

Universal Periodic Review – 21st Session
CSW – Stakeholder Submission
Lao People’s Democratic Republic

Introduction

1. CSW wishes to draw attention to the domestic human rights situation, and specifically the situation of freedom of religion or belief, in the Lao People’s Democratic Republic (‘Laos’), over the period 2009-2013, with respect to its international obligations.
2. There have been noticeable and commendable improvements in the protection of freedom of religion or belief and other human rights in Laos in recent years, as evidenced, for example, in the substantial reduction in the number of Christian prisoners of conscience detained in connection with their beliefs. The Laotian government has demonstrated an increasing willingness to pursue universal principles of rights. Laos participated in its first Universal Periodic Review (UPR) in May 2010 and in 2013 expressed ambition to join the Human Rights Council in 2016. However, there remain clear areas of concern and many obstacles to freedom of religion or belief.
3. Religious minorities are often subjected to discrimination and various infringements on their rights, ranging from arrest and detention, eviction and fines, to forcible renunciations of faith and participation in animist ceremonies. In the period under consideration there have been continuing alarming reports of violations perpetrated against religious minorities by both state and non-state actors. Laotian legislation provides insufficient protection for religious minorities, and that which exists is undermined by weak rule of law, particularly in remote regions, where the experiences of religious minorities are often contingent upon the whim of local officials.

Scope of international obligations

4. Laos is party to several of the core human rights conventions and protocols, including the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Rights of the Child (CRC). In recent years Laos has ratified the ICCPR and CRC, in September 2009, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in September 2012. The Special Rapporteur on freedom of religion or belief visited Laos in November 2009.
5. Upon ratification of the ICCPR the Government of the Lao PDR qualified its endorsement of Article 18, which directly ensures the right to freedom of religion or belief, by stating that it ‘considers that all acts creating division and discrimination among ethnic groups and among religions are incompatible with Article 18 of the Covenant.’ This reservation allows for an interpretation that curtails and infracts upon the right to freedom of religion or belief, and was criticised in the Special Rapporteur’s report.
6. Laos has not ratified the Convention for the Protection of All Persons from Enforced Disappearance (CED) or the Rome Statute of the International Criminal Court.

Recommendations:

7. **That Laos ratify the Convention on Enforced Disappearances and the Rome Statute of the International Criminal Court;**
8. **That Laos withdraw its reservations to Article 18 of the ICCPR.**

Constitutional and legislative framework

9. Laos claims that the only limitations on the practice of religious freedom provided for in the Lao legislation 'are deemed to be allowed by the ICCPR.'¹ However, domestic provisions for freedom of religion or belief are in fact inconsistent and ambiguous, and the emphasis on prohibiting 'division' may be used to justify infringements on the rights of religious minorities.
10. Article 43 of the Laotian Constitution guarantees a basic level of freedom of religion or belief: 'Lao citizens have the right and freedom to believe or not to believe in religions.' Additionally, Article 9 stipulates: '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*' [emphasis added]. The caveat present in the final clause of this article can therefore be used to vitiate other protections.
11. Article 8 is similarly nebulous and allows for misuse. It describes the State's pursuit of 'unity and equality among all ethnic groups. All ethnic groups have the right to protect, preserve and promote the fine customs and cultures of their own tribes and of the nation. All acts creating division and discrimination among ethnic groups are prohibited.' Under the pretences of the protection or promotion of local, traditional, or national 'customs and cultures', local authorities and communities may attempt to enforce uniformity in dominant local religious forms of worship and belief at the expense of the rights of religious minorities, who suffer violations across a spectrum of severity, from threats and harassment, unlawful arrest and detention, to forced displacement, disappearance, and violence.
12. The ill-defined constitutional references to division and discrimination make rights and activities such as conversion and proselytising, which are enshrined in Articles 18 and 19 of the UDHR and ICCPR, liable to sanction.
13. The principal instrument governing religious practice in Laos 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. The Decree stipulates that the State respects and protects legitimate activities of believers, granting all Lao citizens '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. Religious groups are required to register, and the authorities have hitherto officially recognised: Buddhism, Christianity (confined to three churches: the Lao Evangelical Church, the Roman Catholic Church and the Seventh-Day Adventist Church), the Bahá'í faith and Islam. State approval is required for a number of religious activities, including the appointment of clergy or staff, preaching and propagation, the printing of religious literature, the construction of religious buildings, and relationships with foreign co-religionists. Article 13 reaffirms fears about the divisive potential of religion, and ambiguously proscribes 'conducting activities against the Lao PDR regime, and dividing ethnic groups or religions in order to cause social disorder'.
14. During the 2010 review, Laos asserted it was considering harmonising national legislation with international obligations and revising Decree 92 to guarantee the rights to freedom of religion and belief, opinion and expression, as outlined in the ICCPR, and taking steps to improve the awareness of State officials of their duty to protect these rights. It is believed a revision of Decree 92 is currently

¹ A/HRC/15/5/Add.1

in preparation, and the government has undertaken to consult Protestant, Buddhist, Catholic, Baha'i and Muslim leaders in this process.

Recommendations:

15. **That Laotian legislation is amended to correspond with the international agreements to which Laos is party;**
16. **That references to 'divisions' are clarified and do not impinge upon rights to freedom of religion or belief;**
17. **That Decree 92 is revised to protect and promote genuine religious freedoms rather than the control and management of religion.**

Interaction with international human rights mechanisms

18. During its previous UPR, Laos committed to instituting the provisions of the conventions to which it is party into domestic legislation, and to improving the implementation of those conventions. The Lao PDR also pledged to cooperate with and support the operation of the UN human rights mechanisms, including the Human Rights Council, and to extend invitations to Special Procedures as appropriate. However Laos has not issued, or shown any desire or intention to issue, a standing invitation to Special Procedures. Furthermore, Laos has not responded to two invitation requests (December 2011 and October 2013) by the Special Rapporteur on freedom of peaceful assembly and of association.
19. During its first UPR Laos committed to ensuring that the fundamental rights of minorities are better respected, and supported the following recommendations:
 - a. To include a definition of discrimination in its legislation and consequently to implement 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.
 - b. To adopt 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.
 - c. To ensure the right to practice religion freely without discrimination and in accordance with international human rights standards.
20. Laos also committed to implementing all recommendations that were made by the Special Rapporteur on freedom of religion or belief in order to remedy the situation described in the report of 2009, which noted the persistence of discriminatory legal provisions and practices to the detriment of minorities, which conflicts with freedom of religion.

Recommendations:

21. **That Laos issue a standing invitation to the HRC's Special Procedures;**
22. **That Laos fulfil the outstanding obligations resulting from the 2009 visit of the Special Rapporteur on freedom of religion or belief;**
23. **That Laos respond to the invitation requests of the Special Rapporteur on freedom of peaceful assembly and of association;**

24. **That discrimination is properly defined and adequate measures to ensure the right to practice one's religion or belief are incorporated into domestic legislation.**

Freedom of religion or belief

25. A wide range of violations of freedom of religion or belief occur in Laos, and are especially prevalent in remote areas. These include: the disruption of religious meetings and services; restricted freedom of movement; discrimination in the distribution of food and school supplies; denial or obstruction of access to utilities, amenities, and services (including education); destruction of property. Serious infractions such as forcible renunciations of faith and forced participation in animist ceremonies, forcible evictions, and even enforced disappearance have also been reported and documented.
26. In August 2013 authorities in Nongdaeng Village, Borikan (sometimes known as Bolikanh) District, Bolikhamsai Province, ordered fifty Christian converts to reconvert to their traditional religion, accused the families of believing in the religion of a foreign Western power destructive to the Lao nation.
27. On 21 September 2013, the Huay Village authorities in Atsaphangthong District ruled that the converts to Protestant Christianity must recant or face expulsion.
28. On 3 July 2004 Mr Boontheong, from Hua Na village, in Luang Namtha Province, disappeared along with his wife and his then seven-year-old son. The former government official was previously threatened and imprisoned by the local Luang Namtha police because of his Christian faith. Despite repeated attempts over the years by human rights organisations to urge the Lao government to investigate the family's disappearance, no news has been heard of their situation or whereabouts.

Recommendations:

29. **That Laos ensures that the protection of popular customs does not intrude upon private rights and that legal guarantees of the right to freedom of religion or belief are upheld for all its citizens and throughout the policies and practices of all branches of state, and that all laws are applied in accordance with the Constitution and international human rights obligations;**
30. **That Laos increase the promotion and protection of freedom of religion or belief of all citizens, including vulnerable religious minorities;**
31. **That Laos makes certain that national and regional authorities properly investigate such cases of human rights abuses and strive to hold perpetrators of human rights violations accountable before the law.**