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LAOS

PROTESTANT CHRISTIANS' RIGHT TO FREEDOM OF RELIGION OR BELIEF

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BACKGROUND

The Lao [constitution](#)¹ 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 for Laos' religious minorities, including Catholics, Protestants, Muslims and Baha'is.

Laos has seen some improvements in the protection of freedom of religion or belief (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 and in the average length of sentence. Furthermore, some sources believe that higher authorities have intervened in cases where church leaders had been arrested and detained without sufficient evidence.

However, there are continuing reports of religious freedom violations by both state and non-state actors. Any improvements in the level of religious freedom are most keenly felt in urban areas, in particular in Vientiane, where Christians tend to enjoy greater freedom of assembly and movement, and do not need to ask permission for as many regular activities. Research by CSW in 2014 found that the provinces of Savannakhet, Luang Namtha, Phongsali and Luang Prabang are some of the worst provinces for religious freedom violations.

One reason for the discrepancy between urban and rural areas is the sensitivity around ethnic minorities; another is weak rule of law (see below).

Common violations against Protestant Christians by state actors include forced eviction; arrest and detention; disruption of religious meetings and services; restricted freedom of movement; discrimination in distribution of food and school supplies; blocking of access to education; withdrawal of electricity supply and other utilities; destruction of livestock and other property; forced participation in animist ceremonies; and threats, including death threats. In 2013, throughout the country more people were allowed to celebrate Christmas (compared to previous years), but in many cases worship was only allowed within the family, without outside visitors. In some areas church property that was confiscated by the local authorities has not been returned.

Freedom of religion or belief is a touchstone for human rights standards: many aspects are inseparable from the right to freedom of expression, freedom of assembly, freedom of movement and other fundamental rights and freedoms. It is therefore essential that the Lao People's Democratic Republic, as a potential Human Rights Council candidate² and a party to the International Covenant on Civil and Political Rights (ICCPR), ensures that international standards on the right to freedom of religion or belief are upheld in law and in practice.

² In early 2013 Laos expressed an ambition to join the United Nations Human Rights Council in 2016.

¹ References to articles are taken from the Amended Constitution adopted in 2003, official translation endorsed by the Law Committee of the National Assembly of the Lao PDR.



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CURRENT SITUATION AND KEY CONCERNS

RULE OF LAW: 'THE KING'S POWER ENDS AT THE VILLAGE GATE'

One of the key concerns regarding the protection of human rights in Laos, including the right to freedom of religion or belief, is weak rule of law. At the central level, the government has at times cooperated effectively with Protestant representatives, and has issued letters of permission for certain religious activities, to be distributed to all provinces and districts of Laos. In many cases the letters have been accepted, but in a few cases local officials have rejected or ignored such orders.

In addition, some sources inside the country believe that the central government is unaware of certain cases of religious persecution because the district and provincial authorities want to present a picture of 'harmony' and 'social stability' in areas under their jurisdiction. Religious 'conflicts' could be seen as a sign of instability, so local authorities do not pass on news of such incidents, and in some cases try to reduce the number of conversions or even eliminate 'foreign' religions such as Christianity.

CONVERSION AND PROSELYTISING

Since conversion to Christianity can be seen as a potential cause of division and instability, some local officials openly oppose both conversion and proselytising. In February 2013, three church leaders from different churches in Savannakhet Province were arrested while making copies of a Christian DVD. One was released shortly afterwards. The other two were detained for around a month; at least one was beaten, kicked and tortured in order to force him to confess to the charge of 'spreading the Christian religion'.

In some cases, new converts to Christianity come under severe pressure to recant. Some foreign Christians report that people living in remote areas are often forced to sign documents recanting their beliefs, just before the rice harvest. This is because farmers particularly need to be in their fields at this time; if they are detained, there will be no one to gather the harvest, and their livelihoods will be at risk.

FORCED EVICTION

One of the most common human rights violations against converts to Protestant Christianity is forced eviction. This problem is particularly prevalent among ethnic minorities in remote areas. In these situations, much depends on the attitude of local leaders and village chiefs. In January 2013 in Attapeu Province, one couple received a written eviction order from the village chief, citing their conversion to Christianity as the reason for the eviction. The couple was ordered not to return to the village, "because our village does not welcome or allow followers of the Christian faith". In June 2013 in Luang Prabang Province, a village head asked all the Christians in the village to leave immediately. In another village in the same province, three Christian families were given official notice to leave the village permanently, after two years of harassment. Their identity papers were also confiscated.

DECREE 92

The key document on religious activities and organisations, the Prime Minister's Decree on the Management and Protection of Religious Activities (Decree 92), is itself open to abuse by local officials, since it uses vague terms prohibiting religious believers from 'dividing ethnic groups or religions in order to cause social disorder' (Article 13) and charging religious organisations with the preservation of 'fine Lao national culture, customs and traditions' (Article 15).

A revised draft of Decree 92 is believed to be in the final stages of preparation. In 2013 the government consulted religious leaders from the Lao Evangelical Church, the Seventh Day Adventist Church, the Buddhist Fellowship Organization, and Catholic, Baha'i and Muslim leaders, in what appeared to be genuine efforts towards open discussion. Nevertheless, there is great uncertainty surrounding Decree 92 and religious leaders are concerned about how it might be implemented.

CSW has heard reports that religious officials charged with drafting the new Decree are consulting with their counterparts in Vietnam. Vietnam's Decree No. 92/2012/ND-CP, which came into effect in January 2013, has been widely criticised by Vietnamese Buddhists, Protestants and Catholics, as well as by human rights lawyers. Rather than aiming to protect religious freedom, the Decree focuses on the control and management of religious organisations and activities. The Decree adds new bureaucratic obstacles to the organisation of peaceful religious activities, and has already been used by officials to label unregistered religious meetings as 'illegal gatherings'.

CIVIL SOCIETY

The disappearance of civil society leader Sombath Somphone in December 2012,³ and the government's failure to conduct a proper investigation into the case, has drawn widespread criticism from the international community, including from EU parliamentarians. Religious community leaders and non-government organisations describe a "climate of fear" following the incident, in which "civil society is afraid to speak out" about violations. Religious organisations also report feeling that they are being watched more carefully and have had some requests for permission for activities denied.

3 Sombath Somphone is a Lao citizen and Magsaysay Award winner who spent 30 years working in sustainable rural development, education, and youth empowerment. He disappeared on 15 December 2012 after being stopped at a police post in Vientiane. The Lao PDR government denies any involvement, but has failed to conduct a full investigation and has rejected help offered by the international community. More than a year after Sombath's disappearance, the government has failed to shed any light on his disappearance despite increasing pressure from international organisations and the EU.

At the same time, foreign and Lao Christians report a significant increase in the use of online social media by young people in particular. For example, young Christians use Facebook to post news of Bible study groups. Their boldness sometimes surprises older Christians, but so far these posts do not appear to have been removed. It is therefore worrying that on 24 October 2013 the *Vientiane Times* reported that the Ministry of Post and Telecommunications is "drawing up regulations to govern online social media [which would] enable officials to check on those posting incorrect or inappropriate information and photos".⁴ It is unclear the extent to which these regulations will affect religious communities, but it is alarming that the ministry is studying models of regulation from China and Vietnam, both of which place restrictions on freedom of expression and religion or belief.

4 *Vientiane Times*, 'Govt to regulate social media networks', 24 October 2013 http://www.vientianetimes.org.la/FreeContent/FreeContent_Govtto.htm

RECOMMENDATIONS

On the occasion of the upcoming EU-Laos dialogue 2014, CSW recommends that the EU delegation urges the government of the Lao People's Democratic Republic:

- To remove all reservations to Article 18 of the International Covenant on Civil and Political Rights and ensure that the protective measures enshrined in Article 18 are applied to all citizens of Laos;
- To ensure that the revisions to Decree 92 adhere to internationally recognised standards as defined by the ICCPR;
- To continue to seek the input and feedback of religious leaders and representatives regarding policies and laws on religion, and provide further training and advice to local, district and provincial officials, as well as religious communities;
- To release all those detained on religious grounds, and, in cases of wrongful detention, ensure full investigations are conducted into the circumstances surrounding their arrest and detention;
- To ensure that detainees who have been released are not forced to undergo 're-education' programmes or to sign letters of recantation;
- To issue a standing invitation to the Special Rapporteur on Freedom of Religion or Belief;
- To improve mechanisms providing justice and compensation to victims of violations of the right to FoRB, and to ensure that perpetrators are prosecuted in accordance with the law;
- To foster good relations between officials at all levels and religious minority leaders and communities.

CSW further encourages the EU:

- To continue to monitor infringements on freedom of religion or belief and developments in the treatment of religious or belief-based groups, and to determine follow up actions in response to these developments;
- To urge Laos to uphold regional and international human rights standards on FoRB, including those enshrined in the ASEAN Human Rights Declaration and the ICCPR;
- To ensure effective implementation of the EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief, by acknowledging best practices, lessons learned and training needs; and in this process, to promote and support inclusive, transparent and genuine consultation with civil society organisations, human rights defenders, representatives of religious communities, experts and others, in Brussels and in the field, with due concern for the safety and security of those providing information;
- In line with the EU Guidelines on FoRB, to ensure

that the EU's key concerns in relation to freedom of religion or belief are raised consistently through member states' bilateral relationships with Laos and through EU-Laos exchanges on human rights and good governance; such exchanges should include the development of clear, regularly updated benchmarks and monitoring mechanisms with the aim of advancing FoRB;

- In accordance with the Guidelines to EU Policy towards Third Countries on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to monitor the occurrence of torture of religious prisoners of conscience, taking action where appropriate; also to consider sending embassy representatives as observers to trials where there is reason to believe that the defendant(s) have been subjected to torture or ill-treatment;
- To include in bilateral agreements, including trade agreements, human rights clauses encompassing the need for upholding and respecting FoRB, referring to specific benchmarks and requirements wherever possible;
- When conducting field visits in line with the EU Human Rights Defenders Guidelines, to include visits to religious leaders, members of religious communities and places of worship;
- To advise EU member states' embassies in Laos to develop relationships with key religious leaders and community representatives, and to arrange, in consultation with local contacts, visits to imprisoned religious leaders and religious communities;
- To develop small grant schemes for the protection and promotion of FoRB and to ensure that the European Instrument for Democracy and Human Rights (EIDHR) Country-Based Support Scheme prioritises funding for advancing FoRB;
- To consider launching or supporting projects which contribute to the protection of FoRB; for example training for officials and non-elected village elders on constitutional and legal provisions on religious activities and organisations, and programmes promoting understanding and cooperation between village elders and religious leaders;
- To include in the dialogue clear benchmarks for progress in the promotion and protection of human rights, including the right to FoRB;
- To encourage strongly the participation of civil society in Laos in preparations for seminars and dialogues on human rights.