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Lao PDR

The Lao People's Democratic Republic (Lao PDR) is an ethnically diverse country with about 6.5 million inhabitants. Only around half of this population is ethnically Lao – typically living in the lowlands of the country. The others are mostly members of the upland indigenous peoples. The Hmong, the Khmu and the Phou Thaï are the largest and most prominent of these highland minority groups. However, the concept of “indigenous peoples” is not recognized by the Lao government as all ethnic groups officially have equal status. Only in November 2008, after year-long controversies, the government recognized 49 ethnic groups. According to The International Work Group for Indigenous Affairs (IWGIA), researchers estimate that there are over 200 distinct ethnic groups in the Southeast Asian state.

Discrimination of ethnic minorities in Laos

Ever since the end of the Vietnam War in 1975, the Lao PDR has been led by the communist Lao Revolutionary Popular Party (LRPP).

With regard to the country's ethnic diversity, Article 8 of the Constitution of the Lao PDR guarantees that “*the state pursues the policy of promoting unity and equality among all ethnic groups*”. Furthermore it states that “*All ethnic groups have the rights to protect, preserve, and promote the fine customs and cultures of their own tribes and of the nation*”, and that “*All acts of creating division and discrimination among ethnic groups are prohibited*”.

However, as the “Alternative Report of the Lao Movement for Human Rights (LMDH)” on the “Situation of the ethnic and religious minorities in the Lao People's Democratic Republic” pointed out in 2005, this article stands in direct contradiction to Article 3 of the Constitution: “*The rights of the multi-ethnic people to be the masters of the country are exercised and ensured through the functioning of the political system with the Lao People's Revolutionary Party as its leading nucleus*”, which basically (re-)enforces the monopoly of the LRPP and is, thus, incompatible with the democratic standards that the Lao PDR has recognized by signing various international conventions.

As a result, ethnic minorities most often lack the chance to influence or to participate in governmental decisions, even if these affect the minorities' traditional lands and the allocation of natural resources. For example, huge projects like the controversial Nam Theun II Hydropower Dam require massive amounts of land and therefore a relocation of the people living there.

Forced relocation threatens livelihood and culture of ethnic minorities

In their September 2008 report “*Power Surge: The Impacts of Rapid Dam Development in Laos*” the international organization *International Rivers* stated:

“A recent European Union/World Bank Poverty and Social Impact Assessment (PSIA) survey found that displacement of upland populations to the lowlands has resulted in loss of land, forest resources, and livestock (through diseases) and higher mortality rates for resettled villagers. It has increased the vulnerability of people who were already at risk, rather than

being a catalyst for their economic and social development. Over the past decade, tens of thousands of vulnerable ethnic minority people have died or suffered due to impacts associated with resettlement, with many more expected to be impoverished long into the future.” (p. 18)

One of Laos' biggest partners in the hydropower sector is its neighbour Thailand. The kingdom's 2007 Power Development Plan includes 4,000 MW of power imports from Laos between 2008 and 2015. Many hydropower cross-border projects are in the planning phase and backed by the Thai government, financial institutions as well as energy and construction companies.

Military atrocities against the Hmong minority – women and children are suffering especially

As the Vietnam War spread into the neighbouring Laos in 1971, the Hmong became an integral part of a secret CIA-trained militia that helped to dismantle Pathet Lao supply lines. Fearing the worst when the LRPP took over power in Laos in 1975, a third of the Hmong population left the country. Some Hmong continued their armed struggle against the Pathet Lao Movement in remote rainforest areas.

Today, more than 30 years later, a few thousand Hmong still live in-hiding in the Laotian jungle under disastrous circumstances. They face frequent military attacks and never remain in one place for longer than three weeks. Most of them are women and children. They constantly live in desperate need for food and medical care. Journalists, who spent time with Hmong in the rainforest, reported that many Hmong have scars from bullet wounds or other deformities caused by enemy fire. They themselves are almost completely unarmed, using a few weapons and scarce ammunition only for the emergency defence of their families. They neither have the resources to seriously defend themselves, nor the will or power to attack the soldiers. These Hmong, who are constantly on the run, are persecuted because of their grandparents' decision to support the US army. In the last few years, the military attacks have become more frequent and radical in their attempts to eliminate the Hmong from the Lao jungles.

The military crackdown has had its effect: From tens of thousands of Hmong in-hiding a few years ago, only a few thousand are left in the jungles – the others fled to Thailand, were captivated, or killed.

In their fear of death, torture, rape or capture through the Lao and Vietnamese soldiers, who are hunting down the Hmong in Laos, thousands have tried to escape these life threatening dangers by fleeing to Thailand. Currently, there are about 5,000 Hmong refugees in the make-shift camp at Huay Nam Khao in Petchabun Province, Thailand. Many more are believed to be hiding in other places in Thailand.

The most recent developments have been more than worrying. The Thai government signed contracts with the Lao government to repatriate all Lao Hmong refugees to Laos. As Thailand considers them to be “economic migrants” it claims not to violate international law and provides Laos with detailed personal data on the refugees in order to speed up the process of repatriation and to limit the time for international organizations or governments to interfere.

After a series of forced repatriations to Laos in the last few years which were strongly criticized both by international human rights organizations and the United Nations, Thailand started to put more effort into “convincing” the refugees to go back to their home country “voluntarily” by granting them certain amounts of money and promising them that they would be located in villages for the returnees. But access to such villages for foreigners to check on the conditions there has generally been denied. Thailand announced to close down the refugee camp in Huay Nam Khao by the end of 2009 and to send back all about 5.000 Lao Hmong refugees that are left.

No justice for prisoners – Human rights organizations have limited access to the country

Although some international human rights organizations like Amnesty International and diplomats already managed to enter the country, the Lao PDR still limits the access of such organizations strongly.

However, these organizations have not been allowed to visit detained Hmong. A repatriated Hmong group some foreign TV journalists were led to in 2008 seemed to be a show-case. According to the journalists here was no chance for free or unguarded interviews of the returnees.

In Laos, the situation of Hmong prisoners is a key issue as many of them are detained without clear legal basis after their capture in the jungle or repatriation from Thailand.

A report by Amnesty International on the “*Lao People’s Democratic Republic: The laws are promulgated but have no impact on the people: Torture, ill-treatment and hidden suffering in detention*” from 2002 revealed the situation of many prisoners in Laos in general: In no case known to the organization were the prisoners informed about their legal rights or offered access to lawyers or consul officials. In some cases severe torture and ill-treatment as well as a lack of medical care were reported. Many of those in detention did not know why they were arrested and many did not receive a fair trial (if at all). The Lao government restricts the rights to freedom of expression, association and assembly. No opposition to party running the government LRPP is allowed and the state controls the national media, the trade unions and religious organizations.

One example of the treatment of Hmong prisoners is that of 26 Hmong children – aged between 11 and 17 years – who were deported back to Laos from Thailand without their parents in December 2005. Thereafter their location was officially unknown. In March 2007, however, the 21 girls of the group were released in front of numerous members of the national media. Some of them later managed to escape to Thailand, again. Their reports about what had happened to them during their imprisonment are shocking: They were regularly beaten, pulled on their hair, forced to eat rotten food or feces, raped and left without proper medical care. Before they were released they were threatened – they were supposed to tell the public how well they had been treated and that they had gotten regular food. This treatment of minors, the separation of their parents are strictly forbidden by the United Nations Convention on the Rights of the Child, which Laos has ratified and is therefore bound to it.

Several Hmong leaders are believed to be imprisoned in Laos, but there has hardly been any information on what prisons they are located in, nor has any access been granted to outsiders so far to check on their well-being.

No religious freedom for ethnic minorities

In Laos, about 58 per cent of the population are Theravada Buddhists, 2 per cent Christian, 1 per cent Muslims, Taoists, and Confucians, and about 34 per cent are followers of indigenous believes. Buddhism is encouraged (and controlled) through the state.

According to Article 30 of the Lao Constitution, “*Lao citizens have the right and freedom to believe or not believe in religions*“. In practice, however, the Home Office closely monitors religious activities and affairs through the Lao Front for National Construction (LFNC). Decree 92 of July 2002 regulates the control of the Unique Party over religious organisations, from the construction of buildings to the printing of religious books. The government’s tolerance of religion varies from region to region. Especially Evangelical Protestants associated with the Lao Evangelical Church have faced restrictions and harassment. Although the degree of religious freedom has increased over the past few years, especially indigenous Protestants who belong to churches that are recognized by the authorities were harassed, threatened, arrested, forced to relocate or to renounce their faith. Those who were released after signing a document by which they renounced to their traditional faith are under close surveillance of the authorities.

In 2006, there were repeated reports about Lao Christians that got arrested for sharing and spreading their belief among their families, neighbours and fellow-villagers. It is estimated by the human rights group Open Doors that there are more than 35.000 Evangelical Christians in Laos, most of them belonging to the minority groups of the Khmu, the Hmong and other indigenous peoples.