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UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM





COUNTRIES PREVIOUSLY ON THE COMMISSION'S LISTS: GEORGIA, INDIA, AND LAOS

GEORGIA

Religious freedom conditions in Georgia continued to improve in the past year. Under the government of President Mikheil Saakashvili, the number of reported incidents of violence against minority religious communities has markedly decreased, a trend that continued in the past year. Many of the leaders of the vigilante violence have been sentenced to prison for their involvement in the attacks. In the past year, President Saakashvili and the country's Human Rights Ombudsman made numerous speeches and appearances in support of minority religious groups. While the Georgian Orthodox Church (GOC) remains the only religious group with formal legal status as a religious organization, most religious communities are able to operate in Georgia. These and other improvements in religious freedom conditions led the Commission to remove Georgia from its Watch List in 2004.

Under the government of former President Eduard Shevardnadze, members of minority religious groups, including Baptists, Roman Catholics, Hare Krishnas, Jehovah's Witnesses, and members of Orthodox churches that do not accept the primacy of the GOC Patriarchate, were subjected to over 100 violent vigilante attacks. Jehovah's Witnesses, as well as members of independent Orthodox churches, were particularly targeted. Local police were implicated in these attacks, as they often refused to intervene to protect the victims. What began in 1999 as a series of isolated attacks in the capital of Tbilisi escalated by 2002 into a nationwide scourge of widely publicized mob assaults against members of religious minorities. However, according to the State Department, increased investigations and prosecutions of the perpetrators of the violence, who included some GOC priests reportedly supported by others in the GOC hierarchy, led to improvements in the status of religious freedom. In late 2004, Georgian officials permitted the Jehovah's Witnesses to operate legally in the country for the first time. Under a

new registration process established by parliament in April 2005, 14 religious communities were able to obtain legal status as non-commercial organizations.

Despite improvements, however, religious freedom concerns remain. Although the primary leaders of the violent mob attacks against members of religious minorities have been convicted, many others accused of participating in this violence—including local police officials—have not been held to account by the Georgian authorities, reportedly due to fears of offending the GOC hierarchy. Moreover, occasional mob attacks on religious minorities still occur, particularly against members of the Jehovah's Witnesses.

There are also concerns about the status of the GOC, to which 65 percent of the country's population claims adherence. In October 2002, the Georgian government signed a "concordat" with the GOC, granting the Church some authority over state school textbooks, the construction of religious buildings, and the publication of religious literature by other religious groups.

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Although the agreement was reaffirmed in January 2005, a new law the following April provided for the separation of state schools and religious teaching and narrowed the application of the concordat, such as limiting teaching by the GOC to after-school hours and eliminating school and teacher involvement. Nevertheless, public schools reportedly do offer an elective course on religion, which deals only with the theology of Orthodox Christianity. In response, the Ministry of Education is developing new textbooks that will discuss various religions in a neutral way. Reports continue, however, of societal pressure against students who are members of “non-traditional” religious minorities. The Georgian Human Rights Ombudsman reported that public school teachers sometimes offer Orthodox prayers in classrooms and display Orthodox icons in schools. The Education Ministry has formed a General Inspection Department to deal with complaints of inappropriate teacher behavior, and in 2007, the Ministry was also drawing up guidelines for periodic teacher recertification in this regard. The General Inspection Department reported that 15 complaints of violations of religious freedom were filed in the first half of 2007, most of them concerning verbal abuse.

According to the State Department, the Roman Catholic Church, Armenian Apostolic Church, and several Protestant denominations continued to have difficulty obtaining permission to build new churches, due in part to the reluctance of local authorities to antagonize local GOC supporters. However, the GOC reportedly did not oppose new church construction by other religious groups when such construction did not obstruct or otherwise affect GOC sites. In past years, Assyrian Chaldean Catholics, Lutherans, Muslims, Old Believers, Jehovah’s Witnesses, and Roman Catholics had stated that the GOC Patriarchate had often acted to prevent them from acquiring, building, or reclaiming places of worship. In addition, Roman

Catholics, Baptists, Pentecostals, the Armenian Apostolic Church, and the True Orthodox Church reportedly also faced GOC pressure, condoned by government officials, preventing them from building houses of worship.

In April 2005, a new law was passed allowing religious communities to register as non-commercial organizations, since the GOC was the only religious community to have legal status in Georgia. As a result, the Church of Jesus Christ of Latter Day Saints (Mormons), Seventh Day Adventists, and 12 other religious denominations have been approved for registration. While this remedy generally is considered a satisfactory mechanism to grant legal personality to most religious groups, Muslims, the Roman Catholic and Armenian Apostolic churches, and some other groups reportedly are trying to devise a different arrangement with the government to accommodate their internal hierarchical structures. The leaders of other religious minority groups are also still seeking recognized legal status, a prerequisite for the community to own property collectively or organize most religious activities. The absence of formal legal status,



Virgin Mary Metekhi Church, Tbilisi, Georgia.

however, generally has not prevented most religious communities from functioning through affiliated, registered non-governmental organizations.

Members of various religious minority communities have noted the positive role played by the government's Human Rights Ombudsman in advancing their rights in accordance with international law. In December 2005, for example, the Human Rights Ombudsman issued a report calling for equal recognition under the law for all religions, a suggestion to which some Members of Parliament reportedly objected due to the historic role of the GOC.

Despite general tolerance toward minority religious communities viewed as traditional to Georgia, opinion polls and views expressed in the Georgian media reflect significant societal intolerance towards Protestants and other religions seen as relatively new to Georgia. There were reports of societal abuses or discrimination based on religious identity in the past year; however, the State Department reported that the non-GOC religious minorities noted significant decreases in incidents of harassment, violence, or other direct pressures. None alleged continuing organized campaigns of physical abuse.

With regard to Georgia, the Commission recommends that the U.S. government should:

- encourage the Georgian government to continue to investigate and prosecute those individuals, including local officials, who are alleged to have been complicit or engaged in violence against members of religious minority communities;
- encourage the Georgian government to establish a mechanism to enable all religious communities to gain legal personality under Georgian law in a manner that reflects internal structural characteristics of the communities and is consistent with international human rights standards;
- fund programs in Georgia for journalists, religious leaders, and members of non-governmental organizations to promote religious tolerance and provide education on international standards on freedom of religion or belief; and
- encourage the Organization on Security and Cooperation in Europe (OSCE), the OSCE Field Presence in Tbilisi, and the OSCE Panel of Experts on Religion and Belief to conduct activities in Georgia, including seminars on the OSCE's "Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools," to increase public and official awareness of the importance of freedom of religion or belief and tolerance.

India

The positive developments in India affecting freedom of religion or belief that began in 2004, when parliamentary elections resulted in installation of a coalition government led by the Congress Party, continued in the past year. Under the previous leadership of the Bharatiya Janata Party (BJP), the Commission in prior years found the Indian government's response to increasing violence against religious minorities in the state of Gujarat and elsewhere to be inadequate. In response, from 2002 – 2004, the Commission recommended that India be designated a "country of particular concern," or CPC. As a result of the changes that took place in India after the 2004 elections, the Commission in 2005 no longer recommended that India be designated a CPC.

Unlike many of the other countries that draw Commission attention, India has a democratically elected government, is governed generally by the rule of law, and has a tradition of secular governance that dates back to the country's independence. India has a judiciary that is independent, albeit slow-moving and frequently unresponsive, but which can work to hold the perpetrators of religious violence responsible; an active civil society with many independent non-governmental human rights organizations that have investigated and published extensive reports on the rise of religiously motivated violence; and a free press that has widely reported on and strongly criticized the situation on the ground and the growing threats in the past decade to a religiously plural society.

Despite this, religious minorities in India have been the victims of violent attacks by fellow citizens, including killings, in what is commonly called "communal violence." In the late 1990s, there was a marked increase in violent attacks against members of religious minorities, particularly Muslims and Christians, throughout India, including killings, torture, rape, and destruction of property. Those responsible for communal violence were rarely held responsible for their actions, helping to foster a climate in which it was believed that attacks on religious minorities could be carried out with impunity. The increase in such violence in India coincided with the rise in political influence of groups associated with the Sangh Parivar, a collection of organizations that view non-Hindus as foreign to India and aggressively press for governmental policies to promote a Hindu nationalist agenda. Although it was not directly responsible for instigating the violence against religious minorities,

the BJP-led national government clearly did not do all in its power to pursue the perpetrators of the attacks and to counteract the prevailing climate of hostility against these minority groups, especially at the state and local levels.

Of particular concern to the Commission were the February 2002 events in the state of Gujarat, when, after a fire on a train resulted in the death of 58 Hindus, hundreds of Muslims were killed across Gujarat by Hindu mobs. In addition, hundreds of mosques and Muslim-owned businesses and other kinds of infrastructure were looted or destroyed. More than 100,000 people fled their homes and, in the end, as many as 2,000 Muslims were killed. India's National Human Rights Commission (NHRC), an official body, found evidence of premeditation in the killings by members of extremist groups espousing Hindu nationalism, complicity by Gujarat state government officials, and police inaction in the midst of attacks on Muslims. Christians were also victims in Gujarat, and many churches were destroyed.

In August 2004, the Supreme Court ordered the Gujarat government to reopen its investigation of the 2002 violence, criticizing the local police officials for poor investigative practices and inadequate follow-up. In July 2006, a report from a committee attached to the Prime Minister's office again chastised the Gujarat government for failing to improve the situation for Muslims in that state, noting that a "state of fear and insecurity" still existed for many Muslims there. In the past year, efforts to pursue the perpetrators have continued, albeit slowly, though human rights groups reported that many cases would likely continue to be closed or result in acquittals, due to lack of evidence or insufficient effort on the part of local police officials. In March 2007, the government announced that it would pay approximately \$8,000 in additional compensation to the next of kin of persons killed in the Gujarat violence.

In June 2004, a government-appointed committee of historians was tasked with removing the "distortions and communally-biased portions" of textbooks issued under the BJP government; they were replaced in 2005 with more moderate editions. The State Department reported in 2007 that during the past year, the National Council of Education Research and Training "acted systematically" to remove "tainted" textbooks with communal bias from schools and introduce more secular and objective school textbooks that seriously address atrocities committed against national minorities in India.

Dozens of violent attacks carried out or incited by Hindu extremist groups against Christian institutions and persons continued throughout the past year.

Since taking office, the Congress Party coalition government has acted decisively to prevent communal violence in situations where it has erupted in the past. In February 2006, a mass rally of Hindu nationalists was held in the Dangs district of Gujarat calling on members of the indigenous "tribal" people to "reconvert" to Hinduism. Extremist groups had issued a number of highly inflammatory statements, particularly against Christians, and violence against local Christian communities was feared, as has happened in the past. However, the military was sent into the area to maintain peace; riot police were reportedly posted outside churches and temples and no violence occurred. In March 2006, after bombs exploded in the Hindu holy city of Varanasi killing 20 persons, allegedly instigated by Islamist groups, authorities reportedly acted swiftly to prevent retaliation against Muslims. Prime Minister Singh appealed for calm, and soldiers and police were deployed at holy sites across the country. In July 2006, after reports implicated Muslim extremists in train bombings in Mumbai (Bombay) in which more than 200 people were killed, successful efforts were made to prevent anti-Muslim rioting.

According to the State Department's 2007 religious freedom report, minority rights groups reported that incidents of communal violence had decreased in the past year. The State Department also reported that speeches by the prime minister and some state government officials in the past year regularly promoted communal harmony. In November 2006, a central government-appointed panel known as the Sachar Committee acknowledged that Muslims in India face discrimination and other hardships. In response to the report's findings, Prime Minister Singh pledged to do more to "address the imbalances." In January 2007, based on this report, the national government directed all banks to provide preferential loans to minorities. In April 2007, Prime Minister



Jama Masjid Mosque, Delhi, India.

Singh stated that efforts would be made to ensure that women and minorities were “properly represented” at all levels of government. Finally, in November 2007, the government adopted new rules enabling members of all religious communities to adopt children, ending a long era in which only Hindus were given this right.

Despite the improved situation, concerns about religious freedom in India remain. Attacks on Christian churches and individuals, largely perpetrated by individuals associated with Hindu nationalist groups, continue to occur, and perpetrators are rarely held to account by the state legal apparatus. Dozens of violent attacks carried out or incited by Hindu extremist groups against Christian institutions and persons continued throughout the past year. Among the most serious attacks occurred on December 24, 2007, in the state of Orissa, where clashes erupted between Hindus and Christians. According to some sources, hundreds of members of a Hindu extremist group, demanding that Christmas celebrations be halted, attacked Christian individuals, churches, of-

fices, and residences, destroying homes, looting shops, and injuring a number of individuals. At least six persons were killed. Those actions were reportedly followed by retaliatory actions by Christians against Hindus. Other sources indicate that violence erupted after Christians attacked a Hindu leader or erected religious statues at a Hindu religious site.

Regardless of the initial instigators of the violence, during the subsequent three days of rioting, 20 churches and an untold number of prayer houses and private residences belonging to both Hindus and Christians were destroyed. According to a January 2008 report of India’s National Commission for Minorities, although “the reasons for the outbreak of violence...are more varied than was apparent from media reports, there is no doubt that the Christian community and its places of worship were the principal target of attack. They bore the brunt of [the] violence and suffered the maximum damage. As a result, the Christian community continues to live in fear and feels insecure and unsafe.”



Preparation for the Hindu Durga Puja celebration from the Kumartuli neighborhood of Kolkata, India.

In November 2007, a mob of 150 members of a Hindu extremist group attacked a church in the state of Chhattisgarh, destroying the church building, beating the pastor, and kidnapping a young member of the church, who was later found dead. Despite the fact that the police were provided with the names of the attackers, officials reportedly waited until the following day to file a complaint. In January 2008, also in Chhattisgarh, more than 80 people were injured in an attack on a large Christian meeting carried out by extremists. The attackers reportedly beat the Christian worshippers and vandalized the makeshift church structure. In December 2007 and February 2008, there were incidents in the state of Karnataka in which churches were desecrated and the pastors assaulted. Similar attacks occur, sometimes in greater numbers, every month, particularly in states where the BJP heads the state government, including in Rajasthan, Madhya Pradesh, Gujarat, Chhattisgarh, and Jharkhand. In some instances, the police respond appropriately; in others, however, the police reportedly look the other way or even appear to be complicit in the attacks.

Several of the BJP-led states have laws against “forced” or “induced” religious conversions, which require government officials to assess the legality of conversions and provide for fines and imprisonment for anyone who uses force, fraud, or “inducement” to convert another. Reports of persons having been arrested or prosecuted under these laws are not common. Nevertheless,

concerns have been raised that these laws can sometimes result in a hostile atmosphere for religious minorities, as states in which these laws exist tend to be those in which attacks by extremist groups are more common—and often happen with greater impunity—than elsewhere in India. For example, the state of Madhya Pradesh, which is headed by the BJP, was the scene of an increasing number of attacks in the past year. In June 2006, a report by the Indian national government’s National Commission for Minorities (NCM) found that Hindu extremists had frequently invoked the state’s anti-conversion law as a pretext to incite mobs against Christians. The NCM report also found that police in Madhya Pradesh were frequently complicit in these attacks. Similarly, the NCM report on the December 2007 violence in Orissa concluded that an important factor behind the attacks was the “anti-conversion” campaign carried out by groups associated with the Sangh Parivar. According to the report, the campaign against conversions “created an atmosphere of prejudice and suspicion against the Christian community...” and that “the role of the Sangh Parivar activists and the anti-conversion campaign in fomenting organized violence against the Christian community deserves close scrutiny.”

Throughout the past year, Commission staff conducted personal interviews with members of non-governmental organizations representing various religious communities in India, as well as human rights organizations, academics, and other India experts. In January 2008, the Commission issued a press statement expressing serious concern about the riots between the Hindu and Christian religious communities in Orissa, noting that the violence had had particularly severe consequences on the minority Christian community. In March 2005, the Commission issued a statement encouraging the Department of State to prevent the planned visit to the United States of Gujarat State Minister Narendra Modi, citing evidence presented by India’s NHRC and numerous domestic and international human rights investigators of the complicity of Gujarat state officials, led by State Minister Modi, in the February 2002 mob attacks on Muslims.

With regard to India, the Commission recommends that the U.S. government should:

- press the government of India to make more vigorous and effective efforts to halt the violent attacks against religious minorities that continue to occur with troubling regularity in India and to hold state governments and state govern-

ment officials accountable for the violence and other unlawful acts that occur in their states; and

- urge the Indian government to continue its policies aimed at returning the country to its tradition of religious tolerance, including by:
 - continuing to pursue, investigate, and lay charges against the perpetrators of the killings in Gujarat;
 - taking steps to prevent and punish communal violence, including by following through on a pledge made in 2004 to enact a law criminalizing inter-religious violence; and
 - continuing the kinds of measures that have successfully prevented outbreaks of violence in high-tension situations, and engaging in pre-planning to ensure that the police and other law enforcement agencies have the resources necessary to avert communal violence in the future.

Laos

The Commission removed Laos from its Watch List in 2005, citing steps taken by the Lao government to address religious freedom concerns. Conditions continued to improve for Laos's Buddhist population and for non-Buddhist groups in the major urban areas. However, ethnic minority Protestants continue to face restrictions and some abuses in provincial areas, including arrests, short detentions, forced renunciation of faith, and forced evictions from villages. Though progress in some areas remains encouraging, the persistent religious freedom abuses and restrictions are troubling, particularly since the government had been moving in a positive direction in previous years. The Commission continues to monitor closely the actions of the Lao government with regard to religious freedom to determine if a return to the Watch List is warranted.

The government continues to incorporate Theravada Buddhist rituals and ceremonies into state functions and ceremonies and Buddhism is largely exempt from the legal restrictions imposed on religious minorities. In major urban areas, non-Buddhist religious leaders continue to report few restrictions on their worship activities, and the government has allowed them to re-open, build, expand new places of worship, and/or carry out charitable work in recent years. Over the past two years, the Catholic Church was permitted to ordain five priests and a deacon, the

first such ordinations since 1975. The government also allowed the building of a Catholic church in the northern province of Sayaboury and provided the Bishop of Luang Prabang more freedom to visit Catholics in the northern provinces, areas where both Protestant and Catholic religious practices were once severely restricted. Four new Protestant churches were built in the former Saisomboun Special Zone and Bolikhamsai province and churches formerly closed or destroyed were permitted to re-open in Bolikhamsai, Vientiane, and Bokeo provinces. The small Baha'i community was allowed to reclaim property in two provincial areas.

Theravada Buddhism is closely associated with the dominant "lowland" Lao culture, which makes up approximately 50 percent of Laos's population. However, the rapid growth of Protestantism among Laos's many ethnic minorities is a constant cause of concern for Communist government officials. Authorities continue to view the spread of Christianity among ethnic minorities as an "American import" that poses a potential threat to the Communist political system, particularly as some ethnic minority groups have long resisted government control. Over the past several years, however, the Lao Front for National Construction (LFNC), the agency that oversees religious policy and regulates religious activities, has publicly called for greater religious reconciliation and tolerance, and reportedly intervened with provincial officials arresting and harassing ethnic minority Protestants—though with few measurable results.

Nevertheless, troubling reports persist that provincial and village-level officials confiscate the property of religious groups, arrest and detain persons, and otherwise harass individuals for participating in religious activities. Because the Lao government decentralized power to provinces and district leaders, its control over the actions of provincial-level authorities has weakened significantly in recent years. In some provincial areas, Protestant groups have been denied permission to hold religious services in homes, conduct public ceremonies, build permanent structures, import religious materials, or affiliate outside of the officially-recognized group, despite legal protections found in Decree 92, Laos' law on religion.

In the past year, Lao authorities continued to arrest and detain individuals for their religious activities. Currently, there are at least five individuals imprisoned or detained for activities related to religious belief and prac-

The number and frequency of reports of coerced renunciation of religion have diminished significantly in the past several years. Nonetheless, there continue to be instances in which ethnic minority Protestants face land confiscation, forced relocation, detention, or disappearances in provincial areas.

tice, including a man abducted by police in Luang Namtha province. Six other individuals remain unaccounted for from a group of 27 ethnic Hmong Protestants detained after being repatriated from Thailand. The government released 21 from the group after almost 15 months in detention; six remain in detention and their whereabouts are unknown. Reports indicate that religious affiliation is at least part of the reason for the group's detention. In addition, over the past two years, 11 individuals were detained for periods between two weeks and six months on charges related to constructing a church building without permission, engaging in public religious expression, or refusing to recant their beliefs. Most of these cases involved ethnic minority Protestants; however, in February 2007, two Buddhist monks were arrested and briefly detained for being ordained without government permission. Recent arrests and detentions occurred most often in Oudomsai, Luang Namtha, Savanakheth, and Salavan provinces.

The number and frequency of reports of coerced renunciation of religion have diminished significantly in the past several years. Nonetheless, there continue to be instances in which ethnic minority Protestants face land confiscation, forced relocation, detention, or disappearances in provincial areas. Most reports occur in Oudomsai, Salavan, Bolikhamsai, and Luang Namtha provinces. In late 2005, authorities in the Muang Phin District of Savannakhet province detained 24 ethnic Brou Protestants for several days in order to force them to renounce their beliefs. All but two of the men recanted, and they remain in prison. In April 2006, officials in Salavan province reportedly arrested a village leader and expelled two

families for refusing to renounce their religion. The village leader was held under house arrest until July 2006. In January 2007, police reportedly abducted an ethnic Thai Dam resident of Oudomsay province who had been an active leader in the Muang Houn Christian community. Also in January, Protestant families in Luang Namtha province were threatened with expulsion if they did not renounce their beliefs. In March 2007, there were similar reports in Bolikhamsai and Huaphanh provinces.

Another ongoing concern of the Commission is the potential for restrictions and other abuses through Decree 92, the government's 2002 decree on religious activities. Decree 92 legitimized activities previously regarded as illegal, such as public religious persuasion, printing religious material, owning and building places of worship, and maintaining contact with overseas religious groups. There also continue to be credible reports that the LFNC uses Decree 92 to facilitate religious practice in some areas and to promote cooperation among religious communities. However, through Decree 92, the Lao government continues to provide officials with a potential legal basis for control of, and interference in, religious activities. For example, the government requires most religious groups, with the exception of the Buddhists, to report their activities to the LFNC. Religious leaders in Laos also claim that there continue to be restrictions on the publication of religious materials or public religious expression and persuasion, despite provisions in Decree 92. In addition, many religious activities can be conducted only with government approval, and the decree contains vague national security provisions that prohibit activities that create "social division" or "chaos," reiterating Article 9 of the Lao Constitution and Article 66 of the criminal code, used in the past by government officials to arrest and detain arbitrarily ethnic minority Christians.

In the past year, the Commission and its staff have met with Lao government officials and religious leaders, domestic and international human rights activists, academics and other experts on Laos. The Commission traveled to Laos and issued a report on its findings in February 2003.

With regard to Laos, the Commission has recommended that the U.S. government should:

- make clear to the government of Laos that continued improvements in the protection of freedom of thought, conscience, and religion or belief, including legal reforms, political accountability for government officials who perpetrate religious freedom abuses, and the release of



The window frame of a temple, Vientiane, Laos.

any prisoner of concern detained because of religious affiliation or activity, is essential to further improvements in, and expansion of, U.S.-Laos relations;

- establish measurable goals and benchmarks, in consultation with the Commission, for further human rights progress in Laos as a guide for diplomatic engagement between Laos and the United States or for initiating a formal human rights dialogue with the government of Laos, addressing such human rights issues as ethnic and religious discrimination, torture and other forms of ill-treatment in prisons, unlawful arrest and detention, the absence of due process, and practical steps to ensure the right to freedom of expression, association, and assembly;
- expand Lao language broadcasts on Voice of America (VOA) and Radio Free Asia (RFA) while ensuring that the content of the Lao language broadcasts on VOA and RFA includes adequate information about the importance

of human rights, including religious freedom, within Laos; and

- initiate and expand technical assistance and human rights programs that support the goals of protecting and promoting religious freedom, including:
 - rule of law programs that provide assistance in amending, drafting, and implementing laws and regulations;
 - human rights and religious freedom training programs for specific sectors of Lao society, including government officials, religious leaders, academics, lawyers, police, and representatives of international non-governmental organizations;
 - training, networking, and capacity-building for Lao groups that carry out charitable, medical, and development activities;
 - educational initiatives to combat intolerance of religious and ethnic minorities and to promote human rights education; and
 - the expansion of the number and funding of educational, academic, government, and private exchange programs with Laos that will bring a wide cross-section of Lao society to the United States.

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800 NORTH CAPITOL STREET, N.W. SUITE 790
WASHINGTON, D.C. 20002
WWW.USCIRF.GOV

TEL. 202-523-3240 FAX: 202-523-5020
EMAIL: COMMUNICATIONS@USCIRF.GOV