

35th Cycle Universal Periodic Review of Lao People's Democratic Republic (Laos)

Statement of Unrepresented Nations and Peoples Organization

Introduction

1. The Unrepresented Nations and Peoples Organization (UNPO) is an international membership-based organization established to empower the voices of unrepresented and marginalized peoples worldwide and to protect their fundamental human rights.
2. The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realize their rights to civil and political participation and to control their economic, social and cultural development. In many cases, they are subject to the worst forms of violence and repression.
3. We have worked on the situation of the Hmong in Laos for many years. For us, the Hmong, present a textbook case of what happens when peoples are not recognized by or adequately represented in their national constitutional order.

Background

4. The Hmong people are an indigenous people in South East Asia, who constitute about 10 percent of the Laotian society, or the third largest minority in what is one of the world's most ethnically diverse societies. They have a distinct ethnicity, language, culture and religion.
5. There has been a long history of discrimination and persecution of the Hmong population in Laos, not least since the Vietnam war during which the Hmong were recruited by the U.S.A in an attempt to counter the Vietnamese military activity in and around Northern Laos.
6. Many have fled this persecution, in particular to neighboring countries. Unfortunately, however, we have witnessed regular forced repatriations of Hmong refugees from Vietnam and Thailand.

Last UPR Cycle

7. During the last UPR Cycle, the government of Laos supported a number of recommendations of significant relevance to the Hmong. With the exception of the limited access granted to the UN Special Procedures, namely the recent visit of the UN Special Rapporteur on Extreme Poverty, most of the recommendations supported by Laos have effectively been ignored. These include:
 - Recommendations specific to the Hmong, such as to “ensure that the Hmong are integrated into society on an equal footing with other citizens” (Denmark); allow “Lao Hmong refugees who have received third-country invitations to migrate to these countries if they wish to do so, and provide the means for them to do so” (Netherlands); and “allow the international community meaningful and confidential access to Lao Hmong returnees from Thailand.” (New Zealand)
 - Recommendations related to indigenous communities and ethnic and religious minorities generally, such as to “consider the greater participation and incorporation of indigenous peoples

in governmental decisions” (Denmark); “ensure that all ethnic groups are treated equally and have equal access to social services, including health and education” (Ghana); “Ensure protection of the rights of persons belonging to religious and other minorities and effectively investigate all alleged abuses and violations” (Ireland); and to “Fully respect the right to freedom of religion, promotion of tolerance and inter-religious dialogue” (Slovenia).

- Recommendations of general applicability but specific relevance to the Hmong, such as to enforce the land concessions moratorium and enforce the law against those in violation of it (Sweden); “respect all its obligations regarding forcibly displaced persons” (Switzerland); ratify the International Convention for the Protection of All Persons from Enforced Disappearance and properly investigate cases of torture and enforced disappearances, including the specific case of Sombath Samphone (many).

Lack of Progress and Regressions

8. In our UPR report for this session the UNPO, alongside the Congress of World Hmong People, an civil society group representing the interests of Hmong people worldwide, we show how each of these supported recommendations, and the recommendations of the Human Rights Committee (which we chart in an Appendix), have been effectively ignored.
9. No steps have been taken to recognize and protect minority or indigenous communities in Laos. As the Special Rapporteur on Extreme Poverty stated in his June 2019 visit report “The Government . . . does not even acknowledge the existence of ethnic minority groups and asked the Special Rapporteur to instead use the term “ethnic groups”, but terminological sidestepping will not solve the very real disparities faced by minority groups.”
10. Persecution of the Hmong has increased since the last cycle. As we document in our report, there are currently some 2000-4000 Hmong living in isolated parts of the Phou Bia region, in areas that the government is attempting to forcefully clear to grant land concessions to large-scale international development projects. Members of these communities have been attacked and killed by the military, they have been disappeared, unlawfully arrested, raped and tortured. Allegations of gross violations of international law are surfacing. And yet the international community continues to be denied access to the region, or the Hmong refugees or displaced persons.
11. Beyond this, no action has been taken to meet with commitments to ratify international conventions or to effectively investigate torture and enforced disappearances. The consistent failure to properly investigate the disappearance of Sombath Samphone is just one of many documented instances in this regard.

Recommendations

12. In our report we make a number of recommendations that we would ask states to make. Critically we suggest the following three core recommendations:

Enshrine in law the recognition and protection of indigenous people and ethnic and religious minorities in Laos.

Grant the international community confidential access to Hmong people in Laos, including returned refugees and those living in the Phou Bia region.

Cease all military activities and land clearances of the Hmong people in the Phou Bia region, allowing humanitarian and development aid to be delivered.