Keeping the Faith:
A Study of Freedom of Thought, Conscience, and Religion in ASEAN
Lao PDR
# Lao People’s Democratic Republic

<table>
<thead>
<tr>
<th><strong>Formal Name:</strong></th>
<th>Lao People’s Democratic Republic</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Capital City:</strong></td>
<td>Vientiane</td>
</tr>
<tr>
<td><strong>Declared Relationship between State and Religion in Constitutional/Foundational Documents:</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Form of Government (e.g. Federal or Unitary system):</strong></td>
<td>People’s Democratic State - Socialist Republic</td>
</tr>
<tr>
<td><strong>Whether the regulation of religion (if any) is part of the State’s functions, and if so which government (federal or state) and which institution of government:</strong></td>
<td>Lao Front for National Construction; Ministry of Home Affairs</td>
</tr>
<tr>
<td><strong>Total Population:</strong></td>
<td>6,541,432 (est. 2012)</td>
</tr>
<tr>
<td><strong>Religious Demography:</strong></td>
<td>Buddhist 66.8%, Other (Animist) 30.9%, Christian 1.5%, No Answer 0.7%, Muslim 0.03%, Bahai 0.02% (2005 census)</td>
</tr>
</tbody>
</table>

## Changing Religious Demography:

<table>
<thead>
<tr>
<th>Year</th>
<th>Pop. Size</th>
<th>Buddhism</th>
<th>Animism</th>
<th>Christianity</th>
<th>Muslim</th>
<th>Other religions</th>
<th>No answer/Unknown</th>
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</thead>
<tbody>
<tr>
<td>2005</td>
<td>5,622,000</td>
<td>66.8 %</td>
<td>30.9 %</td>
<td>1.5 %</td>
<td>0.03 %</td>
<td>0.07 %</td>
<td>0.7%</td>
</tr>
<tr>
<td>1995</td>
<td>4,575,000</td>
<td>65.43 %</td>
<td>33.12 %</td>
<td>1.31 %</td>
<td>0.02 %</td>
<td>0.10 %</td>
<td>0.01 %</td>
</tr>
</tbody>
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1 The source for all statistics included in this table and the one that has preceded it is the Lao Statistics Bureau <nsc.gov.la> accessed 27 June 2014. Figures are taken from the Lao PDR Population and Housing Censuses conducted in 1995 and 2005, respectively. It is important to note that Animism was not considered as a religion by was indicated as part of ‘Others’ categories in the 2005 census. Additionally, Bahai was considered as a separate category in on the 2005 census.
INTRODUCTION

The Lao People's Democratic Republic (“Lao PDR”) is a single-party socialist republic established on 2 December 1975 under the guidance of the Lao People's Revolutionary Party (“LPRP”). The government operates on the principle of democratic centralism, with the LPRP described as the “leading nucleus” or “axle” and the Lao Front for National Construction (“LFNC”) and other mass organizations as the “power” in managing the State. The LFNC is designated as the main organization to manage and supervise religious practice in the country. Through the LFNC, the Government officially recognizes four religions: Buddhism, Islam, Baha’i, and Christianity. Christianity is further categorized into only three groups: the Catholic Church, the Lao Evangelical Church (“LEC”), and the Seventh-day Adventist Church.

Theravada Buddhism is the religion of two-thirds of Lao PDR’s population and is generally practiced free from restrictions and oversight, particularly in the past five years. The religion has a long tradition in the country, often traced from the ascent of the Lan Xang kingdom in Luang Prabang in the 14th century, with Lao kings acting as patrons to the religion over the centuries. Buddhism was declared as the state religion of Lao PDR in the 1947 Constitution, during French colonial rule. In contrast, the 1991 and 2003 Constitutions, promulgated under the current regime, do not designate a state religion. Nevertheless, many regard Buddhism as an integral part of Lao culture and as a way of life, with more than 4,000 Buddhist temples serving as the center of community life in the past five years. The religion has a long tradition in the country, often traced from the ascent of the Lan Xang kingdom in Luang Prabang in the 14th century, with Lao kings acting as patrons to the religion over the centuries. Buddhism was declared as the state religion of Lao PDR in the 1947 Constitution, during French colonial rule. In contrast, the 1991 and 2003 Constitutions, promulgated under the current regime, do not designate a state religion. Nevertheless, many regard Buddhism as an integral part of Lao culture and as a way of life, with more than 4,000 Buddhist temples serving as the center of community life in

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2 See Preamble and Article 3, Constitution of the People’s Democratic Republic (No. 25/NA) (6 May 2003) (hereinafter “CONSTITUTION (2003)”).
3 Articles 3, 5, and 7, Constitution (2003); Article 3, Law on the Government of the Lao People’s Democratic Republic (No.02/NA) (6 May 2003) (hereinafter “LAW ON GOVERNMENT”).
5 See Article 10, Decree on Management and Protection of Religious Activities in the Lao People’s Democratic Republic, Prime Minister’s Office (No. 92/PM) (05 July 2002) (hereinafter “Decree No.92”).
7 Theravada Buddhism is the religion of most of the Lao Loum or lowlanders, while ethnic groups of Lao Soung (highlanders/minority tribes) and Lao Theung (mid-slope dwellers) usually practice animism and ancestor worship. See Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, Addendum, Mission to the Lao People’s Democratic Republic (A/HRC/13/40/Add.4, para. 20), 27 January 2010 (hereinafter “REPORT OF THE SPECIAL RAPPORTEUR, ASMA JAHANGIR (2010)”).
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many rural areas. Not surprisingly, it has been noted that Theravada Buddhism appears to be given an elevated status by the Government, as exhibited in the incorporation of Buddhist ritual and ceremony in state functions, exemption of Buddhism from registration requirements, sponsorship of Buddhist facilities, and the promotion of Buddhism as an element of the country’s cultural and spiritual identity. Interestingly, scholars note that Theravada Buddhism practiced in Lao PDR has evolved a distinctive character, interlinked and practiced alongside native spirit practices.

Animism, the next largest belief group, while not officially recognized as a religion by the Government, is practiced by around 30% of the population, most of whom belong to the 48 ethnic minority groups in the country. Animists believe that spirits inhabit animate and inanimate forms of nature, and offerings and sacrifices of animals promote good terms with the spirits. This belief system is often well entrenched with daily life and customs in the ethnic group. Some, such as Mon-Khmer groups, also practice ancestor worship alongside their belief in animistic spirits. Political heads may also hold religious authority in some ethnic groups. As an example, in Iu-Mien societies, secular and religious functions are combined in the leadership, with the religious leader and the head of the tribe being the same person, while in the Hmong, a political leader may also be invested with responsibilities for beliefs and traditional customs.

Animists generally experience little interference in their religious practices, although the Government has actively discouraged animist practices that it deemed outdated, dangerous, or illegal, such as the practice in some tribes of killing children born with defects or burying the bodies of deceased relatives underneath homes.

Christian groups constitute approximately one and a half to two percent of the population. There are around 45,000 to 50,000 Roman Catholics, many of whom are ethnic Vietnamese concentrated in major urban centers. The Lao Evangelical Church approximates that the Protestant community has around 100,000 believers, most of whom belong to ethnic minority groups. There are, on the other hand, between 1,200 and 2,000 Seventh-day Adventists members. Although not officially recognized, other Christian congregations exist, including the Methodists, Jehovah’s Witnesses, Church of Christ, Assemblies of God, Lutherans, The Church of Jesus Christ of Latter-day Saints (Mormons), and Baptists. Their membership numbers are, however, not available.

The Baha’i faith claims to have around 8,500 adherents, with five centers in the country. There are about 400 adherents of Islam with two active mosques in Vientiane, most of whom are foreign residents or Cambodian in origin. These two groups are generally able to practice their faith openly with
few restrictions.  

PART ONE: LEGISLATIVE AND POLICY FRAMEWORK

A. International Obligations

1. Ratified Conventions

The Lao People's Democratic Republic has acceded to or ratified six international human rights conventions that incorporate guarantees to the right to the freedom of thought, conscience and religion:

<table>
<thead>
<tr>
<th>International Document</th>
<th>Year of Signature</th>
<th>Year of Ratification / Accession</th>
<th>Declaration</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Covenant on Civil and Political Rights (ICCPR)</td>
<td>2000</td>
<td>2009</td>
<td>Article 18</td>
</tr>
<tr>
<td>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)</td>
<td>N/A</td>
<td>1974</td>
<td>none</td>
</tr>
<tr>
<td>International Covenant on Economic, Social and Cultural Rights (ICESCR)</td>
<td>1966</td>
<td>2007</td>
<td>none</td>
</tr>
<tr>
<td>Convention on the Rights of Persons with Disabilities (CRPD)</td>
<td>2008</td>
<td>2009</td>
<td>none</td>
</tr>
<tr>
<td>Convention on the Rights of the Child (CRC)</td>
<td>N/A</td>
<td>1991</td>
<td>none</td>
</tr>
</tbody>
</table>

Lao PDR ratified the International Covenant on Civil and Political Rights with the following declaration as regards Article 18, to wit:

The Government of the Lao People’s Democratic Republic declares that Article 18 of the Covenant shall not be construed as authorizing or encouraging any activities, including economic means, by anyone which directly or indirectly, coerce or compel an individual to believe or not to believe in a religion or to convert his or her religion or belief. The Government of the Lao People’s Democratic Republic considers that all acts creating division and discrimination among ethnic groups and among religions are incompatible with Article 18 of the Covenant.  

22 Ibid.


The Government’s declaration as to Article 18 of the ICCPR is in accordance with the 2003 Constitution of Lao PDR (the “Constitution”) prohibiting divisions based on religion or class. The declaration, however, raises some concern on the implementation of this clause in the Lao context. In her Report to the Human Rights Commission after her mission in Lao PDR, the Special Rapporteur on freedom of religion or belief, Ms. Asma Jahangir noted the “different approach and lower threshold for limitations on the freedom to manifest one’s religion or belief applied by Lao PDR by seeking to outlaw ‘all acts creating division among religions.’” Citing the Human Rights Committee in its General Comment No. 22 on acceptable limitations to freedom of thought, conscience or religion, the Special Rapporteur cautioned that Lao PDR’s domestic concept of the right is “highly subjective and could be abused by the State to prohibit religious activities that are protected under international law, such as the teaching and dissemination of religious beliefs or proselytism in general.”

Using this consideration, the Government enumerated existing provisions of the Constitution and its domestic laws to show compliance with their obligation under the International Convention on the Elimination of All Forms of Racial Discrimination, as indicated in its Report to the Committee on the Elimination of Racial Discrimination (“CERD Committee”). Acknowledging the efforts of the Government, the CERD Committee stated that Lao laws still need to include all the elements of the definition of racial discrimination under Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination and has urged the Government to review its legislation and incorporate the provisions of the Convention into its domestic law.

In relation to women and children’s rights under the CEDAW and CRC, Lao PDR has promulgated the Law on the Development and Protection of Rights and Interests of Children (2007) and the Law on the Development and Protection of Women (2004). There are, at the time of writing, no separate laws to implement the provisions of the ICCPR and the CRPD.

2. Dualism and the Incorporation of International Obligations

Lao PDR adheres to a dualist legal system. The 2009 Presidential Ordinance on the Conclusion, Accession, and Implementation of International Treaties provides for, among others, the application and implementation of international treaties in the domestic sphere, as follows: (a) treaty provisions which are not consistent with or not yet reflected in existing laws shall be transformed into domestic law to become effective; (b) treaty provisions prevail over domestic law in case of conflict but the treaty must be consistent with the Constitution and reservations made by Lao PDR; and (c) international treaties are directly applicable if their provisions are consistent with and provided for in the Constitution and domestic laws, and do not require the amendment of existing laws or do not require the enactment of new laws and regulations.


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B. Domestic Laws and Policies

The Constitution of Lao PDR expressly guarantees freedom of thought, conscience and religion of its citizens, with Article 43 thereof providing that:

Lao citizens have the right and freedom to believe or not to believe in religions.31

The guarantee of religious freedom is expounded on in Article 9 of the Constitution, as it proclaims thus:

The State respects and protects all lawful activities of Buddhists and of followers of other religions, [and] mobilizes and encourages Buddhist monks and novices as well as the priests of other religions to participate in activities that are beneficial to the country and people. All acts creating divisions between religions and classes of people are prohibited.32

These Constitutional tenets on religion are reflected in the Decree on Management and Protection of Religious Activities in the Lao People’s Democratic Republic, Prime Minister’s Office No. 92/PM (“Decree 92/PM”).33 Promulgated on 5 July 2002, this Decree is the principal legal instrument for “the management and protection of religious activities in the Lao PDR”.34 It empowers the Central Lao Front for National Construction to manage all matters concerned with religious activities, with the aim of “making religious activities conform to laws and regulations, and ensuring the exercise of the right of Lao people to believe or not to believe.”35 Decree No. 92 assures that the Government “respects and protects legitimate activities of believers”36 but also requires believers to “preserve and expand historic traditions, cultural heritage and Lao National Unity.”38 While the Constitution guarantees fundamental rights, the same is predicated on the exercise of these rights according to law. Decree No. 92, as will be discussed below, sets specific requirements on how religious activities are to be considered as legitimate.

It should also be noted that the Constitution guarantees fundamental rights, including religious freedom, only to Lao citizens.39 The rights and freedoms of aliens and apatrids,40 on the other hand, are protected by the laws of the Lao People’s Democratic Republic.41 For these persons, Decree No. 92 is the main law that provides and delineates their right to religious freedom, with Article 4 thereof expressly enumerating Lao citizens, aliens, stateless persons and foreigners as holders of “the right to carry out their undertakings or organize religious ceremonies where their monasteries or churches are located.”42 The other clauses of Decree No. 92 provides the rights, limitations, and obligations of “believers”43 in general without further reference to citizenship, and it is interpreted that these clauses apply to non-citizens.

In addition, customary practices remain an important source of law, especially among the members of the 49 ethnic groups and in the most remote areas of the country. Consequently,

31 Article 43, Constitution (2003). See also Article 30 of the 1991 Constitution, which provides the same guarantee to Lao citizens.
32 Article 9, Constitution (2003). See also Article 9 of the 1991 Constitution, which guarantees the same protection from the State for lawful religious activities.
33 Decree No.92 was promulgated a year before the amendment of the Lao PDR Constitution in 2003 and references Article 9 of the 1991 Constitution. However, the present Constitution essentially adopted the 1991 Constitution wording for the present Articles 43 and 9. See footnotes 35 and 36 above.
34 Article 1, Decree No. 92.
35 Article 10, Decree No. 92.
informal traditional local rules regulate the lives of many citizens and significantly impact on ways of thinking and behaving, rather than official statutory laws and regulations.44

1. **Freedom to adopt, change or renounce a religion or belief; and freedom from coercion**

As quoted above, the basic guarantee on religious freedom is provided under Article 43 of the Constitution, granting Lao citizens the right and freedom to believe or not to believe in religions.45

Article 6, meanwhile, assures State protection to the freedom and democratic rights of its people in general, to wit:

> The State protects the freedom and democratic rights of the people, which cannot be violated by anyone. All State organizations and government officials must disseminate and create awareness of all policies, regulations and laws among the people and, together with the people, organise their implementations in order to guarantee the legitimate rights and interests of the people. All acts of bureaucratism and harassment that can be detrimental to the people's honour, physical well-being, lives, consciences, and property are prohibited.46

Article 3 of Decree No. 92 reiterates Article 43 of the Constitution with a seeming qualification, providing that citizens are “equal before the law in believing or not believing religions as provided by the Constitution and laws of the Lao PDR.”47

Furthermore, Article 10 of Decree No. 92 confers on the LFNC the authority to manage, give opinions on, and instruct religions not only as to the country’s laws but ostensibly even as to theology and the group’s own creed, to wit:

The Central Committee of the Lao Front for National Construction has the right to manage, promote theology, and give instructions, report to, give opinions on or submit to administrative authorities of each level concerning the activities of each religion in order that such activities are in conformity with its own principles and with laws and regulations of the Lao PDR.48

2. **Right to manifest one's religion or belief**

Article 44 of the Constitution guarantees that Lao citizens have “the right and freedom of speech, press and assembly; and have the right to set up associations and stage demonstrations which are not contrary to the laws.”49

Article 9 of the Constitution, quoted above, also proclaims State protection for lawful activities of followers of all religions. Nevertheless, while Article 9 accords protection to religious activities, it is to be noted that State protection is predicated on such activity being considered “lawful”. Activities encouraged are those that are “beneficial to the country and people” and all acts that cause divisiveness between religions are prohibited. The 2005 International Religious Freedom Report of the U.S. Department of State observed that, “the Government interprets this clause restrictively, and cites it as a reason for placing restrictions on religious practice, especially those belonging to minority religions. Although official pronouncements accept the existence of different religions, they emphasize the potential to divide, distract, or destabilize. Local and central government officials widely referenced Article 9 as justification for prohibiting such

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47 Article 3, Decree No.92.
48 Article 10, Decree No.92.
religious activities as proselytizing.”

The prerequisite for lawfulness in the manifestation of religious belief is reflected in Decree No. 92, which assures State protection for “legitimate activities of believers” and proclaims “the aim of making religious activities conform to laws and regulations.” Indeed, it is Decree No. 92 itself that has set down the requirements for these religious activities to be considered lawful, with the LFNC accorded the mandate not only to approve registration but also to manage matters concerning the activities of each religion. As discussed below, this encompasses the approval on the places of worship, the right to proselytize, the printing and distribution of religious materials, appointing clergy, accepting financial assistance, and traveling within and outside the country for religious activities and studies.

a. Freedom to worship

Article 4 of Decree No. 92 provides Lao citizens, aliens, stateless persons and foreigners of “the right to carry out undertakings or organize religious ceremonies”, while Article 11 assures “the right to organize meetings of their own believers for the purpose of delivering sermons, disseminating religious teachings, conducting religious ceremonies, organizing festivals or praying on normal important days of each religion” provided that these activities are done in the worshipers’ “monastery or church.”

b. Places of Worship

As stated in Article 4 of Decree No. 92, religious activities and meetings are decreed to be conducted within a monastery or church. Further, Article 15 of Decree No. 92 imposes a duty on religious organizations “to preserve sacred sites, articles of historical heritage, Lao national culture, customs and traditions.” To repair or build new churches or other religious buildings, an organization needs approval from relevant local governmental authorities and the local LFNC under Articles 15 and 16. Buddhist temples, meanwhile, require the approval of higher authorities: the Prime Minister and president of the Central Committee of the LFNC.

c. Religious symbols

There is no law that restricts or prohibits the use of religious symbols and there have been no report of significant issues in this regard. However, it is noted that consistent with the long history and strong influence of Theravada Buddhism in the culture of the majority, Buddhist symbols are predominant in the country. The That Luang Pagoda, a gold-inlaid Buddhist stupa built in 1566, is the national symbol of Lao PDR. Its image forms a central part of the country’s national emblem, as expressly provided under Article 90 of the Constitution, and as such, this symbol is printed in all official documents from the Government and in all denominations of the country’s paper bills.

d. Observance of holidays and days of rest

The Labor Law, which became effective on 29 October 2014, lists the official holidays observed in Lao PDR, which does not include the observance of any religious event, although the Government generally permits major religious festivals of all

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51 Article 3, Decree No.92.

52 Article 1, Decree No.92.

53 Articles 7 and 10, Decree No.92.

54 Article 16, Decree No.92.

established congregations without hindrance. However, there have been a few reports of local officials obstructing Christian congregations’ observance of religious holidays such as Christmas and Easter and even arresting ministers and worshippers conducting Christmas celebrations.

e. Appointing clergy

As part of the LFNC’s power to oversee religious organizations, Article 9 of the Decree states that members of the clergy and believers “who will be selected or granted any status, and who will accept any title or honorific distinction from a foreign country, shall seek approval from the Central Committee of the Lao Front for National Construction, which will submit the matter to the relevant competent organ for approval.”

It appears that non-compliance with this provision holds penal sanctions. Article 162 of the Penal Law (2005) punishes ordination of clergy without authorization, thus:

The ordainment of a monk or novice without approval from the administrative authorities shall be punished by three months to one year of imprisonment and a fine from 50,000 Kip to 100,000 Kip.

A monk performing ordainment without authorisation shall be punished on the same charges.

Under this penal provision, it was reported that in February 2007 two Buddhist monks were arrested for being ordained without government approval and for celebrating inappropriately following the ordination ceremony, although the two were reportedly detained only a short time before being released.

While the Penal Law (2005) seems to refer to the majority Buddhist religion with its reference to a “monk or novice,” there is no reason why this provision could not be interpreted to apply to other religions as well in light of the LFNC’s broad authority under Decree No. 92. There has not been any reported application of the penal law to minority religions, but there was a report that a Roman Catholic ordination of priests – the first since 1995 – was blocked in late 2005 by the Government in exercise of its authority under Decree No. 92. The ordination was allowed to proceed a year later in Vientiane Municipality along with the ordination of a deacon in Champassak Province. Approval for these ordinations represented significant improvements from past restrictions.

f. Teaching and disseminating materials (including missionary activity)

Article 12 of Decree No. 92 grants a religious organization the right to proselytize or disseminate religious teachings upon the approval of the village or district LFNC or the head of the village or district. Activities conducted outside the village, district, or province where they are registered must similarly hold prior approval from the appropriate LFNC or local government authorities. A broadly-worded

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Article 13, however, cautions that conducting activities against the Lao PDR regime or dividing ethnic groups or religions in order to cause social disorder are prohibited acts and merit punishment under applicable laws.

Further, Article 14 forbids the publication and even the possession of books or other documents that are “distortions of truth, slandering or obstructing the progress of the nation, or the production and duties of citizens towards the country.” To this end, the printing of books, documents for dissemination, signs and various plates related to religion must be authorized by the Ministry of Propaganda and Culture62 with the approval of the Central Committee of the LFNC.63

g. The rights of parents to ensure the religious and moral education of their children

While the Law on Education obliges parents and guardians to support their children’s education and to cooperate and support their children’s schools, it does not give parents the right to decide on their children’s religious and moral education.64 In recent years, it was noted that the government promotes the teaching of Buddhist practices as part of Lao culture in public schools with cultural sessions reportedly including lessons taught in Buddhist temples,65 which may affect the right of non-Buddhist parents to decide on the religious instruction of their children according to the family’s beliefs.

h. Registration

Article 7 of Decree No. 92 requires the submission of “a comprehensive set of documents required by regulations” to the LFNC Central Committee through local authorities for the registration of religious organizations. The Decree further provides that regulations on registration will be provided by the LFNC, but it has been noted that such regulations have not been issued.66

In March 2004, the LFNC issued Instruction No. 001/LFNC, which provides that no Christian denominations other than those already recognized by the government (which are the Catholic Church, the Seventh-day Adventist Church, and the Lao Evangelical Church) may register as independent entities. All other Protestant groups are required to register as part of the Lao Evangelical Church or the Seventh-day Adventist Church. The government believes that this measure will prevent “disharmony” in the religious community.67 As a result of this Instruction, other Protestant Christian groups have little recourse but to either be under the LEC despite differences in leadership or beliefs, or to remain underground as an unregistered group. This has also placed the LEC in a somewhat elevated position within the Christian community, with the discretion to accept or deny a group who wants to be included under the umbrella of the LEC organization, and the authority over activities of its member groups. This instruction has elicited comment from the Special Rapporteur Jahangir in her Report. “It is imperative that no religious groups should be empowered to decide about the registration of another religious group,” she stressed.68 A church leader from a Christian group opined that this was another form

62 This government body is now renamed as the Ministry of Information, Culture and Tourism.

63 Article 14, Decree No.92.

64 Article 47, Law on Education (No.03/NA) (8 April 2000).


of restriction to religious freedom in the country.  

Pursuant to Instruction No. 001/LC, no new Protestant denomination has been recognized despite the presence of these groups in the country. An example is the Methodist church which has a long-standing application for registration that is still pending to this date.  

It is observed that despite having an established procedure for registration, the government’s desire to consolidate religious practice would appear to have effectively blocked new registrations by particular religious groups.  

Moreover, regulation does not end with registration, as Article 6 of Decree No. 92 requires religious groups to maintain a register of their members, priests, and teachers, with the clergy required to maintain an identification card. The list of persons who compose the administration of a religion must be reported under Article 8. The government’s requirement to report membership information periodically to the Religious Affairs Department of the LFNC, however, does not seem to include Buddhists and Catholics.  

i. Communicate with individuals and communities on religious matters at the national and international level  

Articles 17 to 20 of Decree No.92 relate to communications on religious matters with foreign counterparts. The right of believers to communicate with foreign organizations, religious agencies, other believers, and individuals, and to accept assistance from foreign religious sources or international organizations must conform with the policy, laws and regulations of the LFNC and the Government.  

Foreign trips related to religion must be approved by the LFNC, while theological studies abroad must be approved by the Ministry of Education. Similarly, inviting foreign persons to Lao PDR on matters related to religion also requires the approval of the LFNC.  

j. Establish and maintain charitable and humanitarian institutions/solicit and receive funding  

Article 44 of the Constitution provides 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 which are not contrary to the laws.” Decree No. 92 is silent on the matter of religious organizations maintaining charitable or humanitarian institutions, although a number of foreign non-governmental organizations with religious affiliations have been permitted to work in Lao PDR.  

In 2009, the Decree on Associations was promulgated setting rules and regulations for the establishment of non-profit civil organizations, including social welfare associations, but this Decree specifically excluded religious organizations from its scope of application.  

Article 20 of Decree No.92 requires that acceptance of assistance from foreign religious agencies, believers or organizations must be in accordance with Lao PDR regulations. Religious organizations and individuals intending to receive or give assistance to other religious organizations or individuals must seek prior approval from the Central Committee of the LFNC.  

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69 Interview with Christian church leader, Vientiane, 14 June 2014.  
70 U.S. IRF Report 2011, 5. The fact that the application is pending was confirmed by a member of the Methodist church in Vientiane. Interview with Methodist church member, Vientiane, 17 December 2014.  
72 Ibid.  
73 Article 17, Decree No.92.  
74 Article 20, Decree No.92.  
75 Article 18, Decree No.92.  
76 Article 19, Decree No.92.  
78 Article 9, Decree on Associations, Prime Minister’s Office (No.115/PM) (6 May 2009).
3. Freedom from intolerance and discrimination

Article 35, of the Constitution ensures equality before the law regardless of one's beliefs, class, or ethnicity, thus:

Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.\(^{79}\)

The Government of Lao PDR in its consolidated Report to the Committee on the Elimination of Racial Discrimination (“CERD”),\(^{80}\) highlighted Articles 9 and 3 of the 2003 Constitution and Article 3 of Decree No. 92 to demonstrate that freedom from discrimination is guaranteed and enjoyed by Lao citizens. In addition, the following domestic laws also contain non-discrimination provisions:

a. Article 176 of the Penal Law (2005) makes it a crime to discriminate against persons on ethnicity, decreeing that, “any person who excludes, obstructs, restricts the participation or practices selective treatment against other persons on the ground of ethnicity shall be punished by imprisonment from 1 to 5 years or fined from 1,000,000 to 3,000,000 kip.”

b. Article 45 of the Labour Law (2006) accords equal rights to employees in receiving salaries for equal work without discrimination as to race, nationality, gender, age, religion, belief, or social economic status. However, non-discrimination on the basis of religion and belief has been omitted in the new Labour Law (promulgated in 2014).

c. Article 4 of the Law on Health Care provides that all citizens, regardless of gender, age, ethnic origin, race, religion, or socio-economic status, shall be entitled to health care when they are ill, and to complain if the health care provided is “not in conformity with professional techniques or equitable”.

Despite these legal safeguards, as will be discussed in greater detail below, acts of discrimination and intolerance continue to be reported against religious minorities.\(^{81}\)

4. Freedom of Religion and Belief: The Right of Vulnerable Groups

a. Women

Article 29 of the Constitution provides for the protection of the “legitimate rights and benefits of women and children.” To this end, the Law on Development and Protection of Women was promulgated in 2004. This law expressly provides protection to women and their children from harm because of superstitious beliefs and prohibits forcing a woman to deliver her baby in the forest,\(^{82}\) as is the tradition of some ethnic groups.\(^{83}\) However, while the law accords equal political, economic, cultural and social rights between women and men, it is silent on the guarantee of freedom of religion or belief for women. It must be noted that the Committee on the Elimination of Discrimination against Women, considering the country report of Lao PDR in July 2009, expressed its concern at “the persistence of adverse norms, practices and traditions, as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, especially within some ethnic groups,” which perpetuate discrimination against women and girls, according a disadvantageous and unequal status in many areas, including in education and public life and


\(^{80}\) CERD/C/LAO/16-18, para. 60.

\(^{81}\) Additionally, Special Rapporteur Jahangir expressed concern in her Report on the discriminatory implementation of domestic laws, the denial of due process and the bias by law enforcement organs against religious minorities. See Report of the Special Rapporteur, Asma Jahangir (2010), para 50.

\(^{82}\) Article 22, Law on the Development and Protection of Women (No. 08/NA, 22 October 2004).

\(^{83}\) Each community has its own distinct beliefs in relation to pregnancy and childbirth. As an example, while the Lao, Hmong, Khmu and Xouay deliver their babies in houses, the Taoi, Katang, Makong, and Tri groups traditionally deliver their babies in the forest. See Customary Law (2011), 17-18.
decision-making, and the persistence of violence against women.\textsuperscript{84}

\subsection*{b. Children}

Adhering to the Convention on the Rights of the Child, the Law on the Protection of the Rights and Interests of Children, promulgated in 2007, declares among others, the rights of a child to education, access to health care, speech and expression, and to be protected from all forms of physical and moral abuse.\textsuperscript{85} It also secures a child’s right against discrimination of any kind regardless of gender, race, ethnicity, language, beliefs, religion, physical state and social-economic status of their family.\textsuperscript{86}

c. Migrant Workers

There is no law expressly guaranteeing migrant workers the right to religious freedom. As the fundamental rights guaranteed under the Constitution (particularly Article 43 on the right to belief) is expressly limited to Lao citizens, and Article 50 thereof provides that the right of foreigners are provided under laws, their rights appear to be limited with those provided under Decree No. 92.

d. Persons deprived of their Liberty

The arrest of religious clergy has a specific procedure under Article 62 of the Law on Criminal Procedure and Decree No.92, which requires that the head monk or the representative of the relevant religious organisation be informed of the impending arrest of a monk or novices so that the monk or novice is defrocked before his arrest. For an ordained person in other religions, the head of the religious organization must be informed of the arrest. While this requirement seems to accord courtesy to the religious institution involved, there is a possible violation of the presumption of innocence as an accused Buddhist clergy is already penalized with defrocking prior to his trial.

There is no statutory protection expressly providing for the right to religious freedom while in detention aside from the guarantees provided under the Constitution. While prisoners should continue to enjoy their rights to manifest their religion and belief, there are concerns that this may not be the case in reality for some prisoners in Lao PDR.\textsuperscript{87}

e. Refugees

Lao PDR currently does not have a law on the rights of refugees.

f. Ethnic Minorities

The Constitution, in its Preamble and provisions, consistently highlights that Lao PDR is a multi-ethnic community.\textsuperscript{88} There are 49 officially recognized ethnic groups in the country based on a study conducted by the LFNC’s Department of Ethnic Affairs.\textsuperscript{89}

Article 35 of the Constitution accords the assurance of equal treatment before the law regardless of the ethnicity of a person. As stated above, Article 176 of the Penal Law (2005) penalizes discrimination based on ethnicity as a criminal offense. In

\begin{itemize}
\item[84] Concluding Observations of the Committee on the Elimination of Discrimination against Women, Lao People’s Democratic Republic (CEDAW/C/LAO/CO/7, para. 21) (7 August 2009).
\item[87] In Special Rapporteur Jahangir’s visit to Samkhe prison on 25 November 2009, the prison authorities refused to allow her to speak in private and freely with the prisoners despite her mandate as special rapporteur. She observed: “The detainees appeared to be frightened to respond to some very basic queries and were afraid to speak to the Special Rapporteur without the presence of the prison authorities.” See Report of the Special Rapporteur, Asma Jahangir (2010), para. 3, 51.
\item[88] Preamble, Articles 1, 2, 7, 8, Constitution (2003).
\item[89] CERD/C/LAO/16-18, para. 24.
\end{itemize}
addition, Article 66 of the Penal Law (2005), mirrors the controversial wording of Article 9 of the Constitution, and punishes an offence against solidarity, thus:

“Any person dividing or causing resentment between ethnic groups and social strata with the intention of undermining national solidarity shall be punished by one to five years of imprisonment and shall be fined from 500,000 kip to 10,000,000 kip.”

It should be noted that in the Lao PDR setting, members of ethnic minorities are often the ones who are converted to Christianity, rendering them more vulnerable to double discrimination for their ethnicity and their religion. Thus, while acknowledging the intent to protect ethnic groups, there is a peril that using this Article, members of ethnic minority groups who practice a different religion are accused of causing division or resentment within the community, a situation that has already been reported in some areas.

Referring to the observations of the Special Rapporteur Jahangir in her Report (see Section I.B.3. above), and taking into account the intersectionality of ethnicity and religion in Lao PDR, the CERD Committee echoed the concern on discrimination experienced by certain ethnic groups in the country in the exercise of their freedom of religion. It reiterated its previous recommendation for the Government to take all the necessary measures to ensure that all persons enjoy their right to freedom of thought, conscience and religion without discrimination in accordance with Article 5 of the Convention.

C. Redress Mechanisms and Interpretation of Policies

1. Judiciary

The People’s Courts constitute the judicial branch of government, and is composed of the People’s Supreme Court, the appellate courts, the people’s provincial and city courts, the people’s district courts, and the military courts. The people’s courts are composed of panels of judges who issue decisions in cases and are mandated to be independent and to comply strictly with the laws in their adjudication. In addition, the Constitution also refers to the Office of the Public Prosecutor who has the duty “to monitor the correct and uniform implementation of the laws and regulations” and “to exercise the right of public prosecution.”

Citizens whose rights have been violated under the laws of Lao PDR have the right to file a complaint before the courts. However, based on the searches conducted for this report there is no data available pertaining to cases of religious persecution, hence suggesting that no cases have been filed. There has also been no landmark ruling in relation to the freedom of thought, conscience, and religion issued by the Lao PDR judiciary. In addition, reports of cases where religious minorities experienced arrests or detention due to their beliefs indicate that their rights as accused have not been respected.

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95 Article 82, Constitution (2003).
97 See U.S. IRF Report 2011 – Laos, 4; Alternative Report to the CERD (2012); CSW Briefing Laos (212), 16, 19;.
It is important to note that access to justice and the rule of law is an on-going concern for Lao PDR. In 2011, a survey on the people’s perspectives on access to justice conducted by the United Nations Development Programme in Lao PDR indicated that there is a lack of awareness of access to, or interaction with, the formal justice system, and that instead of courts, customary mechanisms for resolving disputes are used by most of the population. Customary justice mechanisms include negotiation and traditional mediation conducted by a council of elders or the head of clans who are often the religious and customary authorities in the community. This is part of the lifestyle of many ethnic minority communities who still consider themselves predominantly governed by customary law rather than state law.

The Government itself has acknowledged the need to strengthen the rule of law in the country. To this end, it has launched the Legal Sector Master Plan (“LSMP”) in 2009 with the aim of developing the country as a full rule of law State by 2020. The LSMP includes as its main pillars the development of systemic, transparent, and effective law implementation and enforcement institutions, the development of human resources in the legal and justice sector, and the development of legal databases and information resources and people’s participation in the legal and justice sector.

2. Administrative Bodies

As discussed above, Article 10 of Decree No. 92 confers on the Central Committee of the LFNC “the right to manage, promote theology and give instructions, report to, give opinions on or submit to administrative authorities of each level concerning the activities of each religion in order that such activities in conformity with its own principles and with laws and regulations of the Lao PDR.” As such, the LFNC, either through its Central Committee or its local branches, has been the primary institution that parties approach on controversies involving religion. Within the LFNC, matters concerning religion are handled by the Department of Religious Affairs.

The Department of Ethnic Issues and Religious Affairs (“DEIRA”) of the Ministry of Home Affairs (“MHA”), which was established in 2011, also play a role in overseeing the implementation of policy, rules, and regulations in relation to religious groups throughout the country. DEIRA is “tasked with examining Decree 92 with a view to revising it to reflect the current state of religious affairs. The LFNC and DEIRA work to establish protocols outlining the shared roles and responsibilities of the government related to the governance of religious groups.”

3. Independent Bodies

One of the recommendations of the CERD Committee in its Report was the establishment of an independent human rights institution to address human rights issues in the country. On 1 November 2012, the Prime Minister signed the Prime Minister’s Decree No. 149/PM establishing the National Steering Committee on Human Rights (“NSCHR”), with functions to coordinate human rights activities in the Lao PDR such as proposals for ratification of human rights treaties, national implementation and reporting on human rights obligations of the country for those treaties, and to deal with issues related to the promotion and protection of human rights of the Lao people. It is to be noted that the Committee on Human Rights is chaired by Mr. Phongsavath Boupha, who is concurrently the Head of the Presidential Office.
Due to its recent establishment, the NSCHR’s ability to promote human rights and address human rights issues has yet to be determined.

**PART TWO: TRENDS IN RELIGIOUS FREEDOM**

**A. Significant Changes in the Law**

The adoption of Decree No. 92 in 2002 was a response to the need for a law that protects the practice of the freedom of religion in Lao PDR. When Decree No. 92 was introduced, it was “at that time a step forward in advancing the freedom of religion or belief” in the country. It legitimized many activities that were previously regarded as illegal, such as proselytizing, printing of religious material, owning and building houses of worship, and maintaining contact with overseas religious groups.

However, Decree No. 92 appears to have also institutionalized the Government’s role as the final arbiter of permissible religious activities. The comprehensive rules and regulations laid down by this Decree impose serious restrictions on religious activities for both Lao citizens and foreigners as almost all aspects of religious practice now require LFNC approval. Some government authorities have also used its provisions to justify prohibiting religious practice in some parts of the country.

In the Report of the Special Rapporteur for freedom of religion in 2010, Special Rapporteur Asma Jahangir expressed concern that some provisions of the Decree are not in conformity with international law. She pointed out that: (1) several obligations and duties imposed on religious communities are vaguely worded, rendering the Decree susceptible to discriminatory application; (2) the procedures for registration and approvals are complicated and restrictive; and (3) the powers given to Government authorities over the practice of religion are too extensive.

She observed that the mandate given to the LFNC “seems to lead to undue State interference in religious autonomy.” While some regulation by the authorities may be necessary in order to protect individuals’ interests and beliefs, “the State has a duty of neutrality and impartiality which bars it from pronouncing on the legitimacy of beliefs and their means of expression.” She also stressed the need for comprehensive guidelines for local authorities to avoid any misunderstandings or misinterpretation on the correct implementation of the Decree.

As to the registration requirements imposed by Decree No. 92, Special Rapporteur Jahangir reminded that registration must not be a mandatory precondition for practicing one’s religion. Any registration procedures should be quick and should not depend on extensive formal requirements or the review of the substantive content of the belief or the structure of the faith group.

This was echoed in the Report of the succeeding Special Rapporteur on freedom of religion or belief in 2011, when Special Rapporteur Heiner Bielefeldt stressed, “it is not that the State could “grant” certain individuals or groups of individuals the right to freedom of religion or belief, rather, it is the other way around.” The State has to respect everyone’s freedom of religion or belief as inalienable – and thus non-negotiable–entitlement of human beings, all of whom have the status of right holders in international law by virtue of their

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105 Ibid.
106 Ibid.
108 Ibid., para. 27-39.
109 Ibid., para. 36.
110 Ibid.
111 Ibid., para. 24.
112 Ibid., para. 33.
inherent dignity.\textsuperscript{113} Citing Article 18, paragraph 1 of the ICCPR, he posits that registration should not be compulsory, and not a precondition for practicing one’s religion, but only for the acquisition of legal personality status.\textsuperscript{114}

### B. Significant Changes in State Enforcement

In general, based on the review of materials for this report, religious minorities in Lao PDR could be considered to enjoy a fairly high level of religious freedom in the early part of the new millennium. For example, Animists were said to generally experience ‘no interference from the Government in their religious practices’.\textsuperscript{115} Similarly, members of the Islamic community in Lao PDR have been said to be able to practice their ‘faith openly, freely attending actively the two Mosques’.\textsuperscript{116}

However, several acts of repression pertaining to Christian minorities were reported as evidenced by the closure of Christian houses of worship in Savannakhet, Luang Prabang and Vientiane provinces in 2001 and arrests of religious leaders and worshippers. Some minor officials were also reported to have decreed forced renunciations.\textsuperscript{117}

The LNFC was reported as intervening to mitigate harsh measures taken by local authorities in instances where the harassment of Christian minorities was most severe.\textsuperscript{118} However, in certain instances the Government appeared either unable or unwilling to take measures to reprimand local authorities.

Governmental authority appeared to become more decentralized with the issuance of Decree No. 92 in 2003. After this law was promulgated, the LFNC’s Religious Affairs Department is reported as adopting a policy of non-involvement in local religious controversies except in extreme cases, urging localities to resolve their own problems, using Decree No. 92 as guide. As a result, the application of Decree No. 92 has been inconsistent and the government’s tolerance of religion varied by region and religion.\textsuperscript{119}

Despite this development, however, most areas of the country saw improvements in religious tolerance. In general, larger urban areas, such as Vientiane, experienced little or no overt religious abuse and reported an improved atmosphere of religious tolerance. Moreover, the large Protestant and Catholic communities of several provinces, including Xieng Khouang, Khammouane, and Champasak, reported no difficulties with authorities, with relations between officials and Christians in these areas described as generally amicable. However, even in these areas, religious practice was restrained by official rules and policies that allowed properly registered religious groups to practice their faith only under circumscribed conditions.\textsuperscript{120} On the other hand, religious minorities in certain rural areas still experience abuses until the present time. It must be emphasized, however, that these isolated conflicts usually involve local authorities in the communities and not central Government.

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\textsuperscript{113} Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt (A/HRC/19/60; para. 30) 22 December 2011.
\textsuperscript{114} Ibid., para. 41.
\textsuperscript{116} Ibid. para 20.
\textsuperscript{117} United States Department of State. International Religious Freedom Report for 2001 – Laos (26 October 2001). <http://www.refworld.org/docid/3bdbdd9ae.html> accessed 27 April 2014 (hereinafter “U.S. IRF Report 2001 – Laos”). The report notes that by the end of the May 2001, 35 people had been arrested and detained or were serving long-term jail sentences. This number decreased to 20 persons by the end of June, 2001. The report further notes that in areas such as Sayabouly, Bolikhamxai, Vientiane province, Luang Namtha, Luang Prabang, Savannakhet, Oudomxai, and Phongsaly, the authorities arrested and detained without charge religious believers and their spiritual leaders.
\textsuperscript{118} U.S. IRF Report 2002 – Laos,
\textsuperscript{119} U.S. IRF Report 2011 – Laos, 3.
\textsuperscript{120} U.S. IRF Report 2003 – Laos.
C. Significant Changes in Religious Claims (By Non-State Actors)

Based on the research undertaken for this report, there have been no significant changes in religious claims made by non-state actors noted in the Lao PDR setting during the reporting period (2000 – 2014).

D. Significant Events of State Persecution of Religious Groups

Based on the reviews conducted for this report, conditions pertaining to religious freedom appear to have improved over the past few years, particularly for the Buddhist majority and for Christians, Muslims and Baha’i living in urban areas. However, isolated incidents of violations of religious freedom still occur, particularly in rural areas where local officials have interpreted Decree No. 92 restrictively against religious minorities.121

1. Non-Violent Persecution

While the government has exerted efforts to provide access to education regardless of religion or belief throughout the country, there have been a few accounts of local officials denying educational benefits to children of Protestant minorities because of their religious beliefs.122 For instance, 19 children from Christian families in Saravan Province were reportedly not ‘invited’ to start school in 2010 after their families were evicted from their villages as a result of their Christian faith. The families were forced to live in the forest without access to healthcare and limited water resources.123 A recent article reported that three female Christian students at a village school in Atsaphanthong District, Savannakhet Province were denied the right to take their final examinations by their village chief due to their Christian faith.124

It was also reported that some Christians in Southern Laos, particularly in Savannakhet Province, were denied employment due to their Christian faith. In one instance, a school teacher was reportedly forced to sign renunciation papers in order to keep her job.125 In June 2012, the Phin District military command discharged two men from active duty in the village security forces after learning that they had converted to Christianity.126 In another case, Mr. Som Sak, a former district governor in Bokeo Province, reportedly failed to receive his retirement pay from the Government after he converted to Christianity.127 Some Christians also have reportedly faced resistance from provincial level officials when attempting to add their newborn’s details to their Family Registration documents.128 Additionally, a Christian not-for-profit notes that several small Western-owned companies have also experienced harassment due as a result of their Christian connections, although its report does not give details as to who has conducted such harassment.129

123 CSW Briefing Laos (2012), 15.
125 CSW Briefing Laos (2012),15.
127 Mr. Som Sak was arrested with 5 other church leaders in 2005. He became ill in prison and died while in detention after his transfer to a military hospital. See U.S. IRF Report 2006 - Laos.
129 Ibid.
2. Violent Persecution

Local officials have reportedly perpetrated acts of violent religious persecution against religious minorities. In some instances, this has included acts of reported coercion of these minorities to renounce their faith. Aside from threats, minorities have suffered from arrest, expulsion from their homes, closure of places of worship, and restrictions on their freedom of movement.

a. Closure of Places of Worship

Between 1999 and 2001, it was reported that district and provincial authorities closed 65 churches of the Lao Evangelical Church (“LEC”) in Savannakhet and Luang Prabang Provinces and 20 LEC churches in Vientiane. Many of these churches were allowed to reopen starting in 2002, perhaps marking a more relaxed policy towards minority religions, particularly in Vientiane and Luang Prabang provinces. However, some of the churches remained closed. Additionally closures have continued over the past few years, particularly in some areas such as Savannakhet Province.

In 2011 and 2012, a number of unregistered churches in Savannakhet were closed by district officials, including the Khamnonsung church, which was established in 1963 and had 745 members. The closure was reportedly due to the failure of these groups to obtain government registration and permission to build their churches, but members assert that they have been in operation decades before Decree No. 92, thus the Decree should not be applied retrospectively. The series of church closures triggered expressions of concern from groups that the province was instituting a wider crackdown on Christian congregations. Despite this, it is reported that at least 20 other churches in Savannakhet continue to operate without official permission.

b. Forced Renunciations of Faith

Between 1998 and 2001, there were frequent reports of authorities forcing members of LEC congregations to renounce their religious faith on pain of arrest, denial of education for their children, expulsion from their village, or other harsh punishments. As a result of these campaigns, whole congregations gave up their faith in some areas. By late 2001, however, reports of these forced renunciations declined, and it appears the Government has abandoned systematic efforts to compel Christians to renounce their faith. Nevertheless, forced renunciations have reportedly occurred more recently in certain areas of the country, particularly in Savannakhet, Attapeu, and Bolikhamsai, provinces, usually involving local authorities from the village or the district level.

Some local authorities reportedly forced renunciations though forced participation in animist traditions, including drinking animal blood, drinking “sacred water” and swearing

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133 USCIRF Annual Report 2013, 251.
an oath to spirits. Other officials forced some believers to drink alcohol and smoke cigarettes against their will, while others resort to threats of confiscation of ID cards, detention, and even death. In several cases, authorities are reported to have seized the livestock of Christians who refused to renounce their faith. In addition, in 2011 there was a report that certain officials threatened entire villages of denying schooling to children, and access to water projects, land, and medical care. The International Federation of Human Rights in its 2012 Briefing Paper asserted that, “repression against Christians has not diminished and has even intensified in 2012. Intimidations and threats come in different forms, such as cutting off running water, refusal of social rights, poisoning of cattle, and the throwing of stone or fire at houses of Christians, for instance in Savannakhet province. Local authorities have reportedly encouraged non-Christian villagers to throw stones at their houses or throw burning torches to their house.”

In a recent report, the children of a deceased Christian woman were denied the right to mourn and bury their mother according to their faith, with the village chief and village party secretary banning the holding of a wake unless they recant their faith, and forcibly conducting a Buddhist ceremony and burial in a Buddhist cemetery.

c. Forced Evictions and Attacks against Property

During the reporting period, there have been reports that Christian minorities who refused to renounce their faith despite orders from local authorities have forcibly evicted from their villages. As described below, while some groups were able to transfer to other villages, others were forced to live on the fringes of communities and were denied access to their basic rights.

In early 2003, officials in Khengkok Village, Champorn District, Savannakhet Province expelled several LEC families from property belonging to the LEC community and forcibly took over the house for use as a village office. Some ethnic Hmong Christians in Bolikhamsai Province relocated to another part of the province as a result of pressure from local officials and non-Christian villagers who saw their Christian faith as a threat to traditional animist beliefs.

In October 2004, nearly 70 ethnic Khmou Christians in Ban Phiensavat, Saisomboun Special Zone suffered dispossession and eviction on account of their beliefs. In February 2005, a second expulsion of 100 ethnic Khu Christian villagers took place in Ban Kok Pho Village of Bolikhamsai Province, only a short distance from Ban Phiensavat. Central


147 Local officials reportedly expelled the group after they refused to give up their religious beliefs, which forced them to sell their possessions at prices significantly lower than the market rate. Military trucks transported the families to Sayaboury Province, from where they had moved several years previously but provincial authorities refused to accept the group and negotiated for their resettlement in LuangPrabang Province. See U.S. IRF Report 2002 – Laos. <http://www.state.gov/j/drl/rls/irf/2002/13878.htm> accessed 27 April 2014.

government authorities blamed both events on the two Christian groups, whom they said had settled in Bolikhamsai without permission several years previously. Interestingly, other inhabitants who were non-Christians or who had renounced their religious faith did not suffer from the expulsions.\textsuperscript{149}

In 2006, lands belonging to several Christian families in Ban Huang Village of Oudomsai Province were reportedly confiscated by the village chief and redistributed to other villagers. Some other Christians who previously lived in the village were said to have moved to Phongsaly Province after being pressured by the village chief. According to Lao officials and the LEC, the land confiscation issue was resolved. However no clear explanation was given regarding how the situation was resolved.\textsuperscript{150}

In January 2010, 11 families, consisting of 48 men, women and children, were evicted at gunpoint from Katin village, Ta-Oyl District, Saravan Province after 100 officials, police and villagers reportedly raided their worship service. Their houses were reportedly destroyed and their possessions confiscated. The group had to live in the jungle outside the village without access to healthcare or water, and they were not allowed to farm their rice paddies.\textsuperscript{151} A second expulsion of seven families from the same village occurred in December 2010, when the village chief, elders, security forces and non-Christian villagers carrying guns reportedly forced these families from their homes and barred their return for refusing to recant their Christian faith.\textsuperscript{152}

Recently, in March 2014, six Lao Christian families were forced to abandon their native village in Natahall, Phin District, Savannakhet Province after months of discord with village officials, who were pressuring them to renounce their faith.\textsuperscript{153}

d. ** Arrest, Arbitrary Detention and Imprisonment**

Over the course of the last fourteen years, instances of arbitrary detention and imprisonment have been reported involving religious minorities. Some of the detained were held for weeks or months, often without charges. A few of the faithful, usually the leaders and proselytizers, have been charged and sentenced under various offenses for their religious activities.

Of note is the imprisonment of two members of the LEC in Oudomxai Province, Mr. Nyoht and Mr. Thongchanh, who were arrested in 1999 and charged with treason and sedition, although their arrests appear to have been for proselytizing. Nyoht was sentenced to 12 years in prison and Thongchanh to 15 years,\textsuperscript{154} which the observers believed to be unduly harsh.\textsuperscript{155} Thongchanh, who was a former district governor and a well-known Khmu leader instrumental in the conversion of a number of Khmu in his province, was still serving his sentence as of 2012.\textsuperscript{156} Another long-term religious prisoner, Mr. Phiasong, was held in Phongsaly Province for several years without trial, and released in 2003.\textsuperscript{157}

Additionally there have been several reports that authorities arrested or detained persons, often without charge, because they either held unauthorized religious services or conducted

\textsuperscript{149} Ibid.

\textsuperscript{150} U.S. IRF Report 2006 – Laos.


\textsuperscript{154} U.S. IRF Report 2004 – Laos.

\textsuperscript{155} U.S. IRF Report 2001 – Laos.

\textsuperscript{156} CSW Briefing Laos (2012), 19.

\textsuperscript{157} U.S. IRF Report 2004 – Laos.
unauthorized religious activities. In recent years, reports of arrests include the following incidents:

- In January 2011, 11 Christian leaders were reportedly arrested in Hinboun District, Khammouane Province while conducting a service in a home church, alleging that they were conducting a ‘secret meeting’; and of particular note is that the list of arrested people appeared to include 2 children, ages 4 and 8; prior to this arrest the pastor of the home church has reportedly been summoned repeatedly by the police and ordered to recant his faith and discontinue his belief, he was also previously imprisoned in 2010 for 6 months on charges of “destroying Lao customs and beliefs”;

- In December 2011, eight Protestant Christian leaders were reportedly arrested in Boukham Village, Savannakhet Province for allegedly violating village law by conducting Christmas services that is contrary to the traditional spirit beliefs of the village;

- In June 2012, two Thai citizens and two Lao citizens were reportedly arrested in Luang Namtha Province while they were explaining the bible in the home of a local Christian;

- In February 2013, 3 pastors in Phin District, Savannakhet Province were reportedly arrested while in a local shop for having 3 copies of the Christian movie End of Times made, and accused of “spreading the Christian religion.”

Mass arrests have also been reported, such as the case of 30 LEC members arrested for unauthorized assembly while attending Christmas services in 2003. In another case, 21 ethnic Brou minorities were detained for two months for travelling to another village for a religious ceremony without permission, while others were accused with possession of illegal weapons.

There are also reported instances of detained religious minorities being released and rearrested after a few weeks. In this respect the Lao Movement for Human Rights asserts that the release of detained religious minorities is often contingent on international media or Western governments speaking out, with authorities releasing some detainees only to arrest others, or the same ones, at a later date.

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158 Ibid.


164 Ibid.


166 Alternative Report to the CERD (2012).
While some arrests were ostensibly made for legitimate reasons, they appear to be underlined by the detainees’ religious activities or affiliation. The grounds used in reported arrests include: possessing “poisons” or illegal weapons, “disturbing the peace” by holding unauthorized worship services, refusal to pay a debt, criticizing members of the provincial administration, extortion of money from local villagers, and illegal gathering for Christmas celebrations.

In a recent incident that is surely a blow to efforts to promote religious freedom, murder charges were leveled against four Christian leaders and a follower in Savannakhet Province in June 2014, allegedly for praying for a woman who embraced Christianity shortly before she died.

e. Involuntary Disappearances

In its Religious Freedom Report for 2012, Christian Solidarity Worldwide highlighted concern over two long-term cases of disappearances. First, is the disappearance of a Christian family, Mr. Boontheong, his wife and 7-year old son, from a Khmu village in Luang Namtha in 2004. Prior to his disappearance, Mr. Boontheong allegedly received threats from plainclothes policemen in his village. He was previously imprisoned for several months in 1998 for leading many from his village to convert to Christianity. There was a rumor that the family is being held in an underground prison but this claim cannot be verified.

Second, five men, one of whom was identified as a policeman, reportedly took Mr. Khamson Baccam, a Christian with influence in his area in Udomxai Province, away in 2006. No news was heard of him, his family did not receive any arrest papers, and no charges were filed against him. Authorities reportedly released Mr. Baccam in 2012.

F. Significant Events of Non-State Persecution of Religious Groups

Based on the literature searches and interviews conducted for this report, there has not been any significant event of persecution in Lao PDR perpetrated by non-state actors, except insofar as persons have appeared to be acting together with local authorities as identified in Section II.D.2.c above.

F. Significant Events of Inter-Religious Conflict

As discussed in Section III.A.2. below, the dominant Buddhist faith is generally tolerant of other religious practices. However, a sharp disconnect in belief systems, particularly between animism and Christianity have sometimes led to conflicts within the community, particularly in rural areas where Buddhist and animist beliefs form an integral part of community life. While no single event can be considered as significant, these conflicts frequently underlie and give rise to reported acts of abuse against the religious minorities in a given community. As an example, the refusal of converted Christians to participate in rituals for the spirits (phi) and instead performing foreign forms of worship has been viewed as a violation of the community’s traditions.

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170 Ibid.
171 Ibid.
and beliefs, angering the spirits of the place. These violations at times result in punishments meted out under the customary law of the ethnic group, such as banishment from the village.

Minor conflicts have also been reported within the different Christian groups. Registration with the LEC has reportedly led to some tensions within the Protestant community, particularly in relation to the efforts of these congregations to establish churches independent of the LEC or associated with denominations based abroad. A church leader of a Christian group commented that the LEC has been placed in a position of influence with the LFNC, as it is the organization that the Government consults on issues although it does not represent all the other congregations and may at times have interests that are not in line with other groups.

G. Significant Events of Terrorism and/or Terrorist Threats

Based on the literature searches and interviews conducted for this report, there has been no incident of conflict that has been linked to terrorist groups.

H. Significant Cross-Border Incidents

Although there have been cross-border incidents between Lao PDR and Thailand involving Hmong minorities, these are ascribed as political and not religious in nature.

I. Governmental Response

In the course of the past decade, the Government has taken steps that improved the state of freedom of religion in Lao PDR.

1. Legislative

As discussed in Section II.A. above, Decree No. 92, promulgated in 2002 to promote and regulate the practice of religious freedom in Lao PDR, was at the time of its introduction, a step forward for religious freedom. However, various sectors have aired their concerns with regards Decree No. 92, including the U.N. Special Rapporteurs on freedom of religion and belief. Possibly in response to these concerns, the Ministry of Home Affairs (“MHA”) has provided guidance that Decree No. 92 is being revised, with the amended decree to supersede the current Religious Activities Decree and also repeal Instruction No. 001/LFNC.

2. Prosecutions of perpetrators

Based on the literature review and interviews conducted for this report, to date no alleged perpetrators of acts of religious persecution have faced prosecution. The U.S. State Department International Religious Freedom Report for 2005 notes that the Lao PDR Government typically refused to acknowledge any wrongdoing on the part of its officials at the time, even in egregious cases of religious persecution. Instead, blame was attributed to the victims. In some cases, officials provided explanations for events, which lacked credibility, seemingly to exonerate local officials. More recently, even during the times when the government admitted that local officials were partly at fault, it had been unwilling to take action against officials who violated laws and regulations on religious freedom. Nevertheless, corrective actions are taken at times in response to reports of serious violations to religious freedom.
3. **Other measures**

In its official pronouncements in recent years, the Government called for conciliation and equality between religious faiths. To this end, the LFNC, joined by the Ministry of Home Affairs starting 2012, continued to instruct local officials on religious tolerance. Officials from the LFNC, with representatives of the LEC, travelled to several provinces to promote better understanding between LEC congregations and local officials.¹⁸²

The LFNC has at times used its offices to mitigate the arbitrary behaviour of local officials in some areas where harassment of Christian religious minorities had been most severe.¹⁸³ In recent years, LFNC officials have intervened to resolve disputes between religious groups and provincial officials, including cases of detention or arrest, sometimes resulting in positive outcomes.¹⁸⁴ Such interventions are a positive step, though it was noted that the LFNC has failed to curtail ongoing religious freedom problems in some provincial areas.¹⁸⁵ In some instances, other government officials have also intervened in the settlement of issues in the local level. In March 2010, the provincial governor of Saravan province met with local Protestants in Katin village and reportedly assured them that they could worship freely and return to their property, apparently contravening the actions of local government officials.¹⁸⁶

The Government has also been noted to have exerted efforts to stop harmful traditions and cruel practices of some ethnic minorities in the country. As an example, members of the Akha ethnic group, who regard giving birth to twins as a misfortune and believe that twins are demons that must be killed instantly at birth, have been prohibited by the Government from continuing this cruel practice.¹⁸⁷ Likewise, in some ethnic groups, opium has been traditionally offered during village events such as shamanistic rituals and funeral walks, which contributed to a high level of opium dependency among its members. In 2005, the Government officially prohibited opium cultivation, and has resulted in a significant drop in opium addiction.¹⁸⁸

J. **Developments in Advancing Religious Freedom, Dialogue, and Conflict Mediation**

1. **Dialogue and Conflict Mediation**

As discussed in Section II.I. above, the Lao Government, through the LFNC and the MHA, continues to exert efforts positively towards the direction of greater religious tolerance by intervening in some cases where members of minority religious groups have been harassed or mistreated.¹⁸⁹

2. **Trainings and Education**

Efforts to educate have also been stepped up by the Lao Government. In 2012, LFNC and MHA officials reportedly travelled to the provinces “to encourage religious groups to practice in accordance with the country’s laws and regulations.” They also instructed local officials on religious tolerance and provided training on protecting religious freedom under Decree No.92 and other regulations related to religious affairs, in collaboration with government religious and peace-building experts from Vietnam.¹⁹⁰

¹⁸⁵ USCIRF Annual Report 2013, 250.
¹⁹⁰ Ibid.
In March 2010, the LFNC signed an agreement with the Institute for Global Engagement (“IGE”), a U.S.-based religious freedom organization, to conduct trainings to “deepen and expand religious freedom there in a manner that builds social stability and encourages sustainable development.” IGE has since engaged in seminars on religious freedom, peace-building and conflict resolution for government officials and religious leaders. From 2009 to 2013, IGE reports that they have conducted 35 workshops, training over 2,300 participants on religious freedom and peace-building. IGE reports that feedback on the trainings has been positive. In a peace-building training (titled as a “Solidarity Training”) held in November 2011, IGE stated that attendees were provided with “concepts and skills that carried the potential of helping them address real problems in the countryside.” The report went on to reveal that unlike some meetings that “were dominated by government officials explaining the official views of the state, in this meeting officials became emotionally engaged and raised real life examples from the tensions created by conflicting religious loyalties” and that “pastors and government officials exchanged experiences and raised difficult questions about peace and religious freedom in Laos.” As these trainings have been organized with the government, however, it appears that religious sector representatives who participated are limited to groups that are officially recognized by the Government.

3. Consultative Meetings on Decree No. 92

There have also been active efforts on the part of the Lao Government to review Decree No. 92 and address the concerns that have been raised by this law. The MHA, supported by the Australian Embassy, organized a two-day consultative workshop in January 2013, collecting the opinions of stakeholders in order to improve the existing legislation. The workshop was reportedly attended by 70 participants.

Similar consultative meetings were also held in 2012 by the LFNC and MHA, in partnership with the IGE, for religious group representatives in Vientiane, Champasak, Bokeo, and Bolikhamsai Provinces, with open discussions about the government’s plan to amend the decree. However, the date when this decree will be released has not been announced and the contents of the amended decree have not yet been made publicly available. Moreover, the degree of representation from unregistered groups in these consultations is unknown and the issues faced by these groups may not have been sufficiently raised in these meetings. Thus, it is still unknown if the anticipated decree would sufficiently address the real-world challenges experienced by the different religious groups in Lao PDR.

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195 Ibid.


K. Analysing the Trends

It must be emphasized that it is generally acknowledged in various reports that over the past years, improvements have been made in the state of freedom of religion in Lao PDR. The decrease in the incidents of repression on religious freedom over the last 14 years has indicated a shift in central Government policy towards greater tolerance and harmony between religions, albeit within the constraints of the existing laws and within the framework of unity that the Government espouses. This has been reflected by its active efforts to conduct trainings and consultations on religious freedom issues.

As a result, urban areas have largely enjoyed greater tolerance in the practice of religion and a general decrease in reports of acts of repression has been noted. However, serious concerns remain, particularly for certain rural areas where the threat of forced evictions, detention and other acts of persecution continue to exist. It is observed that reports on acts of persecution in recent years are centered in specific rural areas such as Savannakhet, Bolikhamsai and Luang Namtha. This tends to indicate that abuses do not stem from a centralized Government policy but are acts of local state actors that may even be attributed to decentralization. This does not mean however, that the Government is not accountable for the continued incidents of persecution in Lao PDR. As cited in Section III.A. below, the continued reluctance of the Government to try alleged perpetrators for the act committed in contravention of Lao’s Penal Law has resulted in impunity and a lack of accountability to prevail in certain instances. Conciliatory measures to resolve issues, such as mediation and interventions, while a commendable effort for on the part of the LFNC and MFA, may not be sufficient to address the root cause of the problem and may not be sending the correct message to local authorities regarding the primacy of religious freedom.

It is interesting to note that in the United States Commission on International Religious Freedom previously removed Lao PDR from its Watch List in 2005, citing the Government’s positive steps to address serious religious freedom concerns, particularly in urban areas and for the majority Buddhist community, in advance of the U.S. decision to grant Laos permanent normal trade relations. However, the USCIRF observed a rise in the number of religious freedom abuses targeting ethnic and religious minorities in provincial areas over the next years, which prompted the return of Lao PDR to its Watch List in 2009. In its 2013 Report, the USCIRF revised its classification system but still placed Lao PDR in the Tier 2 Category, equivalent to its former “Watch List”, as it found that the Government engaged in or tolerated violations in religious freedom that are particularly severe and meet at least one, but not all, of the criterion of the U.S. International Religious Freedom Act’s three-fold “systematic, ongoing, egregious” standard. In the United States Commission of International Religious Freedom Annual Report of 2014, Lao PDR remained in the Tier 2 Category. Although not expressly stated, this classification may have considered that violations committed are ongoing and egregious but not a systemic act from the Government.

201 It should be noted that the Tier 2 designation provides advance warning of negative trends that could develop into severe violations of religious freedom, giving policymakers an opportunity to engage early and increasing the likelihood of preventing or diminishing the violations. See USCIRF Annual Report 2013, 3.
202 USCIRF Annual Report 2014, 133.
PART THREE: CONTRIBUTING FACTORS AND SURROUNDING CIRCUMSTANCES

A. Negative Contributing Factors

1. Socio-cultural and political conditions

a. Socio-cultural conditions

The Christian belief system itself differs fundamentally from many animist and Buddhist beliefs and traditions, which may have resulted in misunderstandings between members of communities in Lao PDR. While in general, amicable relations exist among various religious groups and the dominant Buddhist faith is tolerant of other religious practices, tensions over religious practice occasionally occurred in some villages from conflicts over use of village resources or from proselytizing, which is not customary in the Buddhist tradition but is considered a duty in certain Christian sects. Discord also stems from the refusal of some Christians to participate in local rituals or traditions that are contrary to their Christian belief or doctrine, such as village festivals, or to drink alcohol, or to take part in the community’s effort to build a Buddhist temple. These acts are interpreted as disloyal to the local community. As observed by one Christian church leader, these cultural differences and sensitivities are at times not taken into account when Christians interact with locals, leading to tensions in the community.

Likewise, a refusal to take part in community rituals and events may be interpreted as an offense against tradition or the spirits, which is subject to sanctions under the group’s customary law. However, while customary law remedies aim to advance reconciliation, compromise and discourse between the parties, emphasis is placed upon what is considered as the interest of the community as a whole, and it has been noted that in prioritizing community harmony, customary law systems tend to ride roughshod over the rights and interests of vulnerable individuals and groups. The remedies involved itself under the customary law may also be contrary to Christian belief or human rights, which could only lead to an exacerbation of the conflict. As an example, the Iu-Mien would require a person who violates a traditional belief or desecrates a holy place to pay a fine or to worship the spirits of the place, including covering the costs of offerings and payment to a clairvoyant to perform the ceremony. For the Makong, witchcraft or offenses against spirits are considered as serious and threatening offenses, and the offender might be banished from the village or placed in custody in a district jail. This may explain the acts of local leaders requiring Christian converts to perform animist rituals or decisions of evictions from the village. While these sanctions are considered as acceptable forms of remedies under the customary law of the community, these acts are violations of the one’s fundamental rights under international law.

b. Political conditions

As a socialist State whose population has a long history of Buddhist and animist traditions, some Lao authorities continue to view the rapid spread of Christianity among ethnic minorities, particularly those who have long resisted or resented government control, both as an imperialist or “American import” that potentially threatens Communism, or a cause of social and familial friction in local communities, who are mostly animist or Buddhist in belief.

The view of Christianity as a foreign religion or as a tool of deception by “the American enemy” to infiltrate homes and break up Lao society or to oppose the present Lao political system has been used by local authorities as a means to disparage...
the faith of Christian believers and to force them to recant their faith in some instances.\textsuperscript{211} It should also be noted that the believers in the LEC (as well as other Protestant Christian groups) mostly comprises members of the ethnic Mon-Khmer and Hmong tribes, two groups that historically have resisted central Government control. This may perhaps also contribute to the distrust of this new religion.\textsuperscript{212} As a result, when acts of repression against these minorities are committed, they are regarded as justified.

Christian faiths are also considered suspect, as they do not share the high degree of incorporation into the government structure that Theravada Buddhism experiences,\textsuperscript{213} which is the religion of the majority and of most Party officials. Some authorities have chosen to interpret Christian teachings of obedience to God as signifying disloyalty to the Government and Party.\textsuperscript{214}

It is likely that these different factors intertwine to result in conflicts in communities. As opined by IGE's Laos Program Officer after the arrest of eight Christians for holding Christmas celebrations in 2011, determining how these incidents happen in Laos “takes time to unravel as there are multiple personal, social, ethnic, and political threads that weave themselves into a full blown conflict.”\textsuperscript{215}

\section{Rule of Law in Lao PDR}

The weakness of the rule of law in Lao PDR is a major contributing factor that exacerbates and perpetuates the persecution of religious minorities. Weak mechanisms for accountability appear to create an atmosphere wherein authorities may act with impunity against persons regarded as posing a threat to the existing social order.\textsuperscript{216} As has already been discussed in detail in this report, this would tend to enable religious minorities to become susceptible to harassment and arrest with little expectation of a just recourse under the law.

Additionally, there has, in the past, appeared to be limited knowledge on the part of local officials regarding government policies on issues such as religious tolerance. This would appear, at least in part, to be attributable to the incomplete dissemination of existing laws and regulations to those authorities.\textsuperscript{217} As can be see from the charges against certain religious minorities regarding security or other criminal offenses\textsuperscript{218} local police are either not fully cognizant of the elements of the offenses required to prove the offence or lack concern as to the wrongfulness of the arrest. The right of an accused to know the charges against him and to a trial without undue delay also appear to have been violated in certain instances, as several arrested persons were held for lengthy periods without charges or without trial. Detentions can last a few days, a few weeks or even a few years, and the authorities have exhibited discretionary power to determine the duration.\textsuperscript{219} This is despite

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\textsuperscript{212} U.S. IRF Report 2004 – Laos.


\textsuperscript{214} U.S. IRF Report 2004 – Laos.


\textsuperscript{216} U.S. IRF Report 2003 - Laos.

\textsuperscript{217} U.S. IRF Report 2006 - Laos.

\textsuperscript{218} U.S. IRF Report 2003 - Laos.

\textsuperscript{219} Alternative Report to the CERD (2012).
\end{flushleft}
the express safeguards provided under criminal law and procedure, in addition to Lao PDR’s obligations under the International Covenant on Civil and Political Rights.

Victims of illegal detention or false charges have no real avenue for redress. In some cases, victims were able to resort to informal interventions such as communications between the LEC and/or the LFNC and the local authorities and police, or the payment of fines to the police for the release of detainees even without a formal charge or conviction. However, as discussed in Section II.I. 2. above, the Government has been so far unable to prosecute perpetrators.

Moreover, as disclosed during interactions with Special Rapporteur Jahangir, some people have admitted to self-censorship and have hesitated to approach the authorities on matters of religion, which may also be attributed partly to lack in confidence in the rule of law in the country.

If this lack of administrative and criminal accountability is allowed to persist, the Government efforts to promote religious freedom and to strengthen the rule of law in the country, however genuine, will be continuously undermined.

3. Government emphasis on national unity and national interests

“Lao PDR is keen to preserve a strong, united sense of national identity exemplified through its citizens’ loyalty to the country, regardless of their ethnic or religious identity.” This Government policy towards “national unity” has been consistently reaffirmed, from the Constitution and Decree No.92, to the declaration of the Government in its ratification of the ICCPR in 2009. The primacy given by the Government to a singular national identity among Lao PDR’s multi-ethnic population, however, has in certain instances been detrimental to the country’s religious minorities, and in particular, to Christians. This appears to be the case because some officials interpret unity as uniformity, hence resulting in little tolerance for activities that deviate from the norm. Authorities have thus intervened in the activities of minority religious groups on the grounds that their practices did not promote national interests, or demonstrated disloyalty to the Government. As a result, while it appears that the freedom “to believe or not to believe” is guaranteed under the Constitution, in practice, the freedom to manifest one’s belief is subject to the preservation of “national unity” or “national interest” – terms which have at times been open to abuse.

B. Positive Contributing Factors

1. Initiatives and Interventions by other States and International Organizations

International organizations such as the UNDP and other States such as the U.S. Government have consistently advocated the advance of the right to freedom of thought, conscience and religion in Lao PDR and have supported the Lao Government in its goal to improve the state of religious freedom in the country.

Through the years, the U.S. Government has constantly engaged the Lao PDR Government in dialogue on religious freedom issues in the context of its overall dialogue and policy of promoting human rights. U.S. Embassy representatives discussed the need for greater religious freedom at senior as well as at working levels of the Government and the LPRP, and remained in frequent contact with religious leaders. The U.S. State Department and the U.S. Commission on International Religious Freedom, under the International Religious Freedom Act of 1998, monitors the conditions of religious liberty in

220 CSW Briefing Laos: (May 2012), 16-17.
222 CSW Briefing Laos: (May 2012), 12.
various countries, including Lao PDR, and produces annual reports on their findings.

The UNDP, along with other contributing States, has also implemented programs in the country for the promotion of human rights and the rule of law in the country, including its support project for the Legal Sector Master Plan, which envisions the realization of Lao PDR’s goal of a Rule of Law State by 2020.

As discussed in Section II.J. above, the Institute for Global Engagement has actively cooperated with the Lao Government to conduct consultative meetings and trainings for government officers and religious leaders, to foster religious tolerance and a better understanding of religious freedom. Other non-governmental organizations, such as the Human Rights Watcher for Lao Religious Freedom, also continue to actively monitor the human rights and religious freedom situation in the country, and highlighting incidents of religious conflict to provide awareness and encourage resolutions to these conflicts.

2. Public service and community programs by religious minorities

The LEC has adopted programs and activities in local communities to foster solidarity between the different religions and to educate against religious intolerance. The LEC conducts an active program of public service providing developmental assistance and organizing social welfare projects in several areas that had previously experienced religious intolerance. It continued its program to provide educational materials to provincial schools and also

provided emergency supplies to flood victims in the country’s southern provinces in 2011. As discussed above, in coordination with the LFNC, the LEC continued to conduct meetings with officials and Protestants in some villages where there had been religious tensions.

Catholics and Buddhist groups have also been noted to take part in community programs. Students from a Catholic seminary visited elderly citizens in rural areas, provided agricultural trainings and volunteered in farms during harvest season. Buddhist associations donated clothes and contributed to school building and local infrastructure projects. Some monks organized donation drives to assist natural disaster victims of all religions and poor children who are unable to afford school expenses received education in Buddhist temple schools.

225 According to the Report of Ms. Jahangir, there were some concerns expressed by Government interlocutors over “unethical conversions” by Christian groups who use material assistance to lure the poor to convert. However, the Rapporteur stated that these seem to be unlikely in practice since NGOs work under the close supervision of Government. She reiterates that missionary activity is accepted as a legitimate expression of religion or belief and therefore enjoys the protection afforded by Article 18 of the ICCPR. See Report of the Special Rapporteur, Asma Jahangir (2010), para. 42-43.

PART FOUR: CONCLUSION

The Constitution of Lao PDR guarantees and protects the freedom of thought, conscience and religion of Lao citizens. In practice, however, the right to manifest one’s religious beliefs has, to some extent, been restricted by laws that regulate religion and has been somewhat dependent on the area in the country where that religion is practiced. In this respect, religious minorities in certain rural areas continue to be vulnerable to acts of harassment and abuse. This largely appears due to a combination of social, cultural, and political factors pertaining to the way in which those minorities are viewed by rural communities and from the restrictive interpretation of Decree No. 92 accorded by local authorities.

While clearly, incidents of persecution have reportedly decreased over the course of the last 14 years, and adherents of the Buddhist faith and believers of different religions in urban areas have been largely free to practice their faith, isolated cases of serious human rights violations continue to occur. Unfortunately, the weakness of rule of law has enabled perpetrators, usually local authorities, to act with impunity and victims have been left with no real recourse in law with the country’s underdeveloped formal justice system.

Nevertheless, the Government’s efforts to foster greater religious tolerance are noteworthy. The LFNC and the MHA are collaborating with various organizations for trainings on religious freedom for local government authorities. The Government, with the aim to transform Lao PDR into a rule of law State by 2020, has also launched the Legal Sector Master Plan. The reported review of Decree No. 92 is a welcome development and stakeholders anticipate that the new law will be promulgated soon and that it will be able to address the issues that exist due to the present decree.

More reforms are still needed, and the Government would seemingly do well to take into account the recommendations of various sectors, particularly the recommendations of the Special Rapporteurs, stakeholders in religious communities, and the international organizations working to address human rights issues in the country, when considering how best to proceed with these efforts. Additionally, a more concerted effort to ensure accountability for that local authorities that fail to safeguard religious freedom in accordance with the country’s domestic and international legal obligations would send a strong and clear message of its capacity to protect freedom of thought, conscience and religion in Lao PDR. Education and awareness campaigns may also be expanded to different sectors of society, from the schools, communities, and even the private sector, to create greater awareness and respect for freedom of religion and diversity in the community.

For their part, the different religious groups must also find a way to have dialogues to diffuse tensions in communities with conflict and to promote tolerance and understanding of each other’s beliefs.

Lao PDR has made good progress in securing religious freedom in the past decade. While it is acknowledged that the system and certain prevailing mindsets cannot be changed overnight, there are good reasons to expect that further initiatives to improve the state of religious freedom in the country will be able to be sustained and expanded. It is hoped that all persons in Lao PDR will soon be able to exercise religious and convivial freedom in all parts of the land.
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