

# **Unrepresented Nations and Peoples Organization (UNPO)**

## **Congress of World Hmong People (CWHP)**

*Joint submission to the UN Office of the High Commissioner for Human Rights*

Universal Periodic Review, 21<sup>st</sup> Session: Lao's People Democratic Republic

*Key Words: minority rights, military violence, arbitrary arrest, enforced disappearances, ill treatment, refugees, standard of living and health, displacement, land grabbing, religious repression, ethnic discrimination.*

### **INTRODUCTION**

This report will focus on the main human rights violations occurring in the Lao's People Democratic Republic (LPDR), with a special emphasis on the situation of minority groups, and particularly the Hmong. First, the report will open with a brief introduction to the Hmong. Secondly, it will outline the main human rights violations taking place in the LPDR in the context of the international human rights treaties signed and ratified by the Laotian Government, with a particular focus on the violations suffered by the Hmong people. Lastly, it will present a series of recommendations to help the discussions during the 21st Session.

#### **The Hmong**

The Hmong ChaoFa people are an indigenous group originally from the ChaoFa region of Northern Laos. They distinguish themselves from the Laotian population because of their ethnicity, language, culture, and religion, and they constitute the third biggest minority in the LPDR.

During the Vietnam War, several Hmong were recruited by the American Forces to counter the invasion of Northern Laos by Vietnamese troops, a confrontation that is commonly referred to as "the secret war". At the end of the war, the Pathet Lao communist political movement took control of Laos, and the American government ceased to actively support the Hmong in the country. Due to their war legacies, however, the Hmong continued to be stereotyped as a dangerous anti-government group, and have thus been systematically targeted and discriminated by the Laotian Government ever since.

Due to this continuing persecution and military violence, thousands of Hmong have gone into hiding in the Laotian jungle, while others have attempted to seek refuge in neighboring countries. While in the 1970s their population in Laos was estimated to amount to 20.000, some reports indicate that the Lao Hmong may currently amount to approximately 3000.<sup>1</sup>

For the Hmong still living in Laos, the consequences of backing the losing side are still apparent, as persecution is a daily reality and many Hmong live in fear of arbitrary arrest and torture while experiencing abject poverty. They are often accused of causing the country's deforestation problem and thus forced to relocate. Even seeking refuge in other countries has become dangerous: Vietnam and Thailand have standing collaboration efforts with the Laotian government to detain and aid in the forceful repatriation of Hmong refugees. Such collaborations have also extended to military campaigns within Laos' borders to violently target Hmong communities hiding in the jungle.

Because the government of Laos does not recognize the Hmong as an indigenous people and has no specific legislation in that regard, they are not eligible for a series of benefits they would otherwise attain. Explicit indigenous recognition would provide additional mechanisms to address uncompensated land confiscation, natural resource exploitation, and abuses to their cultural and religious rights.

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<sup>1</sup> Fidh (2012). Laos: An overview of human rights violations. Retrieved from: [http://www.fidh.org/IMG/pdf/mldh\\_fidh\\_briefing\\_paper\\_on\\_human\\_rights\\_in\\_laos\\_final\\_25102012-3.pdf](http://www.fidh.org/IMG/pdf/mldh_fidh_briefing_paper_on_human_rights_in_laos_final_25102012-3.pdf)

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#### **HUMAN RIGHTS ISSUES**

In the last decades, the LPDR has enhanced its international commitments to human rights, by signing and ratifying several international conventions, the most recent being the Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) (ratified in 2012). Yet, there are no significant signs of improvement in the routine violations of civil and political rights as well as of economic, social and cultural rights that occur in Laos. The LPDR continues to function as a one-party rule under the 1991 Constitution, which designates the Lao People's Revolutionary Party (LPRP) as the one and only legal political party in the country. Consequently, political interference and endemic corruption continue to undermine the rule of law in the LPDR. Widespread restrictions of the Laotian population's freedom of expression and association continue to increase along with the number of political prisoners, arbitrary arrests, and enforced disappearances. At the same time, a large section of the country's population has to deal with abject poverty, inequality, and lack of access to basic services such as health and education. These widespread human rights violations are accompanied by severe restrictions of cultural and religious freedoms when it comes to ethnic minorities and indigenous peoples in Laos. Among them, because of their legacy to the American forces during the Vietnam War, the Hmong are the minority group that suffers the most severe persecution.<sup>2</sup>

#### **Military Violence**

Since the establishment of the LPDR, Hmong communities have suffered from violent attacks from the Lao People's Army (LPA), which continue until today. In 2013, a surge of political and ethnic violence led to the killing of a number of Hmong civilians at the hand of the Laotian security forces. One of these episodes took place in March 2013, when four Hmong teachers in a local school were shot and killed in the Phou Bia mountain area by LPA soldiers as they left their village in search of food.<sup>3</sup> Reports and evidence received from the Hmong indigenous communities indicated that the community in the Phou Bia is constantly being chased and attacked, and has to move weekly in order to sustain its peace and security.

The Lao LPDR military closely monitors the Hmong indigenous communities. Their daily social life and economic sufficiency are continuously being destroyed, resulting in hunger, diseases, malnutrition, and lack of medication. The region is tightly controlled by the LPDR military. These are clear violations of the right to life and security of the person.

#### **Arbitrary Arrests, Inhuman Treatment, and Enforced Disappearances**

As a signatory of the International Covenant on Civil and Political Rights (ICCPR), the Laotian government is committed to respect its citizens' freedom from arbitrary arrest and detention (art.9, ICCPR). Yet, government opponents, human rights activists, and ethnic and religious minorities are often detained without valid legal justifications. Charges of threat to the national security of the LPDR are largely used to arrest members of minority communities, and particularly Hmong individuals who are commonly stereotyped as untrustworthy anti-government forces.<sup>4</sup> For example, two members of the Laotian Hmong community, Thao Moua and Pa Phue Khang, have been detained on charges of obstruction to justice for guiding three foreign journalists who were collecting

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<sup>2</sup> Ibid

<sup>3</sup> BusinessWire (March 2013). Laos: Attacks intensify against Lao, Hmong people. Retrieved from:

[http://www.businesswire.com/news/home/20130304006755/en/Laos-Attacks-Intensify-Lao-Hmong-People#.U3zCI\\_mSwcZ](http://www.businesswire.com/news/home/20130304006755/en/Laos-Attacks-Intensify-Lao-Hmong-People#.U3zCI_mSwcZ)

<sup>4</sup> Fidh (2012). Laos: An overview of human rights violations. Retrieved from:

[http://www.fidh.org/IMG/pdf/mldh\\_fidh\\_briefing\\_paper\\_on\\_human\\_rights\\_in\\_laos\\_final\\_25102012-3.pdf](http://www.fidh.org/IMG/pdf/mldh_fidh_briefing_paper_on_human_rights_in_laos_final_25102012-3.pdf)

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information on the situation of the Hmong people in the Saysomboun region.<sup>5</sup> They were arrested in 2004 and are still serving their sentences of 12 and 20 years. This case of arbitrary arrest also illustrates the Laotian government's efforts to prevent external witnesses from documenting the human rights situation suffered by the Hmong people in Laos and to limit its citizens' freedom of expression. Given the Laotian government's efforts to censor information on the country's human rights situation, reliable data on the number of political prisoners in Laos is not available.

Additionally, the few existing reports on the detainment conditions of prisoners in the LPDR indicate that Laotian authorities are violating the principle of respect of the human dignity of people deprived from their liberty (ICCPR art. 10; CAT). For example, Human Rights Watch has reported the existence of a detention center officially aimed at drug users which is employed by Laotian authorities as a "dumping ground" for marginalized groups, including Hmong individuals.<sup>6</sup> There, arbitrarily arrested individuals are kept in brutal conditions and suffer from inhuman treatments, such as severe beatings.<sup>7</sup>

In some cases, individuals taken by the Laotian security forces became victims of enforced disappearances, which are forbidden by the Convention on the Protection of All Persons from Enforced Disappearances (CPED), signed by Laos in 2008 but not yet ratified. One of the most cited examples is the case of Sombath Somphone, a prominent social and environmental activist abducted at a police checkpoint in 2012.<sup>8</sup> The enforced disappearance of Sombath Somphone, however, is not an isolated case. For instance on August 25 2007, three young Hmong American (Yang Neng, Yang Hakit, and Yang Congshineng) were detained and disappeared. In 2009 and 2010, several Hmong refugees in Thailand were forcefully repatriated to Laos, and some of them disappeared after their arrival in the country.<sup>9</sup> Despite pressure on the Laotian government from family members, international organizations, and foreign governments to release information about their whereabouts, the cases of these disappeared Hmong remain unresolved until today. The case of Mrs. Zoua Yang provides only one example: as a Lao-Hmong refugee in the Thai Phetchabun camp, she was forcefully repatriated to Laos in 2005 to vanish soon after.<sup>10</sup> Her family has not been able to gain any information about her until today.

### Refugees and Returnees

Since the end of 2009, almost 4500 Hmong refugees living in Thailand were forcefully repatriated as a consequence of an agreement between the Thai and the Laotian Governments. While the Laotian government had promised to assist returnees to reintegrate into society, the great majority of them have been living in refugee camps until today.<sup>11</sup> One of the biggest camps is the Phonekham village (Borikhamxay province), where returnees endure difficult living conditions and severe restrictions of their freedoms, including their liberty of movement (ICCPR art.12). Indeed, refugees living in Phonekham have reported that they are not allowed to move beyond a five kilometers radius from the camp.<sup>12</sup>

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<sup>5</sup> United States Department of State (2013). Laos 2013 Human Rights Report. Retrieved from: <http://www.state.gov/documents/organization/220418.pdf>

<sup>6</sup> Human Rights Watch (2011). Somsanga's secrets: Arbitrary detention, physical abuse, and suicide inside a Lao drug detention center. Retrieved from: <http://www.hrw.org/reports/2011/10/11/somsanga-s-secrets-0>

<sup>7</sup> *ibid.*

<sup>8</sup> Human Rights Watch (June 2013). Laos: End cover up in activist's "disappearance". Retrieved from: <http://www.hrw.org/news/2013/06/14/laos-end-cover-activist-s-disappearance>

<sup>9</sup> Freedom House (2013). Laos: Freedom in the world 2013. Retrieved from: [http://www.freedomhouse.org/report/freedom-world/2013/laos#.U3ybZ\\_mSwcY](http://www.freedomhouse.org/report/freedom-world/2013/laos#.U3ybZ_mSwcY)

<sup>10</sup> Fidh (2012). Laos: An overview of human rights violations. Retrieved from: [http://www.fidh.org/IMG/pdf/mldh\\_fidh\\_briefing\\_paper\\_on\\_human\\_rights\\_in\\_laos\\_final\\_25102012-3.pdf](http://www.fidh.org/IMG/pdf/mldh_fidh_briefing_paper_on_human_rights_in_laos_final_25102012-3.pdf)

<sup>11</sup> Radio Free Asia (March 2011). Resettled Hmong still restricted. Retrieved from: <http://www.rfa.org/english/news/laos/restricted-03072011144747.html?searchterm=None>

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

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#### **Standard of Living and Right to Health**

Laos is characterized by severe discrepancies in income and standard of living between rural and urban areas, as well as between minority and majority communities. Laos' indigenous peoples, among whom the Hmong, constitute 93% of Laos's poor (in 2011).<sup>13</sup> Hmong communities living in remote rural areas are the most affected by food insecurity and do not have access to basic services such as health care facilities. Consequently, Laos' already high rates of child malnutrition and child mortality severely increase in the Northern Highland provinces, where most Hmong communities live. There, almost 60% of the children under five suffer from malnutrition.<sup>14</sup> At the same time, the rural areas of northern Laos inhabited by the Hmong witness the highest rates of maternal mortality because of the lack of reproductive healthcare facilities.<sup>15</sup> Poverty, food insecurity, and lack of healthcare in these areas result in the violation of the local inhabitants' rights to an adequate standard of living, to food, and to health (ICESCR art. 11, 12).

#### **Land-grabbing and Displacement**

A major issue faced by Indigenous peoples in Laos is the allocation of their customary lands to companies for industrial exploitation. The allocation of land often takes place through land-grabbing practices which forces indigenous communities to relocate against their will. Internally displaced indigenous groups, already poor, thus run the risk of further impoverishment as they become landless and deprived of their means of subsistence. It is estimated that more than 30% of Laos' lands, which could be used to address the country's food insecurity, are owned by foreign companies from China, Viet Nam, and Thailand.<sup>16</sup> This situation is particularly challenging for Hmong communities, as several areas in the North of the country, where most Hmong live, have been designated by the government as "special economic zones" or "specific economic zones", i.e. areas selected by the government for the development of industrial projects and the attraction of foreign investment.<sup>17</sup> These zones are established by the government on the basis of a 2009 law on investment promotion, which does not include any provision for the protection of local inhabitants. Among other projects, this law has allowed for several Chinese firms to gain land concessions with a validity of 99 years for rubber plantations covering 30000 hectares in the northern province of Oudomxay.<sup>18</sup> This leads to the immigration of Chinese workers to tap the rubber and, in turn, further displacement of the local Hmong inhabitants. Similar relocation issues are caused by the construction of dams on the Mekong River, which results in the resettlement of entire villages to inadequate housing facilities, the villagers' loss of their own means of subsistence, and environmental damage.<sup>19</sup>

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<sup>13</sup> International Work Group for Indigenous Affairs (2011) *The Indigenous World: East and South East Asia: Laos*. Retrieved from [http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2011/laos\\_2011.pdf](http://www.iwgia.org/images/stories/sections/regions/asia/documents/IW2011/laos_2011.pdf)

<sup>14</sup> IRIN (August 2013). Analysis: as Laos prospers, child malnutrition persists. Retrieved from: <http://www.irinnews.org/report/98659/analysis-as-laos-prospers-child-malnutrition-persists>

<sup>15</sup> IRIN (September 2013). Analysis: Reproductive healthcare lags in Laos. Retrieved from: <http://www.irinnews.org/report/98725/analysis-reproductive-healthcare-lags-in-laos>

<sup>16</sup> Indigenous (2012). Shadow report regarding the periodic reports of Laos under CERD, 80th session.

<sup>17</sup> Law on Investment Promotion No.02, July 2009. Retrieved from:

[http://www.sncsez.gov.la/images/LegalDocuments/investment\\_promotion\\_law\\_english.pdf](http://www.sncsez.gov.la/images/LegalDocuments/investment_promotion_law_english.pdf)

<sup>18</sup> The Economist (October 2013). The future of Laos: A bleak landscape. Retrieved from:

<http://www.economist.com/news/asia/21588421-secretive-ruling-entire-land-grabs-spell-trouble-poor-country-bleak-landscape?zid=306&ah=1b164dbd43b0cb27ba0d4c3b12a5e227>

<sup>19</sup> International Rivers (November 2012). Ch. Karmchang already causing food insecurity near Xayaburi dam site. Retrieved from: <http://www.internationalrivers.org/blogs/267/ch-karmchang-already-causing-food-insecurity-near-xayaburi-dam-site>

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#### **Cultural and Religious Rights**

Religious activities are often severely restricted in the LPDR, especially when it comes to religions other than Buddhism, such as Christianity and Animism.<sup>20</sup> As most ethnic minorities and indigenous peoples in Laos also constitute religious minorities, religious restrictions often go together with the violations of minority rights (ICCPR art.27; ICERD) and of the principle of non-discrimination (e.g. ICESCR art.2; ICERD). This is certainly the case for the Hmong, traditional animist believers who have partly taken up Christianity. In 2011, following the beatification of Pope John Paul II, the Hmong in Viet Nam and Laos organized a mass religious protest which was brutally cracked down by the militaries of the respective countries.<sup>21</sup> Religious persecution also takes place in everyday life through different intimidation strategies, including the cutting of running water, poisoning of cattle, the denial of permits for the construction of religious building, and threats of eviction.<sup>22</sup>

#### **RECOMMENDATIONS**

Given the above-mentioned human rights situation in the Lao People's Democratic Republic, the Unrepresented Nations and Peoples Organization urges to consider the following recommendations:

- 1. Eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to ethnic, linguistic or other minorities; and develop a legal framework for the condemnation of propaganda and statement related to principles of ethnic superiority;*
- 2. Develop a framework for the recognition and protection of indigenous peoples, and safeguard them accordingly;*
- 3. Stop any form of military violence against Hmong ChoaFa Indigenous civilians in the Xaysombune Special Zone;*
- 4. End the intimidation, harassment and persecution of human rights defenders, journalists, and members of minority communities through arbitrary arrests and enforced disappearances*
- 5. Free all individuals currently deprived of their liberty for peacefully exercising their rights to freedom of expression and assembly;*
- 6. Start investigations of cases of enforced disappearances in a transparent manner;*
- 7. Ensure that people deprived of their liberty are treated with humanity and dignity;*
- 8. Allow the access of foreign journalists and observers to Laos;*
- 9. Support the reintegration of returnees into society, and ensure that their freedom of movement is not restricted;*
- 10. Develop poverty-alleviation programs specifically targeting regions and communities where regional ethnicities reside, focusing on the needs of indigenous peoples;*

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<sup>20</sup> USCRIF (2014). Annual report 2014 : Laos. Retrieved from: <http://www.uscirf.gov/sites/default/files/Laos%202014.pdf>

<sup>21</sup> Star Tribune (June 2011). A new era of abuse in Southeast Asia. Retrieved from:

<http://www.startribune.com/opinion/commentaries/124518218.html>

<sup>22</sup> Fidh (2012). Laos: An overview of human rights violations. Retrieved from:

[http://www.fidh.org/IMG/pdf/mldh\\_fidh\\_briefing\\_paper\\_on\\_human\\_rights\\_in\\_laos\\_final\\_25102012-3.pdf](http://www.fidh.org/IMG/pdf/mldh_fidh_briefing_paper_on_human_rights_in_laos_final_25102012-3.pdf)

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*11. Address the significant disparity in health and living standards between regions populated by minorities and majorities, including providing remote geographical areas with adequate health care facilities, fighting child malnutrition, and tackling maternal mortality;*

*12. Develop a legal framework to protect local inhabitants from land grabbing practices and forced relocation as a consequence of economic activities that deprive them from their own means of subsistence;*

*13. Allow all individuals to freely exercise their religious beliefs and end the oppression of religious minorities.*