

Country Briefing on Freedom of Religion or Belief in the Universal Periodic Review Process - Laos PDR

Key points

An examination of the Universal Periodic Review (UPR) of Lao People's Democratic Republic (Lao PDR) across two cycles (2009, 2014) reveals the following:

- While Freedom of Religion or Belief (FoRB) is guaranteed under the Constitution, serious limitations are imposed by the State,
- Minority religions, notably Christians, face systematic discrimination and persecution; their right to FoRB is negatively impacted through bureaucratic restrictions, and
- Laws intended to foster FoRB are in need of revision to clarify their meaning and to bring them in line with international standards.

Key UPR recommendations on FoRB

The following recommendations were made on FoRB across two cycles:

- Ensuring the right to practice religion freely without discrimination and in accordance with international human rights standards.
- Amend the Decree on Religious Practice (Decree 92) to ease the registration of places of worship and allow new religious groups to obtain official recognition.
- Ensure the protection of religious and other minorities and effectively investigate all alleged abuses and violations. In this regard, train local officials on FoRB.
- Implement all recommendations made by the Special Rapporteur (SR) on Freedom of Religion.
- Ensure that relevant authorities at the local and district levels are aware of their duty to protect individuals' right to FoRB.

Follow-up action for parliamentarians

Whereas the Government of Laos has noted its guarantees on FoRB, *Parliamentarians must follow-up in order to:*

- Revise Decree 92,
- Bring domestic law on FoRB in line with international legal standards and best practices,
- Ensure a fair approval process for places of worship and new religious groups,
- Enhance cooperation with the Special Rapporteur, and

What is the UPR?

The UPR of the United Nations Human Rights Council (HRC) is a peer-review process to foster dialogue on human rights and to improve adherence to universal standards and best practices .

It was launched in 2007 through UN General Assembly Resolution 60/251.

Every 4.5 years each Member State's human rights record is examined by peers.

A number of key documents are submitted:

- National Reports from Member State concerned,
- Information from UN bodies and treaty-based rights mechanisms, and
- Information provided by relevant stakeholders, including civil society and think-tanks.

The State under review (SUR) is evaluated on its compliance with the international human rights standards and best practices.

The SUR receives recommendations from other States on how the national human rights practices could be improved.

The SUR may accept, note or reject each recommendation made.

Two cycles of the UPR - 2009-2011 and

- Ensure greater awareness and local respect for FoRB.

The situation of FoRB in Laos as revealed in the UPR is outlined hereafter.

Background

Demographics

1. Laos has a population of 7,019,073 (July 2016 est.) spread over a total area of 236,800 square kilometres. The population consists of 49 ethnic groups and is classified into 4 ethno-linguistic groups, namely Lao-Tai, Mon-Khmer, Hmong-Imien and Sino-Tibetan. The main ethnic groups are Lao (53.2%), Khmou (11%), Hmong (9.2%), Phouthay (3.4%), Tai (3.1%), Makong (2.5%), Katong (2.2%), Lue (2%), Akha (1.8%), other (11.6%). (CIA, *World Factbook*, 2017)

Religious mix

2. According to 2015 estimates, the majority of the population is Buddhist (64.7%) followed by Christian (1.7%) and other/not stated (2.1%). Some 31.4% are animist. (CIA, *World Factbook*, 2017). Less than 1 percent are followers of Islam and Bahai.

Legal Provisions on FoRB

3. The Constitution provides in Article 43 “that Lao citizens have the right and freedom to believe or not to believe in religions.” Article 9 stipulates that the State respects and protects all lawful activities of Buddhists and of followers of other religions, [and] mobilises and encourages Buddhist monks and novices as well as the priests of other religions to participate in activities that are beneficial to the country and people. All acts creating division between religions and classes of people are prohibited.
4. The 2002 Prime Minister’s Decree No.92 on the Management and Protection of Religious Activities in the Lao PDR was adopted with the aim, under Article 1, of “making religious activities conform to laws and regulations, and ensuring the exercise of the right of Lao people to believe or not believe.” Article 3 stipulates that “The State respects and protects legitimate activities of believers. All Lao citizens are equal before the law in believing or not believing religions as provided by the Constitution and laws of the Lao PDR. Article 4 stipulates that “Lao citizens, aliens, stateless persons and foreigners in the Lao PDR have the right to carry out undertakings or organize religious ceremonies where their monasteries or churches are located.” Article 5 stipulates that “Believers of all religions in the Lao PDR shall observe and implement the Constitution and laws of the Lao PDR, and preserve and expand historic traditions, cultural heritage and Lao National Unity.”
5. Laos ratified the International Convention on Civil and Political Rights (ICCPR) in 2009. Article 18 guarantees FoRB.

Lao government submissions

6. The Government stated that the right to freedom of religion or belief is guaranteed by the Constitution and laws. Article 9 and 43 of the Constitution provided for this right. It pointed to the Prime Minister's Decree No. 92/PM on the Management and Protection of Religions which sought to protect and regulate the activities of religious organizations and religious followers in Laos. All Lao citizens had the right to believe or not to believe in any religion.
7. The Government paid attention to the implement of the relevant provisions of the Constitution, which prescribed that the State must respect and protect all legitimate religious activities by religious members. It also prohibits all acts of religious discrimination and division of the people.
8. The Government noted in the first cycle its efforts at amending the Prime Minister's Decree on Management and Protection of Religion in the Lao PDR to ensure its practicality with the "current conditions" and to bring it in line with the international conventions that the Lao PDR is party to. Lao sought to meet its international obligations, the relevant UPR recommendations, as well as the recommendations from the Special Rapporteur on Freedom of Religion and Belief who visited the Lao PDR at the end of the year 2009. In amending the aforementioned Decree, the Government organized consultations with representatives from religious groups and relevant stakeholders to seek their input.
9. It noted the visit to Laos of the United Nations (UN) Special Rapporteur on Freedom of Religion or Belief, Ms. Asma Jahangir, from 23-30 November 2009. This was the first ever visit by a UN Special Rapporteur, which further enhanced the understanding of the realities in the Lao PDR with regard to respect for human rights, including freedom of religion or belief.

Stakeholder submissions across the two cycles

10. While noting positive developments, such as the ratification of the ICCPR and the visit of the Special Rapporteur, stakeholders raised a number concerns, including the tight control of religion by the State. Serious allegations of human rights violations of FoRB by Laos had been received by the Special Rapporteur's office, well before her visit in 2009. Allegations included arrests on the basis of religion, or official campaigns aimed at forcing Christians to renounce their faith. The UN Committee Against Torture noted that outside of the three official Christian churches and the national religion of Buddhism, permission, determined by local government, is required to meet, build places of worship, and, in some cases even to practice religion.
11. Concern was raised that domestic law guaranteeing FoRB was very limited in scope. Christian Solidarity Worldwide (CSW) argued that the laws failed to guarantee

international standards. It noted FoRB existed, but one could only practise one's religion within the limitations set forth by the Government. CSW and the Special Rapporteur cited problems with the implementation guidelines for the Decree Regarding Governance and Protection of Religious Activity. Moreover, The Institute on Religion and Public Policy (IRPP) also noted a general lack of respect of religion in many parts of the country.

12. A serious bureaucratic challenge to the enjoyment of FoRB was the slow and challenging approval process. Jubilee Campaign noted that churches were required to register with the Government and apply for approval for building, construction, printing religious texts and contacting foreign religious affiliates. Any type of gathering, including in private homes, must be approved in advance by local officials. The Lao Front for National Construction (LFNC), a cover organization for the Lao People's Revolutionary Party, was responsible for oversight of all religious practice and could also restrict them. A major hurdle in gaining approval was the need to **prove** that a religious practice served the Lao PDR's national interests, such as education or development. Bureaucratic controls over liberty of movement in the context of religious activities also posed a problem for FoRB.
13. Policies and practices that did not respect FoRB in detention facilities were noted by IIRP and the need for training of personnel on their duty to promote and respect international human rights standards, including freedom of religion or belief.
14. The problem of vaguely worded laws, such as Decree No. 92/PM for the Management and Protection of Religious Activities, was raised by the Special Rapporteur who recommended it be reviewed. The SR suggested that explanatory policy directions be passed on to the provincial and district levels to avoid any discriminatory interpretation.
15. In this regard, the use of articles 50 and 59 of the Criminal Code to justify the arbitrary arrest of human rights defenders, political dissidents and members of ethnic and religious minorities was also raised. At issue was the vague wording of the articles that could be used to punish any sort of divergent opinion. (JS4) stated that Government opponents, human rights activists and ethnic and religious minorities were often detained without valid legal justifications. Charges of threats to national security were largely used to arrest members of minority communities, in particular Hmong individuals who are commonly stereotyped as untrustworthy anti-government forces. Unrepresented Nations and Peoples Organization (UNPO) Congress of World Hmong People (CWHP) .
16. Concerns with regards to religious freedom of minorities, particularly Christians, were raised by the Committee on the Elimination of Racial Discrimination (CERD). The latter and the Committee on the Rights of the Child (CRC) were concerned that members of religious minorities had been restricted in the exercise of their freedom of religion, as manifested by harassment and denial of access to public schools, and

recommended that the Lao People’s Democratic Republic ensure full respect of the right to freedom of religion for all children belonging to religious minorities, and promote tolerance and interreligious dialogue. The beliefs of ethnic minorities, as per the Alliance for Democracy in Laos (ADL), continued to suffer harsh persecutions like banishment, church confiscation, forced renunciation or conversion to animism, arrest and incarceration.

17. The Special Rapporteur, while recognizing some improvements, remained concerned at individual cases and certain policies clearly violating the freedom of religion or belief. For example, members of religious minorities seemed to have little or no access to higher education leading. It was suggested that the SR should recommend that Government extend to them affirmative action schemes, which already existed for ethnic minorities.
18. Persecution of Christians was noted by several stakeholders. Christians comprised only 1 per cent of the population in the country. According to Jubilee Campaign (JC) the Government had taken action with impunity against churches, church leaders, and Christian citizens regarding the practice of their faith. Stakeholders noted the following in relation the Christian minority:
 - a. JC noted that only three churches in the Lao People’s Democratic Republic were recognized: the Lao Evangelical Church, the Seventh-Day Adventist Church, and the Roman Catholic Church. The Church, according to JC, was subjected to arbitrary arrests, threats and kidnappings. Protestants suffered the most s they were considered a “threat” to the Government. Many Christians were reportedly banished from their towns.
 - b. The Society for Threatened People (STP) noted that the Government’s tolerance of religion varied from region to region. Evangelical Protestants associated with the Lao Evangelical Church had faced restrictions and harassment. Although the degree of religious freedom had increased over the past few years, indigenous Protestants who belong to churches recognized by the authorities were especially harassed, threatened, arrested, forced to relocate or to renounce their faith. Those who were released after signing a document renouncing their faith were kept under the close surveillance of the authorities.
 - c. Forced renunciation of their faith was noted by Amnesty International (AI). The latter reported that local officials in Savannaketh and Saravan provinces had tried to force Christians to recant their faith, including through interrogation, harassment and death threats. From July to September 2008, the prosecution of Christians intensified and around 90 Christians, from mainly evangelical congregations, were arrested and detained without charge or trial. Some were held for several weeks, but at least two were released after being forced to renounce their faith. AI called on the Government to ensure that relevant authorities, including at the local level, are aware of their duty to protect individuals’ right to freedom of religion, and to impose legal sanctions on officials, including police, who are found to have arbitrarily detained or

otherwise punished persons solely on the basis of their religion or religious activities.

- d. The impetus for harassing or persecuting a Christian community, as per CSW, typically originated from any one of a variety of authorities, either within a village, or at a higher level. This enhances the vulnerability of Christians to arbitrary mistreatment. CSW recommended that the Government undertake to prevent the forcible eviction of Christian communities and forced renunciations of faith and ensure that such infringements of religious freedom are properly investigated and punished. The Becket Fund for Religious Liberty recommended that the Government endeavour to protect all citizens from discrimination regardless of their religious affiliation to continue to educate local officials on international human rights standards, to hold them accountable for abuses, and to address the legal ambiguity that allows local officials to oppress minority religious groups.

Observations by other States

19. Laos's cooperation with the Special Rapporteur on Freedom of Religion was welcomed by some some States (Myanmar, Vietnam, Sri Lanka).
20. The persistence of certain discriminatory laws and practices in the area of freedom of religion was noted (France) and others inquired about the about measures intended to implement the Special Rapporteur's recommendations (Slovenia).
21. The restrictions on religious minorities, especially Christians, were raised several States, who made a number of recommendations. (Italy, Denmark, Hungary Ireland, New Zealand, Sierra Leone). Hungary expressed concern about reports of discrimination against Christians and certain ethnic groups.
22. Reports of arrests and detentions on the basis of religion were noted by Australia and the condition and treatment of thousands of Hmong people repatriated from Thailand, and their freedom of religion and belief was highlighted by Canada.
23. States made recommendations to Laos in relation to:
 - a. The reinforcement of respect for the rights to freedom of religion, freedom of conscience and free association (Holy See, Slovenia) and guaranteeing FoRB in accordance with the International Covenant on Civil and Political Rights (Switzerland, Uruguay),
 - b. The adoption of adequate measures to protect freedom of religion or belief with a view to ensuring for all the full enjoyment of the right to practice one's religion (Italy),
 - c. Ensuring the right to practice religion freely without discrimination and in accordance with international human rights standards (Netherlands),

- d. The ending of all restrictions on the right to practice one's religion of choice without discrimination (Denmark),
- e. Amending the Decree on Religious Practice (Decree 92) to ease the process for religious groups to register their places of worship and allow new religious groups to obtain official recognition (United States of America) and to make sure that it guarantees FoRB as set out in the ICCPR (United Kingdom),
- f. Ensuring the protection of the rights of persons belonging to religious and other minorities and effectively investigate all alleged abuses and violations (Ireland),
- g. Training of local officials on the rights of all to freely manifest and practice one's religion (United Kingdom, USA),
- h. Implementation of measures, including through legislation, to protect all citizens from discrimination due to their religious beliefs, and prosecute those involved in the persecution of religious groups (New Zealand),
- i. Implementation of all recommendations made by the Special Rapporteur on Freedom of Religion in her report, which noted the persistence of discriminatory legal provisions and practices, which run counter to freedom of religion (France), and
- j. Ensuring that relevant authorities, particularly at the local and district levels, are aware of their duty to protect individuals' right to freedom of religion (Australia).

References

General Reference

CIA World Factbook 2017

Decree on Management and Protection of Religious Activities in the Lao People's Democratic Republic, Prime Minister's Office No. 92/PM

Constitution of Laos.

References on the UPR of Laos

Documents on the UPR of Southeast Asian States are available on the websites of UPR Info and of the OCHR. They consist of National Reports, Stakeholder Submissions and Recommendations by Peers. For Indonesia all documents are available as follows:

UPR Info: <https://www.upr-info.org/en/review>

OHCHR: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>

UPR First Cycle 2010

1. National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1. A/HRC/WG.6/8/LAO/1. 22 February 2010
2. Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1. A/HRC/WG.6/8/LAO/2. 12 February 2010.
3. Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1. A/HRC/WG.6/8/LAO/3, 28 January 2010
4. Draft report of the Working Group on the Universal Periodic Review. A/HRC/WG.6/8/L.4. 6 May 2010.
5. Report of the Working Group on the Universal Periodic Review* Lao People's Democratic Republic . A/HRC/15/5. 15 June 2010.

UPR Second Cycle 2014

6. National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. A/HRC/WG.6/21/LAO/1. 5 November 2014
7. Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21 . A/HRC/WG.6/21/LAO/2. 12 November 2014.
8. Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21. A/HRC/WG.6/21/LAO/3 . 24 October 2014
9. Draft report of the Working Group on the Universal Periodic Review* A/HRC/WG.6/21/L.4 . 22 January 2015
10. Report of the Working Group on the Universal Periodic Review. A/HRC/29/7. 23 March 2015.