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*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 (LMDH)

January 2005

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I – Introduction - General data

1 – Main data regarding the LPDR

- Name : Lao People’s Democratic Republic (LPDR)
- Surface : 236.800 km², embedded between Cambodia, China, Burma, Thailand and Vietnam. 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 in 16 provinces and a special zone (military zone), 141 districts and 11.640 villages.
- Population : 5,7 million inhabitants (source World Bank - WB 2003)
- Life expectancy : 55 years (as opposed to an average of 69 years in average in the Asia-Pacific Zone, WB)
- Child mortality rate : 87/1000 (WB, 2003)
- Rate of illiterates : 34% for persons over 15 years old (around 45% for women, WB)
- Index of world development (IWD): 135th/175 country pays (source UNDP Report 2003), which makes Laos one of the poorest States of the Asia-Pacific zone. The IWD is the ratio representing three elements of human development: the longevity (life expectancy from the birth), knowledge (literacy of adults and average level of instruction) and income.
- Rank in the Indicator of disparities between genders (IDG) : 109th/144 countries (source UNDP 2003). The IDG bases itself on the same variables as the IWD, and further takes into account sociological inequalities between men and women, notably the gaps between men and women on the income and the education level.
- Annual GDP per capita: 320 dollars in 2003 (WB, as opposed to 310 en 2002)

2 – Composition of the population: the main ethnic groups

The data provided by the LPDR diverge with those of the international organizations on the composition of the Lao population, in particular on the number of ethnic groups residing in this country. Indeed, in a recent report transmitted to the United Nations (CEDAW, August 2003), the LPDR stated that there exists “48 ethnic groups, classified in four main groups” in Laos. The Lao Tai (53%), the Khmu (11%), the Phou Tai (10%), the Hmong (7%), the Lü (2,88%), the Katang (2,03%), the Makong (1,97%) and the Akha (1,64%) were mentioned among others. “The rest of the population can be divided between forty other ethnic groups”, as emphasized by the LPDR report.

The data dating from before 1975, year during which the communist party took over power, established the number of ethnic groups in Laos to 68. As to international organizations, they simply presented the Lao population as being divided **in three main ethnic groups**. In the "background Notes" on Laos, the American Department of State estimated the LPDR population to 6,06 million people in July 2004, and that it could be divided between the "Lao Loum" (Laotians from lowlands) 68%, the "Lao Theung" (Laotians from the plateaus) 22%, and the "Lao Soung" (Laotians from the mountains, including the Hmong and the Yao) 9%. The remaining 1% is composed of foreign residents.

By introducing this annual report on the implementation of the International

Convention for the Elimination of Racial Discrimination introduction (ICERD), the Lao Movement for Human Rights (LMHR) once again expresses its very serious concern on the different forms of discriminations suffered by ethnical minorities and religious minorities in the Lao Popular Democratic Republic.

In the absence of any urgent reaction from the international community, the Hmong minority from the Saysomboun Special Zone, and from the Bolikhamsay and Luangprabang provinces in particular, is doomed to disappear.

Regarding religious minorities, the persecutions of minority religions, in particular the Christian religion (belief adopted principally by ethnic minorities) seem to be ongoing in the whole country, in spite of the denials of the leaders of the regime. In the beginning of January 2005, dozens of Christians who were arrested in the course of 2004 for practicing their faith, are still being held in the LPDR prisons, according to the information obtained by the LMHR.

3 – General situation

- **ICERD** : ratified in 1974
- **CEDAW** : ratified in 1981
- **CRC** : ratified in 1991
- **ICESCR** : signed in 2000, not ratified
- **ICCPR** : signed in 2000, not ratified

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 linking 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.

It should also be noted that each time the LPDR government is challenged by the international community for Human rights violations, the highest leaders of the country – such as the Deputy Prime Minister and the Foreign Minister Somsavat LENGSAVAD (interviews given to Radio Free Asia, in particular) – deny the facts and invariably qualify these demands as "***interference with the domestic affairs of a sovereign State***".

II - Constitution and Criminal Code : contradicting provisions

The LPDR Constitution and the LPDR Criminal Code hold contradictory provisions on the rights of ethnic minorities, and the examples of these contradictions are numerous.

Article 8 of **the 1991 Constitution** thus states that the LPDR *"pursues the policy of promoting unity and equality among all ethnic groups"*, and 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. All acts of creating division and discrimination among ethnic groups are prohibited"*. However, the merger between the State and the Unique Party in power appears clearly in Article 3 of this same Constitution, which states that *"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"*. This provision recognizes, institutes, and imposes in fact the monopoly of the Lao Revolutionary Popular Party (LRPP), which is clearly incompatible with the democratic principles of the international conventions ratified by the LPDR.

Similarly, the mass organizations described in Article 7 as undertaking the duty of mobilizing the social layers, are all satellite organizations of the Unique Party as they are *"the Lao Front for National Constitution, the Lao Federation of Trade Union, the Lao People's Revolutionary Youth Union, the Lao Women's Union and other social organisations"*. What is more, in accordance with the wording of the Constitution, these *"organs to unite"* have the mission to *"protect the legitimate rights and interests of members of their respective organisations"*, which means that these organizations will serve the interests of the Party before those of the population.

There are no independent civil companies in Laos, which renders the state of Human rights very difficult to monitor. Furthermore, international NGOs for the protection of Human rights, such as the IFHR, do not have access to the country.

As to the 2001 Criminal Code, it establishes very precise rules: rights of the detained to be informed of the charges filed against him/her, to produce evidence, to review the documents contained in his/her file after the termination of the investigations, to have a legal representative for his/her defense, to file a complaint on the manner in which the case was conducted, to appeal (article 18), police custody of a maximum of 72 hours (article 46), one year maximum time for provisional detention (article 50)... However, this same Criminal Code states right in its first article that *"criminal law has for its aim the safeguarding of the political, economic, and social regime of the Lao PDR"*...

Moreover, article 51 of the Code provides that *"a fine of the amount of 10.000.000 to 500.000.000 kips, with a sentence going from 10 to twenty years, and which could be a life sentence or a death sentence, shall be given to any individual leading activities aiming at creating disorder, with the objective of overthrowing or weakening the power of the State. The individuals attempting to lead such activities shall also be punished"*.

Article 59 of the Criminal Code provides for its part that *"a fine of 500.000 to 10.000.000 kips, with a sentence of imprisonment of 1 to 5 years, shall be given to any individual participating in propaganda activities against the Lao PDR, falsifying the policy of the Party and of the State, propagating erroneous information (...) with the aim of weakening the power of the State"*, and article 66 states that *"anyone organizing or taking part in a gathering aiming at protesting, at contesting, so as to create disorder causing damages to society, shall be punished with a sentence of imprisonment of 1 to 5 years, with a fine of 200.000 to 50.000.000 kips"*.

These last two articles, whose vague wording could be used to repress any diverging opinion, have been used countless times to justify the arbitrary arrests of Human rights defenders, ethnic minorities and opponents to the Unique Party. The most recent examples are the arrest and sentencing of the leaders of the "October 26 Movement", the attempted peaceful march organized by students, academics, civil servants and Vientiane residents on 26 October 1999, to denounce the Party's policy and demand democratic reforms for a multiparty system. These articles were also used as the basis for the arrest of the leaders of the "Socio-Democratic Club", who were sentenced in 1992 to 14 years of imprisonment for daring to publicly criticize the Unique Party system and the "monarchical" and "dictatorial" drifts of its leaders.

III - Article 2 of the Convention

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

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

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 shown 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 from the Saysomboun Special Zone and the provinces of Luangprabang and Bolikhamsay, but also against other minorities such as the

Mien, the Khmu and the Oïe.

1 – Repression against the minority groups

In August 2003, as the procedure of quick alert and urgent intervention on the situation of the LPDR was launched by the CERD, the rapporteur of the committee rang the alarm on the ***"particularly concerning situation of the Hmongs"***, underlining that ***"20. 000 of them live in hiding in the jungle "***. ***"The Hmongs are suffering from social discrimination and are the targets of a policy of constant resettlement, which contributes to their extinction (...) No matter which article of the Convention is examined, the Lao People's Democratic Republic does not respect any of its duties"***, as stressed by the rapporteur (UN Press Release – CERD-63rd session-11 August 2003).

The very serious violations made against the Hmongs –victims of violent acts of aggression from the Lao government for almost 30 years, because of their parents or grandparents' military engagement with the United States during the Vietnam war – has only been put into light these last two years, thanks to the initiative of the international media.

Among these initiatives can be found the report of Andrew PERRIN and Philip BLENKINSOP on the situation of a Hmong group in the Saysomboun jungle in the Spring of 2003 (Vu Agency, Time Asia, Sunday Times Magazine May 2003, Le Monde 2 June 2003), the testimonies of the European journalists Thierry FALISE from Belgium, and Vincent REYNAUD from France, as well as their guide's, the Reverend Naw-Karl MUA, an American pastor of Lao-Hmong origin, who were arrested in the North of Laos on 4 June 2003 for visiting, without authorization from the Lao authorities, a group of Hmongs in the Saysomboun Special Zone. All three were sentenced to 15 years of imprisonment on 30 June 2003, and expelled from Laos on 9 July 2003 following strong international pressure.

Another report from April 2004 by the journalist Nelson RAND should also be mentioned, as well as the BBC documentary made by the journalists Ruhi AMID and Misha MALTSEV, which was broadcasted on 27 May 2004 by the British television channel. This documentary, which showed for the first time to the international public the sufferings of a Lao-Hmong group chased by LPDR soldiers in the Bolikhamsay forest, was also shown at the French National Assembly in Paris on 30 November 2004, upon the initiative of the LMHR.

These accounts and pictures confirm the calls that have been made for several years by the LMHR. They describe a population – children, women, old people, men with old rifles and few ammunitions to protect themselves – which tries to survive from "roots and leaves" in the jungle, not being able to grow crops or build permanent homes for fear of being caught and killed by the enemy.

According to the journalists, the Hmong who surrendered to the government in the hope of finding a normal life were arrested or disappeared, thus making it impossible to establish a relationship based on trust with the LPDR leaders. From September 2002 to March 2003, information coming from the inside of the LPDR and received by the LMHR match the information provided by other groups, such as the "Lao Human Rights Council Incorporation" (USA), "Fact Finding" (USA) and "Hmong International Human Rights Watch" (USA). These pieces of information revealed the attacks launched by troops of the Lao army by helicopter in the Xiengkhouang region (North), from Tha Thong and Tha Vieng to Phou Bia, killing more than a hundred women and children.

Following the testimonies of the international media, Amnesty International condemned in a press release published in October 2003 *"the use of famine as war weapon against civilians, and considers that this constitute a serious and clear violation of the Geneva Conventions ratified by Laos "*. In the course of Fall 2004, various medias (CNN, BBC, Arte) broadcasted images of acts of maltreatment committed in May 2004 against five Hmong teenagers *"killed by governmental soldiers"* in the Saysomboun Special Zone. In a press release from 13 September 2004, Amnesty International called these acts *"war crimes "*.

Consequently, the LPDR is clearly 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 persons or organizations;"

2 – Displaced populations: the ethnic minorities in the first line

For surveillance purposes, tens of thousands of Laotians, in majority members of ethnic minorities, have constantly been displaced in the course of these last twenty years. Officially, the LPDR government explained that these massive displacements of the population were made in application of a policy of rural development, and the fight against poppy cultivation and burning cultivation.

The practice of burning cultivation was designated by the Lao authorities as the principal cause for deforestation in the LPDR. However in his report to the UNHCR, Grant EVANS, the Laos specialist, wrote that: *"the greatest destruction of primary forest in the past 20 years has been by logging companies, the largest of which have been controlled by the army since the late 1980s "*.

Regarding the displacement of the population within the LPDR, the report of a debate meeting *"Displacement of the populations in Laos, what is at stake for the development*

of the country?" organized on 20 January 2000, with the participation of the ethnologist Yves GOUDINEAU, the geographer Christian TAILLARD (CNRS - LASEMA) and Olivier EVRARD (University of Paris I), indicated that *"from 1985 to 1995, 166.000 people changed districts, a figure to which must be added the number of intra-districts displacements. In total, nearly 33% of the Lao population was relocated in 20 years "*.

According to these experts, these displaced populations were resettled in Priority Development Zones (PDZ), generally in the lowlands, alongside of the roads. Being for the most part members of the ethnic minorities from the mountains are the high plateaus, these populations have very serious difficulties in adapting themselves and are faced with the disappearance of their ethnic cultural heritage.

In his study for the UNDP ("Resettlement and Social Characteristic of New Villages. Basic need for resettled communities in the Lao PDR"), the ethnologist Yves GOUDINEAU wrote : *"regarding health and hygiene, deaths related to displacements occur (weakened populations, epidemics and aggravated endemic diseases, up to 30% of deaths were counted in certain villages), the infant mortality rate is high (higher than the national rate) "*. *"Displacement often leads to a better usage of the Lao language, but also contributes to the disappearance of multilingualism"* and leads to *"cultural break-ups and to modifications of social structures (giving-up of the traditional costume, houses constructed on pile in the Lao Loum style are encouraged)"*, as underlined by Mr. GOUDINEAU.

In its activity report of 2003, Action against Hunger mentioned a study undertaken upon its own initiative *"to demonstrate the dramatic impact of the displacement of ethnic minorities from the mountains to the plains, in the Luang Namtha province "*, in the North of the LPDR. Action against Hunger further stated that in Laos, *"populations suffer from hunger as a result of acts of discrimination made against them"*.

These policies are in violation with many provisions of the CERD, in particular:

- article 2 para 1c : "Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;"
- article 5 d.i) regarding "The right to freedom of movement and residence within the border of the State" without any discrimination;
- article 5 e.iv) regarding the obligation of a State Party to guarantee the right to equality before the law without distinction of race, color, or national or ethnic origin, in particular with regard to "the right to public health, medical care, social security and social services;"

3 – Return of the populations having taken refuge in Thailand and in China

From 1990 to the end of 2001, more than 20.000 Laotians, who had previously taken

refugee in Thailand and in China during the 1975 exodus, were repatriated to Laos in the frame of a program supervised by the LDPR and the UNHCR. These refugees, who were repatriated to a regime from which they fled as they could not find a host country, were settled in more than 40 sites located in 11 of the 18 Lao provinces.

In its report "Refugee Focus: Refugees Returnees in Laos (Washington DC, 13 March 2002), "Refugees International", a non governmental organization (NGO) stated that it *"followed these repatriated refugees, and considers that in a general manner, the UNHCR did not managed to provide appropriate assistance to these persons"*. *"On nearly every hosting site, the land put at the disposal of these persons required irrigation to be cultivable, which was never done "*, as revealed by this NGO.

Mentioning as an example a group of refugees of the "Htin minority" repatriated in the village of Ban Dong Luang, province of Sayabouri (North), Refugee International stressed that *"the mortality rate for this group of refugees is much higher than the average rate of Lao rural villages. The refugees lack mosquito nets, and paludism is very widely spread. Almost every home is affected by the disease and the refugees to not have any money to pay for medicine or medical care "*. With regard to education, *"out of 160 children, only 20 registered at school, the others are too busy +looking for food +"*, as stressed by the NGO.

Again, such a policy is in violation of several provisions of the CERD, particularly:

- article 2 para 1c : "Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;"
- article 5 e.iv) regarding the obligation of a State Party to guarantee the right to equality before the law without distinction of race, color, or national or ethnic origin, in particular with regard to "the right to public health, medical care, social security and social services;"
- l'article 5 e.v) regarding the right to enjoy "the right to education and training;" without any discrimination.

IV - Article 5 of the Convention

Regarding the Judiciary, article 65 of the LPDR Constitution provides that *" the People's Courts are the judiciary organisations of the state comprising the People's Supreme Court, People's Provincial and Municipal Courts, People's District Courts and Military Courts."*

However, if the Constitution confers to the judges independence *"in the exercise of their jurisdictional functions "*, article 68 also specifies that the Judiciary power is subordinated to the Legislative power, the National Assembly being defined as *"the organisation which*

supervises and oversees the activities of the administrative and judicial organisations", and as it has the power "to elect or remove the President of the People's Supreme Court and the Public Prosecutor-General on the recommendation of the National Assembly Standing Committee". It is a National Assembly whose 109 MPs are all members of the Unique Party in power.

The administration of justice within the LPDR is marked by the dysfunction of the judicial body, by corruption at all levels, by arbitrary arrests, acts of torture, inhuman and degrading treatment, according to international observers.

Thus, in his May 2004 report, the anthropologist Grant EVANS wrote: *"There is no automatic access to lawyers or family members. Such arbitrariness applies especially to 'political' detainees, who can be held beyond the statutory limitation of one year without charges being laid or a trial held, and kept incommunicado.(...) The prison system, which is known to be harsh, is beyond international scrutiny and Laos has come under remarkably little pressure to open it up."*

According to the anthropologist Grant EVANS, *"the LDPR describes itself a multiethnic state committed to equality between the many different ethnic groups whose members are citizens. Nevertheless, the top leadership of the LPDR remains lowland Lao dominated"*. Indeed, in spite of the statements of the regime leaders, the Politburo, supreme decision-making organ of the Unique Party in power, only has one genuine representative of ethnic minorities (the general Asang LAOLY) out of 11 members. Moreover, ministers coming from the "Lao Soung" and "Lao Theung" minorities remain exceptions.

1 – Political prisoners and prisoners of conscience of the Hmong ethnic group

The list of Hmong people arrested, imprisoned, or who disappeared, is long. From the information received by the LMHR from the inside of the country, the following non-exhaustive list can be drawn:

1 – Political prisoners who never were granted the right to a trial :

* arrested in 1995, detained in one of the camps located in the North of Laos :

- 1 Char Nione
- 2 Por Sing Vang
- 3 Teeng Sing Vang
- 4 Ya Sing Lor
- 5 Nouthak

* arrested in 1998, imprisoned in one of the camps located in the North of Laos

- 1 Chai Sing Cheeng
- 2 Djer Sing Singkha
- 3 Ya Xiong
- 4 Ya Sing Xiong

* Boua Xiong, left to die in prison, without any medical care

2 – Arrests, disappearances

1 - Vu Mai, Hmong, former leader of a Lao refugee camp in Thailand, repatriated in Laos following the program of the LPDR and the UNHCR, disappeared on 11 September 1993 after having been approached by the government authorities;

2 - Yang Va, Hmong, refugee in France in 1975, invited by the LPDR government to return to Laos in 1991 to organize the return of the Hmong refugees in Thailand. He was arrested in 1992 for asking for a multiparty system, and sentenced to life imprisonment;

3 - Boua Chong Lee, Hmong, officer having served the Lao Revolutionary Popular Party for more than 30 years, forced to retire after having asked for equitable measures for the Hmong minority. In July 1998 he was arrested, beaten, tortured, and then sentenced to life imprisonment;

4 - Boua Yeng Vang, Hmong, chief of the Muong Mok district, Xiengkhouang province (North), arrested in 1992, sentenced to life imprisonment, incarcerated in the Khangkhai prison (North);

5 - Wa Kou Vang, Hmong, arrested in Phonesavanh (North) in 1992, beaten, tortured, then sentenced to life imprisonment, incarcerated in the Khangkhai prison (North). After his arrest, governmental troops killed his wife;

6 - Chong Yang Xiong, Hmong, refugee in the USA in 1975, returned in Laos in 1994 to visit his parents in the Na Tak Moo village, Vientiane province, he was approached by the police and brought to Vientiane. Ever since that day, his wife and children living in the United States have not managed to hear from him;

7 - Boun Vang, student, he was arrested and disappeared in the context of the "26th October Movement", the attempted peaceful march of the 26 October 1999 in Vientiane;

8 – In September 2000, 40 Hmong families fled from the Saysomboun Special Zone and were arrested by the authorities in the Tha Din Deng village, Vientiane province. Boun Her Thao, a Hmong officer working in Vientiane, was arrested and then killed in October 2000 for intervening at the government on behalf of the 40 families;

6- Tho Moua and Pa Fue Khang, the two Hmong guides who helped the European journalists Thierry Falise and Vincent Reynaud to reach the Lao-Hmong group of Saysomboun in June 2003 for the purpose of their report, were sentenced to 12 years and 10 years of imprisonment, and incarcerated in a Vientiane prison.

Acts of maltreatment against Hmong populations seem to continue. In September 2004, international medias (CNN, BBC, ARTE) reported the "attack" led against five young Hmongs –four girls: Mao Lee, 14 years old, hers sister Chao Lee, 16 years old, Chi Her, 14 years old, Pang Lor, 14 years old, and a boy of 15 years old, Pang Lor's brother—by LPDR soldiers in May 2004 in the Saysomboun jungle. These acts, which were recorded on video by a witness, were denounced by Amnesty International as "*war crimes*" (AI press release, 13 September 2004). The Lao authorities mentioned "*gross fabrications*" and "*false*" accusations.

Nevertheless, in order to shed some light on this very serious issue for which controversy cannot be allowed, the LPDR could have given evidence of its good faith by granting access to the country to independent investigators and observers, so as to allow them to judge from the field the situation in which these thousands of Lao-Hmongs are.

The prisoners from the Hmong minority often are the targets of acts of violence in detention centers. Thus, in an interview given to the LMDH in September 2003, the pastor Naw Karl MUA, who was sentenced and expelled from Laos with the journalists Thierry FALISE and Vincent REYNAUD, stated that : "*One of our Hmong guides was beaten so much that he almost lost his life. The tips of his feet were cut off to prevent him from walking*".

Apart from the fact that they are in violation with the whole of the international standards with regard to the right to an equitable trial, these discriminatory treatments are in violation of the obligation of the States parties to the CERD "to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

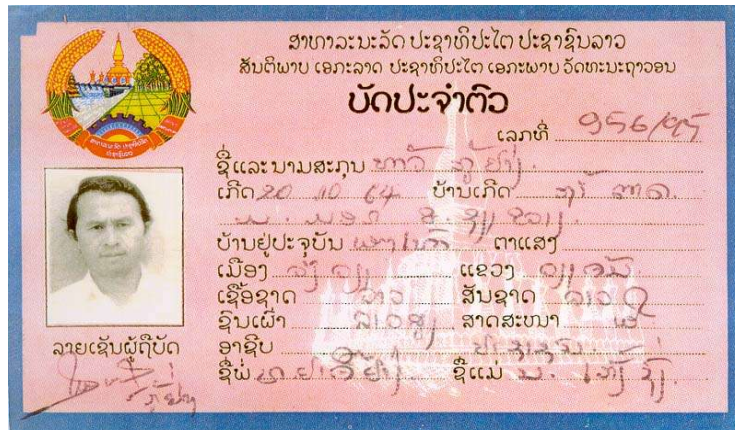
article 5 a) The right to equal treatment before the tribunals and all other organs administering justice;"

and article 5 d.vii) viii) and ix) respectively dealing with the "right to freedom of thought, conscience and religion"; "to the right to freedom of opinion and expression"; and to the "right to peaceful assembly and association."

2 – The right to citizenship

The Hmongs who formerly took refuge in Thailand after 1975 before being repatriated to Laos, were given a national identity card with a corner of the frame (upper left) that is different from regular identity cards. It is a discreet mark, but it is distinctive and discriminatory, as it does not allow the holder of the card to circulate without the authorization of local authorities, to engage in commercial activities, to be a civil servant...etc

Below is the identity card of a Hmong repatriated to Laos under the supervision of the UNHCR :



This constitutes a violation of article 5 d.iii) of the Convention concerning the obligation of State parties to guarantee the right of to everyone to equal treatment before the law without distinction of race, color, or national or ethnic origin, notably in the enjoyment of the right to a citizenship.

3 – Religions repression: ethnic minorities in the line of fire

According to article 30 of the LPDR Constitution, "*Lao citizens have the right and freedom to believe or not to believe in religions*". However, in practice, the Home Office monitors religious activities and affairs through the Lao Front for National Constitution.

The practice of Christianity and of religions other than Buddhism is difficult, dangerous, and often impossible. In big cities, the Catholic Church, the "Lao Evangelical Church" and the "Seventh -Day Adventist Church", which are recognized and tightly watched by the Lao Front for National Constitution, seem to be more or less tolerated.

"Decree n°92" of July 2002 "on the control and protection of religious activities in the LPDR", which was signed by Prime Minister Bounngang VORACHIT and published shortly after the visit in Vientiane of officials from the Vietnamese Bureau of Religious Affairs, regulates to the smallest detail the "control" of the Unique 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.

This decree reinforces in fact the official surveillance over the activities and daily life of religious congregations in Laos. If section 1 of article 4 states that "*Lao nationals, foreign residents, stateless persons and foreigners on a temporary stay in the Lao PDR 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*", section 1 of article 2 immediately reminds that "*the sole objective of the activities of a religion in the Lao*

Popular Democratic Republic can only be to support and to serve the development of the country". A policy subordinating religions to the lines established by the State-Party.

The circulation of religious documents other than of Buddhist belief must be subjected to approbation from the Home Office via the Lao Front for National Constitution. Non compliance leads to a sentence of imprisonment.

According to matching pieces of information received by the LMHR, between 2000 and 2002, nearly 200 churches existing in Laos since the beginning of the 20th century were destroyed or forced to shut. Such was the case of every church in Hin Heup and Muong Feuang, Vientiane province, of every church in Champhone, Savannakhet province, of the church in Sayphouthong, Savannakhet province, of numerous churches of Songkhone, Savannakhet province, of every church in Khamkeut, Bolikhamsay province.

The LPDR government stated that it did not lead a repressive policy against religious freedom, when local authorities arrest and put Christians in prison, accusing them of causing social diversions, of engaging in activities against the State, of holding religious services without authorization, and of being in possession of religious documents.

The Christian minorities, which are often also ethnic minorities, especially for Christians belonging to churches not recognized by the State, are often threatened, harassed, arrested, imprisoned, forced to renounce their faith or forced out from their village. Those who recovered their freedom after having signed an act of renunciation to their faith are still under the surveillance of the local authorities, and do not have any freedom of action or movement.

Situation in 2003

- * Between 26 December 2002 and 16 January 2003, 42 Christians were arrested in the Savannakhet province for celebrating Christmas;
- * On 13 February 2003, 31 Christians, were forced out of their village in the Attapeu province (South) for continuing to practice their religion;
- * In March 2003, two churches in the Savannakhet province were forced to shut down while their faithful were still in prayer;
- * On 3 April 2003, in Muong Nong, Savannakhet province, 14 persons in charge of Christians and their families, of the Bru ethnic group, were banished from their village because of their faith, even though they did not even have a church and prayed at home;
- * On 29 April 2003, the militiamen of Kengkok forced entry into a presbytery to expel its 14 occupants, among whom were the pastors VANG, MATA et HIANG, and et appropriated the building to themselves to be used as "meeting room for the village committee"";
- * Between 17 May and 27 May 2003, 20 Christians of the Bru ethnic minority --MM. HAYE, PONG, SOUYVARN, VAD, SEE, CHOULELL, TAN, ACHED, APHAD, LAHEUY, ALSOUYLAHEUY, VARN, SALY, ASOUL, TALIANG, AVANG, ALORN, ACHEE, LAHOUM and ASOUK--, were arrested in Nong Ing, Savannakhet

province, for refusing to renounce their faith;

* On 4 August 2003, after numerous threats and acts of intimidation, Mr SOMPHONG, a Christian in charge from the Attapeu province, was taken away by the police and found dead;

* On 4 October 2003, Mr. KHAMSENE and Mr. KHAMSOUK, both in charge of the Khamsane parish, Muong Saybouathong, Savannakhet province, were arrested and tortured for preaching the gospel;

* On 27 and 28 December 2003 in the Attapeu province, 11 Christians, THONGSAVATH, VIRASONE, KEOPONG, KHAMSOU, SOMPHINE, BOUNTHONG, HAMOUANE, VILAKONE, THONG-UANG, THAO PONG et SIAN, were arrested, and had their bibles confiscated for celebrating Christmas, while thirty others fled to another province with their family in the fear of reprisals.

Situation in 2004

- On the eve of the year 2004, 11 Christians were imprisoned in the Attapeu province (South);

- In February, the district authorities of Sanamsay, Attapeu province, gave Christians from the villages of Ban Donthapad and Ban Donsua the threat that they would "entirely eradicate Christianity";

- In May, twelve Christians were arrested and imprisoned because of their faith in the Muong Phine district, Savannakhet province (South), a place of prayer now shut down by order of the Vientiane authorities;

- In June, the Christians of the Nam Thuam village, Nam Bak district, Luangprabang province (North) had to renounce their religion after agents of the Party burnt their crops and confiscated their identity cards;

- In August, eight Christian families of the Khmu ethnic minority of the Kasy district, Vientiane province, were forced to sign an act of renunciation of their religion; other Christians were arrested because of their religion in the de Luang Namtha province and in the Ban Kok Pho village, district and province of Bolikhamsay;

- In September, four Christians were arrested in Vientiane for practicing their faith. They were students, and a girl was among them;

- In October, 12 Christian families composed of 60 people, from the village of Phiangsavath, Muong Tha Thom district, Saysomboune (North), had their belongings confiscated and were then forced to leave their village for refusing to renounce their faith;

- On 19 October, a pastor was arrested in Muong Phine, Savannakhet province, as he was

conducting his service in the middle of 300 people.

To this day, these **26 Lao Christians arrested in 2004 are still in prison:**

- 1 - Mr. Kongchinh, arrested on April 20th, Savannakhet province
- 2 - Mr. A-LOR, arrested on April 20th, Savannakhet province
- 3 - Mr. A-LEU, arrested on April 20th, Savannakhet province
- 4 - Mr. SIPHAK, arrested on May 11th, Savannakhet province
- 5 - Mr. A-DANG, arrested on May 11th, Savannakhet province
- 6 - Mr. SOMSAY, arrested on May 11th, Savannakhet province
- 7 - Mr. BOUNLEUTH, arrested on May 11th, Savannakhet province
- 8 - Mr. MA, arrested on May 11th, Savannakhet province
- 9 - Mr. KHAMPINH, arrested on May 11th, Savannakhet province
- 10 - Mr. KHAMCHANH, arrested on May 15th, Savannakhet province
- 11- Mr. DONEKHAM, arrested on May 15th, Savannakhet province
- 12- Mr. BOUNTHA, arrested on May 15th, Savannakhet province
- 13- Mr. KHAMPHAY, arrested on August 2nd, Kasy district, Vientiane province
- 14- Mr. PHENG, arrested on August 2nd, Kasy district, Vientiane province
- 15- Mr. KHAMSAI, arrested on August 2nd, Kasy district, Vientiane province
- 16- Mr. THONGSOUN, arrested on August 2nd, Kasy district, Vientiane province
- 17- Mr. KHAMDENG, arrested on August 24th, Borikhamsay province
- 18- Mr. BOUNMUONG, arrested on August 24th, Borikhamsay province
- 19- Mr. SOMLITH, arrested on August 24th, Borikhamsay province
- 20- Mr. BOUNTHY, arrested on August 24th, Borikhamsay province
- 21- Mr. Xou CHIO, arrested on August 27th, Luang Namtha province
- 22- Mr. Kao FU, arrested on August 27th, Luang Namtha province
- 23- Mr. VANNASACK, student, arrested on September 29th, Vientiane
- 24- Mr. SENGPHET, student, arrested on September 29th, Vientiane
- 25 – Ms. KHAMMOUN, student, arrested on September 29th, Vientiane
- 26 - Pastor BOUNTHAO, arrested on October 19th, Muong Phine, Savannakhet province

It should be noted that when the international press or western governments are informed of these arrests of Christians, the LPDR authorities release some of them...only to arrest others, or the same persons some time later. These detentions can last for days, weeks, months or years, from case to case and based on the good will of the authorities.

Lately, knowing itself watched by the international community, the Lao authorities now use new "forms of physical and psychological constraint", according to the sources of the LMHR inside the LPDR. These methods are called "*forced labor*" and "*vocal community shame*". In the forced labor method, Christians are brought to an area far from their village to accomplish extremely hard work, without any remuneration, for a long period of time. They are told that should they accept to renounce their religion, they will be authorized to return to their village and will not be taken to work again. This constitutes a clear violation of ILO Convention n° 29 concerning forced labor, and ratified by the LPDR in 1964.

As to "*vocal shame*", the Christian is put in front of the other villagers, who will then each in turn shout Christian related insults for his attention.

4 – Freedom of opinion and expression, of assembly and association, freedom to form and join trade unions

The freedom of expression and the freedoms of peaceful assembly remain forbidden in the LPDR, in spite of article 31 of the Constitution, which states that: "*Lao citizens have the right and freedom of speech, press and assembly; and have the right to set up associations and to stage demonstrations...*". The freedoms of opinion and expression are strictly limited by the criminal laws for the safeguarding of "national security", which are very widely used to justify the arbitrary arrests of ethnic minorities and religious minorities. The government has complete control over the written press, as well as over the audio-visual and electronic press.

In 2000, the State put into place the "Lao Internet Committee", which regroups the ministries of Information and Culture, of Posts and Telecommunications, and of Transportations and Sciences. This committee enacted a regulation applicable to the internet users of the country. It prohibits its nationals, its country residents or nationals abroad, from putting on the internet any element likely to "*cause prejudice to the unity and integrity of the country*". The official press agency KPL specified in October 2000 that internet users using the web "*in the incorrect manner*" by lying or convincing the people to protest against the government "*could be brought to justice and be expelled from the country*".

The daily, weekly or monthly papers that are published belong to the government or to the "satellite" organizations of the Unique Party, and spokesmen of the Unique Party. They often publish the same articles, word for word. Every Lao journalist is a civil servant of the Ministry of Information and Culture. Publications in foreign languages, such as the "Vientiane Times" in English and "Le Rénovateur" in French, have recourse to self-censorship or mostly report official translations of texts from KPL (Khao San Pathet Lao), the party's official agency.

The Criminal Code prohibits to criticize the government, the State and the policy of the Unique Party, or to engage in acts of propaganda with the aim of weakening the State. It is forbidden to be in possession or to read documents criticizing the government. It is forbidden to listen to radio stations such as "Voice of America" or "Radio Free Asia", which transmits in the Lao language information different from that of the official radio stations.

Foreign journalists must have a special visa. This special visa does, however, does not allow them to have access to information, to work freely, or to travel without official escort, a "service" for which they will have to pay.

In the beginning of January, Radio Free Asia, quoting an anonymous Lao official, indicated that the LPDR authorities considered focusing more attention on ethnic minorities, notably in the information area, promising more "programs in the language of ethnic minorities". However, this announcement still needs to be verified in the months to come.

It should also be noted that in its freedom of the press index published in October 2004, Reporters without Borders put the LDPR in the 153rd rank, out of 167.

V – Conclusion and recommendations

To the LMHR, many efforts still need to be done 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 minority should include the respect of the history of the minorities and the teaching of their real history in school. To the LMHR, safekeeping the heritage of these various ethnic groups which constitute the Lao nation is indeed of prime importance.

To this end, the LMHR recommends:

- **The immediate cessation of all kind of repression against ethnic minorities in Laos, in particular the "hunt" of the Lao-Hmong populations in the Saysomboun jungle, in Bolikamsay and in Luangprabang;**
- **The immediate cessation of the repression led against religious minorities, many victims of which are members of ethnic minorities;**
- **The immediate release of the persons imprisoned because of their ethnic origin or because of their belief;**
- **The granting of access to the LPDR to international observers and experts, so that the situation of ethnic minorities can be judged on the field and for a better assessment of their needs; the LPDR should particularly send a permanent invitation to the special thematic proceedings of the United Nations Human Rights Commission, and authorize the visits of international NGOs for the protection of Human rights;**
- **The cessation of the Unique Party's monopoly in the search for appropriate solutions ensuring the safety and the well-being of minority populations, in particular the displaced persons and the refugees repatriated to the LPDR; and the full respect of the freedoms of expression, association and assembly, not only for ethnic and religious minorities, but also in a more general way;**
- **Democratic reforms with the objective of ensuring the respect of Human rights and national reconciliation in Laos.**