Current Situation of Hmong People in Laos (2017)

Historical Background

The Hmong ChaoFa people are an indigenous group originally from the ChaoFa region of Northern Laos in the Lao People’s Democratic Republic (LPDR). They distinguish themselves from the Laotian population because of their ethnicity, language, culture and religion.

The Hmong were recruited by the American forces during the Vietnam War to fight against the communist North of Vietnam and the Pathet Lao-led communist government of Laos. Young girls and women, for example, were educated and trained by the United States (US) to become nurses, thereby escaping the farming life usually expected from them. This Central Intelligence Agency (CIA)-sponsored secret operation is often referred to as the “Secret War”.

With the help of the CIA, Hmong General Vang Pao reportedly trained and armed more than 60,000 Hmong fighters. While the Americans set up a major military airport in Northern Laos, the Hmong were in charge of disrupting communist supply lines and rescuing downed pilots (“The Diplomat”, 2010). The Americans provided huge military supplies and recruited some 19,000 Hmong men at the beginning of the war. In 1969, the Hmong troop strength was almost 40,000 (Minnesota Historical Society, 2016).

Due to this legacy, the Hmong face systematic discrimination and persecution to this day. Political interference and endemic corruption in Laos have exacerbated the problem.

After the end of the Vietnamese War, the majority of Hmong who did not escape to the US surrendered to the Lao regime. These Hmong were placed into Laos’ infamous “re-education camps”, where the government placed its wartime enemies. Many Hmong disappeared in these camps never to be heard from again. To avoid these camps, roughly 20-30,000 Hmong fled into the jungles of Laos, where they remain in hiding to this day. However, throughout time their numbers have been reduced to an estimated 2-4,000.

Intensification of LPDR Military Campaign Against Hmong Community

Since the Hmong’s flight toward the jungle, the LPDR has attempted to systematically eradicate them through a violent military campaign, causing their numbers to reduce drastically.

Since the week of 13 June 2016, the military campaign has severely
intensified. According to Congress of World Hmong People (CWHP)'s contacts in the jungle, two regiments of soldiers landed in the Hmong's area on 13 June, and attempted to surround at least one community of roughly a hundred people. They reportedly fired heavy artillery into the areas they suspected the Hmong to be hiding in, despite being aware that there are civilians, including very small children, in these communities. Since September 2016, several civilians died or began to suffer from chemical poisoning. It seems likely that the Lao military is using chemical weapons against the Hmong. Since 4 February 2017, the Lao military launches heavy weapons in the Phou Bia region, and helicopters have been seen flying back and forth between military bases in the area\(^1\).

Moreover, reports indicate that the Vietnamese military is assisting the Laotians in controlling the area of Ha Qhoua, south of Phong Savan. Vietnam and Thailand have collaboration agreements with Laos, involving the forced repatriation of Hmong refugees fleeing to their territories and investment in joint military campaigns within LPDR to target Hmong communities seeking refuge in jungle areas.

The persecuted Hmong are forced to defend themselves in any way they can from extermination, yet they are vastly outranked by the superior capacity and resources of the Lao army. Given how the LPDR treats its war enemies, and the ongoing killings they suffer by the Lao army, these Hmong fear they will be executed if they surrender and leave the jungle. Indeed, some Hmong report examples of such cases.

The Hmong’s situation cannot be resolved bilaterally between them and the LPDR, as there is insufficient trust in the Lao regime to establish a dialogue that could lead to a resolution. Only third party mediation from international observers, along with full accountability and transparency regarding the Lao regime’s military operations in the areas inhabited by the Hmong, can offer the security needed by them to work toward a solution. The situation is urgent, as military violence has surged in the past couple of years and months, and the Hmong fear the military is building up to a final eradication effort that could see the last remaining Hmong in the jungle wiped out.

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**Human Rights Situation**

**Lack of Recognition for Minority Status**

The situation for the Hmong people is compounded by the fact that the LPDR refuses to grant them indigenous status, which prevents them from receiving any form of legal protection they are entitled to under international law. Indeed, article 27 of the International Covenant on Civil and Political Rights (ICCPR)\(^2\), to which LPDR is legally bonded, states: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language”. Furthermore, Laos also voted in favour of the 2007 Declaration on the Rights of Indigenous Peoples.

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\(^1\) According to testimonies made to the Congress of World Hmong People on 4 February 2017 at 11h17, 12h26 and 13h26, Lao time.

\(^2\) To which LPDR has acceded in 2009.
Explicit indigenous recognition of the Hmong by Laos would provide additional mechanisms to address uncompensated land confiscation, natural resource exploitation and abuses of their cultural and religious rights.

The Lao Government does not even ensure basic human rights to the Hmong in the jungle, committing war crimes by using chemical weapons. Some even speak of genocide, since all the human rights violations stated here seem to indicate that the Government of Laos shows a specific intent to make the Hmong people of the jungle disappear. It therefore comes with no surprise that the Hmong in Laos are far from enjoying any kind of minority rights.

**Violation of Cultural and Religious Rights**

In the LPDR, religious activities are severely restricted for all minority groups. As most ethnic minorities and indigenous peoples in Laos also constitute religious minorities, religious restrictions often go hand-in-hand with the violation of minority rights guaranteed by article 27 of the ICCPR. They also violate the principle of non-discrimination stated by article 2 of the International Covenant on Economic, Social and Cultural Rights (ICSCR)³ and by the ICERD. Religious persecution takes form through various intimidation strategies, including the cutting of running water, poisoning of cattle, the denial of permits for the construction of religious buildings, and threats of eviction.

The US Commission on International Religious Freedom has documented official and ongoing religious persecution against the Laotian and Hmong people by both the Governments of Laos and Vietnam. In April 2011, the US-based Centre for Public Policy Analysis researched and documented cases of Hmong Christians being attacked and summarily executed, including four Lao Hmong who were assassinated on 14 April 2011⁴.

Lao is the only official language in Laos. Hmong do not have access to education in their own language, and continue to be under-represented in all areas of public life, including political institutions, which tend to be dominated by the ethnic Lao. As part of the resettlement process, Hmong communities are often mixed in or positioned close to ethnic Lao villages and are pressured to “modernize”, usually meaning adopting the language at schools (Minority Rights Group (MRG), 2007).

**Freedom of Expression**

The Lao Government is suppressing freedom of speech, association, and assembly. It strictly controls all television, radio and printed publications in the country. Article 23 of the Lao Constitution states that all “mass media activities” that are contrary to “national interests” or “traditional culture and dignity” are prohibited. In September 2014, the Lao Government adopted a draconian Internet Decree significantly restricting freedom of expression online, using provisions that go well beyond internationally-accepted limits on free speech as outlined in article 19 of the ICCPR (HRW, 2015).

Given this situation, it is almost impossible for the world to be informed about the Hmong’s plight.

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³ To which LPDR has acceded in 2007.

Food Security, Standard of Living and Right to Health

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. Hmong in the jungle areas of the Xaisombun Province, often survive on roots they must dig up from several feet underground. Since they face frequent military attacks, they rarely remain in one place for longer than three weeks (MRG, 2007), which is not enough time to grow their own food. Besides, the intensified military campaigns prevent them from leaving their refuge in search of food, putting them at risk of starvation.

They also have very little access to safe drinking water, as they do not have regular access to purification tablets, which are otherwise used throughout the region. This already unsafe drinking water is besides difficult to accessible, as the communities must leave their refuge to collect water, thus running the risk of encountering the Lao military.

As a result, many members of the community, including children, suffer from undernutrition. The Hmong also lack access to basic sanitation facilities due to living in makeshift camps, putting them at risk of death and disease. This situation also constitutes an attack on their dignity.

They also do not have access to basic services, such as health care facilities, which are vital in a context of violent encounters with the Lao military. Besides, there are high rates of maternal mortality because of the lack of reproductive healthcare facilities, and Laos’ already high rates of child mortality severely increase in areas where these Hmong communities live.

These groups also lack access to many non-food goods and supplies, such as clothing, blankets, bedding, stoves and kitchen sets, water containers and hygiene products. These goods are however necessary to maintain their health, privacy and dignity, to meet their personal hygiene needs, to prepare and eat food, and to achieve necessary levels of thermal comfort.

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, and put them at grave risk of disease and death.

Land-grabbing, Displacement and Resource Exploitation

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 force indigenous communities to relocate against their will. The Hmong are often erroneously accused of causing the country’s deforestation problem and
thus forced to relocate. Internally displaced indigenous groups, already poor, thus run the risk of further impoverishment, as they become landless.

The 2009 Lao law allowing for the establishment of “special economic zones” to promote industrial projects and foreign investment does not include any provision for the protection of local inhabitants (LPDR Law on investment promotion, 2009). LPDR economic projects and programmes are responsible for much of the natural resource exploitation in the Hmong areas.

It has been argued that the government is more interested in the resettling and assimilating of ethnic groups into Lao culture than in raising their living standards per se. Since the late 1980s, there have been efforts to resettle highland villagers in lowland “focal” areas (World Bank, 2010). Moreover, opium eradication has been used to justify resettlement of indigenous peoples from the remote highlands to lowlands areas (MRGI, 2007). It is to be noted that the Lao Government’s anti-drug campaign was implemented with support from the United Nations Office for Drugs and Crime (UNODC), the US and the European Union. In fact, this cooperative plan was mainly directed towards the highlands, and especially the areas where the Hmong live.

However, resettlement creates severe health problems. Some cases of malaria due to resettlement were detected, because of this disease being uncommon in the highlands (World Bank 2010), and thus the Hmong not being immune to it. A 2005 Human Rights Watch (HRW) report highlights an overall extremely negative picture of the impact of resettlement initiatives: most of those benefiting from international aid are ethnic Lao and not the Hmong or other minorities.

Refugees and Returnees

Since the end of the Vietnam War, the US received around 130,000 Hmong, living today mainly in California, Minnesota and Wisconsin. Another 100,000 fled across the Mekong River to Thailand, many of them resettling in the US at a later stage.

In May 2007, senior military officers from Thailand and Laos signed the Lao-Thai Committee on Border Security Agreement, allowing Thailand to send Lao Hmong asylum seekers back upon arrival (HRW, 2007). Since the end of 2009, almost 4,500 Hmong refugees living in Thailand were forcefully repatriated to Laos as a consequence of this agreement, then often detained by the Lao Government for seeking asylum. While the Lao Government promised to assist returnees to reintegrate into the country, the great majority of them have been living in refugee camps with difficult living conditions and severe restrictions of their freedoms upon their return.

Vietnam and Thailand have standing collaboration efforts with the Laotian Government to detain and facilitate 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. Reports suggest that hundreds of Hmong have been lured from the jungle by the prospect of amnesty, but many of them have been met with retaliation instead.

Consequently, the Hmong living in the jungle can hardly trust the promises of the Lao Government and continue fearing for their lives and freedom, thus continuing to hide to escape the Laotian security forces.

**Enforced Disappearances**

Laos has signed, but not ratified and is therefore not bound by the International Convention for the Protection of all Persons from Enforced Disappearance. Enforced disappearances violate a range of fundamental human rights protected under the ICCPR, including prohibitions against arbitrary arrest and detention, torture and other cruel, inhuman or degrading treatment and extrajudicial execution (HRW, 2015).

In September 2016, two men were summoned to meet with a Lao police officer in the village of Lat Houang. They disappeared without a trace after following the subpoena, and a few days later their dead bodies were found hanging from the branch of a tree in the water. The injuries, including broken arms and legs, suggest that they were beaten to death and then tossed into the river.

**First Hand Information**

The Lao Government continues to deny the existence of a military campaign against Hmong civilians in the ChaoFa region and to block all access to the region by journalists, international non-governmental organizations and United Nations observers. Access to this region and therefore access to verifiable information about this situation is extremely limited. However, we managed to obtain first-hand information through Congress of World Hmong People’s contacts on the ground: photos and video footages, some depicting Hmong community members killed or injured in attacks by the military, and others of the military themselves in the jungle and their weaponry. The military videos and images were taken by the Lao military but obtained by the Hmong. The regime continues to deny that there is a conflict in this region, hence the Hmong community in the jungle wishes to share these videos and photos as evidence of a conflict and of the military presence in the jungle.

**About UNPO**

UNPO is an international, nonviolent, and democratic membership organization established in 1991. Its members are indigenous peoples, minorities, and territories who have joined to protect and promote their human rights through nonviolent solutions.
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