

Legal framework

The 2003 Lao constitution guarantees citizens' rights to 'believe or not to believe in religions' (Article 43) and criminalises the harassment of citizens based on their religion. In practice these rights are poorly implemented and state protection is limited to 'lawful activities', and 'all acts of creating division among religions' and among the people are prohibited (Article 9). The terms 'creating division' and 'lawful activities' lack clarity.

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. 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.

Under Decree 315, official approval is required for establishing religions (Article 7), appointing officials in religious organisations' governing committees (Article 7), and establishing a religious organisation (Article 8). Special approval is needed for religious activities which take place outside of recognised religious locations and buildings (Article 12). Decree 315 also retains from Decree 92 some provisions concerning international connections and visits abroad (Articles 21 and 19 respectively).

The decree also 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.

Under Article 3, 'members of religion' refers to 'people who believe in any one religion'. This does not appear to be restricted to recognised religions; if this is correct, this is an important and welcome development, since it provides some form of recognition for religious adherents outside recognised religious groups. However, this is contradicted by Article 7, which states that 'Establishment of religion is an establishment of those who...have received approval from the respective government agent.'

Some sources have told CSW that the 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.' Sources familiar with the decree have commented that it is bureaucratic. In particular, the decree has made it more complicated for religious groups to construct new buildings, which was already difficult. Overall, they believe that its implementation depends on the attitude of local leaders.

Overall responsibility for approving or refusing permission for religious activities has moved from the Lao Front for National Construction to the Ministry of Home Affairs (MOHA; sometimes translated as the Ministry of Interior Affairs).

Laos has signed and ratified the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to FoRB (Article 18). Laos has made a reservation to the Covenant regarding Article 18: '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.'

The reservation has been criticised by the former UN Special Rapporteur on FoRB for lowering the 'threshold for limitations on the freedom to manifest one's religion or belief.' Ambiguous language around 'creating division and discrimination among ethnic groups and among religions' could be open to abuse because the terms lack clarity. There is a danger that adherents of minority religions may be accused of 'creating division' if they refuse to participate in majority-religion activities or encourage conversion or proselytise to people of the majority faith.

Violations of freedom of religion or belief

While there have been some improvements in the protection of FoRB in Laos in recent years, these have been concentrated in urban areas and for some groups which maintain working relationships with the authorities.

The judicial autonomy of rural areas and unchallenged powers of village chiefs in rural areas continues to be of concern. Each province in Laos ostensibly operates as an autonomous semi-devolved government, in part due to the lack of infrastructure connecting the country and the fact that large rural parts of the country have no official government presence. As the majority of Protestant Christians live in rural areas, these communities are especially vulnerable to discrimination with little to no accountability from the national government.

This is reinforced by the fact that many look to a village or tribal leader as their authority, with tribal allegiances seen as the primary lens through which Laotians identify, over and above national or political identity. Protestant Christians in rural areas continue to be subjected to arbitrary detention, forced eviction, confiscation of land and livestock, destruction of property, harassment and discrimination, with efforts by the government to promote and protect FoRB undermined by social hostility and weak rule of law at a 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, as ethnic and 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. Protestant Christians are arrested and sometimes charged for ‘spreading the Christian faith’.

In May 2021 UCANews reported that Sithon Thippavong, a Protestant Christian leader from Savannakhet who was freed from jail in April 2021 after a year in prison, was forced to sign a document before his release promising that he would not resume religious activities until March 2022.¹

On 20 October 2022 Pastor Sy Sengmany of Khammouane Province set off on his bicycle from his small village to a nearby town but never arrived. The police discovered his body, which showed clear signs of torture, in the woods shortly after. Pastor Sy, a father of eight children, led a small village church that met in the home of one of the church members. To date, no arrests or charges have been made. The lack of progress leaves the distinct impression on some local believers that the authorities are wilfully obstructing justice as a means to silence the Christian minority.

In February 2024 a church building was destroyed in Kaleum Vangke village in Savannakhet Province on the orders of a village elder despite MOHA provisions granting the targeted Protestant group the right to gather.

On 22 June 2024 Protestant Pastor Mum and five church congregants were extra-judicially arrested in Tahae village in Khammouane Province by their village chief, Mr Khampune. Local advocacy groups suggest the group was arrested for hosting a small church service in the home of Pastor Mum, which was deemed ‘illegal’ as the church is not officially registered. The group were then held in Xaibouathong District prison for over a month. All six were later released on 25 July 2024 after being held without charge or being granted legal counsel.

On 23 July 2024 Protestant Pastor Thongkham Philavanh, 40, died after he was shot by gunmen wearing motorbike helmets in Oudomxay Province, northwestern Laos. The two masked assailants approached him in his garden and spoke to him before shooting him several times. Pastor Thongkham’s wife drove him to the local hospital, but he was pronounced dead on arrival. He was from the Khmu ethnic minority and was serving as the provincial head of the Lao Evangelical Church. As in the case of Pastor Sy Sengmany, no arrests have been made to date.

CSW has received no reports of violations of FoRB affecting Laos’ Catholic community, which is believed to number approximately 100,000 people.²

Sombath Somphone

On 15 December 2012 community development worker Sombath Somphone disappeared after being stopped at a

police post in Vientiane. More than 12 years later, Somphone’s whereabouts remain unknown; his disappearance has also had a chilling effect on civil society. In February 2021 four UN Special Rapporteurs sent a letter to the government expressing concern about Sombath’s disappearance and ‘the alleged inaction’ of the government to meet with Sombath’s wife, Shui Meng Ng, despite her repeated requests.

During the third Universal Periodic Review (UPR) of Laos’ human rights record at the Human Rights Council in January 2020 the government accepted recommendations to take necessary steps to define the crime of enforced disappearance in its national legislation and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED) in order to investigate and punish the perpetrators of such acts. However, Laos has yet to ratify CED, and the government is still yet to undertake full, independent investigations into Somphone’s disappearance.

Recommendations

To the government of Laos:

- Remove reservations to Article 18 of the ICCPR, and ensure that the protective measures enshrined in Article 18 are applied to all citizens.
- 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.
- Provide avenues for feedback about all relevant laws and regulations, and actively and impartially consider comments and criticism put forward by civil society and the international community.
- Ensure that regulations and legislation pertaining to religion or belief, including Decree 315, align with international standards as set out in Article 18 of the International Covenant on Civil and Political Rights (ICCPR) to which the state is party, and ensure any revisions are made in consultation with religion or belief community leaders and representatives, legal experts, 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.
- Immediately and unconditionally release all prisoners of conscience detained in connection with the peaceful practice and observance of their religion or belief.

1 UCANews, ‘Laotian pastor forced to promise he will not resume preaching’, 19 May 2021 <https://www.ucanews.com/news/laotian-pastor-forced-to-promise-he-will-not-resume-preaching/92515>

2 US Department of State, ‘2022 Report on International Religious Freedom: Laos’ <https://www.state.gov/reports/2022-report-on-international-religious-freedom/laos/>

- Investigate the forced disappearance of any individual in connection with their exercise of the right to freedom of expression, and prosecute those responsible.
- 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.
- 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.
- 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.

To the government of the United States:

- The State Department and the United States Commission on International Religious Freedom (USCIRF) should closely monitor FoRB in Laos and include the country on the Special Watch List.
- The Ambassador-at-Large for International Religious Freedom and USCIRF should request an invitation to visit Laos with unhindered access to all parts of the country.
- Deny US travel visas to government officials responsible for serious FoRB violations.
- The State Department should engage with the human rights organisations, including the Manushya Foundation, and representatives of diverse religious groups present in Laos in order to inform its annual religious freedom report on the country.
- Continue to monitor the FoRB situation in country: monitor trials, conduct prison visits, and make urgent representations to the authorities regarding individual cases requesting clarification on both the wellbeing of prisoners and the reasons for detentions - urging them either to proffer legitimate charges in line with international human rights standards or ensure immediate releases.

- Urge the government of Laos, at every appropriate opportunity, to make other reforms highlighted in the recommendation section above 'To the government of Laos'.

To the United Nations and Member States:

- Ensure that any concerns regarding the right to freedom of religion or belief in Laos are consistently raised in public and in private, including during high-level visits and other bilateral exchanges as well as during multilateral dialogues such as the regular sessions of the UN Human Rights Council and at the General Assembly.
- Call on Laos to extend a standing invitation to UN Special Procedures, with unhindered access to all parts of the country, and ensure that members of civil society can freely meet with them without reprisal.
- Urge all relevant UN mechanisms, including the UN Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on Laos, addressing the specific vulnerabilities and violations faced by religion or belief communities and those seeking to defend them.
- Support the meaningful participation of Laotian civil society at the UN and take robust action against intimidation and reprisals perpetrated against them.
- Urge the government of Laos, at every appropriate opportunity, to make the reforms highlighted in the recommendation section above 'To the government of Laos'.

**CSW everyone
free to believe**

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