



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

FACTSHEET: LAOS' DECREE 315

September 2021

Nadine Maenza
Chair

Nury Turkel
Vice Chair

Commissioners

Anurima Bhargava

James W. Carr

Frederick A. Davie

Khizr Khan

Sharon Kleinbaum

Tony Perkins

Erin D. Singhsinsuk
Executive Director

USCIRF's Mission

To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.

By Patrick Greenwalt, Policy Analyst

Overview

In 2016, Laos promulgated into law the Decree on Management and Protection of Religious Activities (Decree 315), which improved upon conditions for freedom of religion and belief. This advancement was in line with a steady improvement of religious freedom conditions in Laos throughout the previous decade that was made possible, in part, by the government of Laos' greater engagement with the world, including a more robust relationship with the United States. Even as the U.S.-Laos partnership has continued to deepen, however, more recently religious freedom progress has stagnated. On the one hand, the relationships between the central government and leaders of both officially recognized and unrecognized faiths have improved. These relationships have meant greater space within the capital of Vientiane for all faith communities to operate, without legal and institutional obstacles. Nevertheless, conditions remain poor in several rural areas, where local Buddhist and animist majorities [view](#) even tiny Christian minorities with suspicion. These faith communities remain extremely vulnerable to religious freedom violations, including arrests, harassment, and pressure to renounce their faith. For example, in October 2020, in Pasing-Kang Village, seven Christians were [reportedly](#) forced from their homes, which were later destroyed, for refusing to renounce their faith.

In May 2020, the U.S. Commission on International Religious Freedom (USCIRF) [released](#) a country update to discuss these concerns following a country visit. Expanding on the findings in that report, this factsheet provides an overview of Decree 315, the backbone of Laos' regulation of religious freedom. As the Laotian government is currently reviewing this Decree, the U.S. government has an opportunity to further engage with Laos on the legal framework governing religion in the country to improve freedom of religion and belief for all religious communities. The United States should work with the government of Laos to produce a new decree that incorporates feedback from unofficial and official faith communities. Among its improvements, this new decree should expedite the process for registering faith communities and guarantee the independence of religious leaders and faith practices.



Background

Laos is an authoritarian, single-party communist state. The regulation of religion was once the exclusive domain of the Lao Front for National Development (LFND).¹ The LFND is a popular front organization led by the communist Lao People's Revolutionary Party. Since 2011, the Ministry of Home Affairs (MOHA), which is a non-party government agency, has overseen religious affairs. The shift in responsibilities from the communist party-led LFND to the more administrative MOHA has not been complete and has created the duplication of roles within the bureaucracy.

The government officially promotes state atheism and previously had a fractious relationship with all faith communities, including the indigenous Buddhist community. Currently, the state recognizes Buddhism for its historical and cultural importance in the country. According to the [2015 national census](#), 64.7 percent of the population is Buddhist, 1.7 percent is Christian, 31.4 percent is not religious, and the remaining 2.1 percent belongs to other religions.

As reported in USCIRF's [2020 Country Update](#), members of non-Buddhist faith communities often report discrimination when working in the public sector. Those members of minority faith communities often misrepresent their faith identity or avoid revealing that they are not Buddhist or atheist to advance in the public sector. The state also appears to privilege Buddhist communities, such as helping to fulfill the land requirement (54,000 square feet) for constructing a house

of worship as stipulated in Decree 315. Local minority faith communities have reported that the government sometimes facilitates access to land for Buddhist temples, while Christian churches receive no state assistance.

Legal Provisions of Decree 315

In response to the [recommendation](#) provided by the United States at Laos' second Universal Periodic Review ([UPR](#)) before the United Nations Human Rights Council, held in January 2015, the Lao government promulgated Decree 315 to replace Decree 92 in 2016. This new decree introduced several improvements, such as placing all religions on an equal legal footing and more clearly defining the rules and expectations set by the Lao government for faith communities, as well as the process for them to become officially recognized.

Despite improvements over its predecessor, Decree 315 does not fully comply with international human rights standards in important respects. Decree 315 further legitimizes the MOHA's role in regulating religious affairs, authorizing the MOHA to regulate virtually all aspects of religious life. For example, Decree 315 requires all religious organizations to register with the government through the MOHA. Even if a faith community meets the requirements to register, the government is slow to respond with official recognition. MOHA approval is required for religious groups to operate in multiple provinces. MOHA approval can be bypassed if a faith community operates in one province, but written approval is then required by the Provincial or Capital Governor (Article 9). Under Article 28, the

¹ Formerly Lao Front for National Construction

MOHA can arbitrarily approve and revoke approval of any faith group that operates in multiple provinces. The ability to exercise one's faith publicly is further restricted; religious ceremonies outside of approved sites are expressly forbidden unless prior approval has been granted (Article 12). To enter a religious order as a faith leader, monk, or in any other professional capacity, an individual must get approval from the District Mayor or Chief of the Local Municipality (Article 13).

It also delegates to the MOHA the authority to oversee the process to approve religious organizations (Article 10). This process theoretically provides opportunities for faith communities not only to enjoy legal protections once registered, but also to own property and operate legally—which they cannot do unless officially registered. To bypass this rule, especially for unofficial faith communities, religious organizations will often operate within property owned by another business or private entity and, in rural areas, at the homes of faith members. Decree 315 places restrictions even on officially recognized religious groups through vaguely worded statements. Decree 315 grants the MOHA the power to approve any construction or renovation of any house of worship (Article 17).

Under the decree, the government plays a proactive role in determining the internal operation and theological positions of faith communities. For example, Article 5, Section 2 notes that religious groups “[m]ust be consistent with the heart of the religion, its religious precepts, and its religious teachings.” Article 7 demands that:

The names of personnel who have been selected or appointed to leadership in the religious organization shall be submitted to the Ministry of Home Affairs, Department of Ministry of Home Affairs of the Province or Municipality, Office of the Ministry of Home Affairs of the District or Town and other relevant organizations for study, consideration and approval.

In addition, all religious groups holding religious services or community events must submit annual—and in some cases biannual—plans for all scheduled activities outside the scope of routine operations.

Despite these many restrictions, Decree 315's uneven implementation allows for a degree of space for registered and unregistered faith communities to operate, even without legal protection.

Implementation of Decree 315

Decree 315 is haphazardly implemented. During 2020, two new religious groups submitted applications for registration: the Methodist Church and an unnamed Christian group that separated from the Lao Evangelical Church (LEC). During the review process, officials from the MOHA reportedly asked these religious groups to explain differences among Christian denominations and consulted with other religious groups to discuss the registration applications. During USCIRF's staff visit in February 2020, government officials noted confusion over the need for different Christian communities, expressing that interested followers had sufficient choices. As of July 2021, neither community had received official recognition.

In addition to the problematic registration process, the recent case of LEC Pastor Sithon Thiphavong demonstrates the insufficiency of Decree 315 in securing freedom of religion and belief for minority faith groups such as Christians.

In March 2020, local authorities in Savannakhet [detained](#) Pastor Thiphavong for organizing religious services for his faith community. According to [reports](#), on the day he was arrested local police intimidated him to renounce his faith and promptly detained him when he refused. Authorities continued to hold him in detention throughout 2020, allegedly delaying his release and trial in part due to the COVID-19 pandemic. On April 6, 2021, the Provincial People's Court [convicted](#) Pastor Thiphavong on charges of “disrupting unity” and “creating disorder” and sentenced him to one year in jail and a fine of four million kip [US\$426]. Under Article 28, Section 11, Decree 315 empowers the MOHA with the right to terminate or suspend religious activities and beliefs it deems are “disturbances of the internal harmony, the unity among ethnic groups and religions.” Some [reports](#) indicate Pastor Thiphavong was coerced into signing a pledge not to preach for one year following his release to avoid further detention.

Pastor Thiphavong was not the only member of the LEC arrested in 2020 for his or her faith practices. In July, four members of the LEC were arrested in Khammouane Province for attending a Christian family funeral. They were [reportedly](#) arrested for attempting to perform funerary rights that did not conform with Lao culture. On December 22, they were released from jail.

The cases just mentioned, particularly that of Pastor Thiphavong, highlight the conditions even recognized religious minorities experience, especially outside of

the capital, Vientiane. Decree 315 grants the MOHA extensive power to regulate the internal affairs of religious communities while not offering legal protection for members of recognized faith communities.

Review of Decree 315

International pressure on Laos to improve Decree 315 continues. At Laos' third UPR session, which took place in January 2020, the Solomon Islands recommended that the government "allow all religious communities to meet and conduct activities freely, regardless of whether they are incorporated or registered" ([Recommendation 115.117](#)), as well as to "introduce a mechanism to monitor and regulate local officials, especially in rural areas, to ensure they conform with human rights standards and do not arbitrarily and discriminatorily target Christians and other religious minorities" (115.118). The government of Laos noted recommendation 115.117 (which can be interpreted as a rejection), on the basis that Decree 315 is sufficient.

In early 2020, the government began a review process of Decree 315, sending representatives of the MOHA, the LFND, and the National Assembly to meet with local counterparts and members of officially recognized faith communities to discuss the decree's benefits and shortcomings. The government did not invite members of unofficial faith communities or representatives of the international human rights community, such as the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR), to participate in these discussions. However, the MOHA has made an effort to go to the district level to involve grassroots communities. The process includes a presentation on Decree 315 by MOHA officials and breakout groups to discuss, provide comments, and propose amendments to Decree 315; however, the MOHA has not yet explained how this

feedback will be incorporated into its review. As of the end of June 2021, four district-level reviews have taken place in Bolikhamxay, Xiengkhuang, Xayabury, and Salavan provinces. There have also been four government-funded reviews in Luangnamtha, Oudomxay, Champassak, and Xiengkhuang provinces. The government has not released its findings from these reviews.

Conclusion

Since Decree 315 was a product of the improved relationship between the United States and Laos and open discussions with the U.S. government and other stakeholders during the UPR process, USCIRF is optimistic that further U.S. engagement with Laos could encourage revisions of the decree in line with international standards of freedom of religion and belief. The warming relationship between the U.S. and Laotian governments has allowed greater opportunities for dialogue, including frank discussions on human rights and religious freedom. Since the decree's promulgation in 2016, the United States has increased its engagement with Laos. In fiscal year 2021, the U.S. government [contributed](#) \$31 million to various programs to assist in the development of the country. The U.S. government should use this stronger relationship to work with its partners in the MOHA and the LFND to develop an updated decree that secures protections for freedom of religion and belief and addresses the violations mentioned in this factsheet. The new decree should expedite the process for registering faith communities, guarantee the independence of religious leaders and faith practices, and provide a legal framework through which freedom of religion and belief can be secured for all Laotians, including members of unregistered groups and religious minorities, even at the district level, where most religious freedom abuses occur.



UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

Professional Staff

Danielle Ashbahian
Supervisory Public Affairs Officer

Dwight Bashir
Director of Outreach and Policy

Susan Bishai
Policy Analyst

Elizabeth K. Cassidy
Director of Research and Policy

Mingzhi Chen
Policy Analyst

Patrick Greenwalt
Policy Analyst

Gabrielle Hasenstab
Communications Specialist

Roy Haskins
Director of Finance and Operations

Thomas Kraemer
Director of Human Resources

Kirsten Lavery
Supervisory Policy Analyst

John Lechner
Policy Analyst

Niala Mohammad
Senior Policy Analyst

Jason Morton
Senior Policy Analyst

Mohyeldin Omer
Policy Analyst

Dylan Schexnaydre
Victims List and Outreach Specialist

Jamie Staley
Supervisory Policy Adviser

Zack Udin
Researcher

Nina Ullom
Congressional Relations and Outreach Specialist

Madeline Velluro
Policy Analyst

Scott Weiner
Supervisory Policy Analyst

The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.