

LAO PEOPLE'S DEMOCRATIC REPUBLIC

1. Discriminatory family code

Under the Lao People's Democratic Republic (hereafter referred to as Lao PDR) Family Law of November 1990, "men and women have equal rights in all aspects pertaining to family relations".¹ Article 9 states that the minimum **legal age of marriage** is 18, although this limit may be lowered to 15 in "special and necessary cases."²

In regards to **early marriage**, United Nations data from 2012 estimated that 19.6% of girls between 15 and 19 years of age were married, divorced or widowed³, while Government survey data from 2012 reports that 9.3% of Lao PDR girls are married by the time they are 15, and 41% of married women between the ages of 25 and 29 reported that they were first married before they were 18 (compared with 15% of men).⁴

Early marriage is particularly common amongst girls in rural areas who often marry at the age of 16 or 17 years. The Government reports that almost twice as many women are married before 18 in rural areas (43%) than urban areas (23%).⁵ The total number of children of women with no education is nearly three times higher than that of women with higher education.⁶

Under the Family Law, **parental authority** is granted equally to both parents.⁷

Men and women are treated equally under the 1990 Inheritance Law.⁸ However, in practice there is still some discrimination in **inheritance** rights, as many Lao PDR people, particularly those from rurally-based ethnic minority groups, still follow customary practices that are related to traditional residence patterns after marriage such as matrilineal, patrilineal or bi-local.⁹ The Lao-Tai people, who comprise over 60% of the population, mainly practice matrilineal inheritance where land (homestead land and/or rice fields) is inherited by daughters from their parents.

¹ Family Law, No. 07/90/SPA, dated 18 December 1990, Article 17

² Family Law, No. 07/90/SPA, dated 18 December 1990, Article 9

³ UN (2012)

⁴ Ministry of Health and Lao PDR Statistics Bureau (2012)

⁵ Ministry of Health and Lao PDR Statistics Bureau (2012)

⁶ Ministry of Health and Lao PDR Statistics Bureau (2012)

⁷ Family Law, No. 07/90/SPA, dated 18 December 1990, Article 17

⁸ Law on Heritage and Basis of Inheritance, No. 138/PO, dated 27 June 1990, Articles 6 and 19

⁹ Mann, E., Luangkhot, N., (2008)

More

Article 4 in the Family Law holds monogamy as the governing principle of marriage.¹⁰ However, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) has found that **polygamy** remains customary among some Hmong mountain tribes.¹¹ Further, the Ministry of Public Health reported in 2000 that in one district there was a practice of older men purchasing girls as young as three to five years of age as second or third wives. The girls would live with the man's family until they are "ready" for sex and marriage.¹²

The practice of paying a "**bride price**", where the groom's family presents gifts and money to the bride's family is widespread. According to one survey conducted in 2000, about 85% of the brides' families receive bride price upon marriage, although there are variations among the different ethnic groups.¹³

Either a husband or wife may **initiate divorce**, and the courts award custody rights based upon the best interests of the children. However, a man cannot request a divorce if his wife is pregnant, or the couple has a child under the age of one:¹⁴ a provision that has been criticized for being paternalistic.¹⁵ The law also provides for maintenance for women who have been in de facto relationships, and for the children of unmarried women.¹⁶ However, in practice, divorce is socially frowned upon. Marriage is considered a core value within society and there is pressure placed on Lao PDR women to marry and remain married, no matter the circumstances, and divorce is not allowed in the traditional practice of some ethnic groups.¹⁷

2. Restricted physical integrity

There are no official figures on the prevalence rates of **domestic violence**, however civil society groups report that violence against women remains a serious problem in Lao PDRs.¹⁸ According to a 2003 survey of 1000 women, 17% had experienced physical violence, 35% had experienced mental violence, and 2% had experienced sexual violence from their husbands.¹⁹ While the introduction of the Law of Development and Protection of Women in 2004²⁰ is a positive development, it contains a number of serious weaknesses that affect the implementation of these protections. Article 33 states that unless the domestic violence "results in serious impact", the victim only has a right to seek assistance from community members or village administrations, rather than the police: effectively exempting certain forms of violence from penal liability. Furthermore, even in the event that the police are involved, the law stipulates that they must "try to settle the matter while keeping in mind the need for unity, harmony and

¹⁰ Family Law, No. 07/90/SPA, dated 18 December 1990, Article 4

¹¹ CEDAW (2009)

¹² Ministry of Public Health, The Lao PDR (2000)

¹³ GRID (2005) p.2

¹⁴ Family Law, No. 07/90/SPA, dated 18 December 1990, Article 23

¹⁵ UNIFEM (2009)

¹⁶ Family Law, No. 07/90/SPA, dated 18 December 1990, Article 8

¹⁷ Mann, E., Luanghot, N., (2008), p. 24

¹⁸ IRIN (2010)

¹⁹ GRID (2005) p.71

²⁰ Law on Development and Protection of Women, No. 70/PO, 15 November 2004

happiness in the family”, rather than prosecute the perpetrator.²¹ These limitations send a message that violence against women is acceptable in certain circumstances, and the UN Committee on the Elimination of Discrimination against Women (CEDAW) has noted that the majority of cases of violence go underreported, and that those that are reported are settled out of court.²²

In cooperation with NGOs, Lao PDR Women’s Union centres and the Ministry of Labour and Social Welfare provides some assistance to victims of domestic violence, operating a nationwide hotline for individuals to report and receive counselling for domestic violence (although no statistics on its operations were available).²³ However, a key challenge in Lao PDR is the silence, acceptance and stigma around violence against women. Government survey results from 2012 found that women and men most commonly justify violence in a number of circumstances, including: when the woman neglects the children (46% of women, and 35% of men); or demonstrates her autonomy by, for example, going out without telling her husband (32% of women, and 25% of men) or arguing with him (27% of women, and 25% of men). Around a quarter of women and a fifth of men believe that a husband has a right to hit or beat his wife or partner if she refuses to have sex with him. Overall, the proportion of women expressing accepting attitudes towards wife beating is higher than the proportion of men, at all ages.²⁴

The Penal Code criminalises **rape** with punishment of between three to five years’ imprisonment.²⁵ Sentences are longer and may include capital punishment if the victim is under 15, gang-raped or seriously injured.²⁶ Current legislation does not recognise spousal rape.²⁷ The US State Department reports that the Government does not have a central crime database, and therefore does not publish statistics on conviction rates for rape.²⁸ However, a civil society organization has observed that rape goes underreported due to the fact that many Lao PDR people feel uncomfortable discussing gender-based violence.²⁹

Although **sexual harassment** is not specifically illegal, under the Penal Law any person “engaging in any act that causes embarrassment of a sexual nature to another person” shall be punished by six months to three years of imprisonment or re-education, and will be fined.³⁰

There is no evidence to suggest that **female genital mutilation** (FGM) is practised in Lao PDR.

More

Trafficking is a major threat to women’s physical integrity in Lao PDR. The country is a major country of origin of trafficked women with Thailand as the primary destination country. The

²¹ Law on Development and Protection of Women, No. 70/PO, 15 November 2004, Article 36

²² CEDAW 2009, p.6

²³ US Department of State (2013)

²⁴ Ministry of Health and Lao PDR Statistics Bureau (2012)

²⁵ Penal Law, No.04/PO, 9 January 1990, Article 128

²⁶ Penal Law, No.04/PO, 9 January 1990, Article 128-29

²⁷ UN Women (2011)

²⁸ US Department of State (2013)

²⁹ GRID (2005) p.81

³⁰ Penal Law, No.04/PO, v9 January 1990, Article 137

most recent comprehensive national survey by the Ministry of Labour and Social Welfare and UNICEF found that the overwhelming majority of trafficking victims (60%) are girls between 12-18 years of age, the majority from rural areas, 35% of which were sold for purposes of sexual exploitation.³¹ Ethnic minority populations of Lao PDR are often vulnerable to trafficking in Thailand, due to their lack of Thai language skills and unfamiliarity with Thai society.³²

The Law on Development and Protection of Women contains some strong provisions on the prevention, prosecution and protection of trafficking of women and children. The prosecution of offenders provided for under the act is in accord with international standards³³, with a comprehensive definition of trafficking and serious penalties prescribed. The Act also provides good practice protection by providing victims of trafficking with comprehensive rights including safety, privacy, medical assistance, training repatriation, and compensation.³⁴ Finally and importantly, victims have immunity from criminal prosecution for prostitution or illegal entry and a process is established for repatriation including searching for families and parents.³⁵ In order to deal with the cross-border aspects of the trade, in 2005 the Lao PDR Government concluded an MOU with Thailand on Trafficking to combat human trafficking, especially women and children.³⁶

However, despite a strong legal framework, the Government of Lao PDRs does not fully comply with the minimum standards for the elimination of trafficking.³⁷ During 2012, the government reported investigating 49 trafficking cases and convicting 37 trafficking offenders – only a fraction of the estimated numbers of trafficked persons.³⁸ Main obstacles to addressing trafficking include the lack of border control and inadequate protection procedures available to returned trafficking victims.³⁹ The immigration police, who operate a trafficking in persons division at the Lao PDR-Thai border, often fail to identify trafficking victims among Lao PDR who have returned or been deported from Thailand (identifying only 195 victims in 2012), meaning that many victims do not receive the benefits provided for under the law. The Government of Lao PDRs continued to operate a transit centre in Vientiane, provided funding for the Lao PDR Women’s Union shelter, and continued to rely heavily on foreign donor support for long-term victim assistance.⁴⁰

Limitations on women’s reproductive rights also infringe upon women’s physical integrity in Lao PDR. The performance of abortions in the Lao PDR is governed by the 1990 Criminal Code, which makes **abortion** illegal and punishable by between 2 to 10 years’ imprisonment, unless it is conducted to save the life of the pregnant woman.⁴¹ Government survey statistics report that

³¹ UNICEF (2004)

³² US Department of State (2013b)

³³ UNIFEM, 2009

³⁴ Law on Development and Protection of Women, No. 70/PO, 15 November 2004, Article 25-28

³⁵ Law on Development and Protection of Women, No. 70/PO, 15 November 2004, Article 25-28

³⁶ Government of Lao PDR (2005)

³⁷ US Department of State (2013b)

³⁸ US Department of State (2013b)

³⁹ CEDAW (2009), p.7

⁴⁰ US Department of State (2013b)

⁴¹ Penal Law, No.04/PO, 9 January 1990, Article 92

42% of married women are using a modern method of family planning. The major factors influencing this continued low prevalence rate were a high, unmet need for skilled birth attendants and a lack of access by rural citizens to modern **contraceptives**. The survey report also estimated that the maternal mortality ratio declined from 470 (in 2010) to 357 deaths per 100,000 live births (in 2011).⁴²

3. Son bias

The male-to-female **sex ratio** at birth is 1.04 and in the working age population (15-64) it is 1.01.⁴³

There is no evidence to suggest that Lao PDR is a country of incidence of **missing women**.⁴⁴

More

A 2012 survey by the Department of Statistics of Ministry of Planning and UNICEF found that an equal number of female and male infants are likely to be malnourished, which does not indicate a son preference in the allocation of nutrition in the household.⁴⁵ The survey also found that, while boys and girls of primary school age attend school in equal proportion nationally, among the poorest households, the percentage of girls who attend school (68%) is slightly lower than the percentage of boys (74%). Further, the primary school completion rate among boys (100%) is higher than that of girls (88%).

4. Restricted resources and assets

The Land Law of 1997, which was amended in 2003, provides that while **land** is owned by the state, all citizens have equal rights to use that land equally.⁴⁶ Land and property laws state that any property purchased during marriage is regarded as jointly owned, while property owned by a woman prior to her marriage remains hers, as does any land she inherits from her parents.⁴⁷ To help the law take hold, the Department of Lands has collaborated with the Lao PDR Women's Union, which has worked at the grass-roots level on mass campaigns to teach people about women's land rights.⁴⁸

Notwithstanding these protections, there are reports that land documents tend to be registered in men's names and discriminatory inheritance practices impede women's land access, with access to land largely determined by cultural practices.⁴⁹ In 2010, the Food and Agriculture administration reported that only 9% of agricultural holdings were held by women.⁵⁰ Even

⁴² Ministry of Health and Lao PDR Statistics Bureau (2012)

⁴³ CIA (2013)

⁴⁴ Computed by Pr. S. Klasen using the method discussed in S. Klasen and C. Wink (2002), "A Turning Point in Gender Bias in Mortality? An Update on the Number of Missing Women", *Population and Development Review*, 28, pp. 285-312.

⁴⁵ Ministry of Health and Lao PDR Statistics Bureau (2012)

⁴⁶ Amended Land Law, No. 61/PO, 5 November 2003, Articles 20 and 21.

⁴⁷ Property (Ownership) Law, No. 01/90/PSA, dated 27 June 1990, Article 26.

⁴⁸ UNDP (201), p.69

⁴⁹ Mann, E., Luanghot, N., (2008)

⁵⁰ OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>

where land is registered in a woman's name, UNDP has found that the senior male of the household has substantial control over property.⁵¹

Both men and women have the legal right to **access to non-land assets**. However, property in the form of the family home generally follows the same inheritance patterns as land.⁵² In the event of divorce, pre-marital assets remain with their original owner while assets acquired during the marriage are divided equally between the spouses; however Article 28 of the family law on the division of matrimonial property contains an exception based on fault, whereby the spouse determined to be responsible for the relationship breakdown shall only receive one third of the matrimonial property. The same article provides for the courts ability to also allocate a larger share to the custodial parent.⁵³

Similarly, men and women have equal **access to financial services**, including bank loans. It is reported that women entrepreneurs face difficulties dealing with cumbersome registration procedures, compounded by their low level of education and limited time.⁵⁴

5. Civil liberties

Under the Constitution and Family Law, Laotian women have freedom of movement and **access to public space**. However, in practice, the government reports that women face de facto restrictions on their access to public space, stating that traditions often do not allow women to work or do business far from home.⁵⁵ In 2009, the UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern about the lack of a lively, autonomous and active women's movement in Lao PDR. The Prime Minister signed a Decree on the establishment of associations in 2009 and by 2012 there were 32 national-level, and 70 provincial level associations fully registered.⁵⁶

The law also grants women and men full equal **political rights**.⁵⁷ In terms of political participation, following the 2011 national election, there were 33 women (25%) in the 132-seat national assembly,⁵⁸ including two on the 10-member Standing Committee, and 3 female judges on the 13-member People's Supreme Court. The 61-seat LPRP Central Committee included five women, one of whom was also a member of the 11-member Politburo and National Assembly president. Of 6 ministers in the Prime Minister's Office, 2 were women. The minister of labour and social welfare also was a woman.⁵⁹ In 2009, the CEDAW Committee expressed concern about the low participation of women in all areas of public, political and professional life. The Committee noted that almost 80% of the population lives in rural areas and that the village

⁵¹ UNDP (2010), p.163

⁵² CEDAW (2008), p.60

⁵³ Family Law, No. 07/90/SPA, dated 18 December 1990, Article 28

⁵⁴ GRID (2005) p.13

⁵⁵ CEDAW (2008) p.69

⁵⁶ US State Department (2013)

⁵⁷ Law on Development and Protection of Women, No. 70/PO, 15 November 2004, Article 214

⁵⁸ IPU (2013)

⁵⁹ US State Department (2013)

chiefs and village councils handle most everyday matters, yet only 1% of village chiefs are women.⁶⁰

There are no national-level **quotas** for women's political participation in Lao PDR.⁶¹

More

The Labour Law in Lao PDR prohibits discrimination in employment on the basis of gender or pregnancy. The law also provides for equal pay for women and men. Under the Labour Law, a woman is entitled to her normal salary or wages for at least 90 days of paid **maternity leave** and, where her period of absence is extended due to a certified illness resulting from giving birth, she is entitled to payment of 50% of her salary or wages for at least 30 additional days.⁶² In addition, women are entitled to a benefit of at least 60% of the minimum wages to be paid by the employer or by the social security fund.⁶³ When a man's wife delivers a baby, the husband has the right to take leave according to regulations to take care of his wife and children. However, the length of the leave entitlement is not specified, and the relevant regulations have not yet been disseminated.⁶⁴

⁶⁰ CEDAW (2009) p.8

⁶¹ The Quota Project: <http://www.quotaproject.org/noquotas.cfm>

⁶² Labour Law, No. 05/PO, December 2006, Article 39: Decree regarding the Social Security Regime for Employees in Enterprises 1999 Articles 3, 4

⁶³ Labour Law, No. 05/PO, December 2006, Article 40

⁶⁴ Law on the Development and Protection of Women 2004 §22

Sources

CEDAW (United Nations Committee on the Elimination of Discrimination against Women) (2008), Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Lao PDR People's Democratic Republic, Combined Sixth and Seventh Initial, First, Second, Third, Fourth and Fifth Periodic Reports of States Parties, CEDAW/C/LAO PDR/7CEDAW/C/LAO PDR/1-5, New York.

CEDAW (2009) Concluding observations of the Committee on the Elimination of Discrimination against Women, Lao PDR People's Democratic Republic, CEDAW/C/LAO PDR/CO/7, New York.

Central Intelligence Agency (CIA) (2013) 'The World Factbook: Lao PDR', online edition, Washington, D.C.: CIA, <https://www.cia.gov/library/publications/the-world-factbook/geos/th.html>, (last accessed 15 November 2013).

Department of Statistics of Ministry of Planning and UNICEF (2006) Multiple Indicator Cluster Survey 2006, Lao PDR, http://www.childinfo.org/files/MICS3_Lao_PDR_FinalReport_2006_Eng.pdf, accessed at 2 February 2011, (last accessed 15 November 2013).

Government of Lao PDR PR (2005) 'MOU between Lao PDR and Thailand on Cooperation to Combat Trafficking in Persons Especially Women and Children', July 2005, http://www.no-trafficking.org/resources_laws_regional.html, (last accessed 15 November 2013).

GRID (Gender Resource Information and Development Centre) (2005), Lao PDR Gender Profile, The Gender Resource Information and Development Centre of the Lao PDR Women's Union, in collaboration with the World Bank, Washington, DC.

Inter-Parliamentary Union (IPU) (2013), 'Women in Parliament: All Countries on National Parliaments', IPU: Geneva, <http://www.ipu.org/wmn-e/classif.htm>, (last accessed 15 November 2013).

IRIN (21010) Humanitarian News 'LAO PDRS: Lawmakers meet to address domestic violence', Vientiane, 24 November 2010, <http://www.irinnews.org/printreport.aspx?reportid=91174>, (last accessed 15 November 2013).

JICA (Japan International Cooperation Agency) (2006), Country Gender Profile (Lao PDR), JICA Planning Department, Tokyo.

Mann, E., Luangkhot, N., (2008), 'Study on Women's Land and Property Rights under Customary or Traditional Tenure Systems in Five Ethnic Groups in Lao PDR' Lao PDR-German Land Policy Development Project, May 2008, <http://www.LaoPDRlandissues.org/wp-content/uploads/2011/12/Women-Land-Rights-Study-Liz-Mann-et-al.pdf>.

Ministry of Health and Lao PDR Statistics Bureau (2012) 'Lao PDR Lao PDR Social Indicator Survey (LSIS) 2011 – 12: Multiple Indicator Cluster Survey /Demographic And Health Survey', http://www.childinfo.org/files/Lao_PDR_2011-12_MICS-DHS.pdf, (last accessed 15 November 2013).

Ministry of Public Health Lao PDR and the Institute of Maternal and Child Health (2000), A Strategic Assessment of Reproductive Health in the Lao PDR People's Democratic Republic, World Health Organization, Geneva.

UN (2012), 'World Marriage Data 2012', UN Department of Economic and Social Affairs, Population Division, New York, NY, <http://www.un.org/esa/population/publications/WMD2012/MainFrame.html>, (last accessed 15 November 2013).

UNDP (2010) 'The Asia Pacific Human Development report: Power Voice and Rights: A Turning point for Gender Equality in Asia and the Pacific', <http://hdr.undp.org/en/reports/regional/asiathepacific/RHDR-2010-AsiaPacific.pdf>, (last accessed 15 November 2013).

UNICEF (2004) Broken Promises, Shattered Dreams: A Profile of Child Trafficking in Lao PDR" UNICEF, <http://www.unicef.org/media/files/BrokenPromisesFULLREPORT.pdf>, (last accessed 15 November 2013).

UNIFEM (2009) 'Gender Equality Laws Global Good Practice and a Review of Five Southeast Asian Countries', March 2009, <http://www.snap-undp.org/lepknowledgebank/Public%20Document%20Library/Gender%20Equality%20Laws-Global%20Good%20Practice%20and%20a%20Review%20of%205%20SEA%20countries.pdf>, (last accessed, 15 November 2013).

UN Women (2011) 'Progress of the World's Women: In Pursuit of Justice', New York, 2011, www.progress.unwomen.org, (last accessed 15 November 2013).

US Department of State (2013), '2012 Country Reports on Human Rights Practices: Lao PDRs', US Department of State, Bureau of Democracy, Human Rights and Labor, Washington, DC, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>, (last accessed, 15 November 2013).

US Department of State (2013b) 'Trafficking in Persons Report 2013' Department of State, Bureau of Democracy, Human Rights and Labor, Washington DC, <http://www.state.gov/documents/organization/210737.pdf>, (last accessed 15 November 2013).