

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Special Action or Decisions Taken Re: Reporting, Including Urgent Action Procedure

CERD A/58/18 (2003)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

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B. Decisions adopted by the Committee at its sixty-third session

Decision 1 (63)

Situation in the Lao People's Democratic Republic

The Committee notes with concern that the Lao People's Democratic Republic, which ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1974, is 18 years late in submitting its reports to the Committee.

In 1992 and 1996 the Committee considered the situation in that country under its review procedure (procedure for consideration without a report). In 2001, another examination under this procedure was scheduled but was postponed at the request of the authorities of the Lao People's Democratic Republic, who promised that a report would be submitted. Nevertheless, by August 2003 the Committee had still not received the sixth to fifteenth periodic reports of the State party, due for the years 1985 to 2003. Consequently, the Committee decided once again to consider the situation in the Lao People's Democratic Republic at its session in August 2003.

In view of the particularly disturbing information that it had received concerning the human rights situation in the Lao People's Democratic Republic, the Committee did not accede to the new request from the authorities, who promised to submit a report in 2004, to postpone this examination and decided, at its 1593rd meeting, on 11 August 2003, that it would adopt a decision under its early warning and urgent action procedure:

1. The Committee deeply regrets that the Lao People's Democratic Republic has failed to honour its obligations under article 9 of the Convention. Such a delay in the submission of periodic reports is an impediment to the in-depth examination of measures that the State party should take in order to ensure the satisfactory implementation of the Convention.

2. The Committee expresses its grave concern at the information it has received of serious and repeated human rights violations in the Lao People's Democratic Republic, in particular

violations of the rights to life, physical integrity and security, and of the freedoms of expression, association and religion, and at reports of economic, social and cultural discrimination against members of the Hmong minority, which constitutes approximately 7.4 per cent of the population.

3. The Committee is extremely disturbed to learn that some members of the Hmong minority, who have taken refuge in the jungle or certain mountainous regions of the Lao People's Democratic Republic since the end of the war in 1975, have been subjected to severe brutalities.

It has been reported that acts of extreme violence such as bombing of villages, use of chemical weapons and landmines and extrajudicial killings and torture are currently being committed by the armed forces in military campaigns against the inhabitants of remote villages in the provinces of Xieng Khuang, North Vientiane-Vang Vieng, Bolikhamsai, Sainyabuli, and the Saisombun Special Zone. According to some information, men, women and children belonging to the Hmong population live in terrible poverty, suffer from malnutrition and have no access whatever to medical care.

4. The Committee deplors the measures taken by the Lao authorities to prevent the reporting of any information concerning the situation of Hmong people who have taken refuge in the jungle or the mountains. It is particularly concerned by the arrest and subsequent sentencing to 15 years' imprisonment, in June 2003, of two foreign journalists and their assistants, who were investigating this matter. The Committee, while welcoming the release of the two journalists and their interpreter, remains concerned at the fate of the Hmong assistants who were tried at the same time and who are reportedly still being held in detention under harsh conditions.

5. The Committee stresses that, owing to the absence of a State delegation during its consideration of the situation in the Lao People's Democratic Republic, it was not in a position to have an exchange of views with the State party.

6. In the light of the foregoing information, the Committee:

(a) Urges the State party to halt immediately acts of violence against members of the Hmong population who have taken refuge in the jungle or certain mountainous regions of the Lao People's Democratic Republic;

(b) Urgently calls upon the State party to ensure that these persons have freedom of movement and access to adequate food and medical care;

(c) Requests the State party to take all possible measures to release as soon as possible the Hmong assistants who contributed to the report of the two foreign journalists concerning the situation of the Hmong minority, given that the journalists themselves have been released;

(d) Calls upon the Lao authorities to submit to the Committee, as a matter of urgency, a special report containing information about the matters referred to above, measures taken to prevent racial discrimination and, in any event, the periodic reports due under article 9 of the

Convention.

7. The Committee urges the Secretary-General of the United Nations:

(a) To draw the attention of the competent United Nations bodies to the particularly worrisome human rights situation in the Lao People's Democratic Republic and request them to take all appropriate measures in this regard, including the dispatch of a mission to the Lao People's Democratic Republic with a view to helping the State party to fulfil its obligation to respect human rights and eliminate all forms of racial discrimination. In this connection, the Committee draws the attention of the Secretary-General to the willingness of its members to participate in such a mission;

(b) To request the United Nations organizations, funds and programmes and the specialized agencies, within their respective fields of competence, to take appropriate measures to provide humanitarian assistance, particularly with regard to food and access to medical care, to the members of the Hmong population who have taken refuge in the jungle or certain mountainous regions of the Lao People's Democratic Republic.

1609th meeting 21 August 2003

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Annex VII

COMMENTS OF STATES PARTIES ON THE DECISIONS AND CONCLUDING OBSERVATIONS ADOPTED BY THE COMMITTEE AND REPLIES OF THE COMMITTEE

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Decision 1 (63) on the Lao People's Democratic Republic *

The letter reproduced below, dated 18 September 2003, was addressed to the Committee by the Minister of Foreign Affairs of the Lao People's Democratic Republic and concerns the Committee's decision adopted on 21 August 2003 on the situation in the Lao People's Democratic Republic:

"The Lao People's Democratic Republic is a small, underdeveloped landlocked country which in earlier times was a victim of colonialism and neo-colonialism. Consequently, since recovering its independence, it has resolutely pursued a policy of cooperation with the international community in order to lead the country towards development and prosperity and, as a Member of the United Nations, it has taken it upon itself to accede to a number of international conventions.

“In the sphere of the protection and promotion of human rights, the Lao People’s Democratic Republic is signatory to a variety of important conventions, including:

1. Convention on the Prevention and Punishment of the Crime of Genocide (8 December 1950);
2. Convention on the Political Rights of Women (23 January 1969);
3. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (9 September 1957);
4. International Convention on the Elimination of All Forms of Racial Discrimination (22 February 1974);
5. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (14 April 1978);
6. International Convention on the Suppression and Punishment of the Crime of Apartheid (5 October 1981);
7. Convention on the Elimination of All Forms of Discrimination against Women (14 August 1981);
8. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (28 December 1984);
9. Convention on the Rights of the Child (8 May 1991).

“Further, on 7 December 2000 it signed the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which are currently in the process of ratification.

“As a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Lao People’s Democratic Republic has made every endeavour to comply with its obligations under the Convention so as to support the international community’s efforts to combat racial discrimination by incorporating a number of principles and standards of international law into its domestic legislation. Despite difficulties in terms both of finance and of human resources, the Lao People’s Democratic Republic has striven, to the extent possible, to submit reports in response to the questions raised by the bodies and committees with responsibility for the implementation of the conventions to which it is a signatory, including its report under the Convention on the Rights of the Child and its report under the Convention on the Elimination of All Forms of Discrimination against Women.

“As regards the reports concerning the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Lao People’s Democratic Republic has to date submitted only the first five periodic reports because it had a number of reports to prepare and limited resources, inter alia, financial, technical and human resources. The staff available, moreover, have for the most part to devote themselves to tasks relating to resolution of the country’s economic difficulties, living conditions and poverty reduction. During the period in question, therefore, the Lao People’s Democratic Republic has been unable to submit all the periodic reports it should to the Committee on the Elimination of Racial Discrimination, in which connection it asks the Committee to show understanding for its difficulties. It will, however, make every effort to submit its reports for 2004, since it has received technical assistance for preparing them from the International Legislation Project financed by UNDP and the Government of Finland. One of the Project’s principal aims is to assist the Lao People’s Democratic Republic in establishing a mechanism responsible for preparing reports under this Convention.

“The Lao People’s Democratic Republic has informed the Committee on each occasion that it has received communications from it concerning the submission of reports, in particular in 2001, 2002 and even 2003. It is to be regretted that the Committee has overlooked these constructive efforts on the part of the Lao People’s Democratic Republic, and it is even surprising that the Rapporteur of the Committee should have said that the Lao People’s Democratic Republic has not cooperated with the Committee nor provided answers to its questions. The UNDP Office in the Lao People’s Democratic Republic is well aware of the country’s difficulties and is, in the context of the activities under the above-mentioned Project, in the process of finding an expert to assist in drafting the report.

“As regards the problem of the Hmongs referred to in the Committee’s Decision, the Lao People’s Democratic Republic wishes to stress that this does not reflect the true situation, and would like to provide the Committee with the following information.

“Because of the difficulties of census-taking occasioned by the side-effects of a very long war, the extreme remoteness of villages and the many ways in which the country is underdeveloped, unofficial estimates in the past put the number of ethnic groups at 47 or 68. The ethnic groups in Laos are characterized by the fact that there has never been animosity, hostility or conflict between them. They mingled throughout the country from north to south when they settled and they stand by each other. The Hmongs are one of the components of these groups and represent 6.9 per cent of the Lao population. Under the old regime, they, like the other ethnic minorities, suffered discrimination, oppression and contempt; they had no say in government and no access to education and the improvement of their physical and social living conditions was ignored. No longer able to endure the oppression and exploitation visited on them by feudal lords and alien aggressors, the Lao ethnic groups then began to fight side by side for national independence.

“Since 1975, the Hmongs, like the other Lao ethnic groups, have enjoyed independence and freedom and have become the true rulers of the country. Administrative authority is in the hands of the multi-ethnic people; all ethnic groups are equal before the law. Under article 8 of the Constitution of the Lao People’s Democratic Republic, ‘The State shall pursue a policy of solidarity and equality between the country’s ethnic groups. All ethnic groups have the right to preserve and develop their fine traditions and those of the nation. All acts of division or discrimination between ethnic groups are prohibited. The State shall implement all necessary measures to develop and raise the economic and social standard of all ethnic groups.’

“Furthermore, the policy in respect of ethnic groups was set out in 1981 in the relevant resolution of the Political Bureau of the Party and in respect more particularly of the Hmongs in the Party’s Central Committee’s 1992 resolution on ethnic activities.

“As a result of the fair and equitable policy towards them, the lives of all the country’s ethnic groups have gradually improved, both materially and morally, and they have the possibility of participating in the government of the country. The Hmongs in particular have participated in this progress and in the overall transformation of the Lao nation. They are present at all levels of government: 9.4 per cent of the members of the Central Committee of the Party, nearly 5 per cent of members of the Government, 9 per cent of members of Parliament, 16 per cent of governors of provinces and 13 per cent of the members of the Lao Front for National Reconstruction are Hmongs. Some hold high office: Chairman of the General Inspection Committee of the Party and the State, Vice-President of the National Assembly, Minister to the Prime Minister’s Office, Secretaries of State or the equivalent, governors of provinces, district chiefs, officers in the higher echelons of the army and police, directors of national educational establishments and hospitals, and diplomats.

“In addition, 20 per cent of the combatants recognized as national heroes in the struggle against the imperialist aggressors were Hmongs. Most of them demonstrated their heroism against the special forces of Vang Pao during the war of national liberation.

“Today, the Hmongs have an important role in the country’s social and economic development. As a result of the successful implementation by the Lao Government of a fair and equitable policy in building up solidarity among ethnic groups in order to ensure the cohesiveness of the multi-ethnic Lao people, the Hmongs and other ethnic groups are able to lead a life of peace and quiet. Their lives and their situation are similar to those of other groups; there are rich and poor among them. The problem occupying the Lao Government’s attention at the present time is to improve living conditions both among the Hmongs and among the other ethnic groups in the country and to help them emerge from the poverty resulting from the war.

“The Lao Government also attaches great importance to opium poppy eradication and to

the clearing of the unexploded ordnance (UXO Lao) which still affects the lives of the multi-ethnic Lao people. In implementing this policy, the Government has benefited from fruitful cooperation with friendly countries, international organizations and non-governmental organizations which understand the true situation of the Lao People's Democratic Republic and which see that the Government's policy towards ethnic groups is fair and equitable.

"The foregoing suffices to illustrate the fairness of the Lao People's Democratic Republic.

Since, however, it is one of the least developed countries and is landlocked, its people's standard of living is still low. Nevertheless, in its policy the Lao People's Democratic Republic makes no distinction between its various ethnic groups; all those born in the country - except for aliens - are considered without discrimination as Lao citizens.

"Recently, there have been armed attacks followed by murders on passenger-carrying vehicles. These were acts of banditry, a social phenomenon found in a number of countries. The gangs of bandits included both Hmongs and persons from other ethnic groups; they acted indiscriminately, their only concern being to procure money and valuables. Their victims also included Hmongs. Not content just to rob, these individuals also killed innocent persons and burned vehicles. Their acts bore the stamp of cruelty, brutality and inhumanity. The Lao Government has employed against them the measures provided for by law. When they are arrested, they are tried and sent to prison, where they undergo rehabilitation; a number of them have been pardoned. Several of these persons have been reintegrated into the national community in recent years and have become good citizens, benefiting from the Lao Government's policy of helping them in their reintegration. The Lao Government has resorted to drastic measures to put an end to the illegal acts of the refractory elements and protect the lives and property of innocent persons.

"The recent arrest of a number of aliens and Hmongs is a perfectly legal measure against lawbreakers. On 30 June 2003, the people's court of Xieng Khouang province tried the case of a Belgian, a Frenchman and an American of Lao origin and sentenced them to 15 years' imprisonment for obstruction of the police in the performance of their duties and for illegal possession of explosives. The Lao authorities concerned were unaware that these persons were journalists and a minister of religion, since in order to enter the Lao People's Democratic Republic two of them had requested tourist visas and the third a visa to visit relatives. In view of their misconduct, they deserved to be punished in accordance with the law of the Lao People's Democratic Republic. For humanitarian reasons, however, and in view of the good relations between the Lao People's Democratic Republic and the countries of which the three law-breakers are nationals, the Lao Government sent them back to their home countries.

"The slander with which certain groups of persons of Lao origin living abroad continue to put about concerning the Lao People's Democratic Republic and the distorted information sent to the Committee by certain non-governmental organizations are merely divisive manoeuvres intended to serve those entities' political interests.

“The Government of the Lao People’s Democratic Republic therefore hopes that the members of the Committee on the Elimination of Racial Discrimination and the other relevant United Nations bodies will understand that this is the real situation. It is willing to cooperate at any time with the Office of the High Commissioner by providing additional information, and assures the Office that it will do everything it can to submit its report in the first quarter of 2004.”

*/ See paragraph 18, section B, of this report, Decisions adopted by the Committee at its sixty-third session.

CERD, CERD/C/SR.1781 (2006)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-ninth session

SUMMARY RECORD OF THE 1781st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 16 August 2006, at 10 a.m.

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PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING
MEASURES AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

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Lao People's Democratic Republic

7. Ms. JANUARY-BARDILL recalled that the Committee had considered the situation in the Lao People's Democratic Republic under its review procedure in 1992 and 1996 and that it had adopted a decision (CERD/C/63/Dec.1) under its early warning and urgent action procedure concerning the Hmong minority in August 2003. In its concluding observations (CERD/C/LAO/CO/15) of February 2005 on the State party's sixth to fifteenth periodic reports due for submission from 1985 to 2003, the Committee had requested the State party to provide information within one year on follow-up to the Committee's recommendations. The Committee had also decided to send a letter to express its concern about the ongoing detention of the Lao citizens who had accompanied journalists visiting the country in 2003. In its response, the Lao Government had denied that there was any conflict between the Government and the Hmong community. Although the Committee had discussed the Lao situation at length, it had not made any firm recommendation, as Mr. Shahi and Mr. Avtonomov had highlighted a number of complications that warranted further consideration.

8. Mr. SHAHI said that the Committee had received two communications during that session requesting the initiation of the urgent action procedure to review the Hmong situation, alleging that there had been massacres, rapes and killings. One rape in particular had been condemned by the American ambassador to the State party and had been the subject of a strong statement by Amnesty International calling for impartial investigation into the incident. There were very contradictory reports of the situation, as the Government denied any conflict, while according to the communications the hostilities were ongoing. The authors of the first communication regretted that the State party had failed to honour its obligations under the Convention, as indicated by the Government's response of May 2006, in which it continued to deny allegations, ignored the Committee's specific recommendations and gave irrelevant responses to the issues raised. Furthermore, the authors contended that the Government would not cooperate with the

Committee on the situation of human rights violations, persistent racial discrimination and grave injustices committed against the Hmong, and urged the Committee to take all the necessary steps towards securing the rights of the Hmong people.

9. The authors of the second communication appealed to the Committee to call for an immediate cessation of hostilities in areas of conflict and to mobilize a United Nations peacekeeping force with emergency humanitarian aid to secure and investigate the atrocities against the Hmong. He agreed that it was necessary to investigate and that emergency humanitarian assistance was desperately needed, but he thought that a United Nations peacekeeping force was premature in the absence of better knowledge of the factual situation. The communication also called for the release of the Hmong civilians who had accompanied foreign journalists on their visit to the country in June 2003. The authors urged the Committee to call for an end to the violations of human rights and racial discrimination by the Lao Government, but it was difficult for the Committee to generalize on the full extent of violations without the report of an impartial fact-finding mission. Finally, the authors appealed for the Hmong crisis in the Lao People's Democratic Republic to be brought immediately to the attention of the United Nations Secretary-General and the Security Council. In addition, the communication called for the recognition of the Hmong people's economic, social and cultural rights and the right to self-determination, which exceeded the terms of the Committee's mandate and would fall rather under the remit of the Human Rights Committee.

10. The CHAIRPERSON recalled that the Committee had examined the Lao situation under its follow-up procedure on 2 August last and had decided to send a letter to the Lao Government requesting information on a series of issues, particularly the violence against the Hmong minority. That gave rise to a procedural problem; since the Committee had already adopted a decision under the follow-up procedure, it could not also address the situation under the early warning and urgent action procedure.

11. Mr. KJAERUM confirmed that the letter to the Lao Government under the follow-up procedure was almost finalized but that, since the Committee's discussion on the situation, he had decided to include in the letter a request that the Government should extend an invitation to the Independent Expert on minority issues to visit the country in order to analyse the situation of the Hmong people. Such a recommendation was in line with the integrated approach and the development of greater interaction between the Committee and other mechanisms. The Committee must choose to consider the situation under one or other of the procedures, as it would be confusing for the State party if it was addressed under both.

12. Mr. SICILIANOS said that in order to avoid such duplication there was a need for greater coordination between the working group on follow-up procedures and the working group on early warning and urgent action. Since the Committee had already decided to address the situation under the follow-up procedure, the matter should be considered closed. He supported Mr. Kjaerum's proposal to include in the letter the recommendation that the State party should extend an invitation to the Independent Expert on minority issues.

13. Ms. DAH agreed that the situation could not be considered under two different procedures.

14. Mr. AMIR said that in response to the Committee's letter requesting the release of the Lao prisoners, the Lao Government had stated that the prisoners were guilty of treason, but that in the light of extenuating circumstances, the case would be reconsidered. Since then, the Lao Government had informed the Committee that the Congress had decided to criminalize racial discrimination, but that the decision with regard to the Lao prisoners remained unchanged. At a recent meeting with a Hmong delegation, he had said that the Committee would be sending a letter to the Lao Government welcoming the decision to criminalize racial discrimination, but regretting that the decision regarding the Lao prisoners had not been revised, proposing that there should be independent judges dealing with the case, and requesting a response to the new information that had been brought to the Committee's attention. He agreed that the situation should be dealt with under a single procedure.

15. Mr. AVTONOMOV said that, while the State party Government should certainly be reminded of its obligations under the Convention, it was difficult to assess the situation of the Lao Hmong on the basis of information received to date. While nothing justified the reported serious violations of human rights, the activities of Hmong rebel groups had created an extremely complex situation, which was further exacerbated by the Government's opium elimination operations. Additional information was required in order to establish whether the reported violations specifically targeted the Hmong people, or opium growers and traffickers in general. He, too, thought it opportune to encourage the State party Government to extend an invitation for the Independent Expert on minority issues to visit the country and to request supplementary information in the framework of the follow-up procedure.

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CERD A/64/18 (2009)

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Chapter II: Prevention of racial discrimination, including early warning and urgent procedures

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15. During the reporting period, the Committee again considered a number of situations under its early warning and urgent action procedure, including in particular the following.

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22. In the light of information received on the situation of the Hmong indigenous people in the **Lao People's Democratic Republic**, the Committee, on 6 March 2009, transmitted a letter to the Government expressing concern and requesting information to be provided by 1 August 2009. The Committee also requested information concerning the ongoing repatriation of Lao Hmong refugees from Thailand, and in particular with regard to their status, safety and well-being as returnees in the Lao People's Democratic Republic.

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CERD, A/65/18 (2010)

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Chapter II

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT ACTION PROCEDURES

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15. During the reporting period, the Committee also considered a number of situations under its early warning and urgent action procedure, including in particular the following.

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19. In the light of information received from the Government of **the Lao People's Democratic Republic** on 2 October 2009 about the situation of the Hmong people, the Committee reiterated its request to the State party to take all necessary steps to immediately stop any alleged military operations and to allow the provision of humanitarian aid and medical assistance in the area inhabited by the Hmong people. By a letter dated 27 August 2010, the Committee expressed its gratitude to the State party for further information received on 30 July 2010. Nevertheless, the Committee expressed its continued concern about the situation of the Hmong people and decided to request additional information.

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