

*Implementation of the International
Convention on the Elimination of all forms of
Racial Discrimination (ICERD)*

*Situation of the ethnic
and religious minorities
In the Lao People's Democratic Republic*

*Alternative Report of the Lao Movement for Human
Rights
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I- INTRODUCTION AND GENERAL DATA

1- General data

- Name : Lao People's Democratic Republic
- Surface area: 236 800 km². Embedded between Cambodia, China, Myanmar, Thailand and Vietnam, the LPDR is the only country of the region without access to the sea.
- Administratively, apart from Vientiane, the capital city which enjoys the status of a prefecture, the LPDR is divided into 16 provinces, 141 districts and 11640 villages (LPDR data).
- Population: 6 200 894 inhabitants (Source: World Bank 2010 - WB)
- Life expectancy: 67 years (WB 2009)
- Child mortality rate: 54/1000 (WB 2010)
- Illiteracy rate: 27% for persons over 15 years old (around 45% for women -WB)
- Index of World Development (IWD) : 138th out of 187 countries (source: UNDP report 2011), which makes Laos one of the poorest States in Asia-Pacific. The IWD is the ratio representing three elements of human development: longevity (life expectancy from birth), knowledge (literacy of adults and average level of education) and income.
- Annual GDP per capita: 2 543 \$ US - 134th/180 countries (WB 2010)
2 659 \$ US - 137th/181 countries (IMF 2011)

2 -General situation

International human rights obligations:

- ICERD: ratified in 1974
- CEDAW: ratified in 1981
- CRC: ratified in 1991
- ICESCR: ratified in 2007
- ICCPR: ratified in 2009
- CAT: signed in 2010, not ratified
- CED: signed in 2008, not ratified

Laos retains the death penalty. 85 persons were on death-row at the end of 2008. No public official execution known since 1989.

It should be noted that the LPDR has ratified some international conventions on human rights these past years. The LPDR has become familiarized with the process of international institutions and grasped their expectations. The LPDR has learned to engage with these institutions, to ratify international conventions on human rights, to organize seminars on human rights with the assistance of donor countries, to submit reports to the UN Human Rights Council with the assistance of the United Nations Development Programme (UNDP), while failing to implement these conventions in the country.

In the report "**Laos: situation analysis and trend assessment**" presented in May 2004 by the anthropologist Grant EVANS upon demand of the United Nations High Commissioner for Refugees (UNHCR), this specialist of Laos underlined that "the major motivation for countries like Laos to sign ***international treaties and conventions on human rights stems from the linkings of human rights to foreign aid***".

"While the provisions of the Constitution and the signing of the above treaties appear to provide all necessary key provisions for the protection of human rights, these are all vitiated by the 'leading role' reserved for the Party in power, as the Party can override the judiciary if necessary and indeed any

other government institution", according to the EVANS report.

Seven years after the EVANS report, another specialist of Laos, professor Martin STUART-FOX, in **"Countries at the Crossroads 2011- Laos"**, writes about the dominance of the sole political party, the Lao People's Revolutionary Party (LPRP), in these terms : **"The LPRP has not relaxed its grip on power. Taking China and Vietnam as its models, the party has presided over the change from a centrally planned to a free-market economy while refusing to contemplate even the most minimal democratic reforms. It determines who may stand for election to the National Assembly (NA), controls the government, and directs all mass organizations. The bureaucracy is a highly politicized arm of the party, as is the media. As a result, what passes for civil society is severely stunted. Corruption has become endemic, and rule of law is honored more in the breach than in the observance. The degree of control exercised by the LPRP is not readily evident to visitors to Laos"**.

In 2010, at the Universal Periodic Review, the LPDR rejected the recommendation to create an independent national human rights institution.

The Lao Movement for Human Rights reiterates its most serious concern about the plight of political prisoners, about different forms of discriminations encountered by the ethnic and the religious minorities and about the complete absence of freedom of expression in the country.

Laos is today at a crossroad and the future of the country and its people totally depends on the capacity, the will and the political courage of its leaders to engage in genuine and urgent reforms needed to bring the country out of totalitarianism, poverty and corruption (in 2010, Transparency International ranked the LPDR as 154th/178 countries). However, with a rigid and opaque political system, a single omnipresent political party, widespread corruption, a stifled civil society, an assisted economy, foreign investments which exacerbate land-grabbing, income disparity, unequal access to health and education, a dysfunctional judiciary system, could these reforms be truly considered and concretized?

II- ARTICLE 2 OF THE CONVENTION

The LDPR defines itself as a multiethnic state respecting the equality of its different ethnic groups, citizen of the country. Upon this topic, Grant EVANS wrote in his UNHCR reports that **"LPDR rhetoric is certainly in line with this politics of ethnicité", but Lao reality is another thing"**.

What is more, the Hmong (Lao Soung), another "Lao Theung" ethnic group, the Khmu, feel victims of discrimination, as shown in the testimony of an influential Khmu quoted by Grant EVANS in his report. **"During the Revolution, it was all about how the Party supported the people, now it is the people who must support the Party. Look around Vientiane, the Lao people are rich, but go to the country side, the Khmu there are poor. They can't get into the université, unless of course their father is a colonel who can get them through the back door. It is not right"**, said this Khmu leader.

From the real situation of the country, the government of the LPDR does not respect the duties defined in the convention: not only did it not show enough political will to put an end to discrimination against ethnic minorities, but it is also directly

responsible for discriminatory acts made against ethnic and religious minorities. That discrimination is not only led against the Hmong minority but also against other minorities such as the Mien, the Khmu and the Oïe.

The LPDR is in violation of article 2, paragraphs 1a and 1b of the Convention on the Elimination of All Forms of Racial Discrimination, which read as follows:

‘a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

b) Each State party undertakes not to sponsor, defend or support racial discrimination by any person or organisations; ‘.

III - MINORITIES

1- Ethnic minorities

In its combined 16th to 18th periodic reports submitted to the UN Committee on the Elimination of Racial Discrimination (CERD), the LPDR stated that there are “*four larger ethno-linguistic groups comprising 49 ethnic groups*”: Lao-Tai, 66% (8 ethnic groups); Mon-Khmer, 21% (32 ethnic groups); Sino-Tibetan, 3% (7 ethnic groups); Hmong-Lu, 9% (2 ethnic groups).

According to several sources of information, the LPDR government is maintaining its exactions against the Hmongs because of the military alliance of their parents or their grand-parents had with the United States during the Vietnam War. The Hmong population is now reduced to a few thousand. They try to survive on “*roots and leaves*” in the jungle in the Saysomboun region (North), with no possibilities to neither grow vegetable nor build permanent shelters, fearing to be found and persecuted by the army.

The government continues to offer “amnesty” to those who surrender but denies access to the 2,000 surrendered Hmongs by independent international observers. While a small number of these surrendered Hmongs were allowed to go back to their village or to their family, many of them are placed in camps. Among the Hmongs who have left the jungle to deliver themselves to the authorities since 2005, several men have been detained or have disappeared, creating fear and mistrust with the Hmongs still in the jungle.

The Lao Movement for Human Rights remains seriously concerned by the situation of these 4700 Lao-Hmongs forcibly repatriated by Thailand to Laos at the end of 2009, including 158 Lao-Hmongs whom, according to the UNHCR, had already obtained a refugee status before their return to Laos. Of these 158 Hmongs, the Human Rights 2011 report of the European Union, published in September 2011, writes that their case was solved in 2010 by “*their discrete departure to receiving countries*”. The Lao Movement for Human Rights is not aware of any reports that indicate the European Union had received any proof on the subject. The Lao Movement for Human Rights is doubtful. If the situation of the 4,700 Lao-Hmongs has been ‘resolved’, it would be difficult to explain why Mr **Ka YANG**, who is part of the group, fled back to Thailand at the end of 2010. Arrested by the Thai authorities at the beginning of 2011, he and his family were sent back a second time to Laos on 17 December 2011 despite persistent requests from the UNHCR and the US

Embassy in Bangkok. The Lao Movement for Human Rights fears for the security of Mr Ka YANG and his family.

The Lao Movement for Human Rights fears that the unsubstantiated conclusion of the safety of the Lao-Hmong refugees is similar to the case of the leaders of the Students Movement of 26 October 1999, who have been detained beyond their prison terms and whom the LPDR assured to the head of the European Parliament visiting Laos in 2007 were all released in 2006, which is absolutely untrue.

The Lao-Hmongs repatriated to Laos are put in reserves of Phonekham, Bolikhamsay province and in the camps of Phalak and Nongsan, Vientiane province. In March 2010, the LDPR organized and directed a visit by diplomats and foreign journalists, which did not allow for free and unsupervised conversations to ascertain their treatment at the hands of the authorities. Since then, the LPDR has always refused the access of these camps to independent international humanitarian organisations. Despite the assurance of the authorities, identity cards have not been provided to these Hmongs. The Lao Movement for Human Rights has received information that repatriated Lao-Hmongs have been victims of imprisonment, re-education and discrimination.

2-Religious minorities

Theravada Buddhism is the dominant religion in Laos, practiced by nearly 66% of the population. The Lao Unified Buddhist Association is under strict surveillance of the Party through one of its satellite organizations, such as the Lao Front for National Construction (LFNC).

The majority of the ethnic minorities are animist. Some converted to Buddhism, others to Christianity. The majority of the Christians in Laos are ethnic minorities. Christians, in particular the Protestants, are considered with mistrust by the authorities.

The repression against the Christians as written in section IV of this report thus constitutes often a double discrimination because a majority of the Christians suffering from persecution are also members of ethnic minority groups.

IV - RELIGIOUS FREEDOM

According to article 43 of the amended Constitution of 2003, *“Lao citizens have the right and freedom to believe or not to believe in religions”*.

In practice, the Ministry of Interior, through the Lao Front for National Construction (LFNC), monitors and conducts religious activities and affairs in the country. The practice of Christianity and religions other than Buddhism is difficult, dangerous and too often impossible, mainly in remote villages. In the cities, the Catholic Church, the “Lao Evangelical Church”, and the “Seventh Day Adventist Church”, recognized by the LPDR and tightly watched by the LFNC, seem to be more or less tolerated. Decree n°92 of 2002 on *“the control and protection of religions activities in the LPDR”* regulates to the smallest detail the control of the Party over religious organizations, from the construction of buildings, the training of managers, the relations with foreign organizations, the donations received from abroad, to the printing of religious books or documents. On the one hand, section 1 of article 4 states that *“Lao nationals, foreign residents, stateless persons and foreigners on a temporary stay in the LPDR have the right to practice a religious activity or to take*

part in the religious celebrations held in the churches or temples of their own religion located in the country". On the other hand, section 1 of article 2 reminds that "the sole objective of the activities of a religion in the Lao People's Democratic Republic can only be to support and to serve the development of the country".

Repressions against Christians continued in 2010. Intimidations and threats took different forms, including the cutting off of running water, refusal of social rights, poisoning of cattle, and the throwing of stone or fire at houses of Christians. Those who are released after having signed a renunciation of their religion are not free to conduct their activities and remain under surveillance by the local authorities.

It should be noted that each time international media or Western governments speak out on the arrests of Christians in Laos, the LPDR authorities would release some of them only to arrest some others, or the same ones after a while. Detentions can last a few days, a few weeks or even a few years, and the authorities have total discretionary power to arbitrarily determine the duration. The government seems unwilling or unable to end intimidation and persecution of Christians perpetrated by local actors or to establish accountability for these violations by local authorities.

* On 4 January 2011, police of Nakoun, Hinboun district, Khammouane province (Centre), arrested nine Christians for having "celebrated Christmas without authorization". Pastor **Vanna** and Pastor **Yohan**, imprisoned for a year, were released on 8 January 2012. It remains to be seen if they will be able to practice their faith without reprisals. The remaining seven individuals were released not long after their arrest after they accepted to renounce their religion.

* On 28 March 2011, four Christians of Phoukong village, Viengkham district, Luang Prabang province (North) were detained for having "spread Christian religion". In the same village, on 11 July 2011, another Christian, Mr **Vong Veu** was arrested for having become a Christian and has been detained until now because he refuses to renounce his faith.

* In Luang Namtha province (North), Namtha district, Sounya village, four Christians, Misters **Seng Aroun, Souchiad, Naikouang and Kofa** were arrested on 10 July 2011 for their "practice of Christianity".

* On 16 July 2011, ten Christians were expelled from their village Nongsavanh, Thapangthong district, Savannakhet province (South) by authorities after they had refused to renounce their religion. These persons, including women and children, took refuge in their rice fields (3 km from the village) under fragile bamboo shelters. At the end of August 2011, they were also chased from their rice fields, with the promise that they will be able to return to the village the day they abandon their religion.

* On 21 December 2011, authorities of Natou village, Phalangsay district, Savannakhet province, summoned four leaders of a community of 47 Christians in the village, threatening them to "chase them from the village unless they renounce their faith".

This event happened less than a week after the authorities of Bounkham village (situated 5 km from Natou), Adsaphangthong district, Savannakhet province, had arrested eight leaders of a community of 200 Christians: Misters **Phouphet, Oun, Somphong, Ma, Kai, Wanta, Kingmanosorn** and Mrs **Kaithong** -- for having organized a Christmas celebration despite having already obtained a prior authorization for the event. They were released on 30 December 2011 after payment of bail by the "Lao Evangelical Church".

* On 7 January 2012, authorities of Sayboul district, Savannakhet province, confiscated the Church of Nadeng village, preventing Christians to enter their Church and pray.

V-CONCLUSION AND RECOMMENDATIONS

To the Lao Movement for Human Rights, many efforts remain to be done and a true political will remains to be proven in the field of the rights of the minorities in the LPDR, and this work cannot be accomplished only in the framework of the unique Party in power.

Other than the right to equal treatment to all nationals in every area, the rights of the minorities should include the respect of the history of the minorities and the teaching of their real history in school. The Lao Movement for Human rights, safekeeping the heritage of these various ethnic groups which constitute the Lao nation is indeed of prime importance.

To this end, the Lao Movement for Human Rights recommends and asks the LPDR to

- Stop immediately all repression, intimidation, threats, arrest of any person for their political opinion, religion or ethnic origin.**
- Release immediately and without condition all persons detained for their religion.**
- Issue a standing invitation to UN special procedures and allow visits by independent international human rights organizations.**
- Establish a fully independent national human rights commission, in strict conformity with the Paris Principles, with a strong mandate to monitor, investigate, receive complaints, report publicly on violations and make recommendations to the government. In establishing such a commission, the LPDR should consult broadly and call on the assistance of the UN Office of the High Commissioner for Human Rights.**
- Fully respect freedom of the press and ensure that the media can freely discuss governmental policy, investigate and report on repressions against minorities and human rights violations in the country.**
- Fully implement the International Conventions on Human Rights ratified by the LPDR, and, in general, respect the Universal Declaration of Human Rights.**