

Introduction

The Lao constitution guarantees citizens the right to 'believe or not to believe in religions' (Article 43). However, state protection is limited to undefined 'lawful activities' by Buddhists and followers of other religions, and 'all acts of creating division between religions and classes of people are prohibited' (Article 9). There is no further clarification of the terms 'creating division' and 'lawful activities'. Ambiguous terms, bureaucratic obstacles to registration and weak rule of law combine to undermine freedom of religion or belief (FoRB) for Laos' religious minorities, including Catholics, Protestants, Muslims and Baha'is. FoRB violations in Laos often go unnoticed by the international community.

Violations of freedom of religion or belief

There have been some improvements in the protection of FoRB, especially since Laos has sought to develop its participation in international organisations and world affairs. Over the past decade there has been a reduction in the number of long-term Christian prisoners of conscience. Furthermore, some sources believe that higher authorities have intervened in cases where church leaders had been arrested and detained without sufficient evidence.

However, improvements in the level of religious freedom are most keenly felt in urban areas, and efforts by the government to promote and protect this right are often undermined by social hostility and weak rule of law at the local level. These issues result in restrictions not only on the manifestation and practice of minority religions, but also on the ability of citizens to choose and change their religion.

Violations against Protestant Christians

The conditions for Christians vary significantly. However, in recent years Christians in certain areas – particularly Savannakhet Province - have reported incidents of:

- Arbitrary detention
- Forced eviction
- Confiscation of land and livestock
- Destruction of property
- Harassment and discrimination.

Religious minorities can also be arbitrarily prevented from choosing and changing their religion by local authorities. This is especially true for Protestant Christianity, which is still seen by some authorities as a foreign religion at odds with traditional culture. Christians are arrested and sometimes charged for explaining the Bible to people of other religions and 'spreading the Christian faith'. In her 2009 report the then UN Special Rapporteur on freedom of religion or belief, Asma Jahangir, noted that the Baha'i, Muslim, Catholic and other religious minority communities appear to refrain from missionary activities in order to prevent 'problems with the authorities'.

In August 2016 the government issued Decree 315 to replace the Prime Minister's Decree on Management and Protection of Religious Activities, No. 92/PM. The Decree came into force immediately after it was released. Like its predecessor, Decree 315 requires adherents to receive approval from the government for various religious activities, and for various aspects of the internal management of religious groups. The decree includes ambiguous language instructing religious adherents to promote 'the beautiful culture of the nation'. There is a danger that converts to religions which are not considered part of the majority 'culture of the nation', particularly ethnic minorities, may be accused of undermining 'harmony' by converting to a different religion.

Some sources have said that the new Decree is better than the previous version and offers further clarity to groups wishing to conduct religious affairs, but note that certain local authorities still do not observe and implement the Decree, while others describe the text itself as 'cumbersome.'

Recent developments

In January 2020 Laos' human rights record was reviewed at the United Nations Human Rights Council as part of the Universal Periodic Review (UPR) process. Prior to the review, CSW made a submission which highlighted concerns about the right to FoRB, as well as to freedom of expression in the Lao People's Democratic Republic.¹

Laos received five recommendations relating directly to FoRB.² These included calls from Mexico and Uruguay to combat discrimination and persecution against ethnic and religious minorities and guarantee FoRB respectively, as well as three recommendations from the Solomon Islands to review and amend Decree 315, to allow all religious communities to meet and conduct activities freely, and to ensure that local officials do not arbitrarily target Christians and other religious minorities.

Laos also received a recommendation from Iceland to adopt anti-discrimination legislation, a recommendation from Italy to ensure full and effective access to judicial remedies to minorities, and 21 recommendations relating freedom of expression.

All of the above recommendations are due to be reviewed by Laos, and responses will be provided no later than the 45th Session of the UN Human Rights Council, currently scheduled for September-October 2020.

Recommendations

To the government of Laos:

- Ensure that the right to FoRB is fully protected in all relevant laws and regulations in accordance with international standards, and where necessary revise or revoke legislation in consultation with religion or belief community leaders and representatives, legal experts and civil society, and with guidance from the UN Special Rapporteur on freedom of religion or belief.
- Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities.

- Improve the rule of law at the local level by training relevant authorities on FoRB issues and by ensuring that both state and non-state perpetrators of violations are brought to justice.
- Develop relationships between religious leaders and officials at the local and national levels to enhance understanding and cooperation.
- Immediately and unconditionally release all prisoners of conscience detained in connection with the peaceful practice and observance of their religion or belief.
- Immediately investigate cases of wrongful imprisonment, torture and ill-treatment in police custody, and ensure that persons found to be responsible for these crimes are held to account.
- Conduct detailed investigations into the disappearances of any individual in connection with their exercise of the right to freedom of expression, bringing perpetrators to justice.
- Ensure that no individual is detained in connection with the peaceful exercise of their rights.
- Ensure that all detainees are treated humanely and are not subjected to torture, and that detainees provided with adequate facilities and medical care where necessary.

¹ CSW, 'Submission to the 35th Universal Periodic Review', 14 November 2019

<https://www.csw.org.uk/2019/11/14/report/4491/article.htm>

² United Nations General Assembly, Draft report of the Working Group on the Universal Periodic Review – Lao People's Democratic Republic,

https://www.upr-info.org/sites/default/files/document/lao_people039s_democratic_republic/session_35_-_january_2020/lao_peoples_democratic_republic-full_draft_report_for_circulation_-_ad_referendum.pdf