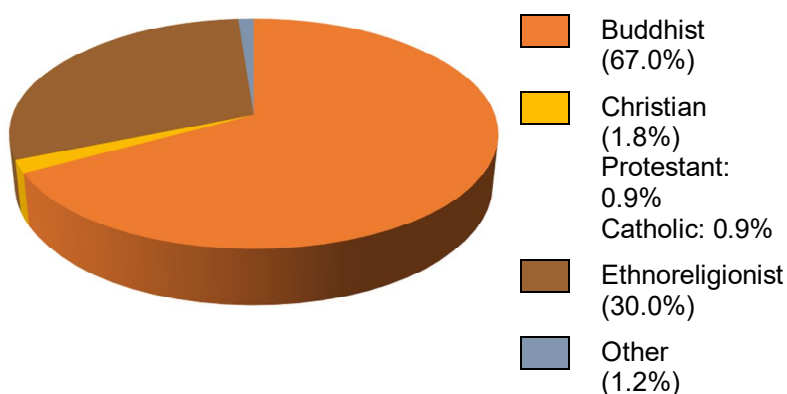


LAOS (LAO PEOPLE'S DEMOCRATIC REPUBLIC)



Area: 236,800 km ²	Population: 6.8 million	Political system: Autocracy ¹	Major Language(s): Lao
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Legal framework on Religious Freedom and actual application

On 21st January 2016 the Lao People's Revolutionary Party reshuffled its political bureau, and Vice President Bounnhang Vorachit, aged 78, was installed as the new Secretary General of the Lao Communist Party.² A few weeks earlier, on 2nd December 2015, on the occasion of the National Festival, President Choummaly Sayasone, aged 79, of the Lao People's Democratic Republic, expressed his satisfaction that, in his own words: "The political system of the people's democracy has been improved and substantially reinforced."³ Nonetheless, after 40 years of undivided rule by the People's Revolutionary Party, Laos still remains on the list of the world's most backward countries.⁴

The year 2016 promises to bring Laos out of relative media anonymity. As from January this year, Laos assumed the rotating presidency of ASEAN, the Association of South-East Asian Nations.⁵ Already in early January, John Kerry was visiting the capital, Vientiane⁶ – the third such visit to the country by a US Secretary of State. And there is also talk of President Obama going to Laos for the forthcoming summit of ASEAN.

Freedom of religion and belief is written into the laws of Laos. The constitution of 1991, revised in 2003, details the people's rights, and the freedom to believe or not believe is prominent among them.⁷ In practice, however, the Laotian vision of freedom, at least regarding religious liberty, is in many respects similar to that of its neighbour, Vietnam. This similarity is no mere matter of chance, given the ideological closeness between the two communist parties in power in Vientiane and Hanoi. It could be summarised as a system of petition and concession, in which the religious organisations ask the state authorities permission to do such and such a thing, and the role of these same authorities is to grant – or not grant – the permissions requested.

Specifically, it is the decree signed by the Prime Minister in 2002, known as "Decree 92" in relation to "religious practice", which regulates all religious matters in the country.⁸ However, rather than defining conditions for the exercise of religious freedom, as enshrined in the constitution, the decree and its 20 articles cover the procedure enabling the state to control and interfere in the religious domain. It includes the obligation for all religious organisations to register with the authorities, the restrictions imposed on the propagation of the religions, and likewise the state's control over the publication and printing of religious literature.

In a country where religious adherence tends to follow ethnic lines, this decree also enshrines a degree of discrimination favouring Buddhism over other religions. In Laos around 55 percent of the

population belong to the Lao ethnic group, and the majority of these are Buddhist. There is also the ethnic group that dominates local political life – for even if they deny it and insist on the secular character of the state, the political leaders of Laos in fact belong, at least culturally, to Theravada Buddhism. The direct consequence of this heavily Buddhist influence, despite 40 years of an officially communist regime, is that Decree 92 provides a certain number of exceptions for Buddhism, which means that in practice the Buddhist monks and the pagodas are not subject to the same restrictions as the other religions. At the national level, this proximity between Buddhism and the state translates into the fact that the Sangkharat, the supreme patriarch of Buddhism in Laos, has close links with the leading political figures of the country. The government promotes Laotian culture, which is understood as emanating from Buddhism. In the provinces it is not unusual for government officials to invite Buddhist monks to come and bless their newly constructed buildings.

As a result, the great majority of religious freedom restrictions concern religious minorities, notably Protestant Christians (less than one percent of the population).⁹ They also mostly affect the ethnic minorities – of which there are 48 in Laos, together representing roughly 45 percent of the population. Given the lack of freedom of information and the strict government control over the official media, hard information is often difficult to come by, but it appears that the cases of persecution against Protestant Christians take place in or involve rural regions. Here, conversions to Christianity sometimes occur. This provokes a hostile reaction among neighbours, who are mostly animist and perceive Christianity as a “foreign element” likely to annoy the protecting spirits of the village. In order to preserve “harmony” and prevent any kind of public disturbance, the government authorities tend to crack down hard on Christians, forcing the new converts to declare their allegiance to the ancestors and to the animist spirits.¹⁰ One incident of this kind in particular has attracted a good deal of publicity.

Incidents

The whole affair began in the province of Savannakhet with the death of a certain Mrs Chan (or Chansee), on 22nd June 2014 in the village of Saisomboon in the district of d’Atsaphangthong. It followed a long and serious illness involving a period in hospital. Originally a Buddhist, she had converted to Christianity in April 2014, along with all her eight children – a situation that had particularly irritated the village authorities, who put constant pressure on new converts to return to “the religion of their ancestors”.¹¹

At Mrs Chan’s request, five Christian leaders had come to help her and pray for her during her last moments. On the day of her death, the village chief had given her family permission to organise a Christian ceremony and to bury Mrs Chan on their own land – Saisomboon being one of the villages where the Christians are refused permission to conduct their own funeral rites.

However, just a few moments before the funeral, the village chief withdrew his promise and forbade the burial. With the help of the secretary of the local Communist Party, he then attempted to intimidate the family of Mrs Chan by demanding that they sign a formal document abjuring their faith.

Following this incident, Mrs Kaithong, the pastor of the church in Saisomboon, submitted a formal complaint to the local administrator of the Atsaphangthong district. The next day, 24th June, she was arrested by the local police, together with Mr Puphet, the pastor of the church in the village of Donpalai, Mr Muk, the head of the Christian community in Huey, Mr Hasadee, the head of the church in Bungthalay, and Mr Tiang, a member of the local Christian community.

Shortly afterwards, the headman of the village, accompanied by Buddhist bonzes, forced Mrs Chan’s family to have their mother buried according to the Buddhist rites in the village cemetery. As for the five Christian leaders, who were charged with having poisoned the victim during her journey back from hospital and with having “organised an illegal funeral”, they were taken to the police station and thrown in the cells, with their hands and feet shackled to blocks of wood.

In August 2014 the five were acquitted of the charge of murder and finally, on 12th February 2015, they were convicted and sentenced to nine months in prison under Article 82 of the Laotian Penal Code for “administering medical treatment without a licence”.

In a declaration dated 18th February 2015, the NGO Human Rights Watch for Lao Religious Freedom denounced this legal decision which, it said “confused praying for the sick with the illegal practice of medicine”. It called on the government of Laos and the local court in the province of Savannakhet to review the court judgement and to ensure respect for religious freedom, including the right to pray for the sick. Mr Sirkoon Prasertsee, the head of the NGO, which is based in the United States, said. “The message this judgement sends to the Christians of Laos is that the authorities can arrest and criminalise Christians simply for gathering to pray with the sick. The court ruling is threatening the very core of the Christian religion, where prayer for the sick and suffering is now officially ruled as a criminal offence.”¹²

In September 2015 one of these five Christians, Mr Tiang, a married man and the father of six children, died while in prison apparently as a result of not receiving diabetes treatment.

Prospects for Religious Freedom

As far as the Catholics in Laos are concerned, the exercise of their religious freedom is impeded by the strict state surveillance of the leaders of the four apostolic vicariates in the country. The regime of petition and concession described above constantly handicaps the Church’s organisational structure. The coming months could prove to be particularly sensitive. On 5th June 2015 Pope Francis signed decrees confirming the martyrdom of 17 priests and laity, both Laotian and foreign missionaries, killed in Laos between 1954 and 1970. It is the first time that the Catholic Church has beatified martyrs killed in Asia by communist organisations whose direct successors are still in power.¹³

Certainly the Laotian government cannot have been taken by surprise. The cause for the beatification of the 17 martyrs was introduced in 2004, and it was started at the request of the bishops of Laos, who are convinced that the beatification of their martyrs will contribute to the building up of the Church in their country. In the words of the Laotian bishops themselves, the Church in Laos is “still a young and very tender plant – she needs to find ‘tutors’, solid supernatural support”, to guide her in an all-too-often hostile environment.

For the time being, the Laotian authorities have not reacted to this announcement. The Catholic bishops in Laos have made clear their intent to hold the beatification ceremony in Laos. For them such a ceremony will mark the fact that, just as the Church in Rome is founded on the witness of Peter and Paul and numerous other martyrs, so too the Church in Laos sees her own martyrs as a solid foundation for her growth and her daily life.

It remains to be seen whether the Laotian authorities will allow such a ceremony to be held. According to Martin Stuart Fox, an Australian professor and specialist in the history of Laos, the new secretary general of the party is “a loyalist, a former revolutionary and a shrewd politician who is not going to change course or change in whatever way” (i.e. from the repressive policy of the government).¹⁴

¹ “Landlocked Laos is one of the world's few remaining communist states and one of East Asia's poorest.”:
<http://www.bbc.com/news/world-asia-pacific-15351898>

² *Reuters* : « Laos picks new Communist Party chief », 22 January 2016 (<http://www.reuters.com/article/us-laos-congress-idUSKCN0V00Q6>)

³ *Vientiane Times* : « President's speech on the 40th anniversary of Lao National Day », 3 December 2015 (http://www.vientianetimes.org.la/FreeContent/FreeContent_Presidentspeech.htm)

⁴ <http://unctad.org/en/pages/aldc/Least%20Developed%20Countries/UN-list-of-Least-Developed-Countries.aspx>

⁵ *The Straits Times* : « Asean needs stronger leadership in 2016: The Nation columnist », 18 January 2016 (<http://www.straitstimes.com/asia/se-asia/asean-needs-stronger-leadership-in-2016-the-nation-columnist>)

⁶ *Channel News Asia* : « Kerry in Laos to discuss bomb legacy, ASEAN partnership », 25 January 2016 (<http://www.channelnewsasia.com/news/asiapacific/kerry-in-laos-to-discuss/2455326.html>)

⁷ http://mjp.univ-perp.fr/constit/la2003.htm#Chapitre_IV._Les_droits_et_les_devoirs_

⁸ US State Department *International Religious Freedom Report for 2014* (<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238308>)

⁹ The majority of the Protestants, and notably the members of the Laotian Evangelical Church, belongs to the ethnic minorities (the Hmong, Monkhmer, Khmu and Yao in particular). The Catholics tend to be divided among the Lao and the members of the same minorities.

¹⁰ In recent years a number of incidents have been reported which tend to proceed along the following lines: The village leaders call together all the inhabitants of the village to an official gathering, during the course of which the Christians, and in particular the new converts, are called upon to take part in the traditional rites of the "sacred water". This ancient shamanic ritual consists in drinking liquid prepared by the village shaman and swearing an oath of allegiance to the spirits (*phi*) – which for the Christians amounts in practice to apostasising from their faith.

¹¹ *Eglises d'Asie* : « Accroissement de la répression religieuse dans la province de Savannakhet »

<http://eglasiemepasie.org/asia-du-sud-est/laos/2014-06-28-accroissement-de-la-repression-religieuse-dans-la-province-de-savannakhet>

¹² *Radio Free Asia* : « Lao Authorities May Release Christians Jailed for 'Illegally Practicing Medicine' », 20 February 2015 (<http://www.rfa.org/english/news/laos/christians-may-be-released-from-jail-02202015164216.html>)

¹³ *Eglises d'Asie* : « La béatification de 17 martyrs du Laos : un acte avant tout religieux mais politiquement sensible », 10 June 2015 (<http://eglasiemepasie.org/asia-du-sud-est/laos/2015-06-10-la-beatification-de-17-martyrs-du-laos-un-acte-avant-tout-religieux-mais-sensible-politiquement>)

¹⁴ *ABC News* : « Laos' ruling Communist Party chooses Vice President Bounnhang Vorachith as new leader », 23 January 2016 (<http://www.abc.net.au/news/2016-01-23/laos-ruling-communist-party-chooses-new-leadership/7109854>