

KEY FINDINGS

Based on Laos's overall record on human rights, it consistently ranks as one of the least free and most repressive countries in the world due to government restrictions on expression, assembly and association, independent media and Internet access, and other rights. The Lao government also continues to heavily restrict freedom of religion or belief. In some parts of the country, religious freedom conditions are generally free, especially for the majority Buddhist community. But in other areas, local authorities harass and discriminate against religious and ethnic minorities, and pervasive government control and onerous regulations impede freedom of reli-

gion or belief. Local officials who inconsistently interpret and implement religious regulations also tend to be highly suspicious of Christians. In 2017, USCIRF again places Laos on its Tier 2, as it has since 2009. As Laos implements revised religious regulations, USCIRF will monitor whether these changes or other modifications to the Lao government's policies and practices become consistent with international human rights standards—including the International Covenant on Civil and Political rights, to which Laos is a state party—which may influence how USCIRF reports on the country in future Annual Reports.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Initiate with the Lao government a formal human rights mechanism, similar to existing U.S. human rights dialogues with Burma and Vietnam, as well as the European Union's and Laos's Working Group on Human Rights and Governance, to regularly and consistently address with the Lao government issues such as ethnic and religious discrimination, torture and other forms of ill treatment in prisons, unlawful arrests and detentions, and the lack of due process and an independent judiciary;
- Work with the Lao government to ensure the implementation of Decree 315 is consistent with international human rights standards, and encourage accountability for central, provincial, and local government officials and law enforcement acting in contravention to Lao law, its constitution, and international standards;
- Continue to engage the Lao government on specific cases of religious freedom violations, including but not limited to forced evictions and/or forced renunciations of faith, and emphasize the importance of consistent implementation, enforcement, and interpretation of the rule of law by officials at all levels of government and law enforcement authorities;
- Support technical assistance programs that reinforce the goals of protecting religious freedom, human rights defenders, and ethnic minorities, including: rule of law programs and legal exchanges that focus on implementing Decree 315 consistent with international human rights standards; training for Lao police and security forces, provincial and local officials, and lawyers and judges in human rights, the rule of law, and religious freedom and tolerance; and capacity building for Lao civil society groups carrying out charitable, medical, and developmental activities;
- Ensure that Lao police and security officials participating in training or technical assistance programs are thoroughly vetted pursuant to the Leahy Amendment to confirm that they are not implicated in human rights abuses, and deny U.S. training, visas, or assistance to any unit or personnel found to have engaged in a consistent pattern of violations of human rights, including religious freedom; and
- Continue to inquire consistently into the whereabouts of Sombath Somphone, given that the Lao government's inability to provide any information from its investigation into his disappearance is emblematic of its overall approach to human rights, civil society, and individual rights.

BACKGROUND

The communist Lao government recognizes four religions: Buddhism, Christianity, Islam, and the Baha'i faith. Exact figures are difficult to ascertain, but at least half of the country's approximately seven million people, or as much as 66 percent of the population, practices Buddhism. An estimated 1.5 percent practice Christianity. Animism, ancestor worship, or some other religious practices also are popular, while smaller segments of the population practice Islam, the Baha'i faith, or Confucianism.

In January 2016, the Lao People's Revolutionary Party (LPRP) held its 10th Party Congress and shuffled key leadership positions. The LPRP named Thongloun Sisoulith as prime minister and selected Bounnhang Vorachit as secretary general and the country's new president; both men assumed their new roles in April 2016 following National Assembly elections held in March.

The Lao government exercises what some have described as "absolute control" of the media, including print and broadcast media. In November 2016, the Lao National Assembly amended the Media Law of 2008, further tightening restrictions. In recent years, these rigid controls have prompted some individuals to turn to social media and other online fora as both an independent source of news and information and an outlet for commentary. However, in 2014 the Lao government adopted legislation criminalizing online criticism of the government and LPRP or circulating false information online. The law ensnared three individuals in March 2016, when authorities arrested them for posting anti-government messages on Facebook. Their whereabouts were unknown until they appeared on state television in May to publicly confess to their alleged crimes. The

three individuals—Somphone Phimmason, Lodkham Thammavong, and Soukane Chaithad—were working in Thailand at the time of the posts and were arrested upon returning to Laos to obtain travel documents and permits. At the end of the reporting period, all three individuals remained in detention.

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RELIGIOUS FREEDOM CONDITIONS 2016–2017

Legal Restrictions on Religious Practice and Activities

The Lao government manages religious affairs through two main bodies: the Ministry of Home Affairs, which has authority to grant permissions for activities or to establish new houses of worship, and the Lao Front for National Construction (LFNC), a mass organization of political and social entities that disseminates and explains the government's religion policies.

In August 2016, Prime Minister Thongloun Sisoulith issued a new regulation: Decree 315 on the Management and Protection of Religious Activities. At the end of the reporting period, it remained unclear how the new decree will affect religious groups. Decree 315 replaces Decree 92 on Religious Practice, which has provided the legal basis for regulating and managing religion since 2002. Critics noted Decree 92's onerous approval processes and

unclear requirements, which officials at the local, district, and provincial levels often implemented to the disadvantage of religious organizations. Like Decree 92, Decree 315 requires multiple levels of government approval for registering religious organizations, ordaining religious leadership, conducting religious activities, traveling overseas or inviting foreigners to Laos for religious purposes, receiving foreign assistance or donations, and importing and exporting printed and digital materials, among other matters. Approval authority mainly rests with the Ministry of Home Affairs and its related counterparts at the district/municipal and provincial levels. The decree indicates that the ministry will establish forthcoming regulations to approve the construction, renovation, and restoration of houses of worship and other religious structures. Also, the decree warns religious organizations and individuals not to disturb “social order” or disrupt “national harmony,” which is similar to vague language used by other countries to restrict rights.

Whether the new decree clarifies the ambiguous relationship and roles of the ministry and LFNC, particularly at the local level, remains to be seen given that its implementation is not yet widespread. It appears that under the new decree, government officials and the LFNC will retain significant latitude to control many aspects of religious activity, although—as under the previous regulation—this likely will vary by district and province. Religious communities tend to have more space to practice in areas where local officials are open to having good relations. In these instances, some religious groups are allowed to conduct charitable work, and they coordinate to attend each other’s religious ceremonies and celebrations. However, there are other areas where local LFNC or government officials broadly interpret regulations by directing the content of sermons, controlling religious activities, or confiscating religious materials. Also, as written, the decree appears to apply to Buddhist monks and religious structures, and if strictly interpreted and implemented, may represent a shift in previous policy that effectively exempted Buddhists from procedures governing non-Buddhist faiths.

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Abuses against Minorities

Given Laos’s closed, communist nature, reports about abuses and violations of religious freedom often are difficult to obtain and verify. Religious followers and ethnic minorities often self-censor their words and actions to avoid detection; self-censorship similarly applies to domestic civil society organizations. Notwithstanding limited reports, government and societal actors continue to discriminate against and abuse religious and ethnic minorities. The government is particularly suspicious of some ethnicities, like the Hmong, and targets Christian individuals and groups, although ill treatment is worse in some provinces—like Savannakhet, where local authorities restrict religious practice—than others. The government recognizes three Christian groups—the Lao Evangelical Church, the Catholic Church, and the Seventh-day Adventist Church—and pressures religious organizations and other denominations not part of these three groups to join a recognized church. Some Christians, fearful of the government, practice their faith in secret.

Authorities arrest or otherwise detain Christians, sometimes accusing them of spreading their faith. They also surveil, intimidate, and threaten individuals suspected of proselytizing. According to reports, authorities—or in some cases neighbors and family members—attempt to force Christians to renounce their faith, threatening to evict them from their homes or force them to pay fines if they refuse to abandon their faith. At times, Christians face discrimination regarding access to medical care, education, and

government employment. Local authorities often require Christians to obtain permission in advance of any religious-related travel within and across provinces. The new Decree 315 emphasizes Lao culture, heritage, and

national spirit, which is language the government may use against Christians in ways similar to past instances of local officials accusing Christians of being uncooperative for declining to participate in village activities associated with Buddhist cultural traditions.

U.S. POLICY

During the reporting period, the United States and Laos deepened bilateral ties in a way that could provide future opportunities for the U.S. government to substantively engage on religious freedom and related human rights issues. The United States should leverage these opportunities to encourage the Lao government to undertake reforms that protect and respect the rights of religious and ethnic minorities, particularly as it implements Decree 315.

In 2016, Laos chaired the Association of Southeast Asian Nations (ASEAN), a regional bloc of 10 countries that work together on economic, social, and cultural issues. During the September 2016 ASEAN Summit and East Asia Summit in Vientiane, then U.S. President Barack Obama and Lao President Bounnhang Vorachit announced a Comprehensive Partnership to facilitate cooperation between the two countries in the areas of “political and diplomatic relations, trade and economic ties, science and technology, education and training, environment and health, humanitarian cooperation, war legacy issues, security, protection and promotion of human rights, and people-to-people ties.” The two countries agreed to include human rights discussions as part of the annual Comprehensive Bilateral Dialogue; the seventh annual dialogue was held in June 2016 in Vientiane.

While in Laos, then President Obama—the first sitting U.S. president to visit that country—gave remarks to a Lao audience in which he spoke about universal human rights and the impact of faith in their daily lives. A White House fact sheet about U.S.-Laos relations noted that the United States is “committed to promoting respect for human rights and religious freedom.” Then President Obama also acknowledged the United States’ legacy of war in Laos and announced plans to “double [U.S.] annual funding to \$90 million over the next three years to help Laos expand its work [to clear unexploded ordnance].” Ahead of the summit, human rights activists encouraged then President Obama to raise several issues, including the disappearance of Lao civil society leader Sombath Somphone, who has been missing since December 2012. Sombath’s wife, Shui Meng Ng, met with several high-level international officials during the summit, including a representative from the United States.