





Country	Lao PDR
SIGI 2019 Category	Low
SIGI Value 2019	26%

Discrimination in the family		31%
	Legal framework on child marriage	25%
	Percentage of girls under 18 married	20%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	4.2
	Legal framework on inheritance	25%
	Legal framework on divorce	25%

Restricted physical integrity		24%
	Legal framework on violence against women	25%
	Proportion of the female population justifying domestic violence	58%
	Prevalence of domestic violence against women (lifetime)	15%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	75%
	Female population with unmet needs for family planning	20%

Restricted access to productive and financial resources		20%
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	10%
	Share of managers (male)	68%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	-
	Legal framework on access to land assets	0%
	Share of agricultural land holders (male)	91%
	Legal framework on access to financial services	25%
	Share of account holders (male)	45%

Restricted civil liberties		29%
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	65%
	Legal framework on political participation	50%
	Share of the population that believes men are better political leaders than women	-
	Percentage of male MP's	73%
	Legal framework on access to justice	75%
	Share of women declaring lack of confidence in the justice system	42%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

Lao People's Democratic Republic

1. Discrimination in the family

a) Overarching legal framework for marriage

The 1990 Family law grants women and men the same right to enter into marriage on the basis of mutual consent, freedom and love (art. 3), while outlawing polygamy (art. 4). Forced marriages entered into through coercion are prohibited (art. 3), and anyone guilty of forcing the marriage of a woman under his/her care is liable to 3-12 months' imprisonment, and up to 1-3 years' imprisonment if the woman is under 18 years of age (2015 Law on the development and protection of women, art. 79 para. 3).

The Family Law stipulates that a man wishing to marry must ask his parents and elder relatives to obtain the consent of the woman's parents and elder relatives, according to prevailing customs and traditions (art. 6). The couple must then register their marriage with a family registrar officer (art. 11) so that the marriage is registered in the family book of both individuals (Family registration law, art. 12). Traditional ceremonies are authorised either simultaneously or after the registration process, but do not have any legal impact (art. 12).

Forced marriages are prevalent under customary law, especially among the Hmong ethnic group (CEDAW, 2010; WVI, 2016). In Hmong culture, acceptable forms of forced marriage include the '*tshoob zawj*', where the man pays the parents of the woman to pressure her to marry him, and the '*tshoob zii*', where the man offers a small gift to the woman and takes her to his house to marry her. Moreover, if an elder Hmong brother dies, his younger brother has the right to marry his widowed-sister in law, and she has to wait three months before remarrying anyone other than her brother-in-law. In contrast, there is no obligation for a Hmong widower to remarry his wife's sister (UNDP, 2011).

Polygamy is permitted for men in Hmong culture and Khmu culture (if the first wife is unable to bear children) and Makong culture (if the couple is unable to have a boy) (UNDP, 2011).

b) Child marriage

The Family law sets the legal minimum age of marriage at 18 years for women and men, although early marriages are permitted for individuals between 15-18 years of age, in 'special and necessary cases' (art. 9), such as teenage pregnancy (ADB, 2012). The law does not specify whether early marriages require the consent of the parents, guardian, judge, court or any other authority.

Unlawful child marriages have no legal standing under the Family Law (art. 17). Those responsible for such marriages face 1-3 years' imprisonment, as well as a fine of 1-3 million Kip (2015 law on violence against women and children).

Child marriages are especially frequent in remote, rural and Hmong-Mien headed households, where they provide the girl's family with labour and economic support (due to the dowry paid) (CRC, 2017; ADB, 2012).

The 2016-2020 National Plan of Action for Mothers and Children aims to curb child marriage, including by training individuals to disseminate information on child marriage at district and provincial level (CRC, 2017).

c) Household responsibilities

The Family Law and the Law on the Protection of Child Rights and Interests contain numerous provisions on the responsibilities of parents, within and outside of marriage. Accordingly, husband and wife have equal rights in all family matters, including the choice of the marital home (art. 13-14 of the Family law), and all parents, including those in informal relationships, have a shared duty to care for and educate their children, and to protect their children's rights and interests in court, at school and in other settings (art. 33 of the Family law; art. 24 of the Law on children's rights and interests). The Constitution further protects the right of married and unmarried women to choose their place of residence, through the freedom of movement and settlement (art. 40).

Men tend to dominate family decision-making and income-generation in all ethnic groups, whereas women are generally responsible for housework and childcare (WVI, 2016). Female-headed households account for approximately 10% of households and are generally poorer than male-headed household, both in urban and rural areas (ADB, 2012). Some ethnic groups require the wife to move to her husband's home after marriage (e.g. Hmong and Makong), whereas others (e.g. Pray) require the husband to move to his wife's house (UNDP, 2011).

d) Divorce

The Family Law allows either spouse to file for divorce (art. 20), although men are prohibited from doing so during their wives' pregnancy and in the 12 months following the birth of their child (art. 22). Nine lawful causes of divorce are set out in the law: adultery; violence or behaviour rendering cohabitation impossible; abandoning the family for more than three years; penalty of over five years' imprisonment imposed on the other spouse; dangerous disease rendering cohabitation impossible; mental illness rendering cohabitation impossible; sexual impotency; 'incompatibility of spouses' rendering cohabitation impossible; wife is a nun or husband is a monk (art. 20).

After receiving a request for divorce, the court must attempt to reconcile the spouses. Proceedings can be adjourned for up to three months to this end (art. 21). Once the divorce is pronounced, it is registered in the family book of both persons, and either is entitled to remarry (art. 25). Parental rights continue after divorce, in which case child custody is jointly determined by both parents or awarded to either parent by the court, if an agreement cannot be found among them (art. 23).

Customary law differs from these provisions in many respects. For instance in the Lolo ethnic group, sons usually live with their father after divorce, whereas daughters can choose with which parent they wish to live. Hmong women rarely file for divorce, as this leaves them in a very disadvantaged position in which they cannot participate in important ritual ceremonies linked to sickness, death or the worshipping of spirits (UNDP, 2011).

e) Inheritance

Inheritance of land and non-land assets is regulated by the amended Law on Inheritance (2005). Daughters and sons have the same right to inherit, as do male and female surviving spouses (art. 6 and 19). The law prohibits the disinheritance of a surviving spouse by granting widows and widowers the right to inherit all or part of the matrimonial property, depending on the line of heirs (e.g. if the surviving spouse has children, matrimonial property is divided into two equal parts: one for the surviving spouse, and one for the children). Surviving spouses are not entitled to inherit any personal property of the deceased spouse however, unless he/she leaves no offspring or relatives of direct lineage (art. 16-18).

Women and men also have the same right as men to make a will upon reaching the age of majority (art. 32 and 42). Property dispossession is criminalised (art. 118 of the Penal Law).

Customary law affects women's inheritance rights in multiple ways. For instance, the acceptance of polygamy in Hmong, Makong and Khmu culture creates inequality among wives, as the first wife is entitled to a greater share of marital property than second or subsequent wives (UNDP, 2011). Moreover, in patrilineal ethnic groups – such as the Hmong, Phounoy, Makong, Mien, and Lolo – sons inherit the land and parental home, and the son caring for the parents until their death receives a larger share of the inheritance, as well as the house. Khmu daughters are altogether excluded from inheritance if they have married and left the house; and Makong widows are also excluded from any inheritance because all rights are passed on to their children (UNDP, 2011).

2. Restricted Physical integrity

a) Violence against women

Violence against women is prevalent and underreported in Lao PDR, as shown by the results of the Lao National Survey on Women's Health and Life Experiences 2014 – the country's first-ever national survey on violence against women. According to the study only one in five female respondents (victims) notified the authorities, and only 3% and 4% respectively reached out to health services and the police (UN Women, 2016). Drinking, work problems and financial issues are among the causes of such violence (ADB, 2012).

Lao PDR is a party to the ASEAN Declaration on the elimination of violence against women and children. The country also passed a law on the prevention and elimination of violence against women and children in 2015, which encompasses domestic and public violence, including in educational institutions, workplaces and alternative care settings. The law specifies that no custom, tradition or belief can be invoked to justify violence (art. 5), and highlights the multifaceted nature of violent acts (physical, sexual, psychological, economic), listing polygamy and unequal wages as forms of psychological and economic violence towards women, respectively (art. 12-17). The law creates a State obligation to support organisations working to combat violence against women and children, through funding, human resources, materials and transport assistance (art. 22). The law sets out comprehensive measures to protect and support victims (art. 28-44), and provides for incentives to reward individuals or entities that have contributed to preventing and combatting violence against women (art. 74). Victims are given the choice between initiating judicial proceedings and resorting to

mediation or compromise if the violent act does not contain a penalty exceeding a one-year sentence (art. 47).

The government is committed to strengthening the implementation of this law, including through the 2014-2020 National Action Plan on the Protection and Elimination of Violence against Women and Children, and the 2016-2020 National Social Economic Development Plan.

b) Domestic violence

The 2015 Law on the Prevention and Elimination of Violence against Women and Children complements the provisions on domestic violence set out in the 2004 Law on the development and protection of women. Under the 2015 law, domestic violence is defined as “any act, negligence or neglect by a family member that results in physical, psychological, sexual [or] economic harm or suffering to [or damage to the] property of women [...] who are family members, irrespective of the setting in which that violence occurs” (art. 10). The notion of family is defined narrowly as former partners are not included (art. 4 para. 1).

Most actions listed in the 2015 law as examples of domestic violence are criminalised under the Penal Law, with variable penalties depending on the severity of the act (e.g. life imprisonment or the death penalty in the case of murder). Additional penalties are prescribed by the 2015 law, for marital rape and forced marriage (art. 79). Judicial proceedings must be instigated if ‘significant harm’ was caused; however, if an act of lesser violence was perpetrated the victim can opt for compromise, mediation, or the ‘re-education’ of the perpetrator (art. 47). Mediation is only permissible if the violent act does not constitute a crime or carries a penalty of less than 12 months’ imprisonment (art. 47). This informal justice system weakens women’s right to redress and justice, as Village Mediation Units and community members (family members, relatives, village elders) tend to prioritise family unity over the protection of women (ADB, 2012). Moreover, customary penalties revolve around public reprimands and apologies, as well as measures of re-education, rather than prison sentences (UNDP, 2011).

The 2015 law grants victims the right to receive counselling, social welfare assistance, temporary shelter, medical assistance, legal support, economic assistance, education and vocational training support, and rehabilitation assistance (art. 28-41). Victims can report incidents and receive advice through a free hotline operated by the Lao Women’s Union (CRC, 2017), and protection orders can be issued (art. 42-44).

The implementation of the 2015 law is supported by the 2014-2020 National Action Plan on the Protection and Elimination of Violence against Women and Children, and the 2016-2020 National Social Economic Development Plan. For instance, the latter sets a target for 80% of villages to be violence-free at household level by 2020 (ADWLE, 2016). However, systems to implement the 2014-2020 National Action Plan and 2015 law are still being developed, and have not yet translated into direct service provision for female survivors of domestic violence (UN Women, 2016).

c) Rape

Rape is criminalised under art. 128 of the Penal Law and defined as the use of ‘force, armed threats, drugs or other [substances], or other means to place a woman in a state of helplessness in order to

have sexual intercourse with the woman against her will, where such woman is not [the offender's] spouse'. Marital rape is therefore excluded from the scope of the Penal law. However, the 2015 Law on the prevention and elimination of violence against women and children provides for additional penalties to the Penal law if a husband forces his wife to have sex (art. 79), thereby criminalising marital rape.

Rape is punished by 3-5 year's imprisonment and a fine of 1-5 million Kip (Penal law art. 128). Aggravating circumstances include raping a woman under the age of 15 or between the ages of 15-18 years, raping a patient or a woman under the offender's care, gang rape, rape with battery, rape resulting the death or invalidity of the victim, and rape with murder. Discriminatory practices, such as reduced penalties for marrying the victim, are not included in the law.

The 2015 Law on the Prevention and Elimination of Violence against Women and Children defines sexual violence as 'an act or attempted act that results in harm to the sexual rights of women and children such as rape, forced sex, any act of obscenity, sexually indecent assault, unwanted sexual comments or sexual touching; or the sending of women or children to another person for sexual purposes'. This law creates a State obligation to provide medical and legal support to survivors of sexual violence (art. 38 and 65), and is supported by the 2014-2020 National Action Plan on the Protection and Elimination of Violence against Women and Children.

The National Commission for the Advancement of Women is working with local authorities and international organisations (e.g. UN Women) to coordinate workshops and mobilise funding to promote gender rights and raise awareness of harmful practices towards women (UN Women; government of Lao PDR, 2016).

d) Sexual harassment

Sexual harassment is criminalised in educational establishments, workplaces, alternative care and other public settings under the 2015 Law on the prevention and elimination of violence against women and children, as the text refers to 'sexually indecent assault, unwanted sexual comments and sexual touching' in its definition of sexual violence (art. 15). Moreover, the Penal law punishes any person 'engaging in any act that causes embarrassment of a sexual nature to another person' by six months to three years' imprisonment or re-education, and a fine of 100 000 – 500 000 Kip (art. 137).

In addition, the 2013 amended Labour Law grants employees the right to request the cancellation of an employment contract and to receive compensation in the event of sexual harassment by the employer (art. 83). The 2015 Law on cybercrime does not refer explicitly to sexual harassment, although this could come under the prohibited acts of 'unauthorised picture, animation, audio and video editing' (art. 11) or 'damaging use of social media' (art. 13).

Women in Lao PDR are particularly vulnerable to sexual harassment in the garment sector and at school (ADB, 2012).

e) Female genital mutilation

There is no evidence suggesting that female genital mutilation is widely practiced in Lao PDR (UNICEF, 2016).

f) Abortion

Abortion is illegal unless it is performed to save a woman's life (Penal law, art. 92). Unlawful abortions performed without a woman's consent are punished by 2-5 years' imprisonment and a fine of 200 000 – 5 million Kip, and up to 10 years' imprisonment if the act results in the degradation of the woman's health or her death. Lesser penalties are provided for women who perform the abortion themselves or recruit someone else to do so (3-12 months' imprisonment and a fine of 100 000 – 500 000 Kip),

Unlawful abortions are widely practised however, with reports indicating that 20-50% of women admitted to public hospitals seek medical help due to unsafe abortions. This context led the Ministry of Health to develop the country's first-ever guidelines on unsafe abortion for health workers, in 2016 (International Campaign for Women's Right to Safe Abortion, 2016).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Access to land is regulated by the amended Land Law (2003). The State owns all land but may grant the right to possess, use, transfer and inherit it to individuals, without discrimination based on sex or marital status (art. 4). Land acquisition can also result from inheritance or transfer (art. 52). Land allocation and registration is overseen by land management authorities at national, provincial and city level, and by village land units – taking into account the characteristics and size of the plot of land, and the capacity of the individual to use it (art. 8 and 10). Joint land registration and titling is authorised for married and de facto couples (art. 43 and 49). Vacant land and degraded forestland can be used for restoration, development, cultivation or animal husbandry (art. 55). By contrast, the State has the right to fine an individual who retains land without clearing it for farming or production. Such unused land can even be transferred to other individuals, without any liability for compensation (art. 22).

Women are reported to have benefited from increasing rates of female and joint land titling (ADB, 2012). The nation-wide process of land mapping, registration and titling is still ongoing though, meaning that women and men risk eviction or expropriation without compensation if they do not hold a formal land title (ADB, 2012).

Farmers represent the large majority of the active population (84% in 2010), and rural women play a key role in the agriculture sector as they do most of the farm work (e.g. planting, weeding, harvesting, caring for livestock) (WOCAN, 2012). However, rural women are adversely affected by the recent trends in agricultural practices, including increased mechanisation and the shift from subsistence farming to commercial production, as men tend to assume control over the machines and new mechanised livelihood activities (e.g. rice milling, raising of small livestock) (WOCAN, 2012). The 2011-2020 National Agriculture Development Strategy aims to support women in this context through various measures, including by promoting female participation in farmer organisations, providing literacy support and safety nets to female farmers, and by support female farmers' access to trade and business opportunities.

Access to property other than land is regulated by the 1990 Property Law and 1990 Family Law. Under the Property law every individual has the right to own personal assets and to exercise the right of

possession, use, usufruct and disposition as needed, regardless of gender and marital status, provided that such rights do not affect the legitimate interests of the State or of other individuals or collectives (art. 20-21). The Family Law defines matrimonial property as any property acquired by the married couple in common during their marriage, except for personal items of low value (art. 26). Both spouses have equal rights to administer matrimonial property, but both must consent to either of them exercising his/her right of usufruct and disposition (art. 26).

Matrimonial property is divided equally among spouses after divorce, unless the dissolution of the marriage was caused by a fault committed by one spouse, in which case this spouse only receives one third of the matrimonial property. This rule is nuanced in the event that the divorced couple has minor children, in which case the court may award a bigger share to the parent to whom child custody is given (Family law art. 28). The Land law is silent on land division and use among spouses after divorce.

b) Secure access to formal financial resources

The banking laws of Lao PDR (e.g. 1995 Law on the Bank of Lao PDR, 2007 Law on commercial banks, 2012 Decree on microfinance institutions) provide women with the same right as men to open bank accounts and access credit, regardless of their marital status. The microfinance sector is still nascent though and only a few commercial banks and microfinance institutions operate outside the urban centres (GIZ, 2017). This limits the possibility for rural women to access finance, who are already disadvantaged in accessing market information due to their low levels of literacy and Lao language proficiency, as well as traditional norms limiting women's mobility (ADB, 2012). Women therefore usually access capital via their husbands who have greater financial literacy and a better ability to understand formal banking procedures (ADB, 2012).

A National Strategy for Financial Literacy is being developed (GIZ, 2017) and the State-funded Lao Women's Union (LWU) is supporting women to participate in trade activities.

c) Workplace rights

Women's labour rights are protected under the 2004 Law on the Development and Protection of Women (art. 15), the amended Labour Code (2013) (art. 87, 96-100 and 141), and the 2013 Law on Social Security (art. 16-19). The principle of non-discrimination based on sex applies to the choice of profession, the right to open a business, the right to equal pay for work of equal value, and the right to participate in trainings and to gain new labour skills. Employers are obliged to provide quarterly updated gender-disaggregated data on the number of employees, the number of employees under 18 years of age, and the number of employees who have suffered from accidents or occupational diseases.

Employers are prohibited from asking about a woman's pregnancy or such intentions during the recruitment process, from cancelling a contract due to pregnancy or marriage, and from terminating the contract of a female employee in the 12 months following the delivery. More generally, employers are prohibited from 'creating conditions that block or deny female employees who are married or pregnant'. In a further effort to protect female employees during pregnancy and during the first 12 months after delivery, the law imposes working restrictions on women in such situations (e.g.

prohibition from performing classified hazardous work; prohibition from working night hours or overtime; prohibition from performing work that requires women to stand for more than two hours).

Female employees in the private sector are entitled to 21 weeks of fully paid (100%) maternity leave, and 24 weeks if they give birth to twins. State employees are entitled to 20 and 28 weeks of maternity leave for 'normal' and multiple births, respectively (State Employee Law 2015). Both categories of female employees are entitled to further financial support through the National Social Security Fund, although the amount of the lump sum granted to them is unclear¹. These social security benefits are extended to the husband, provided that he works in the private sector or is unemployed. Additional paid leave can be granted to a woman at the end of her maternity leave if the birth has affected her health and required her to stop work to undergo medical treatment, provided that she has paid at least three months' worth of social security contributions. There are no legal provisions on parental leave.

Employers who violate the provisions of the Labour law face various forms of sanctions, including re-education, warnings, fines, temporary suspension of business, withdrawal of business licence, and court proceedings. Labour disputes are resolved in various ways: through compromise, administrative resolution, resolution by the Committee for Labour Dispute Resolution, or court rulings.

Despite the legal provisions on gender equality in the workplace, women in Lao PDR suffer from multiple forms of discrimination. A gender pay gap persists, linked to the fact that the average wage in the textile and garment industries, which mostly employ women, is lower than in the mining and quarrying industries, where men predominate (ADWLE, 2016). Moreover, 65% of economically active women undertake domestic unpaid work, compared to 25% of men. This unpaid work creates a time burden, which limits women's suitability and access to the labour market (ADWLE, 2016). In addition, more women engage in temporary and seasonal employment with less job security (CEDAW, 2010).

4. Restricted Civil liberties

a) Citizenship rights

The 2004 Law on Nationality grants equal citizenship rights to women and men. In this respect, mothers can transmit Lao nationality to their children in the same way as fathers, as Lao nationality is granted to all children born to two Lao parents (art. 10), and to all those born to one parent of Lao nationality, provided in the latter case that at least one parent has permanent residency status if the child is born overseas (art. 11). Moreover, there are no gender provisions on the acquisition of Lao nationality by foreigners, apatrid individuals and individuals of the Lao race (art. 14-15). The text is silent on nationality acquisition through marriage, although one can assume that marrying a Lao national constitutes good proof of 'social integration', one of the numerous requirements to fulfil

¹ Contradictory articles of the 2013 Social Security Law: art. 18 ("Child birth grant calculation The receivable child birth grant is equal to sixty percent of the insured person's last insurable earnings per child.") and art. 19 ("The receivable maternity benefit, including abortion, is equal to eighty percent of the average of the insured person's last six months insurable earning and is effective for a period of three months only. If, in excess of the above-mentioned period, the insured person's health status does not fit to resume to work with medical certification, health examination shall be proceeded for sickness benefit or invalidity benefit.")

when applying for Lao nationality (art.14). Lao nationality is retained by both sexes when marrying or divorcing a foreigner, and in the event that the other spouse acquires or forfeits Lao nationality (art.4).

Women also have the same right as men to register the birth of their child under the 1991 Family Registration Law, and must do so by notifying their village chief of the birth within 30 days of the delivery (art. 9). The birth is then registered in the Family Book (art. 4), an important document that every family keeps and that often supplements individual birth certificates, as the procedure to obtain a certificate is both long and cumbersome (PLAN International, 2015). The government is developing a centralised system for civil registration and vital statistics (CRVS) to replace this family-book systems, and aims to have 70% of births officially registered by 2024 (CRC, 2017).

Birth registration is free-of-charge and supported across the territory, including in remote areas, through the legal responsibility for mayors, provincial governors, district chiefs to oversee the family registration process (art. 19). Officials of the Home Affairs Office travel to villages to record births in some districts, and there are plans to establish mobile registration units (CRC, 2017). At present 88% of children in urban areas are registered, compared with 71% in rural areas. Only 33% of children under five are reported to have a birth certificate, but these are not required for accessing basic social services, such as health care and education (CRC, 2017).

No legal restriction on women's rights to apply for ID cards and passports could be located. The Constitution protects the right of each citizen to leave the country and return to it legally (art. 40), and no reports of discrimination practices towards women were found.

b) Voting

Women and men aged 18 and over have the same voting rights (Constitution, art. 36). This constitutional right is further strengthened by art. 105 of the Penal law, according to which anyone who obstructs another person's right to vote or to stand for election to the National Assembly will be punished by a jail sentence of 3-12 months and a fine from 100 000 – 1 million Kip. There are no reports of discriminatory practices affecting women's right to vote.

c) Political voice

The 2004 Law on the development and protection of women outlines the principle of gender equality in politics (art. 13) and creates a State obligation to ensure that women have the same political rights as men, including the right to be elected and to participate in national decision-making (art. 14).

The 2001 Law on the election of members of the National Assembly protects this principle (art. 3 and 8), yet no legal measures are in place to promote female political participation (no legal quotas or temporary measures).² Similarly, while the Constitution provides women with the same right as men to be elected to the executive and judiciary (art. 65-74 and 79-88), women only hold 14% of ministerial portfolios and 16.6% of vice-ministerial portfolios (ADWLE, 2016).

² People's Provincial Assemblies (PPAs) were established through constitutional amendments in 2015. However, the amended Constitution is not available in English, nor is a translatable Lao version.

Women are also severely underrepresented in local governance (e.g. no female governors and only 2% of female village chiefs in 2014), despite the gender-neutral provisions of the 2003 Law on local administration, which outlines the functions of provincial governors, district chiefs, municipal mayors and village chiefs (ADWLE, 2016). This is problematic as almost 80% of the population lives in rural areas where village chiefs handle everyday matters (CEDAW, 2009). The low participation of women in village decisions is linked to clan-based decision-making, which is underpinned by the customary tradition of exclusively granting decision-making power to men (UNDP, 2011).

d) Access to justice

Women and men have the same right to file a suit and be sued in civil and criminal proceedings, regardless of their marital status (art. 24 of the Civil Procedure Law; art. 18 and 20 of the Criminal Procedure Law). This principle is reiterated in the 2004 Law on the development and protection of women, which specifies women's right to file a legal claim if an individual or organisation hinders, limits or violates the principle of gender equality in 'politics, the economy, society, culture and family' (art. 18). The law includes elements to ensure that women are able to sue – e.g. waiving of fees for specific civil petitions (alimony, child support, damages compensation for physical injury), and translation support in criminal and civil cases (Law on court fees art. 11, Civil Procedure Law art. 9, Criminal Procedure Law art. 9). Moreover, women's testimonies carry the same weight as that of men, regardless of their marital status, in both civil and criminal courts.

However, customary law often excludes women from participating in conflict resolution processes. For instance, some ethnic groups require men to present cases of behalf of women, and testimonies given by women often have less weight than men's (UNDP, 2011).

Most citizens rely on customary law and village-based justice due to the limited reach of the formal justice system, for reasons including language barriers (e.g. limited Lao and literacy skills of rural women) and the low number of legal professionals (e.g. less than 200 lawyers nation-wide), among other reasons (UNDP, 2016; ADB, 2012). The usual practice is that cases involving family members are resolved at the household level; those involving people of the same ancestry are resolved by their clan; cases involving people of different clans or families are resolved by village chiefs or elders; and cases which have an impact on customary village rules are resolved by the village leader. If serious cases are unresolved, they are referred to the formal justice system via the village committee (UNDP, 2011).

The resolution of disputes at grassroots level is further encouraged by the State rewarding 'case-free villages' that have not made referrals to district courts (ADB, 2012). Village Mediation Units operate under the auspices of the Ministry of Justice, relying on negotiation and mediation, and on a combination of tradition, culture, and law (The Asia Foundation, 2013).

Rule of law is being strengthened in Lao PDR through the Legal Sector Master Plan, which was launched in 2009, and through the 2015 amendment of the Constitution, which obliges authorities to raise awareness on laws and available remedies to the population (UNDP, 2016). For instance, customary justice practices are being compiled to improve understanding of such practices, especially those used among minority ethnic groups; a compilation of legal terms has been launched; a Penal

Code is being drafted (UNDP website); mobile paralegal units and legal aid clinics have been established (The Asia Foundation, 2013; UNDP, 2016); and community radio is being used to disseminate information on legal matters (UNDP, 2016).

The National Commission for the Advancement of Women (NCAW) is the State agency responsible for formulating and implementing national policies for the advancement of women since 2003. It sits within the Ministry of Public Works and Transport, and works in coordination with the Lao Women's Union (LWU) and the Women Parliamentarians group. Since November 2016, the National Commission for Mothers and Children (NCMC) has merged with the NCAW to form the National Commission for the Advancement of Women, Mothers and Children (CRC, 2017). This machinery is complemented by a network of departmental sub-commissions and district coordinators for the advancement of women (ADB, 2016), which will merge with the provincial and district branches of the NCSW in 2017 (CRC, 2017). The National Statistics Bureau also plays an important role in advancing women's rights, by producing gender-disaggregated data, as mandated by the 2010 Statistics Law.

Sources

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