

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB) for all.
2. This submission highlights concerns about the right to FoRB in the Lao People's Democratic Republic (Laos) ahead of the state's fourth Universal Periodic Review (UPR).

Legal Framework

3. 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 but in practice these 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.
4. 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).
5. During the third UPR, Laos received a recommendation by the Solomon Islands (115.116) to 'review and amend Decree No. 315 to ensure that administrative procedures for religious groups are not arbitrary, vague and discriminatory, and to eliminate the wide latitude local officials have to discriminate against and persecute religious minorities.'¹ However, the decree continues to include 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.

6. 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.'
7. 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 construction of new buildings by religious groups was already difficult and this has not been helped by the new decree. Overall, they believe that its implementation depends on the attitude of local leaders.
8. 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).
9. In 2021, the United States Commission on International Religious Freedom (USCIRF) published a factsheet on Decree 315, which expressed concerns about the ongoing harassment of and threats to minority faith communities at local levels.²
10. 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.'³

1 United Nations, 'Report of the Working Group of the Universal Periodic Review: Lao People's Democratic Republic, A/HRC/44/6, (Recommendation by: Solomon Islands, 115.116), 17 March 2020, <https://documents.un.org/doc/undoc/gen/g20/069/27/pdf/g2006927.pdf>

2 United States Commission on International Religious Freedom (USCIRF), 'Factsheet on Laos' Decree 315', September 2021, <https://www.uscifr.gov/sites/default/files/2021-09/2021%20Laos%20Factsheet.pdf>

3 United Nations Treaty Collection, International Covenant on Civil and Political Rights. Accessed 8 April 2019 https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=_en&mtdsg_no=IV-4&src=IND

11. 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'.⁴ 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

12. During the third cycle of the UPR, Laos received five recommendations pertaining directly to FoRB, accepting four and rejecting one.⁵ Recommendations included 'guaranteeing freedom of expression of the press, assembly and association as well as freedom of religion and belief, in accordance with the International Covenant on Civil and Political Rights'⁶ and 'to take the necessary measures to prevent and combat discrimination and persecution against ethnic and religious minorities, and to guarantee their right to freedom of expression and conscience, as well as their access to health care, education and an adequate standard of living.'⁷ Regrettably, Laos did not accept a recommendation which called on the state to 'Allow all religious communities to meet and conduct activities freely, regardless of whether they are incorporated or registered.'⁸
13. While there have been some improvements in the protection of FoRB during the reporting period, these have been concentrated in urban areas and for some groups which maintain working relationships with the authorities. However, conditions for Christians in Laos vary significantly.
14. The judicial autonomy of rural areas and unchallenged powers of village chiefs in rural areas continues to be of concern, despite Laos accepting a recommendation during the third UPR to 'introduce a mechanism to monitor and regulate local officials, especially in rural areas, to ensure they conform with human rights standards and do not arbitrarily and discriminatorily target Christians and other religious minorities'.⁹
15. 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 Laos Christians live in rural areas, Christian communities are especially vulnerable to discrimination with little to no accountability from the national government.

16. 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.
17. 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. Christians are arrested and sometimes charged for 'spreading the Christian faith'.
18. In May 2021, UCANews reported that Sithon Thippavong, a 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 will not resume religious activities until March 2022.¹⁰
19. During the reporting period, Christians in rural areas also reported incidents of 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.
20. On 20 October 2022, Pastor Sy Sengmany, Khammouane province, set off on his bicycle from his small village to a nearby town but never arrived. The police discovered his body in the woods shortly after, and his body showed clear signs of torture. Pastor Sy Sengmany, 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

4 United Nations, Report of the Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, Mission to the Lao People's Democratic Republic, A/HRC/13/40/Add.4 p.13–14., 27 January 2010, http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.40.Add.4_enAEV.pdf

5 United Nations, 'Report of the Working Group of the Universal Periodic Review: Lao People's Democratic Republic, A/HRC/44/6, (Accepted recommendations given by: Solomon Islands, 115.118; Solomon Islands, 115.116; Uruguay, 115.100; Mexico, 115.48; Rejected recommendation given by: Solomon Islands, 115.117); 17 March 2020, <https://documents.un.org/doc/undoc/gen/g20/069/27/pdf/g2006927.pdf>

6 *Ibid*, Uruguay, 115.100

7 *Ibid*, Mexico, 115.48

8 *Ibid*, Solomon Islands, 115.117

9 *Ibid*, Solomon Islands, 115.118

10 Union of Catholic Asian News (UCAN), '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>

the authorities are willfully obstructing justice as a means to silence the Christian minority.

21. In another incident, on 23 July 2024 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. Thongkham's wife drove him to the local hospital, but he was pronounced dead on arrival. Thongkham was from the Khmu ethnic minority and was serving as the provincial head of the Lao Evangelical Church. Again, to date no arrests have been made.
22. On 15 December 2012, community development worker Sombath Somphone disappeared after being stopped at a police post in Vientiane. More than a decade 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.¹¹ On the ninth anniversary of Sombath's disappearance 64 organizations and individuals, including CSW, reiterated calls on the Lao government to determine his fate and whereabouts, and deliver justice to him and his family.¹²
23. During the third UPR, Laos 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.¹³ However, Laos has yet to ratify CED, and we regret the state's decision to note recommendations to undertake full, independent investigations into all unresolved cases of alleged enforced disappearances, including that of Sombath Somphone.¹⁴
24. On 22 June 2024, Pastor Mum and five of his 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.¹⁵ 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. This incident occurred despite Laos accepting a recommendation during the last review to provide for fair trials and freedom from torture and arbitrary detention.

25. On 3 August 2021 UCA News reported that minority Christians were among the underprivileged groups at risk of a major health crisis due to COVID-19.¹⁶ The article reported that Christians are "especially at risk as they are routinely denied government services such as health care in retribution for practicing a faith widely seen as an alien and subversive creed, according to rights groups."
26. Additionally, 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.

Conclusion

27. Laos made several positive steps towards the implementation of some recommendations received during the previous UPR, however there is a need to ensure that FoRB and other human rights are fully protected in accordance with the ICCPR.
28. There is an urgent need for Laos to honour the recommendation it accepted during the previous UPR by ending the arbitrary detention of individuals in connection with the exercise of their fundamental human rights and to investigate cases of enforced disappearance and arbitrary detention as well as other incidents of discrimination on the basis of religion or belief.

Recommendations

- 29. Remove reservations to Article 18 of the ICCPR, and ensure that the protective measures enshrined in Article 18 are applied to all citizens.**
- 30. Ensure that the right to FoRB is fully protected**

11 United Nations Special Procedures Communication to the government of Laos on the alleged enforced disappearance of human rights defender Mr. Sombath Somphone, AL LAO 1/2021, 5 February 2021, https://www.unhcr.org/refugees/files/2021/02/20210205_AL_LAO_1_2021.pdf

12 Human Rights Watch, Laos: nine years on, civil society worldwide still demands answers on Sombaths enforced disappearance, 15 December 2021, <https://www.hrw.org/news/2021/12/15/laos-nine-years-civil-society-worldwide-still-demands-answers-sombaths-enforced>

13 United Nations, 'Report of the Working Group of the Universal Periodic Review: Lao People's Democratic Republic, A/HRC/44/6, (France, 115.6; Switzerland, 115.8; Belgium, 115.9; Malta, 115.72; Argentina, 115.80); 17 March 2020, <https://documents.un.org/doc/undoc/gen/g20/069/27/pdf/g2006927.pdf>

14 *Ibid*, United Kingdom, 115.74 and New Zealand, 115.75

15 Christian Solidarity Worldwide (CSW), 'Six Christians arrested in Khammouane Province', 27 June 2024, <https://www.csw.org.uk/2024/06/27/press/6256/article.htm>

16 Union of Catholic Asian News (UCAN), Christians vulnerable as Covid 19 surges in Laos, 3 August 2021, <https://www.ucanews.com/news/christians-vulnerable-as-covid-19-surges-in-laos/93552>

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.

31. *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.*
32. *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.*
33. *Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities.*
34. *Immediately and unconditionally release all prisoners of conscience detained in connection with the peaceful practice and observance of their religion or belief.*
35. *Investigate the forced disappearance of any individual in connection with their exercise of the right to freedom of expression, and prosecute those responsible.*
36. *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.*
37. *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.*
38. *Develop relationships between religious leaders and officials at the local and national levels to enhance understanding and cooperation.*
39. *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.*
40. *Ensure that no individual is detained in connection with the peaceful exercise of their rights.*
41. *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.*
42. *Issue a standing invitation to all UN Special Procedures, ensuring they have unhindered access to all areas of the country and ensure that members of civil society can freely meet with them without reprisal.*

**CSW everyone
free to believe**

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