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LAO PEOPLE'S DEMOCRATIC REPUBLIC

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Introduction

1. A coalition of international organizations submits the following report focused on freedom of religion or belief. Some of these organizations maintain ECOSOC consultative status with the United Nations. The information contained in this report was obtained through research and first-hand accounts from these organizations.
2. This report investigates the status of religious freedom and freedom of association in Lao People’s Democratic Republic and examines the impact of vague, arbitrary, and discriminatory laws on religious minorities, in particular Christians in rural areas. It urges the government to amend its laws so that they do not violate freedom of religion and freedom of association. It also calls on the government to ensure that local officials do not discriminate unjustly against religious minorities.

(a) Freedom of Religion or Belief and Freedom of Association

3. Lao People’s Democratic Republic (Laos) has a population of approximately 7 million people, the majority of whom practice Buddhism mixed with animism. There are approximately 225,000 Christians.¹
4. The Lao government recognizes four religions: Buddhism, Christianity, Islam, and the Baha’i faith. It recognizes three Christian denominations: the Lao Evangelical Church (LEC), the Catholic Church, and the Seventh-day Adventist Church. The LEC acts as an umbrella organization for Christian groups that do not fall into any of the other recognized denominations.
5. The Lao Constitution guarantees in Article 43 “the right and freedom to believe or not to believe in religions.” It also guarantees freedom of speech, press, and assembly in Article 44, as well as “the right to set up associations and to stage demonstrations which are not contrary to the laws.” The Constitution specifically mentions Buddhism in Article 9 but says that it “respects and protects all lawful activities [. . .] of followers of other religions.”
6. However, Article 9 also states, “All acts creating division between religions and classes of people are prohibited.” Likewise, Article 8 states, “All acts creating division and discrimination among ethnic groups are prohibited.”
7. Laos is party to the International Covenant on Civil and Political Rights, but it made a reservation on Article 18 on freedom of religion or belief that it “considers that all acts

¹ Open Doors, ‘Country Report: Laos’ *2019 World Watch List* (Report, 2019).

creating division and discrimination among ethnic groups and among religions are incompatible with Article 18 of the Covenant.”

8. The second part of Laos’ reservation, on acts creating division and discrimination among ethnic groups and among religions, mirrors the language in Articles 8 and 9 of its Constitution. These provisions effectively undermine its commitment to guaranteeing freedom of religion or belief, since Laos may determine that any act is problematic, and “division” is attributed more to minority religious groups than to the majority.
9. During its second Universal Periodic Review cycle, Laos accepted several recommendations on freedom of religion or belief, including recommendations to ensure the protection of the rights of religious minorities, and defended its religious freedom record.² It accepted a recommendation to revise a decree on registration of religious groups and to allow new religious groups to obtain recognition.
10. Although since its second UPR cycle Laos has enacted new laws on associations and on religious groups, these laws have been to the detriment of religious freedom and contravene its promise to guarantee religious freedom for all people in Laos.
11. On 16 August 2016 the government issued Decree No. 315 on Management and Protection of Religious Activities, replacing Decree 92.³ Decree 315 regulates all activities of religious groups, including registration, ordination and activities of clergy, foreign travel and invitation of co-religionists to Laos, foreign donations, import and export of religious literature, and construction of houses of worship. Under Decree 315, local government officials have complete discretion in controlling religious groups, so it is applied differently across the country, depending on the views of local officials on religious minorities. Religious groups must receive permission from village, district, provincial, and/or national authorities to conduct activities, depending on whether the activity will take place in another village, another district, or another province.
12. In August 2017 the government issued Decree on Associations No. 238 of 2017,⁴ which came into force on 15 November of that year and which severely limits the formation and activities of associations. Article 4 of the decree establishes the government’s complete control over associations, stating that only the government approves the formation of associations, their acceptance of donations, and their cooperation with international organizations. The article also suggests that associations’ activities have to be in line with the policies of the Lao People’s Revolutionary Party.

² Office of the High Commissioner for Human Rights (OHCHR), ‘UPR of Lao People’s Democratic Republic’ ¶¶ 121.130-134, 121.138, 121.185 <<https://lib.ohchr.org/HRBodies/UPR/Documents/Session21/LA/LaoMatriceRecommendations.pdf>>.

³ Cf. Human Rights Committee (CCPR), ‘Replies of Lao People’s Democratic Republic to the list of Issues’ (Add.) *List of Issues in Relation to the Initial Report of the Lao People’s Democratic Republic* (8 June 2018) UN Doc CCPR/C/LAO/Q/1/Add.1 ¶ 63.

⁴ An unofficial English translation of the decree is available at Civil Society Working Group, ‘Decree on Association 2017’ <<https://laocs-kis.org/resources/decree-association-2017-unofficial-english-translation/#>>.

13. Section III of Decree 238 outlines excessively burdensome registration requirements. Application for the establishment of an association requires multiple incremental steps. Associations must provide detailed plans, resolutions, and registration lists. Association members must provide specific information about themselves, including identification cards, criminal records, home certificates, and curriculum vitae.
14. Article 31 lists prohibited activities, including “support[ing] or carry[ing] out activities that threaten national security, social order, individual freedom and fine national, local and ethnic traditions;” and “carry[ing] out activities that will divide national, local solidarity, religions and ethnic groups[.]” Violating Article 31, or violating the “Party’s guidance and policy” can result in dissolution of the association by the authorizing agency, according to Article 48.
15. An indication of the control the government intends to have over associations is the long list of “supervising agencies” in Article 59, including various ministries at the national level; the Lao Front for National Construction; provincial authorities, departments, and agencies; municipality, district, and city authorities, departments, and internal agencies; and village authorities. The rights and duties of each of these are detailed across several articles. Associations must obtain approval before meeting.
16. The overbroad and arbitrary Decree 238 gives the State, and even local authorities, incredible power over associations in Laos, especially the power to discriminate against minority religious groups, in particular Christians, who are frequently perceived as threatening and belonging to a foreign religion. Open Doors reported that the decree “requires a registered place of worship that is owned by the church and a registered minister in order to be considered legal. However, this is almost impossible to accomplish.”⁵
17. Laos is number 19 on the 2019 World Watch List, a list of the top 50 countries where it is most difficult to be a Christian, due to oppression from the communist government and severe social persecution, especially of converts to Christianity.⁶ Christians usually experience more persecution and discrimination in rural areas as opposed to urban areas. This may be because the government wants to avoid poor publicity given the larger number of foreigners and expatriates in major cities.
18. The Lao government has been systematically persecuting the Hmong people for years. Due to their cooperation with the U.S. in the Vietnam War, the Hmong are still treated as pariahs. A group of up to 3,000 Hmong refugees have fled to the jungles of northern Laos, where they are subjected to constant attacks by the military, including alleged chemical weapons attacks. They lack access to basic amenities, including food and medicine.⁷

⁵ Open Doors USA, *Country Dossier – Laos* (Report, 2019) 17 <<https://www.opendoorsusa.org/wp-content/uploads/2016/09/Laos-FINAL-WWL-2019-DOSSIER-December-2018.pdf>>.

⁶ Open Doors, *Op.Cit.* (n1).

⁷ Jan van der Made, ‘Hmong face military in Laos jungle in fallout from Vietnam war.’ *RFI* (12 May 2017) <<http://en.rfi.fr/asia-pacific/20171204-anno-2017-vietnam-war-still-rages-secretly-laos-hmong>>.

(b) Incidents concerning freedom of religion or belief and freedom of association

19. This section covers incidents that have occurred since Laos' participated in the second cycle of the Universal Periodic Review in January 2015. This is not an exhaustive list, given that many people do not report religious freedom violations in Laos due to repercussions from the government and nearly complete control of local media by the government. Many of the following incidents were reported by Human Rights Watcher for Lao Religious Freedom (HRWLRF). These incidents indicate that local officials in rural areas often persecute Christians.
20. In May 2019 police allegedly arrested a man named Agoon in Savannakhet province, because he is Christian, although police argued they arrested him because he illegally cut timber.⁸ However, the police did not arrest any other logger in the group, none of whom was Christian. The police allegedly tried to make Agoon renounce his faith, and when he refused, they beat him until he could not hear.
21. In April 2019 three American Christians were arrested and detained for distributing religious literature in Luang Namtha province.⁹ Lao authorities treated them well but they were deported to Thailand ten days later.¹⁰
22. In April 2019 authorities in Savannakhet province, where religious intolerance is especially high, arrested a pastor named Thao Low of the Mang Kong tribe. Villagers with knowledge of the incident say that if a Christian leader is arrested, it is due to one of four reasons: (1) the leader has "too much influence"; (2) he is converting people to Christianity; (3) he is occupying prime land that the government wants; or (4) he or his friends can be extorted for money. Villagers say that they do not know the charges against the pastor in the official report of his arrest, but that reports would never state that a person was arrested due to being a Christian leader. As of July 2019 the pastor's whereabouts are unknown.
23. Open Doors reported in 2019 about the persecution experienced by a Christian house church leader and his family and community in northern Laos.¹¹ Villagers attacked them when they decided to perform a Christian burial ceremony against the wishes of the village. Then the pastor suffered several crimes against his property, which the village chief ignored. After he reported the incidents, his wife was attacked while holding their baby. Open Doors reported that children of Christian parents do not receive the same benefits in school as children of Buddhist parents. Open Doors also

⁸ 'Lao police allegedly arrest citizen for practicing Christianity' *Radio Free Asia* (25 April 2019) <<https://www.rfa.org/english/news/laos/laos-christianity-arrest-04252019165924.html>>.

⁹ 'Three U.S. citizens arrested in Laos for spreading Christian materials' *Radio Free Asia* (12 April 2019) <<https://www.rfa.org/english/news/laos/us-citizen-christians-laos-04122019170228.html>>.

¹⁰ 'U.S. Christians held in Laos were "treated well" but Lao believers still face persecution, group says' *Radio Free Asia* (2 May 2019) <<https://www.rfa.org/english/news/laos/believers-05022019153124.html>>.

¹¹ Lindy Lowry, "Christians are useless" – pray with house church leader's family under violent attack' *Open Doors* (9 June 2019) <<https://www.opendoorsusa.org/take-action/pray/christians-are-useless-pray-with-house-church-leaders-family-under-violent-attack>>.

has reported incidents where local authorities have demanded Hmong Christians renounce their faith, move, or go to jail.¹²

24. On 29 December 2018 nine police officers arrested seven Christians at Nakanong Church.¹³ The police returned to the church later that evening and destroyed the stage and the sound system, cut off power, and took three mobile phones. Police charged the Christians with gathering for a church service without permission. Police released the prisoners on 2 January 2019.
25. In December 2018 Christian villagers reported that they had to invite local officials to attend their services to guarantee “order and security.”¹⁴ State officials attended Christmas services in the capital, Vientiane, as well.
26. On 18 November 2018 the police raided a Christian church service in Keovilai village and arrested and imprisoned four Lao Christians, including an elderly woman with health problems.¹⁵ The police also evicted them from their home and property. They were charged “for believing in Jesus Christ” and asked to give up their Christian faith. The police released the elderly woman to a hospital and then released the remaining prisoners on 4 December.
27. In November 2018 a regional governor in northern Laos told 20 Christian families they had one month to leave their village or they would go to jail, since Christianity is “foreign.”¹⁶ Apparently, five families renounced Christianity due to the threat of imprisonment, but the others had resisted, as of the time of reporting.
28. In August 2018 in Nakai district of Khammouane province, local authorities arrested four Christians for holding a service without a permit. One man was arrested for having church meetings in his home. Local authorities charged him for not paying weekly fees for meeting and for not renouncing his faith.
29. In December 2017 security guards arrested and detained five Christians in Savannakhet province after they invited a nearby pastor to help with Christmas celebrations.¹⁷ One source claimed that people from other villages cannot go to other villages to participate in Christmas celebrations.

¹² ‘Murder-suicide by Hmong cult follower’ *Open Doors* (12 June 2017)

<<https://www.opendoorsusa.org/take-action/pray/murder-suicide-hmong-cult-follower>>.

¹³ Sirikoon Prasertsee, ‘Seven Lao Christians arrested in Christmas Church service in Nakanong village in Savannakhet Province, Laos’ *Human Rights Watcher for Lao Religious Freedom* (29 December 2018) <<http://hrwlr.org/seven-lao-christians-arrested-in-christmas-church-service-in-nakanong-village-in-savannakhet-province-laos>>.

¹⁴ ‘Lao Christians celebrate the Christmas holiday under state scrutiny’ *Radio Free Asia* (26 December 2018) <<https://www.rfa.org/english/news/laos/celebrate-12262018173223.html>>.

¹⁵ ‘78-year-old grandma and three Lao men arrested while worshipping God in Savannakhet, Laos’ *Human Rights Watcher for Lao Religious Freedom* (28 November 2018) <<http://hrwlr.org/78-year-old-grandma-and-three-lao-men-arrested-while-worshipping-god-in-savannakhet-laos>>.

¹⁶ ‘Laos District Governor orders Christians to leave or face jail’ *Barnabas Fund* (20 November 2018) <<https://barnabafund.org/en/news/laos-district-governor-orders-christian-families-to-leave-village-or-face-jail>>.

¹⁷ ‘Lao Christians detained for “breaking rules” on Christmas Celebration’ *Radio Free Asia* (22 December 2017) <<https://www.rfa.org/english/news/laos/celebration-12222017134957.html>>.

30. In September 2016 50 people across ten families in Bolikhamxai were told to leave Christianity within three days by their extended family and other villagers.¹⁸ On the second day one of the 50 was shot and killed. The group continued to be pressured by the police. As of the last reporting in March 2017 the group had not left Christianity.
31. In September 2015 a pastor was killed by a prison guard in Luang Prabang province.¹⁹ Pastor Singkeaw Wongkongpheng had been ordered by authorities to stop spreading the Gospel beginning in 2000, but he refused, and his church grew to 58 members. Authorities in his district and other districts in the province had ordered all Christians to stop spreading Christianity.
32. In September 2015 police officers arrested two Christian men in Nong-hang village in Khounkham district of Khammouane province.²⁰ They were charged with spreading the Christian religion after they ate lunch and prayed with a Christian family in another village. HRWLRP reported that Khounkham district police authorities want to suppress the growth of Christianity.
33. In August 2015 local government officials in Atan village sentenced to death the first Christian family in the village.²¹ A village meeting had concluded that the Christians had an evil spirit and therefore needed to be killed. The local Communist Party official prevented them from executing the family. Instead, village officials slaughtered and ate a pig and a goat of the Christian family, worth two months of local wages.
34. In February 2015 the People's Court of Savannakhet province convicted a Christian pastor and four other church leaders of being "illegal doctors" after they prayed for a sick woman who ultimately died.²² The woman had asked for prayer for healing. The court sentenced them to nine months in prison and a fine, in addition to emotional damages and funeral costs, as it ruled that praying for healing is a medical act that requires a license from the Ministry of the Health. The accused were not allowed to have a lawyer. When the families of the accused filed an appeal, authorities threatened that the sentence would be lengthened to three years.²³ One of the men died of diabetes in prison after being refused medical treatment.²⁴ Additionally, the

¹⁸ 'Pressure on Laos Christians continues with arson attack' *World Watch Monitor* (22 March 2017) <<https://www.worldwatchmonitor.org/2017/03/15828>>.

¹⁹ Sirikoon Prastertsee, 'A Lao Pastor stabbed and killed in cold blood by provincial police' *Human Rights Watcher for Lao Religious Freedom* (14 September 2015) <<http://hrwlrp.org/a-lao-pastor-stabbed-and-killed-in-cold-blood-by-provincial-police>>.

²⁰ 'Lao Christians in Khammouane arrested for visiting and praying for believers' *Human Rights Watcher for Lao Religious Freedom* (4 September 2015) <<http://hrwlrp.org/lao-christians-in-khammouane-arrested-for-visiting-and-praying-for-believers>>.

²¹ Sirikoon Prasertsee, 'Lao official village meeting handed down death penalty to Christian family on account of Christian faith' *Human Rights Watcher for Lao Religious Freedom* (12 September 2015) <<http://hrwlrp.org/official-village-meeting-handed-down-the-death-penalty-to-a-christian-family-on-account-of-christian-faith-in-nong-district-of-savannakhet-province-laos>>.

²² Sirikoon Prastertsee, 'Laos' People's Court ruling: Praying for the sick is a criminal offense – sentenced to 9 months in prison and hefty fine' *Human Rights Watcher for Lao Religious Freedom* (14 February 2015) <<http://hrwlrp.org/laos-peoples-court-ruling-praying-for-the-sick-is-a-criminal-offense>>.

²³ Kaysone Phomvihane, 'Lao Christian prisoners and families threatened with longer imprisonment after appealing verdict' *Human Rights Watcher for Lao Religious Freedom* (12 March 2015) <<http://hrwlrp.org/lao-christian-prisoners-and-families-threatened-with-longer-imprisonment-after-appealing-their-case>>.

²⁴ Sirikoon Prasertsee, 'A Lao Christian sentenced to 9 months in prison died waiting for his appeal to be decided' *Human Rights Watcher for Lao Religious Freedom* (21 September 2015)

village chief refused to allow a Christian burial ceremony for the deceased woman to take place, and the police and military arrested Christian leaders who refused to follow orders. The village chief then let Buddhist monks into her house to perform a Buddhist burial ceremony and take her body to the village cemetery.

35. Local authorities commonly threaten Christians with jail time if they do not renounce their faith, such as in the villages of Nhang and Don Keo in Nakai district of Khammouane province, where in 2015 authorities took Bibles from Christians and pressured four Christians to sign a document recanting their beliefs.²⁵
36. Open Doors reported that in the reporting period 1 November 2017 – 31 October 2018, 157 Christians were attacked and 30 were arrested for faith-related reasons, while three churches and 178 Christian-owned houses and shops were attacked.²⁶ This is a dramatic increase over the reporting period 1 November 2016 – 31 October 2017, where one Christian was killed, 60 were attacked, and 25 were arrested, while 14 Christian-owned houses and shops were attacked. The actual number of incidents during these periods was likely higher.
37. AsiaNews reported that although the Sisters of Charity and other Catholic religious operate in Laos, the Catholic Church has a “tenuous” relationship with local government authorities and there are no diplomatic relations between Laos and the Holy See.²⁷ However, in 2017 Pope Francis named the first cardinal in Laos.²⁸
38. Some reports also indicate that Hmong and Montagnard Christian refugees and asylum seekers fleeing persecution in Vietnam may have been, or fear being, returned in violation of the international legal principle of non-refoulement.
39. The Lao military has repeatedly attacked the Hmong refugees living in the jungles of northern Laos, killing and wounding many of them, including women and children. Following heavy artillery strikes in December 2017, some of the Hmong have reported feeling “nausea, dizziness, headaches, a congestion of the chest and weakened legs” – symptoms consistent with a mustard gas attack.²⁹
40. Despite all these incidents and the clear religious motivation underlying them, Laos falsely asserted in a Human Rights Committee report that “there has never been persecutes [sic] and discrimination against Christians and their families, including arbitrary arrests, forced abandonment of their beliefs by the threat of eviction from villages, surveillance and intimidation of individuals suspected of proselytising.”³⁰ It

<<http://hrwlf.org/a-lao-christian-sentenced-to-9-months-in-prison-died-waiting-for-his-appeal-to-decided>>.

²⁵ ‘Lao authorities threaten to jail Christians for practicing their religion’ *Radio Free Asia* (9 October 2015) <<https://www.rfa.org/english/news/laos/authorities-threaten-to-jail-christians-for-practicing-their-religion-09102015133030.html>>.

²⁶ Open Doors USA, *Op.Cit.* (n5) 11.

²⁷ ‘Christmas in Laos: Renewing faith in Christ, in memory of the blessed martyrs’ *Asia News* (4 January 2019) <<http://www.asianews.it/news-en/Christmas-in-Laos:-Renewing-faith-in-Christ,-in-memory-of-the-blessed-martyrs-45886.html>>.

²⁸ ‘Laos’ first Cardinal aims for interfaith unity’ *La Croix International* (22 November 2017) <<https://international.la-croix.com/news/laos-first-cardinal-aims-for-interfaith-unity/6405>>.

²⁹ ‘Timeline, Hmong.’ *Unrepresented Nations and Peoples Organization* (29 April 2019) <<https://unpo.org/article/19682>>.

³⁰ CCPR, *Op.Cit.* (n3) ¶ 65.

claimed that Christians moved out of villages because of problems with family and failure to pay respect to their families. It said Christians were arrested for drug-related crimes, not for their faith.

41. On a positive note, the Institute for Global Engagement (IGE) began religious freedom seminars in Laos in 2018.³¹ IGE reported that during these seminars local officials often learn about the rights of religious minorities for the first time, and that the seminars result in increased understanding and cooperation.³²
42. The government cracks down on freedom of expression as well. In April 2017, a court sentenced Lodkham Thammavong, Soukane Chaithad, and Somphone Phimmasone to lengthy prison terms of up to 20 years because of their condemnation of the government's human rights abuses.³³
43. Civil society leader Sombath Somphone has been missing for over six years.³⁴ His wife continues to seek information from the government about his disappearance, but no government updates have been forthcoming. Laos has refused to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, which entered into force in December 2010.

(c) Recommendations

In light of the aforementioned, we suggest the following recommendations be made to Laos:

- a. Amend Decree 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;
- b. Repeal Decree on Associations No. 238 immediately; allow unincorporated associations to form freely; allow associations to incorporate upon meeting basic, nonarbitrary, nondiscriminatory requirements; eliminate the discretion allowed local authorities to approve the formation of an association and to require dissolution; and allow associations to meet freely without advance approval;
- c. Allow all religious communities to meet and conduct activities freely, regardless of whether they are incorporated or registered;
- d. 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;

³¹ 'Laos government agrees to religious freedom education' *World Watch Monitor* (23 March 2018) <<https://www.worldwatchmonitor.org/coe/laos-government-agrees-to-religious-freedom-education>>.

³² Institute for Global Engagement, 'Laos' <<https://globalengage.org/programs/laos>>.

³³ Amnesty International, 'Laos: Further information: Three activists sentenced to prison in secret trial: Soukan Chaitad, Somphone Phimmasone and Lodkham Thammavong' (17 May 2017) <<https://www.amnesty.org/en/documents/asa26/6270/2017/en>>.

³⁴ 'Wife of Sombath Somphone Says Search for Husband Now at a "Dead End"' *Radio Free Asia* (28 May 2019) <<https://www.rfa.org/english/news/laos/search-05282019155329.html>>.

and hold accountable authorities who contravene Laos' laws and international human rights standards;

- e. Introduce a mechanism for individuals to appeal local authority arrests and decisions to a national authority to ensure they conform with human rights standards and do not arbitrarily and discriminatorily target Christians and other religious minorities;
- f. Hold accountable those who perpetrate acts of violence or discrimination against religious minorities, including at the national level if justice is not carried out at the local level;
- g. Continue allowing and sponsoring religious freedom and human rights seminars; and reach government officials, police, religious leaders, and members of the public across the country by the next reporting cycle;
- h. Conduct a public advocacy campaign highlighting religious freedom rights; and educate and encourage local individuals and communities to report acts of violence or discrimination against religious minorities, in accordance with law and without fear of reprisal;
- i. Ensure that all refugees and asylum seekers, and particularly Hmong and Montagnard Christians leaving persecution in Vietnam, are given the protections guaranteed to them under international law, including the principle of non-refoulement;
- j. Cease all military operations against the Hmong refugees in the jungles of northern Laos, including usage of chemical weapons, and successfully repatriate these Hmong into Lao society;
- k. Release all political prisoners and provide updates on critics of the government who have been missing for years.



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