

**Follow-up table to the country visit of the Special Rapporteur on freedom of religion or belief to the Lao People's Democratic Republic
(23 – 30 November 2009)**

Recommendations of the Special Rapporteur's mission report (A/HRC/13/40/Add.4)	Follow-up information from UN documents (e.g. Special Procedures, UPR, Treaty Bodies)	Follow-up information from the Government of the Lao People's Democratic Republic
61. Some issues of concern remain with individual cases as well as with certain practices and policies that clearly violate freedom of religion or belief and are contrary to international norms, as well as guarantees provided under the Constitution.		
62. The authorities seem to have a strong preoccupation in maintaining social harmony and unity. Religion is regarded as a controversial issue, especially when it is linked to foreign “divisive” influences and Christianity in particular is seen by the Government as dividing people's loyalty. In addition, the authorities are generally suspicious of organized religious activities , especially where missionary activities and active proselytism are alleged.	<p>A/HRC/16/53/Add.1 Urgent appeal sent on 12 February 2010 jointly with the Special Rapporteur on the right to food</p> <p>268. The Special Procedures mandate holders brought to the attention of the Government information regarding the situation of the members of 11 Christian families from Katin village of Ta-Oyl district in Saravan province, Lao People's Democratic Republic.</p> <p>269. According to the information received, on 10 January 2010, approximately 100 people, consisting of villagers and local officials, including the village chief, an official from the Lao Front for National Construction (LFNC), district police and village policemen, disturbed the Sunday morning worship service of the Christian community in Katin village of Ta-Oyl district, Saravan province. With guns pointed at the worshippers' heads, these officials allegedly forced all members of the 11 Christian families present, including children, out of their place of worship to an open field in the village. Subsequently, the officials seized the personal belongings of the Christians from 11 homes and destroyed 6 of their homes. While they did not manage to persuade the Christians to renounce their faith, the officials forced the Christians to walk six kilometers away from their homes and then left them on the side of the road. Unable to return to their home village due to police posted at the entrance of Katin village, the Christians, including women and 27 children, have been sleeping on the ground in the woods with no food and shelter.</p> <p>270. Around 18 January 2010, the Saravan provincial LFNC official and the Ta-Oyl district official met with the members of the 11 Christian families and tried to persuade</p>	

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	<p>them to renounce their faith. The two officials argued that neither the 56 villages in Ta-Oyl district nor the officials want Christians to reside in the district. However, the Christians confirmed their faith and emphasized that since they believe in God they no longer had to participate in any animal sacrifice as animist believers would do. The two officials then prohibited the members of the 11 Christian families from returning to their home village.</p> <p>271. On 9 February 2010, the Deputy Head of Ta-Oyl District visited the field and directed the Christians to stop erecting temporary shelters and to sleep on the ground instead. It has also been reported that the Katin village authorities have confiscated livestock of Katin Christians in at least two occasions over the past year. The children of the Christians, who are still prevented from returning to their village, are reportedly starving for lack of food.</p> <p>272. The Special Rapporteurs appealed to the Government to protect the human rights of the Christians from Katin village, and in particular to ensure their right to freedom of religion or belief in accordance with articles 18 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights.</p> <p>(b) No response received from the Government</p> <p>(c) Observations by the Special Rapporteur</p> <p>273. The Special Rapporteur regrets that he has so far not received a reply from the Government of the Lao People's Democratic Republic concerning the above mentioned allegations. He would like to reiterate that, according to article 18, paragraph 2, of the International Covenant on Civil and Political Rights, "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice". The Human Rights Committee indicated in its general comment 22 that "Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert.</p>	

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	<p>Policies or practices having the same intention or effect [...] are similarly inconsistent with article 18.2.”</p> <p>274. Furthermore, the General Assembly, in its resolution 64/164, “urges States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end: (a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one’s religion, including the right to change one’s religion or belief, is violated”. With regard to the alleged coercions and evictions of Christians, the Special Rapporteur would also like to refer to the observations and recommendations in his predecessor’s country report to the Human Rights Council on the Lao People’s Democratic Republic (see A/HRC/13/40/Add.4, para. 68): “Furthermore, the Special Rapporteur is concerned about the inadequate level of implementation of the legislative protection for freedom of religion or belief. The central and provincial authorities should ensure that the local administration level ceases ordering evictions or otherwise trying to coerce Christians to renounce their faith.”</p>	
<p>63. Although the Constitution of the Lao People’s Democratic Republic does not proclaim any official State religion, many of the Special Rapporteur’s interlocutors indicated that the authorities have in fact embraced Buddhism and that high officials often link Lao nationalism with Buddhist identity. The Special Rapporteur recognizes that Buddhist traditions are a rich legacy for the country and indeed need to be cherished. However, such an approach must not marginalize members of religious minorities or discriminate against them. The Special Rapporteur would like to reiterate that the test of freedom of religion or belief lies in the level of tolerance extended to religious minorities. In addition, interreligious and intrareligious dialogues at various levels may help to defuse tensions and promote tolerance and mutual understanding.</p>	<p>A/HRC/15/5 Report of the Working Group on the Universal Periodic Review, Lao people’s Democratic Republic, 15 June 2010</p> <p>34. [...] France commended Laos for its recent ratification of important human rights Conventions [...] It expressed concern at the situation of the Hmong and the persistence of certain discriminatory laws and practices in the area of freedom of religion, as well as restrictions on the freedom of expression. [...]</p> <p>36. [...] Slovenia noted that the two mandate holders who had visited Laos had expressed appreciation for the cooperation and assistance extended to them. However, although the situation concerning freedom of religion seemed to have improved, the Special Rapporteur on</p>	<p>CERD/C/LAO/16-18 International Convention on the Elimination of All Forms of Racial Discrimination, 28 June 2011</p> <p>60. Lao people of all ethnic groups enjoy freedoms of thought, conscience and religion which are guaranteed by the Constitution and laws of the Lao People’s Democratic Republic.⁸ Article 9 of the Constitution states that “The State respects and protects all lawful activities of Buddhists and of followers of other religions, mobilises and encourages the Buddhist monks, novices and priests of other faiths to participate in those activities</p>

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	<p>Freedom of Religion remained concerned about individual cases and certain policies violating that freedom. Slovenia inquired about measures intended to implement the Special Rapporteur's recommendations.</p> <p>37. [...] Sri Lanka observed that challenges remained with regard to freedom of religion and welcomed the visit by the Special Rapporteur on Freedom of Religion, expressing the hope that her report would assist the Government in improving the situation.</p> <p>60. [...] Italy noted, however, that restrictions on religious minorities, especially Christians, were still being reported. It made a number of recommendations.</p> <p>64. Switzerland welcomed the ratification of ICCPR as well as cooperation with special procedures, in particular with the Special Rapporteur on freedom of religion or belief. It expressed concern about the treatment of the Hmong and the confiscation of lands without adequate compensation. It also expressed concern about the conditions of detention.</p> <p>CRC/C/LAO/CO/2 Committee on the Rights of the Child Freedom of thought, conscience and religion, 17 January-4 February 2011</p> <p>36. Although the Constitution of the State party does not proclaim any official State religion, the Committee is concerned that members of religious minorities, including children, have been restricted in the exercise of their right to freedom of religion, as manifested by harassment and denial of access to public schools.</p> <p>37. The Committee recommends that the State party ensure full respect of the right to freedom of religion for all children belonging to religious minorities, and promote tolerance and inter-religious dialogue.</p>	<p>which are beneficial to the country and its people. All acts of fomenting division among religions and among the people are prohibited". Article 30 stipulates that "Lao citizens have the right and freedom to believe or not to believe in religions". Article 3 of Prime Minister's Decree No. 92/PM on Management and Protection of Religious Activities in the Lao People's Democratic Republic states also that "The State respects and protects lawful activities of different religions and their clerics in the Lao People's Democratic Republic". Most Lao people are Buddhists. There are however followers of other religions in the country also (see paragraph 8 of the common core document)</p>
<p>64. There appears to be a growing awareness within the Government of the need for respecting religious diversity and the Special Rapporteur hopes that this new trend will be sustained and fostered. The political will of the Government and of the political party will be critical in strengthening respect for religious freedom and diversity.</p>		

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<p>However, freedom of religion or belief, like any other human right, can only be fully enjoyed in an environment where there is a vigilant civil society and freedom of expression, as well as independent institutions and the rule of law.</p>		
<p>65. The Special Rapporteur would like to make the following recommendations with regard to Decree No. 92/PM for the Management and Protection of Religious Activities; allegations of forced conversions and evictions; the isolation of religious minorities; liberty of movement in the context of religious activities; freedom of religion or belief of persons deprived of their liberty; and some beliefs and customs of animists or ancestor worshippers.</p>	<p>A/HRC/12/15 Report of the Working Group on the Universal Periodic Review, The Lao People's Democratic, 15 June 2010. In the course of the discussion, the following recommendations were made to the Government of the Lao People's Democratic: [...] 98.39. Reform decree No. 92 such that it guarantees the rights to freedom of religion and belief, opinion and expression as set out in the ICCPR, and take steps to improve the awareness of State officials of their duty to protect these rights (United Kingdom).</p>	<p>A/HRC/15/5 Report of the Working Group on the Universal Periodic Review, Lao people's Democratic Republic, 15 June 2010 55. With regard to freedom of religion, Laos confirmed that it was guaranteed under the Constitution and that all citizens were free to believe or not to believe in any religion. All acts creating division or constituting discrimination against religions and creating social disorder were prohibited. In addition, laws and regulations such as Prime Minister Decree No. 92-PM, on the Management and Protection of Religious Activities in the Lao People's Democratic Republic, also provided for religious freedom. [...] 58. The Lao Government was considering implementing the recommendations made by the Special Rapporteur on Freedom of Religion or Belief during her visit to the Lao People's Democratic Republic.</p>
<p>66. As the National Assembly is currently contemplating the introduction of legislation to replace Decree No. 92/PM, the Special Rapporteur would like to refer to her legal analysis and observations in this regard (see paras. 24–39 above). Any legislative text should avoid imposing vaguely worded obligations on religious communities, including with regard to registration procedures, and should discontinue the extensive oversight powers currently given to various government entities in this regard. Explanatory policy directions should be passed on to the provincial and district levels in order to avoid any discriminatory interpretation to the detriment of religious minorities.</p>		<p>A/HRC/12/15 Report of the Working Group on the Universal Periodic Review, The Lao People's Democratic, 15 June 2010. 44. The right to freedom of religion or belief is guaranteed by the Constitution and laws. Article 9 and 43 of the Constitution provides for this right. In addition, the Prime Minister's Decree No. 92/PM on the Management and Protection of Religions in Lao PDR protects and regulates the activities of religious organizations and religious followers in Lao</p>

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<p>67. While the Special Rapporteur very much welcomes the recent ratification of the International Covenant on Civil and Political Rights by the Lao People's Democratic Republic, she regrets that the Government has felt it necessary to enter a declaration stating that all acts creating division among religions are incompatible with article 18 of the Covenant. The Special Rapporteur is concerned that the domestic concept of "acts creating division among religions" is highly subjective and vague, which increases the risk of it being abused to prohibit religious activities that are protected under international law, for example the teaching and dissemination of religious beliefs. Arguably, the declaration of 25 September 2009 is not in line with the text and spirit of the Covenant and the Special Rapporteur consequently encourages the Government to keep its declaration under review and to revisit it in the near future.</p>	<p>A/HRC/15/5 Report of the Working Group on the Universal Periodic Review, The Lao People's Democratic, 15 June 2010 In the course of the discussion, the following recommendations were made to the Government of the Lao People's Democratic: [...] 98.35. Adopt adequate measures to protect freedom of religion or belief with a view to ensuring for all the full enjoyment of the right to practice one's religion (Italy); ensure the right to practice religion freely without discrimination and in accordance with international human rights standards (Netherlands); 98.36. End all restrictions on the right to practice one's religion of choice without discrimination (Denmark); [...] 98.38. Implement all recommendations made by the Special Rapporteur on Freedom of Religion in order to remedy the situation described in her most recent report, which noted the persistence of discriminatory legal provisions and practices, which run counter to freedom of religion (France);</p>	<p>PDR. All Lao citizens have the right to believe or not to believe in any religion. A/HRC/15/5/Add.1 Report of the Working Group on the Universal Periodic Review, Addendum. 14 September 2010 24. Lao PDR constitution and laws ensure the freedom of religion. Lao citizens have the right to believe or not to believe in any religion. The only limitations on the practice of this freedom provided for in the Lao legislation are deemed to be allowed by the ICCPR.</p>
<p>68. Furthermore, the Special Rapporteur is concerned about the inadequate level of implementation of the legislative protection for freedom of religion or belief. The central and provincial authorities should ensure that the local administration level ceases ordering evictions or otherwise trying to coerce Christians to renounce their faith. The Special Rapporteur also calls for the immediate release of religious prisoners of conscience. During her mission she has received positive signals from the Government regarding the release of Mr. Boon Chanh, who has been imprisoned for more than ten years, allegedly also in relation to his religious activities. The Government should thoroughly investigate all cases with a link to freedom of religion or belief and find prompt remedies for those who may have been victimized or continue to suffer. In addition, various state authorities and international donors could envisage supporting legal aid programmes in order to help, inter alia, members of religious minorities and provide capacity-building to</p>	<p>A/HRC/15/5 Report of the Working Group on the Universal Periodic Review, Lao people's Democratic Republic 83. Australia welcomed the invitation extended by Laos to the Special Rapporteur on Freedom of Religion to visit the country in November 2009. [...] However, it remained concerned about reports regarding the treatment of religious minorities and noted reports of alleged arrests and detentions on the basis of religion.</p>	

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grass-roots initiatives.		
69. Since members of religious minorities seem to have little or no access to higher education , the Special Rapporteur recommends extending the affirmative action schemes, which already exist in education policy for members of ethnic minorities, to religious minorities. Furthermore, the current limitations and authorization requirements for the printing of books related to religion and for communication of believers with foreign organizations should be reformed in line with international human rights standards. Similarly, the bureaucratic controls of religious leaders and impediments concerning their liberty of movement in the context of religious activities should be discontinued.		
70. With regard to religious freedom of persons deprived of their liberty , the State should provide the personnel of detention facilities with adequate training, raising awareness of and enhancing their sensitivity as to their duty to promote and respect international human rights standards for the treatment of prisoners, including the right to freedom of religion or belief. In order to prevent any potential abuse by prison staff, the State should also ensure that detention facilities are the object of intense public scrutiny and put in place effective complaints mechanisms.		
71. The Special Rapporteur notes with interest that the Government has adopted a Legal Sector Master Plan which, inter alia, calls for the implementation of a research project on customary justice practices by collecting local and customary rules especially among minority ethnic people. Research is currently being implemented by the Ministry of Justice and the United Nations Development Programme, which may ultimately lead to a better understanding of customary legal practices and improved access to justice for villagers living in remote areas. It should also promote the application of international human rights standards, including on freedom of religion or belief as enshrined in the International Covenant on Civil and Political Rights. While the beliefs of animists or ancestor worshippers should be respected in principle, any harmful traditions or cruel practices, such as the killing of new-born twins in a specific ethnic group, must be effectively prevented and prosecuted by the relevant authorities.		<p>A/HRC/15/5 Report of the Working Group on the Universal Periodic Review, The Lao People's Democratic, 3-14 May 2010.</p> <p>The right to lodge complaints and petitions and seek justice</p> <p>46. The Lao PDR has taken legal and administrative measures to ensure the rights of the people to lodge complaints and petitions and seek justice with regard to the conducts of State officials. State organizations, officials and citizens have the obligation to comply with the Constitution and laws. The State protects the inviolable freedoms and democratic rights of the people. The Lao Constitution prohibits all acts of tyranny or</p>

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		<p>authoritarian acts that can be detrimental to the people's dignity, physical well-being, lives, conscience and property. All people whose freedoms are violated by the acts of the State as well as of third parties can lodge complaints, petitions and seek justice. The Lao PDR's legal framework that guarantees this right includes the Law on Criminal Procedure, the Law on Civil Procedure, the Law on People's Courts, the Law on Offices of People's Prosecutors and other specific laws. To enable the people effectively exercise their right to lodge complaints and petitions, the National Assembly in 2006 adopted the Law on Handling Petitions, which concretises the rights and procedures for the multi-ethnic people to lodge complaints and petitions to concerned officials. This law protects the interests of individuals and collective entities. This is a new legislative measure in the Lao PDR's justice system that sets out detailed regulations for individuals and organizations in submitting a request without difficulties and in a uniform manner so that such a request is considered for an effective solution by the relevant organization. According to the Law, there are three types of petition: a request (submitted to the administrative authorities), a claim (submitted to the judiciary) and a petition for justice (submitted to the National Assembly). This new law which has been well received by the public is contributing to creating the Lao society to be a society of equality and justice without discrimination based on social status, gender, age, race, nationality, ethnicity, religion and other grounds. In the Lao PDR's justice system, cases of a trivial nature are solved without</p>

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		resort to the court but by referring to local customs and traditions, especially through village mediation units, established throughout the country. Village mediation units solve conflicts and minor offences.

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