

**UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM**

REPORT ON
LAOS

FEBRUARY 2003

U. S. Commission on International Religious Freedom

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LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, February, 2003

The PRESIDENT

The White House

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Laos, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

We would welcome the opportunity to discuss with you this Report, and the policy recommendations that it contains.

Sincerely,

FELICE GAER

Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, February, 2003

Hon. COLIN POWELL

Secretary of State

Department of State

DEAR MR. SECRETARY: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Laos, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, February, 2003

Hon. DENNIS HASTERT

Speaker of the House

U.S. House of Representatives

DEAR MR. SPEAKER: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Laos, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55 and P.L. 107-228.

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UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, February, 2003

Hon. TED STEVENS

President Pro Tempore

U.S. Senate

DEAR MR. STEVENS: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Laos, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et*

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LAOS

Executive Summary

Since the Lao People's Revolutionary Party (LPRP) assumed power in 1975, there has been extensive government interference with and restrictions on all religious communities. In more recent years, the government has focused its repression on religions that are relatively new to Laos, including Protestant Christianity. During this time period, the government of Laos has engaged in particularly severe violations of religious freedom as defined in the International Religious Freedom Act of 1998 (IRFA). These include the arrest, prolonged detention, and imprisonment of members of religious minorities on account of their religious activities. In addition, Lao officials have forced Christians to renounce their faith. At the same time, dozens of churches have been closed. Given the seriousness of religious freedom violations in Laos, the U.S. Commission on International Religious Freedom (Commission), in both 2000 and 2001, recommended that Laos be designated as a "country of particular concern" (CPC), pursuant to IRFA. In February 2002, the Commission sent a delegation to Laos on a fact-finding mission.

In July 2002, the Lao government promulgated a new decree on religious affairs that provides a legal basis for control of and interference with religious activities by government officials. Although some religious detainees have reportedly been released after July 2002, others remain in detention. In the light of these circumstances, in 2002, the Commission once again recommended that Laos be designated as a CPC.

Laos is a one-party, authoritarian state, which has suppressed the human rights of its citizens and foreigners alike. The inability of the government of Laos to rule effectively, in combination with a culture that resists change, has contributed to serious underdevelopment, making Laos one of the poorest and least educated societies in the world. The ineffectiveness of the current government has also compounded the difficulty of assuring religious freedom and other related human rights in Laos. For example, central government officials have limited ability to investigate alleged human rights abuses in remote parts of Laos due to poor road conditions and limited transportation equipment. Moreover, there are virtually no legal protections for human rights, as Laos has an underdeveloped legal system with only 48 laws to govern all aspects of life and there are few lawyers in the country. Finally, another challenge to advancing the protection of religious freedom in Laos is the historically close linkage between Buddhism and the Lao state, which has contributed to the government's suspicion of non-Buddhist religions that are relatively new to that country.

Since September 11, 2001, Southeast Asia has become an increasingly important arena in the U.S.-led campaign against terrorism. Laos' importance to U.S. interests has also increased by virtue of its status as a member of the Association of Southeast Asian Nations and its support for the international counter-terrorism effort. Meanwhile, the government of Laos has continued to engage in serious violations of religious freedom and related human rights. Yet, Laos has not received much attention from U.S. foreign policymakers, including the Congress. Laos is at an important crossroad, and U.S. attention to Laos at this time may advance protections for religious freedom and promote U.S. interests. Indeed, while some Lao officials have advocated Vietnam and China as models for Laos' future, others have expressed a desire to modernize the country by learning from the experiences of the United States and other developed nations in the West.

In particular, Lao officials perceive the United States to be influential in the provision of international aid for Laos' development and some have thus demonstrated a willingness to address U.S. concerns, including human rights concerns raised by this Commission, the State Department, and non-governmental organizations. This suggests that the present is a pivotal moment in the history of Laos and U.S.-Laos relations. The United States has a unique opportunity to engage the government and people of Laos in a process of reform that would end the suppression of religious freedom and other related human rights, and relatively small measures of attention and assistance could accomplish a great deal. Therefore, the Commission makes the following recommendations to the U.S. government:

1. The President should designate Laos as a CPC to make clear U.S. concerns over particularly severe violations of religious freedom in Laos, thus engaging the U.S. government in a process to promote changes that would advance legal as well as practical protections of freedom of religion and related human rights in that country.
2. The U.S. government should urge the government of Laos to take specific steps to improve respect for religious freedom, including the possible establishment of a bilateral human rights dialogue that would also address the broader range of human rights concerns such as torture and other forms of ill-treatment. In addition, the U.S. government should make clear to the government of Laos that any such dialogue or other improvement in U.S.-Laos relations must be based on the immediate cessation of practices that abuse religious freedom, including arbitrary arrest and detention, forced renunciation, and church closings.
3. The U.S. government should provide assistance to Laos to take genuine steps to reform its practices, policies, laws, and regulations that contribute to religious freedom violations. In this regard, the State Department should undertake an assessment of human rights needs in Laos in order to identify specific areas where the United States could provide support and assistance for establishing human rights protections. The assessment should address, among others, technical legal assistance, dissemination of information about human rights, human rights training programs, educational efforts targeting all Lao citizens, and exchange programs.

Introduction

The Commission continues to focus attention on the situation in Laos. Since 2000, the Commission and its staff have met with representatives of the Lao government, Lao religious communities, and human rights and humanitarian organizations with expertise on Laos, including Lao-American organizations, as well as academic experts and U.S. government officials. In February 2002, the Commission sent a delegation on a fact-finding mission to that country. During the visit, the delegation met with senior Lao government officials, religious leaders, and representatives of foreign non-governmental organizations (NGOs). In June 2002, Commission staff also met in Washington, D.C. with a delegation of Lao religious affairs officials that was brought to the United States under the auspices of the Institute for Global Engagement, an American NGO.

There are signs that because of international pressure the Lao government may be taking more seriously its obligation to protect religious freedom, although it remains to be seen whether steps taken by the government will lead to long-term improvements. The government enacted a decree in July 2002 that Lao officials claimed was intended to codify constitutional guarantees of religious freedom and equality, as well as to establish a legal basis for religious activities that had previously resulted in the arrest and detention of members of religious minorities. However, according to the decree, such activities can only be conducted with the approval of Lao officials. The decree also contains a prohibition on activities that “create social divisions,” thus codifying the government’s primary justification for repressing religious minorities and jailing their members in recent years. Although such religious minorities as the Baha’is and the Muslims have experienced some restrictions, government repression has particularly targeted Protestant Christians. It remains to be seen whether the implementation of the new decree, other steps such as the July and August 2002 releases of 34 Christians detained for the practice of their faith, and statements by central government officials of their willingness to exert more control over local officials, will significantly reduce severe religious freedom violations in Laos.

Religious Freedom

Background

Religious and spiritual beliefs are an important part of Laos’ heritage. Theravada Buddhism was introduced in the eighth century, C.E. and became widespread by the 14th century.¹ It was the state religion of the Kingdom of Laos, which preceded the Lao People’s Democratic Republic. The current government, after assuming power in 1975, repressed the Buddhist clergy (*sangha*) despite the fact that the *sangha* was instrumental in the political rise of the ruling Lao People’s Revolutionary Party (LPRP). Since the 1980s, the government has recognized the linkage between Buddhism and Lao culture. On this basis, it has loosened somewhat its grip on the Buddhist clergy. For example, the government claims to have ended the practice of forcing Buddhist clerics to undergo regular Marxist indoctrination. In addition, the government has in recent years supported the maintenance and rebuilding of Buddhist temples, as seen firsthand by the Commission delegation that visited Laos.

Today, for the majority of Laotians, Buddhism remains an important part of their lives. The Buddhist temple continues to be a focal point of village life.² Animist beliefs are also widespread among all segments of the Lao population. For some ethnic minorities, the worship of ancestors is equally important. Over time, many animist ceremonies, particularly the *Baci* and the *liang phi ban*, have acquired important social and communal functions in addition to their spiritual purpose.³ According to representatives of foreign NGOs that operate in Laos, as well as Lao and U.S. officials, the response of local populations and officials to the refusal by a growing number of Lao Christians to participate in these ceremonies has been an important factor contributing to religious antagonism and the resultant violations of religious freedom.⁴

Ethnic and Religious Demography

Laos has a population of approximately 5.6 million, which is comprised of nearly 50 ethnic groups classified into three broad categories: Lao Soung (highlanders/minority tribes), who include the Khmus and the Hmongs, and make up approximately 10 percent of the

population; Lao Theung (mid-slope dwellers), who make up 22 to 24 percent; and Lao Loum and others (lowlanders), who make up between 66 and 68 percent.⁵ In addition, ethnic Chinese and Vietnamese make up approximately one percent of the population. Lowlanders have historically dominated, resulting in persistent claims that lowlanders have discriminated against members of the other two Laotian ethnic groupings.

Between 60 and 65 percent of the population are Theravada Buddhists, most of whom are lowlanders. According to the State Department, approximately 30 percent of the population, especially among the highlanders and the mid-slope dwellers, are animists. However, a substantial number of Buddhists, especially those in the lowland, either tolerate or practice animist beliefs in addition to Buddhism. Christians constitute between one and two percent of the population. Estimates of the number of Protestants in the country range between 30,000 and 60,000, while there are between 30,000 and 40,000 Roman Catholics. Other religious minorities include Muslims (one percent), Baha'is (as many as 5,000⁶), Mahayana Buddhists, and Confucianists.

Law and State Policy

The Lao People's Democratic Republic is a one-party, communist, authoritarian state ruled by the LPRP. The leading political role of the LPRP is enshrined in the 1991 Lao Constitution, which states:

The rights of the multi-ethnic people to be the masters of the country are exercised and ensured through the functioning of the political system *with the Lao People's Revolutionary Party as its leading nucleus* (emphasis added).⁷

The government prohibits the establishment of political groups other than those popular front organizations approved by the ruling LPRP.⁸

The Lao Constitution provides for freedom of religion, but only for otherwise "lawful" religious activities. The Constitution also stipulates that the state plays an active role in managing the country's religious affairs:⁹

The state respects and protects all lawful activities of the Buddhists and of other religious followers; mobilizes and encourages the Buddhist monks and novices as well as the priests of other religions to participate in the activities that are beneficial to the country and people....¹⁰

Lao officials claim that the central government does not have a policy of repressing religious freedom. The central government claims it actively promotes the harmony of all religions and ethnic groups, a position it alleges is supported by a constitutional prohibition on "[a]ll acts of creating division of religions."¹¹ In fact, Lao officials, primarily those at the provincial and local levels, arrest and detain individuals participating in religious activities on charges that these individuals are engaging in acts that either "create social divisions" or are against the state. In particular, Lao authorities have arrested individuals for holding or attending unauthorized religious services, importing or possessing "illegal" religious materials, and refusing to renounce their faith.¹²

The Lao Front for National Construction (LFNC), an LPRP mass organization, oversees religious affairs in Laos through a department of religious affairs under the direction of a senior LFNC official.¹³ Although the Lao government did not require the registration of religious groups prior to the recent promulgation of a prime ministerial decree on religious affairs, all functioning religious organizations filed regular reports on their activities with the religious affairs department.¹⁴ The government has tacitly recognized the Lao Buddhist Fellowship Association, the Roman Catholic Church, the Lao Evangelical Church (LEC), the Baha'i Spiritual Assembly, and the Seventh-Day Adventist Church (Adventists).

On July 5, 2002, the Lao government promulgated a "Decree for the Administration and Protection of Religious Activities in Lao PDR." This is the first decree on religious affairs enacted by the current government, which has been in power since 1975.

During the Commission's visit to Laos, Lao government officials and religious leaders told the delegation that the decree would serve as a guide for local and provincial officials regarding central government policy on religious activities and thereby restrain the behavior of those officials who have in the past committed religious freedom violations. They also claimed that the decree would legalize religious activities, as well as codify constitutional guarantees for religious freedom and affirm the equal legal standing of all religions. Religious leaders stated that they were consulted on the new decree and that their views were incorporated into its provisions.

An analysis of the decree in its English translation reveals several troublesome aspects that may in fact lead to further violations of religious freedom.¹⁵ Instead of providing protections for religious believers and practitioners from unwarranted government restrictions, the decree provides a legal basis for control of and interference with religious activities by government bureaucrats. Many religious activities can be conducted only with government approval, and the decree contains a prohibition on activities that create "social divisions," codifying a rationale used by government officials to arrest and detain Christians.

The decree provides that all persons in Laos have the right to carry out religious activities and to participate in religious ceremonies at established places of worship.¹⁶ It also provides that every citizen of Laos has equal rights before the law to believe or not to believe in a religion, and that the Lao government respects and protects "legal" religious activities in Laos.¹⁷ In addition, the decree recognizes that followers of all religions have the right to gather together for worship, religious education, and celebration of religious festivals at existing places of worship.¹⁸

The decree provides for the protection of some general rights to religious freedom and establishes a legal basis for several types of religious activities that have in the past resulted in members of religious minorities being detained or imprisoned. These include the rights to preach and spread religious teachings either in one's home village or outside their district, assemble for religious purposes, construct places of worship, print religious materials, and maintain contact with and receive support from foreign coreligionists.¹⁹ Yet, the decree also stipulates that these activities can only be conducted with the approval of the LFNC or other government entities, including in some cases the same provincial and local authorities that are often responsible for severe violations of religious freedom.²⁰ It is not clear from the decree

itself what form these approvals will take, or what standards will be used in considering requests for such approvals.

In addition, the decree provides for registration of religious organizations with the government through the LFNC, but does not specify the consequences for not registering. The decree also enumerates several duties and obligations of religious organizations and their followers, such as “preserve and promote the historical traditions, cultural heritage and unity of the Lao nation” and refrain from opposing the Lao government or from “dividing the people and tribes or causing divisions of religions to create social chaos.”²¹ Alleged violation of these vaguely worded duties may result in government punishment for the offending members of religious groups. The decree contains a prohibition on activities that “create social divisions,” which echoes a similarly worded constitutional provision that, according to many experts, has served as the government’s chief rationale for its crackdown on Christians in recent years.²²

The decree also confers on the LFNC broad powers to manage the “technical” affairs of religious groups and to ensure that the activities of every religion in Laos are in accordance with “the principles and teachings of their own religion” as well as Lao laws and regulations.²³ Members of executive committees of religious organizations must report to the LFNC.²⁴ Religious leaders who are selected or receive their titles from a foreign country must be approved by the LFNC.²⁵

Religious Freedom Violations

For at least the last several years, the government of Laos has engaged in particularly severe violations of religious freedom as defined in the International Religious Freedom Act of 1998. These include the arrest and prolonged detention and imprisonment of members of religious minorities on account of their religious activities, as well as instances where Lao officials have forced Christians to renounce their faith. Between 100 and 200 individuals have been arrested since 1999. At the same time, dozens of churches have been closed. These violations have continued to be committed in the past year, primarily by local and provincial government officials.

Since January 2001, more than 84 Christians have been arrested and detained on account of their faith.²⁶ Some of these individuals were serving long prison terms, including Boohn Chanh, a Christian in Oudomxai province who is still serving a 15-year sentence for engaging in public religious expression and persuasion. Between February and April 2002, 14 Christians, including one pastor and two lay leaders, were arrested in the provinces of Vientiane, Savannakhet, and Bokeo for engaging in “illegal” religious activities.²⁷ The State Department reported that the following persons had been arrested for religious activities and remained in detention without charge at the end of June 2002: Phiasong in Phongsali province; Keung, Ae Noi, Songkan, Khamphone, Khamdaeng, and Khamthong in Savannakhet province; Sia Chay, Lu Oon, Su Chia and Nay Siaw in the city of Luang Namtha, and Khamsay and Avin in the capital city of Vientiane. The same report stated that the following persons were tried and convicted, and remained in prison at the end of June 2002: Sisamouth Sirisouk, Boonmi Gindavong, and Peto Onchanh in Luang Prabang province; Nyoht and Thongchanh arrested in Oudomxai province.²⁸ Four of the aforementioned individuals remain in detention or in prison as of January 2003.²⁹ As of July 2002, at least 38 individuals remained in detention or in prison

on account of their religious activities. Although recent reports indicate that most of the 38, including several mentioned immediately above, have since been released, a few remain under detention.

A reliable NGO representative has provided the Commission with a detailed account of prison conditions in Laos by a formerly imprisoned Christian leader, who described how he was jailed with criminals, and denied regular access to toilets and adequate food. The same Christian leader also said that any time prisoners were seen doing anything “religious,” they would be shackled with wooden stocks, denied food, and then consigned to solitary confinement.³⁰

The Commission was informed by a reliable source that coerced renunciations occurred in nearly every Lao province in 2001.³¹ The State Department has reported that district officials instructed Christians, especially Khmus and Hmongs, to sign a document renouncing their faith or face harsh penalties that include arrest, denial of educational opportunities for their children, and restrictions on access to other government services.³² In addition, Christians have reportedly been forced from their homes by local officials for refusing to renounce their faith.³³ For example, an 87-year-old ethnic minority Christian named Koy, was reportedly evicted along with 11 members of his family from his home district in 1999 on account of their activities in converting other villagers to Christianity.³⁴ In June 2002, two ethnic minority Christian leaders were reportedly arrested in Vientiane province and detained for nearly one month on the charges of receiving “a foreign salary and paying people in his village to turn to Christianity.”³⁵ The same report indicated that the two men also faced pressure to renounce their religious beliefs. A Christian leader told the Commission delegation that the renunciation forms used by Lao officials were similar in content to the ones used by the Vietnamese government in its campaign against ethnic minority Christians.³⁶

Particularly severe violations of religious freedom are being committed against a backdrop of extensive government interference with and restrictions on all religious communities, especially those that are neither Buddhist nor animist. Since 1999, more than 85 Protestant Christian churches have been closed, many of which remained closed as of December 2002.³⁷ The Commission delegation was informed that a Catholic bishop has not been allowed to travel to five of the six provinces in his diocese.³⁸ The government also has not returned confiscated properties to the Catholic Church. Furthermore, the Commission delegation was told by reliable sources that the government limits Baha’i religious activities to the four recognized Baha’i centers, which are located in or near major cities. This leaves Baha’is in the more remote areas unable to practice their faith.³⁹ The Commission delegation was told that Christian groups are not permitted to operate seminaries. In addition, Christians cannot import or print new Bibles or hymnals. According to the State Department, new Christian converts in some southern localities experience a series of “harsh government interviews” before being permitted to practice their new faith.⁴⁰

Notwithstanding official support for Buddhism, its clergy remains under government control and surveillance. Although Marxist indoctrination for members of the *sangha* has apparently ended, the government continues to restrict the number of people who are allowed to receive training from Buddhist clergy to receive ordination as a monk at any one time.⁴¹

Factors Contributing to Religious Freedom Violations

According to many of the Commission's interlocutors in Laos and in the United States, local officials in isolated areas have been the primary perpetrators of religious freedom abuses. However, outsiders, including central government officials, have limited access to these areas. Central government officials asserted to the Commission delegation that these local officials' incompetence, ignorance, and lack of respect for constitutional guarantees of religious liberty have contributed to religious freedom violations. Most of these local officials have obtained their government positions by virtue of their communal status as village leaders. Most are also relatively uneducated and have limited knowledge and experience of the world outside their local areas of jurisdiction. Thus, for the most part, they are unfamiliar with religious beliefs and practices that are neither indigenous to, nor have a long history in, Laos, notably Christianity. This unfamiliarity is shared by the local populations governed by these officials. As a result, there have been many reports of disputes between villagers who recently converted to Christianity and their non-Christian neighbors.

Several experts have told the Commission that Lao culture emphasizes harmony and unity.⁴² In their view, village leaders – who are already apprehensive about Christians due to the factors mentioned above – detain Christians and close churches in an attempt ostensibly to restore communal harmony. For example, Lao government officials and foreign NGO representatives told the Commission delegation they had received reports indicating that some foreign missionaries in Laos have “warned” new Christian converts not to participate in such traditional ceremonies as the *Baci*.⁴³ Local government officials have viewed the refusal to participate in those communal rites as “divisive” and, on this basis, Christians have been detained and churches, schools, and other religious facilities have been closed. In addition, local officials have detained new Christian converts on the grounds that the latter had refused to share with their non-Christian neighbors the material benefits the converts had received from foreign Christians.

Protecting public order is both an important function of government and a permissible basis for restricting the freedom to manifest religion or belief. However, those restrictions must be prescribed by law and proportionate to a genuine threat to public order. Although the nature and extent of the disruption caused by the presence of religious groups traditionally unfamiliar to most Laotians is unclear, the measures taken against them are clearly severe.

The State Department has noted that the central government authorities generally “appeared unable – and in some cases, unwilling – to control or mitigate harsh measures that were taken by some local or provincial authorities against the practices of members of minority religious denominations.”⁴⁴ During meetings with the Commission and its staff, LFNC officials indicated their willingness to exert better control over provincial and local officials, but stated that this was hampered by the country's poor communication and transportation systems, as well as the severely limited resources of the Lao government. In fact, U.S. Embassy officials informed the Commission delegation visiting the country in February 2002 that central government officials had requested transportation support from the U.S. Embassy to conduct investigations of religious freedom violations by local officials. However, some Lao religious leaders and foreign NGO representatives stated that not all central government officials share this reported willingness to address such harsh practices. One religious leader alleged that some

officials of the ruling LPRP have been supporting a campaign to eradicate Christianity from Laos.⁴⁵ These religious leaders and NGO representatives, as well as others familiar with the situation in Laos, assert that the LPRP is, in fact, able to exercise control over the conduct of provincial officials and others in remote parts of the country, where most religious freedom violations have taken place. Provincial governors, for instance, are members of the LPRP Central Committee.

Historically, there has been a close linkage between Buddhism and the state in Laos. Buddhism has always been perceived by Laos' secular rulers to be an important factor in legitimizing their political power. This perception continued well into the 20th century, when the Lao constitutional monarchy that preceded the current government proclaimed Buddhism as the state religion.⁴⁶ Although the current government has not followed the example of its predecessor in this respect, many non-Buddhist religious leaders with whom the Commission delegation met in Laos in February 2002 claimed that Buddhism remains in practice the state religion. Indeed, since the late 1980s, to ensure the support of the Buddhist *sangha*, the government has successfully co-opted some Buddhist clergy while forcing others either to flee Laos or resign from their religious posts.⁴⁷ In return, the Buddhist community has apparently received preferential treatment from the government compared to other religious communities, including the approval to construct and renovate large temples, which were visible to members of the Commission delegation. The government appears to judge non-Buddhist religious communities according to perceived Buddhist standards. For example, the Commission delegation was informed by a Lao interlocutor that during the period of consultation for the religious affairs decree, some government officials refused to recognize the clergy of non-Buddhist religious communities as such because, unlike Buddhist doctrines, those of their respective religions did not require their clergy to be celibate.⁴⁸ Moreover, the State Department contends that factors contributing to official suspicion of non-Buddhist religions are the rapid growth of non-Buddhist religious groups, particularly Protestant Christians affiliated with the LEC; the perception of many government officials that these religions are "imperialist imports"; and the fact that these groups have been able to operate more independently from government control than Buddhist groups.⁴⁹

In addition, Laos is a country with a poorly developed legal system. Central government officials have indicated that the great majority of provincial and local officials have very little understanding of existing laws and regulations, which contributes to violations of religious freedom and other human rights. Furthermore, there are no mechanisms of accountability for arbitrary, discriminatory, or abusive actions committed by local officials.

The poor religious freedom conditions in Laos also reflect the fact that Laos is a one-party state that controls the political and social life of its citizens and generally does not respect their rights. According to the State Department, the state registers and controls associations of all kinds, and bans those that criticize the government. These policies are justified by a Penal Code that "forbids slandering the State, distorting party or state policies, inciting disorder, or propagating information or opinions that weaken the State."⁵⁰ Moreover, the government represses citizens' privacy rights, restricts freedom of speech and assembly, and imposes restrictions on the press. Despite legal provisions to the contrary, the government engages in arbitrary arrests and prolonged detentions without pretrial hearings or formal legal charges. Prison conditions are very poor, and prisoners have died from physical abuse and lack of medical

care. The State Department has reported that in some cases, individuals were “handcuffed, detained in leg chains and stocks, and subjected to psychological pressures.”⁵¹ Amnesty International reported that the most common methods of torture and ill-treatment in Lao prisons include “punching and kicking..., beating with sticks or truncheons, death threats and mock executions, solitary confinement, and long term shackling in wooden stocks.”⁵² Prison officials reportedly target for particularly harsh treatment those prisoners who are members of ethnic minorities, foreigners, or who are suspected of insurgency activities.⁵³

U.S. Relations with Laos

U.S. relations with Laos, unlike those between the United States and Cambodia and Vietnam in the 1970’s, were never broken, nor was Laos subject to a complete trade embargo. However, respective ambassadors were withdrawn and relations were downgraded in 1975. The U.S. Agency for International Development (USAID) and the U.S. Information Agency also left the country shortly after the communists took power.⁵⁴ Occasional humanitarian aid projects continued, however, and diplomatic relations were fully restored in 1992.⁵⁵

Laos has cooperated with the United States on issues ranging from U.S. military personnel who were missing during the Vietnam War to counternarcotics. The U.S. government, with the assistance of the Lao government, has recovered the remains of over 500 U.S. servicemen lost in Laos during the war.⁵⁶ In the area of counternarcotics, the United States has invested over \$8.5 million in the last two years to improve Lao counternarcotics law enforcement capability and to limit opium production through crop substitution programs.⁵⁷ Since September 11, 2001, Laos has offered its support to the United States in the war on terrorism.

The United States has also provided small amounts of other forms of assistance to Laos in recent years. U.S. aid policy aims to “help the impoverished people of Laos without helping or lending credence to the one-party communist regime,” according to USAID.⁵⁸ To this end, Congress earmarked \$800,000 through the Leahy War Victims Fund in 1997 for the training of emergency care staff, the refurbishing of emergency care facilities, financial support of civilians injured by unexploded ordinance (UXO) left from the Vietnam War, prosthetics, and children’s education about UXO.⁵⁹ In 1996, the United States allocated \$2 million for programs in Laos, which permitted USAID to launch the Lao Economic Acceleration Program for the Silk Sector (LEAPSS) in 1999. The goals of this program are to reduce poverty, increase gender equality, and offer an alternative to opium production in rural areas through invigorating the silk production industry. Congress again allocated \$2 million in 2002, which will be used for LEAPSS as well as for HIV/AIDS education and prevention programs. The State Department also funds a counternarcotics program. Through a partnership with an American university, assistance funds are also used to improve medical education in Laos. Finally, U.S. aid goes to support community-based wildlife management through the East Asia and Pacific Environmental Initiative.⁶⁰ There have been no U.S. aid programs designed to promote human rights.

Despite the continuation and expansion of bilateral cooperation on some issues, the resumption of fully normalized U.S.-Laos relations have been hindered by concern over the government’s human rights violations, including discrimination against ethnic Hmongs who allied with the United States during the Vietnam War. In particular, Congress has yet to approve normal trade relations (NTR) status for Laos.⁶¹ Opposition to NTR has focused on the apparent

inaction of the Lao government to provide information and assistance in the search for two Lao-Americans who disappeared in 1999 on the Lao-Thai border and are feared to have been killed.⁶² Members of Congress have also articulated broader concerns regarding violations of religious freedom and other human rights.⁶³

Commission Recommendations

The Commission has found that the Lao government continues to engage in particularly severe religious freedom violations. At the same time, the Lao government has begun to take steps that, if continued, could lead to improved protection of religious freedom.

If the Lao government is committed to taking further steps, the U.S. government has the opportunity to encourage and support reforms that could lead to the establishment of a legal basis for religious freedom, affirm the equal legal standing of all religious beliefs and communities, clarify the rights of religious groups and individuals, and end violations that have continued to occur. The revision and implementation of the new decree in a way that is consistent with international human rights law is critical to demonstrate the central government's commitment to improving the protection of religious freedom. Officials in the Lao central government assert that the new decree will put religious activities on a legal footing and help discipline abuses by local leaders, such as detention, forced renunciation, and church closing.

During the Commission's visit to Laos, it was apparent that the Lao government has expressed a genuine interest in opening up to the outside world. Many observers have pointed out that Laos is now faced with the decision of either becoming more oriented toward the West or moving closer to China and Vietnam. Although a number of senior Lao officials may support the latter option, the Lao government is interested in international development assistance and perceives that the United States is an influential member of the international donor community. The Commission thus believes that the U.S. government should be prepared to exercise that influence, and to offer assistance to Laos if necessary, to advance the protection of religious freedom and other human rights in Laos, if the government of Laos is genuinely interested in undertaking the necessary reforms and ending abusive practices.

1. The President should designate Laos as a country of particular concern, in accordance with provisions of the International Religious Freedom Act of 1998.

Under the International Religious Freedom Act of 1998 (IRFA), the President or his designee, the Secretary of State, is required to designate as countries of particular concern (CPCs) those countries the government of which has engaged in or tolerated "particularly severe violations of religious freedom," as defined in the law.⁶⁴

As noted earlier, the Commission has found that in the past year the government of Laos continues to engage in particularly severe violations of religious freedom, thus meeting the statutory criteria for designation as a CPC. As discussed above, the Lao government has recently released religious prisoners. The release of imprisoned individuals, while welcome, does not represent the kind of systemic improvements that are necessary to strengthen the protection of religious freedom and bring Laos' laws and practices into conformity with international law. It

therefore remains to be seen whether the Lao government will take additional steps that lead to sustained improvements in the protection of the right to freedom of religion and significantly reduce particularly severe religious freedom violations. Such additional steps include the actions specified in recommendation 2 below. If that becomes the case, the Commission might during the year ahead review its recommendation on CPC designation.

Designation of CPCs is an important aspect of IRFA, but it is only one aspect. IRFA requires policy responses, both for CPCs and for all other violators of religious freedom. IRFA does not, however, dictate what the precise response must be in every case. Sanctions are not the only option, as the statute provides an extensive list of policy tools of varying intensity from which to choose.

2. The U.S. government should make clear to the government of Laos that the cessation of practices which abuse religious freedom is essential to an improvement in and an expansion of U.S.-Laos relations. In this context, the U.S. government should urge Lao officials to:

2.a. halt the arrest and detention of persons on account of their manifestation of religion or belief;

2.b. release from imprisonment or detention persons who are so restricted on account of their manifestation of religion or belief;

2.c. end abusive practices such as the ill treatment in prisons and other places of confinement against such persons;

2.d. cease practices that coerce individuals to renounce any religion or belief, including detention, imprisonment, or forcible displacement from one's home for the failure to renounce one's faith;

2.e. cease the arbitrary closing of churches, schools, and other religious facilities;

2.f. refrain from implementing those elements of the recent prime ministerial decree on religious activities that are inconsistent with international human rights law and to revise the decree to bring it into conformity with international standards;

2.g. respect and fully implement the freedom of individuals and organizations to engage in religious activities in accordance with their own beliefs or doctrines and free from government interference;

2.h. provide access to religious persons (including those imprisoned or detained) in all parts of Laos by foreign diplomats, humanitarian organizations, and international human rights and religious organizations; and

2.i. ratify the International Covenant on Civil and Political Rights (ICCPR) and invite the UN Special Rapporteur on Freedom of Religion or Belief and other relevant rapporteurs to visit the country.⁶⁵

3. The U.S. government should initiate a bilateral human rights dialogue with the government of Laos that would establish measurable goals and practical steps, such as the actions listed in Recommendation 2, to eliminate violations of the right to freedom of religion or belief. This dialogue should also address the broader range of human rights concerns in Laos, many of which are related to religious freedom violations, such as torture and other forms of ill-treatment, unlawful arrest or detention, absence of due process, and violations of the rights of freedom of expression, association, and peaceful assembly.

To ensure a comprehensive approach to promoting religious freedom, the U.S. government should undertake to establish a bilateral human rights dialogue with the government of Laos. This would initiate an ongoing forum to identify benchmarks for improvement and specific steps to be implemented by the government of Laos to protect human rights, including religious freedom. During the process of establishing such benchmarks and steps, the U.S. and Lao governments should incorporate the specific actions recommended by the Commission. A binding agreement between the United States and Laos to cease practices that constitute particularly severe violations of religious freedom, as authorized under IRFA, could provide a framework for addressing these abuses as part of the official dialogue.

If a human rights dialogue is established, the State Department should invite the Commission to participate in it as a demonstration of the U.S. government's concern for promoting religious freedom in Laos. Moreover, the State Department should consider ways within the context of the dialogue – in addition to its formal sessions – that religious freedom can be addressed and improved. For example, the State Department should, within the context of the dialogue, facilitate regular exchanges between Lao government officials and religious leaders and their U.S. counterparts, including U.S. congressional members. This type of informal exchange provides an opportunity to discuss religious freedom concerns, and should be encouraged by the U.S. government.

4. The U.S. government should provide assistance to advance human rights in Laos if the Lao government demonstrates a genuine commitment to implement legal and other reforms to end violations of religious freedom and associated human rights in Laos. In this regard, the State Department should undertake an assessment of human rights needs in Laos in order to identify specific areas where the United States could provide support and assistance for establishing human rights protections, particularly through support for nongovernmental organizations and initiatives. A concrete plan based on this assessment should be developed and implemented. The areas that should be addressed in this assessment include, but are not limited to, technical assistance in the drafting and implementation of laws and regulations; provision of information on human rights to the people of Laos;

exchange programs designed to encourage the creation of institutions of civil society that protect human rights; third-party human rights training programs for Lao officials; and education to combat intolerance.

The difficulty of fully implementing human rights, particularly religious freedom, in Laos is compounded by the twin challenges of a traditional popular resistance to change and the communist government's suspicion of religious activities not under its control. The situation is exacerbated by the low level of education among the people of Laos, as well as underdeveloped and poor communication and transportation facilities that have resulted in limited access to many parts of the country where religious freedom abuses have occurred. Furthermore, the absence of a legal tradition is an additional obstacle to the types of reforms that are necessary to bring laws and practices into conformity with international standards.

It is with these difficulties in mind that the Commission recommends that the State Department undertake an assessment of the human rights needs in Laos in order to identify the means by which the United States could support and assist the government of Laos in addressing those needs. In view of the poverty in the country and the lack of political or economic development, relatively small amounts of assistance could have a significant impact on the effort to improve respect for human rights and religious freedom in Laos. The assessment should take into account efforts by others in the international community, including governments as well as international and nongovernmental organizations, to support human rights protections in Laos. The assessment should address, among others, the following areas:

- **Technical legal assistance:** Some Lao officials told the Commission delegation visiting Laos that its government would welcome U.S. assistance in the formulation of legal codes. In this vein, the assessment should consider concrete actions that could be taken by the U.S. government to advance the establishment, in both law and practice, of institutional protections of individual human rights, including religious freedom. These institutions should include mechanisms for holding officials to account for any violation of human rights, preventing further abuses, and providing redress for victims of rights violations. Appropriate mechanisms to address this problem would have to be assessed in light of the current nature of the legal system, including the administration of justice, in Laos.
- **Information on human rights:** The assessment should examine means by which information on human rights could be provided to the people of Laos, including via international broadcasts, other forms of information dissemination in the Lao language, and appropriate educational efforts. Currently, both Radio Free Asia (RFA) and Voice of America provide daily broadcasts in the Lao language. The Lao service chief at RFA informed the Commission that the bulk of RFA programs are focused on issues related to human rights and democracy. The U.S. government should continue to support and, where appropriate, expand these efforts to disseminate information within Laos about the importance of human rights, including religious freedom.
- **Human rights training programs:** The combination of a culture that is resistant to change and a very poorly developed legal system have contributed to extensive underdevelopment in Laos, which has resulted in the existence of an uninformed local population whose knowledge of the outside world is limited. These factors must be addressed effectively in

order to advance the protection of religious freedom and associated human rights in Laos. In the process of addressing those factors, however, an important step toward meeting the human rights objectives in Laos would be the creation of human rights training programs for specific leadership sectors, such as government officials, religious leaders, and others. Such programs could be conducted by representatives of international organizations and NGOs. Through these programs, trainees could be provided such information as the basic concepts of human rights, including religious freedom; international human rights conventions and standards as well as relevant foreign laws and regulations that protect religious freedom and associated rights; and the means by which laws and regulations could be formulated and implemented to ensure the protection of religious freedom and other human rights.

- **Other educational efforts:** Human rights education should not be limited to government officials and other leaders. To establish a foundation for the protection of religious freedom and associated human rights throughout Lao society, the U.S. government should consider supporting efforts to combat intolerance, including religious intolerance, through the development and implementation of general education curricula that provides information on the importance of human rights, including religious freedom.
- **Exchange programs:** The U.S. government, through the U.S. Embassy in Laos, has sponsored cultural, legal, and educational exchanges. The continuation of these bilateral exchanges is important to the successful implementation of the aforementioned programs and efforts to protect religious freedom and associated human rights. Therefore, the U.S. government should continue to support these exchanges and ensure that future exchanges will include Lao religious affairs officials, religious leaders, and others.

¹ Andrea Matles Savada, ed., “Society,” *Laos: A Country Study*, U.S. Library of Congress, July 1994 ([http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field\(DOCID+la0007\)](http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field(DOCID+la0007))), accessed July 15, 2002).

² Ibid.

³ Ibid.

⁴ Interviews with foreign NGO representatives in Vientiane, Laos, February 28, 2002.

⁵ Savada, *Laos: A Country Study* (Internet). See also Bureau of East Asian and Pacific Affairs, “Background Note: Laos,” U.S. Department of State, April 2002 (<http://www.state.gov/r/pa/ei/bgn/2770.htm>), accessed July 15, 2002).

⁶ The State Department reported that there are approximately 1,200 Baha’i followers in Laos. However, Baha’i interlocutors in Laos informed the Commission delegation that visited the country in February 2002 that there were as many as 5,000 Baha’is in Laos.

⁷ Constitution of the Lao People’s Democratic Republic, Article 3 (<http://www.laoembassy.com/>), accessed July 15, 2002).

⁸ U.S. Department of State, *Country Reports on Human Rights Practices 2001*, “Laos” (<http://www.state.gov/g/drl/rls/hrrpt/2001/eap/8339.htm>, accessed July 15, 2002).

⁹ Lao Constitution, Article 30.

¹⁰ Lao Constitution, Article 9.

¹¹ Ibid.

¹² Interviews with foreign NGO representatives, religious leaders, and U.S. officials in Laos, and experts in the United States, November 2001 and February 2002. U.S. Department of State, *Annual Report on International Religious Freedom 2002*, “Laos,” (<http://www.state.gov/g/drl/rls/irf/2002/13878.htm>, accessed October 17, 2002). Also see reports by NGOs such as Christian Solidarity Worldwide.

¹³ In February 2002, the Commission delegation, headed by Commissioner Firuz Kazemzadeh, met with Lao religious affairs officials, including the LFNC vice president in charge of religious affairs, who has since left the post and is, as of December 2002, a provincial governor. In June 2002, Commission staff met in Washington, D.C. with the outgoing and current LFNC vice presidents in charge of religious affairs as well as other religious affairs officials, including the director of the religious affairs department.

¹⁴ The Prime Minister’s Office, Lao People’s Democratic Republic, “Decree for the Administration and Protection of Religious Activities in Lao PDR,” Article 7, July 5, 2002. Hereinafter “Religion Decree”; *2002 IRF Reports*, “Laos” (Internet).

¹⁵ The Commission’s full analysis of the Religion Decree, along with an English translation of that decree, is included as an appendix to this report. The English translation of the decree was conducted by staff of the LFNC.

¹⁶ Religion Decree, Article 4.

¹⁷ Religion Decree, Article 3.

¹⁸ Religion Decree, Article 11.

¹⁹ Religion Decree, Articles 11 and 12.

²⁰ For example, Article 12 states:

“Followers who may be in a group or individuals of any religion have the rights to preach or spread their own teachings in the village or district in which they live with the approval of the [LFNC] of the village, *village chief* of that village or the [LFNC] of the district, the *governor of the district*, accordingly. In the case that there are such activities outside of the district, permission must be obtained from the *Provincial governor*, the *governor of the Municipality* or

Chief of the special zone respectively, through the approval of the [LFNC] of that level....” (emphasis added) Religion Decree, Article 12.

²¹ Religion Decree, Articles 5 and 13. Similar provisions are contained in Article 14.

²² Interviews with foreign NGO representatives and scholars in Laos and the United States, November 2001 and February 2002.

²³ Religion Decree, Article 10. In June 2002, the visiting Lao delegation indicated to the Commission that the power to ensure that religious groups were acting in accordance with their own rules and doctrines was necessary in order to prevent fraud.

²⁴ Religion Decree, Article 8.

²⁵ Religion Decree, Article 9.

²⁶ *2002 IRF Reports*, “Laos” (Internet). See also Christian Solidarity Worldwide, “Recent Religious Persecution in Laos,” September 2002.

²⁷ Sidney Kahn, “New Arrests in Laos,” E-Mail correspondence, May 2002. The U.S. Embassy in Laos has confirmed these arrests. According to the Embassy, the pastor in question was released in March. In April 2002, 11 Christians were arrested for possession of illegal religious materials. They were initially stopped by local police on suspicions of possession of narcotics.

²⁸ *2002 IRF Reports*, “Laos” (Internet).

²⁹ Commission staff correspondence with the Political Officer of the U.S. Embassy in Vientiane, Laos. The four individuals who remain in prison are Phiasong, Khamthong, Nyoht, and Thongchanh.

³⁰ Commission staff correspondence with NGO representative, October 2002.

³¹ Interview with Lao Christian leader, Vientiane, Laos, February 27, 2002.

³² *2002 IRF Reports*, “Laos” (Internet).

³³ Christian Solidarity Worldwide, “Recent Religious Persecution in Laos.”

³⁴ *Ibid.* Mr. Koy and his wife were reportedly detained in the district jail for over a year before they were eventually forced to relocate to another district that is 100 miles away from their home.

³⁵ *Ibid.*

³⁶ Interview with Lao religious leader, Vientiane, Laos, Feb. 2002.

³⁷ *2002 IRF Reports*, “Laos” (Internet). Correspondence with the staff of U.S. Embassy in Laos, December 2002.

³⁸ Interview with Lao religious leader, Vientiane, Laos, February 28, 2002.

³⁹ Interview with Lao religious leader, Vientiane, Laos, February 27, 2002.

⁴⁰ *2002 IRF Reports*, “Laos” (Internet).

⁴¹ Each Buddhist monk is permitted to have only two students at any one time. Interviews with religious leaders, Vientiane, Laos, February 2002.

⁴² Interviews with foreign NGO representatives and scholars in Laos and the United States, November 2001 and February 2002.

⁴³ Interviews with foreign NGO representatives, Vientiane, Laos, February 28, 2002. According to these interlocutors, some Christian missionaries have told new Christian converts that participation in tribal activities that have spiritual elements would result in their loss of personal salvation and/or material benefits that were gained through their conversion.

⁴⁴ *2002 IRF Reports*, “Laos” (Internet).

⁴⁵ Interview with Lao religious leader, Laos, Feb. 2002.

⁴⁶ The preamble to the 1947 constitution stated: “Buddhism is the state religion. The King is its high protector....He shall be a devout Buddhist.” This excerpt was taken from Grant Evans, *The Politics of Ritual and Remembrance: Laos since 1975*, 1998, p. 51.

⁴⁷ Savada, *Laos: A Country Study* (Internet); *The Politics of Ritual and Remembrance*; and *2002 IRF Reports*, “Laos” (Internet).

⁴⁸ Interview with Lao religious leader, Laos, Feb. 2002.

⁴⁹ *2002 IRF Reports*, “Laos” (Internet).

⁵⁰ *2002 IRF Reports*, “Laos” (Internet). See also Amnesty International, “Lao People’s Democratic Republic – ‘The laws are promulgated but have no impact on the people’; Torture, ill-treatment and hidden suffering in detention,” July 26, 2002.

⁵¹ Department of State, *Country Reports on Human Rights Practices 2001* (<http://www.state.gov/drl/rls/hrrpt/2001/eap/8339.htm>, accessed July 15, 2002).

⁵² Amnesty International, “‘The laws are promulgated but have no impact on the people.’”

⁵³ *2002 IRF Reports*, “Laos” (Internet).

⁵⁴ The Communist Party was hostile toward U.S. aid as such aid was previously given in support of the Royal Lao Government. Savada, *Laos: A Country Study* (Internet).

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Bureau for the International Narcotics and Law Enforcement Affairs, "International Narcotics and Law Enforcement: FY 2002 Budget," May 2001 (www.state.gov/g/inl/rls/rpt/cbj/fy2002/3704.htm, accessed July 18, 2002).

⁵⁸ U.S. Agency for International Development, "Laos," (www.usaid.gov/regions/ane/newpages/one_pagers/laos01a.htm, accessed July 15, 2002).

⁵⁹ U.S. Agency for International Development, "Laos," May 29, 2002 (www.usaid.gov/country/ane/la/, accessed July 15, 2002).

⁶⁰ Ibid.

⁶¹ According to the Department of Commerce, between 1992 and 2001, average annual bilateral trade was \$13 million, a minuscule amount. U.S. Census Bureau, "U.S. Trade Balance with Laos," U.S. Department of Commerce (<http://www.census.gov/foreign-trade/balance/c5530.html>, accessed October 23, 2002). During the same period, annual U.S. trade with two of Laos' neighbors – Cambodia and Vietnam – far surpassed that of its trade with Laos. For example, in the same period, annual U.S.-Vietnam trade averaged \$647 million and annual U.S.-Cambodia trade averaged \$296 million.

⁶² In April 1999, two Hmong-Americans, Houa Ly and Michae Vang, reportedly disappeared near the Thai-Lao border while traveling by boat (allegedly, in the company of Laotian officials) from Thailand to Laos across the Mekong River. The Lao government argues that the two men had links to Hmong insurgents and either entered Laos illegally or were kidnapped in Thailand. The two men's families deny such allegations. Thomas Lum, "Laos: Background and U.S. Relations," *CRS Report for Congress*, September 12, 2002, 6.

⁶³ Laos, a communist nation, is currently listed by the United States as a "non-market economy" (NME). As a result, Laos is denied NTR status. In August 1997, the U.S. and Lao governments signed a bilateral trade agreement (BTA) and a bilateral investment treaty. Implementation of the BTA and the investment treaty requires legislation in Congress to remove Laos from the list of NME's, thereby allowing for the extension of permanent normal trade relations (PNTR) status. Congress did not act on legislation introduced in 1997 to approve the BTA, and several members of Congress expressed concerns about violations of human rights, including religious freedom, in Laos in opposition to approval of the BTA. See S. Res. 240 (1998); H. Res. 169 (1999); S. Res. 309 (2000); H. Con. Res. 318 (2002). Although normalizing trade relations with Laos has been a goal of the previous and the current administrations, no legislation has been introduced since 1997 to remove Laos from the NME list.

⁶⁴ See *International Religious Freedom Act of 1998* (IRFA), § 402 (b)(1)(A), 22 U.S.C. § 6442 (b)(1)(A). “Particularly severe violations of religious freedom” are defined in IRFA § 3 (11), 22 U.S.C. § 6402 (11) as:

“*systematic, ongoing, egregious* violations of religious freedom, including violations such as – (A) torture or cruel, inhuman or degrading treatment or punishment; (B) prolonged detention without charges; (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or (D) other flagrant denial of the right to life, liberty, or the security of persons” (emphasis added).

⁶⁵ Since the 1970s, the Lao government has either ratified, acceded to, or signed a number of international human rights treaties that contain obligations to protect freedom of religion and belief: the International Convention on the Elimination of all Forms of Racial Discrimination (acceded to in 1974); the Convention on the Elimination of all Forms of Discrimination against Women (ratified in 1981); and the Convention on the Rights of the Child (acceded to in 1991). Laos signed the ICCPR in 2000, but has yet to ratify it.

Appendix I

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Analysis

Laos Decree for the Administration and protection of religious activities in the Lao People’s Democratic Republic¹

Summary

The new Lao prime ministerial “Decree for the Administration and Protection of Religious Activities” (hereafter referred to as “the religion decree”) establishes a legal basis for several types of religious activities that have in the past resulted in members of religious minorities, primarily Christians, being detained or imprisoned. However, according to the decree, many of these activities can only be conducted with the approval of the Lao Front for National Construction (LFNC) and/or other government entities. The decree provides for the registration of religious organizations with the LFNC, and one must obtain approval from the LFNC and/or other government entities before one can exercise the rights and powers set down in the decree. The decree also articulates several duties and obligations on religious organizations and their followers. Alleged violation of these vaguely-worded duties may result in punishment for members of the religious groups. For example, the decree contains a prohibition on activities that create social or religious “divisions” or “chaos.” According to experts with whom the Commission has consulted, similarly-worded provision in the Constitution has provided the government’s chief rationale for its crackdown on Christians in recent years. The decree provides no specific protections for religious believers and practitioners from unwarranted government restrictions or abuses.

Analysis

In July 2002, the Lao government promulgated a new religion decree. During the Commission’s visit to Laos in February 2002, Lao religious leaders – who claimed that they were consulted on the new decree and that their views were incorporated into its provisions – stated that the decree would codify constitutional guarantees for religious freedom and affirm the equality of all religions. More importantly, religious leaders and government officials claimed that the decree would provide guidelines to provincial and local officials in the implementation of central government policies. In their view, the fulfillment of this objective would be a significant and positive step toward improving the protection of religious freedom in Laos because provincial and local officials operating without legal guidance have been the chief perpetrators of religious freedom violations.

The decree provides that all persons in Laos have the right to carry out religious activities and to participate in religious ceremonies at established places of worship. (Art. 4) It also provides that every citizen of Laos has equal rights before the law to believe or not to believe in a religion, and that the Lao government respects and protects “legal” religious activities in Laos. (Art. 3) In addition, the decree recognizes that followers of all religions have the right to gather

together for worship, receive religious teachings, and conduct religious celebrations at existing places of worship. (Art. 11)

The decree establishes a legal basis for several types of religious activities that have in the past resulted in members of religious minorities, primarily Christians, being detained or imprisoned. However, according to the decree, many of these activities can only be conducted with the approval of the LFNC and/or other government entities. These activities that require official approval are:

printing religious books and other written materials (Art. 14);

building places of worship, meeting halls, or offices (Art. 16);

attending conferences, training, religious studies, or festivals in another country (Art. 18);

inviting co-religionists to visit or participate in religious festivals (Art. 19); and

requesting and receiving assistance from foreign individuals or organizations (which must be in accordance with the “policies and laws and regulations of the Administration of the Lao People’s Democratic Republic” and LFNC officials and local officials must be present during the presentation of gifts “in every instance”) (Art. 20).

In addition, the decree recognizes certain “rights” of followers of all religions in Laos, but allows the exercise of those rights only with permission from various officials of the LFNC and/or the government. These activities include:

preaching or spreading religious teachings either in their home villages or outside their districts (Art. 12) and

contacting and relating to foreign individuals and organizations (such contact must be in accordance with Lao laws, regulations, and foreign policies) (Art. 17).

The decree provides for registration of religious organizations with the LFNC (Art. 7), but does not specify the consequences for not registering. The decree does not set out criteria or procedures for registration, but provides that the LFNC will establish regulations for registration. Lao officials who met with the Commission staff in June 2002 in Washington, D.C., stated that there would not be restrictive requirements for registration.

The decree also articulates several duties and obligations on religious organizations and their followers. Violation of these vaguely-worded duties may result in punishment or other negative consequences for members of the religious groups in question, although specific offenses and penalties are not set out in the decree. These include the responsibilities to:

respect the country’s Constitution, laws, and regulations (Art. 5);

“preserve and promote the historical traditions, cultural heritage and unity of the

Lao nation” (Art. 5);

refrain from opposing the Lao government or from “dividing the people and tribes or causing divisions of religions to create social chaos” (which will be punished according to the law) (Art. 13);²

refrain from possessing or disseminating books or other printed, audio, or visual materials of a “superstitious” or immoral nature, that distorts the truth, or that damages the image or thwarts the development of the nation, its products, or the obligations of its citizens (Art. 14); and

preserve shrines and ancient objects that comprise the heritage of the Lao nation (Art. 15).

There is also an ambiguously-worded provision (at least in translation) that states that religious activities in Laos are based on and serve the purposes of the national development and education of the people. (Art. 2) It is unclear if the provision allows for the suppression of religious activities that do not conform to these principles.

The LFNC is responsible for the execution of the decree. (Art. 21) The decree gives the LFNC broad powers to manage the “technical” affairs of religious groups and to act such that the activities of every religion in Laos are in accordance with “the principles and teachings of their own religion” and Lao laws and regulations.³ (Art. 10) Members of executive committees of registered religious organizations must report to the LFNC. (Art. 8) Religious leaders who are selected or receive their titles from a foreign country must be approved by the LFNC. (Art. 9) Religious organizations are required to “be certified with” membership and property registries as well as authentication of identity of religious leaders, clerics, and teachers. (Art. 6) Certification of compliance with this requirement is presumably by the LFNC, although this is not specified in the decree.

Conclusion

Lao officials have asserted to the Commission delegation that visited Laos and the Commission in Washington, D.C. that one of the primary purposes of the decree is to clarify the legality of religious activities and the rights and duties of religious organizations and believers in order to prevent the abuses of local officials who have arrested and detained persons for engaging in religious activities or have used coercive methods to induce members of religious minorities to renounce their faith. In this regard, whether or not the decree improves the lives of members of religious minorities, especially Christians, depends upon not only what the decree says but also how the decree is implemented. Because of the undeveloped legal system in Laos, the understanding and implementation of the decree by local officials may vary throughout the country.

APPENDIX II
Decree⁴

For the Administration and Protection of Religious Activities in Lao PDR

- In accordance with Article 9 of the Constitution of Lao PDR, No. 01, dated 15 August 1991;
- In accordance with the law of the government of the Lao PDR No. 01/95, date 8 March 1995;
- In accordance with the proposal of the President of the Central Lao Front for National Construction, No. 46, dated 13/2/2002;
- In accordance with decision at the meeting of the Cabinet dated 26-27 November 2001.

The Prime Minister releases the decree

Section 1.
General Provisions

- Article 1: This decree stipulates the basis and regulations concerning the administration and protection of activities of religions within the Lao PDR, aimed at ensuring that religious activities are correct according to laws and regulations, to ensure that the rights of the citizens of Laos in believing or not believing is carried out.
- Article 2: The various religions in the Lao PDR are without exception, set up voluntarily by their followers, and not being coerced or bought by any political institution or individuals from without or within the country. The purpose of religious activities in Lao PDR, whether small or big, are based on and serve national development and education of the people of all social strata along the lines of the principles of teaching for progress – such as:
- train people to refrain from evil, and do good and have a pure heart and mind.
 - teach people to have solidarity, to help one another and love one another.
 - to help people to have equality, justice and peace and happiness.
- Article 3: The government respects and protects the legal activities of the religions and followers of the various religions in Lao PDR.
- Every Lao citizen, without exception, has equal rights before the law in believing or not believing in a religion as stated in the Constitution and law of the Lao PDR.
- Article 4: Lao citizens, foreign residents, people without citizenship and foreigners in Lao PDR has rights to carry out religious activities and participate in religious ceremonies in their places of worship at temples or their own established churches or mosques.
- Article 5: Followers of all religions in Lao PDR has an obligation to respect and observe the Constitution and laws and regulations of the Lao PDR, have a duty to preserve and promote the historical traditions, cultural heritage and unity of the Lao nation.

Article 6: The individual or religious organizations in Lao PDR must have and be certified with the following documents:

- Religious organizations of all religions must have a register of members.
- Monks, novices, clergies and nuns must have documents of authenticity.
- Individuals in organizations, monks and religious teachers of every religion must have a letter of guarantee from their own religious organizations.
- Moveable properties and immovable properties of every religion must be registered and inventory kept.

Section 2 Organizations and Administration of Religions

Article 7: Any religion in the Lao PDR wishing to register and be set up, must obtain full documentation according to regulations, apply to the Central Lao Front for National Construction (LFFNC) through the regional authorities. Regulations for the registration and setting up will be determined by the Central Lao Front for National Construction separately.

Article 8: Personnel who are elected or appointed into an executive committee in the various levels of every religion that has correctly and legally registered in the Lao PDR must be reported to the authorities and the respective level in LFFNC for their information.

Article 9: Monks, nuns, novices, clergies, and followers or management committees of every religion in the Lao PDR who are selected or given any status, receive a title or honor from a foreign country, must have approval from the Central LFFNC for further request for permission from the relevant (higher) authorities.

Article 10: The LFFNC has the right and duty to manage and promote the technical affairs of religions, and advise, report, give opinions or present to the various levels of authorities concerning the activities of every religion in Lao PDR to cause it to be in accordance with the principles and teachings of their own religion and that it be correct by the laws and regulations of the Lao PDR.

Section 3 Activities

Article 11: Religious organizations or followers of every religion in the Lao PDR has the right to gather its own followers together in order for them to listen to sermons, receive religious teachings, participate in religious ceremonies, hold celebrations or carry out normal religious activities on the ordinary important days of each religion, in the premises of their own existing temples, churches or mosques.

Article 12: Followers who may be in a group or individuals of any religion has rights to preach or spread their own teachings in the village or district in which they live with the approval of the LFFNC of the village, village chief of that village or the LFFNC of the district, the governor of the district, accordingly.

In the case that there are such activities outside of the district, permission must be obtained from the Provincial governor, the governor of the municipality or chief of the special zone respectively, through the approval of the LFFNC of that level. If the activity is outside of the Province, approval must be obtained from the Central LFFNC.

Article 13: Followers of any religion in the Lao PDR, if found willfully spying or taking state secrets to other individuals within the country or outside the country; opposing the regime of the Lao People's Democratic Republic, dividing the people and tribes or causing divisions of religions to create social chaos will receive punishment according to the Laws and regulations of the Lao PDR.

Article 14: Printing of books, tracts, logo and various signboards concerned with religion must have permission from the Ministry of Information and Culture through the approval of the Central LFFNC.

Every follower in the Lao PDR is forbidden to take books, documents, pictures, logos, video cassettes, VCDs, films or other literature that is of a superstitious nature, immoral, distorting the truth, damage the good image or thwart the development of the nation, its products or obligations to the nation of the citizens, disseminating them or keep in his or her possession.

Article 15: Followers of the different religions in the Lao PDR have the duty to preserve shrines, ancient objects that are the beautiful historical, cultural, and traditional heritage of the Lao nation.

In the case where preservation or the tearing down of such a shrine or ancient objects for the purpose to repair or restore, permission must first be obtained from the organization that is responsible for such through the approval of the LFFNC and the local authorities.

Article 16: Building of a new temple, church, mosques, meeting halls, office or hostel of every religion, permission must be obtained from the provincial governor, the governor of the municipality or the chief of the special zone through the approval of the LFFNC of the province, municipality or the special zone and the relevant local authorities. As for the building of a holding place of a big Buddha, permission must be obtained from the Prime Minister through the approval from the President of the LFFNC.

Article 17: Followers of each religion has the right to contact and relate to organizations, religious organizations, followers or individuals of another country. Such

contacts must be done in accordance with the policies for foreign affairs, the laws and regulations of the Lao PDR and must have the approval of the Central LFFNC.

Article 18: Religious organizations, monks, novices, clergies and nuns or followers of all religions in the Lao PDR who wish to attend any conferences, seminars, training, go on a study tour, a goodwill visit or to attend a festival in a foreign country whether at his own expense, or sponsored by an organization or a foreign country, approval must be obtained from the Central LFFNC through the relevant authorities.

As for going for special religious studies in other countries, permission must also be sought from the Ministry of Education.

Article 19: Organizations or individuals of the various religions in the Lao PDR who wish to invite a religious representative from another country for a goodwill visit, exchange of views or participate in a religious festival, approval must be obtained from the Central LFFNC and the relevant sectors.

Article 20: Receiving of every kind of help from religious organizations, followers from other countries or international organizations, must be done in accordance with the policies and laws and regulations of the Administration of the Lao PDR. Organizations or individuals of the various religions in the Lao PDR who wishes to request for help or receive help from religious organizations, followers from other countries or international organizations who wish to give a donation in kind to an individual or other religious organizations, approval must be obtained from the Central LFFNC. During the presentation of the gift in every instance, the LFFNC and the relevant local authorities must be in attendance.

Section 4 Final Provisions

Article 21: This decree shall be executed by the LFFNC.

Every government organization, mass organizations, social organizations, religious organizations, followers and people and tribes of Lao must know and carry out this decree strictly.

Article 22: This decree is sacred starting from the day of the signing of this document, all other regulations that are contrary to this decree are to be obsolete.

Signed by the Prime Minister (Mr. Bounyang Vorachit) dated 5 July 2002.

¹ Office of the Prime Minister, “Decree For the Administration and Protection of Religious Activities in Lao PDR,” July 5, 2002. An English translation of the decree, completed by staff of

the Lao Front for National Construction and provided to the Commission by the U.S. embassy in Laos, is attached to this analysis.

2 One of the drafters of the decree told the Commission in June 2002 that a goal of the decree was to prevent religious groups from claiming that their religion or god was better than that of another group.

3 The Lao delegation indicated to the Commission in June 2002 that the power to ensure that religious groups were acting according to their own rules and doctrines was necessary in order to prevent fraud.

4 This translation was completed by the staff of the Lao Front for National Construction and provided to the Commission by the U.S. Embassy in Laos.