



**UNREPRESENTED
NATIONS & PEOPLES
ORGANIZATION**
unpo.org



Submission to the UN Committee on Economic, Social and Cultural Rights

Hmong people - Lao

July 2023

Joint Submission:

Legal Clinic Aix Global Justice on Human Rights

Congress of World Hmong People

Unrepresented Nations and Peoples Organization

Contents

Introduction.....	3
Implementation of the International Covenant on Economic, Social and Cultural Rights	4
A. Violations of collective and fundamental rights.....	4
1. Article 1: Right to self-determination	4
2. Article 2.2: Right to non-discrimination	5
3. Article 3: Right to gender equality.....	5
B. Violations of access to work and to a health care system	6
1. Articles 6 and 7: Right to work and to the enjoyment of just and favorable conditions of work	6
2. Article 8: Right to form and join the trade unions	7
3. Article 9: Right to social protection	7
C. Violations about living conditions and cultural life	8
4. Article 10: Right to family protection.....	8
5. Article 11: Right of everyone to an adequate standard of living.....	9
6. Article 12: Right to enjoyment of health.....	11
7. Articles 13 and 14: Right to education.....	12
8. Article 15: Right to participate in cultural life	13

Introduction

The Hmong are an indigenous group originally from the mountainous regions of China, Vietnam, Laos, Myanmar and Thailand, constituting the third largest ethnic group of the Lao's People Democratic Republic ('Lao PDR' or 'Laos').¹ Their religious beliefs vary between Christianity and Animism, while the predominant religion in Laos is Buddhism, which holds significant cultural influence.² The Hmong community has faced relentless persecution and systematic human rights abuses, making them the most targeted and oppressed ethnic group in Laos.³ A significant reason for the historical oppression of the Hmong people can be traced back to their involvement in the Indochina and Vietnam wars, where Hmong groups aligned themselves with the French and Americans due to concerns about the threat of communism to their land and overall independence.⁴

In more recent years, the Hmong community has faced intensified targeting and repression due to economic development projects fuelled by foreign investment in Laos. The government's aim to remove them from their ancestral lands, oftentimes using intense military force, in order to facilitate economic progress has exacerbated the situation. In this context, the Sino-Laotian economic and political relations are also an important aspect of the repression, as China serves as the primary investor in Laos and is actively involved in the country's infrastructure developments.⁵

In this context, ethnic Hmong in the Xaisomboun region (the so-called, "ChaoFa Hmong") have been subject to a significant amount of discrimination and human rights violations at the hands of Laos. This includes uncompensated land confiscation, arbitrary arrests, enforced disappearances, suppression of freedom of expression and severe restrictions on their economic, social and cultural rights.⁶ The ChaoFa Hmong, who are indigenous to the Xaisomboun region of the Laos PDR are currently divided between (1) those who continue to live a traditional life in the mountainous forests of the region; and (2) those who live in rural towns in the region, many of whom have been forcibly resettled by the government, either because of a campaign to clear out the forest population from the region, or upon a forced return from countries in which they were living as refugees.

To evade attacks, the Hmong are forced to live cut-off from the rest of the population and must constantly relocate, significantly diminishing their dignity and quality of life. At the same time, the government is blocking all possibility of transportation of humanitarian aid from foreign Non-Governmental Organizations (NGOs).⁷ Some have surrendered to the Laotian government and have been placed in highly surveyed camps or villages.

Due to these historical and economical motivations, the Hmong community remains subjected to persistent military violence, cultural suppression, environmental exploitation, and grave violations of their fundamental rights. There are now growing legitimate concerns that the military is preparing for a final eradication effort, endangering the remaining Hmong in the Phou Bia jungle area.⁸

Despite the Lao People's Democratic Republic (LPDR) being legally obligated under the International Covenant on Economic, Social and Cultural Rights (ICESCR) since February 13, 2007, it persistently violates these rights. Unfortunately, the country has largely evaded international media scrutiny for its human rights abuses. Moreover, the UNPO's previous submissions to the Special Procedures and the corresponding joint allegation letters (JAL LAO 3/2020 and JAL LAO 3/2021) remain without response by the government. This highlights the Laotian governments continued refusal to cooperate with the different UN mechanisms, as well as grant any free and independent access to the area.

Implementation of the International Covenant on Economic, Social and Cultural Rights

A. Violations of collective and fundamental rights

1. **Article 1: Right to self-determination**

1. The right to self-determination is prominently placed as Article 1 of the UN Charter, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Since the inception of these cornerstone human rights instruments, It has been recognized that the achievement of peace is closely tied to the respect for the right to self-determination, and it is emphasized as a foundational right serving as a prerequisite for the realization of subsequent social, political, and economic rights.
2. According to the Committee on Economic, Social and Cultural Rights (CESCR), lands play an essential role in the self-determination of people.⁹ Moreover, the possibility for peoples, in particular for indigenous peoples,¹⁰ to own land is described as an essential condition for the proper realization of other human rights of the ICESCR.¹¹ General comment No.26 recalls the obligations of the State “relating to the impact of access to, use of and control over land on the enjoyment of the rights enshrined in the Covenant, especially for the most disadvantaged and marginalized individuals and groups”.

Restrictions on Land Ownership and Forced Relocation due to Development Projects

3. The Hmong people are particularly concerned by these provisions as they depend on holding and cultivating their ancestral lands for their livelihoods and sustenance. However many Hmong have been left without land because of the government’s highly restrictive policy towards the community regarding the allocation of agricultural land. Indeed, The Lao Government is pursuing a "turn land into capital" strategy, focusing on leasing land and exploiting natural resources to expedite national development.¹² While it is codified that Lao citizens have the entitlement to possess and utilize land, including the ability to transfer land through inheritance, offering, leasing, selling, or acquiring the rights of possession and use,¹³ however in practice, acquiring a cultivable plot for rental purposes proves to be significantly more challenging for the Hmong community. Requests for authorization to rent cultivable land are frequently denied when made by Hmong community members. The government oftentimes justifies these restrictions by citing environmental concerns, particularly regarding the cultivation of wet rice, which is a primary practice among the Hmong community.
4. Regarding development, the government of Laos has in recent years invested in many economic development projects in the country, including hydroelectric dams, gold mining activities and multi-million dollar tourist facility worth an estimated US \$500 million.¹⁴ These projects have very negative repercussions on the Hmongs population, with the ancestral lands of rural population allocated to companies, especially Chinese, for industrial exploitation.¹⁵ As a result many Hmong communities have been forcibly relocated from their lands and resettled to very remote and hostile areas in Laos,¹⁶ or alternatively into government controlled camps and villages where they face repeated intimidation, abuse and disconcertingly poor living conditions, particularly for women and children (see para 36-45).
5. Furthermore, the government's desire to control areas in the Phou Bia, particularly for the gold mines located in the territory, has resulted in the denial of entry to the Hmong, even with proper authorization. In addition to restricting access to the territory they’ve historically inhabited,

soldiers also sometimes impose fines and even block mine entrances, leading to deaths of those Hmong individuals still inside.¹⁷

6. Due to the hostile environment exhibited against the community, internal displacement oftentimes proves insufficient, compelling the Hmong to seek refuge in other nations, where they experience equally challenging living conditions and are additionally deprived of essential identity documentation (see para 25).
7. **By forcibly taking away the ancestral lands of the Hmong people, denying them the means to sustain themselves, secure housing, find employment, and live with dignity, the State infringes its obligations under Article 1 of the ICESCR.**

2. Article 2.2: Right to non-discrimination

8. General Comment No. 20 asserts that Article 2, paragraph 2, of the ICESCR obliges each State party “to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.¹⁸ According to General Comment No. 20, discrimination can be identified when legal rules, policies, or practices create relative disadvantages for some groups and privileges for others.¹⁹
9. Despite the State's denial and the absence of explicit discriminatory legal provisions, discrimination against the Hmong in Laos is a pervasive and constant reality. Many rights set out in the ICESCR are unevenly enshrined in Laos, including the right to self-determination, access to employment, health or family protection, among many others.²⁰ Therefore, all of the sub-sections in this report not only infringe upon the Hmong people's social, economic and cultural rights, but also constitute discrimination against them, as these violations specifically target them based on their membership in a particular group. Such discrimination is particularly serious because Hmong individuals in rural villages are not integrated in the political, legal, economic, educational and health system due to the lack of inclusion of minorities' languages and high levels of illiteracy, poverty, and unemployment (particularly among women).²¹
10. **By impeding the realization of the basic rights of the Hmong people and perpetuating numerous forms of discrimination, Laos has neglected its responsibilities outlined in Article 2.2 of the ICESCR and Article 2 of the UNDRIP.**

3. Article 3: Right to gender equality

11. General Comment No. 16 emphasizes that not only should the same rights be guaranteed to all individuals without discrimination based on sex, but it also imposes equality in the actual enjoyment of these rights.²² Substantive equality, as emphasized in the Comment, focuses on the impact of laws, policies, and practices, aiming to address and mitigate the inherent disadvantages faced by specific groups. This means that even if there is no explicit discrimination in law, discriminatory effects can still be recognized if certain policies disproportionately affect certain groups.²³
12. Hmong women, although not explicitly targeted or discriminated against in law, face heightened vulnerability to various human rights violations due to their gender. The intersection of their ethnicity and gender places them at a higher risk for experiencing systemic inequalities and abuses.

Challenges and Hazards Faced by Hmong Women: Searching for Food and Caring for Children

13. First, Hmong women face heightened risks and vulnerabilities due to their role in searching for food in the jungle as a means to compensate for the lack of agricultural resources.²⁴ This exposes them to numerous dangers and hazards, particularly risk of injuries or accidents while navigating through challenging terrain, exposure to adverse weather condition, and the possibility of getting lost or encountering illegal activities. In 2003, twelve women were killed in the jungle while searching for food.²⁵ This event resulting in the displacement of 6000 Hmong people to Thailand.²⁶ Additionally, Hmong women bear the responsibility of caring for their children, which is made further challenging by the constant presence of Laotian soldiers in close proximity.
14. The Committee emphasizes the significance of land ownership as a means of providing security and stability for women and their children. By owning land, women can have a secure foundation where they can cultivate crops, establish a home, and ensure the well-being of their families. Land ownership can offer protection against displacement, provide a source of livelihood, and enhance the overall resilience and empowerment of women. However, in the context of the Hmong community, where access to cultivable land is restricted and authorization to rent land is frequently denied (see para 3-7), Hmong women face additional challenges in attaining this crucial source of security. The lack of land ownership exacerbates their vulnerability and limits their ability to protect themselves and their children.

Abuses Faced by Hmong Women in Military Facilities

15. Second, Hmong women face heightened vulnerability within military facilities. NGO reports show that women have been taken to camp-like settlements in isolated villages upon their arrest, where they are subject to slavery-like treatments, torture and ill-treatment, including rape by law enforcement officers.²⁷ Women that are captured can be separated from their family, used for house chores and forced into sex-slavery, leaving them in states of complete distress even when they manage to leave.²⁸ In Kang Vieng, four women have testified as victims of sexual abuses in April 2019 (names omitted).²⁹ Moreover, women who surrender without their husbands are threatened with forced marriage if they do not get their husbands to surrender as well. Their circumstances deprive them of the opportunity to protect themselves and their children.
16. **Through directly exacerbating the plight of Hmong women, subjecting them to constant danger and failing to take any action to prevent such discrimination, the State failed to respect its obligations under Article 3 of the ICESCR.**

B. Violations of access to work and to a health care system

1. Articles 6 and 7: Right to work and to the enjoyment of just and favorable conditions of work

17. General Comment No. 18 emphasizes that the right to work encompasses not only the opportunity to engage in employment but also the right to be protected from arbitrary or unjust deprivation of work. According to General Comment No. 23, it is also emphasized that every individual has the right to experience fair and favourable working conditions, which are essential prerequisites for ensuring an adequate standard of living and a decent wage.

Impediments to Hmong Agricultural Livelihoods

18. The Hmong community, which includes many farmers, faces significant challenges in practicing their profession due to the deprivation of their land (see para 3-7). As a result of economic restrictions, discrimination, and historical neglect, they often lack the financial resources to rent or

purchase sufficient buffaloes for ploughing and harrowing the fields within the required timeframe.³⁰ Moreover, the Hmong community has migratory habits mainly attached to agricultural cycles.³¹ This means that the community carries out a shifting agriculture, where swidden fields are used until their fertility diminishes.³² However, during the 1990s, land reforms in Laos aimed to restrict the practice of shifting cultivation, which is deeply rooted in Hmong culture.³³ Furthermore, the issue of lands classified as unsuitable for agriculture, often falling under the jurisdiction of state agencies, further compounds the challenges faced by the Hmong community. This classification significantly hampers their capacity to develop livelihoods and improve their well-being.³⁴

Employment Deprivation and Mining Hazards

19. The Hmong community in the Xaisomboun Province are also facing deprivation of employment due to the operations of Chinese companies in collaboration with the State of Laos. Private companies have entered into agreements to develop the region surrounding the Phou Bia Mountain for tourism purposes. However, this has further exacerbated the repression experienced by the Hmong population residing in that area, as they are not receiving a fair share of benefits from these activities.³⁵
20. Moreover, individuals engaged in mining activities within the Hmong community face severe and life-threatening dangers. The hazardous conditions in mining sites have resulted in numerous fatalities, as evidenced by tragic incidents that have occurred since 2017. In these incidents, soldiers sealed off tunnels, trapping miners inside and leading to the loss of many Hmong lives.³⁶
21. Furthermore, the Hmong community faces significant barriers in accessing employment opportunities as a result of their exclusion while being held in military camps. The practice of confining Hmong individuals in military camps restricts their freedom of movement and denies them the ability to actively participate in the workforce. Being held in military camps not only limits their access to employment but also hampers their overall economic prospects and financial stability. The inability to seek employment or engage in income-generating activities further exacerbates the socio-economic challenges faced by the Hmong community.³⁷
22. **These circumstances further compound the challenges faced by the Hmong community in realizing their right to work and pursuing their overall well-being. Therefore, the State has failed to comply with its obligations under Articles 6 and 7 of the ICESCR.**

2. Article 8: Right to form and join the trade unions

23. The Hmong community faces severe limitations on freedom of movement, particularly in the jungle, and the situation is deteriorating due to increased military patrols in the Phou Bia area.³⁸ As a result, the ability to exercise the right to form and join trade unions becomes virtually impossible. The Lao Government's suppression of freedom of speech, association, and assembly, including the right to form trade unions and join them, is a violation of Article 8 of the ICESCR, which is also protected under Articles 21 and 22 of the ICCPR. The State has thus failed to fulfill its obligations under Article 8 of the ICESCR.

3. Article 9: Right to social protection

24. General Comment No.19 states that social security, through its redistributive function, plays an important role in reducing and alleviating poverty, avoiding social exclusion and promoting social inclusion.

Extreme Isolation and Deprivation of Essential Services

25. First of all, Lao PDR refuses to provide the Hmong any documents or identification, such as the family book or ID. This essentially denies them the possibility of benefiting from social protection. Lack of documentation also prohibits them from leaving the military controlled area.³⁹
26. Second, the Hmong community faces extreme isolation, which significantly hinders their access to essential services such as healthcare and education (see para 46-57). The intentional abuse and persecution carried out by the Laotian government has led to the complete social exclusion of the Hmong community. Whether they are residing in the militarized and controlled Xaisomboun Region or isolated villages resembling camps, the Hmong are deprived of the right to social protection. Consequently, their basic needs and well-being are entirely neglected, further exacerbating their already marginalized position.
27. Those in the mountainous jungle where living conditions are fatally poor and they are constantly in danger of being attacked by the surrounding military camps have no access to even basic necessities, such as food and medicine, and are in urgent need of humanitarian aid.⁴⁰ Those surrendered to camps are reported to be living among soldiers, either in a one-story military building or in small huts made of bamboo and wood without electricity or drinking water. They are not allowed to go further than 20 kilometres from the camp, thus resembling “some kind of concentration camp without walls”.⁴¹ Consequently, the Hmong, whether in the jungle or in camps, are completely cut off from both Laotian society and any forms of social protection.
28. Finally, the Hmong are a community reduced to abject poverty by the State. This situation is in violation of Article 9 of the ICESCR, which is closely linked to Article 11. The State fails to implement measures to combat poverty, address social exclusion, and provide essential social support services for the Hmong community. As noted by the UN special rapporteur on Extreme Poverty and Human Rights during his visit to Lao in 2019, there is persistent structural barriers that prevent the full realization of human rights by people in poverty, particular by ethnic minorities.⁴² The General Comment also adds that states should pay special attention to individuals and groups who have historically experienced difficulties in exercising this right, including women, the unemployed, workers inadequately protected by social security, and also minority groups.
29. **Therefore, the State has failed to comply with its obligations under article 9 of the ICESCR, and article 22 of the Universal Declaration of Human Rights of 1948.**

C. Violations about living conditions and cultural life

4. Article 10: Right to family protection

30. In its General Comment No. 19,⁴³ the CESCR specifies the obligations of states to protect the family in several ways, emphasizing the need to respect and protect the different members of the family, including children and women.
31. Hmong families endure ongoing persecution without any form of protection or assistance. The relentless repression often results in their separation or compelled displacement to other countries. In instances where Hmong families fall victim to military assaults or are confined to military-controlled camps, men are forcibly separated from their families, while women face various forms of abuse and forced marriages.⁴⁴ Additionally, mothers and pregnant women receive no special protection, leaving them vulnerable to grave risks.
32. The lack of healthcare and access to nutritious food, particularly in rural areas, significantly affects the health outcomes of ethnic minorities in Laos, including Hmong women (see para 11-

- 16).⁴⁵ Pregnancy-related deaths and infant mortality rates are alarmingly high due to inadequate healthcare services and malnutrition. Furthermore, pregnant women are compelled to work long hours despite their condition, further jeopardizing their well-being and that of their unborn children.⁴⁶
33. Children and adolescents within the Hmong community also face severe neglect in terms of protection and support. They are highly vulnerable to exploitation, sexual abuse, and even murder. In 2006, at least five breast-feeding infants whose mothers had been killed died because of losing their mothers.⁴⁷ Young women surrendered to military camps are particularly at risk, as they can be subjected to conditions akin to slavery, torture, ill-treatment, and sexual violence.⁴⁸ These violations directly contravene Article 34 of the Convention on the Rights of the Child and Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women. The absence of adequate safeguards and support mechanisms places these young women in extremely precarious situations, undermining their fundamental rights and well-being.
34. In addition, Hmong children are often subjected to exploitative child labor practices, particularly in rural areas, despite the explicit prohibition outlined in Article 32 of the Convention on the Rights of the Child (CRC). The economic constraints faced by ethnic minority families, exacerbated by poverty, make it challenging for them to afford schooling for their children (see para 53-58). As a result, many Hmong children are forced to work under hazardous conditions instead of receiving proper education. It has been reported that the situation has worsened with the COVID-19 crisis.⁴⁹
35. **All these elements show violations of the right to a family protection. By disregarding particular attention to the rights and special needs of indigenous elders, women, youth and children, the LPDR also violated article 22 of the UNDRIP.**

5. Article 11: Right of everyone to an adequate standard of living

36. Article 11 of the ICESCR states that the right of everyone to an adequate standard of living includes adequate food, clothing, and housing.

Food Insecurity and Water Access Challenges

37. The core content of the right to adequate food implies both economic and physical accessibility,⁵⁰ which implies the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances.⁵¹ Thus, State parties have the obligation to respect, to protect, to facilitate and to provide the right to adequate food, while violations of the Covenant occur when a State fails to ensure the satisfaction of the minimum essential level required to be free from hunger.⁵² In its General Comment No.15, the CESCR explicitly mentions that the right to water includes the right to maintain access to existing water supplies, and the right to be free from interference, such as arbitrary disconnections or contamination of water supplies.⁵³ States parties have a special obligation to provide those who do not have sufficient means with the necessary water and water facilities and to prevent any discrimination in the provision of water and water services,⁵⁴ especially to people who have traditionally faced difficulties in exercising this right, like minority groups.⁵⁵
38. Hmong communities in Laos are among the poorest inhabitants of the country. Hmong living in the jungle particularly endure abject poverty, food insecurity, undernutrition, and a lack of access to basic services.⁵⁶ Indeed, they eat what they can gather from the forest without leaving conspicuous traces. They avoid picking any visible quantities of wild fruit in certain areas and do not hunt animals with their old guns to avoid detection. They also can't cultivate crops because it

would also make them too easily detectable. The main diet of Hmong communities is then made up of cassava roots, leaves, wild yams and the husk of an Asian palm tree known as ‘Tong-La’, which is slightly poisonous and requires a laborious process to become edible.⁵⁷ Moreover, when a raid is conducted, the army often seizes the few tools the population have, such as solar panel chargers or cooking devices.⁵⁸ Anyone trying to provide assistance, even just by sharing essential food items such as salt, is at risk of imprisonment or even forced disappearance as the support is not tolerated by the LPA.⁵⁹

39. Alarming, there is also some evidence to suggest that the Lao PDR have made use of chemical weapons against the Hmong community remaining in the jungle, even after it ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction in 1997.⁶⁰ Indeed there is alleged evidence of helicopters spraying chemicals over the areas the Hmong are situated, aside from disastrous impacts on health (see para 51) The use of chemicals also destroys essential goods and foodstuff that the population need to rely on for its survival, leading to starvation, as the chemicals strongly impact the environment and livestock in nearby areas as the wind carries and disperses the substances.
40. Outside of mountainous areas, Hmong living in remote rural areas are also affected by food insecurity. They hardly have enough to meet their nutritional needs which leads to a severe risk of starvation. Due to frequent military attacks, they also rarely remain in one place which does not allow them to grow their own food and to establish permanent agricultural structures.⁶¹ They suffer from a lack of access to many goods and supplies, such as clothing, blankets, kitchen sets, water containers and hygiene products.⁶² Many Hmong families, unable to continue living under the ongoing persecution and severe starvation, have surrendered to the authorities and have been relocated into surveilled camps.⁶³ Nonetheless, it is sometimes possible for the Hmong, who are used to a barter economy, to work for other villagers in exchange of food. However, according to recent testimonies, these exchanges are largely asymmetrical, as some have testified to work endless hours for very little remuneration, so they receive only the bare minimum necessary for their survival.⁶⁴
41. In addition, Hmong communities have little access to safe drinking water and no access to purification tablets. Therefore, they are highly exposed to diseases, infections, or death.⁶⁵ In the mountainous areas where Hmong communities are constantly on the move, the absence of access to safe drinking water is a pressing concern as they are forced to rely on unsafe water sources, putting their health and well-being at risk. Even within the villages where the surrendered Hmong live, where the right to adequate housing is not guaranteed, there is very limited access to food, water and light within the dormitory's families are provided with.

Housing insecurity, land-grabbing and forced evictions

42. According to the Committee's view on the right to housing, the latter “should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity”.⁶⁶ The CESCR, in its General Comment No. 4, states that State parties do not only have a duty to provide adequate housing to people, but the housing should also be appropriate and adequate, which means that people must have the right to live in a good environment with security, peace and dignity.⁶⁷ Moreover, they must give due priority to social groups living in unfavorable conditions.⁶⁸
43. However, the Hmong communities are not provided with adequate housing and are frequently evicted from their ancestral lands. They live in hiding from the authorities, in almost complete isolation. They live in sacks made of bamboo and sun-eaten wooden planks. The roofs are oftentimes made of aluminum and the beds of cloth sacks and plastic bags.⁶⁹ Most of the times they must leave their encampment behind because they come under direct attack or because they

feel insecure due to military movements.⁷⁰ Once in military-controlled camps guarded by government agents or soldiers, Hmong communities are under immense psychological stress, which prevents them from enjoying proper living conditions.

44. Furthermore, as discussed in para 3-7 the Hmong community witnesses the appropriation of their ancestral lands and natural resources for industrial exploitation. The 2009 Law on Promotion of Investment creates Special economic zones and promotes industrial projects and foreign investments on Hmong territories but doesn't include provision for the protection of local inhabitants.⁷¹ Thus, Hmong communities are victims of land grabbing, forced evictions⁷² and relocations which impoverishes them and causes the loss of their ancestral homes as well as cultural traditions.⁷³
45. The Committee also recalls that the practice of forced evictions may result in violations of civil and political rights, such as the right to life, the right to security of the person, and the right to non-interference with privacy, family and home.⁷⁴ **Therefore, the State has failed to comply with its obligations under article 11 of the ICESCR.**

6. Article 12: Right to enjoyment of health

46. The Constitution of the Lao Republic provides that the State “shall ensure the improvement and development of public health services” and “provide health care for everyone, create conditions to ensure that everyone has access to health care, especially women and children, the poor, those living in remote areas”.⁷⁵ In the General Comment No.14, the Committee interprets the right to health as an inclusive right extending to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, adequate supply of safe food, nutrition and housing, and healthy occupational and environmental conditions.⁷⁶ According to the interpretation made by the Committee in the General Comment No. 14, the right to health must be (a) available and (b) accessible.⁷⁷

Health Disparities and Challenges

47. Nevertheless, Hmong communities living in remote rural areas do not have access to basic services such as health care structures. There is a significant disparity in health and living standards between regions populated by minorities and majorities.⁷⁸ As an example, the lack of identity documents by the Lao government drastically reduces their access to health care facilities.⁷⁹ The Hmong exclusion from the basic healthcare services reinforces their marginalization from the Lao society.⁸⁰ Moreover, as the Hmong are frequently forced to flee from armed attacks, this reduces their chance to get access to necessary goods including food, clothing and medicines, thus finding themselves in dire need of humanitarian aid.⁸¹
48. In its General Comment No. 22, the Committee specifies: “an adequate number of functioning health-care facilities, services, goods and programs should be available to provide the population with the fullest possible range of reproductive health care”.⁸² These services related to sexual and reproductive health care must be available within safe physical and geographical reach for all, especially for persons belonging to disadvantaged and marginalized groups, including persons living in rural and remote areas.⁸³
49. Yet in practice, Laos' high rates of child malnutrition and child mortality severely increase in the Northern Highland provinces, where most Hmong communities live.⁸⁴ In this area, almost 60% of the children under five suffer from malnutrition. The local rural areas inhabited by the Hmong witness the highest rates of maternal mortality because of the lack of reproductive healthcare facilities.⁸⁵ There is an urgent need to extend the implementation of free healthcare systems to

remote areas, allowing ethnic minorities to benefit from it, including pregnant women, and to see their sexual and reproductive rights guaranteed.⁸⁶ Indeed, Hmong women face particularly difficult conditions during pregnancy, labour, and lactation periods. They are unable to fulfil basic nutritional needs, having no access to medical care or medicines, which explains the high rates of maternity, birth, and child mortality among the women of the Hmong community.⁸⁷ Pregnancy and childbirth remain a leading cause of death among Hmong women of reproductive age due to limited prenatal and obstetric care and services, especially in rural areas, or in small or ethnic minority villages.⁸⁸

50. In the General Comment No.14, the Committee states: “the improvement of all aspects of environmental and industrial hygiene comprises the prevention and reduction of the population’s exposure to harmful substances”.⁸⁹ The Committee considers that development-related activities that lead to the displacement of indigenous peoples against their will from their traditional territories and environment, denying them their sources of nutrition and breaking their symbiotic relationship with their lands, has a deleterious effect on their health.⁹⁰ Nonetheless, the Lao government has authorized numerous foreign investments in mining activities where the Hmong reside,⁹¹ while it has disastrous consequences on their health.
51. Furthermore, the use of chemical weapons against the Hmong, as mentioned in para 39, has major impacts on their health. It is reported that each time a helicopter flies over, the impacted population experiences significant symptoms, which massively impacts their health, including that of the children. During September and October 2016, several infants died of violent coughing following military attacks, who were likely making use of rockets loaded with some toxic gas. Similar cases continued to be reported throughout 2018 and the first half of 2019. Next to the deaths of infants, symptoms such as coughing, nausea, vomiting, headaches, diarrhea, chest congestion and weakness of legs and arms affected many of the Hmong people in the jungle.⁹²
52. **Therefore through the denial of access to basic healthcare services, inadequate provision of reproductive healthcare, and the reported use of chemical weapons leading to adverse health effects Laos has violated the Hmong community's right to enjoyment of health under Article 12 of the ICESCR.**

7. Articles 13 and 14: Right to education

53. In its General Comment No. 13, the Committee specifies that the right to the education must be: (a) available, (b): accessible (c) acceptable, and (d) adaptable to the needs of changing societies and communities.⁹³

Educational Deprivation and Marginalization of the Hmong Community

54. The Hmong community has long been deprived of adequate access to education. A reported 67.2% of Hmong have never been in school, making them one of the most disadvantaged ethnic groups in Laos in terms of educational opportunities.⁹⁴ The majority of Hmong simply do not have the means to send their children to pursue education.⁹⁵ This is despite the Constitution of Laos guarantees the right to education for all citizens (article 38), especially for people in remote areas, ethnic groups, women, children, disadvantaged people (article 22).
55. Access to education is profoundly unequal throughout Laos in general.⁹⁶ Additionally, the lack of recognition of the members of the Hmong community as a minority deprives them of a decent access to courses taught in a language they know.⁹⁷ The educational systems are not extended to the remote areas and lots of Hmong do not speak the official language of the country.⁹⁸ As a

result, members of the Hmong people, particularly those in extremely rural areas, face multiple discriminations, which leaves them illiterate and perpetuates the extreme poverty they live in.⁹⁹

56. The constant attacks of the governmental army suffered by the Hmong communities contribute to the exclusion of the Hmong from the national educational system, since they are forced to constantly flee from the threat, which de facto excludes them from the Laotian society.¹⁰⁰ 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 education.¹⁰¹ This lack of access to education further deepens the structural marginalization already endured by the Hmong communities.¹⁰² 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.¹⁰³
- 57. Through denying the Hmong decent access to education, perpetuating illiteracy, and reinforcing their marginalization in society, Laos has violated the Hmong community's right to education under Articles 13 and 14 of the ICESCR.**

8. Article 15: Right to participate in cultural life

58. In its General Comment No. 21¹⁰⁴, the CESCR recalls that the right to take part in cultural life requires from the State party both abstention (non-interference with the exercise of cultural practices) and positive action. States Parties must recognize, respect and protect minority cultures as essential components of the identity of the States themselves.¹⁰⁵ The Committee also issues that the right to take part in cultural life encompasses the right to free exercise of the religion,¹⁰⁶ which is also enshrined in articles 18 (freedom of religion) and 27 (rights of ethnic, religious and linguistic minority) of the ICCPR.

Cultural Erosion and Denial of Indigenous Status

59. The Hmong community faces numerous violations of their cultural and religious rights. They are denied access to education in their own language, prohibited from speaking their language and wearing traditional attire.¹⁰⁷ They also endure religious persecution.¹⁰⁸ 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.¹⁰⁹
60. The Hmong also undergo constant pressure to modernize their way of life,¹¹⁰ whereas the culture of the Hmong is inextricably tied to the land they have inhabited for many years.¹¹¹ As a result, environmental degradation, restriction of land use rights and destruction of people's livelihood make it impossible for the indigenous inhabitants to engage in their traditional cultural practices and fully enjoy their right to a cultural life.¹¹²
61. Finally, the LPDR refuses to acknowledge Hmong communities as indigenous peoples. Indigenous status acknowledges and validates the unique cultural identity and practices of a community. Without this recognition, the Hmong are moreover prevented from obtaining the legal protection they are entitled to under international law.¹¹³ Without official recognition as indigenous peoples, the Hmong communities are denied access to these legal protections, leaving them vulnerable to violations of their rights.
- 62. All these elements constitute a serious violation of the article 15 of the ICESCR and the UNDRIP.**

- ¹ “Hmong” (UNPO February 2021) <<https://unpo.org/members/7891>>, accessed 22 February 2023.
- ² “Laos: an overview of Human Rights violations” (FIDH October 2012) <https://www.fidh.org/IMG/pdf/mldh_fidh_briefing_paper_on_human_rights_in_laos_final_25102012-3.pdf>, accessed 22 February 2023.
- ³ *Ibid.*
- ⁴ “The History of the Hmong people from Laos” (Hmong Association of Washington) <<https://www.hmongofwa.org/our-history.html>>, accessed 22 February 2023.
- ⁵ Development projects in the area include hydroelectric dams, gold mining activities, a multi-million dollar tourist facility worth an estimated US\$ 500 million, as well as a recently completed Laos-China high-speed railway worth 6 billion USD, to name a few.
- ⁶ UNPO and Congress of World Hmong People (CWHP), Joint Submission to the UN Office of the High Commissioner for Human Rights for the consideration of the 3rd Universal Periodic Review of the Lao People’s Democratic Republic (July 2019) available at <https://unpo.org/article/21585>.
- ⁷ “The sad destiny of the Hmong in Laos” (Blog on the South-East Asia of the Montreal University) <<https://redtac.org/asiedusudest/2014/11/12/le-triste-destin-des-hmong-au-laos/>>, accessed 22 February 2023.
- ⁸ Constant persecution in the Xaisomboun region has resulted in a sharp decline in population demographics, from approximately 30,000 individuals in 1975 to an estimated 2,000 to 4,000 in 2016. In 2018 it was believed that around 100 ChaoFa Hmong were in the Phou Bia region.
- ⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 26, E/C.12/GC/26 (2021), §1.
- ¹⁰ Paragraph 4 of the General comment No. 26 recalls the obligations of the State "relating to the impact of access to, use of and control over land on the enjoyment of the rights enshrined in the Covenant, especially for the most disadvantaged and marginalized individuals and groups".
- ¹¹ Committee on Economic, Social and Cultural Rights, General Comment No. 26, *Op. cit.*, §11 and §16.
- ¹² Tan D., Grillot C., Troisième partie. La Chine au Laos : développement, colonialisme intérieur ou néo-colonialisme ? In: L’Asie du Sud-Est dans le « siècle chinois » : Cambodge, Laos et Viêt Nam (Bangkok: Institut de recherche sur l’Asie du Sud-Est contemporaine 2014), 93-135.
- ¹³ Ducourtieux O., Laffort J-R., Sacklokham S., « La réforme foncière au Laos. Une politique hasardeuse pour les paysans », (2004), Vol. 177, No. 1, Revue Tiers-Monde, pp. 207-229.
- ¹⁴ <https://unpo.org/downloads/2726.pdf>
- ¹⁵ Moizo B., “Implementation of the land allocation policy in the Lao PDR: origins, problems, adjustments and local alternatives”, in Bouathon B., Glandinning A., (eds.), *Poverty reduction and shifting cultivation stabilisation in the uplands of Lao PDR : technologies, approaches and methods for improving upland livelihoods* (2004), p. ?
- ¹⁶ Ducourtieux O., Laffort J-R., Sacklokham S., « La réforme foncière au Laos. Une politique hasardeuse pour les paysans », *Op. Cit.*
- ¹⁷ “UNPO Complaint to HRC regarding human rights violations against Hmong people” (Aix Global Justice December 2022).
- ¹⁸ Committee on Economic, Social and Cultural Rights, General Comment No. 20, E/C.12/GC/20 (2009).
- ¹⁹ Committee on Economic, Social and Cultural Rights, General Comment No. 20, E/C.12/GC/20 (2009), §12.
- ²⁰ See *infra*.
- ²¹ “Hmong: Extreme Poverty and Humanitarian Crisis in Laos” (UNPO 24 January 2019) <<https://unpo.org/article/21420>>, accessed 26 February 2023.
- ²² Committee on Economic, Social and Cultural Rights, General Comment No. 16, E/C.12/2005/4 (2005), §6.
- ²³ *Ibid.*, §7.
- ²⁴ “Hmong” (UNPO February 2021), *Op. cit.*
- ²⁵ “UNPO Complaint to HRC regarding human rights violations against Hmong people” (Aix Global Justice), *Op. cit.*
- ²⁶ *Ibid*
- ²⁷ “Lao People’s Democratic Republic: Hiding in the jungle – Hmong under threat”, Amnesty International, March 2007.
- ²⁸ *Ibid.*, p.16.
- ²⁹ “Submission of information to Special Rapporteurs: Concerning serious violations of International Human Rights Law by the Laotian Government against the Hmong community”, UNPO, June 2020, p.50
- ³⁰ “Minorities at Risk Project, assessment for Hmong in Laos” (Refworld 31 December 2003) <<https://www.refworld.org/docid/469f3aa81e.html>>, accessed 2 March 2023.
- ³¹ Ireson, W.R. “Hmong demographic changes in Laos: causes and ecological consequences.” (1995), Vol. 10, pp. 198-232
- ³² *Ibid.*
- ³³ Ducourtieux O., Laffort J-R., Sacklokham S., « La réforme foncière au Laos. Une politique hasardeuse pour les paysans », *Op Cit.* These reforms aimed to "encourage[e] village communities to protect the environment by managing the space in a sustainable way and by withdrawing a large fraction of the village finage from the slash and burn cycle to make them regulated forest reserves”.
- ³⁴ Vandergeest P. “Land to some tillers: development- induced displacement in Laos” (UNESCO 2003) <<http://lad.nafri.org.la/fulltext/2157-0.pdf>>, accessed 1 March 2023.
- ³⁵ “Hmong in isolation” (UNPO April 2021) <<https://unpo.org/downloads/2705.pdf>>, accessed 28 February 2023.
- ³⁶ “UNPO Complaint to HRC regarding human rights violations against Hmong people” (Aix Global Justice), *Op. cit.*
- ³⁷ *Ibid.*
- ³⁸ *Ibid.*
- ³⁹ Testimony, Meeting with ChaoFa Hmong group of Josep Prat Vinolas, December 28, 2019
- ⁴⁰ “UNPO Complaint to HRC regarding human rights violations against Hmong people” (Aix Global Justice), *Op. cit.*

- ⁴¹ Testimony, Meeting with ChaoFa Hmong group of Josep Prat Vinolas, December 28, 2019
- ⁴² “Hmong” (UNPO February 2021), *Op. cit.*
- ⁴³ Committee on Economic, Social and Cultural Rights, General Comment No. 19, E/C.12/GC/19 (2007), §1, §3, §4, §5.
- ⁴⁴ “Hmong in isolation” (UNPO April 2021), *Op. cit.*
- ⁴⁵ “Ethnic minorities in Lao struggle with pregnancy-related deaths and infant mortality” (Radio Free Asia October 2022) <<https://www.rfa.org/english/news/laos/infant-mortality-10192022165047.html>>, accessed 1 March 2023.
- ⁴⁶ *Ibid.*
- ⁴⁷ “Hiding in the jungle – Hmong under threat” (Amnesty International 2007) <<https://www.amnesty.org/en/documents/ASA26/003/2007/en/>>, accessed 28 February 2023.
- ⁴⁸ *Ibid.*
- ⁴⁹ “Rural Poverty Drives Child Labor in Laos Despite State Laws Prohibiting The Practice” (Radio Free Asia June 2021) <<https://www.rfa.org/english/news/laos/child-labor-06022021165734.html>>, accessed 1 March 2023.
- ⁵⁰ Allegation letter to the Human Rights Council, AL LAO 3/2020, 28th of August 2020.
- ⁵¹ Committee on Economic, Social and Cultural Rights, General Comment No.12, E/C.12/1999/5 (1999), §8.
- ⁵² *Ibid.*, §17.
- ⁵³ Committee on Economic, Social and Cultural Rights, General Comment No.15, E/C.12/2002/11 (2022), §10.
- ⁵⁴ *Ibid.*, §15.
- ⁵⁵ *Ibid.*, §16.
- ⁵⁶ “Hmong: Extreme Poverty and Humanitarian Crisis in Laos” (UNPO January 2019), *Op. cit.*
- ⁵⁷ “Hiding in the jungle – Hmong under threat” (Amnesty International 2007), *Op. cit.*
- ⁵⁸ JAL UA LAO 3/2020
- ⁵⁹ “Lao People’s Democratic Republic: Hiding in the jungle – Hmong under threat”, Amnesty International, March 2007
- ⁶⁰ Rebecca Sommer, “Hunted like Animals”, SommerFilms, 2007, available at:
- ⁶¹ “Current situation of Hmong people in Laos” (UNPO, February 2017), <<https://unpo.org/downloads/2038.pdf>>, accessed 27 February 2023.
- ⁶² *Ibid.*
- ⁶³ “Hmong” (UNPO February 2021), *Op. cit.*
- ⁶⁴ “Hmong in isolation” (UNPO April 2021), *Op. cit.*
- ⁶⁵ “Current situation of Hmong people in Laos” (UNPO, February 2017), *Op. cit.*
- ⁶⁶ Committee on Economic, Social and Cultural Rights, General Comment No. 4, E/1992/23 (1991), §7.
- ⁶⁷ *Ibid.*, §7.
- ⁶⁸ *Ibid.*, §11.
- ⁶⁹ “Hmong in isolation” (UNPO April 2021) *Op. cit.*
- ⁷⁰ “Hiding in the jungle – Hmong under threat” (Amnesty International 2007), *Op. cit.*
- ⁷¹ Law on investment promotion, Lao People’s Democratic Republic (July 2009).
- ⁷² According to the General Comment No.7, the term “forced evictions” is defined as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”.
- ⁷³ Committee on Economic, Social and Cultural Rights, General Comment No.7, E/1998/22, annex IV (1997), §15-16. The CESCR recalls that procedural protections are essential in relation to forced eviction, including genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid.
- ⁷⁴ Committee on Economic, Social and Cultural Rights, General Comment No.7, *Op. cit.*, §4.
- ⁷⁵ Article 25 of the Constitution of the LPDR.
- ⁷⁶ Committee on Economic, Social and Cultural Rights, General Comment No.14, E/C.12/2000/4 (2000), §11.
- ⁷⁷ *Ibid.*, §12.
- ⁷⁸ “Joint UPR Report Outlines Human Rights Abuses Against Hmong In Lao” (UNPO June 2014) <<https://unpo.org/article/17235>>, accessed 2 March 2023.
- ⁷⁹ “Hmong: Forcibly Repatriated Hmong in Laos Lacking Adequate Amenities” (UNPO August 2011) <<https://unpo.org/article/11488>>, accessed 2 March 2023.
- ⁸⁰ “Indigenous and Tribal Peoples’ Rights Essential for Global Sustainable Development” (UNPO February 2020), <<https://unpo.org/article/21755>>, accessed 2 March 2023.
- ⁸¹ “Alarming Crackdown on a Group of Hmong Individuals in Laos” (UNPO November 2018) <<https://unpo.org/article/21243>>, accessed 2 March 2023.
- ⁸² Committee on Economic, Social and Cultural Rights, General Comment No. 22, E/C.12/GC/22 (2016), §12.
- ⁸³ *Ibid.*, §16.
- ⁸⁴ UNPO and CWHP Joint submission to the UN Office of the High Commissioner for Human Rights Universal Periodic Review, 21st Session: Lao’s People Democratic Republic.
- ⁸⁵ *Ibid.*
- ⁸⁶ “Persecution & Marginalization of Hmong Women in Laos” (UNPO October 2018) <<https://unpo.org/article/21143>>, accessed 2 March 2023.
- ⁸⁷ *Ibid.*
- ⁸⁸ U.S Department of State “2021 Country Reports on Human Rights Practices: Laos” (U.S Department of State 2021) <<https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/laos>>, accessed 2 March 2023.
- ⁸⁹ Committee on Economic, Social and Cultural Rights, General Comment No.14, *Op. cit.*, §15.
- ⁹⁰ Committee on Economic, Social and Cultural Rights, General Comment No.14, *Op. cit.*, §27.
- ⁹¹ “Laos to Approve More Than 300 New Mining Projects” (Laotian Times April 2022)

<<https://laotiantimes.com/2022/04/05/laos-allows-mining-investment-more-than-300-projects-in-the-country/>>, [accessed 2 March 2023](#).

⁹² Rebecca Sommer, “Hunted like Animals - Hmong Hunted and tortured-merciless”, SommerFilms, 2007, available at: .

⁹³ Committee on Economic, Social and Cultural Rights, General Comment No.13, E/C.12/1999/10 (1999), §6.

⁹⁴ “The Hmong of Laos: Overview of their Transnational Adaptation” (Hmong/Miao in Asia September 1998) <<http://members.ozemail.com.au/~yeulee/Topical/hmong%20of%20laos.html>>, accessed 2 March 2023.

⁹⁵ *Ibid.*

⁹⁶ “Briefing paper for the 11th EU-Laos Human Rights Dialogue” (FIDH and its member organization Lao Movement for Human Rights 12 June 2022).

⁹⁷ “UNPO Releases Briefing Note on Intensified Laotian Military Crackdown on Hmong Indigenous Community”, *Op.cit*

⁹⁸ “Persecution & Marginalization of Hmong Women in Laos”, *Op.cit.*

⁹⁹ “Hmong: Extreme Poverty and Humanitarian Crisis in Laos”, *Op.cit.*

¹⁰⁰ “Alarming Crackdown on a Group of Hmong Individuals in Laos”, *Op.cit.*

¹⁰¹ Hmong: Laos Religious Minorities Excluded From Society (UNPO December 2009),

<<https://unpo.org/article/10425>>, [accessed 2 March 2023](#).

¹⁰² “Indigenous and Tribal Peoples' Rights Essential for Global Sustainable Development”, *Op.cit.*

¹⁰³ « Les Hmong : Traîtres ou Victimes ? » (Redtac.org Mai 2020)

<<https://redtac.org/asiedusudest/2020/05/14/les-hmong-traîtres-ou-victimes/>>, [accessed 2 March 2023](#).

¹⁰⁴ Committee on Economic, Social and Cultural Rights, General Comment No.21 E/C.12/GC/21 (2009), §6.

¹⁰⁵ *Ibid.*, §32.

¹⁰⁶ Committee on Economic, Social and Cultural Rights, General Comment No.21, *Op. cit.*, §13.

¹⁰⁷ 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 the article 29 of the CRC.

¹⁰⁸ *Ibid.*

¹⁰⁹ “Hmong” (UNPO July 2017), *Op. cit.*

¹¹⁰ “Hmong” (UNPO July 2017), *Op. cit.*

¹¹¹ Alternative report submitted by the Unrepresented Nations and Peoples Organization to the UN Committee on the Economic, Social and Cultural Rights in consideration of the Combined Second to Fourth Report of the Socialist Republic of Vietnam during the 53rd session of 10 – 28 Novembre 2014.

¹¹² *Ibid.*

¹¹³ “Current situation of Hmong people in Laos” (UNPO February 2017), *Op. cit.*