

Lao People Democratic Republic
Peace Independence Democracy Unity Prosperity

The National Assembly

No. 07/NA
Vientiane Capital, 9 November 2005

Law on Petition

Part I

General Provisions

Article 1. Objective

The law on petition defines principles, regulations and measures on petition and dealing with petition of citizen or organization according to the laws and regulations aiming to strengthen democracy and justice in the Lao PDR, and to protect the interests of the State, collectives, the rights and legitimate benefits of citizens to ensure public order, justice and prosperity.

Article 2. Petition

Petition is a document of a citizen or organization presenting to concerned government authority to deal with action or decision of an organization or individual that one believe is an infringement of law and affects the interest of the State, collectives or the rights and benefits of the petitioner.

Petition has three types:

- Petition presenting to State authority is called request;
- Petition presenting to investigation and interrogation agency, or public prosecutor's office or the people court is called claim;
- petition presenting to the national Assembly is called petition for justice.

Article 3. Definitions

The terms used in this law shall have the following meaning:

1. Citizen means Lao citizen, alien, apatrid, foreigner who lives in the Lao PDR;
2. Requesting person means an individual or organization presents his request to organization that has rights and duties to deal with the matter administratively, which the concerned person believes that an official or administrative authority infringes laws and regulations affecting the interest of the State, collectives, or the rights and legitimate benefits of the concerned person;
3. Requested person means an individual or organization who is subject to the request of other person asking administrative authority to deal with his infringement of laws and regulations affecting the interest of the State, collectives, or the rights and legitimate benefits of other persons;

4. Claimant means an individual or organization that presents his claim to authority that has rights and duties to undertake legal action to protect the interest of the State, collective, or the rights and legitimate benefits of the concerned person that was infringed;
5. Defendant means an individual or organization who is subject to the claim presenting to authority that has the rights and duties to take legal action, because it believes the concerned person infringes laws and regulations affecting the interest of the State, collectives, or the rights and legitimate benefits of other persons;
6. Petitioner asking for justice means an individual or organization presenting his petition for justice to the national Assembly to protect the interest of the State, collectives, or his rights and benefits because one believes that decision of administrative authority or final decision of the people court can not provide his justice.

Article 4. Rights of citizen and organization

A citizen or organization has the rights to present petition to authority that has the rights and duties to protect the interest of the State, collectives or his own rights and benefits that was infringed or subject to counter claim of an individual or organization.

Foreigner and foreign organization also have rights to petition as provided under this law, except when international agreement or convention that Lao PDR is party to, otherwise defines.

Article 5. Policy on petition

The State facilitates citizen and organization to exercise the rights to petition aiming to protect the interest of the State, collectives, or his own rights and benefits to make the State administrative mechanism and government official transparent, and effective in the implementation of their duties, prevent and combating bad occurrences in the society.

An individual or organization shall comprehensively examine, and consider when implementing its rights and duties, when he/it found that an action is infringement of laws and regulations affecting the interest of the State, collective, or other person, the concerned person shall immediately rectify that action to avoid petition.

The State promotes mediation or conciliation at community level according to the laws and regulations before presenting the petition to authority that has the rights and duties to deal with the dispute.

Article 6. Principles on petitioning

Petitioning shall be based on the following principles:

1. Petitioning shall be in accordance to the laws and regulations;
2. Authority that has the rights and duties shall receive [welcome] petitioner appropriately and dealing with the petition in timely manner;
3. Dealing with petition shall be done comprehensively, completely and objectively, and in accordance to laws and regulations;

4. Authority that has mandate to deal with petition shall inform the result of its consideration in writing to petitioner;
5. Petitioner and concerned persons shall cooperate and facilitate the process dealing with petition;
6. Dealing with administrative petition shall be in two stages, that means if the petitioner does not satisfy with administrative decision, he shall take legal action before the court or present petition for justice to the National Assembly.

Article 7. International cooperation

The State promotes international cooperation in dealing with petition, especially, human resource development, and exchange of experience with other country in order to deal with petition effectively.

Part II

Regulations on the Presentation of Petition

Article 8. Presenting petition

Petition shall be presented only to authority that has the rights and duties to consider and deal with the petition.

Article 9. Rights and obligations of petitioner

Petitioner has the following rights:

- To present the petition in person or by a legal representative;
- To receive response to the petition in writing from concerned authority;
- To have protection from threat, Suppress, and protection against disclosure of his name, family name, address, or author' nick name as requested;
- To have the infringed rights restored and to receive compensation from the person infringed the laws and regulations;
- To revoke his petition at any stage.

Petitioner has the following obligations:

- To inform his name, family name, ages, occupation, and address;
- To raise issues of the petition clearly, and in accordance to actual facts and to provide information and data, evidence to the authority that dealing with the petition completely and in timely manner;
- To be responsible before the laws about the content of his petition, including data, information and evidence presenting to concerned authority;
- To strictly fulfill decision concerning the petition that already has legal effect.

Article 10. Rights and Obligation of the person who is subject to petition

A person who is subject to petition has the following rights:

- To be informed about the content of the petition;
- To defense himself by presenting data, information and evidence;
- To have dignity and other interests restored if the petition does not support by facts and evidence in accordance to laws and regulations;

-To request concerned authority to use measures against petitioner that does not have fact and evidence according to the laws and regulations.

A person subject to petition has the following obligations:

- To provide explanation on the issues raised in the petition and to provide data, information and evidence to concerned authority;
- To strictly fulfill decision concerning the petition that already has legal effect.

Article 11. Time and place to present petition

Presentation of petition to concerned authority shall be made in time and at location officially defined.

Article 12. Content of the petition

Written petition shall have the following main content:

1. Name and address of concerned authority;
2. Names, family names, ages, and addresses of the petitioner and the person who is subject to the petition;
3. The issues that needed to be addressed or concerned evidence;
4. Location, date, signature or thump print of the petitioner or his legal representative.

In case when the petitioner directly report or orally present the petition to concerned authority, the official who takes the report or oral declaration shall make a written report according to the content as in paragraph mentioned above.

Article 13. Conditions to take the petition

Petition will be taken for consideration if it meets the following conditions:

1. It shall have the name, address, signature and thump print of the petitioner or his legal representative;
2. The petitioner shall be 18 years of ages or more and is not insane;
3. The petition is not under consideration of any authority or the petition was dealt with by concerned authority, but the petitioner is not satisfied with the result;
4. The petition for justice shall be on the matter that was dealt with by public administrative authority or on final decision of the court that appear to have new evidence;
5. Petition shall be made in Lao language that can be read and understood.

Part III

Addressing petition

Chapter I

Authority that addressing petition

Article 14. Authority that has power to address petition

Authority that has power to address petition is:

1. Public administrative authority takes and considers request;
2. Court, public prosecutor, investigation and interrogation authority takes and considers claim;
3. The National Assembly takes and considers petition for justice.

Article 15. Rights and duties of the authority addressing petition

Authority that is dealing with petition has the following rights and duties:

- To call, or invite petitioner, person who is subject to petition, concerned individual or organization to come for examination or to clarify certain issues;
- To request documents, data and information and evidence from concerned individual or organization;
- To issue decision on the petition.

Authority that is dealing with petition has the following duties:

- To address the petition in timely manner, and in accordance to the laws and regulations;
- To mediate or conciliate the parties to come to amicable agreement when there is possible conditions;
- To notify the result of mediation or conciliation to the petitioner or person who is subject to petition;
- To send the document file to concerned authority to consider when the matter is not under its jurisdiction.

Chapter 2 Addressing request

Article 16. Request

Request under this law means document that individual or judicial entity present to concerned public administrative authority to consider to deal an action or decision of official or public administration authority, in which one believes that is infringement of the laws and regulations, and affecting the interest of the State and collectives, or his legitimate rights and benefits.

Article 17. Authority dealing with request

Authority that dealing with request is:

- The government;
- Ministry or ministerial equivalent organ;
- Administrative authority at provincial level;
- Administrative authority at district level;
- Village administration.

The detail rights and duties of the authority dealing with request will be defined in specific regulations.

Article 18. Steps in dealing with request

Dealing with request shall be conducted in accordance to the following steps:

1. To examine, and consider the request and to collect additional data and information or evidence if it is seem necessary;
2. To issue a decision on dealing with the petition;
3. To notify the person who present the request and the person who is subject to the request;
4. To implement the decision on the request that has already enter into force.

In case when the person presents the request or the person who is subject to the request is not satisfied with the decision, he could send a new request to higher public administrative authority to consider.

If such person believes that the decision of the higher administrative authority could not provide justice to him, he has the rights to bring a claim to the court or to present petition for justice to the national Assembly.

Article 19. The term period to present and to deal with request

The term period to present the request to public administrative authority is within 3 years after the date of the infringement;

Dealing with request shall be made within 20 days after receiving the request.

When the request is not dealt with in the specified term, the person presented the request has the rights to present such request to higher authority. If the request is still not dealt with, such person shall have the rights to bring a claim to the court or to present petition for justice to the National Assembly.

Article 20. The effectiveness of the decision

Decision on the request that has legal effect is:

-The decision of public administrative authority that has rights and duties to deal with the request at the first step, which the person presenting the request and the person who is subject to the request agree to comply with;

- The decision of public administrative authority that has rights and duties to deal with the request at the second step and that is the final step, in which the concerned person does not bring a claim before the court or present petition for justice to the National Assembly.

The concerned officers shall implement the decision that has legal effect; and concerned individual and organization shall comply strictly with such decision.

Chapter 3 Addressing claim

Article 21. Claim

Claim is a document that citizen or judicial entity presents to investigation-interrogation authority, public prosecutor or the court to consider to deal with action or decision of official or organization, in which one believes that it is an infringement of the laws and regulations, and affect the interest of the State, and collectives, or his legitimate rights and benefits.

Article 22. Steps in addressing claim

In addressing claim shall comply with the steps defined under law on civil procedure or law on criminal procedure.

Chapter 4 Addressing petition for justice

Article 23. Petition for justice

Petition for justice under this law means document that individual or judicial entity present to the National Assembly to reconsider the result that public administration authority addressed the request or the result that the court or public prosecutor office dealt with the claim, in which the National Assembly believes that the legally effective decision could not ensure justice.

Article 24. Authority dealing with petition for justice

Authority that dealing with petition for justice is:

- The Standing Committee of the National Assembly;
- The Committee of members of the national Assembly at constituency;

The detail rights and duties of the authority dealing with petition for justice will be defined in specific regulations.

Article 25. Steps in dealing with request

Dealing with petition for justice shall be conducted in accordance to the following steps:

1. To examine, and consider the petition for justice and to collect additional data and information or evidence if it is seem necessary;
2. To issue a decision on dealing with the petition for justice;
3. To notify the person who present the petition for justice and concerned authorities for implementation;
4. To monitor the implementation the decision on the petition for justice.

In case when the person presents the petition for justice does not satisfied with the decision of the Committee of the members of the National Assembly at the constituency, he has the rights to bring a petition for justice to the Standing Committee of the National Assembly as a final step.

Article 26. The decision on the petition for justice

The decision on the petition for justice has following nature:

- Decision to confirm the decision of the public administrative authority or decision of the court;
- Decision to request the public administration authority, public prosecutor office or the court to reconsider the matter.

Article 27. The term period to present the petition for justice
The term period to present the petition for justice to the National Assembly is 60 days from the date concerned person was informed about the decision of the public administrative authority or the final decision of the court.

Dealing with request shall be made within 30 days after receiving the petition for justice.

Presentation of the petition for justice shall be first made to the Committee of members of the National Assembly at the constituency, in case when the Committee of members of the National Assembly does not deal with the matter within the time period as defined in paragraph 2 of this article, the petitioner has the rights to present the petition for justice to the Standing Committee of the national Assembly for consideration.

Article 28. The effectiveness of the decision

Decision on the petition for justice that has legal effect is:

-The decision of the Committee of members of the National Assembly that has rights and duties to deal with the petition for justice at the first step, which the person presenting the petition for justice and the person who is subject to the petition for justice agree to comply with;

-The decision of the Standing Committee of the National Assembly on the petition for justice.

The concerned officers shall implement the decision that has legal effect; and concerned individual and organization shall comply strictly with such decision.

Part IV Taking petitioner

Article 29. Taking petitioner

Party Organization, the State, National Front for Reconstruction, Mass organizations, Union of Former Army Officers, and other social organization shall organize [an office] to take petitioner who brings petition or makes statement or report issues affecting the interests of the State, or collective, or the his own legitimate rights and benefits.

Concerned sectors shall organize their personnel to take petitioner. The heads of concerned sectors also have to allocate times to meet petitioner as appropriate.

Article 30. Location and time to take petitioner

To facilitate the person who brings petition, or to make a statement or to report problem issue, concerned sectors shall allocate appropriate place to take such person.

Taking petitioner shall be done at the official location and time.

Part V Prohibition

Article 31. Prohibition for petitioner

It is prohibited the petitioner to:

- Make petition without actual facts;
- Misuse of the petition to defame other person, or cause public disorder;
- Give bribery, treats, suppress person who has the rights and duties to deal with petition;

Article 32. Prohibition for the person who is subject to petition

It is prohibited the person who is subject to petition to:

- Give bribery, treat, use force, and suppress the person who has the rights and duties to deal with petition, the petitioner;
- Conceal, hide, or destroy information, and evidence related to the petition.

Article 33. Prohibition for the person who has the rights and obligations to deal with petition

It is prohibited the person who has the rights and duties to deal with the petition to:

- Have intention not to deal with the matter, take bribe, delay or deal with the matter not in accordance to the law;
- Conceal, hide, or destroy information, and evidence related to the petition;
- Disclose confidential information related to petitioner such as name, family name, address, author's name when it is necessary to keep that confidential.

Article 34. Prohibition for other individual or organization

It is prohibited other individual or organization to:

- Insight, convince, or give bribe to other person to present petition without actual fact;
- Interfere, treat the person who has the rights and duties to deal with the petition;
- Conceal, hide, or destroy data and evidence related to the petition;
- Threat, use force, or suppress the petitioner or the person who is subject to petition;
- Hide or give custody to the person who is subject to petition.

Part VI
Administration of petition

Article 35. Activities related to administration of petition settlement

Activities related to administration of petition settlement are:

1. The promulgation of legislation related to petition settlement;
2. Dissemination, instruction, and implementation of laws and regulations related to petition settlement;
3. Monitor, inspect the implementation laws and regulations related to petition settlement;
4. Report the status of presentation of petition and petition settlement;
5. Summarize, learn experience related to petition settlement;
6. Report to higher concerned authorities.

Article 36. Administrative authorities on petition settlement

Administrative authorities on petition settlement include:

- The National Assembly;
- Public Administrative Authority;

- Court;
- Public Prosecutor Office.

Article 37. The National Assembly

The National Assembly administer the settlement of petition for justice in whole country, in which the office of the National Assembly at the constituency acts as its secretariat to the Committee of the members of the National Assembly, and the Cabinet of the National Assembly acts as secretariat to the Standing Committee of the National Assembly to deal with petition for justice.

Article 38. Public Administrative Authority

The government centrally and uniformly administer the settlement of request in whole country.

The State Inspection Authority at central level acts as the secretariat and takes responsibility before the government in the administration of the settlement of request within the scope of the rights and duties of the government;

Ministries, ministerial equivalent organizations, and local administration authority administer the settlement of request within scope of their rights and duties.

State inspection organ at ministerial and local levels act as secretariats to the State authority at such level in the administration of settlement of request.

Article 39. Court and public prosecutor office

The people's Supreme Court, the Office of Supreme Public Prosecutor administers the settlement of claims in whole country within the scope of their rights and duties.

Courts and public prosecutor office administer the settlement of claims in whole country within the scope of their rights and duties.

Article 40. Coordination and reporting

When it is seem necessary, the Standing Committee of the National Assembly may invite the President of the People's Supreme Court, the Supreme Public Prosecutor to consultation meeting on the settlement of petition for justice of citizen, or organization; the Prime Minister may invite the President of the People's Supreme Court, the Supreme Public Prosecutor to consultation meeting on the settlement of request of citizen, or organization.

The government, the People's Supreme Court, and the Office of the Supreme Public prosecutor report the session of the National Assembly, the Standing Committee of the National Assembly, and the President of the State on the settlement of requests, and claims under laws and regulations, and the Standing Committee of the National Assembly reports the settlement of petition for justice of citizen or organization to the National Assembly.

The Chief of the State Inspection Authority at central level periodically reports to the government on the settlement of requests.

When it is seem necessary, the Head of the Committee of the members of the National Assembly at constituency may invite the president of the court, public prosecutor at local

level and concerned sector to consultation meeting on the settlement of request of citizen, or organization; provincial governors, city major, chief of districts, the head of municipality may invite the president of the court, public prosecutor at the same level to consultation meeting on the settlement of request of citizen, or organization.

Settlement of requests and claims at local level shall be done in accordance to report system that need to be made to higher authority and the committee of the members of the national Assembly at the constituency, and the committee of the members of the national Assembly shall report to the National Assembly on the settlement of the petition for justice of citizen or organization.

Part VII

Monitoring and participation in petition settlement

Chapter 1

Monitoring of the National Assembly

Article 41. Monitoring of the National Assembly

The monitoring of the National Assembly on petition settlement shall be done in compliance with articles 15, 24, 38, and 46 of the Law on Oversight of the National Assembly.

Article 42. Obligations of concerned individuals and organizations

Concerned individuals and organizations have obligations to create conditions and facilitate the National Assembly to monitor the petition settlement.

Chapter 2

Participation in petition settlement by concerned authorities

Article 43. Obligation to participate

The National Front for Reconstruction, mass organizations, union of former army officers, and other social organizations have obligations to participate in petition settlement in accordance to their mandate as follow:

1. To take and examine petition, provide advice and guidance to petitioners;
2. To mediate the problem issue if there is possible conditions;
3. To send the document file on the petition that it received to the authority that has rights and duties to deal with the petition, if it could not deal with the matter or if it found that the matter is not under its jurisdiction;
4. To participate in the petition settlement as invited by public administration authority, court, public prosecutor office or the National Assembly;
5. To participate in the monitoring of the petition settlement as invited by the National Assembly.

Article 44. Participation rights

The National Front for Reconstruction, mass organizations, union of former army officers, and other social organizations have the rights to:

1. Participate and monitor petition settlement when it is related to their mandate;

2. Accept petition of citizens and organizations on the infringement of laws and regulations;
3. Call or invite concerned individual or organization to report the infringement of the laws and regulations;
4. Request concerned authorities to immediately deal with the infringement of the laws and regulations;
5. Be informed about the result of the petition settlement from concerned authority.

Part VIII Rewards and sanction

Article 45. Rewards to persons who have high achievement

Individual or organization that has high achievement in the implementation of the law on petition shall be rewarded or received other treatments according to regulations.

Article 46. Sanction

Individual or organization infringes this law shall be put under measures such as warning, put under discipline, fined or put under criminal measures depending on the severity of the infringement, including payment of compensation to damage that one caused.

Part IX Final Provisions

Article 47. Implementation

The Standing Committee of the national Assembly, the government, the Supreme People's Court, and the Office of the Supreme Public prosecutor are to implement this law.

Article 48. Effectiveness

This law shall enter into force after 90 days from the date when the President of the Lao PDR issues decree of its promulgation.

Regulations and provisions that are in conflict with this law hereby shall be abolished.

The Spokesperson of the National Assembly