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## Human Rights Council

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Human rights situations that require the Council's attention

### **Written statement\* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2013]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Freedom of religion or belief in the Lao People's Democratic Republic\***

### **Introduction**

The Jubilee Campaign, together with Christian Solidarity Worldwide (CSW), seeks to draw the Human Rights Council's attention to the situation of human rights and freedom of religion or belief (FoRB) in Lao People's Democratic Republic.

The 1991 Lao Constitution guarantees citizens the right to "believe or not to believe in religions" (article 30), and protects "all lawful activities of Buddhists and of followers of other religions" (article 9). Both of these provisions are included in the 2003 Amended Constitution. However, article 9 also states that "all acts of fomenting division among religions and among the people are prohibited". There is no further clarification or explanation of the terms "fomenting division" or "lawful activities", either in the Constitution or in 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. Vague and inadequate definitions, combined with weak rule of law, are extremely detrimental to the protection of freedom of religion or belief.

The treatment of Protestant believers varies according to region and ethnic group. However, one pattern which has emerged in recent years is a shift in the level of authority implementing restrictive or repressive measures against Protestant Christians. Due to historical factors, Protestant Christianity is often identified primarily as being a foreign – historically, an American – religion in Laos. This perception illustrates the need for advocacy across the international community as a clear demonstration that religious freedom is a universal right that should be upheld unilaterally.

Observance of freedom of religion or belief has improved in Laos during recent years, especially since Laos has begun to host international events such as the 2004 ASEAN summit, the 2009 South East Asian Games and the 2012 Asia-Europe Meeting. The widespread arbitrary detentions of religious leaders which exemplified Laos' hard-handed approach to religion in preceding years have diminished considerably; however, numerous problems in the area of religious freedom continue to exist. The macro issue is weak rule of law, with limited legal protections existing for religious activities and arbitrary approaches towards religion still being exercised at the local level.

### **Attitude to religious minorities at the central and local levels**

At the central government level, it appears that there has been a welcome alteration in the attitude towards religious minorities. For example, although it is very difficult to verify information, some sources believe that higher authorities have intervened in cases where church leaders had been arrested and detained without sufficient evidence. However, while direct violations of the right to freedom of religion or belief appear to have decreased at the higher levels of authority even as far as the provincial and district levels, CSW remains concerned about the recent trend of harassment and restrictions imposed at the village level.

Laos is keen to preserve a strong, united sense of national identity exemplified through its citizens' loyalty to the country, regardless of their ethnic or religious identity. The existence of dozens of ethnic groups (the government cites a figure of more than 48 groups, though this figure is generally estimated to be on the low side), coupled with the country's

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\* Christian Solidarity Worldwide (CSW), an NGO without consultative status, also shares the views expressed in this statement.

geography, are factors contributing to the government's concern regarding the potential for the demise of the country's national identity. The desire for cultural homogeneity as an integral part of national loyalty can be identified as one factor leading to a lack of tolerance for religious activity. An underlying concern that unity must equal uniformity means there is little tolerance of religious difference. Only as societal views change will religious freedom be fully enjoyed, protected and promoted within Laos.

There has been particular concern over several recent cases in which village elders, as opposed to government-appointed village leaders, have attempted to force converts to recant, or have demanded that they be arrested. Village elders are not appointed by the state and do not receive a salary from the state. This means that they are not accountable to the government. The following case demonstrates the power and influence of the village elders. On 10 October 2012 the provincial authorities ordered the release of three Christian pastors from Phin district of Savannakhet after determining that there were insufficient grounds for their arrest. The family members of pastors Bounlert, Adang and Onkaew were informed of their release. However, Phin district authorities ignored the order to release the pastors and instead kept them in detention while they sought further evidence. On 18 October the district police authorities summoned the government-elected village chief and the non-elected elders and Pastor Bounlert's family members to the district police headquarters. The village chief and elders demanded that Pastor Bounlert and the six other Christian families in the village take part in an animistic ritual which would in effect require them to recant their faith by way of an oath. The pastors refused to do so.

Where government-elected village chiefs lack legitimacy in the eyes of the villagers, they depend on a good relationship with the village elders to gain the respect and obedience of the people. If village elders feel threatened by sudden growth in the number of conversions to Christianity, or if they take a personal dislike to a believer, they can use their position to override the decision of the government-elected village chief. In 2011, for example, seven Christians were arrested in connection with a Christmas celebration. According to the testimony of one of those arrested, the government-elected village chief had decided to allow the celebration to take place; however, the village elder overrode this decision, and demanded their arrest.

In other cases village elders bypass the legal system altogether and issue their own judgements without involving the police, judiciary or local authorities. In these cases, eviction is the most common form of "punishment", although confiscation of livestock is not uncommon and sometimes accompanies forced evictions. The threat of eviction is sometimes used to pressure Christians to change or give up their faith. In August 2012, Christian leader Bountheung of Borikhamxai Province in Central Laos was arrested on the charge of converting 300 Lao citizens to the Christian faith. At the same time, the local authorities ordered the 300 Christians to renounce their faith in exchange for the right to remain in the village, despite being registered as permanent residents.

## Conclusion

Although the Lao Government has taken some steps to respond to the concerns of the international community regarding freedom of religion or belief, uneven implementation of the law and the arbitrary actions of local government and unelected leaders makes Christians vulnerable to various human rights violations. Lao Christians often face harassment from local officials and village shamans as their "foreign" beliefs are thought to represent a threat to community homogeneity. Many Christians are removed from their villages and forced to relocate to different communities, or face systemic discrimination from local authorities.

In addition, it has been reported that Christians in southern Laos, especially in the province of Savannakhet, are regularly denied employment due to their Christian faith. Forced

evictions mean that children of Christian families are sometimes unable to attend school while their parents are prevented from attending to their farms. These examples demonstrate the need for training of local level officials and village leaders, and careful investigation into possible cases of arbitrary arrest, eviction and harassment of Lao Christians in all areas of the country.

We recommend that the Human Rights Council urge Laos to:

- Revise legal and constitutional provisions to clearly and fully protect freedom of religion or belief in Laos;
  - Remove reservations to Article 18 of the ICCPR and ensure that the protective measures enshrined in Article 18 are applied broadly and fairly to all citizens of Laos;
  - Implement training on freedom of religion or belief and related laws and rights for officials and non-elected village elders;
  - Actively seek ways to foster understanding and cooperation between village elders and religious leaders;
  - Release all those detained on religious grounds, and where people have been unjustly detained, ensure full investigations are conducted into the circumstances surrounding their detention;
  - Ensure that detainees who have been released are not forced to undergo “re-education” programmes or to sign letters of recantation.
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