

Name of Sector Working Group: Governance Sector Working Group

SWG Chair and Co-Chairs:

- Minister of Home Affairs
- Minister of Justice
- UNDP Resident Representative
- Switzerland Representative

SWG Secretariat Focal Points:

- **Government Officials:**
- Mr. Nisith Keopanya, Director General of Planning and Cooperation Department, Ministry of Home Affairs
- Mr. Kethsana Phommachanh, Director General of International Cooperation Department, Ministry of Justice
- Ms. Vilaythone Sounthone Xaymongkhoun, Deputy Director General of Planning and Cooperation Department, Ministry of Home Affairs
- Ms. Saykit Visisombat, Deputy Director General of International Cooperation Department, Ministry of Justice
- Development partners:
- **Development Partners:**
- Mr. Jerome Dubois Mercent, Head of Governance, Livelihoods and Poverty Reduction Units, UNDP
- Ms. Michal Harari, Head of Governance Programme, SDC
- Ms. Francesca Arato, Attaché, Governance and Rule of Law, EU

Technical Supporting Staff:

- **Government Officials:**
- Mr. Benz Vongpadith, Director of Cooperation Division, Planning and Cooperation Department, Ministry of Home Affairs
- Ms. Chitthasone Doungdy, Deputy Director of International Organization Cooperation Division, International Cooperation Department, Ministry of Justice
- Ms. Mouknapha Manirath, Technical Officer, Planning and Cooperation Department, Ministry of Home Affairs
- Ms. Viphaphet Sor Phapmixay, Technical Officer, International Cooperation Department, Ministry of Justice

Overview of Sector Performance in 2019 DRAFT

Sector outputs and activities	Progress	Challenges and opportunities
A. Sectoral thematic (substantive) areas		
1. Actions/activities relating to the RTIM key recommendations as per Annex 1 (for most relevant recommendations only)		
1.1 The importance of the rule of law as the	Notable progress in law-making and capacity building for civil	A weakness in the State's capacity to apply its policies

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<p>foundation for equality and development, and progress to Rule of Law State by 2020.</p>	<p>servants and justice professionals, according especially with the Legal Sector Master Plan (LSMP).</p> <p>LSMP implementation has resulted in improvements in RoL especially with regard to capacities, procedures, and standards for legislative development and implementation; development of legal and judicial professionals; awareness-raising and further understanding of legal rights and information, as well as reporting and further adoption of international legal commitments into the national legislation.</p> <p>The first Penal Code of the Lao PDR was adopted by the National Assembly in May 2017 and took effect on 1 November 2018.</p> <p>The Rule of Law Conference planned in December 2019, as part of the GSWG activities, will aim to share and exchange lessons and best practices from Lao PDR and other countries, as well as to contribute identifying key recommendations and way forward for National Strategy on Rule of Law, after 2020.</p>	<p>and enforce its laws, impacts the pace of achieving national development targets /timeframes.</p> <p>The expansion of legal services is still constrained by factors, such as the costs of running legal aid facilities, an insufficient number of qualified lawyers and judges, and still limited social accountability.</p>
<p>1.2 Awareness of people's rights and obligations under the law and to strengthen institutional capacity for implementation and enforcement.</p>	<p>Revisions to the national constitution, human rights legislation and the codifying of criminal and civil laws continue to bring domestic laws into alignment with international norms and standards.</p> <p>Next Universal Periodic Review will take place in 2020.</p> <p>On-going efforts are needed to help to raise awareness of people's rights and obligations under the law and to strengthen institutional capacity for implementation and enforcement.</p>	<p>Limited legal awareness and knowledge within the legal sector and administration, and among citizens in general to understand the significance of a Rule of Law State.</p> <p>Evidence-based policy-making and data collection is also an on-going challenge due to inadequate collection and access to sufficiently disaggregated data.</p> <p>A body of informed legal analysis, judgements and case precedent cases needs further improvement and will require</p>

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		ongoing support to become a body of knowledge that can be referred to by Judges and legal professionals.
<p>1.3 Support to decentralization initiatives, including the strengthening of People's Provincial Assemblies and local administrative and service delivery functions.</p>	<p>Following a 2-year trial period with Sam Sang, a number of enabling governance and public administration reforms challenges were identified and addressed. The updated Budget Law 2016 provides the legal basis for greater fiscal decentralization and clearer inter-governmental financial relationships and processes.</p> <p>Currently, Sam Sang policy is being actively applied in some 75 districts, around 50% of the country.</p> <p>Multi-stakeholder discussions help advance general understanding on role of National Assembly (NA) and People's Provincial Assemblies (PPAs), particularly in relation to responding to citizens' representations and complaints.</p> <p>With the special support of the Swiss Agency for Development Cooperation (SDC), the GSWG held workshop on local-central fiscal relations.</p> <p>The District Development Fund (DDF) has been redesigned and piloted for 2 cycles. The design is in response to government's need of a system that makes best use of very limited resources. Government is now co-funding some of the DDF supported local service infrastructure.</p> <p>DDF is now using government planning and finance system, and are included in official plans as approved by the PPAs.</p>	<p>The successful expansion of Sam Sang to all 148 districts presents a formidable challenge relating to organizational efficiency, capacity of public servants, and availability and delegation of budget.</p> <p>Successful decentralization experiences suggest that administrative deconcentration is more effective when it is matched by appropriate fiscal deconcentration.</p> <p>National Budget constraints pressures may be impacting the scope and pace of fiscal decentralization.</p> <p>There is opportunity to support the development of a formalized system for the resolution of complaints to the National Assembly (NA) and People's Provincial Assemblies (PPAs), with time-bound reporting back requirements to the National Assembly and PPAs by the Executive, - as is common practice internationally.</p> <p>Limited availability DDF and co-fund constrain its impact for the most needy (poor, remote, ethnic).</p>

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<p>1.4 People's Participation</p>	<p>Constitutional amendment provided for the establishment of People's Provincial Assemblies (PPAs). The first elections in March 2016 returned 360 PPA members; and 149 National Assembly (NA) members (41 females).</p> <p>The NA continues to increasingly assert its core parliamentary functions, such as legislative deliberations, oversight of public performance, services and spending.</p> <p>The intra-parliamentary services of the Institute of Legislative Studies, for instance, in the preparation of policy briefs on topics on the legislative agenda, as well as the Intersession with technical inputs provide a basis for informed deliberations. The NA has strengthened its petition system and handling, and has intensified efforts to undertake outreach missions and public hearings, and continues to maintain a citizen hotline.</p> <p>A GSWG thematic workshop in August provided an opportunity for stakeholders to discuss the roles, and responses to people's feedback, of NA and PPAs's. A more formalized system for follow-up on the resolution of complaints to the Assemblies was suggested.</p> <p>The Ministry of Home Affairs developed Standard Operating Procedures for the implementation of the Decree on Non-Profit Associations (NPAs) and provided</p>	<p>The understanding of PPA's mandate and role is still limited amongst citizens and some officials.</p> <p>While the intensified efforts of PPA outreach will help in this regard, further awareness raising will be required. Significant capacity development support to PPA members and staff has been initiated with a current focus on transferring knowledge and sharing experiences from the NA-level to the PPA-level. It will be important in the further process, to clarify the capacities of each PPA in its respective provincial set-up, determine specific needs, and tailor capacity development approaches accordingly.</p> <p>With the aim of strengthening citizens' voice and responsive decision-making, procedures and practical approaches on effective follow-up and to meaningful consideration of the feedback from citizens in decision-making needs to be further clarified, developed and applied.</p> <p>However, civil society is still under-utilized as a complementary asset and partner in national</p>

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	<p>training to provincial and district officials, organized awareness-raising workshops and dialogue sessions for exchange with NPAs on practical matters of implementation in all 18 provinces and at the national level. The working space for organized civil society, such as the 152 registered NPAs and 11 Foundations is consolidating.</p>	<p>development, poverty reduction and delivery of services as well as providing input to policy discussions based on their practical experiences and fields of expertise.</p>
<p>2. Other substantive actions/activities relating to overall sectoral strategies, if applicable, to support the implementation of the 8th NSEDP and preparation for the 9th NSEDP</p>	<p>Efforts have been made to expand nationwide coverage of legal aid services. There are now Thirteen regional provincial branches (Borkeo, Luangnamtha, Oudomxay, Sayabouly, Xiengkhuang, Vientiane, Vientiane Capital, Bolikhamxay, Khammuao, Xekong, Savannakhet, Champasak and Attapue) with nineteen legal aid offices. The Lao Bar Association (LBA), which leads the amendment of the law on lawyers in Lao PDR, has continued its efforts to expand and strengthen the legal profession in the country. Several administrative reforms to strengthen accountability, including the restructuring of the internal administrative framework of the Lao Bar Association, have been initiated.</p>	
<p>2.1</p>	<p>GSWG LIO technical thematic workshop on Penal Code and Access to justice for disadvantaged groups including women and People with Disability. Wide range of stakeholders from Ministries, civil society including INGOs and NPAs, and development partners shared views on the available protective measures for the disadvantaged, the new Law on Disabilities and ways to increase access to justice for these groups.</p>	
<p>2.2</p>	<p>Government has submitted its State Report for the 3rd UPR cycle</p>	<p>To develop an effective action plan to effectively follow up</p>

Sector outputs and activities	Progress	Challenges and opportunities
	and consulted among Line Ministries in 2019	the status and progress of implementation of recommendations.
B. Communication and outreach activities with the sector and across Sector Working Groups		
	Producing dissemination materials for distribution to GSWG members, stakeholders and general public through meetings, workshops, RTiM exhibition, and other communication channels.	Opportunity to leverage the growing social media platforms and widening public awareness to reach out and share news, issues, and views on governance topics. Recent reports on GSWG Secretariat recommends nominating specific officials in MoHA, MoJ to have responsibility for communications and outreach.
C. Cross-sectoral thematic areas applied to all SWGs		
1. Partnership for Effective Development Cooperation (in accordance to VDCAP 2016-2025) (Only narrative on each principles)		
	Sharing information and dialogue through the regular meetings, workshops and other communication channels e.g. thematic workshop, annual workshop of SWG, secretariat meeting, and media	<p>Opportunity for cross-sectoral collaboration based on a more focussed collaboration with other specific Sector Working Groups with a common agenda. For example, Governance and public investment / finances has been suggested as having potential synergies for national development agenda / VDCAP joined up approaches. Thus the GSWG and the Macro-economic SWG should explore further areas of mutual support and benefit.</p> <p>Challenges to increasing sector-wide initiatives and collaboration tend, as ever, to revolve around the chronic issues of limited resources and competing priorities for a quite limited set of actively</p>

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		contributing SWG members / technical support officials.
2. Innovation and technology		
	<p>Developed and field trialled (4 districts) a citizens' survey system on local services and selected governance issues. This system is pioneering the use of a simple public accountability mechanism that provides key information directly from citizens, for the use of local authorities and especially the People's Provincial Assemblies (PPAs).</p>	<p>Public accountability systems are sensitive, and require both time and funds to get through development stage.</p> <p>Follow up and link of survey results to the responsible line ministries on local levels and actual proved improvement of services as a consequence of the surveys.</p> <p>Opportunity to support the scale out of system to other districts.</p> <p>Opportunity to introduce mobile smart phone in surveying (data collection) and data / results sharing</p>
<p>3. Promoting gender equality and women's empowerment and accelerating the adoption and implementation of the National Youth Policy</p>	<p>To leave no one behind (SDGs), efforts have been made to increase access to justice, particularly for the disadvantaged groups including women – particularly victims of gender-based violence, ethnic groups and People with Disabilities. Gender-Based Violence (GBV) Victims' support mechanism has been strengthened through upgraded Women-Children Consultation Service Centre in Xiengkhouang province. Gender-sensitive legal aid services have been designed and launched for better access to justice for vulnerable women and GBV victims through improved legal aid services in 2 provinces.</p> <p>In addition, efforts have been made to establish gender sensitivity across the justice chain including legal-aid providers, polices, prosecutors, and judges. A vulnerability capacity assessment for handling violence against women cases was produced and manuals on mediation processes,</p>	

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	developed in 2018, were shared.	