UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

COUNTRY UPDATE: LAOS

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USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

By Patrick Greenwalt, Researcher

Overview

In February 2020, staff from the U.S. Commission on International Religious Freedom (USCIRF) traveled with staff from the U.S. Department of State's Office of International Religious Freedom (IRF) to Laos to meet with government officials, religious communities, and civil society representatives regarding religious freedom. During the past two decades, the government of Laos has enacted several reforms intended to bring its laws into compliance with international human rights standards.

Recently, there have been improvements in religious freedom conditions. In 2016, the Lao government promulgated the Decree on Management and Protection of Religious Activities (Decree 315). This decree requires all religious organizations to register with the government, but it is not strictly enforced, which enables many unregistered religious groups space to operate. In recent years, the number of people arrested or detained for their religious practices has *decreased*; in 2019, there were no reports of the central government conducting such arrests, although there were several cases at the local level. In March 2020, a Christian Pastor, Sithon Thiphavong, was *detained* by local authorities. At the time of writing, he remains in custody.

Although USCIRF was encouraged by widespread reports from a variety of interlocutors that religious freedom conditions in Laos had improved considerably since the release of Decree 315, the Commission remains concerned. First, this improvement rests largely on the personal relationships built between members of each faith community and leaders within the various government agencies, not on systematic protection of legal rights. Second, Decree 315 still enshrines governmental overreach and codifies a legal structure inconsistent with international religious freedom standards. Third, the government is slow to grant legal recognition and protection to unregistered religions. Finally, harassment and threats to minority faith communities persist at the local level.

Since 2009, USCIRF had placed Laos on its Tier 2 category. This category was for governments that engaged in or tolerated serious religious violations, namely those characterized by at least one of the elements of the "systematic, ongoing, or egregious" CPC (Country of Particular Concern) standard, as defined by the International Religious Freedom Act (IRFA). USCIRF had created this Tier 2 category before Congress' 2016 amendments to IRFA required the State Department to maintain the Special Watch List (SWL). To be designated on the SWL, a country must meet at least two of the three criteria under IRFA. Beginning with the 2020 Annual Report, USCIRF

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changed to making SWL recommendations, thereby revising its reporting to better conform with the statutory scheme and with USCIRF's oversight and advisory role. As a result of this change, Laos does not appear in the 2020 Annual Report. However, USCIRF determined religious freedom conditions in Laos remain a concern. Accordingly, this report provides an update on USCIRF's monitoring of religious freedom conditions.

State Regulation of Religious Activity

Laos is an authoritarian, single-party communist state. The government has a long history of sentencing individuals to indefinite prison terms for expressing open criticism or shedding light on its human rights abuses, including religious freedom violations. The government has retaliated against peaceful critics of the regime, including *Sombath Somphone* in 2012 and *Od Sayavong* in 2019.

The Lao government heavily regulates the practice of religion. The state officially recognizes only four religions: Buddhism, Baha'i, Christianity, and Islam. Within Christianity, the government has recognized three denominations: Roman Catholicism, the Lao Evangelical Church (LEC), and the Seventh-Day Adventists.

Although Article 43 of the Lao constitution guarantees the "right and freedom to believe or not to believe in religion," Articles 8 and 9 prohibit "all acts creating division and discrimination among ethnic groups" and "religions and classes of people," without specific examples. These articles have been used to justify state interference with the activities of religious groups.

The government also maintains reservations against Article 18 of the International Covenant on Civil and Political Rights, *noting* that it views any acts that "coerce or compel an individual to believe or not believe" in a certain faith and any "acts creating division and discrimination among ethnic groups and among religious groups" as incompatible with Article 18. The government justifies these reservations as necessary to promote interreligious harmony and national development, and has used them to crack down on proselytization. Non-Buddhist faith communities, regardless of legal status, are often discouraged by local and provincial authorities from proselytizing, sometimes under threat of prosecution or harassment.

The Lao government oversees religious affairs through two administrative bodies: the Ministry of Home Affairs (MOHA) and the Lao Front for National Development (LFND).[1] The regulation of religious affairs was originally managed by the LFND, a popular front organization led by the communist Lao People's Revolutionary Party. Since 2011, overseeing religious affairs has been handed to MOHA, which is a non-party government agency. The shift in responsibilities from the communist party-led LFND to the more administrative MOHA has not been complete and has led to duplication of roles in the bureaucracy. In discussions with USCIRF, faith communities often expressed confusion as to which agency was ultimately in charge. These communities noted that both the LFND and MOHA are consulted whenever these communities need something or want to plan events.

1 Renamed from the Lao Front for National Construction.

In response to the *recommendation* provided by the United States at Laos' second Universal Period Review (*UPR*) before the United Nations Human Rights Council, held in January 2015, the government adopted the 2016 Decree on Management and Protection of Religious Activities (Decree 315) to replace Decree 92. The decree introduced several improvements, such as placing all religions on an equal legal footing and in more clearly defining the rules and expectations set by the Lao government for faith communities, as well as the process for them to become officially recognized.

Despite these improvements, USCIRF concludes that Decree 315 does not fully comply with international human rights standards. The decree authorizes MOHA to regulate virtually all aspects of religious life. MOHA approval is technically required to assemble for religious purposes, construct new houses of worship, modify existing facilities, or establish new congregations in districts or villages that previously had none. In addition, MOHA offices have authority to restrict religious activities that they perceive to be at odds with local customs, national policies, national stability, the environment, or unity between religious and ethnic groups. Decree 315 delegates to MOHA the authority to oversee the process to approve religious organizations. This process theoretically provides opportunities for faith communities to not only enjoy legal protections once registered, but also to own property and operate legally—which they cannot do unless officially registered. However, Decree 315 places restrictions even on officially recognized religious groups through vaguely worded statements.

Under Article 28, MOHA can arbitrarily approve and revoke approval of any faith group that operates in multiple provinces. Under the decree, the government has a proactive role in determining the internal operation and theological positions of faith communities. For example, Article 5, Section 2 notes that religious groups "Must be consistent with the heart of the religion, its religious precepts, and its religious teachings." Article 7 demands that:

> The names of personnel who have been selected or appointed to leadership in the religious organization shall be submitted to the Ministry of Home Affairs, Department of Ministry of Home Affairs of the Province or Municipality, Office of the Ministry of Home Affairs of the District or Town and other relevant organizations for study, consideration and approval.

In addition, all religious groups holding religious services or community events must submit annual—and in some cases biannual—plans for all scheduled activities outside the scope of routine operations.

According to the faith groups USCIRF met with, Decree 315 is not consistently enforced either by central or local authorities. However, the decree's inconsistent implementation has allowed some unregistered groups to operate, which has mitigated its impact on religious freedom. There appear to be minimal restrictions on the weekly services of unregistered faith communities, especially when held at private residences. Unofficial religious groups—*primarily* Methodists, Church of Christ, Assemblies of God, Lutherans, and Baptists—have had a presence within Laos to varying degrees over the last 30 years. USCIRF spoke with some of these communities while in Vientiane and they reported having applied to be recognized. The Methodist community reported that it had applied in 2018, but as of February 2020 had yet to receive a response. USCIRF asked unregistered communities about the process for registering their faith. The biggest barrier appeared to be in meeting the land stipulation set by MOHA for a faith group to register its property, which is 1.5 hectares (approximately 3.7 acres).

During a meeting with USCIRF in Vientiane, Lao officials noted that the government had begun a formal review of Decree 315 to prepare to enshrine it into legislation. The review is being conducted in partnership with local legislative assemblies; as of February 2020, two such assessments have taken place in Luang Prabang and Savannakhet. Although USCIRF was unable to meet with local officials in either province, we were able to meet with some members of officially recognized faith communities who provided information about the process. The National Assembly, the country's supreme legislative body, led these reform discussions, which consisted of local and national-level authorities from MOHA, LFND, the Ministry of Security, and officially recognized faith communities. Unofficial faith communities were not represented at these meetings. It does not appear that outside experts are being consulted during this reform process.

In 2018, the Lao government *allowed* the U.S.-based Institute for Global Engagement to host a series of seminars to educate both local and religious leaders on the rights of minority faith groups and to educate them on their new responsibilities under Decree 315. Despite these efforts, dissemination of Decree 315 to the local

level remains slow and inconsistent. The government of Laos requests additional funding assistance to instruct local officials.

Government Attitudes toward Non-Buddhists

Lao government officials tend to be highly suspicious of certain ethnic and religious minorities, particularly Hmong Christians. The government has long *considered* Christianity to be a "foreign religion" and often characterizes Christians as potential agitators. Some local authorities continue to harass and threaten Christian groups. Members of both official and unofficial Christian communities informed USCIRF that while they feel nominal freedom to worship and practice their faith in urban areas—whether at recognized faith centers or within house churches—their counterparts in more remote villages can and do face barriers to religious freedom. These include being prevented from attending religious ceremonies in nearby villages, harassment, and threats from both societal and government actors. Authorities often fail to protect minority Christian communities from local animist groups who threaten Christians over non-traditional burial practices. Even as the situation has improved in recent years, some government officials expressed in meetings confusion about the need for different organizations representing different Christian denominations given their perceived theological similarities. Discrimination occurred not only against Christians, but also against other minority faith communities, such as the Baha'i, particularly in areas in which there are few Baha'is and they do not have a faith center. In such areas, Baha'is do not even feel comfortable sharing their faith identity with neighbors.

By law, every citizen must keep an updated register of their personal information in an official document called the family book; religion is one of the personal details they must record. Minority faith communities reported widespread employment discrimination in the public sector. They noted that some members who work in the public sector feel the need to misrepresent their family book faith designation so as to maintain their employment or receive promotions. These groups also all reported that in order to maintain good relationships with government officials, they occasionally need to provide certain "gifts" when requested, typically in the form of computers and printers. Some faith groups only accept funding from members of their religious community, so providing such "gifts" places an undue financial burden on them, but refusing would risk straining relationships with authorities.

Vientiane remains a relatively open space for different communities to practice their faith. In discussions with USCIRF, both members of official and unofficial communities expressed that they faced limited issues in meeting and—partly due to the number of embassies and businesses within the capital—hosting foreign residents at religious services. However, in a submission for Laos' third UPR in January 2020, a coalition of nongovernmental organizations (NGOs) *noted* that discrimination against the various Christian communities remained a persistent issue in rural areas. Though conditions were reported to have improved in the last few decades, and some groups noted that local authorities regularly attend faith celebrations in goodwill, religious leaders are restricted from traveling domestically in their official capacity, cannot proselytize, and cannot accept converts. Authorities must be consulted for any translation work or to acquire faith literature in bulk. This presents challenges for faith communities in more rural areas. Key to addressing issues at the local level were strong links with counterparts at Vientiane. Faith leaders in Vientiane are able to channel local issues to the central authorities at MOHA and LFND with whom they have built up personal relationships. These officials can then address the situation with their local subordinates.

Conclusions and U.S. Policy

Laos is taking steps to become more open and integrated into the global community. This, in turn, has led to greater economic and social opportunities for the people of Laos. However, without a foundation of human rights and rule of law, its transformation will remain incomplete. Its efforts to provide for greater religious freedom through Decree 315 deserve commendation, as do the positive relationships members of the central and provincial governments have developed with the leaders of all faith communities. Nonetheless, as the government reviews Decree 315, it must recognize that excessive bureaucratic oversight and barriers to the practice of religion are both costly and counterproductive. Unrecognized faith communities face unnecessary bureaucratic hurdles toward official recognition through arbitrary land ownership stipulations and an onerous approval process. Even when conditions are met, government officials are slow to respond. Without anti-discrimination laws, members of minority faith communities can continue to face employment discrimination in the public sector. Additionally, faith leaders face restrictions from proselytizing and

are unable to determine their internal organization and hierarchical structure without approval from governmental agencies.

The Lao and U.S. governments have a history of positive dialogue and engagement on religious freedom issues. During Laos' second UPR session in 2015, it was the U.S. representative's recommendation to amend Decree 92 that led Laos to promulgate Decree 315. Through the *U.S. Ambassadors Fund for Cultural Preservation*, the United States continues to support the preservation of historical structures and works of art within Laos, such as funding projects to restore the Wat Xieng Thong temples and maintain historical artifacts in the Lao National Museum Collection. However, U.S. engagement does not focus extensively on religious freedom. For example, while many cultural and educational exchange programs exist between the United States and Laos, such as the International Visitor Leadership Programs (*IVLP*), relatively few focus.

on religious freedom. The United States should provide more opportunities through IVLP for Lao government officials and representatives from faith communities to meet with U.S. officials and religious leaders for the purpose of fostering a greater understanding of religious freedom.

Moreover, the Lao government has had to rely primarily on donor funding and international NGOs to educate local officials about Decree 315. USCIRF recommends that the U.S. government increase support for such programs in order to build upon the recent improvements in religious freedom in Laos. Finally, the United States should remain engaged as the Lao government evaluates Decree 315 to formalize it into law. When appropriate, U.S. diplomats should offer technical advice and advocate for the new law to remove the problematic provisions in the decree. If Decree 315 were fully enforced following codification into law, religious freedom conditions could deteriorate.

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on threats to religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.

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