

# ACCESS TO JUSTICE FOR LAO CITIZENS

In 2006, The McConnell Foundation and The Asia Foundation launched a program to provide “Access to Justice for Lao Citizens,” particularly for disadvantaged citizens. This year marks our decade-long collaboration on this important initiative. This summary sets forth our key accomplishments, as well as our vision for further expanding access to justice in Laos. As of end of 2016, the program leveraged cofunding of more than \$200,000 from The Asia Foundation and an additional \$240,000 from other partners.

## KEY ACHIEVEMENTS, 2006-2016

### *Introduced policies and institutions for accessing justice:*

- One of the first and few actors to focus on Rule of Law in a country where arbitrary decision-making and dispute resolution have been the norm.
- Fostered government ownership of Access to Justice (A2J): Government now recognizes the rights of citizens to A2J and its corresponding duty of providing access to justice to citizens.
- Contributed to an enabling policy and legal framework for A2J, including a Mediation Policy that abolished the long tradition of government appointment of village mediators in favor of village selection and a draft Legal Aid Decree that recognizes legal aid as the right of all citizens.
- Established the MOJ Legal Aid Coordination Unit, which will ensure minimum standards of quality of legal aid provision.
- Established the first-ever Legal Aid Offices in Laos. We

currently support four of six Legal Aid Offices operating in Laos.

- Introduced the concept of community-based paralegals to encourage effective delivery of legal aid (approximately 100 in two provinces).

### *Empowered citizens to understand and access justice:*

- Informed **44,266** citizens of laws, rights, and channels for seeking justice.
- Provided legal advice to **2,368** citizens.
- Represented **82** citizens in court.
- Leveraged our unique position as a trusted partner of both government and civil society to broker space for new A2J providers.
- Fostered individual champions for A2J, within and outside government. Two dynamic Lao lawyers have now established their own public interest law firms. One such individual is profiled below.



### **MANOLINH THEPKHAMVONG** **MANAGING DIRECTOR OF LAW AND DEVELOPMENT PARTNERSHIP**

“Before, even as a lawyer in private practice, I had never heard of concepts such as ‘Access to Justice’, ‘Legal Aid’ or ‘Rule of Law.’ When The Asia Foundation (TAF), through The McConnell Foundation, started its first Legal Aid Offices with the Lao Bar Association in 2007, I was hired to train paralegals and promote legal aid. Becoming interested in A2J work, I left private practice to pursue my Masters in Alternative Justice Systems in the Philippines. Upon return in 2014, I established the Law and Development Partnership, a pro bono law firm, and worked with CSOs to promote access to justice through representation of cases and through the use of paralegals. Although access to justice

is in its infancy and rule of law remains weak, thanks to work by donors like TAF, there is clear movement towards a legal system based on Rule of Law principles, including a statement at the Ninth LPRP Congress outlining the party’s commitment to becoming a full ‘rule of law’ state by 2020. I am excited to be a lawyer-partner for TAF in the next phase of its project, so that we can slowly but surely, step by step, solidify A2J in my country.”

## VISION 2017-2020

*Expand and diversify channels for citizens to access justice, with an emphasis on protecting critical human rights:*

- Based on the success of model Legal Aid Offices, the Government of Laos officially declared its intent to open at least one legal aid office in each province by 2020. The Asia Foundation will strive to ensure that new legal aid offices provide consistent, high-quality services to citizens.
- Foster additional dispute resolution channels – such as District Legal Aid Offices (the first two will be established in Xayabouly Province by the end of 2017), Village Mediators, Economic Dispute Resolution Centers, National/Provincial Assemblies, university law clinics, public interest

law firms, and paralegals – which can address more and more complex/contentious disputes.

- Increase demand for access to justice by focusing on the most urgent needs of citizens (e.g., land rights, labor rights, violence against women and children).
- Make justice more affordable and accessible through innovative and appropriate solutions (e.g., legal aid app, consult a lawyer online, etc.).
- Inform 60,000 citizens (15,000 per year) of laws, rights, and channels for seeking justice.
- Provide legal advice on 9,000 cases (1,250 per year).
- Represent 160 cases (40 per year).



### **MRS. SOMCHITCH XAYABULY DISTRICT, XAYABULY PROVINCE**

“Last year, after my father died, my family dissolved into chaos over the 2,5 hectares of land owned by my father. My six siblings and my mother were all saying that that my father’s land belonged to each of them, and everybody was fighting over how much land each should get. For a whole year we did not know what to do—things got so bad that my family members stopped talking to each other. I was even afraid that my brothers might hurt one

another with violence. Then I happened to attend a legal information session at my village by the Xayabuly Legal Aid Office, which taught us about different types of new Lao laws including ‘Constitution Law’ and ‘Inheritance Law.’ I learned that I have rights as a Lao citizen and that even when there is no will (as my father did not leave a will), the law is now very clear about the division of property, unlike my mother’s generation where division was settled by physical fighting or arbitrary decisions by the authorities. I went to the mobile legal clinic where the legal aid officer advised me of the law and issued a written legal opinion that I took back to my family. According to the document, Article 16 of the Law on Heritage and Inheritance is very clear: where the land is acquired during the marriage (as it was with my father’s land), my mother is entitled under the law to get half, and the other half is to be divided into equal shares among all of us siblings. We held a family meeting and discussed the matter. Because this is our country’s law, we decide to follow it, and with time, we repaired our relationships. The legal aid officer also called us many times after our meeting to inquire about our progress. We would still be fighting to this day had I not met the officer and known that we now have a legal system that protects us.”

*The Asia Foundation is a nonprofit international development organization committed to improving lives across a dynamic and developing Asia. Headquartered in San Francisco, The Asia Foundation works through a network of offices in 18 Asian countries and in Washington, DC. Working with public and private partners, the Foundation receives funding from a diverse group of bilateral and multilateral development agencies, foundations, corporations, and individuals.*



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