

United Nations Human Rights Council
Universal Periodic Review, 8th Session
Christian Solidarity Worldwide – Stakeholder Submission
LAO PEOPLE’S DEMOCRATIC REPUBLIC

INTRODUCTION

1. Christian Solidarity Worldwide (CSW), a human rights organisation specialising in religious freedom, wishes to draw the attention of the Human Rights Council (HRC) to continued infringements of religious freedom in Lao People’s Democratic Republic (‘Laos’), in terms of the limits to freedoms enshrined in legislation, the actual implementation of this legislation, and centrally and locally-mediated restrictions on religious activities. These infringements should be considered in the context of Laos’ obligations under international law in respect of human rights.
2. This submission is focused primarily on the experiences of Protestant Christians. Protestants, particularly among ethnic minority groups in Laos, have experienced some of the most significant violations of religious freedom.

RELIGIOUS DEMOGRAPHY

3. The religious demography of Laos is difficult to establish with any precision. The dominant religion among the ethnic Lao is Theravada Buddhism. At least half the population of Laos belongs to ethnic minorities, with the majority of these following various forms of animism.
4. The Roman Catholic Church is believed to have approximately 40–45,000 adherents in Laos. Estimates of the number of Protestants vary widely: the Lao Front for National Reconstruction (LFNR) gives a figure of 60,000, while the recognised Lao Evangelical Church (LEC) suggests over 100,000, although this may not cover all Protestants belonging to house churches. The ethnic minority with the largest number of Protestants is the Khmu, although no credible estimates exist as to their number.
5. The Lao Evangelical Church (LEC) was established in 1990, and now claims membership of approximately 100,000 across Laos, over half of which is based in Vientiane. The LEC and Seventh Day Adventist Church are the only Protestant churches officially recognised by the LFNR.

LEGISLATIVE & POLICY FRAMEWORK FOR RELIGIOUS ACTIVITIES

Obligations under International Law

6. Laos is a signatory to the International Covenant on Civil and Political Rights (ICCPR), and should be urged to ratify the ICCPR. Article 18, which closely mirrors the same article of the Universal Declaration of Human Rights, provides that, ‘Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or in private, to manifest his religion or belief in worship, observance, practice and teaching.’

7. Article 21 protects the right of 'peaceful assembly', while discrimination based on religion is proscribed and effective protection against discrimination guaranteed in Article 26. Article 27 protects the freedom of ethnic minorities to practise their own religion.
8. Additionally, Laos acceded to the Convention on the Rights of the Child (CRC). Article 2 specifies that a state must take measures to ensure that a child faces no discrimination on the basis of beliefs held by his/her parents. Article 14 guarantees the right of a child to 'freedom of thought, conscience and religion', and freedom to manifest his/her religious beliefs. Article 17 requires that a child have access to resources aimed at promoting his/her spiritual well-being; Article 27 provides for a standard of living adequate to a child's spiritual development, and Article 30 for a child belonging to an ethnic minority to profess and practise a religion.

Domestic Framework for Religious Activities

9. Domestic law in Laos concerning freedom of religion is very limited and fails to guarantee international standards. Article 30 of the 1991 Constitution guarantees a basic form of freedom of religion: 'Lao citizens have the right to believe or not to believe in religions'. Article 9 stipulates, 'The state respects and protects all lawful activities of the Buddhists and of other religious followers, mobilises and encourages the Buddhist monks and novices as well as the priests of other religions to participate in the activities which are beneficial to the country and people.' However, the final clause of the Article can be used to vitiate all the other protections: 'All acts of creating division of religions and classes of people are prohibited'.
10. Article 22 provides for equality before the law, irrespective of faith and Article 27 provides for 'freedom of settlement and movement as prescribed by law'. Article 31 provides that '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.' Article 29 provides 'The right of Lao citizens in their bodies and houses are inviolable. Lao citizens cannot be arrested or searched without warrant or approval of the authorised organisations, except in the cases as prescribed by law.'
11. Article 6 specifies that, 'The State protects the freedom and democratic rights of the people which cannot be violated by anyone', and that, 'All acts of bureaucratism and harassment that can be physically harmful to the people and detrimental to their honour, lives, consciences and property are prohibited.'
12. The principal instrument governing religious practice is the 2002 'Decree Regarding Governance and Protection of Religious Activity in the Lao PDR' (Prime Minister's Decree No. 92/PM), popularly known as Decree 92. This guarantees that 'all Lao citizens have equal right before the law to adhere or not to adhere to a religion' (Article 3), and sets out a framework for religious practices, under the arbitrating authority of the Lao Front for National Reconstruction (LFNR). Religious groups are required to register, and state approval is required for a wide range of religious activities, including the appointment of clergy or staff (Articles 8-9), preaching and propagation (Article 12), the printing of religious literature (Article 14), the construction of religious buildings (Article 16) and relationships with foreign co-religionists (Articles 17-20). Article 13 of the decree articulates a concern about the divisive potential of religion, and sets out an ill-

defined proscription of ‘conducting activities against the Lao PDR regime, and dividing ethnic groups or religions in order to cause social disorder’.

13. Guidelines for the implementation of Decree 92 have been set out by the LFNR, which is responsible for the management of religious affairs and operates through officials at the central, provincial, district and village levels. The Department of Religious Affairs, affiliated to the LFNC, also has a supervisory role over religious activities.
14. The macro context of Laos’ governance, with the weakness of its rule of law, is a particularly significant factor in the violations of religious freedom experienced in Laos, and is therefore a critical issue to address.

SOCIETAL OPPOSITION

15. The notion that Christianity constitutes a threat to national homogeneity is demonstrated in common accusations against Christians that they belong to a foreign religion which is not proper to Laos; this perception reflects a fear of Christianity as a threat.
16. Opposition to Protestantism is mediated not only through the government, but in societal prejudices. Protestantism is perceived to be an American religion. In rural settings, the impetus for anti-Christian measures may come from traditional shamans. Reports consistently suggest that the Chau Pha movement (transliterations vary), which is made up of a number of disparate and disunited Hmong insurgent groups, and which involves a quasi-religious dimension, is also largely hostile to Protestantism.

RESTRICTIONS ON RELIGIOUS FREEDOM

17. Rather than being subject to the rule of law, the levels of religious freedom experienced across the country are typically informed by the approaches of the current local officials. This is a consequence of ambiguous and unsatisfactory legislative protections for freedom of religion, the deficiency in proper training on freedom of religion for local authorities and the continued prevalence of antipathy towards religion among officials. A traditional repressive approach to religious activities continues to be the default among authorities, particularly at local levels.
18. The impetus for harassing or persecuting a Christian community typically originates from any of a variety of authorities, either within a village, or at a higher level. This enhances the vulnerability of Christians to arbitrary mistreatment. The village-level authorities are subject to the district and provincial-level authorities. The village policeman, while theoretically junior to the village head, is under the authority of the district people’s committee and, in practice, is able to heavily influence the village authorities. In many villages, shamans are another source of authority that may influence other officials to oppose Christians, as the conversion of villagers to Christianity may result in a loss of their influence and affluence. Due to lack of training, officials at the village level can be unaware of the provisions of the law. Similarly, the tendency of Christians not to participate in traditional cultural activities, including the village festivals associated with animism, can result in harassment from local officials.

Attempted forcible renunciations of faith and forcible evictions

19. During recent years, one of the most common forms of persecution has been the forcible eviction of Christian communities from hostile villages. Attempted forcible evictions usually occur in connection with attempts to force Christian communities or their leaders to renounce their faith. This has been a common trend in those areas where Christians have faced particular persecution. A related response is the occasional closure or destruction of churches by the authorities.
20. This pattern is fuelled by the antipathy towards threats to community homogeneity, which Christian belief is widely considered to entail. It is therefore manifested in two ways: in some cases, Christians are removed and grouped together in new villages. For example, in Bolikhamsay province, Christians from two villages were on separate occasions in 2005 and 2007 relocated to a new area; the population of this new village is now predominantly Christian. In other cases, Christians are simply expelled where they constitute a separate community; such was the experience of Christians in a village in Luang Prabang province, in February 2008.
21. Attempted forcible evictions generate a secondary layer of harassment, through burdensome administrative complications. The Christian families who face pressure to leave their villages are faced with the alternative of undertaking complicated administrative procedures to obtain permission to settle in a new location, or harassment and pressure to renounce their faith if they remained in the village.

Disappearances and abductions

22. Occasional reports emerge regarding the disappearances of prominent Christians. The reasons behind these are often impossible to establish, particularly where they occur in connection with business deals. Two current cases are known. Several reports have also emerged in recent years of the abduction of Christian leaders for the purpose of extortion.

Mr Boonthong

23. Mr Boonthong, a Khmu Christian man disappeared along with his wife and child in July 2004; he was last seen in Vientiane. He had been in prison on two previous occasions. It was suspected by some, although never proven, that his disappearance occurred in connection with his Christian activities. It was deemed unusual for his entire family to disappear. No evidence of their whereabouts, nor any proof that they are alive, has emerged since their disappearance.

Mr Khamson Baccam

24. In January 2007, a Christian convert named Mr Khamson Baccam from Muang Houn district in Udomsay province, disappeared in an apparent abduction by police. On 18 January, five police arrived at his house; his wife told them that he was out working, although he was present. He later left the house, and his wife saw him being loaded into a vehicle by police officers, one of whom she recognised. She went to the district police department, where she was informed that he was in police custody for questioning. She made further enquiries at the provincial and district levels but was consistently told that they knew nothing of him. Lao Civil Law was not followed in this case – there was no arrest warrant, no charges filed against him and he has not been allowed legal council. There has been no subsequent contact with Mr Khamson Baccam, although one rumour suggested he was held in a re-education camp in the north. However, no proof has

emerged confirming that he is alive, nor has any information been provided regarding his whereabouts or condition.

RELIGIOUS PRISONERS OF CONSCIENCE

25. Although the number of religious prisoners of conscience had reduced during the past five years, the number of short-term detentions has steadily increased since August 2008. Prisoners are often held arbitrarily without charge and without following due process, such as the requirement to provide an arrest warrant. Mr Boon Chanh, an elderly ethnic Khmu government worker from Nonglang Village, Sai District in Udomsay province was arrested on 8 June 1999 and is currently serving a 15 year sentence for treason. It is apparent that his sentence was a direct result of opposition to his successful evangelistic activities. No transcript of his court hearing has ever been made available, but reports suggested that he was told his crime was 'believing in Jesus', because no loyal Lao would believe in such a foreign religion. The 15 year sentence is thought to be the heaviest ever given in Laos due to religious activities. His situation improved temporarily following a decision to move him to better quarters, but he has since been returned to the prison and concerns remain for his welfare and treatment.

RECOMMENDATIONS

26. During this Universal Periodic Review, the HRC should pay particular attention to religious freedom, as one of the areas of human rights requiring substantial improvements in Laos. The HRC should assess the religious freedom situation in Laos with an appreciation of weakness of the rule of law, deficiencies within the legislative framework, the lack of training given for the implementation thereof, and the considerable level of arbitrariness in the implementation process.

27. CSW welcomes the November 2009 visit to Laos by the United Nations Special Rapporteur on Freedom of Religion or Belief.

It is recommended that the HRC should:

- I. Urge the government of Laos to take the following steps:**
 - a. Ratify the ICCPR and implement its provisions for religious freedom;**
 - b. Undertake to prevent the forcible eviction of Christian communities and forcible renunciations of faith, and to ensure that such infringements of religious freedom are properly investigated and punished;**
- II. Express concern about the inadequacy of current legislative protections for freedom of religion, and call for this to be addressed;**
- III. Investigate the funding of violent Chau Pha activities in Laos by resident Hmong diaspora communities;**
- IV. Pressure the government of Laos to release religious prisoners of conscience immediately and unconditionally, including Mr Boon Chanh;**
- V. Urge the government of Laos to provide urgent information on the status and whereabouts of disappeared Khmu Christian, Mr Boontheong.**