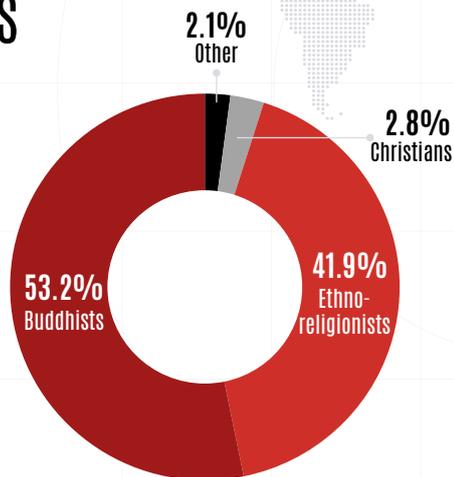


# LAOS

## RELIGIONS



## LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Lao People’s Democratic Republic is a one-party communist state. Freedom of religion and freedom of belief are enshrined in its constitution<sup>1</sup> and laws.

The 1991 Constitution, revised in 2015, describes the rights of the people in some detail, including freedom of religion (Article 9). In practice, however, the status of religious freedom in Laos is similar to that of its eastern neighbour, Vietnam - no doubt due to the ideological proximity of the two communist regimes.

The legal framework can be described as one of petition and concession, in which religious organisations seek permission from state authorities to carry out their own activities, and the authorities, in turn, grant or deny their requests. For example, Article 43 of the Constitution guarantees the “right and freedom to believe or not to believe in religion which are not contrary to the laws.” And Articles 8 and 9 contain vague limitations on this right, such as a ban on “all acts creating division and discrimination among ethnic groups” and “religions and classes of people.” These provisions “have been used

to justify state interference with the activities of religious groups.”<sup>2</sup> At the heart of the Laotian legal framework governing religion is what could be called “governmental overreach” in which public officials enjoy a virtually unlimited authority to regulate religious matters.<sup>3</sup> At the same time though, during the period under review, there appear to have been some measurable improvements to the extent that religious freedom is now better respected in law and practice.

In addition to the constitution, religion in Laos is regulated by certain laws. In 2002, the Decree Number 92 on Management and Protection of Religious Activities was adopted. This was replaced on 16th August 2016 by Decree 315.<sup>4</sup> Signed by Prime Minister Thongloun Sisoulith, the new decree seems to have the potential to improve religious freedom if it is fully understood and implemented by local officials.

Decree 315 introduced improvements over Decree 92, including giving all religions equal status in law, making governmental regulations more consistent and transparent, and more clearly defining the procedures whereby religious groups may secure official recognition.<sup>5</sup>

However, both decrees presuppose that the state does - and should - continue to control the country's religious affairs. For example, Decree 315 gives sweeping powers to the Ministry of Home Affairs (MOHA) to regulate all aspects of religious life. Officially, it requires religious groups to seek prior MOHA approval for almost anything they wish to do, such as establishing congregations in new districts, modifying existing structures, constructing new worship facilities, and organising religious meetings. Even more invasive is the requirement that, at least once a year, religious groups submit to the MOHA their plans for all scheduled activities. Also, they must submit the names of their leaders to both central and local MOHA offices for their "study, consideration and approval," as well as secure MOHA approval in order to operate in multiple provinces. In addition, Article 5 (2) of Decree 315 gives the government comprehensive powers to supervise a religious organisation's internal governance and doctrine since it is up to MOHA officials to determine if religious groups are "consistent with the heart of the religion, its religious precepts, and its religious teachings."<sup>6</sup>

Overall, Decree 315 gives the MOHA blanket permission "to restrict religious activities that they perceive to be at odds with local customs, national policies, national stability, the environment, or unity between religious and ethnic groups."<sup>7</sup>

The government recognises four religious groups: Buddhists, Christians, Muslims, and Bahá'ís.<sup>8</sup> Among Christian groups the authorities have granted administrative recognition only to the Catholic Church, the Lao Evangelical Church, and the Seventh-day Adventist Church.<sup>9</sup>

Religious affiliation in Laos tends to follow ethnic boundaries. Almost 55 percent of the population is ethnically Lao, the majority of whom are Theravada Buddhists.<sup>10</sup> Buddhist cultural influence is such that, in practice, Buddhist monks and pagodas are not subject to the same restrictions as members of other religions and places of worship. At the national level, the Sangharaja, the Supreme Patriarch of Buddhism in Laos, maintains intimate ties with the country's political leaders.

The community facing the most severe challenges to religious freedom appears to be the Protestant community, which makes up less than 1 percent of the population. Persecution also affects the country's 48 ethnic minorities,

which constitute about 45 percent of the population. The ongoing persecution of Protestants occurs mostly in remote villages. Conversion to Christianity can provoke hostile reactions from other Laotians, who often view Christians as "alien" agents of Western imperialism. Many Christians belong to the Hmong ethnic minority, which supported the US against communist forces during the Vietnam War.<sup>11</sup> To preserve "harmony" and avoid public disturbances, government authorities tend to be harsh with Christians, periodically forcing recent converts to declare their allegiance to ancestors and animist spirits. However, the attitudes of local officials and the population vary greatly from one province to another, with the most repressive policies implemented in more isolated areas.<sup>12</sup>

In view of the ongoing vulnerability of Protestants to persecution, an encouraging recent contribution to the country's legal framework is the central government's enactment of the Law on the Evangelical Church on 19th December 2019. The law formally gives Christians the right to conduct worship services, preach throughout the country, and maintain relationships and communications with fellow Christians outside Laos.<sup>13</sup> Combined with the positive features of Decree 315, the Law on the Evangelical Church has the potential to reduce arbitrary restrictions and mistreatment of Protestants once local officials are made aware of its provisions.<sup>14</sup>

## INCIDENTS AND DEVELOPMENTS

In February 2020, a fact-finding mission to Laos by the U.S. Department of State's Office of International Religious Freedom and the U.S. Commission on International Religious Freedom (USCIRF)<sup>15</sup> found evidence that the conditions for religious freedom had improved somewhat during the period under review. Even though Decree 315 requires all religious organisations to register with the government, this provision is not strictly enforced, giving "many unregistered religious groups space to operate." Furthermore, it appears that there have been fewer arrests and detentions related to alleged violations of religious regulations. In 2019, according to the US delegation, "there were no reports of the central government conducting such arrests, although there were several cases at the local level."<sup>16</sup>

This apparent improvement appears to reflect the more positive features of Decree 315 and the Law on the Evan-

gical Church. In order to implement these measures at the local level, Church leaders and NGOs such as the US-based Institute for Global Engagement (IGE) are working with the MOHA and the Lao Front for National Construction, holding seminars to make the measures more widely known. At the same time, dissemination is reportedly “slow and inconsistent.”<sup>17</sup>

Notwithstanding the improved climate, the period under review saw numerous local attacks on members of religious minorities, particularly Christians. In August 2018, for example, a group of Christians were detained in Khammoune Province for holding a religious service without a permit.<sup>18</sup> In September 2018, seven members of the Lao Evangelical Church (LEC) were detained in Champasack Province.<sup>19</sup> In November 2018, a regional governor in northern Laos issued an ultimatum to 20 Christian families to leave their village within a month or go to jail. At least five families abandoned their faith in order to remain.<sup>20</sup> In early 2020, “14 people from three ethnic Hmong Christian families were evicted from their homes in the village of Tine Doi in Luang Namtha province in the north for refusing to renounce their Christian beliefs. Their homes were then demolished.”<sup>21</sup>

Ethnic and religious minorities in Savannakhet Province, in western Laos, have also continued to face particularly persistent and serious mistreatment. In November 2018, four Christians, including an elderly grandmother, were arrested for holding a worship service without permission in Vilabouly District.<sup>22</sup> In December 2018, seven Christians were arrested after their Christmas service was deemed illegal in Nakanong village, and authorities destroyed their stage and sound system.<sup>23</sup> In April 2019, police arrested and assaulted a Christian man in Savannakhet and allegedly forced him to renounce his faith.<sup>24</sup> Also in April, three US citizens were detained in Laos on suspicion of “disseminating bibles and Christian material without government approval.” The group was later released and deported to Thailand 10 days after their detention.<sup>25</sup>

In mid-March 2020, a Protestant pastor was arrested for conducting a religious service in Kalum Vangkhea village. No official explanation was given for the arrest, but UCANews reported that “it is likely” the pastor was seized on the pretext that he had broken COVID-related social distancing rules. Sentenced to six months in prison, the pastor was not permitted to see his family.<sup>26</sup>

During the reporting period, several minority religious

communities, including Catholics and Baha’is, successfully renewed their government registration according to the procedures spelled out in Decree 315, and the Seventh-day Adventist Church successfully registered for the first time. The registration status of the Lao Evangelical Church (LEC) remained unclear as of November 2019.<sup>27</sup>

## PROSPECTS FOR RELIGIOUS FREEDOM

Decree 315, the Law on the Evangelical Church, and the apparent intention of the government to stabilise and regularise the treatment of religious minorities all suggest that religious freedom in Laos is on a somewhat positive trajectory, and one can be cautiously hopeful that this trend will continue in the coming years. However, getting local officials at the village level to conform to the new measures is a daunting challenge and will likely take many years; consequently, ethnic and religious minorities in remote areas can expect to face periodic and perhaps severe persecution in the foreseeable future.

Furthermore, though the recent measures represent an improvement, the government’s framework for addressing religious matters remains fundamentally problematic because it enshrines and legitimates an extensive and invasive level of external control over religious affairs, including over the internal governance of religious communities. The government remains slow in recognising unregistered religious groups and those improvements that have occurred rest too much on the personal relationships individual religious communities have cultivated with particular government officials rather than on systematic structural reform.

Laos may well continue to enjoy somewhat greater religious freedom in the coming years, but the improvements it has seen so far are limited, fragile, and uncertain, and thus require close monitoring if they are to be sustained and expanded.

## SOURCES / ENDNOTES

- 1 Lao People's Democratic Republic's 1991 (Rev. 2015), Constitute Project, [https://www.constituteproject.org/constitution/Laos\\_2015?lang=en](https://www.constituteproject.org/constitution/Laos_2015?lang=en) (accessed 17th January 2021).
- 2 Patrick Greenwalt, "Country Update: Laos," United States Commission on International Religious Freedom (USCIRF), May 2020, p. 2, [https://www.uscifr.gov/sites/default/files/2020%20Laos%20Country%20Update\\_May\\_0\\_0.pdf](https://www.uscifr.gov/sites/default/files/2020%20Laos%20Country%20Update_May_0_0.pdf) (accessed 28th October 2020).
- 3 Ibid, p. 1.
- 4 "General Briefing: Laos," Christian Solidarity Worldwide, 1st May 2020, <https://www.csw.org.uk/2020/05/01/report/4649/article.htm> (accessed 17th January 2021).
- 5 Patrick Greenwalt, op. cit., p. 3.
- 6 Ibid.
- 7 Ibid.
- 8 Office of International Religious Freedom, "Laos," 2019 Report on International Religious Freedom, U.S. Department of State <https://www.state.gov/reports/2019-report-on-international-religious-freedom/laos/> (accessed 17th January 2021).
- 9 Patrick Greenwalt, op. cit., p. 3.
- 10 Office of International Religious Freedom, op. cit.
- 11 "Laos government takes steps to protect Christians," UCANews, 29th September 2020, <https://www.ucanews.com/news/laos-government-takes-steps-to-protect-christians/89686> (accessed 27th October 2020).
- 12 "Christians in Laos shunned for believing in 'America's god'," UCANews, 11th June 2020, <https://www.ucanews.com/news/christians-in-laos-shunned-for-believing-in-americas-god/88354> (accessed 27th October 2020).
- 13 "Lao Christians, government work to educate rural authorities on law protecting the Church," Radio Free Asia, 21st September 2020, <https://www.rfa.org/english/news/laos/law-09212020171649.html> (accessed 28th October 2020).
- 14 Ibid.
- 15 Greenwalt, op cit.
- 16 Ibid, p. 1.
- 17 Ibid, pp. 3-4.
- 18 2018 Annual Report, United States Commission on International Religious Freedom (USCIRF), May 2019, p. 6, <https://www.state.gov/wp-content/uploads/2019/05/LAOS-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> (accessed 27th October 2020).
- 19 Ibid.
- 20 2019 Annual Report, United States Commission on International Religious Freedom (USCIRF), May 2019, p. 207, <https://www.uscifr.gov/sites/default/files/2019USCIRFAnnualReport.pdf> (accessed 27th October 2020).
- 21 "Christians in Laos shunned for believing in 'America's god'," op. cit.
- 22 "Police in Laos arrest grandmother, three other Christians during worship," Morning Star News, 12th December 2018, <https://morning-starnews.org/2018/12/laos/> (accessed 17th January 2021).
- 23 Richard Finney, "Lao Christians detained at new year are freed," Radio Free Asia, 2nd January 2019, <https://www.rfa.org/english/news/laos/christians-01022019151152.html> (accessed 28th October 2020).
- 24 Eugene Whong, "Lao police allegedly arrest citizen for practicing Christianity," Radio Free Asia, 25th April 2019, <https://www.rfa.org/english/news/laos/laos-christianity-arrest-04252019165924.html> (accessed 28th October 2020).
- 25 Paul Eckert, "Laos releases, deports US citizens accused of unauthorized missionary work," Radio Free Asia, 18th April 2019, <https://www.rfa.org/english/news/laos/us-christians-04182019103827.html> (accessed 28th October 2020).
- 26 "Christians in Laos shunned for believing in 'America's god'," op. cit.
- 27 Office of International Religious Freedom, op. cit.