

Alternative Report Submitted to the UN Committee on the
Elimination of Discrimination against Women
Lao People's Democratic Republic

SUBMITTED BY:

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With the Support of:

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SECTION A: Introduction to the Report

This alternative report was compiled and submitted by the Unrepresented Nations and Peoples Organization (UNPO) with the support of Congress of World Hmong People (CWHP) on the occasion of the 71st session of the Committee on the Elimination of All Forms of Discrimination Against Women (henceforth “the CEDAW Committee”). UNPO is an international organisation devoted to the promotion of democracy, non-violence, human rights, tolerance and environmental protection among indigenous peoples, oppressed communities and minority groups worldwide.

This report discusses the Convention on the Elimination of All Forms of Discrimination against Women (henceforth, CEDAW or “the Convention”) to evaluate compliance with and implementation of the provisions of the Convention by the Lao People’s Democratic Republic (“Laos” or “LPDR”), with regard to the particular case of Hmong women.

When analysing the compliance of the LPDR with the Convention, it is worth mentioning that women in different ethnic groups have distinct experiences and are affected in different ways by government neglect, marginalisation and disregard, while, at the same time, profiting on different levels and to a different extent from efforts made and developments related to gender equality. Likewise, the situation of Hmong women living in villages throughout the country differs in many aspects from that of Hmong women who live in the jungle.

Acknowledging these different realities in its analysis, this report will distinguish between Hmong women who have permanently settled in villages, towns and cities and those who are forced to live in the jungle, constantly “on the run”. This distinction is of extreme importance for the development of a sensible understanding that accurately reflects the specific realities, struggles and needs of Hmong women in the LPDR.

Following a brief introduction to the Hmong community, this report will assess the compliance with and implementation of the Convention in the LPDR. It is worth mentioning that – as Hmong communities in general are often located in remote places while those in the jungle hardly have access to means of communication and are constantly forced to move places to begin with – little official and reliable information is available. Additionally, it is important to highlight the high levels of governmental control over the press and media in the country. For this reason, this report will mainly resort to reports from multilateral and international organisations, the press and individuals who have had access to those communities. Finally, this report will provide recommendations on how to rectify and/or prevent abuses.

SECTION B: The Hmong

The indigenous Hmong people traditionally live in Northern Laos, in the region around the Phou Bia Mountains. The Hmong represent one of the largest ethnic groups in the LPDR.¹ Recruited by the United States of America (US), and in particular the Central Intelligence Agency (CIA),

¹ Miki Inui *Hmong Women and Education: Challenges for Empowerment in the Lao PDR* (Hmong Studies Journal, Volume 16, 2015) Available at <http://hmongstudies.org/InuiHSJ16.pdf>

during the Vietnam War to counter the advancement of communism in Laos.² Having been involved in what later became known as the “CIA’s Secret War”, the Hmong have been targets of government-sponsored retaliation for having collaborated with the US forces ever since, as the Lao government embarked on what can be called a punitive war of extinction after the US troops had left.³ As there remain wide misconceptions in the Laotian society that all Hmong had actively participated in anti-government rebel groups (or still do) and are responsible for the destruction of the natural environment, the Hmong population at large faces systematic discrimination and persecution and, to a large extent, lives in abject poverty, in conditions of undernutrition and food insecurity and has no access to medical care.⁴

The end of the war led many Hmong to flee Laos, establishing themselves in countries such as the US, Vietnam, China, Thailand and Australia.⁵ However, those who have found or still seek refuge in neighbouring countries continue to face persecution as governments entered agreements with Laos to detain individuals and families and forcibly repatriate asylum seekers back to Laos, where further abuse and human rights violations such as torture and arbitrary detention await.⁶ This was the case when Thailand forcibly returned around 4,500 Lao Hmong to Laos in 2009, 158 of which were recognised refugees.⁷ Although those 158 people were offered to be resettled in four other countries, after transiting through Laos it was affirmed by a Lao government spokesperson that they no longer wished to leave their country, while requests to allow UN monitors to contact the refugees were rejected by LPDR authorities.⁸

For those who remained in the country, the situation is even more precarious. While some were forced into Laos’ “re-education” camps and forcibly disappeared, many others fled to the jungle to escape persecution by the government. After over 40 years, part of Laos’ Hmong population remains in hiding, being referred to as “ChaoFa” by the LPDR Government. In 2003,⁹ the Committee on the Elimination of Racial Discrimination (CERD), in a letter to the Lao Government, expressed concerns over the severe brutalities and violations of basic human rights Hmong communities endure, mentioning reports of acts of extreme violence such as bombing of villages, use of chemical weapons and landmines, and extrajudicial killings and torture¹⁰. Due to the constant threat of military attacks, the Hmong who live in the jungles of Laos are forced to constantly move places. This displacement culminates in their deprivation from enjoying adequate standards of living, facing undernourishment, lack of basic sanitary conditions and healthcare,

² Nicole Rose, *Plight of the Lao Hmong* (UWB Policy Journal, 2008). Available at <https://uwbpolicyjournal.files.wordpress.com/2012/06/plight-hmong.pdf>

³ Rose, 2008

⁴ Committee on the Elimination of Racial Discrimination (CERD), *Prevention of Racial Discrimination, Including Early Warning Measures and Urgent Action Procedures* (Sixty-third session, Decision 1, 21 August 2003). Available at https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/63/Dec.1&Lang=en

⁵ Rose, 2008

⁶ Amnesty International, *Thailand: Forcible returns of Lao Hmong must end* (Public Statement, 26 June 2007) Available at <https://www.amnesty.org/download/Documents/64000/asa390092007en.pdf>

⁷ Amnesty International, *Refugees Forcibly Returned to Laos* (JA: 10/10 Index: ASA 26/001/2010 Laos, Urgent Action, 13 January 2010). Available at <https://www.amnesty.org/download/Documents/36000/asa260012010en.pdf>

⁸ Amnesty International, 13 January 2010

⁹ United Nations, High Commissioner for Human Rights (UN HCHR), *Letter dated 13 March 2009 from the Chairperson of the Committee for the Elimination of Racial Discrimination* (TS/JF, Geneva, 13 March 2009) Available at <https://www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Lao130309.pdf>

¹⁰ International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 2003

extreme poverty, lack of access to education, food, water and other basic goods such as blankets and clothing.¹¹

In addition to the government continuing to deny allegations of human rights violations¹², it has taken measures to prevent the reporting of information on Hmong people who live in the jungle and mountains¹³, further refusing requests to allow access to UN monitors, journalists and independent observers to ChaoFa Hmong communities and repatriated refugees.¹⁴ The continued and increasing militarisation of the region encroaches even further into areas that serve as the Hmong's hideouts, making it even more difficult for them to safely search for food and water, as attacks often take place when people attempt to forage for food.¹⁵

Even though there is a lack of recent official verification by independent bodies such as the Organisation for the Prohibition of Chemical Weapons (OPCW)¹⁶, allegations of the use of chemical weapons against Hmong communities date back to 1976¹⁷, when local communities reportedly started to notice that a yellow liquid would periodically rain down from the sky, a substance described as "yellow rain" that was identified in 1981 by US analysts as a chemical weapon made of fungus toxins.¹⁸ Recently, Hmong refugees in Thailand in testimonies given for the 2006 documentary "Hunted Like Animals"¹⁹ also stated their suspicion that the Lao military had used chemical weapons against Hmong communities. In the documentary, refugees shared that chemicals and poison had made many lose their teeth, have swelled bellies or even gone blind.²⁰ Additionally, the Office of the UN High Commissioner for Human Rights (OHCHR) referred that in March 2009 Hmong refugees in the Phou Bia Mountain area were shelled with explosives effusing green and blue smoke, as well as military that on 10 June 2009 an helicopter sprayed chemical substances in the area, both having led civilians to experience symptoms such as nausea and dizziness.²¹ There are regular reports of similar incidents by the Congress of World Hmong People (CWHP), who are in direct contact with the Hmong communities in the Laotian jungle.²²

¹¹ Amnesty International, *Lao People's Democratic Republic: Hiding in the jungle – Hmong under threat* (AI Index: ASA 26/003/2007, March 2007). Available at <https://www.amnesty.org/download/Documents/64000/asa260032007en.pdf>

¹² "Hmong Lao Human Rights: Updates on Hmong Lao in Thailand / Laos." *Hmong Films*, www.sommerfilms.org/documentaries/Hmong/news.html.

¹³ International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 21 August 2003.

¹⁴ Amnesty International, 13 January 2010.

¹⁵ United Nations, General Assembly. *The situation of the Hmong people in the Lao People's Democratic Republic* (Human Rights Council, A/HRC/31/NGO/79. Written statement submitted by International Educational Development, Inc., a non-governmental organization on the roster, 13 February 2016. Available at https://digitallibrary.un.org/record/1326031/files/A_HRC_31_NGO_79-EN.pdf;

¹⁶ Amnesty International, March 2007

¹⁷ "Chemical Weapons – UNODA." *United Nations*, United Nations, www.un.org/disarmament/wmd/chemical/.

¹⁸ Tapp, Nicholas. "Chemical Weapons or Hysteria?: The Issue of Hmong Evidence." *Rain*, no. 57, Aug. 1983, p. 3., doi:10.2307/3033326.

¹⁹ "The Mystery of Yellow Rain." *Science History Institute*, 18 Apr. 2018, www.sciencehistory.org/distillations/blog/the-mystery-of-yellow-rain.

²⁰ Summer, Rebecca. *Hunted Like Animals*, 2006

²¹ SommerFilms. *YouTube*, YouTube, 10 Feb. 2007, www.youtube.com/watch?v=YI5Svn29Wgl.

²² United Nations, High Commissioner for Human Rights (UN HCHR), *Letter dated 12 March 2010 from the Chairperson of the Committee for the Elimination of Racial Discrimination* (GH/st, Geneva, 12 March 2010) Available at https://www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Laos_12.03.2010.pdf

²³ "Timeline: Hmong." *UNPO*, Unrepresented Nations and People's Organization, 13 Apr. 2018, unpo.org/article/19682.

Spanish journalist David Beriain and delegates from the Congress of World Hmong People (CWHP) have documented the situation of the Hmong ChaoFa in a documentary entitled “The CIA’s lost army”²³, including footage of those populations living in the Laotian jungle.

Currently, with the increase of the number of Laotian military bases in the region and the army’s constant search for Hmong hideouts, it has become increasingly difficult for women to go out searching for food. A recent report from Hmong leader Mr Her, currently residing in the area, stated that “several military bases nearby do not speak either Laos or Vietnamese. The Lao PDR uses mercenary military to attack us here. And I am asking the international community to help to demilitarise them from the region”.

Furthermore, the LPDR continuously refuses to grant Hmong people minority or indigenous status, arguing that they have not been colonised by Lao ethnic groups, although Article 33 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) refers to the principle of self-identification in this matter.²⁴ This is all the more problematic as their recognition as such would provide additional mechanisms to address uncompensated land confiscation, natural resource exploitation and abuses of their cultural and religious rights. While the Lao Government denies the existence of a military campaign against Hmong civilians²⁵, access to verifiable information about their situation is extremely limited, as parts of their community live on the run and in hiding and as access to the region where they are located has been blocked for independent observers.²⁶

SECTION C: Compliance with CEDAW

Article 3: On Basic Human Rights and Fundamental Freedoms

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

The UN Human Rights Council (UNHRC) has reported in 2014 that the Laotian Government has made efforts to legally and constitutionally address gender inequality and, consequently, to reduce it. Not only has a National Commission for the Advancement of Women been established, but also a plan to review and formulate laws to promote the protection of women’s and children’s rights was adopted, reflected in the Law on Development and Protection of Women, the People’s Courts, the Penal Law, the Family Law, the Labour Law, the Law on Education and other legal instruments.²⁷ In 1995, the Lao Women’s Union (LWU) was established as an organisation that

²³ This documentary is available for viewing at this address: <https://vimeo.com/169349084>. Password: Hmongdc2016.

²⁴ United Nations, High Commissioner for Human Rights (UN HCHR), 12 March 2010

²⁵ “Hmong Lao Human Rights: Updates on Hmong Lao in Thailand / Laos.” *Hmong Films*, www.sommerfilms.org/documentaries/Hmong/news.html

²⁶ Amnesty International, March 2007; International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 21 August 2003.

²⁷ United Nations, General Assembly, Human Rights Council. *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15(b) of the annex to Human Rights Council resolution 5/1 and*

seeks to protect the rights and interest of women at all strata of the country's multi-ethnic society, acknowledging and aiming at defending and supporting ethnic traditions and customs, as well as the promotion of women's education.²⁸

In spite of these commitments, enforcement is still lacking²⁹ and substantial gender disparities remain in various areas, especially rural ones and among ethnic groups such as the Hmong.³⁰ Different gender relations within ethnic groups are translated into distinct access of women to rights over land. For the Hmong, who traditionally follow patrilocal residence and patrilineal kinship and inheritance patterns it is more difficult for women to inherit or acquire lands.³¹

Educational gaps persist and are exacerbated at higher levels of education, with the completion of secondary school by only 0.622% of girls in 2013.³² This is especially true for women in rural and ethnic groups as the Hmong,³³ who are further constrained by traditional socio-cultural barriers that often prevent women from having access to education or participating in social and civic activities³⁴ and, consequently, from achieving political or leadership positions³⁵. In this matter, although they generally work for longer periods of time than men and play important roles in agriculture and other economic sectors, women generally have much lower literacy rates than men – in 2000, female literacy was of 48%, compared with a male literacy rate of 74%. In 1996, in rural areas, girls have typically enrolled in schools at the age of nine years old and have often dropped out within two years, according to the Asian Development Bank.³⁶

While gender division of labour in rural communities persists among all ethnic groups, female participation in decision-making processes or in legal matters is further reduced in ethnic minority communities who live in remote areas, with consequences for their empowerment and economic development.³⁷ Although the Constitution of 1990 states that women have the legal right to participate in governance and politics and in spite of efforts from the LWU since 1995 to increase women's inclusion in decision-making processes, in 2014, women held only 25% of seats in the Parliament.³⁸ Thus, the number of women occupying official governmental and decision-making positions is still insufficient.³⁹ Furthermore, a restricted domestic press and media has made it disproportionately harder for people with most critical needs as rural and poor ethnic minorities to

paragraph 5 of the annex to Council resolution 16/21 (Human Rights Council, A/HRC/WG.6/21/LAO/2, 12 November 2014). Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/209/08/PDF/G1420908.pdf?>

²⁸ Lao Women's Union, *Promotion and Protection of Lao Women's Rights* (Vientiane, 29 October 2009). Available at https://lib.ohchr.org/HRBodies/UPR/Documents/Session8/LA/LWU_UPR_LAO_S08_2010_LaoWomensUnion.pdf

²⁹ "SDG 5 Gender Equality." *Open Development Laos*, 31 Aug. 2018, laos.opendevlopmentmekong.net/topics/sdg-5-gender-equality/#ref-2671-13.

³⁰ Dr Leena M Kirjavainen. *Gender Issues Lao PDR* (Regional Environmental Technical Assistance 5771. Poverty Reduction & Environmental Management in Remote Greater Mekong Subregion (GMS) Watersheds (Phase I), n.d.)

³¹ Asian Development Bank, *Lao People's Democratic Republic: Gender, Poverty and the Millennium Development Goals* (ABD, Country Gender Strategy, Mekong Department and Regional and Sustainable Development Department, Manila, Philippines, 2004). Available at <https://www.adb.org/sites/default/files/institutional-document/32234/cga-women-lao-pdr.pdf>

³² World Health Organization, 2017

³³ Open Development Laos, 2018

³⁴ Lao Women's Union (LWU), 2009.

³⁵ Kirjavainen, n.d.

³⁶ Asian Development Bank, 2004.

³⁷ Asian Development Bank, 2004.

³⁸ "Global Abortion Policies Database – Country Profile: Lao People's Democratic Republic." *World Health Organization*, 7 May 2017, srhr.org/abortion-policies/country/lao-peoples-republic/.

³⁹ United Nations, General Assembly, Human Rights Council, 24 October 2014

participate in development and political decision-making processes⁴⁰, which especially affects women from ethnic groups, who still make up the majority of the poorest quintile of Lao society.⁴¹

Further, as many ethnic women do not speak Lao, governmental discrimination against minorities' languages and the lack of language diversification in schools often exacerbates ethnic women's difficulties to fully achieve their development and advancement, as it poses an obstacle for them to have proper access to health care and to be economically independent.⁴² It thus further restrains them to properly enjoy human rights and fundamental freedoms. The combination of factors such as poverty, difficult work, lack of knowledge and skills, illiteracy, limited access to health care, cultural aspects, and limited access to legal information culminates on a framework that, while hardening women's engagement in the educational, social, and political spheres, consequently often refrain them from being able to protect their own legal rights⁴³.

It is worth mentioning that Hmong refugees who are forcibly repatriated to Laos often face further violations of their fundamental freedoms⁴⁴. As reported in 2010 by the Fact Finding Commission (FFC), 28 from the around 50 Hmong refugees sent back by Thailand to Laos on 28 December 2009 were imprisoned⁴⁵. Furthermore, some end up disappearing after their arrival⁴⁶, as it was the case for the "missing children of Laos" reported by the Amnesty International in 2007⁴⁷. The case refers to 21 girls and young women who have been allegedly "found" by the LPDR government almost two years after disappearing in December 2005, when they were arrested and forcibly returned to Laos by Thai authorities while seeking asylum in the country. Amnesty International further reports that Lao authorities continued withholding information on their whereabouts while denying any responsibility.

Moreover, although the Lao government has provided controlled access of the international community to resettlement villages, it continues to refuse requests from UNHRC to be able to monitor the reintegration of Hmong returnees from Thailand⁴⁸. The UNHRC report of 2014 has stated that Hmong people who have returned to Laos are entitled to travel documents like any other citizen, it also refers that not all of them have already received them⁴⁹. Notwithstanding the authorities' claims that the returned refugees did not wish to be resettled elsewhere, independent observers who had access to resettlement villages have stated otherwise, remembering Hmong men and women's cry-outs to leave Laos, although they lacked time and opportunity to talk in depth with individuals and understand their current situation⁵⁰. Furthermore, in the Phonekham village in Borikhamxay province, one of the biggest refugee camps in Laos, returnees experience

⁴⁰ United Nations, General Assembly, Human Rights Council, 24 October 2014

⁴¹ Asian Development Bank, 2004.

⁴² Asian Development Bank, 2004.

⁴³ Lao Women's Union (LWU), 2009

⁴⁴ United Nations, General Assembly, Human Rights Council, 24 October 2014

⁴⁵ Hmong Films, n.d.

⁴⁶ United Nations, General Assembly, Human Rights Council, 24 October 2014

⁴⁷ Amnesty International, *The missing children of Laos* (AI Index : ASA 26/005/2007. 22 March 2007. Available at <https://www.amnesty.org/download/Documents/64000/asa260052007en.pdf>)

⁴⁸ United States Department of State, 2017 – Country Reports on Human Rights Practices for 2017

⁴⁹ United Nations, General Assembly, Human Rights Council, 24 October 2014

⁵⁰ Hmong Films, n.d.

difficult living conditions and severe restrictions of their freedoms, not allowed to go beyond a 5km radius from the camp⁵¹.

In regards to Hmong women who live in the jungles hiding from the military, their ability to fully enjoy human rights and fundamental freedoms is particularly precarious. Obligated to frequently move locations⁵², those women, like their male companions, have no rights over land nor the ability to engage in agricultural production, as Lao military forces even destroy temporary structures⁵³. Rather, their diets consist of roots and other food sources that they can find in the wild, a search that, while executed under threat of military attacks, can hardly meet their nutritional needs, especially when fruit trees or crops are often destroyed by Lao forces⁵⁴. In addition to the ill-nourishment, people who live in those communities have no access to education or to the healthcare system, being especially vulnerable to diseases and at risk of maternity and birth mortality. Furthermore, they endure the use of chemical weapons and their consequent poisoning, which have caused dizziness, nausea and diarrhea, among other symptoms⁵⁵.

The situation of the Hmong women, men, and children who live in the jungle thus violates the national Constitution and laws that protect the right of people to life, liberty and security, stating the inviolability in terms of their body, honor, and houses, while prohibiting all forms of arbitrary threats that may cause damages to the honor, body, life, dignity and assets of people⁵⁶. Unable to provide for their children or for themselves and having to rely on what the jungle has to offer, these Hmong women hardly enjoy any human rights or fundamental freedoms.

Article 6: On the Matter of Abuse

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Sexual violence remains an issue in Laotian society. In spite of efforts from the LWU to help victims of human trafficking, domestic violence and sexual exploitation⁵⁷, the fact that victims rarely report sexual harassment makes it harder to assess the frequency of its occurrence⁵⁸. Data from 2015 shows that 7.2% of Lao women have been sexually abused, while sources from 2017 show that violence is broadly believed to be justified when women do not comply with gender norms and roles⁵⁹, which indicates enforcement and normative issues that still have to be

⁵¹ United Nations, General Assembly, Human Rights Council, 24 October 2014

⁵² UNHRC, 2016. Available at https://digitallibrary.un.org/record/1326031/files/A_HRC_31_NGO_79-EN.pdf

⁵³ UNHRC September 2015

⁵⁴ United Nations, General Assembly, Human Rights Council (UNHRC), *Addressing the rights violations against the Hmong people in the Lao People's Democratic Republic* (Written statement submitted by the International Educational Development, Inc., a non-governmental organization on the roster, A/HRC/30/NGO/123, 8 September 2015)

⁵⁵ United Nations, High Commissioner for Human Rights (UN HCHR), 12 March 2010

⁵⁶ United Nations General Assembly, Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Lao People's Democratic Republic* (A/HRC/WG.6/21/LAO/1, 5 November 2014). Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/198/26/PDF/G1419826.pdf?OpenElement>

⁵⁷ United Nations General Assembly, Human Rights Council, 5 November 2014

⁵⁸ United States Department of State, *Laos 2017 Human Rights Report* (Country Reports on Human Rights Practices for 2017, Bureau of Democracy, Human Rights and Labor United States Department of State, 2017)

⁵⁹ Open Development Laos, 2018

overcome. In addition, the 1990 Penal Law's definition of rape still excludes marital rape⁶⁰, although the Law on the Development and Protection of Women includes provisions on domestic violence and trafficking in women and children⁶¹.

While many women in Laos are victims of sexual abuse and violence within and out of their households for not complying with gender norms, Hmong women who have or continue living in the jungle, face another risk: that of trafficking and sexual enslavement. The 2006 documentary by Rebecca Summer "Hunted Like Animals" has showed through testimonies of Hmong refugees at Huai Nam Khao (White Water), Petchaboon, Thailand, the reality in which people who are trapped in the jungles continue to live. The documentary displays women who describe cases of rape performed by the Lao government troops and shares the stories of Hmong resistance women who, after having surrendered, have been kept in slavery-like conditions enduring sexual abuses and violence from Lao soldiers. Their situation of vulnerability to such violence violates Article 100 of the 1990 Penal Law, which prohibits trading or abduction of persons and states its punishment. It further violates Article 101, which prohibits the forced arrest or detention of people as hostages and their physical harassment.⁶²

Article 10: On Access to Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

Internal and external aid have been important for Hmong women in Laos to have greater access to educational opportunities, with consequent positive impacts on women's participation in the labor market and their overall empowerment⁶³. In 2014, the UNHRC has stated that the LDPR has made efforts to prioritise the allocation of grants to students and staff that are members of minority ethnic groups and/or from poorest districts, especially women, in order to allow them to continue their studies⁶⁴. Hence, the adoption of international Conventions by Laos' government and its efforts to comply with them and to promote the country's social and economic development have positively impacted the lives of Hmong women in the LDPR.

In addition to the greater visibility of the Hmong as an outcome of their appearance as refugees in other countries, several international actors such as the Asian Development Bank and the

⁶⁰ Decree of the President of the Lao People's Democratic Republic On the Promulgation of the Penal Law , Lao People's Democratic Republic, (President of the National Assembly, 9 January 1990) Available at <http://www.wipo.int/edocs/lexdocs/laws/en/la/la006en.pdf>

⁶¹ Asian Development Bank, 2004.

⁶² Lao People's Democratic Republic, 1990

⁶³ Inui, 2015

⁶⁴ United Nations General Assembly, Human Rights Council, 5 November 2014

World Bank have funded projects in Laos, which imposed gender and ethnic minority criteria, especially in the 1990s⁶⁵. As a result, literacy rate among women increased from 26.5% in 1995 to 45% in 2005, a growth of 218.5%, a considerable proportional growth, especially when compared with the approximate 20% increase in female literacy among the majority Lao group and to the 40.3% growth among Hmong men⁶⁶.

Nevertheless, in spite of improvements in school infrastructures in villages and the increased recognition of the importance of education as a path to promote women's empowerment and the social and economic development of Laos' society, the reality of the educational system in Laos continues posing an obstacle for ethnic minorities to fully benefit from those advances. Many teachers are not able to teach in other languages than Lao and the school curriculum often does not reflect the educational needs and specificities of ethnic minorities. For instance, Hmong informants have defended the need for ethnic minorities to be taught about subjects suited to their activities and situational environment, as sanitation and access to drinkable water⁶⁷.

Furthermore, although opportunities for the enrollment of girls and women in the country's educational system seem to have increase⁶⁸ and the access to transportation and in family's attitudes toward education have improved, some girls have also highlighted cultural traditions that maintain that boys should study and girls should work still remain⁶⁹. More specifically, Hmong's patrilineal traditions delegate strong roles for women in commercial and economic activities, adding-on to the factors that contribute to the lower involvement of women and girls in education⁷⁰. As such, the UNHRC has stated that there has been insufficient enforcement and implementation of policies on gender equality and of the promotion of the advancement of women⁷¹.

Article 12: On Reproductive Rights

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

While Laos has one of the highest levels of maternal and child mortality in Asia⁷², it has made efforts to enhance and improve access to basic healthcare for the people. The LPDR government has implemented a health insurance system, a scheme of baby delivery free of charge, and free health treatment for children under 5 years old in 77 districts and 557 healthcare centers.⁷³ Greater rate of baby delivery with medical personnel's assistance has led to the reduction of infant mortality to 54.2 per 1000 newborn babies; of the rate of mortality of children under 5 years old to

⁶⁵ Inui, 2015

⁶⁶ Inui, 2015

⁶⁷ Inui, 2015

⁶⁸ Inui, 2015

⁶⁹ Inui, 2015

⁷⁰ Inui, 2015

⁷¹ United Nations General Assembly, Human Rights Council, 5 November 2014

⁷² Kirjavainen, n.d.

⁷³ United Nations General Assembly, Human Rights Council, 5 November 2014

72.1 per 1000 children; and of maternity mortality to 220 per 100,000⁷⁴. Further, the UNHRC reported in 2014 that 15% of children have been born below standard weight, which translates women's nutrition during pregnancy, while the rate of breast-feeding from birth to 6 months was 40%⁷⁵.

Nevertheless, it is important to note that those improvements have not uniformly reached the whole country. Rather, there are considerable variations on the matter of availability of education and basic health services among the provinces⁷⁶. Among communities living in remote rural areas frequently have no access to healthcare facilities and are more vulnerable to food insecurity. Furthermore, their daily social life and economic sufficiency are continually destroyed, which culminates in hunger diseases, undernutrition and lack of medication⁷⁷.

While Minority Rights Group International has stated that maternal mortality rates are higher for women from minority groups⁷⁸, ethnic minority women in Laos particularly suffer from this issue, representing not only the majority of the country's poorest quintile, but also accounting for some of the highest infant and child mortality rates in the world⁷⁹. In remote areas, women and their families often suffer with diseases that could otherwise be prevented with adequate healthcare, such as measles, malaria and tuberculosis, diarrhea, goiter and blindness⁸⁰.

In spite of improvements on the general health status women and of reductions on the rate of maternal mortality, rural women still face poverty, hard work, lack of knowledge and skills, illiteracy and limited access to healthcare and education systems⁸¹. Hence, due to the lack of access to healthcare facilities and medical supplies, it is not possible to affirm that Hmong women living in those communities have adequate access to services related to pregnancy, confinement and post-natal periods. Furthermore, the fact that ethnic minority women annually lack rice for about 3 months⁸² and the increase of the rates of child malnutrition and child mortality in the Northern Highland provinces where the Hmong communities mainly live⁸³ may be an indicator that adequate nutrition during pregnancy and lactation are not met in the region.

In regards to Hmong women hiding in the jungles, their condition is even more dire. Forced to constantly move places and with no stable housing, sanitary facilities or access to basic services⁸⁴, which include healthcare facilities and communication systems, they hardly enjoy from appropriate services related to pregnancy and post-natal periods. Moreover, their extremely poor diets consisting basically of what they and their companions can find in the jungles can hardly meet adequate basic nutrition needs, not to mention nutritional necessities during pregnancy and

⁷⁴ United Nations General Assembly, Human Rights Council, 5 November 2014

⁷⁵ United Nations General Assembly, Human Rights Council, 5 November 2014

⁷⁶ Kirjavainen, n.d.

⁷⁷ United Nations General Assembly, Human Rights Council, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 (A/HRC/WG.6/21/LAO/3*, 24 October 2014) Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/191/35/PDF/G1419135.pdf?OpenElement>

⁷⁸ Minority Right Group International, *State of the World's Minorities and Indigenous Peoples 2011*, Available at <http://www.refworld.org/docid/4e16d3592c.html>

⁷⁹ Kirjavainen, n.d.

⁸⁰ Kirjavainen, n.d.

⁸¹ Lao Women's Union, 2009

⁸² Kirjavainen, n.d.

⁸³ United Nations General Assembly, Human Rights Council, 24 October 2014

⁸⁴ United Nations General Assembly, Human Rights Council, 24 October 2014

lactation. Thus, those Hmong women have basically no reproductive rights, while themselves and their children are rendered greatly vulnerable to diseases and to the risk of death if anything goes wrong during labor or in the first periods of their children's lives.

Article 14: On Access to Adequate Living Conditions

States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.(...)

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Women make up for the majority of Laos' population and ethnic minority women and girls account for almost half of the female population, however representing the most disadvantaged segment of Laos' society⁸⁵. While only 34.6 percent of Laos' women were employed in non-agricultural areas in 2010⁸⁶, as men dominate internal migration flows, women have increasingly gained more responsibility for the food production and farming in addition to the household management, which places them in a position of great responsibility over food security⁸⁷. This is particularly true to ethnic minority women, who perform the majority of the agricultural and household tasks. Nevertheless, they have little access to labour-saving devices and hardly move far from their home, further representing the largest segment of Laos' society illiterates. As a consequence, only few ethnic women are able to engage in formal or non-formal businesses and governmental work.

Due to their traditional patrilocal residence and patrilineal kinship and inheritance patterns, Hmong women have no traditional right to inherit land, which generally is passed on to sons⁸⁸. In this matter, the LWU has made active efforts to protect ethnic Lao's women traditional right to inherit family land, having given less attention to other ethnic group's land inheritance practices⁸⁹. Furthermore, while gender disparities in education are present throughout the country's population, they are wider for rural women and particularly among ethnic minority groups⁹⁰. Additionally, while governmental efforts to promote socio-economic development such as the New Economic Mechanism (NEM) have had significant impacts on urban women's lives and in non-agricultural sectors, women in rural areas often lack roads, markets, credit and infrastructure⁹¹.

Furthermore, ethnic minorities are particularly vulnerable to governmental development initiatives. The government often relocates ethnic minorities as the Hmong from highland to lowland areas

⁸⁵ Kirjavainen, n.d.

⁸⁶ World Health Organization, 2017

⁸⁷ Kirjavainen, n.d.

⁸⁸ Asia Development Bank, 2004

⁸⁹ Asia Development Bank, 2004

⁹⁰ Kirjavainen, n.d.

⁹¹ Kirjavainen, n.d.

to accommodate land concessions given to development projects. Relocation was also deployed so as to ensure people's access to development and government services⁹². However, compensation and assistance were considered insufficient by many villagers, who were often resettled to inadequate housing facilities and poor farmlands unsuited for the development of their means of subsistence and traditional agricultural activities⁹³. In addition, the UNHRC has reported that landowners who have protested against forced removal from their land without fair compensation have been arrested, incarcerated without due process and tortured⁹⁴.

The LPDR's 8th National Social and Economic Development Plan (NSEDP) 2016-2020 states that campaigns were made to raise awareness about the "3-cleans" principles, as well as to increase the provision of equipment and clean water to people, leading to an increase in the proportion of the population using clean water⁹⁵. However, it is not specified in which communities this increase has been noted and the existence of disparities among regions is not mentioned. In 2013, Hmong communities were closely monitored by the LPDR's military, having their daily social life and economic sufficiency continuously dismantled, which have led to hunger diseases, undernutrition and a lack of medication. Further, Hmong communities living in remote areas are the most affected by food insecurity, while not having access to basic services as healthcare facilities⁹⁶.

Moreover, although the UNHRC report of 2015 states that in the years prior to its publication the rate of clean water usage was 82.48%, while 62.57% of the households and 59.82% of the schools were reported to have proper toilet facilities⁹⁷, this improvement does not reflect the reality of Hmong people living in the jungle. Having little access to safe drinking water for not having regular access to purification tablets and for barely being able to leave their refuges to collect water, they are rendered more vulnerable to several diseases.

Furthermore, as they do not stay at one place for long periods of time, they are unable to execute agricultural activities, and even their temporary agricultural structures are destroyed by the Laos military forces along with fruit trees or crops they may encounter⁹⁸. Consequently, their food supplies are mainly composed by what the forest have to offer and on what they can find when searching for food. However, whenever they initiate their searching for food, they become more vulnerable to military attacks. As such, many of them never return home.

Blockades executed by the Lao forces do not only culminate in serious food shortages and consequent starvation, but also restrain their access to medicine. Consequently, when harmed by the military on attacks, the Hmong who hide in the jungle have no medical support⁹⁹. Due to their constant moving, Hmong people who live in the jungle have no stable housing. Even their temporary structures are destroyed by the Lao forces. Their hiding places further lack sanitation

⁹² United Nations General Assembly, Human Rights Council, 5 November 2014

⁹³ United States Department of State, 2017; United Nations General Assembly, Human Rights Council, 24 Oct 2014

⁹⁴ United Nations General Assembly, Human Rights Council, 24 October 2014

⁹⁵ Ministry of Planning and Investment, *8th Five-Year National Socio-Economic Development Plan (2016-2020)* (VIIIth National Assembly's Inaugural Session, June 2016)

⁹⁶ United Nations General Assembly, Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Lao People's Democratic Republic (A/HRC/WG.6/21/LAO/1*, 5 November 2014)

⁹⁷ United Nations General Assembly, Human Rights Council, 5 November 2014

⁹⁸ United Nations General Assembly, *Written statement submitted by International Educational Development, Inc., a non-governmental organization on the roster (A/HRC/31/NGO/*

79, 18 February 2016). Available at https://digitallibrary.un.org/record/1326031/files/A_HRC_31_NGO_79-EN.pdf

⁹⁹ United Nations General Assembly, Human Rights Council, 24 October 2014

and electricity, and their access to communication and transportation is restricted, which also limits the amount of information available about their situation. On this aspect, it is worth noting that the denial of basic provisions is identified in the Article 7 (1)(b) and (2)(b) of the Rome Statute as a crime against humanity, as the extreme difficult condition and lack of access to food and medical supplies are elements of the crime of extermination¹⁰⁰.

Conclusion

In spite of Laos' inclusion of several provisions for ensuring equality among all the ethnic groups of the society, the situation of the Hmong people in the country remains severely precarious and Hmong women are particularly vulnerable to discriminatory policies. Moreover, the prohibition of discrimination between ethnic groups guaranteed in the LPDR's 1991 Constitution may further restrain the addressing of specific needs, which need to be carefully and adequately assessed.

Of greater concern is the situation of Hmong women who hide in the jungle from Laos' forces, who endure the most atrocious violations of basic human rights and live under extremely dire conditions. Moreover, violations to fundamental freedoms continue rendering Hmong women greatly vulnerable to sexual harassment, especially those who suffer military attacks while hiding in the jungles, those who surrender to Laos' forces, and those who are forcibly returned to Laos.

Although the LPDR's government has made efforts to promote gender equality and ensure the compliance with and implementation of the provisions contained in the Convention, Hmong women hardly enjoy from or have access to the consequent improvements. They remain largely alienated from educational and healthcare systems while insufficiently participating on decision-making processes. Notwithstanding, as Hmong women who live in the jungle remain alienated from society as a whole, their lack of access to basic provisions and rights that are included in the Convention come as no surprise. Belonging to a group that is still regarded as an enemy of the State and consequently live under constant threat of military attacks, enduring the alleged use of chemical weapons and being unable to adequately meet sanitary, nutritional, health, and housing needs, the ChaoFa Hmong are in urgent need of international assistance. Finally, it is worth highlighting that the goal of ensuring gender equality will remain unachieved whilst specific ethnicities continue widely disregarded and, more importantly, while severe atrocities are frequently committed against a group of people.

Recommendations

As elaborated on above, as the Hmong women who live in the jungles have mostly been born into a life on the run, most of them are alienated from the larger society and have never experienced life outside the jungle. Hence, advances in reducing gender inequalities and deepening the inclusion and participation of women in legislative, educational and economic terms might not apply to women who hide from the military, with no access to basic provisions and in constant

¹⁰⁰ United Nations General Assembly, Human Rights Council, 8 September 2015

fear of attacks by the LDPR military. Going forward, measures to improve their situation consequently have to be tailored to the specific needs of this part of the Hmong community.

In particular, the UNPO and the CWHP urge the Laotian authorities:

To immediately cease the repeated and continued military attacks on the Hmong community living in the jungle.

To grant the UNHCR, other international organisations and independent observers access to returned Hmong people, as well as to the Hmong community living in the jungle.

To provide adequate living conditions to Hmong people relocated due to development projects.

To allow freedom of movement to forcibly returned refugees.

To halt the enslavement of Hmong women and girls who are captured by or surrender themselves to Laos' forces.

To ensure freedom of press and media, as well as the free movement of international observers throughout the country.

To extend the implementation of free healthcare systems to remote areas, allowing ethnic minorities to benefit from it, including pregnant women, and see their sexual and reproductive rights guaranteed.

To continue making active efforts to promote the inclusion of women in decision-making processes as well as legislative and governmental roles.

To disclose the whereabouts of the 21 "missing" girls and young women, as well as those who have disappeared after being forcibly returned to Laos.

To cease the blockages of food and medical supplies to Hmong people living in the jungles.

To strengthen efforts that aim at the enforcement and implementation of policies on gender equality and at the promotion of the advancement of women.

To integrate ethnic minorities' languages to school curriculums.

To extend the implementation of education and healthcare systems to remote areas, rather than investing on the relocation of people to ensure their access to those provisions.

To combat widespread stereotypes and discrimination concerning ethnic minorities.

To implement adequate economic infrastructures in remote areas and extend loans and credit opportunities to remote areas.

To empower and provide adequate knowledge and skills for rural Hmong women to participate in economic and commercial systems, as well as to use more efficient and less time-consuming tools of production.

