

**United Nations Human Rights Council
Universal Periodic Review
Laos**

Submission of The Becket Fund for Religious Liberty

2 November 2009



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The Becket Fund is a nonprofit, interfaith, public interest law firm protecting the free expression of all religious traditions.

United Nations Human Rights Council Universal Periodic Review of Member-State Laos

The Becket Fund for Religious Liberty, in special consultative status with ECOSOC, submits this analysis of the rule of law and religious freedom in Laos as a contribution to the Universal Periodic Review of UN member-state Laos.

1. Background

Laos has had a one-party communist government since The Lao People's Revolutionary Party ("LPRP") seized power in 1975.¹ Under the rule of the LPRP, all democratic efforts at political reform have been repressed, and about four-fifths of the population live as subsistence farmers.² While all administrative power is centered in the capital city, Vientiane, the central government is often unable to control the actions of provincial and local officials in the country's sixteen provinces.³ Laws are enacted by the National Assembly, the members of which are screened by the LPRP.⁴ Since the 1990s, Laos has been working to reform the outdated civil law code inherited from the French colonial administrators.⁵

The Lao Front for National Construction ("LFNC"), a front group of the LPRP, is in charge of monitoring religious activity.⁶ The population of Laos is made up approximately sixty-one percent Buddhists, most of whom are ethnic Lao who profess Theravada Buddhism. The ethnic minority populations include approximately thirty-one percent animist, two percent Christian, and one percent Muslim.⁷ The LFNC has taken steps to train provincial and local officials to respect religious believers and understand the law more fully and to educate people about respecting the law.⁸ Still, religious adherents in urban areas tend to be harassed less than those in rural areas.⁹ Despite some efforts to improve religious freedom, the LPRP continues to give Theravada Buddhism an elevated status by exempting it from many legal requirements other religions face and supporting temples financially and administratively.¹⁰ Additionally, elements of Theravada Buddhism are incorporated into many official public ceremonies.¹¹

Freedom House rated Laos "not free" in its 2009 report.¹²

¹ See Paul A. Marshall, Religious Freedom in the World 250 (2008).

² See *id.*

³ See Thomas H. Reynolds & Arturo A. Flores, Foreign Law Guide: Current Sources of Codes and Basic Legislation in Jurisdictions of the World 1 [hereinafter "Foreign Law Guide"], available at <http://www.foreignlawguide.com> (last visited Oct. 20, 2009).

⁴ See Marshall, *supra* note 1, at 250.

⁵ See Foreign Law Guide, *supra* note 3, at 3-4.

⁶ See Marshall, *supra* note 1, at 252; see also U.S. Commission on International Religious Freedom, Annual Report 2009 [hereinafter USCIRF Report 2009], available at <http://www.uscirf.gov/images/AR2009/final%20ar2009%20with%20cover.pdf> (last visited Oct. 19, 2009).

⁷ See Marshall, *supra* note 1, at 250.

⁸ See generally U.S. Dep't of State, 2009 International Religious Freedom Report: Laos [hereinafter IRF Report 2009], available at <http://www.state.gov/g/drl/rls/irf/2009/127276.htm> (last visited Oct. 27, 2009).

⁹ See USCIRF Report 2009, *supra* note 6, at 177-79.

¹⁰ See *id.* at 177.

¹¹ See *id.*

¹² See Freedom House, Freedom in the World, Annual Report 2008: Laos [hereinafter Freedom House Laos 2008], available at <http://www.freedomhouse.org/modules/publications/ccr/modPrintVersion.cfm?edition=8&ccrpage=37&ccr country=159> (last visited Sept. 9, 2009).

2. Legal Framework

2.1 Constitution

The Lao Constitution, adopted in 1991, has several provisions that purport to guarantee freedom of belief and religious practice.¹³ Article 6, for example, forbids “all acts of bureaucratism and harassment that can be physically harmful to the people and detrimental to their honour, lives, consciences, and property.”¹⁴ Freedom “to believe or not to believe in religions” is provided for under Article 30, followed by qualified freedom of speech, press, and assembly in Article 31.¹⁵ Buddhism is singled out for protection under Article 9, which protects “[a]ll lawful activities of Buddhists and other religious followers” and prohibits “all acts of creating division of religions and classes of people”.¹⁶ Moreover, Article 9 includes an exhortation to “mobilize[] and encourage[] Buddhist monks and novices as well as the priests of other religions to participate in the activities which are beneficial to the country and to the people.”¹⁷

Despite these seemingly liberal protections, the Article 9 prohibition against “creating division of religions” has been utilized frequently to restrict religious freedoms by prohibiting activities that represent diversity of religious practice.¹⁸ Moreover, the ambiguity of the Article 9 language leaves room for interpretation by government officials to restrict religious activities.¹⁹

2.2 Decree 92

The Prime Minister’s Decree on Religious Practice in 2002, known as “Decree 92”, outlines the current status of laws respecting religion in Laos.²⁰ Decree 92 grants authority over religious affairs to the Central Committee of the Lao Front for National Construction (“LFNC”).²¹ The LFNC officially recognizes Buddhism, Islam, the Baha’i Faith and three Christian churches (Catholic Church, Lao Evangelical Church, and Seventh Day Adventist Church).²²

In some ways Decree 92 was a step forward in advancing religious freedom, as it legalized several religious activities that had previously been illegal and eased restrictions on religious activity.²³ For example, Article 4 permits religious ceremonies in established venues, and Article 11 grants permission to assemble in such venues.²⁴

¹³ See Constitution of The Lao People’s Democratic Republic (Aug. 15, 1991) [hereinafter “Lao Constitution”], available at <http://www.laoembassy.com/news/constitution/constitution.htm> (last visited Oct. 26, 2009).

¹⁴ See id. art. 6.

¹⁵ See id. arts. 30-31. Article 30 states: Lao citizens have the right and freedom to believe or not to believe in religions. Article 31 states: “Lao citizens have the right and freedom of speech, press and assembly; and have the right to set up associations and to stage demonstrations which are not contrary to the law.”

¹⁶ See id. art. 9.

¹⁷ See id.

¹⁸ See Marshall, supra note 1, at 252.

¹⁹ See id.

²⁰ See IRF Report 2009, supra note 8.

²¹ See id.

²² See id.

²³ See USCIRF Report 2009, supra note 6, at 177. According to Forum 18, Lao religious leaders were consulted in the drafting process. See infra note 24.

²⁴ See Magda Hornemann, Laos: The Disturbing Prospect for Religious Freedom, Forum 18 (June 15, 2004) [hereinafter Forum 18 Report], available at http://www.forum18.org/Archive.php?article_id=340 (last visited Oct. 19, 2009).

However, the remainder of Decree 92 establishes enormous state control over religious activity. This control extends to, inter alia: registration requirements for religious groups, identity cards for clergy, communication of a religious nature with foreigners, and permission to conduct missionary work, to construct religious facilities, to print and distribute religious materials, and to appoint religious leaders, and to travel for religious reasons.²⁵ Consequences for breaking the laws remain unspecified.²⁶ Furthermore, the government reserves the right to restrict any activity it deems divisive or chaotic. Decree 92 therefore leaves a dangerous amount of discretion in the hands of local authorities to restrict the free exercise of religion.²⁷

3. Implementation

Provincial and local officials often do not implement the national government's policies designed to protect individual rights.²⁸ There are three principal reasons for this: 1) weak rule of law means that party announcements take precedent over actual legislation; 2) a high regard for the prevalence of local authority over the authority of the national government leads to an arbitrary application of the law by local officials; and 3) national government rulings are poorly communicated throughout the country.²⁹

3.1. Forced Conversions and Relocations

Social cohesion is highly valued in Lao culture, and Buddhism is seen as a unifying force because the majority of the population and government officials are Buddhist.³⁰ There is a strong animosity towards Christianity because it is seen as a western, imperialistic religion. Animism, the religion of many of the ethnic minorities, is also viewed with suspicion.³¹ The environment of intolerance toward religious diversity has caused a large number of reported cases of government officials coercing members of minority religious groups to renounce their faith or to convert to the majority Buddhist sect.³²

Christians in particular have been subject to various forms of persecution.³³ One of the tactics the state has used to handle the perceived threat of Christianity has been to consolidate Christian groups.³⁴ Additionally, many have been forced to sign forms renouncing their faith and some have been forced to take part in activities anathema to their religious sensibilities, such as the consumption of alcohol.³⁵ In one instance, a Christian man from Katan village in Salavan

²⁵ See, e.g., Marshall, supra note 1, at 252; USCIRF Report 2009, supra note 6; IRF Report 2008, supra note 8.

²⁶ See Forum 18 Report, supra note 24.

²⁷ See Marshall, supra note 1, at 252.

²⁸ See id.

²⁹ See id.

³⁰ See id. at 251.

³¹ See id.

³² See IRF Report 2009, supra note 8.

³³ See id. Marshall, supra note 1, at 252.

³⁴ See IRF Report 2009, supra note 8 ("The LFNC's Order Number 1 of March 2004 required all Protestant groups to become a part of the LEC or the Seventh-day Adventist Church. The order stated that no other Christian denominations would be permitted to register, a measure to prevent "disharmony" in the religious community. Although denominations not registered with the LFNC are not legally allowed to practice their faith, several do so quietly without interference.).

³⁵ See id.

province died in July 2009 from forced consumption of alcohol.³⁶ There have also been reports of police harassment of Christians that include quartering in their houses and issuing death threats that persist until they renounce their faith.³⁷

Forced relocations have also been a grave problem for minority religions in Laos. State officials frequently claim the pretense of government mandates against environmentally harmful methods of land clearing to evict religious minorities from their land.³⁸ In February 2005, for example, local officials forced one hundred Christian villagers in Kok Poh Village of Borikhamsay province to sell their possessions and prepare for eviction.³⁹ Fortunately, the central government intervened in the defense of the villagers, and they were permitted to remain.⁴⁰ In July 2009, officials in Katan Village, Saravan announced that followers of “non-Lao” faiths did not fall under the legal protection of the village.⁴¹ The year before in a village of Savannakhet Province, police interfered with a Christian worship service, detaining a pastor and four church members and expelling fifty-five Christians from the village.⁴² That same month in several villages of Luang Prabang province, local officials pressured more than 500 Christians to deny their faith and to hand over their Bibles and hymnals.⁴³

3.2 Registration

The strict registration regulations set out by Decree 92 require that all religious groups register with the government.⁴⁴ The government recognizes the Lao Evangelical Church (“LEC”), the Roman Catholic Church, and the Seventh Day Adventist Church.⁴⁵ However, the Seventh Day Adventists and members of other Protestant denominations are frequently pressured to join the LEC despite obvious doctrinal differences.⁴⁶ As a result, many Protestant denominations, such as the Methodists, operate underground because the LFNC refuses to process their applications for registration.⁴⁷ This leaves these denominations at the mercy of arbitrary enforcement by local officials.⁴⁸

Minority religions have found Decree 92 to be very restrictive in practice because they need to go through extensive bureaucratic procedures to carry out basic religious activities, and frequently their requests are not processed.⁴⁹ Registration requirements have also been used to harass religious groups intentionally.⁵⁰ For example, officials have brought frivolous claims against disfavored religious groups, employing prohibitions against religious services in buildings

³⁶ See generally IRF Report 2009, supra note 8.

³⁷ See Forum 18 Report, supra note 24.

³⁸ See Marshall, supra note 1, at 252-53.

³⁹ See id. at 253.

⁴⁰ See id.

⁴¹ See, e.g., Human Rights Watch for Lao Religious Freedom, Advocacy Alert No. 03/2009 (July 11, 2009) [hereinafter Human Rights Watch for Lao Religious Freedom], available at <http://www.hrwlrf.org/files/Download/Advocacy%20No.%208.pdf> (last visited Oct. 19, 2009).

⁴² See generally IRF Report 2009, supra note 8.

⁴³ See id.

⁴⁴ See Marshall, supra note 1, at 252; IRF Report 2009, supra note 8; USCIRF Report 2009, supra note 7.

⁴⁵ See Marshall, supra note 1, at 252.

⁴⁶ See Forum 18 Report, supra note 24.

⁴⁷ See Marshall, supra note 1, at 252; see also USCIRF Report 2009, supra note 7.

⁴⁸ See Marshall, supra note 1, at 252.

⁴⁹ See Marshall, supra note 1, at 252.

⁵⁰ See generally Marshall, supra note 1; see also USCIRF Report 2009, supra note 6; IRF Report 2009, supra note 8; Forum 18 Report, supra note 24.

designated as a place of worship to harass minorities.⁵¹ In August 2008 in a village in Borikhamxay province, for instance, 150 members of a congregation were banned from attending a worship service in someone's home on the grounds that services could only be held in an official church building. Meanwhile, earlier that year local officials had destroyed that congregation's church.⁵²

4. Normative Effects

The high degree of regulation of religious activity and the impunity of local officials and others who harass religious adherents create a state-sponsored environment that is deeply hostile to genuine freedom of religion. Local officials are rarely held accountable for the mistreatment of members of minority faiths; a reality exhibited by the growing number of abuses in provincial areas.⁵³

Additionally, the state-sponsored harassment of religious groups contributes to widespread mistreatment of believers by other groups within their communities. For example, the July 2009 incident in Katan village that ended with local officials banning Christians from the village began when villagers stole pigs from several Christian families. Instead of responding according to the law, officials announced that Christians were no longer under the legal protection of the village.⁵⁴ Such discriminatory responses exacerbate the cultural animosity toward minority religions. The increased presence of Theravada Buddhism in public ceremonies also serves to perpetuate the view that Buddhism is the true Lao religion, while others are divisive and foreign and therefore unwelcome.

5. Recommendations

During the Universal Periodic Review, the UN Human Rights Council should take care to consider religious freedom in its evaluation of Laos. We respectfully recommend that the UNHRC not only base its evaluation of Laos on constitutional assurances of religious freedom, but also on the use of legal doctrines such as Decree 92 to restrict free exercise of religion and oppress minority and "non-traditional" religious groups.

The Lao government should endeavor to protect all citizens from discrimination regardless of their religious affiliation. The government should be commended for its efforts to educate police and provincial officials on religion laws and for intervening in certain cases of abuse of minority groups by local officials. It should hold local officials accountable for protecting the rights of religious believers and should address the legal ambiguity that allows local officials to oppress minority religious groups. The government should seek to establish the precedence of legal doctrine over party announcements.

UNHRC should address coerced religious conversions and renunciations of faith, as well as forced relocations based on religious identity. It should encourage the Lao government to protect the rights of members of all faiths and to promote the rule of law in education programs.

⁵¹ USCIRF Report 2009, supra note 6.

⁵² See IRF Report 2009, supra note 8.

⁵³ See USCIRF Report 2009, supra note 6.

⁵⁴ See generally Human Rights Watch for Lao Religious Freedom, supra note 41.