



UNPO Alternative Report Submission to UN Human Rights Committee (CCPR) on the issue of severe human rights abuses against the Hmong ethnic minority group in Laos

April 2024

Joint Submission:

Unrepresented Nations and Peoples Organisation (UNPO)

Congress of World Hmong People (CWHP)

Submitting organisations:

Unrepresented Nations and Peoples Organization (UNPO)

The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent, and democratic membership-based organisation. Its members include indigenous peoples, minorities, unrecognised States, and occupied territories that have joined together to defend their political, social, and cultural rights, as well as their right to self-determination. The Hmong are represented by the Congress of World Hmong PEople (CHWP) who have been a member of the UNPO since 2007.

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The Congress of World Hmong People (CWHP)

The Congress of World Hmong People (CWHP) is a nonviolent organisation advocating for the political, economic, social and cultural rights of the Hmong people. Recognising that the violence and human rights violations against the Hmong in Laos form the roots of their marginalisation in Laotian society, the CWHP represents the Hmong people internationally.

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Context & Historical Background

The Hmong are an indigenous group originating from Laos, Southern China, Vietnam, Myanmar and Thailand. Specifically, the Hmong ChaoFa are an indigenous group originally from the ChaoFa region of Northern Laos. The Hmong distinguish themselves from the general Laotian population because of their ethnicity, written and spoken language, culture and religion. According to the latest national census, they are LPDR's third largest minority, constituting about 10% of the population¹. However, the LPDR Government refuses to grant them indigenous status preventing them from receiving any form of legal protection they would otherwise be entitled to under international law (e.g. Article 27 ICCPR). Under the right to self-determination of peoples, this non-recognition by the Government of indigenous peoples on its territory², does not prevent the application of international law and the specific rules of protection granted to them³. Nevertheless, explicit indigenous recognition of the Hmong by Laos would provide them with additional mechanisms to address uncompensated land confiscations, natural resource exploitation, and abuses of their cultural and religious rights.

The Hmong population lives mostly in remote areas, experiencing abject poverty, malnutrition, food insecurity, and no access to medical care. The ChaoFa Hmong, who live in isolation within the forest of the Phou Bia Mountain, have been particularly targeted by the Laotian army. In addition to the Hmong living in the Phou Bia region, across the Xaisomboun Province, there are Hmong living in resettlement camps and military-controlled villages. In these villages, Hmong testimonies indicate that they do not have access to safe drinking water, or adequate water containers.

While LPDR asserts the protection and inviolability of democratic rights and freedoms of all citizens under its Constitution and has ratified a number of international conventions pertaining to the promotion and protection of human rights, in practice, these rights are extremely limited. For instance, criticizing the Government is prohibited under the Criminal Code, while political dissidents, human rights activists, and ethnic and religious minorities are often detained without valid legal justifications. According to documented evidence, inhuman treatments or even torture such as beating or burning are regular practices in detention (a risk factor 2 of the Framework of Analysis for Mass Atrocity Crimes (2014) developed by the United Nations Special Advisers on the Prevention of Genocide and on the Responsibility to Protect)⁴. For example, charges of threat to the national security of the LPDR are employed to arrest members of minority communities, particularly Hmong individuals who are perceived as untrustworthy and anti-governmental. As identified in a recent report, the Government regularly resorts to discriminatory policies, forced resettlement, and illegal land grabs, with the Hmong particularly affected⁵. Slowly, but surely, they are being eradicated from the region, with those that remain forced to live in incredibly controlled environments, in poor conditions.

Over the past two years, the UN's various human rights expert bodies have received several plights by or on behalf of the Hmong. In 2019, the UN Special Rapporteur on Extreme Poverty was permitted a visit to Laos; though not to Xaisomboun Province. He found systemic policies of discrimination against rural, ethnic minority and indigenous communities. March 2021 saw a severe escalation of violence by Government forces against Hmong individuals living in the Phou Bia mountain region in the Lao People's Democratic Republic. In August 2020, nine UN Special Rapporteurs and the UN Working Group on Enforced

¹ Results of Population and Housing Census, Lao Statistics Bureau, 2015, available at: https://lao.unfpa.org/sites/default/files/pub-pdf/PHC-ENG-FNAL-WEB_0.pdf.

² Still, the Lao PDR voted in favour of the 2007 Declaration on the Rights of Indigenous Peoples and accepted the UN General Assembly Resolution A/71/178 on the report of the Third Committee (A/71/481) which grants rights to indigenous peoples.

³ As stated, the Hmong consider themselves as an indigenous people.

⁴ "Lao Movement for Human Rights: UNHRC 123rd session, Joint shadow report", *International Federation of Human Rights*, June 2018, available at <https://www.fidh.org/IMG/pdf/fidh-lmhr_joint_shadow_report_ccpr_123_lao_pdr_june_2018.pdf>.

⁵ Human Rights Foundation, *The Impact of Foreign Investment on Human Rights in Laos* (February 2021), available at https://hrf.org/press_posts/report-the-impact-of-foreign-investment-on-humanrights-in-laos/.

Disappearances wrote a letter of allegation to the LPDR Government expressing concern regarding the alarming situation of the Hmong indigenous community located in the Phou Bia Region, including the indiscriminate attacks against the community, enforced and involuntary disappearances, denying access to their rights to food, housing, health and safe drinking water.

Despite these serious humanitarian and human rights concerns, the Government continues to deny the excessive use of force against the Hmong people and refuses access to the area to international observers, even on humanitarian or medical grounds. This intense campaign also coincides with the development of the Phou Bia Mountain as a tourist site. Foreign investment in the region has also increased with large scale industry expanding in the area⁶.

Continued Concerns & Previous Submissions

Over the years, the UNPO has submitted several reports to UN bodies highlighting the severe human rights abuses perpetrated against the Hmong. Most notably:

- [2014 Joint UPR Report](#): Joint UNPO and CWHP report to the OHCHR ahead of the 2nd UPR of human rights in the Lao People's Democratic Republic, focusing on discrimination, uncompensated land confiscation, arbitrary arrests and violations of the Hmong's cultural and religious rights.
- [2018 CEDAW Submission](#): The submission provides a comprehensive overview of the increased vulnerability and gender-based violence Hmong women and girls are subjected to in Lao PDR, emphasising the heightened risks resulting from the intersection of their ethnicity and gender.
- [2019 Joint UPR Report](#): Joint UNPO and CWHP report to the OHCHR ahead of the 3rd UPR of human rights in the Lao People's Democratic Republic⁷. The report highlights the extreme violence used by the Laotian military against the ChoaFa Hmong.
- 2020 Submission to the UN Special Procedures: The submission compiled by the UNPO and CWHP detailed alarming updates on the Hmong community, including the indiscriminate attacks against the community, enforced and involuntary disappearances, denying access to food and lacking health care and access to safe and drinking water. The submission resulted in ten Special Procedures issuing a Joint Allegation Letters to Lao Government raising the issue of ChaoFa Hmong ([UA LAO 3/2020](#)).
- [April 2021 Report](#): '*Hmong in Isolation: Atrocities against the indigenous Hmong in the Xaisomboun Region of Laos*': summarizes the history of the atrocities committed against the Hmong, including the increase in military attacks against the Hmong in 2021. The report also contains the testimony of a European journalist (wishing to remain anonymous), who in December 2019 managed to enter parts of the Xaisomboun Province, and reported their observations to the UNPO, including increased Lao People's Army presence in the "surrendered" Hmong villages; Hmong people being threatened by the Government not to share information about their forced displacement; and overall poor sanitary and living conditions for those living in the jungle and the Army-controlled villages. Following-up the prior submission, the report was submitted to the UN Special Procedures.
- 2021 Submission to the Working Group on Enforced or Involuntary Disappearances: The UNPO submitted information relating to a number of specific cases of four Hmong individuals to the mandate on enforced or involuntary disappearances. In response, the Working Group and six other Special Rapporteurs published a JAL to Lao Government, expressing alarm at the continued persecution of the Hmong, including concerns of indiscriminate military attacks and the denial of the right to food, adequate housing, medical care and safe drinking water among other human rights abuses. The letter also expresses alarm as to purported acts of reprisals and intimidation against the community for reporting to the international community. The alleged reprisals include the extrajudicial killing of a family member,

⁶ <https://hrf.org/report-the-impact-of-foreign-investment-on-human-rights-in-laos/>

⁷ <https://unpo.org/article/21585>.

intimidation tactics against the families, and military isolation of the remaining ChaoFa in the Phou Bia mountain ([JAL UA LAO 3/2021](#)).

- [October 2021 Letter to the UN Office on Genocide Prevention and Responsibility to Protect](#): Includes an expert analysis of the situation in the Xaisomboun Region in the context of the UN's framework of analysis related to genocide and crimes against humanity. In March 2021, the UN's academic partner in its Genocide Early Warning Mechanism, upgraded the risk level in Laos, citing specifically the military's targeting and persecution of the Hmong as a primary indicator of potential future mass atrocities⁸.
- [July 2023 CESCRC Submission](#): Finds that the actions of the Laotian Government constitute a severe violation of the ICESCR, in addition to exposing the acute and omnipresent reality of structural discrimination and fatal military campaigns against the Hmong.
- [September 2023 CEDAW Report](#): The UNPO and CWHP jointly submitted a report to the UN Committee on the Elimination of Discrimination Against Women (CEDAW). The submission provides a comprehensive overview of the increased vulnerability faced by Hmong women and girls in Lao PDR, emphasizing the heightened risks resulting from the intersection of their ethnicity and gender.

CCPR Follow Up Procedure Priority Recommendations – Lao PDR's Responses

(a) Enforced Disappearances

In 2020, nine UN Special Rapporteurs and the UN Working Group on Enforced Disappearances wrote a Letter of Allegation to the Government of Laos, expressing deep concern regarding the alarming situation of the Hmong indigenous community in the Phou Bia Region, including the issue of enforced and involuntary disappearances. The JAL was in response to reports made by the UNPO and CWHP on the situation of four specific individuals of the Hmong community who had been disappeared since March 2020.⁹ According to Amnesty International, as of 2022, "*prominent human rights defenders remained imprisoned. There was no progress in the investigation of various cases of enforced disappearance of activists and members of ethnic minorities*"¹⁰.

It is important to note that the issue of enforced disappearances is closely tied to a stark increase in persecution from the Laotian Government against the Hmong primarily due to:

a) the LDPR's **increased interest in exploiting natural resources in the Phou Bia mountain area**, including through a potential \$500m tourism development project¹¹. The push to eliminate the ChaoFa Hmong culminated in March 2021 with the total cordoning off of the area, including the prohibition of civilian entrance and exit from the jungle, leaving the Hmong completely cut off from both Laotian society and the international community. Extrajudicial killings and disappearances continued to increase throughout 2022¹². As of May 2023, there are reports indicating that soldiers are actively conducting searches for the remaining

⁸ Asia Pacific Centre – Responsibility to Protect, Atrocity Crimes Risk Assessment Series: Lao People's Democratic Republic (15 March 2021), available at https://r2pasiapacific.org/files/6317/Risk_Assessment_laos_vol15_march2021.pdf; see also United Nations Office on Genocide Prevention and the Responsibility to Protect, Partners, available at <https://www.un.org/en/genocideprevention/partners.shtml>.

⁹ JAL UA LAO 3/2021.

¹⁰ <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/laos/report-laos/>.

¹¹ See <https://www.rfa.org/english/news/special/china-build-laos-dams/> and <https://laotiantimes.com/2021/01/12/phu-bia-mountain-to-be-developed-as-new-tourism-site/>.

¹² For instance, in one case reported to the UNPO, on 23 April 2022 a platoon consisting of approximately 20 soldiers, tasked as part of the broader military operation to hunt down ChaoFa Hmong remaining in the Phou Bia, attacked a group of Hmong. During the attack, two ChaoFa Hmong men were shot and killed.

ChaoFa Hmong in the Phou Bia region. In an effort to evade detection, the ChaoFa Hmong have resorted to separating into smaller groups.

b) **a wave of reprisals against the Hmong community** following information about their status reaching various international NGOs and UN mechanisms. The UNPO notes with great concern that relatives of disappeared individuals or groups report threats from the authorities in order to remain silent and not share information with NGOs, journalists, or other sources. See for example the UN Secretary General's September 2021 report to the UN HRC on reported cases of reprisals against individuals and organizations cooperating with the UN and its mechanisms. The report presents information gathered between May 2020 and April 2021 concerning allegations of intimidation and reprisals from 29 State actors.

Indicative is the case of Mr. Chue Youa Vang, a 63-year-old male relative of two Hmong women who were forcibly disappeared in March 2020. Following a communication by UN Special Procedures in August 2020 on the disappearance of these women (amongst others), their relatives were subjected to threats and intimidation by the Laotian army. Such reprisals resulted in a number of family members of the disappeared victims forced to hide in the forest out of fear of being arrested by the military, and possibly, similarly disappeared. On 8 March 2021, Mr. Chue Youa Vang was extrajudicially killed by a group of Laotian soldiers and a disturbing photo of his body was disseminated to the Hmong community, which may have been intended as a warning to further scare them.

It should be noted that access to the area in-and-around Phou Bia where the ChaoFa are in hiding, is extremely restricted, with the government having refused to allow outside observers or humanitarian aid into the area. This heavily restricts the amount of information that is able to be received from the area to fully understand the extent of the problems faced by the Hmong there. Nonetheless Our Hmong member, the CWHF jointly with the UNPO has been able to maintain a [timeline](#) of disappearances and attacks from April 2016 until March 2021 and to compile some evidence of the attacks and human rights abuses against the Hmong in the jungle and the Army-controlled relocation villages.

(b) Participation in Public Affairs and the Right to Vote

Laos is rated 'Not Free', with a score of 2/40 on political rights in Freedom House's 2024 annual study of political rights and civil liberties worldwide¹³. Under international human rights law, minorities should be guaranteed the right to effective participation in public affairs. Members of the Hmong community used to be part of the Highland Lao political group, along with other minorities (Lao Sung, Mien and Tibeto-Burmese). According to available data, in 2002, the group had 9 of 109 seats in the National Assembly. Currently however the Lao People's Revolutionary Party (LPRP) is the only legal political party in Lao. In the 2016 legislative elections, the LPRP won 144 seats out of the 149 National Assembly seats the five remaining seats going to independents. Although no data regarding the ethnicity of National Assembly members is available, there seems to be a *de facto* exclusion of members belonging to certain ethnicities, especially Hmong.

The Lao PDR's political organization precludes any involvement of the Hmong in politics and public life, in violation of Article 21 of the UDHR on the right to take part in public life; Article 25 of the ICCPR on the right to take part in the conduct of public affairs without discrimination; as well as Article 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities pertaining to effective participation in public life and decision-making. Overall, the Lao PDR strongly restrains freedom of speech, association, and assembly and strictly controls television, radio, and printed publications throughout the country. Article 23 of the Lao Constitution prohibits all "mass media activities" contrary to "national interests" or "traditional culture and dignity". Consequently, the Hmong living under the rule of the Lao Government are unable to enjoy their freedom of expression and more broadly, their right to promote their culture.

¹³ <https://freedomhouse.org/country/laos/freedom-world/2024>.

Importantly, Lao PDR refuses to provide the Hmong with any documents or identification, such as a family book or ID essentially denying them the possibility of benefiting from social protections or participating in the country's political affairs¹⁴. This is further exacerbated by the continued forced marginalization of the Hmong from mainstream Laotian society, through isolating them in remote resettlement villages or forcing them to flee and live in hiding across forested areas, meaning they have limited capacity to exercise their voting rights or participate in their country's public affairs.

The constant attacks of the army against the Hmong communities contribute to the group's exclusion from the national educational system since they are forced to constantly flee and hide¹⁵. Moreover, the UN Special Rapporteur on Freedom of Religion or Belief has noted that Christians and other religious minorities in Laos experience limited opportunities for higher education¹⁶. This lack of access to education further deepens the structural marginalization already endured by Hmong communities¹⁷. As a result, the limited access to education among the Hmong population restricts their resources and opportunities to actively participate in the social and political life of the country. This lack of engagement explains their under-representation in the political landscape and further reinforces their political, social, and economic exclusion from Laotian society.

(c) Rights of persons belonging to minorities

As noted by the UN special rapporteur on Extreme Poverty and Human Rights during his visit to Lao in 2019, there are persistent structural barriers that prevent the full realization of human rights by people in poverty, especially by ethnic minorities¹⁸. The Hmong community faces numerous violations of their cultural and religious rights. They are denied access to education in their own language and prohibited from speaking their language and wearing traditional attire¹⁹. Additionally, religious activities are severely limited for all minority groups in Laos, and they face various intimidation tactics aimed at discouraging them from practicing their religion.

In terms of the intersection between gender identity and being part of an ethnic minority, Hmong women and girls are particularly affected by the persecution and discriminatory practices described throughout this submission. Despite the Lao Government's legal obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) since 1981, the Laotian Government has consistently and gravely breached its obligations. For example, women and girls who surrendered to the Lao People's Army and were relocated to resettlement villages have been exposed to abuses (including sexual abuses) and threats of forced marriage. Testimonies reported cases of rape and torture by the Laotian military and being held in slavery-like conditions. Women reported living in a state of traumatic stress, unable to share the full extent of their suffering²⁰.

One of the clearest examples of the negative impacts of Laos' economic strategy on Laotian minorities has been forced and illegal land grabbing by the authorities. In recent years, this practice has increased under the LPDR's "Turning Land into Capital" policy, under which the Laotian Government has granted large companies the right to build industrial plantations, hydropower projects, mines, and other extractive industries on large tracts of land. This has been done without regard for existing land use and resulted in the mass displacement of rural communities, leading to devastating consequences for poor, underprivileged minorities in these regions.

UNPO's Appeal

¹⁴ Testimony, Meeting with Chaofa Hmong group of Josep Prat Vinolas, December 28, 2019.

¹⁵ "Alarming Crackdown on a Group of Hmong Individuals in Laos" (UNPO November 2018).

¹⁶ Hmong: Laos Religious Minorities Excluded From Society (UNPO December 2009).

¹⁷ "Indigenous and Tribal Peoples' Rights Essential for Global Sustainable Development" (UNPO February 2020).

¹⁸ "Hmong" (UNPO February 2021) <<https://unpo.org/members/7891>>.

¹⁹ In military-controlled camps, children can attend school although they study exclusively Lao language and culture, they don't receive any education in their own language, which goes against Article 29 of the CRC.

²⁰ This information originates from confidential CWHF and UNPO sources.

It can be concluded that the Lao Government are undoubtedly and actively responsible for the devastation of Hmong rights and livelihoods in the LPDR. This is most poignantly highlighted by the Government's fatal military campaigns against the ChaoFa Hmong. These violent campaigns eradicate any possibility of the Hmong living in conditions that remotely resemble a society where equal rights are afforded to all.

Based on the evidence available, the severe and ongoing gross human rights violations, and the urgency of the situation, the UNPO and the CWHP ask the UN CCPR to **call on the People's Democratic Republic of Laos to allow an international fact-finding mission and access for international journalists to the area to investigate and report freely on the human rights situation in Laos**, focusing in particular on ChaoFa traditional territory, the Phou Bia area, the Xaysomboun zone, and the villages where "surrendered" Chaofa Hmong have been relocated.

The UNPO kindly requests the UN CCPR **engage in advocacy and raises public awareness about the case of the Hmong**, especially with different UN mechanisms and agencies as well as Member States, asking for support to take effective humanitarian and diplomatic action in response to the situation facing the Hmong people in Laos, ensuring the Government takes proactive steps to:

- o Develop a framework for the recognition and protection of indigenous peoples, and safeguard them accordingly;
- o Stop any form of military violence against Hmong ChaoFa Indigenous civilians in the Xaysombune Special Zone;
- o End the intimidation, harassment and persecution of human rights defenders, journalists, and members of minority communities through arbitrary arrests and enforced disappearances;
- o Free all individuals currently deprived of their liberty for peacefully exercising their rights to freedom of expression and assembly;
- o Start investigations of cases of enforced disappearances in a transparent manner;
- o Develop poverty-alleviation programs specifically targeting regions and communities where regional ethnicities reside, focusing on the needs of indigenous peoples;
- o Address the significant disparity in health and living standards between regions populated by minorities and majorities, including providing remote geographical areas with adequate healthcare facilities, fighting child malnutrition, and tackling maternal mortality;
- o Develop a legal framework to protect local inhabitants from land grabbing practices and forced relocation as a consequence of economic activities that deprive them of their own means of subsistence.

The Hmong community has expressed its openness to open a discussion with the Lao PDR in order to find a mutually beneficial solution. Any such dialogue must be mediated by an independent individual or body, to ensure a trusting and equitable environment.