



Submission to the UN Special Rapporteur in the field of cultural rights
Special Rapporteur's country visit to Lao People's Democratic Republic
The culture of the Hmong Peoples in Laos



Submitting Organizations:

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

1. The Unrepresented Nations and Peoples Organisation (UNPO), on behalf of its member, the Congress of World Hmong People request that Ms Xanthaki attend to the erosion of the cultural rights of the indigenous Hmong peoples of Lao PDR.
2. The Hmong face systemic discrimination and human rights abuses in every sphere of life. Inherent to this is the denial, and active erosion, of Hmong culture. This report will highlight how Hmong eviction from their land, which they possess a symbiosis with, is detrimental to their cultural heritage, rights and the spaces in which they can practice their culture. Moreover, the lack of teaching in Hmong leads to the further exclusion of Hmong children, and accordingly the community, from Lao society. Finally, the restrictions on freedom of religion further highlights a lack of the right to access and enjoy cultural heritage and restrictions on public spaces for the exercise of cultural rights.
3. The Xiasomboun region represents the most concentrated targeting of Hmong culture and peoples, so much so that the situation is not exemplified through the erosion of specific cultural practices, but the Lao Government's attempt to forcefully and fatally eradicate the Hmong population in the region. Women and children are especially vulnerable. This extreme case also highlights a lack of desire to preserve Hmong culture within governance frameworks.
4. The UNPO has grassroots connections with, and therefore first-hand accounts from, Hmong people that live in, or have recently fled from, Lao PDR. **Accordingly, the UNPO kindly requests that the Special Rapporteur meets online with our connections within Laos prior to her visit. The UNPO would be delighted to provide translators for this meeting. The meeting must take place prior, and online, due to the serious reprisals faced by the Hmong community when specific individuals are found to have engaged with UN mechanisms.** This was highlighted in the 2021 UN Secretary General report on reprisals, which recognised the alarming pattern of reprisals perpetrated by Laos against the Hmong community.¹

2. Overview of the Hmong

5. 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').² Their religious beliefs vary between Christianity and Animism, while the predominant religion in Laos is Buddhism, which holds significant cultural influence.³ The Hmong community has faced relentless persecution and systematic human rights abuses and discrimination, making them the most targeted and oppressed ethnic

¹Annual 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)

² "Hmong" (UNPO February 2021) <<https://unpo.org/members/7891>>, accessed 22 February 2023.

³ "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.



group in Laos.⁴ A significant reason for the historical oppression of the Hmong is traced to their involvement in the Indochina and Vietnam wars, where the Hmong aligned themselves with the French and Americans, due to concerns about the threat of communism to their land and independence.⁵

6. In more recent years, the Hmong community has faced intensified targeting and repression due to economic development projects, fuelled by foreign investment. The government's aim to remove Hmong from their ancestral lands, oftentimes using intense military force, in order to facilitate economic development has exacerbated human rights violations. 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.⁶
7. Due to Lao PDR's historic and economic motivations, the Hmong community remains subjected to persistent cultural suppression, environmental exploitation, and grave violations of their fundamental rights, including being targets of military violence.
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 exemplifies the Laotian governments continued refusal to cooperate with the different UN mechanisms.

3. Xiasomboun region

9. Of particular concern is the ethnic Hmong in the Xaisomboun region (the so-called, "ChaoFa Hmong"), who have been subjected to a significant amount of discrimination and human rights violations by Lao PDR Government forces. This includes uncompensated land confiscation, arbitrary arrests, enforced disappearances, suppression of freedom of expression and severe restrictions on their economic, social and cultural rights.⁷ The Chaofa Hmong, indigenous to the Xaisomboun region are currently divided between (1) those who continue to live a traditional life in the mountainous forests; and (2) those who live in rural towns in the region, many of whom have been forcibly resettled by the government, resulting from 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.

⁴ *Ibid.*

⁵ "The History of the Hmong people from Laos" (Hmong Association of Washington) <<https://www.hmongofwa.org/our-history.html>>, accessed 22 February 2023.

⁶ 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.

⁷ 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>.



10. Regarding Xiasomboun's Phou Bia forest region, the UNPO possesses evidence of the Lao governments' multi-decade military campaign against Hmong civilians, using heavy artillery, in an attempt to remove Hmong from the area in favor of economic development projects. There are growing concerns that the military is preparing for a final effort to eradicate Hmong in the area.⁸ Many Hmong peoples from this region have been forcibly relocated to State military-controlled villages and camps. In both cases the population are subjected to extreme human rights abuses, such as extrajudicial killings, deprivation of essential services and sustenance, uninhabitable living conditions, and sexual abuse by law enforcement personnel.
11. Accordingly, both the population and their culture is not only being denied, but actively eradicated.
12. **The government has denied international observers, including UN Representatives, and aid access to the region for decades. The UNPO strongly recommends that the Special Rapporteur requests to visit the region due to the severe nature of the human rights abuses committed.**
13. Despite the Lao People's Democratic Republic being legally obligated under the International Covenant on Economic, Social and Cultural Rights 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 JALs (JAL LAO 3/2020 and JAL LAO 3/2021) remain without response from the government.

4. Article 15: Right to participate in cultural life

14. In its General Comment No. 21⁹, the CESCR recalls that the right to take part in cultural life requires from the State party both abstention and positive action. States Parties must recognize, respect and protect minority cultures as essential components of the identity of the States themselves.¹⁰
15. The Hmong community face numerous violations of their cultural and religious rights.

4.1 Land ownership

16. According to the Committee on Economic, Social and Cultural Rights (CESCR), lands play an essential role in the self-determination of people (Article 1: Right to self-determination)¹¹.

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.21 E/C.12/GC/21 (2009), §6.

¹⁰ *Ibid.*, §32.

¹¹ Committee on Economic, Social and Cultural Rights, General Comment No. 26, E/C.12/GC/26 (2021), §1.



17. Moreover, the possibility for peoples, in particular for indigenous peoples,¹² to own land is described as an essential condition for the proper realization of other human rights of the ICESCR.¹³ 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”.
18. The Hmong are an indigenous peoples. Therefore the culture of the Hmong is inextricably tied to the land they have inhabited for generations. Due to the symbiotic indigenous relationship with land, an eviction from their land or inability to possess land, the environmental degradation of their land, and the pressure to ‘modernize’ their way of life is a direct erosion of culture.^{14, 15}
19. The Hmong community have migratory habits, primarily attached to agricultural cycles.¹⁶ However, during the 1990s, land reforms in Laos aimed to restrict the practice of shifting cultivation, deeply rooted in Hmong culture.¹⁷
20. More recently, the Lao Government’s development projects have resulted in the further restriction of land ownership and forced relocation. Many Hmong have been left without land because of the government’s restrictive policy towards the community regarding allocation of agricultural land. The Lao Government is pursuing a "turn land into capital" strategy, focusing on leasing land and exploiting natural resources to expedite national development.¹⁸ It is codified that Lao citizens are entitled to possess and utilize land, including the ability to transfer land through inheritance, offering, leasing, selling, or acquiring the rights of possession and use.¹⁹ However, in practice requests for authorization to rent cultivable land are frequently denied when made by Hmong community members. The government or State agencies often justify these restrictions by classifying land as unsuitable for agriculture, or citing environmental concerns.
21. Lao PDR development projects that expel the rural Hmong population from their ancestral lands is exemplified by a planned multi-million dollar tourist facility with an estimated worth of US \$500 million.²⁰ For this project, Hmong communities have been forcibly relocated.²¹

¹² 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".

¹³ Committee on Economic, Social and Cultural Rights, General Comment No. 26, *Op. cit.*, §11 and §16.

¹⁴ 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.

¹⁵ “Hmong” (UNPO July 2017), *Op. cit.*

¹⁶ Ireson, W.R. “Hmong demographic changes in Laos: causes and ecological consequences.” (1995), Vol. 10, pp. 198-232

¹⁷ 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”.

¹⁸ 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.

¹⁹ 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.

²⁰ <https://unpo.org/downloads/2726.pdf>

²¹ “Lao People’s Democratic Republic: Hiding in the jungle – Hmong under threat”, Amnesty International, March 2007.



22. The attraction and development of large-scale industrial and extractive industries has also had detrimental consequences for the environment and its indigenous peoples. In 2018, the collapse of a hydroelectric dam saw the Attapeu region flooded, displacing more than 7,000. Despite this, hundreds more dams are planned to be built in the Mekong river.²²
23. As a result of environmental degradation, the restriction of land use rights and destruction of people's livelihood, the Hmong's symbiotic relationship with the land is broken, making it impossible for the indigenous inhabitants to engage in their traditional cultural practices and fully enjoy their right to a cultural life.²³
24. Furthermore, the LPDR refuses to acknowledge Hmong communities as indigenous peoples. Instead, it continues to argue that there are no indigenous – or even minority – groups in the LPDR.
25. Indigenous status acknowledges and validates the unique cultural identity and practices of a community. Without this recognition, the Hmong are prevented from obtaining the legal protection they are entitled to under international law²⁴, leaving them vulnerable to the erosion of their cultural heritage, cultural rights and the spaces in which they can practice their culture.

4.2 Freedom of religion

26. The CESCR issues that the right to take part in cultural life encompasses the right to free exercise of religion.²⁵
27. The Lao constitution states that its citizens have 'the right and freedom to believe or not to believe in religions'.²⁶ However, the constitution allows for various decrees that permit the LPDR to regulate and observe religious activities in Laos. Accordingly, religious organizations are required to follow a complex approval process for nearly all religious activities. As such, the Laotian government has been able to restrict religious practices it deems 'harmful to the country and its people'.
28. Religious activities are severely limited for all minority groups in Laos, and they face various intimidation tactics aimed that aim to discourage them from practicing their religion²⁷ and force them to renounce their faith. Threats and intimidations include those of eviction, denial of the construction of religious buildings and the cutting of running water.
29. Accordingly, 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.²⁸

²² Katy Scott, 'Is Laos Facing a Dam Disaster?', CNN (14 December 2018). Available at: <https://edition.cnn.com/2018/12/14/asia/laos-hydropower-dams/index.html>.

²³ *Ibid.*

²⁴ "Current situation of Hmong people in Laos" (UNPO February 2017), *Op. cit.*

²⁵ Committee on Economic, Social and Cultural Rights, General Comment No.21, *Op. cit.*, §13.

²⁶ Lao People's Democratic Republic (LPDR), Constitution of 1991 with Amendments through 2003. Available at: https://www.constituteproject.org/constitution/Laos_2003.pdf?lang=en.

²⁷ "Hmong" (UNPO July 2017), *Op. cit.*

²⁸ Hmong: Laos Religious Minorities Excluded From Society (UNPO December 2009), <<https://unpo.org/article/10425>>, accessed 2 March 2023.



5. Articles 13 and 14: the Right to Education

30. Regarding Articles 13 and 14, the Right to education, in its General Comment No. 13, the CESCR specifies that the right to education must be: available, accessible, acceptable, and adaptable to the needs of changing societies and communities.²⁹
31. The Hmong community are denied access to education in their own language, prohibited from speaking their language and from wearing traditional attire.³⁰
32. Lao is the only official language of instruction in schools; the lack of recognition of the Hmong as a minority deprives them of access to education taught in their language. Further, many do not speak Lao³¹, putting children from ethnic minorities at an early disadvantage.
33. Additionally, access to education is profoundly unequal³²; services are not extended to remote regions.³³
34. The lack of inclusion of minorities' languages and high levels of illiteracy, poverty, and unemployment (particularly among women) results in Hmong individuals in rural villages, and their culture, not being integrated in the political, legal, economic, educational and health systems.^{34, 35}

²⁹ Committee on Economic, Social and Cultural Rights, General Comment No.13, E/C.12/1999/10 (1999), §6.

³⁰ 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.

³¹ "UNPO Releases Briefing Note on Intensified Laotian Military Crackdown on Hmong Indigenous Community" (UNPO Feb 2027) <https://unpo.org/article/19836>.

³² "Briefing paper for the 11th EU-Laos Human Rights Dialogue" (FIDH and its member organization Lao Movement for Human Rights 12 June 2022).

³³ "Persecution & Marginalization of Hmong Women in Laos", *Op.cit.*

³⁴ "Hmong: Extreme Poverty and Humanitarian Crisis in Laos", *Op.cit.*

³⁵ "Hmong: Extreme Poverty and Humanitarian Crisis in Laos" (UNPO 24 January 2019) <<https://unpo.org/article/21420>>, accessed 26 February 2023.