Access to Justice in Laos

The Lao Bar Association (LBA) was established in 1996 as a professional network for Lao lawyers and in recent years has built its membership to over 150 lawyers. The LBA has responsibility for regulating the legal profession, including the training requirements, qualifications, roles and responsibilities of lawyers, and also has a mandate to provide a range of community legal services, including legal aid. The Asia Foundation is supporting the LBA’s efforts to become a more effective professional organization that is capable not only of delivering its core mandate, but also playing a critical role in influencing and participating in legal development efforts more broadly.

**LEGAL AID FOR POOR AND RURAL CITIZENS**

A key focus of this partnership has been the establishment of the nation’s first three legal aid clinics, located in Oudomxai (north), Vientiane (central), and Champasak (south). These clinics focus on providing legal aid to poor and vulnerable people, especially women, children, and minority populations.

To complement the clinics, The Asia Foundation is helping the LBA to educate citizens on the law, their rights, the legal system, and the role of lawyers by training volunteers to become paralegal resource people within their own communities. These volunteers are also serving on mobile paralegal units, which, in collaboration with LBA lawyers, are currently undertaking community legal education activities across eight provinces.

To ensure that women can exercise their legal rights, a specific focus of this work has been the training of women paralegals, which can be especially important in sensitive cases such as rape and domestic violence.

**LAO BAR ASSOCIATION**

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**INCREASING UNDERSTANDING OF LAWS, RIGHTS, AND THE LEGAL SYSTEM**

The Asia Foundation supports the Law Committee of the National Assembly to conduct both law consultation and law dissemination meetings to keep legal professionals updated on new or amended laws and to obtain their feedback on proposed laws. In a country without a legal gazette, these dissemination meetings can be the only way for legal professionals to learn about new laws. Additionally, through partnership with the LBA, several easy-to-understand brochures and posters on legal aid and legal education have been produced and disseminated widely, includ-
ing to villagers, judges, prosecutors, and the police. These materials explain citizens’ rights and obligations under the law, introduce the role of lawyers and legal aid clinics, and explain how citizens can access help to address legal problems they are facing.

**STRENGTHENING GRASSROOTS JUSTICE THROUGH THE VILLAGE MEDIATION UNIT**

Village Mediation Units operate under the auspices of the Ministry of Justice and are designed to address conflicts at the community level through negotiation and mediation, using a combination of tradition, culture, and the law. In an effort to strengthen the operations of the Village Mediation Units and the knowledge of their mediators, The Asia Foundation is working with the Ministry of Justice to hold training courses at the grassroots level. Topics covered throughout the courses include relevant Lao laws, the mediation process, how to prepare for mediation, and techniques for listening and asking questions.

**CASE STUDIES***

**MR. SOMSAY, PARALEGAL**

Mr. Somsay, from Phakeo village in Oudomxay, serves as a community-based paralegal, educating his family and neighbors about the LBA’s legal aid clinic. He has referred several cases to the clinic, including a family who claimed their son was wrongfully jailed for murdering a woman in his village and was eventually proven innocent. Most recently, he referred a woman to the legal aid clinic who wanted to divorce her husband who routinely physically abused her after drinking. After trying to mediate the divorce three times in village mediation, she decided to visit her community paralegal, Mr. Somsay. He suggested that she visit the local legal aid clinic and pursue the divorce in court. As a result of legal counseling at the clinic, she was able to successfully finalize the divorce.

**HUMAN TRAFFICKING**

Ms. Vanhlee, a woman about 20 years old, was convinced to leave Laos to go work in Bangkok, Thailand. She was promised she would receive a very good salary as a waitress, but she was sold to a restaurant in Southern Thailand and forced into prostitution. She escaped after the second day and, luckily, someone who found her reported her case to the Thai police. She was sent to a shelter in Thailand for four months and eventually returned to Laos. The legal aid clinic in Champasak is now helping her to pursue a legal remedy through the courts against the individual accused of trafficking her.

**LAND DISPUTE**

Ms. Davone used the deed to her land as collateral for borrowing Kip 8,000,000 (approx. 1,000 USD) from Mr. Somdee and allowed him to use her land for growing vegetables during the period that she would be borrowing his money. There was no written contract between the two, however, and the borrowing period was not mentioned. A year later she returned the money to Mr. Somdee, but Mr. Somdee claimed that the land was his because he had paid for it and had the deed issued in his name. She brought the case to the provincial court, but the court found that Mr. Somdee was the owner of the land. Determined to gain back her land, Ms. Davone sought legal assistance from her local legal aid clinic. Thanks to the assistance of her lawyers, her case is now in the appeals court in Champasak Province.

*Names have been changed to protect the parties’ privacy.*