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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)  
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20 December 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4, 15/21, and 16/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the expulsion from the Lao People's Democratic Republic (Lao PDR) of Ms. **Anne-Sophie Gindroz**, former Country Director of Helvetas Swiss Intercooperation, a development organization committed to improving the living conditions of disadvantaged people in rural areas of 32 countries in Africa, Asia, Latin America and Eastern Europe. Ms. Gindroz worked with Helvetas in the Lao PDR for more than three years. With Helvetas' focus on sustainable agriculture, she was also actively involved in advocacy work concerning land issues. For example, she served as the chair of the Land Issue Working Group for one year, and was also supporting the network of those working on the issues related to land grabbing.

According to the information received:

On 7 December 2012, the Director General of the Department of International Organizations, within the Ministry of Foreign Affairs of the Lao PDR, notified the Executive Director of Helvetas Swiss Intercooperation of the Government's decision to expel its Country Director Ms. Gindroz from the country due to her alleged "improper behaviour" and her "unconstructive attitude towards the Lao PDR".

This decision allegedly follows the issuance of a letter signed by Ms. Gindroz, dated 21 November 2012 and addressed to development partners in Lao PDR, in which she deplored, prior to the 2012 Round Table Implementation Meeting (RTIM), the lack of respect for the rights to freedom of expression, association,

and peaceful assembly in the Lao PDR, and called on development partners to bear in mind the human rights situation in the country in the 2012 RTIM's framework.

According to the Ministry of Foreign Affairs, Ms. Gindroz allegedly "demonstrated her explicit rejection of the Lao PDR's Constitution and Law, particularly its political system. Moreover she called on development partners and others not to side with the Government of the Lao PDR". The decision to expel Ms. Gindroz was reportedly taken on the basis of article 18 of the Prime Minister's Decree on International Non-Governmental Organizations in the Lao PDR No. 013/PM of 8 January 2010, which provides that "INGO, staff members and their dependents working in the Lao PDR have the obligations to respect the laws, regulations and fine culture of the Lao PDR". Article 29 of the Decree further provides that "... an INGO or its staff who carry out an activity contrary to the policy of the Government and in violation of the law and regulation as well as the Lao fine traditions shall be subjected to the laws and regulations of the Lao PDR".

Concerns are expressed that the expulsion of Ms. Gindroz from Lao PDR may be linked to the exercise of her rights to freedom of opinion and expression, and association.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "[e]veryone shall have the right to freedom of expression; this right shall include 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 of his choice."

We would further like to remind your Excellency's Government of article 22 of the ICCPR, which provides that "[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."

In addition, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, in his first thematic report to the Human Rights Council (A/HRC/20/27), called upon States "[t]o provide individuals exercising their rights to freedom of peaceful assembly and of association with the protection offered by the right to freedom of expression" (para. 84(g)). He further called upon States "[t]o ensure that

any restrictions on the rights to freedom of peaceful assembly and of association are prescribed by law, necessary in a democratic society, and proportionate to the aim pursued, and do not harm the principles of pluralism, tolerance and broadmindedness. Any restrictions should be subject to an independent, impartial, and prompt judicial review” (para. 84(e)). The Special Rapporteur also stated that “[t]he right to freedom of association obliges States to take positive measures to establish and maintain an enabling environment. It is crucial that individuals exercising this right are able to operate freely without fear that they may be subjected to any threats, acts of intimidation or violence...” (para. 63).

In this context, we would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.
- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

As it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?

2. Please confirm the legal basis of the expulsion of Ms. Gindroz, and how this measure is compatible with international human rights norms and standards contained in the International Covenant on Civil and Political Rights and the Declaration on Human Rights Defenders.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Anne-Sophie Gindroz are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Margaret Sekaggya  
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