

Distr.: General
27 January 2010
Arabic
Original: English



مجلس حقوق الإنسان

الدورة الثالثة عشرة

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

تقرير المقررة الخاصة المعنية بحرية الدين أو المعتقد، السيدة أسماء جاهانجير

إضافة

البعثة إلى جمهورية لاو الديمقراطية الشعبية**

موجز

يتضمن هذا التقرير استنتاجات وتوصيات المقررة الخاصة المعنية بحرية الدين أو المعتقد بخصوص البعثة التي قامت بها إلى جمهورية لاو الديمقراطية الشعبية في الفترة من ٢٣ إلى ٣٠ تشرين الثاني/نونبر ٢٠٠٩. وتقدم المقررة الخاصة لمحة موجزة عن المعايير الدولية لحقوق الإنسان، والإطار القانوني الداخلي لحرية الدين أو المعتقد، والتركيبية الديمغرافية الدينية في جمهورية لاو الديمقراطية الشعبية.

وتسلط المقررة الخاصة بعد ذلك الضوء على قضايا تشكل دواعي قلق ذات صلة بولايتها. وتتعلق دواعي القلق هذه بنص المرسوم رقم 92/PM المتعلق بإدارة وحماية الأنشطة الدينية

* قُدِّم هذا التقرير بعد الموعد المحدد نظراً إلى تاريخ البعثة (٢٣-٣٠ تشرين الثاني/نوفمبر ٢٠٠٩).

** يُعمَّم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير ذاته، الوارد في مرفق الموجز، فيُعمَّم كما ورد باللغة التي قُدِّم بها فقط.

وبتفويضه؛ والادعاءات المتعلقة بحالات إكراه على تغيير الديانة وحالات طرد؛ وعزل الأقليات الدينية؛ وحرية الحركة في سياق الأنشطة الدينية؛ وحرية الدين أو المعتقد الخاصة بالأشخاص المحرومين من حريتهم؛ وبعض المعتقدات أو الأعراف الخاصة بالأرواحيين أو معتنقي عبادة الأسلاف.

وتستنتج المقررة الخاصة أن شعب جمهورية لاو الديمقراطية الشعبية متسامح جدا بصفة عامة فيما يتعلق بالشؤون الدينية؛ لكن، خلال الاثني عشرة سنة الأخيرة، ورد في إطار الولاية عدد من الادعاءات الجسيمة المتعلقة بانتهاكات لحقوق الإنسان من جانب الدولة، مثل حالات الاعتقال على أساس الديانة، أو الحملات الرسمية الهادفة على إكراه المسيحيين على تغيير معتقدتهم. ويبدو أن الحالة قد تحسنت كثيرا في الآونة الأخيرة، غير أن المقررة الخاصة تظل قلقة إزاء حالات فردية وإزاء بعض السياسات التي تنتهك بصورة واضحة حرية الدين أو المعتقد. وتوصي المقررة الخاصة بإعادة النظر في المرسوم رقم 92/PM المتعلق بإدارة وحماية الأنشطة الدينية، وتقتراح إصدار توجيهات سياسية توضيحية بلّغ إلى الجهات المعنية على صعيد الولايات والمقاطعات لتفادي أي تفسير ينطوي على تمييز. ونظرا إلى ما يبدو من قلة أو انعدام إمكانية وصول أعضاء الأقليات الدينية إلى التعليم العالي، فإن المقررة الخاصة توصي بتوسيع نطاق مخططات العمل المؤثرة، الموجودة أصلا فيما يتعلق بأفراد الأقليات الإثنية، لتشمل الأقليات الدينية. وعلاوة على ذلك، ينبغي إلغاء الضوابط البيروقراطية والعراقيل التي تُفرض على حرية التنقل المرتبط بالأنشطة الدينية. وينبغي كذلك أن تقدّم الدولة إلى موظفي مرافق الاحتجاز التدريب اللازم لزيادة وعيهم بواجبهم حيال تعزيز واحترام المعايير الدولية لحقوق الإنسان، بما في ذلك حرية الدين أو المعتقد. وتلاحظ المقررة الخاصة أيضا باهتمام الخطة الرئيسية للقطاع القانوني التي وضعتها الحكومة ودعوها إلى تنفيذ مشروع بحثي بشأن ممارسات العدالة العرفية.

Annex

Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, on her mission to the Lao People's Democratic Republic (23–30 November 2009)

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–5	4
II. International human rights standards	6–9	5
III. Domestic legal framework on freedom of religion or belief.....	10–19	6
A. Constitutional provisions.....	10–12	6
B. Decree No. 92/PM for the Management and Protection of Religious Activities	13–17	7
C. Further domestic sources of law	18–19	8
IV. Religious demography	20–22	8
V. Issues of concern related to the mandate.....	23–60	9
A. Decree No. 92/PM for the Management and Protection of Religious Activities	24–39	9
B. Forced conversions and evictions.....	40–43	13
C. Isolation of religious minorities.....	44–46	14
D. Liberty of movement in the context of religious activities	47–49	15
E. Freedom of religion or belief of persons deprived of their liberty.....	50–53	16
F. Beliefs and customs of animists or ancestor worshippers	54–60	17
VI. Conclusions and recommendations.....	61–71	18

I. Introduction

1. Following an invitation by the Government, the Special Rapporteur on freedom of religion or belief carried out a mission to the Lao People's Democratic Republic. From 23 to 30 November 2009, the Special Rapporteur visited the capital Vientiane as well as Luang Prabang and Savannakhet provinces pursuant to her mandate to identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and to present recommendations on ways and means to overcome such obstacles.

2. The Special Rapporteur is grateful for the invitation she received in June 2009 and for the cooperation extended by the Government during her visit. In Vientiane, she had the opportunity to talk to the Deputy Prime Minister, the Minister to the Prime Minister's Office, the Assistant Minister for Foreign Affairs, and the Chairman of the Social-Cultural Affairs Committee of the National Assembly. She also met with the Governor and Vice-Governor of Savannakhet province, the Vice-Governor of Luang Prabang province and with district and village chiefs and a representative of the Lao Women's Union. Since the Lao Front for National Construction is in charge of overseeing religious activities in the Lao People's Democratic Republic, the Special Rapporteur is pleased that she was able to talk with the Vice-President of the Front and with various staff members, both at the national and provincial levels.¹

3. During her mission, the Special Rapporteur had unimpeded access to individuals, officials and members of religious groups that she wished to and was able to meet, though it took some negotiations with Government officials to reach this understanding. However, the Special Rapporteur regrets that her visit to Samkhe prison on 25 November 2009 was an exception, since the prison authorities adamantly refused to allow her to speak in private and freely with the prisoners. The detainees appeared to be frightened to respond to some very basic queries and were afraid to speak to the Special Rapporteur without the presence of the prison authorities. She would like to recall that the terms of reference for fact-finding missions by Special Rapporteurs and Special Representatives provide mandate holders with full freedom of inquiry, including confidential and unsupervised contact with persons deprived of their liberty.²

4. In addition, the Special Rapporteur was able to collect first-hand information and documents on the state of freedom of religion or belief in the Lao People's Democratic Republic. She met with leaders and followers of a number of religious or belief communities, including Animists, Bahá'ís, Buddhists, Evangelical Christians, Muslims, Roman Catholics and Seventh-Day Adventists. During her mission, the Special Rapporteur also interacted with citizens regarding the issues of her mandate, however some people admitted their self-censorship and hesitation in approaching the authorities in any matters of religion.

5. Moreover, the Special Rapporteur held meetings with academics, diplomats, representatives of international civil society organizations, journalists and lawyers. She also met with a number of representatives of international organizations, including from the United Nations Children's Fund, the United Nations Development Programme, the United Nations Population Fund, the United Nations Office on Drugs and Crime and the Food and Agriculture Organization of the United Nations. The Special Rapporteur thanks all her

¹ See CERD/C/451/Add.1, para. 20 for a description of the various tasks of the Lao Front for National Construction.

² E/CN.4/1998/45, appendix V and see paras. 50–53 below.

interlocutors for the information and opinions they shared with her. She sincerely appreciates the logistical support provided by the office of the United Nations Resident Coordinator in the Lao People's Democratic Republic and by the regional office for South East Asia of the Office of the United Nations High Commissioner for Human Rights.

II. International human rights standards

6. The right to freedom of religion or belief is enshrined in various international human rights instruments.³ These include articles 2, 18–20 and 26–27 of the International Covenant on Civil and Political Rights; article 13 of the International Covenant on Economic, Social and Cultural Rights; article 2 of the Convention on the Elimination of All Forms of Discrimination against Women; article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination; articles 2, 14 and 30 of the Convention on the Rights of the Child; and article 12 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition, articles 2, 18 and 26 of the Universal Declaration of Human Rights as well as the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief provide further guidance on the scope of freedom of religion or belief.

7. Apart from the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Lao People's Democratic Republic has signed and ratified all of the other above-mentioned human rights treaties. In this regard, the Special Rapporteur would like to highlight that the International Covenant on Civil and Political Rights, which had already been signed by the Lao People's Democratic Republic in 2000, was also ratified by the Government on 25 September 2009. Upon ratification, however, the Government of the Lao People's Democratic Republic declared "that Article 18 of the Covenant shall not be construed as authorizing or encouraging any activities, including economic means, by anyone which directly or indirectly, coerce or compel an individual to believe or not to believe in a religion or to convert his or her religion or belief. The Government of the Lao People's Democratic Republic considers that all acts creating division and discrimination among ethnic groups and among religions are incompatible with Article 18 of the Covenant."⁴

8. In terms of the human rights monitoring by United Nations treaty bodies, the Committee on the Elimination of Racial Discrimination in 2005 recommended that the Lao People's Democratic Republic recognize the rights of persons belonging to minorities and indigenous peoples as set out in international law, regardless of the name given to such groups in domestic law. The Committee also invited the State party to take into consideration the way in which the groups concerned perceive and define themselves, recalling that the principle of non-discrimination requires taking into consideration the specific characteristics of ethnic, cultural and religious groups (CERD/C/LAO/CO/15, para. 17). The Committee was disturbed by reports of the infringement of the freedom of religion of members of religious minorities, in particular Christians, who are also often members of ethnic minorities. The Committee recommended that the Government ensure that all persons enjoy, without discrimination, their right to freedom of thought, conscience and

³ For an overview of the Special Rapporteur's legal framework, see her reports to the Commission on Human Rights (E/CN.4/2005/61, paras. 15–20 and E/CN.4/2006/5, annex) as well as the online digest of her framework for communications (www2.ohchr.org/english/issues/religion/standards.htm).

⁴ See http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en#EndDec (see also the related discussion in paras 29–30 below).

religion (CERD/C/LAO/CO/15, para. 20). In addition, the Government was informed by a letter of 13 March 2009 that the Committee on the Elimination of Racial Discrimination considered information received on the situation of the Hmong indigenous people in Xaisomboune province under its early warning and urgent action procedure.⁵

9. The Committee on the Elimination of Discrimination against Women considered the country report of the Lao People's Democratic Republic in July 2009. The Committee expressed its concern at the persistence of adverse norms, practices and traditions as well as patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, especially within some ethnic groups. The Committee was also concerned that such customs and practices perpetuate discrimination against women and girls, and that they were reflected in disadvantageous and unequal status in many areas, including in education and public life and decision-making, and the persistence of violence against women and that, thus far, the State party had not taken sustained and systematic action to modify or eliminate stereotypes and negative traditional values and practices (CEDAW/C/LAO/CO/7, para. 21).

III. Domestic legal framework on freedom of religion or belief

A. Constitutional provisions

10. Laos traces its history to the kingdom of Lane Xang, which was founded in 1353. Under French colonial rule, a first constitution was passed in 1947, in which Buddhism was declared the state religion and Laos became a parliamentary monarchy. The country gained full sovereignty in 1954, however it subsequently plunged into civil war in which the Royal Lao Government and the communist Pathet Lao both received external support from the cold war superpowers. The monarchy was abolished when the Pathet Lao came to power in 1975. The Constitution of the Lao People's Democratic Republic was adopted in 1991 and significantly amended in 2003.

11. Article 3 of the Constitution of the Lao People's Democratic Republic provides that the rights of the multi-ethnic people to be the masters of the country are exercised and ensured through the functioning of the political system, with the Lao People's Revolutionary Party as its leading nucleus. Further constitutional provisions emphasize that all types of enterprises operate according to the principle of the market economy, competing and cooperating with each other to expand production and business while being regulated by the State in the direction of socialism.

12. Pursuant to article 9 of the Constitution, the "State respects and protects all lawful activities of Buddhists and of followers of other religions, and mobilizes and encourages Buddhist monks and novices as well as the priests of other religions to participate in activities that are beneficial to the country and people". The same article also prohibits "all acts creating division between religions and classes of people". According to article 35 of the Constitution, Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group. Article 43 of the Constitution states that Lao citizens have the right and freedom to believe or not to believe in religions. The Constitution also guarantees the right of Lao citizens to receive education as well as the right of freedom of settlement and movement as provided by the law.

⁵ http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Lao130309.pdf.

B. Decree No. 92/PM for the Management and Protection of Religious Activities

13. On 5 July 2002, the Prime Minister issued Decree No. 92/PM for the Management and Protection of Religious Activities. According to article 1, the Decree has the aim of “making religious activities conform to laws and regulations, and ensuring the exercise of the right of Lao people to believe or not believe”. Article 2 notes that various religions have been established with the consent of believers without any coercion or bribery from any political institutions or individuals from outside or inside the country. The same article stipulates that the activities of all religions in the Lao People’s Democratic Republic are based on and aimed at serving the development of the country and at educating the population of various social strata to follow the progressive teachings of their religion, such as (a) avoiding badness, doing good and having a pure heart; (b) teaching individuals in the spirit of solidarity, mutual assistance and love; and (c) assisting individuals in the spirit of equality, justice and peace. According to article 4 of the Decree, Lao citizens, immigrants, stateless persons and foreigners in the Lao People’s Democratic Republic have the right to engage in or organize religious ceremonies in their pagodas or churches.

14. Article 5 of the Decree requires believers of all religions to observe and implement the Constitution and laws of the Lao People’s Democratic Republic, and preserve and expand historic traditions, cultural heritage and Lao national unity. Religious organizations have to establish a register pursuant to article 6 of the Decree and monks, novices and other clergymen receive a specific identity card. All religious organizations in the Lao People’s Democratic Republic that wish to be registered and establish their organizations are required by article 7 of the Decree to submit a comprehensive set of documents through the concerned local administrative authorities to the Central Committee of the Lao Front for National Construction. The latter has the right and duty, pursuant to article 10 of the Decree, to manage, promote theology and give instructions to administrative authorities of each level with regard to the activities of religious communities in order to ensure that their activities are in conformity with their own principles as well as with laws and regulations of the Lao People’s Democratic Republic.

15. Article 11 of the Decree states that religious organizations and believers of each religion in the Lao People’s Democratic Republic have the right to organize meetings of their own believers for the purpose of delivering sermons, disseminating religious teachings, conducting religious ceremonies, organizing festivals or praying on the usual days of importance to each religion in their pagodas or churches. For the dissemination of religious teaching to other believers, article 12 of the Decree requires approval of the Lao Front for National Construction at the district, provincial or national level, depending on the geographic outreach of the religious teaching.

16. According to article 13 of the Decree, it is punishable to conduct activities inimical to the regime of the Lao People’s Democratic Republic or to create divisions among ethnic groups or religions with a view to disturbing public order. The printing of books related to religion or documents for dissemination requires authorization, pursuant to article 14 of the Decree, by the Ministry of Propaganda and Culture with the approval of the Central Committee of the Lao Front for National Construction. Article 15 of the Decree imposes a duty on the believers of various religions in the Lao People’s Democratic Republic to preserve the sacred sites, articles of historical heritage as well as Lao national culture, customs and traditions. The repair of these sacred sites and the building of new pagodas or churches need to be authorized by the relevant authorities and approved by the Lao Front for National Construction.

17. Article 17 of the Decree provides that communications of believers of each religion with foreign organizations, religious agencies and individuals need to be in conformity with

foreign policy, laws and regulations and should be approved by the Central Committee of the Lao Front for National Construction. The latter's approval is also required for the participation of religious leaders or individual believers in friendship visits and religious festivals abroad (article 18 of the Decree) or for the invitation of foreign religious representatives for such meetings in the Lao People's Democratic Republic (article 19 of the Decree). Similarly, religious organizations and individuals intending to request or accept any assistance from foreign religious agencies, believers or from international organizations have to seek approval according to article 20 of the Decree from the Central Committee of the Lao Front for National Construction.

C. Further domestic sources of law

18. Article 3 of the Education Act stipulates that Lao citizens have the right to education without distinction as to ethnic origin, race, religion, sex, age or social status. Pursuant to article 23 of the Education Act, the State provides a scheme to support pupils and students from ethnic minorities in remote and isolated regions, disadvantaged female students, excellent students and good students from poor families.

19. Furthermore, customary practices remain an important source of law for many people in Lao People's Democratic Republic, especially among the members of the 49 ethnic groups and in the most remote areas of the country. Consequently, the lives of many citizens are regulated by informal traditional local rules rather than by official statutory laws and regulations endorsed and published by the State.

IV. Religious demography

20. With regard to the religious demography of the Lao People's Democratic Republic, the Special Rapporteur was informed by the Government that about two thirds of the population are Theravada Buddhists, most belonging to the Lao Loum group (lowlanders). In addition, about 30 per cent of the population are practitioners of animism or ancestor worship, mainly among the ethnic groups of Lao Soung (highlanders/minority tribes) and Lao Theung (mid-slope dwellers). Also among lowlanders, many pre-Buddhist animistic beliefs have been incorporated into Buddhist practice.

21. Christians constitute around 2 per cent of the population and many are also members of ethnic minorities in remote areas. The Government officially recognizes the Lao Evangelical Church (with an estimated 100,000 believers), the Roman Catholic Church (with around 40,000 believers) and the Seventh-Day Adventist Church (with around 2,000 believers). Further Christian denominations are active in the Lao People's Democratic Republic, including from the Assemblies of God, the Baptist Church, the Church of Christ, the Church of Jesus Christ of Latter-day Saints, Jehovah's Witnesses, the Methodist Church and the Lutheran Church.

22. In addition, there are further religious minorities in the Lao People's Democratic Republic, constituting altogether less than 1 per cent of the population. These include around 8,000 Bahá'í adherents, who are active in five Bahá'í centres across the country. The majority of the 400 Muslims in the Lao People's Democratic Republic reside in Vientiane, where there are two Sunni mosques. Furthermore, a very small number of citizens follow no religion.

V. Issues of concern related to the mandate

23. The Special Rapporteur would like to highlight some aspects of the status of freedom of religion or belief in the Lao People's Democratic Republic. In this chapter, she will focus on the following issues of concern related to her mandate: (a) the text and implementation of Decree No. 92/PM for the Management and Protection of Religious Activities; (b) allegations of forced conversions and evictions; (c) the isolation of religious minorities; (d) liberty of movement in the context of religious activities; (e) freedom of religion or belief of persons deprived of their liberty; and (f) some beliefs and customs of animists or ancestor worshippers.

A. Decree No. 92/PM for the Management and Protection of Religious Activities

24. The Prime Ministerial Decree No. 92/PM for the Management and Protection of Religious Activities,⁶ which was passed in 2002, was at that time a step forward in advancing freedom of religion or belief in the Lao People's Democratic Republic. However, some provisions of the Decree are not in conformity with applicable international human rights standards and the Special Rapporteur would like to recommend that the Government review the relevant articles of the Decree. Most importantly, the Decree needs complementary policy directions that can be passed on to the provincial and district levels so that the Decree is not misinterpreted to the detriment of religious minorities. Local authorities admitted that there had been misunderstandings regarding the comprehension of the Decree in the past and they appreciated the idea of receiving a written policy from the central Government for better clarity of the spirit and scope of the Decree.

25. In this context, the Special Rapporteur would like to refer to the ratification of the International Covenant on Civil and Political Rights by the Lao People's Democratic Republic on 25 September 2009. The Special Rapporteur very much welcomes this recent initiative of the Government. She trusts that the ratification will contribute to advancing freedom of religion or belief in the country, especially since all States parties to the Covenant are obliged to submit regular reports to the Human Rights Committee which monitors implementation of the human rights obligations of States parties. The Covenant enshrines, inter alia, the principle of non-discrimination (articles 2 and 26), the right to freedom of thought, conscience and religion (article 18), the right to freedom of opinion and expression (article 19), the prohibition of any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (article 20), and the protection of the right of persons belonging to ethnic, religious or linguistic minorities to profess and practise their own religion (article 27).

26. In order to illustrate the problems of interpretation and possible adverse consequences for individual believers and religious communities in the Lao People's Democratic Republic, the Special Rapporteur analyzes in this subsection some provisions of the Decree and refers to the relevant international human rights standards. Her main concerns relate to (a) vaguely worded obligations and duties imposed on religious communities; (b) the implementation of the relevant registration provisions; and (c) the

⁶ For an overview, see paras. 13–17 above; a translation of the full text of the decree is available at <http://app02.laopdr.gov.la/ePortal/lao/detail.action.jsessionid=9kYZKv4LChVLdGhWdrh5M7Bf mJ1K02RqkMbN0jlQ5JfyHBpMzR5132904345?id=11538>.

extensive oversight and broad powers given to the Lao Front for National Construction and other Government entities.

1. Vaguely worded obligations and duties imposed on religious communities

27. Several provisions are worded in an ambiguous or vague manner which makes them prone to selective or discriminatory interpretation. For example, article 2 of the Decree defines that all religions in the Lao People's Democratic Republic "are based on and aimed at serving the development of the country and at educating the population of various social strata to follow the progressive teachings of their religion". However, the Special Rapporteur would like to reiterate that the contents of a religion should be defined by the worshippers themselves and that, apart from the legal recourse available against harmful activities, the State should not act as the guardian of people's consciences by encouraging, imposing or censoring any religious belief.⁷

28. Furthermore, article 5 of the Decree requires believers of all religions "to preserve and expand historic traditions, cultural heritage and Lao national unity". In addition, according to article 9 of the Constitution and article 13 of the Decree, it is punishable to create divisions among ethnic groups or religions. In this context, the Special Rapporteur is concerned that the notions of harmony and unity are given undue importance in the implementation process, which may ultimately have adverse effects on religious minorities and diversity in the country. Indeed, during her mission, the importance of preventing the divisive nature of religions was repeated by many of her official interlocutors. It appears that the confusion in this regard existed both at the district levels and at the central level.

29. This approach is unfortunately also confirmed by the declaration of the Government when ratifying the International Covenant on Civil and Political Rights, stating that all acts creating division among religions were incompatible with article 18 of the Covenant. However, it seems questionable whether this declaration is in line with the text and spirit of the Covenant. The Special Rapporteur wishes to refer to the delicate balance that the Covenant strikes between the various fundamental freedoms, including freedom of religion or belief, and possible limitations, for example in article 18, paragraph 3, and article 20, paragraph 2, of the Covenant. The Human Rights Committee in its general comment No. 22 (1993) on freedom of thought, conscience or religion, emphasized that any limitations imposed on the freedom to manifest religion or belief must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18 of the Covenant.⁸ The Committee also observed that limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. In addition, restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner. In accordance with article 20 of the Covenant, no manifestation of religion or belief may amount to propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. In this regard, the Special Rapporteur notes with concern the different approach and lower threshold for limitations on the freedom to manifest one's religion or belief applied by the Lao People's Democratic Republic by seeking to outlaw "all acts creating division among religions". This domestic concept is highly subjective and could be abused by the State to prohibit religious activities that are protected under international law, such as the teaching and dissemination of religious

⁷ See E/CN.4/1997/91, para. 99 and A/HRC/4/21, para. 46.

⁸ See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 40* (A/48/40), vol. I, annex VI, para. 8.

beliefs or proselytism in general.⁹ In this context, the Special Rapporteur is concerned about reports of discriminatory application of article 13 of the Decree by local authorities to the detriment of religious minorities.

30. Other ambiguous wording is used in article 2 of the Decree which refers to the “consent of believers without any coercion or bribing from any political institutions or individuals from outside or inside the country”. Similarly, the State declared on 25 September 2009 that article 18 of the Covenant should not be construed as “authorizing or encouraging any activities, including economic means, by anyone which directly or indirectly, coerce or compel an individual to believe or not to believe in a religion or to convert his or her religion or belief”. The Human Rights Committee in its general comment No. 22 observed that the freedom to “have or to adopt” a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one’s current religion or belief with another or to adopt atheistic views, as well as the right to retain one’s religion or belief. Paragraph 2 of article 18, however, 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. The Special Rapporteur would like to reiterate that the adoption of laws criminalizing *in abstracto* certain acts leading to “unethical” conversion should be avoided, in particular where these laws could apply even in the absence of a complaint by the converted person.¹⁰ At the same time, she calls on religious groups, missionaries and humanitarian non-governmental organizations (NGOs) to abide by relevant codes of conduct¹¹ and guidelines adopted by religious organizations.

2. Implementation of registration provisions

31. The requirement for registration of religious communities and the implementation of the relevant domestic provisions also remain controversial. Article 7 of the Decree provides that all religious organizations in the Lao People’s Democratic Republic that wish to be registered and establish their organizations must submit a comprehensive set of documents through the concerned local administrative authorities to the Central Committee of the Lao Front for National Construction. The authorities have so far registered Buddhism, Christianity (the Lao Evangelical Church, the Roman Catholic Church and the Seventh-Day Adventist Church), the Bahá’í faith and Islam. In March 2004, the Lao Front for National Construction reportedly issued an order that required all Protestant groups to become a part of the Lao Evangelical Church or the Seventh-Day Adventist Church. The Special Rapporteur was informed that this order stated that no other Christian denominations would be permitted to register in order to prevent “disharmony” in the religious community.

32. In the past, those who were not registered could not hold religious gatherings or worship collectively, not even in private houses. There are a number of reports of such gatherings being interrupted by local police and individuals arrested for disturbing the “harmony” of the local community. Fortunately, this practice seems to have been discontinued after the intervention of the central authorities. Nevertheless, it was reported that in certain districts the authorities remain sensitive to any assembly of people, religious or otherwise. The procedure and criteria for registration are complex. In some provinces, the authorities believe that registration at the national level suffices, however in other

⁹ See A/60/399, paras. 59–68.

¹⁰ Ibid., para. 68.

¹¹ For example the Code of Conduct for International Federation of Red Cross and Red Crescent Societies and NGOs in Disaster Relief (www.ifrc.org/publicat/conduct/code.asp).

provinces they insist on registration at the provincial level, too. The Special Rapporteur was informed that provincial authorities by themselves cannot register religious communities unless cleared by the central Government, which creates additional bureaucratic hurdles.

33. While it may be appropriate to require registration for the acquisition of a legal personality and similar benefits, the Special Rapporteur would like to reiterate that registration must not be a mandatory precondition for practicing one's religion.¹² Any registration procedures should be easy and quick, and not depend on extensive formal requirements in terms of the number of members or the time a particular religious group has existed. Registration should not depend on reviews of the substantive content of the belief, the structure of the faith group and methods of appointment of the clergy. It is imperative that no religious group be empowered to decide about the registration of another religious group. Similarly, the State has a duty to remain neutral and impartial in its relations with the various religions and beliefs, which also implies that the authorities must not force distinct denominations to register under one joint heading, unless the different groups freely wish to do so themselves. In addition, provisions that are vague or that grant excessive governmental discretion in giving registration approvals should not be allowed. Registration procedures must be applied in a non-discriminatory manner.

3. Extensive oversight and broad powers given to the Lao Front for National Construction and other Government entities

34. Furthermore, the Special Rapporteur is concerned about the extensive oversight and "management" of religious activities in the Lao People's Democratic Republic, especially in light of the broad powers given to Government entities by the relevant legislation. Certain activities can only be conducted with the approval or permission of various authorities, for example with regard to the dissemination of religious teaching to other believers (article 12 of the Decree); the printing of books related to religion or documents for dissemination (article 14 of the Decree); the building of new pagodas or churches (article 16 of the Decree); communication of believers of each religion with foreign organizations, religious agencies (article 17 of the Decree); the participation of religious leaders or individual believers in friendship visits and religious festivals abroad (article 18 of the Decree); the invitation of foreign religious representatives for such meetings in the Lao People's Democratic Republic (article 19 of the Decree); and any assistance from foreign religious agencies, believers or from international organizations (article 20 of the Decree).

35. The domestic legislation often requires approval from different administrative authorities which makes the bureaucratic procedures cumbersome and time-consuming for the religious communities. According to article 21 of the Decree, the Central Committee of the Lao Front for National Construction has the duty to implement the Decree, which may imply its involvement either at the district, provincial or national levels. Furthermore, several provisions of the Decree require approval from additional authorities, for example the head of the village, the head of the district, the governor, the head of a special zone, the Ministry of Education, the Ministry of Propaganda and Culture, or the Prime Minister.

36. The Special Rapporteur is concerned about the broad scope of the oversight powers given to the Lao Front for National Construction. Its Central Committee, for example, is tasked by article 10 of the Decree to promote theology and give instructions to administrative authorities of each level with regard to the activities of religious communities in order to ensure that their activities are in conformity with their own

¹² E/CN.4/2005/61, para. 58.

principles as well as with laws and regulations of the country. In particular, the mandate of the Lao Front for National Construction to supervise the activities of religious communities and to ensure their conformity with the principles of the religious communities seems to lead to undue State interference in religious autonomy. While some regulation by the authorities may be necessary in order to protect individuals' interests and beliefs, the Special Rapporteur would like to emphasize that the State has a duty of neutrality and impartiality which bars it from pronouncing on the legitimacy of beliefs and their means of expression.

37. The Special Rapporteur was informed that the levels of freedom of religion or belief experienced across the country are typically informed by the approaches of the local officials. This appears to be a consequence of ambiguous legislation, a deficiency in proper training on freedom of religion or belief for local authorities and a prevalence of antipathy towards religious minorities among officials. A repressive approach with regard to the activities of religious minorities seems to be the default position among authorities, particularly at local level. However, the Special Rapporteur was also informed of positive examples of intervention by provincial authorities, overturning discriminatory decisions at the local level and engaging in awareness-raising campaigns for officials to prevent the recurrence of similar acts.

38. Furthermore, the Special Rapporteur is concerned that some religious communities seem to be compelled to share detailed information on their members, including their names and addresses, with the relevant authorities. Article 6 of the Decree requires organizations of each religious to establish a register and to put the names of organization members, priests and religious teachers on a specific inventory. The reporting practice to State authorities seems to vary: while some religious communities only share the details of selected staff of their administrative committees and general statistics, other religious communities regularly provide full details of all their adherents to the administrative authorities and the Lao Front for National Construction. The Special Rapporteur would like to emphasize that members of religious minorities are often in a vulnerable situation, which is further aggravated when States specifically target them by registering their members' names and scrutinizing these individuals (A/HRC/13/40, para. 34).

39. While the Special Rapporteur welcomes the fact that the Government has since 2002 discontinued the mentioning of religious affiliation on national identity cards, she was also informed that the relevant application forms and older identity cards which remain in circulation still include a field with information on religious affiliation. She wishes to reiterate that indicating a person's religious affiliation on official documents carries a serious risk of abuse or subsequent discrimination based on religion or belief, which has to be weighed against the possible reasons for disclosing the holder's religion (A/63/161, para. 77).

B. Forced conversions and evictions

40. The Special Rapporteur has received a number of serious allegations that members of the Christian community were coerced by local authorities into renouncing their faith in order to preserve the harmony and unity of society. In extreme cases, Christians have reportedly been evicted from their native homes by village or district authorities. During her mission, the Special Rapporteur received reports about two recent cases where evictions had been ordered by the village administration. Reportedly, the Christians were asked to renounce their faith, to leave the village or to sign a letter that they would burn the Bible.

When they declined to sign these documents, they were allegedly arrested and detained by the local authorities. In addition, their children faced harassment and were denied access to public schools. The Human Rights Committee emphasizes that article 18, paragraph 2, of the International Covenant on Civil and Political Rights bars coercion that would impair the right to have or adopt a religion or belief as well as policies or practices having the same intention or effect, such as those restricting access to education.¹³

41. At the same time, the Special Rapporteur was informed by different interlocutors that such unacceptable practices, which are obviously a flagrant violation of freedom of religion or belief, seem to be very much on the decline in the Lao People's Democratic Republic. The authorities that she met acknowledged that some incidents had indeed taken place in the past but this has now been corrected. They assured the Special Rapporteur that fresh instructions had been passed down to the local administration level and that these incidents will not be tolerated in the future. Representatives of local administration and members of the Christian community also confirmed this turn of events.

42. Many interlocutors from the Government emphasized that Christianity was spreading in the country and they alleged in this context that some Christian groups were using material assistance or bribes in order to lure poor people into converting to Christianity. However, the Special Rapporteur was neither presented with any evidence in this regard nor did she talk to any alleged victim of so-called "unethical conversion". In addition, alleged "unethical conversions" seem to be unlikely in practice in the Lao People's Democratic Republic since all international humanitarian and development NGOs have to work under the close supervision of the Government, which in itself is problematic for the above-mentioned reasons (see paras. 34–39 above). Article 20 of the Decree, for example, requires approval for accepting any assistance from foreign religious agencies or believers, or from international organizations, and every handover of properties must be undertaken in the presence of members of the Lao Front for National Construction and of the local administrative authority.

43. In order to prevent any problems with the authorities, some religious communities, like the Bahá'ís, Muslims and Roman Catholics, seem to refrain in the domestic context from any missionary activity, even if this would be to some extent inherent to their faith. Buddhists and Hindus, on the other hand, generally do not consider proselytism central to their religious obligations. Consequently, the negative aspersion of engaging in alleged "unethical conversions" is mainly cast by the State on some "foreign" Evangelical groups. However, the Special Rapporteur would like to reiterate that missionary activity is accepted as a legitimate expression of religion or belief and therefore enjoys the protection afforded by article 18 of the International Covenant on Civil and Political Rights and other relevant international instruments. Missionary activity cannot be considered a violation of the freedom of religion and belief of others if all involved parties are adults able to reason on their own and if there is no relation of dependency or hierarchy between the missionaries and the objects of the missionary activities.¹⁴

¹³ Human Rights Committee, general comment No. 22 (1993) on freedom of thought, conscience or religion, para. 5.

¹⁴ A/60/399, para. 67.

C. Isolation of religious minorities

44. The Special Rapporteur remains concerned about the isolation of members of religious minorities. They have little or no access to higher education and do not seem to benefit from the quota system that exists in the Lao People's Democratic Republic. Article 22 of the Constitution requests the State to create opportunities and favourable conditions in education for all people throughout the country, especially people in remote areas, ethnic groups, women and disadvantaged children. The Special Rapporteur was also informed of the quota system which is designed to support members of ethnic groups who apply for access to higher education and universities. At university level, there is currently a quota of 40 per cent for entry of ethnic minorities and this quota is apparently scheduled to increase to 60 per cent by the year 2012. The Special Rapporteur urges the State to consider affirmative action in the education policy towards members of religious minorities too.

45. In addition, members of religious minorities are not encouraged – on the contrary, it seems to be frowned upon – to join the only political party in the State. The Special Rapporteur was informed that Christians who wanted to become a member of the Lao People's Revolutionary Party were asked to sign a declaration that they have renounced their faith. Such a discriminatory approach places a glass ceiling on access to, and promotion in, public service for religious minorities and their effective participation in decision-making. Article 25 of the International Covenant on Civil and Political Rights stipulates that every citizen has the right and the opportunity, without any distinction of religion and without unreasonable restrictions, to take part in the conduct of public affairs; to vote and to be elected; and to have access, on general terms of equality, to public service in the country.

46. Another issue of concern for religious minorities seems to be their restricted access to religious material. Decree No. 92/PM requires authorization for the printing of books related to religion (article 14) and for communication of believers with foreign organizations, religious agencies and individuals (article 17). In practice, the approval process is reportedly used to limit or prevent some Christian denominations from importing and printing Bibles. Representatives of the Lao Front for National Construction confirmed that they inspect all religious publications and do not allow any additions to original texts, seeking to protect the interests and traditional message of the religion concerned. In this regard, the Special Rapporteur would like to caution against undue state interference into religious autonomy and the interpretation of substantive religious beliefs. She also wishes to refer to the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which states that the right to freedom of thought, conscience, religion or belief includes, inter alia, the freedom to make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief (article 6 c); the freedom to write, issue and disseminate relevant publications in these areas (article 6 d); and the freedom to establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels (article 6 i).

D. Liberty of movement in the context of religious activities

47. The Special Rapporteur was told by government officials and religious leaders that the latter are subjected to bureaucratic controls in their liberty of movement in the context of their religious activities. Religious leaders have to notify provincial authorities prior to holding any religious gatherings at public locations and inform the authorities of their movements between provinces and sometimes even between districts. These restrictions seem to vary from province to province and from one religious community to another. In

addition, the Special Rapporteur received allegations that the authorities in some provinces¹⁵ in practice do not give passports to Christians in order to prevent them from leaving the country.

48. In this regard, the Special Rapporteur would like to refer to article 2 of the International Covenant on Civil and Political Rights which requires each State party to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant without distinction of any kind, including religion. Article 12 of the Covenant guarantees everyone lawfully within the territory of a State party the right to liberty of movement and freedom to choose his residence within that territory. In addition, everyone is free to leave any country, including his or her own. While these rights may be subject to restrictions which are provided by law and are necessary to protect, for example, national security, such restrictions must also be consistent with the other rights recognized in the Covenant.

49. Consequently, the right to freedom of religion or belief and the prohibition of discrimination may be decisive in the evaluation of whether a restriction on the liberty of movement is permissible or not. The Special Rapporteur would like to emphasize that it is contrary to international human rights standards to place unreasonable restrictions on the movements of religious leaders and individual believers in the exercise of their freedom of religion or belief.

E. Freedom of religion or belief of persons deprived of their liberty

50. During the past 12 years, the Special Rapporteur has received allegations that members of religious minorities were arrested and detained in the context of their religious activities.¹⁶ Reportedly, they were convicted for creating divisions, for alleged proselytizing activities without official authorization, for having converted to Christianity or for refusing to renounce their faith. The Special Rapporteur is concerned about the alleged discriminatory implementation of domestic laws, the denial of due process and the bias by law enforcement organs against religious minorities. In addition, there were reports that Christian detainees had been shackled in wooden stocks, denied food and consigned to solitary confinement when prison guards saw any religious activities.

51. As indicated above (see paragraph 3), during the Special Rapporteur's visit to Samkhe prison on 25 November 2009, the prison authorities unfortunately refused to allow her to speak in private and freely with the detainees. One of the reasons for the Special Rapporteur's practice of visiting prisons during her country missions is to examine whether all detainees are given full opportunity to worship, if they so wish, and to ensure that their religious needs are respected. The terms of reference for fact-finding missions by Special Rapporteurs and Special Representatives explicitly provide mandate holders with full freedom of inquiry, including confidential and unsupervised contact with persons deprived of their liberty (E/CN.4/1998/45, appendix V).

52. The religious rights of persons deprived of their liberty must be fully respected and protected.¹⁷ The Special Rapporteur would like to emphasize that persons deprived of their

¹⁵ Including the provinces of Attapeu, Huaphanh, Phongsaly, Sakong and Xayabury.

¹⁶ See summaries of the Special Rapporteur's allegation letters and the replies of the Government in E/CN.4/1997/91, paras. 24 and 34; E/CN.4/1999/58, paras. 86–88; E/CN.4/2000/65, para. 88; E/CN.4/2002/73, para. 103; A/57/274, para. 60; A/58/296, para. 86; E/CN.4/2004/63, paras. 80–81; A/59/366, paras. 51–52; and A/HRC/10/8/Add.1, paras. 129–134.

¹⁷ See A/60/399, paras. 69–91.

liberty often require spiritual support and find themselves in a particularly vulnerable situation. There is a real risk that the circumstances of detention, as well as specific policies by prison authorities, may result in undue restrictions of the opportunity of detainees to practise their religion or belief in private or in public. The Human Rights Committee in its general comment No. 22 emphasized that prisoners continue to enjoy their rights to manifest their religion or belief to the fullest extent compatible with the specific nature of the detention. Detainees should also be allowed access to qualified representatives of any religion, while they should not be obliged to consult a minister of religion if they do not wish to do so.

53. The State should provide 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, States should also ensure that detention facilities are the object of intense public scrutiny and put in place effective complaints mechanisms.

F. Beliefs and customs of animists or ancestor worshippers

54. During her mission, the Special Rapporteur was informed of the various beliefs and customs of practitioners of animism or ancestor worshippers in the Lao People's Democratic Republic. Since this particular aspect of freedom of religion or belief has so far not been addressed in detail in the mandate practice, the Special Rapporteur would like to give a brief overview of such beliefs and customs in the context of the Lao People's Democratic Republic and their possible human rights implications.

55. Animist beliefs persist among a large proportion of Lao citizens despite a historic Decree issued by King Phothisarath in 1527 suppressing the worship of cults and more recent efforts to provide information on the adverse effects of some related traditions and practices.¹⁸ In particular, members of the hill tribes in remote mountainous areas believe that spirits inhabit all animate and inanimate forms of nature, for example rivers, rocks, crops, fire and the sky. Members of several hill tribes traditionally wore protective tattoos on their arms or faces as a talisman against evil spirits, however this custom seems to be on the decline since it was banned in 1975. There is also a widespread fear among many tribal communities of possession by demons, magic spells and incantations. People who are suspected of being possessed by demons have reportedly been banished from their villages or obliged to live in segregated areas. Some animists also resent the intrusion of any outsiders during their rituals and observe a number of taboos.

56. Animists usually believe in offerings and sacrifices of animals in order to stay on good terms with the spirits. Consequently, much of the livestock bred by Lao hill tribes is destined for sacrificial use. There are also complex rituals linked to rice cultivation as an essential part of a belief system in which the paramount deities are spirits of the soil. Some animists resent anybody converting away from their community because they believe in communal sacrifice and appeasement of their ancestors, which would require joint activities by all members of the village, according to their belief. This approach sometimes creates problems with non-animistic believers, especially those who converted to Christianity and

¹⁸ See Stephen Mansfield, *Lao Hill Tribes – Traditions and Patterns of Existence*, Oxford University Press, 2000, pp. 53–66.

who do not wish to participate in specific animistic ceremonies or contribute to the sacrifice of animals.

57. Some animistic believers combine their belief with spirit and ancestor worship, which is presided over by local shamans or sorcerers. Shamans are believed to know the correct procedures for making contact with the spirits and relaying messages between the living and the dead. There are highly detailed manuals to this effect and the related liturgical rules reportedly date back to the fourteenth century. Further ceremonies may involve, for example, beating the drum or the cymbals, dancing, chanting, making paper puppets and whispering secret formulae.

58. The Special Rapporteur was also informed of examples of harmful traditions and cruel practices of some ethnic minorities in the Lao People's Democratic Republic. Members of the Akha ethnic group, who mainly live in the northern provinces of Phongsaly, Luang Nam Tha, Oudomxay and Bokeo, seem to regard giving birth to twins as a misfortune and believe that twins are demons or ghost children who have to be killed instantly after birth. In addition, the parents of the twins are usually forced to leave the village for a certain period of time and to burn their house. The local shaman is believed to need to purify the entire village and the affected lineage. The Government has spoken out against and prohibits these cruel practices. In a recent case in Phongsaly province in November 2009, new-born twins from the Akha ethnic group were reportedly given up for adoption to foster parents outside the village to prevent any violence being perpetrated on the infants.

59. Some ethnic groups, found mainly in the northern provinces of the country, reportedly used to offer opium during village events such as celebrating New Year, shamanistic rituals and funeral wakes. This practice is said to have contributed to a high level of opiate dependency and in 1998 the Lao People's Democratic Republic had one of the highest opium addiction rates in the world. In 2005, opium cultivation was officially prohibited by the Government and opium addiction has reportedly dropped significantly.

60. With regard to harmful traditions and cruel practices, the Special Rapporteur would like to refer to General Assembly resolution 63/181, in which the Assembly emphasizes the need to address the situations of violence and discrimination that affect many women, as well as other individuals, on the grounds or in the name of religion or belief, or in accordance with cultural and traditional practices, and the misuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations. In this context, the Special Rapporteur acknowledges that it is a difficult task to distinguish between the manifestations of religion or belief, which are protected under international human rights law, and harmful cultural or traditional practices. However, if such practices have detrimental effects on the enjoyment of the fundamental rights and freedoms of others, the State may and sometimes is even obliged to intervene. Ultimately, this decision should be taken on a case-by-case basis, taking into account any particular circumstances and the specific context. The Special Rapporteur would like to emphasize that freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.¹⁹

¹⁹ Article 18, para. 3, of the International Covenant on Civil and Political Rights.

VI. Conclusions and recommendations

61. The people of the Lao People's Democratic Republic are generally very tolerant and easy-going on religious matters. During the last twelve years, however, the current mandate holder and her predecessor have received a number of very serious allegations of human rights violations by the State. The Special Rapporteur has communicated with the State in this regard, for example concerning alleged arrests and detentions on the basis of religion or official campaigns aimed at forcing Christians to renounce their faith.²⁰ The situation seems to have vastly improved recently, however the Special Rapporteur remains concerned 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.

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.

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. 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.

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.

²⁰ See E/CN.4/1997/91, paras. 18–24 and 34; E/CN.4/1999/58, paras. 86–88; E/CN.4/2000/65, para. 88; E/CN.4/2001/63, para. 123; A/56/253, paras. 23–24; E/CN.4/2002/73, para. 103; A/57/274, para. 60; A/58/296, para. 86; E/CN.4/2004/63, paras. 80–81; A/59/366, paras. 51–52; and A/HRC/10/8/Add.1, paras. 129–134.

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.

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.

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 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.
