response from the authorities.

Somphone’s family was warned by the authorities that they would be charged with committing crimes against national security should they try to find the whereabouts of these activists. Victims of human rights abuses and their families in Laos routinely avoid seeking justice for fear of reprisals.¹⁰⁷ This also hints at the case of Anousa ‘Jack’ Luangsouphoum. As of December 2023, there is no suspect list or any type of measures undertaken by the Lao authorities to indicate that a proper investigation is currently underway. This lack of progress raises concerns about his access to remedies for the harm he has experienced.

The absence of specific provisions for appealing against the abuse of power by public authorities in relevant cyber laws exacerbates the vulnerabilities faced by online users. Additionally, the lack of procedural safeguards and independent, effective oversight further undermines the legal framework. As a result, individuals who experience incorrect interpretation and application of cyber laws are less likely to have access to redress.¹⁰⁸

Non-Judicial Grievance Mechanisms, Existent but Not Independent

Despite receiving numerous UPR recommendations for its establishment during Lao PDR (Laos)’s third Universal Periodic Review in January 2020, the country still lacks a National Human Rights Institution.¹⁰⁹ Furthermore, national governmental bodies with mandates relating to human rights, including the National Steering Committee on Human Rights, are not independent bodies compliant with international standards, as noted by the UN Human Rights Committee.¹¹⁰ The Department of Treaties and Legal Affairs within the Ministry of Foreign Affairs serving as the secretariat of the National Steering Committee on Human Rights indicates a lack of independence, as it implies a subordinate relationship.¹¹¹

Chapter V.

Recommendations

In this chapter, we will discuss recommendations regarding the governance of the digital space in Lao PDR. These recommendations are addressed to different stakeholders.

Recommendations to Governments

- 1 Decriminalise defamation (Articles 117, 205 & 206 of the Penal Code) and fake news (Article 117 of the Penal Code) and bring any other relevant provisions of the Criminal and Penal Codes into line with article 19 of the International Covenant on Civil and Political Rights;
- 2 Enact a stand-alone anti-SLAPP law to ensure legal protections against strategic lawsuits against public participation (SLAPP) aiming at silencing dissent, and protecting individuals from judicial harassment by the state and corporations;
- 3 Repeal or substantially amend laws and regulations that unduly restrict freedom of expression, independent media, and access to information, to bring them in line with international human rights law. In particular, clarify or reform vague laws, so that they are written in ways that are comprehensible and accessible to all members of society, so that all society members are aware of their responsibilities, protections, and the consequences of not abiding. This includes notably the 2015 Cybercrime Law and the 2016 Media Law. The repeal or amendment process should include effective public consultation (in particular, taking into account historically marginalised opinions);
 - a. Clarify legal responsibility under civil and administrative law for what constitutes ‘online gender-based violence (OGBV),’ ‘hate speech,’ ‘hateful conduct,’ ‘harassment,’ ‘doxxing,’ and other key terms, while simultaneously upholding the right to freedom of expression and opinion. Enable people of marginalised groups (e.g. women, LGBTIQ+, disabled peoples, people marginalised based on ethnicity Indigenous peoples, etc.) to guide and participate in the development of reasonable definitions for terms used in legislation that disproportionately affect them. Ensure that reports of (OGBV) are subject to systematic and consistent investigation, and offer assistance to individuals or groups affected;
 - b. Expand any definitions of ‘personal information’ and/or ‘private information’ to protect (if not already protected) an individual’s full legal name; date of birth; age; gender/legal sex; LGBTIQ+ identity; places of residence, education and work; private personal information of family members and relatives; descriptions and pictures depicting an individual’s physical appearance; and screenshots of text messages or messages from other platforms. These should be considered when investigating cases of doxxing, smear campaigns, and other instances of online violence that weaponise an individual’s personal/private information against them. Ensure that reports of doxxing campaigns and other forms of violence on the digital space are subject to systematic and consistent investigation, and offer assistance to individuals or groups affected.
- 4 When punishing expression as a threat to national security under sedition law (Article 297 of the Penal Code), the scope of ‘incitement’ should be specified, and the government must demonstrate, with evidence, that:
 - a. The expression is intended to incite imminent violence;
 - b. It is likely to incite such violence; and
 - c. There is a direct and immediate connection between the expression and the likelihood

or occurrence of such violence, in line with the Johannesburg principles.

- 5 Guarantee transparency and access to information, both offline and online, particularly where such information relates to the public interest and impacts upon the individual's right to public participation, including by amending existing laws or adopting a law to enable the provision of such access. This includes notably Decree No. 327 - Internet-Based Information Control/Management (2014) and the 2021 Telecom Law. Implement measures to enhance transparency in political advertising, including clear disclosure of funding sources and target audiences to promote accountability and integrity, and combat disinformation;
- 6 Enable HRDs, journalists, civil society members, ordinary users, lawyers and academics to safely carry out their legitimate online activities to spread awareness for human rights violations without fear or undue hindrance, obstruction, judicial harassment, and/or online harassment (e.g. OGBV and general OBV, hate speech campaigns, or doxxing); For Laos specifically, define and criminalise enforced disappearance;
- 7 Working with responsible MPs and with tech companies, enforce social media policies to prevent harmful effects of doxxing, while considering applicable regulations in Lao PDR. Establish an independent committee, if not already in place, to ensure compliance with these regulations, with a particular focus on moderating or removing illicit content;
- 8 Repeal or amend all laws and regulations that establish a licensing regime for the print and online media, replacing them with a system of self-regulation. This includes the 2019 Order Number 256 Mandating Registration of News Outlet Administrators on Social Media and the 2021 Order to Register Social Media Platforms Disseminating News;
- 9 Cease the targeting and criminalisation of legitimate online speech by opposition activists, journalists, HRDs, and other dissenting voices solely in the exercise of their rights to free expression online, through the abuse of laws and administrative regulations;
- 10 Prevent acts of harassment and intimidation against, the placement of arbitrary restrictions on, or arrests of journalists, activists and human rights defenders who merely criticise public officials or government policies;
- 11 Recognise online and technology facilitated OGBV as a human rights violation and include it in laws to criminalise and prohibit all forms of violence in digital contexts. Enhance the capabilities of law enforcement agencies to effectively investigate and prosecute such crimes;
- 12 Strengthen collaboration with the technology industry, feminist organisations, civil society, and national and regional human rights bodies to bolster measures and policies aimed at promptly and effectively providing remedies to victims of OGBV;
- 13 Implement an immediate moratorium on the export, sale, transfer, servicing, and use of targeted digital surveillance technologies until rigorous human rights safeguards are put in place to regulate such practices. In cases where such technologies have been deployed, ensure both targeted individuals and non-targeted individuals whose data was accessed as a result of someone else's surveillance are notified, implement independent oversight, and ensure targets have access to meaningful legal remedies;
- 14 End all legal proceedings against individuals facing investigation, charges or prosecution initiated by state authorities for engaging in legitimate activities protected by international human rights law or for addressing violations. Cease all violence against independent media and journalists allowing them to freely report on the emerging situation in the country and stop all efforts to restrict independent information from reaching people;

- 15 Legally recognise human rights defenders and provide effective protection to journalists, HRDs and other civil society actors who are subjected to intimidation and attacks owing to their professional activities;
- 16 Ensure that all measures restricting human rights that may be taken in response to mass-destabilising events, including public health emergencies such as a global pandemic, are lawful, necessary, proportionate and non-discriminatory. Review the measures taken in response to the; pandemic in order to ensure that a clear and sufficient legal framework exists for the response to any future pandemic, and take a cautious, progressive approach to emergency measures, adopting those that require derogation only as a last resort when strictly required because other, less restrictive options prove inadequate. This includes reviewing notably the National Taskforce Committee for COVID-19 Prevention and Control (Task Force, May 2021), the Special Task Force (Fake News Task Force, May 2021), and the tracking device LaoKYC (June 2020);
- 17 Take immediate steps to ensure and protect the full independence and impartiality of the judiciary and guarantee that it is free to operate without pressure and interference from the executive;
- 18 Facilitate the participation, leadership, and engagement of a diverse range of people from marginalised communities in government. Create task forces to take proactive initiatives to safeguard marginalised communities (e.g. women, LGBTIQ+, people marginalised based on ethnicity) from specific forms of abuse, (e.g. hate crimes, smear campaigns, the sharing of intimate images online including revenge porn), doxxing, hate speech, and overall gender-based violence;
- 19 Carry out routine assessments of the state of digital rights under the jurisdiction. Facilitate the creation of task forces, consisting of individuals trained in the safeguarding of digital rights, to investigate these affairs;
- 20 Set up accessible and appropriate, judicial and non-judicial grievance mechanisms; Provide, among the remedies, fair treatment, just compensation or satisfaction, and the establishment of sufficient grounds to avoid its repetition. Also, implement an evaluation system that regularly screens the existing mechanisms.
- 21 Integrate subjects related to OGBV and healthy relationships, consent, bullying and online safety in school curricula, through a Department of Education campaign against OGBV.
- 22 Provide gender training for law enforcement officers for them to investigate OGBV cases and prosecute perpetrators.

Recommendations to Members of Parliament

- 1 Propose amendments to the Criminal and Penal Codes and other laws to address all shortcomings in line with international human rights standards such as UDHR and the ICCPR; and gather consensus among other MPs to ensure these amendments are adopted into the text of the law;
- 2 Hold the government accountable by ensuring that the steps taken by government bodies and agencies in the legal framework are evaluated and analysed on an individual as well as regular basis, applied only in cases where there is a risk of serious harm and cover both the enterprises in the public and private sector without discrimination, particularly when such a step could result in the violation of rights of individuals affected;
- 3 Build discussion and debate around digital rights with specific attention paid to the laotian context as well as good practices adopted regionally and internationally, with the general public actively involved in providing the grassroots perspective;
- 4 Adopt and enforce national laws to address and punish all forms of gender-based violence, including in the digital space. Legal and policy measures to eradicate online OGBV should be framed within the broader framework of human rights that addresses the structural discrimination, violence and inequalities that women and other communities marginalised based on gender (e.g. the LGBTIQ+ community) face. Policies should also highlight specific forms of abuse that people marginalised based on gender often face online (e.g. doxxing, non-consensual sharing of intimate pictures online, the spread of deep fakes);
- 5 Adopt specific laws and measures to prohibit new emerging forms of OGBV as well as specialised mechanisms with trained and skilled personnel to confront and eliminate online gender-based violence;
- 6 Organise and take responsibility for task forces that will take proactive initiatives to safeguard marginalised communities (e.g. women, LGBTIQ+, people marginalised based on ethnicity) against specific forms of abuse (e.g. hate crimes, smear campaigns, the sharing of intimate images online including revenge porn), doxxing, hate speech, and overall gender-based violence;
- 7 Ensure that the opposition parties are allowed to fully participate in drafting and passing legislation to enable them to fully represent their constituents.

Recommendations to Tech Companies

- 1 Ensure the companies' terms of services and policies are uniform and in compliance with international standards on freedom of expression, which are reviewed regularly to ensure all circumstances and situations that may arise have been addressed, while also addressing new legal, technological, and societal developments, in line with the obligation to respect human rights under the UNGPs;
- 2 Drop the for-profit business model that revolves around overcollection of data. Such business models are being utilised by the government and are violating data rights;
- 3 Adopt the Global Network Initiative Principles on Freedom of Expression and Privacy;
- 4 Clearly and completely explain in guidelines, community standards, and terms of services what speech is not permissible, what aims restrictions serve, and how content is assessed for violations;
 - a. Ensure tech companies recognise gendered hate speech as hate speech,
 - b. Ensure profanities and slang in Lao local languages directed against human rights defenders are considered hate speech, including less common words or phrases which convey the same threat of serious harm as "kill", "murder" or "rape".
- 5 Ensure the integrity of services by taking proactive steps to counteract manipulative tactics utilised in the dissemination of disinformation, including the creation of fake accounts, amplification through bots, impersonation, and the proliferation of harmful deep fakes;
- 6 Prioritize prediction of, preparation for, as well as protection against digital dictatorship and online-based violence when launching, revolutionising, or reforming products, services, and initiatives. The guidelines of the Center for Countering Digital Hate (CCDH) 'STAR Framework' should be urgently considered, which include: safety by design; transparency in algorithms, rules enforcement, and economics; accountability systems implementation; and corporate responsibility. In addition, these predictive, preparative, and protective factors must take into account and implement the input of marginalised communities (e.g. LGBTIQ+ peoples, women, and those marginalised based on ethnicity) who often become targets of online violence that is often unregulated or even perpetuated by existing systems;
- 7 Products, services, and initiatives must have consumer safety in mind from the very beginning of conception. This means that product, service, and initiative developers, as well as high-level executives, must all take all possible measures to ensure that their products are safe, by design for all users, including marginalised communities (e.g. including LGBTIQ+ peoples, women, and those marginalized based on ethnicity). Ensuring safety by design includes the practice of performing thorough risk assessments, and educating developers as well as executives to recognise their responsibilities to uphold human rights standards during the development as well as execution processes;
- 8 Promote transparency. CCDH specifically highlights the need for transparency in "algorithms; rules enforcement; and economics, specifically related to advertising." Though transparency is more of a 'preparative' factor rather than a 'preventive'

one, it will make civic engagement and corporate accountability much more effective, ultimately amounting to increased 'prevention' efficacy;

- 9 Transparency in algorithmic development, for example, is essential; though algorithms are not responsible humans, they were created by responsible humans. This same logic can be applied to company regulation development processes, as well as advertising strategy. For example, if company regulations were formulated in a way that disproportionately excludes marginalised voices (e.g without any adopted input from a diverse range of people of intersectional identities, such as women, LGBTIQ+ people, disabled people, or people marginalised based on ethnicity), those regulations are more likely to cause or perpetuate human rights violations. Companies should implement measures to enhance transparency in advertising, including clear disclosure of funding sources and target audiences to promote accountability and integrity, and combat disinformation;
- 10 Transparency goes hand-in-hand with effective corporate regulatory and accountability systems. The people who run and work for tech companies, like consumers, are humans, who must be proportionately held accountable for their actions if they intend to create products, services, and initiatives for consumption by civil society. Companies and their stakeholders (particularly senior executives) must recognise they hold a lot of economic, political, and social power by virtue of being in their positions, and thus naturally hold more responsibility than the average consumer. This means that though consumers have their own responsibilities, companies cannot put responsibility disproportionately on the consumer to regulate their own use of the companies' products, services, and initiatives, if these companies genuinely intend to safeguard human rights. Thus, companies must implement regulatory systems that put people above profit, in order to allow themselves to be held accountable, and in order to facilitate their self-regulation;
- 11 Enable people of marginalised groups (e.g. women, girls, LGBTIQ+ people, disabled people, people marginalised based on ethnicity), to participate and lead in the technology sector to guide the design, implementation, and use of safe and secure digital tools and platforms;
- 12 Commit to eradicating OGBV and allocate resources to information and education campaigns aimed at preventing ICT-facilitated gender-based violence. Additionally, invest in raising awareness for the intersection between human rights and digital security, demonstrating how human rights must be taken seriously in both the offline and online spaces. This can come in many forms, including working closely with local communities and human rights organisations (e.g. feminist groups, LGBTIQ+ groups) to facilitate dialogue and sensitivity training regarding the needs of people marginalised based on gender and/or other factors;
- 13 Implement and communicate stringent user codes of conduct across their platforms, ensuring their enforcement. Additionally, establish uniform content moderation standards that can effectively identify and address nuanced forms of online violence, while remaining sensitive to diverse cultural and linguistic contexts;
- 14 Improve the systems for reporting abuse so that victims of OGBV and racial discrimination

can easily report it and track the progress of the reports;

- 15 Publish regular information on official websites regarding the legal basis of requests made by governments and other third parties and regarding the content or accounts restricted or removed under the company's own policies and community guidelines, and establish clear, comprehensive grievance mechanisms that allow governing bodies and civil society members to dispute restrictions or removals of content and accounts. Aside from being clear and comprehensive, these mechanisms must have efficient, effective, and bias-trained systems of humans and/or electronic systems ready to receive and handle the grievances;
- 16 When appropriate, consider less-invasive alternatives to content removal, such as demotion of content, labelling, fact-checking, promoting more authoritative sources, and implementing design changes that improve civic discussions;
- 17 Engage in continuous dialogue with civil society to understand the human rights impacts of current and potential sanctions, and avoid overcompliance in policy and practice;
- 18 Ensure that the results of human rights impact assessments and public consultations are made public;
- 19 Ensure that any requests, orders and commands to remove content must be based on validly enacted law, subject to external and independent oversight, and demonstrates a necessary as well as proportionate means to achieve one or more aims
- 20 Organise task forces and initiate proactive initiatives to safeguard LGBTIQ+, women, girls and other concerned minorities against specific forms of abuse, (e.g. the non-consensual sharing of intimate images, including revenge porn), doxxing, hate speech, and overall gender-based violence;
- 21 Carry out routine assessments of human rights impacts and provide comprehensive transparency reports on measures taken to address the violence against marginalised communities (e.g. e.g. hate crimes, smear campaigns, the sharing of intimate images online including revenge porn).

Recommendations to Civil Society

- 1 Set up an independent multi-stakeholder body with the cooperation of various sectors to monitor and provide recommendations on trends in, and individual cases of digital rights abuses;
- 2 Work alongside governments and other stakeholders, to generate dialogue on issues and ensure accountability of government measures especially when it comes to issues related to democracy and human rights;
- 3 Support the independent evaluation and analysis of substantive aspects, including the use of the principles of necessity and proportionality through established global standards, and the impact of responses on society and economy;
- 4 Hold implementing authorities and officials liable for the misuse of their powers or information obtained, while carrying out their duties in the existing legal framework;
- 5 Strengthen understanding and solidarity among underprivileged people (e.g. class solidarity, solidarity among women and others marginalized based on gender, understanding among different ethnic groups within a jurisdiction);
- 6 Promote a safe and respectful environment for free online expression;
- 7 Continue to increase knowledge on digital security through training and capacity building programs, and actively carry out training on media literacy, including how to verify information to be true;
- 8 Continue to conduct awareness campaigns to educate individuals and communities about the various forms of gender-based violence, its impact on survivors, and the importance of promoting a safe and respectful online environment;
- 9 Advocate for the implementation and enforcement of robust laws and policies that criminalize all forms of gender-based violence, including OGBV;
- 10 Develop and implement digital literacy programs that equip individuals, especially women and marginalized communities, with skills to navigate online platforms safely, recognise and respond to online harassment, and protect their privacy;
- 11 Create and participate in grassroots, community-led initiatives to safeguard LGBTIQ+, women, girls and other concerned minorities against specific forms of abuse (e.g. the non-consensual sharing of intimate images, including revenge porn), doxxing, hate speech, and overall gender-based violence. Wherever possible, mobilise these initiatives to hold governments, MPs, and corporations accountable;
- 12 Collaborate with social media platforms and technology companies to develop and enforce policies and mechanisms that effectively address OGBV.
- 13 Have specialised support services and helplines for the survivors of OGBV, including counselling. Advocate for data collection and collect disaggregated data on OGBV when running prevention and response programmes.

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