

Human Rights Resource Centre (HRRC)
in collaboration with the
Asian International Justice Initiative (AIJI); and
WSD Handa Center for Human Rights and International Justice (Handa Center)

**Judicial Training in ASEAN:
A Comparative Overview of Systems and Programs**

April 2014



COUNTRY FACTSHEET 4: JUDICIAL TRAINING IN LAO PDR

A. Training Organization and Institutionalization

1. *Relevant Recent Legal and Judicial Reforms*

In the past 20 years, a number of reforms have been implemented that hold significance for judicial training. First, in 2003, Lao PDR adopted an amended Constitution, which “modified and enhanced the judiciary.”¹⁶⁹ A new tier of courts, the Appellate Courts, was established. Judges are now appointed, transferred and dismissed by the National Assembly Standing Committee on the recommendation of the President of the Supreme Court, which was formerly a government responsibility. Similarly, the administration of local courts, formerly the responsibility of the Ministry of Justice, now resides with the Supreme Court. Both the Supreme Court and Supreme People’s Prosecutor report to the National Assembly.¹⁷⁰ This was followed by the promulgation of a series of fundamental laws, reforming the criminal and civil legal framework, and the accession to or ratification of a number of international human rights conventions, including the ICESCR and the ICCPR.

Following the reform of the legal framework, attention has shifted to improving the implementation and enforcement of this framework and developing the necessary human resources in the legal and justice sector. For this purpose, the Government adopted, in 2009, the Legal Sector Master Plan (LSMP) with the aim of achieving a rule of law state by 2020. In 2014, UNDP officially launched the Support Project for the Implementation of the LSMP, which is designed to provide technical support for the LSMP.¹⁷¹ Under the LSMP, laws and regulations related to legal training and education will be developed. Concrete efforts are underway to centralize and coordinate judicial and legal training in Laos, including the creation of a national judicial training institute, which is planned to be accomplished by the end of 2014.¹⁷² The UNDP Project will also support the country’s on-going integration into international communities through further adaptation of and compliance with international treaties.

2. *Institutions Responsible for Judicial Training*

Institution	Responsibility	Training Oversight and Trainers of the Institution
1. Judicial Research and Training Institute (JRTI) , under the People’s Supreme Court.	Responsible for judicial training of judges and other court personnel. ¹⁷³	are invited to provide seminars on particular topics, in coordination with international organizations. The Director General of the Supreme Court’s JRTI is appointed by the National Assembly Standing Committee. ¹⁷⁴

169 David Cohen, Kevin Tan Yew Lee, and Mahdev Mohan (eds). *Rule of Law for Human Rights in the ASEAN Region: A Baseline Study*. 1st ed. Jakarta: Human Rights Resource Centre, 2011. 127. Available at: <http://hrrca.org/data/rule-law-human-rights-asean-region-baseline-study>

170 Ibid; UNESCAP. *Lao People’s Democratic Republic: Report on Implementation of the Brussels Programme of Action for the Least Developed Countries (2001-2010)*. 3. Available at <http://www.un.org/wcm/webdav/site/ldc/shared/Laos%20PDR.pdf> (accessed 7 April 2014).

171 UNDP. “Legal Sector Capacity and Access to Justice to Be Improved.” Press Release. 31 January 2014. Available at http://www.la.undp.org/content/lao_pdr/en/home/presscenter/pressreleases/2014/01/31/legal-sector-capacity-and-access-to-justice-to-be-improved-/ (accessed 23 March 2014).

172 Interview with UNDP Programme Analyst. Vientiane, Laos. 17 February 2014.

173 Interview with Director General of the People’s Supreme Court’s Judicial Research and Training Institute. Vientiane, Laos. 3 March 2014.

2. Legal and Judicial Training Institute (LJTI) , under the Ministry of Justice.	Provides short-term training courses in specific areas for different categories of staff in the legal and judicial institutions, such as judges, clerks, and prosecutors ¹⁷⁵	Within the Ministry of Justice.
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3. *Participants of Judicial Training*

a.) *Judicial Research and Training Institute (JRTI)*

Requisites for Participants	Recruitment Process	Annual Average Number of Graduates
Judge candidates must be <ul style="list-style-type: none"> - Lao citizens - At least 25 years of age - Have a strong political commitment - Have good behaviour - Be loyal to the benefits of the nation - Have a good deontology - Be honest towards the performance of their duty - Have acquired a high law degree and be trained according to the curriculum of judges, and - Be in good health.¹⁷⁶ 	Persons who have served as court staff can participate in the JRTI judicial training for promotion to judge assistants upon recommendation by a judge: <ul style="list-style-type: none"> - Generally, candidates have first worked as a staff in a City, District or Provincial Court, usually for two to three years; - They attend training for judge assistants for around six weeks at the JRTI and must then pass an examination to become judge assistants; - Candidates then work as a judge assistant for one to two years or more; - Upon gaining experience as judge assistant, the judge of the respective court will propose his/her promotion to the President of the Provincial Court, who then recommends the appointment to the President of the Supreme Court. The Judicial Council (composed of Supreme Court and other judges) considers the qualifications of the judge assistant and in turn submits the name to the National Assembly Standing Committee for appointment. 	There is currently no limit in the intake of trainees for JRTI's training for judge assistants or in the appointment of new judges, as there is a need for more people in the judiciary. The number of new judges and judicial assistants vary per year. For 2013, around 20 judges were appointed and 67 qualified to become judge assistants. ¹⁷⁷

4. *Necessity of Undergoing Pre-Judicature Training*

To qualify for judicial appointment, the amended Law of People's Court requires that candidates "have acquired a high law degree and be trained according to the curriculum of judges."¹⁷⁸ While there were some judges

174 Ibid.

175 Pär Sköld and Xaynari Chanthala. *Strengthening Legal Education at the Faculty of Law and Political Science, National University of Laos: Mid-term Assessment*. Vientiane and Gotenborg (December 2006). 4. Available at: www.pnyx.se/docs/Rule_of_Law_in_Laos.pdf (accessed 7 April 2014).

176 Shantel Talbot. *Lao People's Democratic Republic (Laos) Law And Religion Framework Overview*. 04 February 2014. 11. *Citing Law on People's Court (Amended) (No. 09/NA, 26 November 2009)*. Available at: <http://www.religlaw.org/common/document.view.php?docId=6184> (accessed 7 April 2014).

177 Interview with Director General of the People's Supreme Court's Judicial Research and Training Institute. Vientiane, Laos. 3 March 2014.

178 Ibid.

before who were appointed without undergoing training and examination, since 2009, the process of training and appointment of judges has strictly been followed.¹⁷⁹ The stricter application of the training process may have coincided with the introduction of the Legal Sector Master Plan in 2009 and the amendment of the Law of People's Court.

B. Structure and Content of Training Programme for Judges

1. Structure of Training Curriculum

The main structured training is the one that the Supreme Court's JRTI conducts for judge assistants, which is held for six weeks and follows a training curriculum. The training curriculum for judicial assistants is divided into two main components:

- (1) Ethics and Code of Conduct (*i.e.*, being good, honesty, impartiality, accountability), and
- (2) Judicial Technique and Skills (*i.e.*, laws, procedure, case management).¹⁸⁰

The actual topics discussed under these two subjects and the amount of time allocated for these subjects are currently unavailable.

For the trainings held for judges, the curriculum depends on the topic of the seminar and the organizer of the seminar. The LSMP and UNDP's Support Program aim to improve the training curriculum, with the planned development of an integrated and comprehensive curriculum for judges.¹⁸¹

2. Content of Training Curriculum: Specific Topics

a.) Judicial Ethics

Judicial Ethics is one of the components in the curriculum for the training of judge assistants.¹⁸²

b.) Human Rights and/or Fair Trial Rights

Human rights and fair trial rights are integrated in the subject of criminal law in JRTI's training curriculum for judge assistants.¹⁸³ Human rights and fair trial rights are also discussed in seminars organized by various institutions with the support of international organizations. However, it has been noted that judges and court personnel still need improvement in their understanding and application of these rights.¹⁸⁴

c.) ASEAN Instruments

The ASEAN Charter and ASEAN legal instruments are not in the judicial training curriculum. However, there have been some seminars organized by the Ministry of Foreign Affairs on the ASEAN integration and the ASEAN Economic Community (AEC), which were attended by some judges.

179 Interview with Director General of the People's Supreme Court's Judicial Research and Training Institute. Vientiane, Laos. 3 March 2014.

180 Ibid.

181 Interview with UNDP Programme Analyst. Vientiane, Laos. 17 February 2014.

182 Interview with Director General of the People's Supreme Court's Judicial Research and Training Institute. Vientiane, Laos. 3 March 2014.

183 Ibid.

184 Interview with UNDP Programme Analyst. Vientiane, Laos. 17 February 2014.

d.) *International or Comparative Law and Conflict of Laws*

It is unclear to what extent the judicial training curriculum considers international law or comparative law. Nevertheless, special training courses on international law have been organized over the past years with the cooperation of the UNDP International Law Project. Conflict of laws is not part of the curriculum of JRTI's trainings, but this has been included as one of the topics in some seminars organized with the technical assistance of international organizations. There still needs to be improvement in the understanding and application of conflict of laws in practice.

3. *Continuing Judicial Education*

Apart from a few short-term courses offered by the LJTI, at present, there is no systematized training program for the continuing legal training of judges on developments in laws and jurisprudence. The training programs currently implemented by the government institutions usually provide basic information for judges and other legal professionals.¹⁸⁵ Nevertheless, when new laws are passed, seminars for the judiciary are usually organized.

185 Interview with Director General of the People's Supreme Court's Judicial Research and Training Institute. Vientiane, Laos. 3 March 2014.