



**Submission to the UN Office of the High Commissioner for Human Rights**  
Universal Periodic Review 48<sup>th</sup> Session: Lao People's Democratic Republic  
**The Hmong Peoples in Laos**

**Submitting Organization:**

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

The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent and democratic membership organisation. Its Members are indigenous peoples, minorities, unrecognised States and occupied territories that have joined together to defend their political, social and cultural rights, to preserve their environments and to promote their right to self-determination. The Hmong are represented at the UNPO by the Congress of World Hmong People. They have been a member of the UNPO since 2007.

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

The Congress of World Hmong People is a non-violent organisation, established in the United States of America. The CWHP represents the Hmong people and safeguards their economic, social, and cultural rights. In addition to advocating for the rights of the Hmong under international law, the CWHP supports the Hmong's right to exist and seek freedom and justice by providing assistance for humanitarian needs and educational and socio-economic development.

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## 1. Introduction

This report is submitted by the Unrepresented Nations and Peoples Organization (UNPO) and the Congress of World Hmong People (CHWP) as part of the fourth Universal Periodic Review Cycle (UPR) of the Lao People's Democratic Republic (hereafter referred to as "Laos"). The primary objective of this submission is to draw attention to the ongoing human rights violations within the country, particularly those affecting the indigenous Hmong people.

## 2. Background

The Hmong are an indigenous group originally from the mountainous regions of southern China, Viet Nam, Laos, Myanmar and Thailand. They distinguish themselves from the general Laotian population because of their ethnicity, written and spoken language, culture and religion. Up to 600.000 Hmong are estimated to live in Northern Laos, mostly in the Phou Bia area, a resource rich remote jungle. According to the latest national census, the Hmong constitute about 10 percent of the Lao People's Democratic Republic (LPDR),<sup>1</sup> which makes them the third largest minority. Despite this, the government refuses to acknowledge the Hmong as an indigenous group, leaving the community without access to legal protection under international law that would accompany such status.

Having fought alongside American forces during the Vietnam War to prevent Vietnamese influence in Laos, the Hmong people have historically faced significant adversity. After the war ended, with Laos under communist rule, the Lao People's Revolutionary Party (LPRP) classified the Hmong as hostile dissenters to the regime. This labelling has resulted in continued widespread discrimination and ongoing military persecution of the Hmong community.

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 the Hmong from their ancestral lands, oftentimes using intense military force 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.<sup>2</sup>

In these circumstances, the ethnic Hmong indigenous to the Xaisomboun region of the LPDR (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

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<sup>1</sup> Lao Statistics Bureau. *Results of Population and Housing Census*. 2015. Available at: [https://lao.unfpa.org/sites/default/files/pub-pdf/PHC-ENG-FNAL-WEB\\_0.pdf](https://lao.unfpa.org/sites/default/files/pub-pdf/PHC-ENG-FNAL-WEB_0.pdf)

<sup>2</sup> 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.

confiscation, arbitrary arrests, enforced disappearances, suppression of freedom of expression and severe restrictions on their economic, social and cultural rights.<sup>3</sup> The ChaoFa Hmong 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 by Laotian authorities, 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 possibilities of transportation of humanitarian aid from foreign Non-Governmental Organisations (NGOs).<sup>4</sup> Some Hmong 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.<sup>5</sup>

Over the past five years, a number of UN Special Rapporteurs have raised concern with the worsening conditions of the ethnic Hmong people in Laos. In August 2020, ten different UN Special Rapporteurs raised concerns about the specific situation faced by the Hmong in the Xaisomboun.<sup>6</sup> In April 2021, the UN Working Group on Enforced Disappearances, along with seven Special Rapporteurs, sent a second Joint Allegation Letter to the Lao government, expressing alarm at the continued persecution of the Hmong, particularly the ChaoFa Hmong.<sup>7</sup> The letter highlighted indiscriminate military attacks, the denial of food, housing, medical care, and safe drinking water, as well as reprisals against those reporting the violations to the international community. These reprisals included extrajudicial killings, intimidation, and military isolation of the ChaoFa Hmong in the Phou Bia mountains. In September 2021, the UN Secretary General published its report (following the 48th session of the Human Rights Council ) on reprisals against individuals seeking to cooperate with the UN which highlighted the alarming

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<sup>3</sup> UNPO and 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://upr-info.org/sites/default/files/documents/2019-12/2\\_unrepresented\\_nations\\_and\\_peoples\\_organisation\\_stmt.pdf](https://upr-info.org/sites/default/files/documents/2019-12/2_unrepresented_nations_and_peoples_organisation_stmt.pdf)

<sup>4</sup> Blog on the South-East Asia of the Montreal University. *The sad destiny of the Hmong in Laos*. 12 November 2014. Available at: <https://redtac.org/asiedusudest/2014/11/12/le-triste-destin-des-hmong-au-laos/>.

<sup>5</sup> 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.

<sup>6</sup> UA LAO 3/2020.

<sup>7</sup> UA LAO 3/2021

pattern of reprisals perpetrated by Laos against the Hmong community.<sup>8</sup> Moreover, in March 2021, the Asia-Pacific Centre for the Responsibility to Protect in its genocide early warning mechanism upgraded the risk level in Laos, citing specifically the military's targeting and persecution of the Hmong as a primary indicator of potential mass atrocities.<sup>9</sup>

Despite this, Laos has consistently shown a strong unwillingness to engage with UN human rights mechanisms, repeatedly failing to respond to requests for further information from UN Special Rapporteurs and the UN Secretary General.<sup>10</sup> Laos is also persistently denying access to the UN and other humanitarian visits, despite requests made, further obstructing efforts to assess the situation on the ground and provide much-needed assistance to vulnerable communities, particularly the ChaoFa Hmong.

Notwithstanding these efforts, the situation for the people on the ground appears to only be deteriorating further, with escalating human rights abuses, increasing violence, and heightened persecution against the Hmong community, and particularly the ChaoFa Hmong community, who's population have been significantly depleted due to targeted violence and systemic repression

### **3. Human Rights Issues**

#### **a. Military Violence and Isolation of the Xaisomboun Province**

From 1994 Xaisomboun was designated as a Special Administrative Zone, in which the military controlled the area and facilitated the exploitation of timber resources. In December 2013, Xaisomboun was converted from a "Special Administrative Zone" to a province. The installation of military bases and presence of soldiers in the province grew so significantly that it became increasingly difficult for the Hmong to move around the area without encountering soldiers.

From 2016, the government's military campaign against the Hmong intensified significantly.<sup>11</sup> The Lao People's Army (LPA) launched sustained incursions into jungle areas around the Phou Bia region in northern Laos, with reports of the use of helicopters, tanks and heavy artillery. This

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<sup>8</sup>Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General Human rights bodies and mechanisms, Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (HRC 48th session, 29 Sept 2021)

<sup>9</sup> Asia-Pacific Centre for the Responsibility to Protect. *Atrocity crimes, Risk assessment series – Lao People's Democratic Republic*. March 2021.

<sup>10</sup> A notable exception was the country's response to the Working Group on Enforced and Involuntary Disappearances in October 2020 in which they categorically rejected the allegations made by the Working Group, even denying the ethnic group's very existence: "Once again, the Lao PDR would like to firmly reiterate that there is no group called "ChaoFa Hmong Community" or a "rebel group" in the Lao PDR".

<sup>11</sup> UNPO and CWHP. *Report to UN Special Rapporteur on Extreme Poverty and Human Rights*. Available at: <https://old.unpo.org/article/21420> (contains disturbing images)).

weaponry was fired indiscriminately into ChaoFa Hmong territory with full awareness of the presence of women and children.<sup>12</sup>

Over the years, the UNPO and the CWHP have documented numerous incursions leading to casualties among the Hmong minority. For instance, on May 9, 2020, the army targeted a group of Hmong in the La Na district of Xaisomboun Province, fatally shooting a Hmong man. Following the fatal incident, the military reportedly staged a raid, seizing vital things such as a satellite phone, portable solar chargers, and cooking equipment, thereby depriving the group of critical communication and cooking supplies.<sup>13</sup> Later, in August 2020, roughly 100 Lao government forces launched another attack on Hmong civilians in the Phou Bia region. Reports of disappearances, physical abuse, and killings have increased dramatically, as the military specifically targets areas where Hmong communities are hiding or searching for food.

The situation deteriorated dramatically in 2021. On March 14th, officials in Xaisomboun Province issued a legal decree, which was disseminated via an official letter to 26 communities in the surrounding region. This edict severely restricted civilian access to the Phou Bia area, virtually isolating it from the rest of the country. According to the letter, entrance into the region was restricted to military troops, and all roads leading to Phou Bia were closed from March 14 to March 30. This first instance of closure was then extended, indicating not just a temporary measure, but a longer and more intense military presence in the area.<sup>14</sup>

Following the edict, the isolation of the local Hmong populations amplified. While the region has been made purposely inaccessible to outside observers, and effectively sealed off from access with the outside world, some outside actors, most notably the CWHP and Radio Free Asia, have been able to have some extremely limited contact with people in the restricted area. As military actions against the communities living in the area began, reports were leaked of the atrocities being committed, including pictures of a decapitated man being circulated in Hmong social media channels.

Alarming, there is also some evidence to suggest that the LPDR 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.<sup>15</sup> Indeed there is alleged evidence of helicopters spraying chemicals over areas where the Hmong are situated, leading to disastrous impacts on health, while also destroying essential goods and foodstuff that the population need to rely on for its survival (see section d).

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<sup>12</sup> UNPO. *Timeline, Hmong*. Available at: <https://unpo.org/article/19682>

<sup>13</sup> UNPO. *Hmong: New Deadly Attack Launched by Laotian Military*. 12 May 2020 Available at <https://unpo.org/hmong-new-deadly-attack-launched-by-laotian-military/>.

<sup>14</sup> <https://www.facebook.com/groups/khaolao/permalink/1135009066943290/>

<sup>15</sup> Rebecca Sommer, SommerFilms. *Hunted like Animals*. 2007. Available at: <https://www.youtube.com/playlist?list=PL27D812DE4D247A96>.

As a result of this destruction and the increased militarisation, the ChaoFa Hmong have been forced to constantly relocate, making it difficult for them to grow crops and rely on wild food sources (see section d). The use of heavy artillery, including tanks, long-range artillery strikes, and chemical weapons has caused physical injuries and further harm to the ChaoFa Hmong.

These actions committed by the Laotian military violate the Hmong's rights protected under various international human rights mechanisms, including the right to life and the right not to be subjected to torture or to cruel, inhuman or degrading treatment in Articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR); the Chemical Weapons Convention; and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – all of which the LPDR have signed and ratified.

### **b. Extrajudicial Killings**

The loss of life among the Hmong people as a result of their interactions with military personnel has been documented in several cases of extrajudicial killings.

On March 10, 2020, four people from the Phou Bia area — an 80 year old grandfather, his 19 year old granddaughter, and two minors — attempted to flee the military violence described above, hoping to cross the border to Thailand. After arriving at the Mekong River on March 12, they were unable to cross the border and upon returning to a checkpoint in Paksan, Laos, the group were subject to enforced disappearance. On March 28, 2020, the vehicle which was transporting the group at the time of their disappearance was found off a hill with two dead bodies inside, bearing marks of torture.<sup>16</sup>

On March 8, 2021, over a year later, another event involving the extrajudicial killing of a Hmong person took place. While a 63-year-old man was looking for food in the Thao Thong Thao Vieng district, he was shot and murdered by Lao military personnel.<sup>17</sup>

Extrajudicial killings continued to increase against all Hmong throughout 2022. It was reported to the UNPO that on 23 April 2022 a platoon consisting of approximately 20 soldiers, tasked as part of the broader military operation to hunt down ChaoFa Hmong remaining in the Pho Bia, attacked a group of Hmong. During the attack, two ChaoFa Hmong men were shot and killed. One, approximately 44-years-old, was killed at 10:00am. The second, approximately 30-years-old, was shot in the head and killed at 4:00pm. The rest of the group managed to

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<sup>16</sup> UNPO. *Hmong: Minors Missing since 12 March*. 19 May 2020. Available at: <https://unpo.org/hmong-minors-missing-since-12-march/>.

<sup>17</sup> UNPO. *Hmong in Isolation: Atrocities against the indigenous Hmong in Laos*. 23 April 2021. Available at: <https://unpo.org/hmong-in-isolation-atrocities-against-the-hmong-in-laos/>.

escape, though the platoon continued to pursue them until they were able to reach a remote area and hide.<sup>18</sup>

These reported incidents follow a pattern of persecution that we have seen consistently over the past five years, and is a strong indication that attacks of the Hmong are continuing in a more widespread fashion. The growing extrajudicial killing of the Hmong population amounts to a violation of the inherent right to life, as guaranteed in Article 6 of the ICCPR, and which ought to be protected by law.

### **c. Forced Relocation and Living Conditions in Military Controlled Camps and Villages**

Corresponding with increased interest in natural resources in the area, many members of the Hmong community have been subject to land grabs and have been forcibly relocated from their lands and placed in resettlement camps and military-controlled villages. This includes those who were living in isolated settlements in the Phou Bia region who have subsequently “surrendered” to the government following one of the many military incursions that have occurred over the past decades. In addition to these military camps, there is also strong evidence of forced resettlement of ethnic Hmong to government controlled villages.

Those confined to military-controlled camps and village settlements endure profoundly harsh living conditions and are denied access to numerous fundamental necessities, including nutritious food, healthcare, medicine, clothing, electricity, and communication with other villagers and the outside world.<sup>19</sup> Inside the camps, interviews undertaken by the UNPO show that Hmong families are compelled to live in improvised shacks made of bamboo, aluminium roofing, and sun-worn wooden boards. Some have reported that their mattresses were made from plastic bags and cotton sacks, providing very little comfort or protection from the elements.

One woman, aged 29, reported that once transferred to the government controlled villages, they were allocated a ‘cow shed’ to live in, where they were under constant surveillance by the military. Hmong in these villages are closely guarded by government agents, and in many instances live among soldiers, leading to serious psychological stress and deprivation of basic necessities, particularly for women and children (see section e). Hmong women and girls find themselves in a particularly precarious position within military facilities, experiencing heightened vulnerability to sexual abuses (see section e).

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<sup>18</sup> Because of the high risk of reprisals and intimidation, the organizations submitting are unable to disclose any names or photos that might identify any of the survivors.

<sup>19</sup> UNPO. *Hmong in Isolation: Atrocities against the indigenous Hmong in Laos*. 23 April 2021. Available at: <https://unpo.org/hmong-in-isolation-atrocities-against-the-hmong-in-laos/>.



Living under continual military surveillance has a significant psychological cost. Within the camps, Hmong individuals live under constant scrutiny. Testimonies collected show that males are often taken away from their families and made to endure arduous interrogation sessions in the absence of independent witnesses. These interrogations involved threats, questioning about their place of residence, and threats of death if they refused to cooperate.

Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) emphasises the right of everyone to an adequate standard of living which includes adequate food, clothing and housing. Article 12 further includes a recognition of the right to enjoy the highest attainable standard of physical and mental health – all of which are severely limited for those Hmong living in military controlled and surveilled camps.

#### **d. Food Security and Healthcare**

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.<sup>20</sup> These populations are compelled to live in perpetual relocation in order to avoid military attacks and capture, which puts them in the grip of extreme poverty, food insecurity, and rapidly declining health. Their food consists only of what they can gather from the jungle, which includes wild yams, cassava roots, and the husk of the Asian palm tree (Tong-La), which is rather toxic and needs to be cooked thoroughly before it can be consumed.<sup>21</sup> Moreover, when a raid is conducted, the army often seize the few tools the population have, such as solar panel chargers or cooking devices.<sup>22</sup> 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.<sup>23</sup>

As mentioned in section a, there is alleged evidence of helicopters spraying chemicals over the areas the Hmong are situated. Aside from disastrous impacts on health, 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. During September and October 2016, several infants died of violent coughing following military attacks, who were likely making use of rockets loaded with 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, diarrhoea, chest congestion and weakness of legs and arms affected many of the

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<sup>20</sup> UNPO. *Hmong: Extreme Poverty and Humanitarian Crisis in Laos*. January 2019. Available at: <https://unpo.org/hmong-extreme-poverty-and-humanitarian-crisis-in-laos/>.

<sup>21</sup> Amnesty International. *Hiding in the jungle – Hmong under threat*. March 2007. Available at: <https://www.amnesty.org/en/wp-content/uploads/2021/07/asa260032007en.pdf>.

<sup>22</sup> JAL UA LAO 3/2020.

<sup>23</sup> Amnesty International. *Hiding in the jungle – Hmong under threat*. March 2007. Available at: <https://www.amnesty.org/en/wp-content/uploads/2021/07/asa260032007en.pdf>.

Hmong people in the jungle.<sup>24</sup>

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.<sup>25</sup> 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. Similarly, 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.<sup>26</sup> For example, Laos' high rates of child malnutrition and child mortality severely increase in the Northern Highland provinces, where most Hmong communities live.<sup>27</sup> 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.<sup>28</sup> 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 dormitories families are provided with.

Nine UN Special Rapporteurs and the UN Working Group on Enforced Disappearances sent a letter of concern to the Lao government in August 2020 due to the seriousness of the human rights situation affecting the Hmong people in Laos. This letter emphasised the concerning denial of fundamental human rights to the Hmong populations, namely with regard to food, shelter, healthcare, and clean drinking water. Concerning the continued transgressions, the UN experts voiced serious concerns and asked the Lao government to address the situation of these vulnerable populations. The Hmong continue to live in appalling conditions, and there is no indication that the Lao government has taken any action to lessen their suffering or enhance their living situations, despite these international efforts.

The existence of persistent structural barriers prevent the full realisation of human rights by people in poverty, particularly by ethnic minorities. Poverty, food and water insecurity and lack of health care among Hmong communities present a violation of the Hmong's rights to an adequate standard of living, to adequate food and to be free from hunger, as well as their right to health, all of which are protected under ICESCR Articles 11 and 12, which the LPDR has signed and ratified.

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<sup>24</sup> Rebecca Sommer, SommerFilms. *Hunted like Animals*. 2007. Available at: <https://www.youtube.com/playlist?list=PL27D812DE4D247A96>.

<sup>25</sup> UNPO. *Current situation of Hmong people in Laos*. February 2017.

<sup>26</sup> UNPO. *Joint UPR Report Outlines Human Rights Abuses Against Hmong In Lao*. June 2014. <<https://old.unpo.org/article/17235>>.

<sup>27</sup> 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*.

<sup>28</sup> Ibid.

### e. Hmong Women

The intersection of Hmong women's ethnicity and gender places them at a higher risk for experiencing systemic inequalities and abuses.

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.<sup>29</sup> This exposes them to numerous dangers and hazards, particularly risk of injuries or accidents while navigating through challenging terrain, exposure to adverse weather conditions, and the possibility of getting lost or encountering illegal activities.

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.<sup>30</sup> 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.<sup>31</sup> In Kang Vieng, four women have testified as victims of sexual abuses in April 2019 (names omitted).<sup>32</sup> 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.

The Hmong community has long been deprived of adequate access to education. It is reported that 67.2% of Hmongs have never been in school, making them one of the most disadvantaged ethnic groups in Laos in terms of educational opportunities.<sup>33</sup> The majority of Hmong simply do not have the means to send their children to pursue education.<sup>34</sup> This is despite the Constitution of Laos which guarantees the right to education for all citizens (article 38), especially for people in remote areas, ethnic groups, women, children, disadvantaged people (article 22). Access to education is profoundly unequal throughout Laos in general,<sup>35</sup> and even more so for Hmong girls, who are oftentimes tasked with looking after their siblings and working from a young age. Hmong women and girls accordingly face multiple barriers to enrolment, retention, and completion at all levels of education.

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<sup>29</sup> UNPO. *Hmong*. February 2021.

<sup>30</sup> Amnesty International. *Hiding in the jungle – Hmong under threat*. March 2007. Available at: <https://www.amnesty.org/en/wp-content/uploads/2021/07/asa260032007en.pdf>.

<sup>31</sup> Ibid, p.16.

<sup>32</sup> UNPO. *Submission of information to Special Rapporteurs: Concerning serious violations of International Human Rights Law by the Laotian Government against the Hmong community*. June 2020. p.50.

<sup>33</sup> *The Hmong of Laos: Overview of their Transnational Adaptation*. Hmong/Miao in Asia September 1998. Available at: <http://members.ozemail.com.au/~yeulee/Topical/hmong%20of%20laos.html>.

<sup>34</sup> Ibid.

<sup>35</sup> FIDH and Lao Movement for Human Rights. *Briefing paper for the 11th EU-Laos Human Rights Dialogue*. 12 June 2022.

There is a significant disparity in health and living standards between regions populated by minorities and majorities.<sup>36</sup> Hmong women and girls, especially those living in rural areas, have disconcertingly limited access to adequate health-care services. The local rural areas inhabited by the Hmong witness the highest rates of maternal mortality because of the lack of reproductive healthcare facilities.<sup>37</sup>

The LDPR has signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women, which promotes the equal rights of women and girls. Additionally, Article 3 of the ICCPR and ICESCR respectively highlight the equal treatment of men and women in the enjoyment of their civil and political rights and economic, social and cultural rights. The circumstances that Hmong women face, with limited access to healthcare facilities or education, violates this right to be treated equally and not discriminated against.

What is more, the barriers that the Hmong (particularly Hmong women and girls) experience in accessing education at all levels directly violates the right to education protected by Article 13 of the ICESCR. Similarly subjecting women to slavery-like treatment specifically violates Article 8 of the ICCPR that prohibits slavery and forced or compulsory labour.

#### **f. Repression of Human Rights Defenders**

The targeting of activists in Laos and the region has seen a disturbing escalation in recent years. Human rights defenders and political activists who speak out against injustice and advocate for marginalised communities are facing increased threats, harassment, violence, and targeted attacks. This repression is reported both within Laos and abroad, as the government intensifies its efforts to suppress dissent and silence opposition voices.

In April 2023 it was reported in the press that a 25 year old democracy activist was shot twice, including once in the face.<sup>38</sup> Fortunately the young activist survived, however investigations on the attack have found no updates. In May 2023, another activist disappeared into police custody after returning to Laos from Thailand, where he had been living and working for 16 years. At the time of his arrest, it was reported in the press that police had not informed the victim's family of the charges against him or allowed them to visit.<sup>39</sup> Similarly, in May 2023 it was reported that another Lao political activist was shot three times in neighbouring country Thailand.<sup>40</sup> Authorities have also yet to establish who killed the activist and why. While it is not confirmed

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<sup>36</sup> UNPO. Joint UPR Report Outlines Human Rights Abuses Against Hmong In Lao. June 2014. Available at: <https://unpo.org/joint-upr-report-outlines-human-rights-abuses-against-hmong-in-lao/>.

<sup>37</sup> Ibid.

<sup>38</sup> Beatrice Siviero. *Ongoing attacks on activists bring Laos into the spotlight*. 21 June 2023. Available at: <https://southeastasiaglobe.com/attacks-on-activists-bring-laos-into-spotlight/>.

<sup>39</sup> AFP. *Vanished, shot, murdered: Laos activists spooked by spate of incidents*. 8 June 2023. Available at: <https://www.bangkokpost.com/world/2587759/vanished-shot-murdered-laos-activists-spooked-by-spate-of-incidents>.

<sup>40</sup> Beatrice Siviero. *Ongoing attacks on activists bring Laos into the spotlight*. 21 June 2023.

who the perpetrators are, human rights groups believe the Lao government is escalating its crackdown to silence dissidents, a continuation of its decades long campaign of persecution of political criticism.<sup>41</sup>

These occurrences were cited in the US State Department's 2023 Country Reports on Human Rights Practices for Laos, reaffirming ongoing concerns that the Laotian government and its agents were responsible for arbitrary and politically motivated killings, including extrajudicial killings of human rights defenders. A repression of political activists and human rights defenders poses a violation of the right to freedom of expression and the right to hold opinions without interference in Article 19 of the ICCPR. Additionally these targeted arbitrary arrests and extrajudicial killings contravene those rights highlighted in section b.

#### **4. Recommendations**

In light of the above observations, the CWHB and UNPO urgently call on the Lao People's Democratic Republic to:

1. Put an immediate end to the military violence against the Hmong ChaoFa communities who have been forced into hiding in the jungle of Northern Laos, and in particular cease using heavy artillery and chemical weapons; provide and allow humanitarian aid to be delivered in the region;
2. Eliminate, in law as well as in practice, all forms of discrimination, persecution and other human rights violations against persons belonging to ethnic, religious or other minority groups;
3. Take measures to put an end to the arbitrary arrests, enforced disappearances, torture and ill-treatment of political opponents, human rights defenders and other civil society representatives, respecting their rights to freedom of expression, assembly and association;
4. Act upon the commitment to ratify the International Convention for the Protection of All Persons from Enforced Disappearance; furthermore, accede to the Rome Statute of the International Criminal Court to end the impunity for the ongoing crimes against humanity in the Phou Bia region;
5. Recognise the indigenous status of the Hmong ChaoFa in Laos, subsequently developing the necessary legal frameworks to protect indigenous peoples in Laos; the UN

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<sup>41</sup> Beatrice Siviero. *Ongoing attacks on activists bring Laos into the spotlight*. 21 June 2023; AFP. *Vanished, shot, murdered: Laos activists spooked by spate of incidents*. 8 June 2023; Tommy Walker. *Why are Laos activists being targeted abroad?* 6 June 2023. Available at: <https://www.dw.com/en/why-are-laos-activists-being-targeted-abroad/a-65840868>.

Declaration on the Rights of Indigenous Peoples should serve as a guiding framework for this;

6. Develop a legal framework to protect ethnic minorities from land grabbing practices and forced relocations as a consequence of economic activities that deprive them from their own means of subsistence; provide already relocated communities with fair compensation for their losses;
7. Re-evaluate policies with regards to natural resource-related and other large industries, as well as hydroelectric dams; conduct assessments into their environmental, socio-economic and human rights impact, taking into specific consideration the dependency of ethnic minorities to land and other natural resources;
8. Address the significant disparities in health and living standards between ethnic minority and majority groups; this includes providing the necessary assistance to remote geographical areas with high rates of child and maternal mortality, as well as expanding the education system to include education in minority languages;
9. Conduct independent and transparent investigations into persons who have been victims of enforced disappearances;
10. Ensure the inclusion of women in decision-making processes as well as legislative and governmental roles through affirmative action policies; address the existing structural barriers that prevent women from minority groups from accessing such policies; and
11. Halt the widespread abuses of the Laotian military such as rape, sexual enslavement and human trafficking of ChaoFa Hmong women in the Phou Bia region; take effectively legal action by prosecuting the individuals who have committed these crimes.