

7 May 2010

LAOS

Lack of independent access to resettled ethnic Hmong raises concern about achievement of durable solutions

Since 2006, an estimated 7,700 Lao-Hmong who had sought refuge into neighbouring Thailand claiming persecution by the Lao government due to their role during the civil war have been forcibly sent back to Laos, both countries considering them as “illegal migrants”. An unknown number of Hmong, believed not to exceed a few hundreds, may remain displaced within Laos, hiding in small groups in the jungle in fear attacks by government forces. The majority of those who have come out of hiding and those who have been repatriated from Thailand have been resettled in existing or new villages where the government claims all their needs will be catered to.

Some international human rights groups have expressed serious doubts about the voluntary character of their return and resettlement as well as concern about the curtailment of some of their fundamental rights in the resettlement sites such as freedom of movements or the right to an adequate standard of living due to inadequate resources or limited livelihood opportunities. Past resettlement schemes carried out by the government since the 1980s as part of its development and poverty alleviation strategy have sometimes resulted in increase food insecurity and higher mortality rates for the resettled population. In the absence of independent access provided to the resettled Hmong groups, it remains difficult to assess whether they will be able to achieve durable solutions.

The government does not acknowledge any internal displacement due to conflict or human rights violations, with displaced Hmong hiding in the jungle considered as mere “bandits” and those who have been repatriated from Thailand as “illegal migrants” or “victims of traffickers”. Return and resettlement are the two options offered to displaced Hmong who surrender and returnees from Thailand. There are no international organisations directly involved in assisting any of the displaced groups. In recent years, most of the international efforts have focused on advocacy activities often carried out from the United States where large numbers of Hmong have resettled since 1975 and where they have managed to establish effective lobby groups.



Source: UNHCR
More maps are available at www.internal-displacement.org

Introduction

Laos, a landlocked country surrounded by Vietnam, Thailand, China, Burma and Cambodia, is one of the poorest countries of the Southeast Asian region. It is currently ranked 133th out of 181 countries on the Human Development Index. Most recent estimates put the total population at around 6 million, three-quarters of which live in rural areas (HRC, 22 February 2010, p.3). Laos recognises 49 ethnic groups which can be broadly divided in four broad ethno-linguistic groups of which the Lao-Tai predominate with two-thirds of the population belonging to that group. The three other groups are the Mon-Khmer (23 per cent), the Hmong-Mien (7.4 per cent) and the Chine-Tibet (2.7 per cent). The Lao-Tai and the Hmong-Mien are sometimes also referred to as “lowlanders” and “uplanders” (or hilltribes). There is a correlation between ethnicity and poverty. While only one in four Lao-Tai is reported to be living in poverty, twice as many Mon-Khmer and Hmong-Mien are reported as “poor” (NSCCPI, ADB, SIDA, WB, 2006).

Laos has experienced massive population displacements since it gained independence in 1954; first mostly internal as a result of the civil war which ended in 1973, then mainly external when people fled the country following the communist takeover in 1975. Since the mid-1980s, the government’s internal resettlement programme, aimed primarily at alleviating poverty, has had a profound impact on human geography causing large population movements from the remote highlands to the more accessible lowlands. Before the government-initiated internal resettlement programmes, internal migration often motivated by the search of better lands was common. In the past years, economic and development –motivated internal resettlement has remained a major cause of displacement in the country.

Minority groups, in particular Hmong have since the end of the civil war claimed to suffer from hu-

man rights violations at the hands of government forces causing them to flee their homes and hide in the jungle. Most of them have sought refuge across the border in Thailand where the majority are considered as “illegal migrants” and therefore to be returned to Laos. Similar to other countries of the region, Laos is also highly prone to natural disasters. In 2008, the country suffered the most severe floods in many years. In 2009, Typhoon Ketsana displaced 60,000 people, mainly in the southern provinces (OCHA, 18 December 2009, p. 6).

The “Secret War”

The Lao People’s Democratic Republic (LPDR) was established in December 1975 following the collapse of the Royal Lao Government (RLG) earlier that year. The establishment of the communist government resulted from the alliance between the Pathet Lao (PL) -the Lao People’s Revolutionary Party- and the North Vietnamese army which had overtaken the South Vietnamese government the same year. Laos had a vital strategic importance for belligerents of the Vietnam war because of the passing on its territory of the logistical network known as the Ho Chi Minh trail, a system of tracks used by the North Vietnamese to provide support to the National Front of Liberation of South Vietnam, or *Vietcong*.

In addition to economic and military support provided to the RLG, the United States also recruited, trained and armed from the 1960s onwards a secret guerrilla force composed essentially of ethnic Hmong to fight the PL and its North Vietnamese ally in what became known as the “Secret War”. According to some estimates, the Hmong numbered 350,000 at the time (EP, 2 September 2005, p. 3). In total up to 60,000 Hmong guerrillas were trained and armed by the US Central Intelligence Agency (CIA) (CRS, 4 January 2010, p.7). They were an integral part of a covert military operation aimed at disrupting North Vietnamese supply routes and preventing the establishment of a

communist regime in Laos. Part of this “Secret War” plan was an illegal bombing campaign which was to last for nine years and result in the dropping between 1964 and 1973 of an estimated two million tonnes of bombs on Laos making it, per capita, the most heavily bombed country in the world (MAG, 27 April 2006, p. 6). The bombing included the dropping over Laos of at least 260 million cluster bomblets, 30 per cent of which failed to explode and remain a threat today (Khamvongsa & Russel, June 2009, p. 293).

The main targets of the bombing were the Ho Chi Minh trail along Laos’ south-east border with Vietnam as well as areas in the north under PL control. The north-east in particular came under intense aerial bombardments which resulted in massive destruction, killings and population displacements. Bombardments intensified from 1968 onwards when US aircrafts were diverted from North Vietnam and focused on Laos instead. In heavily-affected provinces such as Savannakhet in the south and Xieng Khouang in the north-east, most of towns were destroyed and most of the population fled their homes taking shelter in IDP villages established along the main roads or in camps set up in the main towns (LoC-FRD, 1994). Some preferred to remain near their homes often moving underground in caves and tunnels where some lived for years (MCC, November 2000, appendix 1).

By 1973, when the ceasefire came into effect and peace negotiations started between the PL and the RLG, it was estimated that between 700,000 and 750,000 people or 25 per cent of the population were displaced (Evrard and Goudineau, November 2004, p. 942). Most had fled the highland and north-east occupied by the PL and had sought refuge in RLG-controlled areas mainly situated in the lowland and the Mekong Valley (LoC-FRD, 1994; Lee, Gary Yia, 1990). After the ceasefire, tens of thousands of people returned to their homes only to find that everything had been destroyed and that their villages and farm-

ing lands were infested by unexploded ordnances (UXOs). Most returnees had no choice but to remove the UXOs with their bare hands (MCC, November 2000, appendix 1).

Population movements after the civil war

In the years following the end of the war, hundreds of thousands of people fled the consolidation of PL power, most of them seeking refuge across the border in Thailand. In early 1975, large numbers of people associated with the RLG, including business people, civil servants and army personnel began leaving the country. This included also the leader of the “Secret army”, Vang Pao, and 12,000 of its fighters with their families who were airlifted into Thailand. Many Hmong soon decided to follow their leader across the border. By May 1975, it was estimated that at least 25,000 Hmong had crossed the border into Thailand. Others, including both soldiers and civilians who could not leave the country and who feared retribution from the PL for their role in the war, went into hiding in remote mountainous areas to continue some form of armed resistance. “Re-education seminars”, to which many disbanded RLG soldiers were sent to, also encouraged many to leave.

Between 1977 and 1978, the Lao government supported by North Vietnamese forces launched a major military operation aimed at crushing the Hmong resistance. Largely outnumbered and poorly equipped, the Hmong fighters were no match for government forces who went in heavy handed using artillery, aerial bombardments including sometimes napalm. This is reported to have resulted in large number of Hmong casualties, including many civilians who lived with the fighters. The Hmong resistance soon no longer represented any serious security threat to the new government. Many surrendered and were either resettled in the lowlands or sent to “seminars”, or

prison camps, from which many did not return. Others fled to Thailand or remained hidden in small groups in inaccessible mountainous areas. By 1986, an estimated 125,000 Hmong had fled to Thailand (Ferris, 1993, p. 184).

Towards the end of the 1970s, the re-organisation of Lao villages under a collectivisation programme and adverse weather conditions, resulting in poor harvests, provided further incentives for people to leave the country. Many were also attracted by the perspective of being resettled in countries such as the United States, France or Canada. By 1986, an estimated 325,000 people, or 10 per cent of the country's population had fled the country (Ferris, 1993, p.183). The majority, which included both lowland Lao and upland Hmong, had by 1990 been resettled in the United States. An estimated 49,000 Lao refugees returned to Laos between 1980 and 1993 where they were resettled in up to 40 sites spread over 11 provinces. 19,000 of them did so with assistance from UNHCR (Writenet, May 2004, p.25). An estimated 30,000 Lao refugees, mainly upland Hmong remained living in refugee camps in Thailand. In 2003, the United States agreed to resettle a group of 15,000 of these refugees (CRS, 4 January 2010, p. 8).

Internal resettlement, opium eradication and escalating conflict with Hmong resistance

During the 1990s, the Lao government started opening the country to the outside while at the same time stepping up its internal resettlement programme. This consisted into moving people from remote mountainous areas to lowland areas along the main roads. The main justifications for this programme, still ongoing today, are to reduce poverty and to improve the standard of living of the population (HRC, 22 February 2010, p.9). Other drivers for resettlement included the need to eradicate opium cultivation, in particular in the north, the reduction of swidden (slash and burn)

agriculture and the need to improve accessibility to government (Baird & Shoemaker, 2007, p. 867). According to some estimates, between 1980 and 2000, the internal resettlement policy caused the displacement of nearly 33 per cent of the population (FIDH & MLDH, January 2005, p.8). While some resettlements are clearly voluntarily with people joining programmes to try to improve their living conditions, in many cases pressure exerted by the government on villagers is such that resisting resettlement is not an option (Baird & Shoemaker, 2007, p. 881).

Increased control over the population has also been a factor behind resettlement, in particular in the years following the end of the war when Hmong rebels continued to challenge the new regime. Hmong communities, as well as other ethnic minorities, were moved from the highlands to the lowlands for security reasons and to increase control over areas in the northern highlands but also for the purpose of eradicating opium, which traditionally played an important role for the Hmong economy. This caused discontent with communities already living on the edge of the poverty line and further impoverished by the suppression of an important cash crop for them. As a result, conflict between the government and the Hmong resistance escalated again and gained visibility. In 2003 a number of attacks on civilians were attributed to Hmong rebels groups. In one incident, passengers of a bus travelling in Luang Prabang province were robbed and the bus set on fire. 12 people were killed and 31 injured (BBC, 21 April 2003).

Since 2003, there have also been a number of reports of counter-insurgency operations against small groups of Hmong fighters living with their families scattered across remote areas in the north, in particular the Xaysomboune Special Zone, an area of Vientiane and Xieng Khouang provinces under military control until 2006, but also in the provinces of Xieng Khouang, Luang Prabang and Bolikhamsay. Government forces

attacks have reportedly made little distinction between the Hmong fighters and their unarmed relatives caught in the crossfire and who have been subject to a number of human rights violations including extra-judicial killing (HRC, 12 February 2010, p.6). Most of the limited information available has come from journalists who managed to spend a few days with Hmong groups or from displaced Hmong who have continued to seek refuge across the border into Thailand.

The Thai government has restricted international access to the Lao-Hmong refuged on its territory and has considered the majority as "economic migrants". Since 2005, some 7,500 Lao-Hmong have been sent back to Laos. At the end of December 2009, despite strong international protest, some 4,500 Lao-Hmong were forcibly returned, including a group of 158 people recognised by the UN as refugees. As with previous groups of Lao-Hmong returned to Laos, international organisations have only had very limited access to the returnees, most of whom have been relocated in resettlement villages, and have therefore been largely unable to independently assess their conditions and needs.

IDP groups

There are currently three main groups of people who can be considered as internally displaced in Laos due to conflict or human rights violations. No accurate figures are available for any of these groups but available information indicates that the total the number of internally displaced people (IDP) in the country may range between several hundreds and several thousands.

The first group of IDPs is composed of people living with Hmong rebels, mostly their relatives, and who should be considered as civilians. They are hiding in the jungle, for some since 1975, although the majority has been born in displacement. Others may have fled in recent

years as a result of attacks by government forces on Hmong villages suspected of supporting the rebels (STP, October 2006, p.10). Lack of access makes it impossible to give any precise figures. Estimates range from several hundreds to several thousands although the former is a more likely figure given the fact that many have come out of hiding in recent years (AI, 23 July 2007, p. 6; CRS, 4 January 2010, p. 8). Most are reported to have been relocated in resettlement villages, although information remains scarce mainly due to limited independent access.

The second group of IDPs is closely linked to the first one and is composed of Hmong civilians who in recent years have fled to Thailand to escape alleged human rights violations but have been forcibly sent back to Laos. Due to access restrictions imposed by Thai authorities international organisations have been prevented from assessing how many had fled for legitimate protection concerns and how many had done so for economic reasons. Access has only been granted to one group of 158 Lao-Hmong held in detention and now recognised by the UN as refugees but who have also been forcibly sent back to Laos. Since 2006, an estimated 7,700 Lao-Hmong have been forcibly returned to Laos (VOA, 6 January 2010). The majority has reportedly been resettled but in the absence of any independent access provided to international organisations it is not possible to assess to what extent their return was voluntary and if they have been able to achieve durable solutions.

A third group of IDPs is composed of religious minorities, in particular Christians, evicted or forced to flee their villages because of a limitation of their freedom of religion imposed by local authorities, including in some cases campaigns aimed at forcing them to renounce their faith (HRC, 12 February 2010, p. 8). According to information received by the UN Special Rapporteur of freedom of religion or belief, Ms. Asma Jahangir, who visited the country at the end of 2009, these incidents were on the decline (HRC, 27 January

2010, p. 13). No estimates are currently available on the number of internally displaced religious minorities in Laos but their numbers are believed to be relatively small.

Life on the run: the Hmong resistance

While there is no doubt that the Laos government has little sympathy for the group of Hmong rebels who fought alongside the RLG and United States during the war and that it has since 1975 sought to eliminate any remaining resistance by all means necessary, including probably a disproportionate use of force which has made little distinction between Hmong fighters and their families, there is no indication that the Lao-Hmong as an ethnic minority group is the subject of any systematic discrimination on the part of the government nor that the latter is conducting any policy of "ethnic cleansing" against this group. In most regions of the country, members of the Hmong community do not suffer from discrimination and some have even managed to achieve the highest ranks within the government and the LPRP political party (USDOS, 11 March 2010; Bangkok Post, 8 July 2003).

In a country where Constitutional provisions do not protect people against arbitrary arrests and detention or provide for fair trials, and restrict access to prisons or legal counsel, many groups, in particular those suspected of carrying out subversive political activities are at risk of having a number of their fundamental rights violated. Given the recent past and the ongoing Hmong "resistance", members of this community clearly appear to be a group at risk of human rights violations, including arbitrary detention and possibly more severe violations, in particular when suspected of insurgent activities.

In 2003, the UN Committee for the Elimination of Racial Discrimination (CERD) noted with alarm

that it had received reports alleging the existence in Laos of "violations of the rights to life, physical integrity and security, and of the freedoms of expression, association and religion, and of reports of economic, social and cultural discrimination against members of the Hmong minority". It reported further 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". In particular, "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 (CERD, 10 December 2003, p.2). In 2009, CERD informed the government that it was "concerned about reports citing the use of military force against these people and action depriving them of access to traditional sources of food and livelihoods." (CERD, 13 March 2009).

In the past years, a number of journalists have managed to get in direct contact with Hmong rebel groups hiding in the mountains with their families. They described to them their predicament; forced to be constantly on the move to avoid attacks by government forces, unable to secure sources of livelihood, to grow food or to access health care (Times, 23 April 2003; EP, 2 September 2005, The Independent, 19 February 2010). Hmong refugees in Thailand have given similar testimonies, some describing how they were forced to flee their villages due to constant harassment and abuses by security forces who accused them of helping Hmong insurgents (STP, October 2006, p.10). Others, who were sent back from Thailand to Laos in 2005 and detained there, but who managed to flee back to Thailand, described severe abuses including beating and rape while in detention (MSF, May 2009, p.6). Those surrendering have allegedly often been separated

with the men arrested and put away and the women relocated in isolated villages. Some others were reportedly subject to ill-treatment, including rape (AI, 23 March 2007, p.15).

Mines used by government forces in their counter-insurgency campaign as well UXOs left over from the war represent another threat for displaced Hmong hiding in the mountains. Provinces such as Xieng Khouang, Luang Prabang or Huaphan, where most Hmong are located, have particularly high concentrations of UXOs left over from the war. A 2010 UXO report showed that these 3 provinces account for nearly 30 per cent of all UXO accidents recorded between 1968 and 2008. The same report revealed that over 29 per cent of all UXO accidents occurred in the forest (NRA, 2 February 2010, pp.44-68).

Mines and UXOs also represent a serious threat for the general population as well as a significant obstacle to livelihoods and food security. It is estimated that nearly 30,000 people have died and 20,000 have been injured since 1964 as a result of the large bombs, the mines, the mortars and the bomblets. While 60% of the casualties occurred during the conflict years (1963-1973), the remainder, or 20,000 accidents, occurred after the war ended in 1974 (NRA, 2 February 2010, p.x). Children and the poorest people, some of whom collect UXOs as scrap metal to make a living are particularly at risk (IRIN, 12 November 2009). Between 1999 and 2006, records show that the two main causes of UXO accidents were "children playing" and "tampering", usually attributed to scrap metal recyclers (NRA, 2009). It should however be mentioned that there is a lack of reliable data on scrap-related casualties and on UXO accidents in general with many accidents going unreported (GICHD, September 2005, p.25).

Limited international access to Hmong returnees raises doubts about the voluntariness of return

According to the Framework on Durable Solutions for IDPs, a number of important principles should guide the search for durable solutions. Key principles relevant in the case of resettled Hmong and which the Lao government has failed to guarantee so far include the "*rapid and unimpeded access to assist IDPs*" provided to international humanitarian and development actors which should also be allowed to "*set up effective mechanisms to monitor the process of supporting durable solutions*", the right of IDPs to "*make an informed and voluntary decision on what durable solution to pursue*" and their "*right to participate in the planning and management of durable solutions strategies and programmes*" (HRC, 9 February 2010, pp. 9-10). The Framework also lists a number of criteria to determine to what extent a durable solution has been achieved. These include among others "*access to employment and livelihoods*" or "*an adequate standard of living*".

According to the government, Lao-Hmong who have been returned to Laos since 2005 have either returned to their homes villages or have been relocated in resettlement sites, such as the Phalak Village, in Vientiane Province where they have been provided with farming land and houses (UN, 7 June 2005). Prior to their return home or resettlement, they were kept for one or two weeks in a "welcoming center" for registration and "re-education", which consisted mainly in lectures to warn them about the "ill and deceiving intention of bad elements and trans-boundary human traffickers" (HRC, 18 September 2009, p.42). Lack of independent access to these returnees has led a number of international organisations to raise doubts about the adequacy of facilities and resources available in the resettlement sites hosting Hmong people repatriated from Thailand over the past years as well as former Hmong rebels (AI, 2 November 2009, p.4). An estimated 2,000 former

“insurgents”, including many women and children, are thought to have surrendered since 2005 (USDOS, 11 March 2010).

According to the government, 3,457 out of the 4,500 Hmong repatriated from Thailand at the end of 2009 were relocated in Phonkham village, a resettlement site specifically built for them in central Bolikhamsay province, while the others were sent back to their homes (AFP, 28 March 2010). All were initially placed in a temporary camp in Paksan on the Mekong River described by journalists as a “heavily guarded camp” with “razor wire” and appeared to bear more similarities with a detention center than a transit centre (SMH, 13 January 2010). The government claims that each resettled family will be entitled to a house, land as well as food and that the villages will be equipped with water, toilets, schools and health care facilities (Vientiane Times, 19 January 2010).

In February 2010, the government pledged to spend 200 billion Kip, or the equivalent of US\$23 million, for the construction of the Phonkham resettlement site, which is expected to be finished by the end of 2010 (VOA, 24 February 2010).

HRW described the village, situated in a remote area, as a “Laos equivalent of a desert island” (AFP, 28 March 2010). According to a Thai official who visited the camp at the end of February, the village lacked electricity as well as a road to the nearest city (McClatchy newspaper, 5 March 2010). During March and April, UN representatives, including a group of western diplomats and foreign journalists, were allowed to briefly visit the camp under close surveillance from Lao authorities. They were not given one-to-one access to Hmong returnees who had not chance to express themselves freely (AFP, 27 March 2010; SMH, 5 April 2010).

Information on the living conditions of Hmong returnees remains scarce mainly because of the continued lack of independent access to the

resettlement sites. Information available on past resettlement schemes conducted in Laos show a mixed picture and clearly call for a close monitoring of the implementation of projects currently underway for Hmong returnees. Initial resettlement programmes conducted by the government in the 1970s and 1980s were not very successful mainly due to the lack of preparation and resources. In the 1990s, increased resources, better preparation as well as the adoption of resettlement guidelines did appear to improve the overall quality of resettlement projects, although many were not successful. The standard of living of people relocated in resettlement villages often deteriorated instead of improving. In recent years, a number of studies have revealed higher mortality rates in resettlement sites and warned about the potential negative effect of resettlement schemes on food security caused by the lack of access to farmland and forests (IRIN, 17 December 2008; WFP, December 2007, p.48)

Under intense international scrutiny since the end of 2009, the Lao government appears prepared to make genuine efforts to meet the basic needs of the Hmong returnees and ensure they are provided with livelihoods opportunities. However, there are very serious doubts that their return to Laos and their move to the resettlement sites was voluntary, let alone that they have participated in its planning. Until unfettered and independent access is provided to international organisations and effective monitoring can take place, displaced Hmong in resettlement sites, both those returned from Thailand since 2006 and those resettled from within Laos, cannot be considered as having achieved durable solutions.

Government response

The Lao government does not acknowledge any conflict-induced internal displacement in the country, nor does it recognise the existence of a Hmong insurgency in the northern provinces.

Officially, Hmong rebels and their families are considered as “bandits” and the problem considered as of minor importance. The government denies any human rights violations committed by military or police forces against Hmong “bandits” or their families, and it refutes the existence of any discrimination targeting Hmong people or any other ethnic minority. These claims are considered by the government as “groundless”. Similarly, since Hmong refugees in Thailand have, according to the Lao government, no possible legitimate protection concerns, they are all automatically considered as “illegal migrants” and invited to return home or be relocated elsewhere in Laos, an option also offered to Hmong “bandits” who accept to surrender (Vientiane Times, 19 January 2010).

The military has generally been in charge of dealing with the Hmong “bandits” in particular in the Xaysomboune Special Zone where many Hmong groups were reported to hide and which remained under military rule until 2006. Institutional responsibilities for coordinating the resettlement of Hmong returnees appear to be shared between different government bodies. The resettlement of the group of Lao-Hmong returned from Thailand at the end of 2009 is overseen by the Minister of Defense who is also the government’s Deputy Prime Minister. The Ministry of Labour and Social Welfare (MLSW), established in 1993, has led previous refugee repatriation and reintegration processes. The MLSW is also in charge of the reintegration of trafficking victims and other vulnerable illegal migrants, a status the government has applied to all Hmong returned since 2006 (Vientiane Times, 5 January 2010).

Other national actors involved in the Hmong resettlement programme include provincial and district-level authorities as well as the Lao Red Cross, which in April 2010 distributed US-donated food and other assistance to the Hmong returnees (AAP, 15 April 2010). There are few national NGOs in Laos as these have only been allowed to register officially since November 2009 (Forum-

Asia, 18 May 2009). Some have, however, been working for years without formal authorisation, often under the umbrella of international NGOs.

The Lao government is party to a number of core human rights treaties, including the International Covenant of the Elimination of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC). In 2009, the Lao government ratified the International Covenant on Civil and Political Rights (ICCPR) as well as the United Nations Convention Against Corruption (UNCAC). The Lao government has yet to sign the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT). The Lao Constitution, promulgated in 1991 and amended in 2003, contains key provisions for the protection of human rights, including regarding equality between ethnic groups (art. 22), the freedom of settlement and movement (art. 27) or freedom of religion (art. 30). Major obstacles to the effective safeguarding of these rights include the lack of independence of the judiciary, widespread corruption and the absence of separation of power between the executive and political wings of the government with the Lao People’s Revolutionary Party as its “leading nucleus” (art. 3) (Writenet, May 2004, p. 11).

International response

Most international organisations present in Laos are involved in development assistance and none is involved in any form of assistance to conflict-induced IDPs. Prior to its departure from Laos, in 2001, UNHCR assisted with the return and resettlement of thousands of Laotians from Thailand. Despite repeated requests to continue assisting the government with the repatriation of Hmong from Thailand, UNHCR has yet to re-establish a presence in the country and is covering the country through its regional office in Thailand.

In recent years, international involvement with displaced Hmong people has focused on advocacy either directly with the Lao government or through UN Treaty Body mechanisms such as the Committee of the Elimination of Racial Discrimination (CERD) or the Convention on the Right of the Child (CRC). The last CERD periodic report was submitted by the government in 2004, or 19 years later than scheduled and was probably prompted by the activation, a year earlier, of the CERD's early warning and urgent action procedure. With the 16th and 17th reports overdue since March 2007, CERD informed the Lao government by letter in March 2009 that it was considering new information received on the situation of displaced Hmong hiding in the jungle in Xaisomboune province and that it was requesting updated information from the government on the situation of this group (CERD, 13 March 2009). In 2007, several UN Special Rapporteurs as well as the Special Representative of the Secretary-general on the human rights of internally displaced persons, expressed concern at reports of human rights violations committed in the context of the government's fight against Hmong rebels (HRC, 27 February 2008, p.10).

A number of international NGOs, including Amnesty International and Human Rights Watch have in recent years drawn attention to the plight of displaced groups in Laos. Some NGOs are very actively involved in advocacy, in particular in the United States, where a large number of Hmong refugees now live and where they have managed to establish an effective lobby group. This also creates a risk of biased information on the issue. In 2007, the former leader of the Hmong secret army, Vang Pao, now still a very influential person among the Hmong diaspora in the United States was arrested there on the charges of conspiring to overthrow the Lao government. Charges against him were dropped in September 2009, although charges remained against other members of the group arrested (NYT, 18 September 2009).

International humanitarian assistance has in recent years largely focused on demining and UXO clearance activities as well as on the response to needs created by recurrent natural disasters. Chronic food insecurity is also a major problem, as it is reported to affect two-thirds of the rural population (WFP, December 2007). Following the landing of typhoon Ketsana in September 2009, the IASC Country Team issued a Flash Appeal requesting around \$13 million to address for a six-month period the needs of an estimated 180,000 people affected in the southern provinces, 60,000 of which were displaced (OCHA, 18 December 2009).

International UXO removal assistance to Laos, for the most part coordinated by UNDP, totalled \$89 million between 1994 and 2007. Between 1993 and 2009, the United States contributed a total of \$25 million, or an average of \$1.5 million per year, which is less than the average amount the US government spent every day for nine years to bomb Laos (Khamvongsa & Russell, June 2009, p.295). According to some estimates, between 1996 and 2006 only 144km² of land, equivalent to just 1 per cent of high-risk areas and 0.4 per cent of the total contaminated areas was cleared (Khamvongsa & Russell, June 2009, p.296). Since 2008, UXO clearance efforts have been scaled up with international support reaching \$15 million in 2009. US annual contribution increased to \$3.7 million in 2008-2009 and is expected to reach \$5 million for 2010-2011 (US DOS, 22 April 2010). A 2008 UXO assessment showed that at present capacity it would take 16 years to clear all contaminated agricultural land in Laos (UNDP, 29 April 2010).

Note: This is a summary of IDMC's internal displacement profile on Laos. The full profile is available online [here](#).

Sources:

Agence France-Presse (AFP), 27 March 2010, "Laos allows Western diplomats into Hmong village"

Agence France-Presse (AFP), 28 March 2010, "Rare glimpse of Hmong in Laos fails to quell concerns"

Amnesty International (AI), 2 November 2009, Lao People's Democratic Republic - Submission to the UN Universal Periodic Review

Amnesty International (AI), 23 March 2007, Lao People's Democratic Republic - Hiding in the jungle: Hmong under threat

Asia American Press, 15 April 2010, "Franken says 4,400 forcibly repatriated Hmong remain his priority"

Bangkok Post, 8 July 2003, "Laos is getting a bad rap from the world's media"

BBC News, 21 April 2003, "Fresh bus attack in Laos"

Committee for the Elimination of Racial Discrimination (CERD), 13 March 2009, CERD letter to LPDR government requesting information on status of Hmong IDPs and returnees

Committee for the Elimination of Racial Discrimination (CERD), 10 December 2003, Prevention of racial discrimination, including early warning measures and urgent action procedures

Congressional Research Service (CRS), 4 January 2010, Laos: Background and U.S. Relations

European Parliament, September 2005, The Human Rights Situation in Laos with Particular Emphasis on the Situation of the Hmong People

Evrard, Olivier & Goudineau, Yves, November 2004, "Planned Resettlement, Unexpected Migrations and Cultural Trauma in Laos", in *Development and Change*, Volume 35, Number 5, pp. 937-962(26)

Ferris, Elisabeth, 1993, *Beyond Borders: Refugees, Migrants And Human Rights In The Post-Cold War Era*

Forum-Asia, 18 May 2009, "LAOS - NGO registration opens for the first time"

Geneva International Centre for Humanitarian Demining (GICHD), September 2005, *A Study of Scrap Metal Collection in Lao PDR*

Ian G. Baird and Bruce Shoemaker, 2007, "Unsettling Experiences: Internal Resettlement and International Aid Agencies in Laos", in *Development and Change*, Volume 38 Issue 5, Pages 865 - 888

Integrated Regional Information Networks (IRIN), 17 December 2008, "Finding alternatives to resettlement"

Integrated Regional Information Networks (IRIN), 12 November 2009, "Scrap metal income courts UXO danger"

International Federation for Human Rights (FIDH) & Mouvement Lao pour les Droits de l'Homme (MLDH), 2 January 2005, *Situation of the ethnic and religious minorities in the Lao People's Democratic Republic*

Khamvongsa, Channapha & Russel, Elaine, June 2009, *Legacies of War*, in *Critical Asian Studies*, 41:2, 281-306

Lao UXO National Regulatory Authority (NRA), 2 February 2010, *National Survey of UXO Victims and Accidents - Phase 1*

Sources:

Lee, Gary Yia, 1990, Refugees from Laos: historical background and causes

Library of Congress - Federal Research Division (LoC-FRD), 1994, Laos: A Country Study

McClatchy Newspapers, 5 March 2010, "Laos continues to block public access to deported Hmong tribesmen"

Medecins Sans Frontieres (MSF), May 2008, Fearing a forced return - The situation of the Lao Hmong refugees in Petchabun, Thailand

Medecins Sans Frontieres (MSF), 20 May 2009, Hidden Behind Barbed Wire - Plight of Hmong refugees held in detention camp in Northern Thailand ignored amid ongoing deportations to Laos

Mennonite Central Committee (MCC), November 2000, Clusters of Death

Mines Advisory Group (MAG), 27 April 2006, UXO Risk Education Needs Assessment - Lao PDR

New York Times (NYT), 18 September 2009, "U.S. Drops Case Against Exiled Hmong Leader"

Society for Threatened Peoples, October 2006, They hunt us down like animals - Massacres and grave human rights violations against the Hmong in Laos

Sydney Morning Herald (SMH), 5 April 2010, "Envoy raises fears for Hmong in Laos"

Sydney Morning Herald (SMH), 13 January 2010, "Deported Hmong held by Lao army in squalid camp"

The Independent, 17 February 2010, "The secret army still fighting Vietnam war"

TIME Magazine, 23 April 2003, "Welcome to the Jungle"

U.S. Department of State (U.S. DOS), 22 April 2010, Legacies of War: Unexploded Ordnance in Laos

U.S. Department of State (U.S. DOS), 11 March 2010, 2009 Human Rights Report: Laos

United Nations Development Programme (UNDP), 29 April 2010, Overcoming development Barriers: Australia strengthens support to reducing the risk of cluster munitions in the Lao PDR

UN Human Rights Council, 9 February 2010, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin - Addendum - Framework on Durable Solutions for Internally Displaced Persons

UN Human Rights Council, 22 February 2010, National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1 - Lao People's Democratic Republic

UN Human Rights Council, 12 February 2010, Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 - Lao People's Democratic Republic

UN Human Rights Council, 27 January 2010, Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir - Addendum - Mission to the Lao People's Democratic Republic

Sources:

UN Human Rights Council, 18 September 2009, Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya - Addendum - Summary of Communications transmitted and replies received

UN Human Rights Council, 27 February 2008, Report of the independent expert on minority issues, Gay McDougall

UN Office for the Coordination of Humanitarian Affairs (UN OCHA), 18 December 2009, Consolidated Appeals Process (CAP): Lao People's Democratic Republic Flash Appeal 2009 (Revision)

Vientiane Times, 5 January 2010, "Press statement on returning Lao Hmong"

Vientiane Times, 19 January 2010, "Lao govt reiterates policy for Hmong returnees"

Voice of America (VOA), 6 January 2010, "Laos: Repatriated Hmongs will Receive Good Care"

Voice of America (VOA), 24 February 2010, "Laos To Spend 200 Billion Kip On New Resettlement Site for Repatriated Hmongs"

World Bank (WB), September 2006, Lao PDR Poverty Assessment Report

World Food Programme (WFP), December 2007, Lao PDR - Comprehensive Food Security & Vulnerability Analysis (CFSVA)

Writenet, May 2004, Laos: situation analysis and trend assessment

About the Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council, is the leading international body monitoring conflict-induced internal displacement worldwide.

Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people.

In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

Contact:

Nina M. Birkeland

Head of Monitoring and Advocacy

Tel.: +41 (0)22 795 07 34

Email: nina.birkeland@nrc.ch

Frederik Kok

Country Analyst

Tel.: +41 (0)22 799 07 12

Email: frederik.kok@nrc.ch

IDMC

Norwegian Refugee Council

Chemin de Balexert 7-9

1219 Geneva, Switzerland

www.internal-displacement.org

Tel: +41 22 799 0700

Fax: +41 22 799 0701