



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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National Assembly

No. 70/PO  
15 November, 2004

**DECREE**  
*of the*  
**PRESIDENT**  
*of the*  
**LAO PEOPLE'S DEMOCRATIC REPUBLIC**

**On the Promulgation of the Law on Development and Protection of Women**

Pursuant to Chapter 6, Article 67, point 1 of the Constitution of the Lao People's Democratic Republic which provides for the promulgation of the Constitution and of laws adopted by the National Assembly;

Pursuant to Resolution No. 08/NA, dated 22 October 2004, of the National Assembly of the Lao People's Democratic Republic regarding the adoption of the Law on the Development and Protection of Women; and

Pursuant to Proposal No. 24/NASC, dated 10 November 2004, of the National Assembly Standing Committee.

**The President of the Lao People's Democratic Republic  
Decrees That:**

- Article 1.** The Law on the Development and Protection of Women is hereby promulgated.
- Article 2.** This decree shall enter into force on the date it is signed.

Vientiane, 15 November 2004

The President of the Lao People's  
Democratic Republic

*[Seal and Signature]*

Khamtai SIPHANDON



LAO PEOPLE'S DEMOCRATIC REPUBLIC  
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

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National Assembly

No.08/NA  
22 October 2004

**LAW ON THE DEVELOPMENT  
AND PROTECTION OF WOMEN**

**Part I  
General Provisions**

**Article 1. Purpose of the Law**

The Law on the Development and Protection of Women is issued to guarantee and promote the roles of women, to define the fundamental contents of, and measures for developing and protecting, the legitimate rights and interests of women, and to define the responsibility of the State, society and family towards women with the [following] aims[:] promoting the knowledge, capability and revolutionary ethic of women, [and] gender equality[:] eliminating all forms of discrimination against women[: and] preventing and combating trafficking in women and children and domestic violence against women and children, in order to [create conducive conditions for] women to participate and to be a force in national defence and development.

**Article 2. The Role of Women**

Women have fought and made sacrifices shoulder to shoulder with men for national independence.

Women play a role in all aspects of politics, the society and economy, environmental protection, national defence and security, foreign affairs, [and in the] conservation and development of the fine traditions of the national culture and the identity of Lao women.

[Women] work together with their families in the development and care of, and in bringing up and educating[,] family members to become good citizens of the nation.

**Article 3. Policies<sup>1</sup> Towards Women**

The State has policies for the development and advancement of women, [and] the protection of the legitimate rights and interests of women by creating every condition to ensure that women have good health, knowledge, capabilities, revolutionary ethic, employment and equal rights with men, without any discrimination based on political, economic, social, cultural, and family status.

[All members of] society shall participate in the implementation of such policies towards women as provided under laws and regulations.

**Article 4. Lao Women's Union**

The Lao Women's Union is a mass organisation that represents the legitimate rights and interests of women and children and is a centre for solidarity, that encourages women to participate and be a force in national defence and development, that promotes the rights of ownership of multi-ethnic women, [and] that protects the legitimate rights and interests of women and children, especially those who are members of the Lao Women's Union.

**Article 5. International Cooperation**

The State promotes international relations and cooperation with regard to women in many aspects and forms, such as the development and advancement of women, the implementation of international conventions relating to women, and cooperation in the prevention and combating of trafficking in women and children, the combating of the use of violence against women, the exchange of experience and other forms of assistance and cooperation.

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<sup>1</sup> "Policies" is often used as an indirect way of referring to "incentives" or "privileges". In this context, it is unclear whether that use is intended or whether "policies" is being used in the sense of "strategies and measures of governance".

## **Part II Development of Women<sup>2</sup>**

### **Chapter 1 The Definition and Importance of Development of Women**

#### **Article 6. Definition of Development of Women**

The development of women is a component of human resource development to ensure that women have good health, knowledge, capabilities, and revolutionary ethic.

#### **Article 7. The Importance of the Development of Women**

The development of women is necessary in order to enable women to participate actively in all aspects of politics, the economy, culture and society, environmental protection, national defence and security, and foreign affairs so as to increase the effectiveness of national defence and development.

### **Chapter 2 The Contents<sup>3</sup> of Development of Women**

#### **Article 8. The Contents of Development of Women**

The development of women has the following contents:

- Physical development;
- Mental development<sup>4</sup>;
- Educational development;
- Professional and skills development.

Development of family is also one important factor [to consider in achieving] the other developments mentioned above.

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<sup>2</sup> “Development of Women” is used interchangeably in this law to refer to both the “processes involved in the development of women as a resource” and the State’s “program or policy for the development of women”.

<sup>3</sup> “Contents” is a literal translation. The intention is to refer to “those matters that must be included a program for the development of women”. See Article 11 of the Contract Law for a similar use of “contents” in the context of contracts.

<sup>4</sup> “Mental development” has the connotation of developing one’s morals, principles, character, and other intangible qualities. Hence, developing a “good brain” (which has a more tangible connotation) is seen as part of physical development (see Article 9), rather than mental development.

## **Article 9. Physical Development**

Physical development of women focuses on helping women to achieve bodily growth, good health, a good brain, good quality of life, and long life expectancy.

## **Article 10. Mental Development**

Mental development of women focuses on helping women to have good mental health, strong commitment, good vision, revolutionary ethic, good cultural [values and] good character, [and] to work hard with members of their families to develop society and [such] families to be rich, peaceful, and progressive.

## **Article 11. Educational Development**

Educational development focuses on creating conditions for women to receive basic education<sup>5</sup> [and]<sup>6</sup> to receive education in physical and social sciences with the aims of upgrading their knowledge and capability in all aspects and of promoting those who have talent.

## **Article 12. Professional and Skills Development**

Professional and skills development focuses on creating conditions for women to receive professional training, to acquire skills and experience, and to have employment discipline so that women can have the same employment [opportunities] in society as men.

### **Part III**

## **The Protection of Women's Rights and Interests and the Duties of Women**

### **Chapter 1**

## **Equality between Women and Men**

## **Article 13. Equal Rights for Women and Men**

Equal rights for women and men means equality in self development, [and also means that] women and men have the same value and opportunities in politics, the economy, society and culture, family [affairs], national defence and security, and foreign affairs as provided in the Constitution and laws.

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<sup>5</sup> This is a reference to education at a level equivalent to primary or grade school.

<sup>6</sup> In Lao, a comma is often used, without further elaboration, to mean “and”. Wherever the intended meaning is clear, the translators have translated such commas in one of two ways: (i) by deleting the comma and substituting it with the word “and” in square brackets (i.e., [and]); or (ii) by retaining the comma and adding the word “and” in square brackets (i.e., , [and]). Where the meaning is more ambiguous, the translators have translated the text literally, retaining the comma alone. Here, the translator replaced a comma with “[and]”.

#### **Article 14. Equal Political Rights**

The State shall ensure that women enjoy equal political rights as men, such as rights to vote and to be elected, to participate in activities, to be consulted and to participate in decision making that is of national importance, [and] to be appointed to appropriate positions at all levels in Party and State organisations, the Lao Front for National Construction, mass organisations, and social organisations.

Society and family should create conditions for women to exercise the rights mentioned above.

#### **Article 15. Equal Economic Rights**

The State promotes the right of women to engage in production, business, and services in accordance with the laws. Women have the rights to choose their professions, to be employed, to be remunerated and to receive other benefits from their work.

Women who have the same position, task, work, and responsibility as men shall have the right to remuneration and benefits on an equal basis with men.

Society and family should create conditions for women to exercise the economic rights and to receive the economic benefits mentioned above.

#### **Article 16. Equal Cultural and Social Rights**

The State promotes and creates conditions for women to enjoy equal cultural and social rights as men, such as rights to participate in socio-cultural activities, art performances, sports, education, public health, [and] in research and invention in socio-culture<sup>7</sup>, and science and technology<sup>8</sup>.

Society and family should create conditions and provide opportunities for women to participate in the socio-cultural activities mentioned above.

#### **Article 17. Equal Rights in the Family**

The State and society promote and protect equality between women and men in the family.

Women and men shall have equal rights in all matters concerning family relationships.

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<sup>7</sup> This is a literal translation of the Lao compound noun intended to refer to “matters that are social and cultural”.

<sup>8</sup> In Lao, the term is “science, techniques, technology”.

Women who are 18 years of age or above have the freedom to choose a partner with whom to build their families.

The wife has the right to choose the family name of her husband or to keep her own.

The wife has equal rights as her husband over matrimonial property.

The wife and husband have equal rights in consultation, decision making and solving family issues to reach common agreement in the selection of a place of residence, [their respective] professions, [whether] to have children and other matters. The wife and husband should love and respect each other, take care of and help each other. Together, [they should] look after and educate their children and educate each other to become a family with good cultural [values], [and] that is united, harmonious<sup>9</sup> and progressive.

Daughters and sons have equal rights to inherit property and to receive education as provided under the laws.

#### **Article 18. Right to Request or to Claim**

If an individual or organisation hinders, limits, or violates the equal rights between women and men in politics, the economy, society and culture, and family, the woman concerned shall have the right to express her opinion, [and to make] a request to and file a claim<sup>10</sup> with the concerned authorities to deal with [such] issues according to laws and regulations.

### **Chapter 2 Special Rights and Benefits, and Obligations of Women**

#### **Article 19. Rights and Interests in Employment**

Women have rights and interests in the context of employment, such as [the rights] to work in safe conditions and environments, to social security, and to remuneration and other benefits as provided by laws and regulations.

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<sup>9</sup> “United, harmonious” is the translation of a single Lao compound word with connotations of both unity and harmony. The Lao word translated as “unity” may also be translated as “solidarity” or “solid”. The translators have generally used “solidarity” when referring to the cohesiveness of larger groups (e.g., society, community) and “unity” when referring to the cohesiveness of the smaller family unit.

<sup>10</sup> There is a deliberate distinction between a mere request and the more formal filing of a legal claim. Readers may wish to refer to the Law on Civil Procedure for more information on the formal filing of legal claims.

## **Article 20. Rights and Interests in the Family**

Women have rights and interests in the family as follows:

- When the wife is pregnant or when the newly born child is less than one year old, the husband is not allowed to request a divorce. However, the wife has the right to do so;
- In the event of divorce, the wife has priority regarding custody of the children;
- If sexual relations occur between a man and a woman and if [either] the man does not marry the woman or they have a child before marriage, the woman shall be entitled to claim compensation from the man and she shall also have the right to request for expenses for child care until the child reaches 18 years of age<sup>11</sup>;
- In the event of the division of an inheritance, a mother has the right to represent her unborn child to inherit and manage such inheritance.

## **Article 21. Rights and Interests under the Penal Law**

Women's rights and interests under the Penal Law are as follows:

- A pregnant woman who has committed a crime shall have the right to a reduction of penalty;
- A pregnant woman or woman with a child under the age of eight years old, after serving a sentence of imprisonment, will not be subject to house arrest;
- A woman who was pregnant at the time she committed an offence shall not be sentenced to life imprisonment or the death penalty;
- If a woman is subject to the death penalty and is discovered to be pregnant, the penalty will be temporary suspended. Details will be provided in specific regulations.

## **Article 22. Women's Rights and Interests in Health Care**

The State emphasises the protection of the health of mothers and children. Families have the obligation to take care of mothers and children to ensure their good health.

Women have the rights of treatment, medical examination, and vaccination according to regulations, especially girls, young women and women of reproductive age, including women in remote areas.

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<sup>11</sup> Readers may wish to refer to Article 8 of the Family Law for more information on these spousal obligations.

When a woman delivers a baby, there should be medical staff or birth assistants, as is practical in the circumstances. It is prohibited for individuals or organisations to force a pregnant woman to deliver [her] baby in the forest, or a remote place; it is prohibited to hurt women and children because of superstitious beliefs or other reasons.

When the wife delivers a baby or when she is sick, the husband has the right to take leave according to regulations to take care of his wife and children.

In addition to the special rights and benefits mentioned above, women shall have other rights and benefits as provided under laws and regulations.

### **Article 23. Obligations of Women**

As Lao citizens, women have the following fundamental obligations:

1. To respect the Constitution [and] laws, [and to] comply with employment regulations [and] rules of social conduct and public order;
2. To pay taxes and duties according to laws and regulations;
3. To protect the nation [and] national security[,] and to fulfil military obligations as provided under the laws.

In addition, women, together with family and society, shall protect the fine customs and traditions, [and] good cultural practices that are unique to the nation and Lao women.

In addition to the obligations mentioned above, women have other obligations as provided under laws and regulations.

## **Part IV**

### **The Protection of Women and Children against Trafficking and Domestic Violence**

#### **Chapter 1**

#### **Combating Trafficking in Women and Children**

### **Article 24. Trafficking in Women and Children**

Trafficking in women means the recruitment, hiding, moving, transportation<sup>12</sup>, transfer, harbouring, [or] receipt of women, within or across national borders, by means of deception, the giving or receiving of bribes, threats, the use of force, [the use of] other forms of coercion, abduction, debt bondage or by other means[,] for forced labour, [for] prostitution, [for] publishing

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<sup>12</sup> The term “moving, transportation” is the translation of a single Lao compound word “moving-transportation”.

pornography and what is in contradiction to fine national culture, [for] the removal of various body parts<sup>13</sup>, or for other unlawful purposes.

If these acts are committed against children under 18 years old, then even though there is no deception, threat, force, or debt bondage, trafficking shall be regarded to have occurred.

Any individual who co-operates with<sup>14</sup> the offender [who commits] an offence<sup>15</sup> mentioned above[,] whether by incitement, providing assets or vehicles to the offender, the provision of shelter, or the concealment or removal of traces of an infraction, shall be considered as an accomplice in trafficking in women and children.

Trafficking in women and children is an offence.

## **Article 25. Rights of Victims**

A victim means a person who has suffered from trafficking in women and children. Victims have the following rights:

1. To ask for assistance from any individual who is nearby;
2. To notify police officers;
3. To testify and present evidence relating to the case, to concerned<sup>16</sup> officers;
4. To request for compensation, to be rehabilitated and to be reintegrated into the society;
5. To receive protection and care to ensure personal safety;
6. Not to be prosecuted and detained on any charge of trafficking in women and children, prostitution, [or] illegal immigration;
7. Not to be photographed, [and] not to have any video recorded or broadcast, where such<sup>17</sup> would affect personal honour;
8. To receive suitable assistance in the form of shelter, food, clothes, medical services, vocational training, repatriation and others;
9. To have other rights according to laws and regulations.

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<sup>13</sup> There is a connotation of both internal organs and external body parts.

<sup>14</sup> This is a slightly broader idea than an “accomplice” within the meaning of Article 16 of the Penal Law.

<sup>15</sup> The term “offence” or “infraction” is used here, as in the Penal Law, to refer generally to criminal acts. There are three levels of such criminal acts as set out in Article 7 of the Penal Law.

<sup>16</sup> “Concerned” is used in the sense of “relevant”.

<sup>17</sup> Namely the photograph or the video.

## **Article 26. Duties of Society**

Individuals or organisations that discover victims of trafficking in women and children or receive data or information concerning such trafficking shall report to the village administration, the police or other concerned authorities, and shall, at the same time, give assistance to victims.

Party and State organisations, the Lao Front for National Construction, mass organisations, social organisations and families shall disseminate information<sup>18</sup> and educate so that the whole society becomes aware of the acts and impact of trafficking in women and children in order that women and children stay vigilant and not fall victim to such trafficking and be active in combating and preventing [such trafficking].

To combat and prevent trafficking in women and children, the government establishes<sup>19</sup> a national committee for prevention of trafficking in humans.

## **Article 27. Criminal Procedures Relating to Offenders**

After having been notified about any trafficking in women and children, the police officers shall, in accordance with the Law on Criminal Procedure, investigate the case immediately, take the testimony of victims or of those reporting to the police, including witnesses, and, at the same time, maintain confidentiality and safety of those people. If there is enough evidence, the police shall send the case to prosecutors who will then send the case to the court to consider and decide whether to punish the offender and to award compensation for the damage suffered by the victims, including [compensation for] moral rehabilitation and loss of income.

## **Article 28. Assistance by Officers to Victims**

During the process<sup>20</sup>, police officers must cooperate with concerned counterparts such as doctors, social workers and other parties in order to give necessary and urgent assistance, to provide medical treatment and counselling services to the victims and to send them to safe shelter.

In the case where the victims are children, there shall be special treatment to restore [their] physical and mental health and to provide assistance to [meet] the specific needs of the children, in order to ensure that those children have guardians and to help them to return to their family and society.

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<sup>18</sup> Literally “engage in propaganda”.

<sup>19</sup> Lao does not require verbs to indicate tense. At the time this law was passed, there was no committee yet, and the translators are unable to resolve from the context whether this verb should be translated in the prescriptive (“shall”) or permissive (“may”) sense.

<sup>20</sup> This appears to be a reference to the process set out in Article 27.

In the case of victims abroad who are Lao citizens, the concerned Lao embassy or consulate shall give necessary and urgent assistance to the victims, especially safety and social welfare, and shall co-operate with concerned officials of that country in order to prosecute offenders, and the victims shall be repatriated thereafter<sup>21</sup>.

In the case of victims in the Lao PDR who are citizens of foreign countries, in addition to implementing<sup>22</sup> the third paragraph mentioned above, Lao officials shall cooperate with the embassy or consulate of the victim's country in the Lao PDR through the Ministry of Foreign Affairs in order to repatriate the victims.

## **Chapter 2**

### **Combating Domestic Violence Against Women and Children**

#### **Article 29. Domestic Violence against Women and Children**

Domestic violence against women and children is an act or omission committed by someone in the family which causes physical [or] mental impact on[,] or [which impacts on the] assets of[,] women and children in the family.

#### **Article 30. Physical Impact**

The use of violence to cause physical impact is an act of any individual in the family that causes death, incapacity, or injury to other members of the family as a result of battery, torture, locking up or tying up the person, rape or other immoral acts.

#### **Article 31. Mental Impact**

The use of violence to cause mental impact is an act of any individual in the family that causes damage to the mental health of women and children in the same family, such as: adultery, coercion, insults, defamation, scorn, [and] putting up obstacles against the performance of different kinds of activities[,] especially social activities.

#### **Article 32. Impact on Assets**

The use of violence to cause impact on assets is an intentional act of any individual in the family that causes damage to assets and results in consequences on the livelihood of family members, such as: the use of family assets for his or

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<sup>21</sup> There is no connotation that “thereafter” relates to the prosecution only. That is, there is no connotation that repatriation can only occur after prosecution. Rather “thereafter” relates to all of the preceding actions.

<sup>22</sup> The meaning is that the Lao officials in Laos must provide the same assistance as required of Lao officials abroad in the third paragraph.

her own interests in an unlawful way, non-performance of obligations to take care of the family<sup>23</sup>, causing women to lose their inheritance rights as provided in the laws, [and] destroying the house [or] property of the family.

### **Article 33. Rights of Victims**

Victims of domestic violence have the right to seek assistance from other family members, persons nearby and relatives, or to report to village administrations aiming at educating the violator, stopping the violence and changing his or her bad behaviour to [achieve] a united, harmonious and happy family.

In the case of domestic violence which results in serious impact constituting an offence, the victims shall have the right to report to police officers to deal with the matter in accordance with laws and regulations.

### **Article 34. Assistance to Victims and Protection of Persons who Provide Assistance**

A family member who discovers any domestic violence against women or children which threatens their life [or] physical health, which impacts on their liberty, mental health, [or] dignity or which damages their assets[,] or who is aware of such violence[,] shall assist them according to the nature and gravity of the violence and the urgency [and] necessity [of the situation,] by intervening, impeding the violence, offering conciliation, educating the parties, or requesting assistance to be provided to the victims by other people or organisations.

Persons nearby, individuals or organisations discovering, being aware of or being asked to give assistance to victims who are in a situation threatening their life [or] physical health, impacting on their mental health, or damaging their assets shall give assistance to the victims in the above-mentioned ways<sup>24</sup>.

In the case of domestic violence which results in danger, such as physical violence, [or] burning [or] destroying houses<sup>25</sup>, assets and other things, such assistance must be given promptly as provided in paragraphs 1 and 2 of Article 28 of this law.

Any individual or organisation which provides assistance to the victims in good faith shall be protected according to the laws.

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<sup>23</sup> There is a connotation of both alimony and child support.

<sup>24</sup> This is a reference to the methods of assistance described in the previous paragraph.

<sup>25</sup> There is a connotation of the house together with structures that are connected to the house.

### **Article 35. Settlement of Domestic Violence against Women and Children**

If the violence is not serious, the solution to it shall start from mediation and education of the user of the violence by family members, close relatives, persons nearby, counselling units to that by village mediation units<sup>26</sup>, while keeping in mind the need for unity, harmony and happiness in the family.

If the village mediation unit is unable to solve the problem, [or] if the violence is severe, then the village mediation unit, the counselling unit, the victim or his or her representative has the right to file a complaint to the police.<sup>27</sup>

### **Article 36. Action by Police Officers**

After receiving a complaint from the village mediation unit, the counselling unit, the victims or their representatives, the police officers shall try to settle the matter while keeping in mind the need for unity, harmony and happiness in the family. If the violence is not serious, the police officers shall try to conciliate<sup>28</sup>, [and] educate the parties with a view to reaching reconciliation and mutual trust in the family.

If the above-mentioned conciliation is unsuccessful, or if the violence is serious, the police officers shall institute legal proceedings and use measures as provided under the laws.

In such legal proceedings, if there is reliable evidence that the violence constitutes an offence, the police officers shall send the case to the public prosecutors, who will then prosecute the offender in court according to the laws.

### **Article 37. Combating Domestic Violence against Women and Children**

Domestic violence against women and children is a problem which is dangerous to the society, impacts on families, causes lack of warm family environment, [and causes] family separation, which makes it impossible for women and children to live in the family, creating a potential cause for them to become victims of trafficking, drug addiction, and prostitution.

To combat domestic violence, the administrative authorities, the Lao Front for National Construction, mass organisations, and social organisations shall pay

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<sup>26</sup> There is a connotation that each step in this sequence should be attempted, and that it should be attempted in the order set out.

<sup>27</sup> The translators are aware that there appears to be an inconsistency between this article and Article 22 of the Penal Law, which requires that the complaint be lodged by the victim, not by third parties such as the village mediation unit or counselling unit.

<sup>28</sup> There is a connotation of “giving strong guidance” which is a more assertive role than the mediation contemplated by Article 35.

attention to the dissemination of information to and the education of families to be harmonious and to have gender equality, aiming at ensuring that the institution<sup>29</sup> of the family is stable, happy and progressive.

#### **Article 38. Rights of Women and Children to Counselling**

In order to protect the rights and interests of women and children, women and children have the rights to counselling, legal advice, moral advice, advice on health issues and others<sup>30</sup> from organisations that provide counselling services.

Rights and duties of those counselling organisations will be provided in specific regulations.

### **Part V**

#### **Responsibilities For the Development and Protection of Women**

#### **Article 39. Responsibilities of the State**

The State defines policies, laws and regulations, mechanisms, and measures in a systematic way to develop and protect the rights and interests of women, including combating and preventing trafficking in women and children, [and] domestic violence against women and children in the family, and [the State] will assign to concerned sectors<sup>31</sup> for implementation.

The State provides an appropriate budget to organisations that provide assistance to victims of trafficking and domestic violence against women and children.

In order to have effective development and protection of women, the State has a policy to establish a fund for the development of women.

#### **Article 40. Responsibility of the Society**

The Lao Front for National Construction, mass organisations, and social organisations have the responsibility to educate, create conditions for, and facilitate the development and protection of the rights and interests of women, and to participate in the implementation of policies, laws and regulations, mechanisms, and measures of the State as provided in Article 39 of this law.

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<sup>29</sup> In the sense of the abstract concept of the family.

<sup>30</sup> “Others” is a literal translation and is not subject to further specificity.

<sup>31</sup> The word “sector” is used here to refer to the cluster of government ministries or agencies responsible for a particular area.

#### **Article 41. Responsibility of the Family<sup>32</sup>**

The family should promote and support and provide opportunities to women and children for self-development in all aspects, [and] to enjoy equality, rights, and benefits. In addition, the family has an obligation to protect women and children from trafficking in women and children, as well as domestic violence.

#### **Article 42. Responsibility of Women**

Women should be active in self-development in all aspects, such as physical, moral, educational, professional, and skill development, including upgrading knowledge in politics, economics, socio-culture, national defence, and security and foreign affairs. In addition, women should be active in the protection of their legitimate rights and interests, should be aware of and not become victims of trafficking in women and children, and should prevent and combat against trafficking in women and children, as well as domestic violence.

### **Part VI**

#### **Managing and Monitoring the Development and Protection of Women**

#### **Article 43. Management and Monitoring<sup>33</sup> Organisation<sup>34</sup>**

The government uniformly manages and monitors the implementation of activities relating to the development and protection of women.

The government assigns concerned sectors such as public health, education, information and culture, labour and social welfare, national security, foreign affairs, [and] local administrations, together with the Lao Women's Union, the Lao Front for National Construction, the Lao Federation of Trade Unions, the Lao People's Revolutionary Youth Union, [and] public prosecutors, to manage and monitor the development and protection of women.

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<sup>32</sup> This connotes the abstract notion of family rather than a reference to actual families.

<sup>33</sup> In the Lao language, the same word is used to represent all of the following related (but slightly different) concepts: "control", "inspection", "supervision", "audit" and "monitoring". As used in this law, the translators have chosen "monitoring" (and its variants) as the most appropriate English equivalent but readers should note and bear in mind the other meanings that might have been intended.

<sup>34</sup> In the Lao language, the word roughly meaning "the entire organisation of responsible governmental agencies" is capable of being translated as any one of the following English words: "organisation", "agency", or "authority". In choosing which English word to use, the translators have adopted the following convention. Where the governmental agencies in question have in practice adopted an English term for themselves (e.g., the Tax Authority), the translators have used that term. Otherwise, as in this law, the translators have used the generic term "organisation". In this law, there is an added ambiguity as to whether the relevant "organisation" is intended to be the government itself, all the entities mentioned in the second paragraph of Article 43 or the Lao Women's Union.

In the management and monitoring of the development of women, the Lao Women's Union plays the central role in coordination with other concerned sectors.

When it is deemed necessary, the government may establish a task force committee on the management and monitoring of the development and protection of women.

#### **Article 44. Rights and Duties of the Management and Monitoring Organisation**

The management and monitoring organisation described in Article 43 of this law has responsibilities to develop regulations [and] measures and to implement activities relating to the development and protection of women according to the scope of its rights and duties.

#### **Article 45. Rights and Duties of the Central Lao Women's Union**

In the management and monitoring of the development and protection of women, the central Lao Women's Union has the following rights and duties:

1. To study, formulate, [and] draft policies, programs, projects, [and] laws and regulations relating to the development and protection of women, and to propose to concerned authorities for consideration;
2. To disseminate and provide education on the Party's policies and the State's laws and regulations relating to [such] development and protection;
3. To organise counselling on the rights and interests of women and children;
4. To guide, monitor, oversee, and promote the implementation of the policies, laws, plans, programs, [and] projects in the field of women development and the protection of rights and interests of women and children within the scope of its responsibilities;
5. To give advice and request concerned sectors to solve any incorrect action and respond to such request within 30 days after receiving such request<sup>35</sup>. If the request is not resolved or is inappropriately resolved, the central Lao Women's Union has the right to propose to a higher authority to consider and solve the problem. If the act constitutes a severe offence, [the central Lao Women's Union] has the right to request the police to take legal action against violators according to the laws;
6. To coordinate with concerned parties in the management and monitoring of the development and protection of the rights and interests of women and children;

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<sup>35</sup>

The concerned sectors must respond within the specified time.

7. To summarise, assess, and report on the implementation of the direction<sup>36</sup> and policies [and of] laws and regulations on the development and protection of women in coordination with concerned sectors;
8. To exercise such other rights and perform such duties as prescribed by laws and regulations.

**Article 46. Rights and Duties of Women’s Unions in Sectoral Agencies and Local Administrations**

In the management and monitoring of the development and protection of women, women’s unions in the sectoral agencies and local administrations have the following rights and duties:

1. To study, disseminate and implement the policies, laws and regulations, plans, and projects in the field of the development and protection of women;
2. To provide counselling services on the rights and interests of women and children;
3. To guide and monitor the implementation of laws and regulations, and activities relating to the development and protection of women within the scope of their responsibilities;
4. To give advice and request concerned sectors to solve any incorrect action and respond to such request within 30 days after receiving such request. If the request is not resolved or is inappropriately resolved, the women’s unions in the sectoral agencies and local administrations have the right to propose to a higher authority to consider and solve the problem. If the act constitutes a severe offence, [the women’s unions] should have the right to request the police to take legal action against violators according to the laws;
5. To coordinate with concerned parties in the management and monitoring of the development and protection of the rights and interests of women and children;
6. To summarise, assess and report on the implementation of the direction and policies [and of] laws and regulations on the development and protection of women in coordination with concerned sectors;
7. To exercise such other rights and perform such other duties as prescribed by laws and regulations.

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<sup>36</sup> This refers to “direction” in the sense of strategy or trend, not to specific individual instructions.

**Part VII**  
**Policies towards Persons who have Outstanding Performance**  
**and Measures Against Violators**

**Article 47. Policies towards Persons with Outstanding Performance**

Individuals or organisations with outstanding performance in implementing and participating in the management and monitoring of the development and protection of the rights and interests of women and children, who have provided assistance to victims, who have prevented and combated against trafficking in women and children, and domestic violence against women and children, including providing counselling service, should be rewarded and receive other policies in accordance with regulations.

**Article 48. Measures against Violators**

Individuals or organisations that violate this law will be subject to measures such as re-educational measures and penal measures, depending on the gravity of the violation, including civil compensation for damages.

**Article 49. Penal Measures against Trafficking in Women and Children**

Any person committing the offence of trafficking in women and children shall be punished by five to fifteen years of imprisonment and shall be fined from 10,000,000 Kip to 100,000,000 Kip, and shall be subject to confiscation of property as provided under Article 32 of the Penal Law.

In cases where offenders organise themselves, the victims are children, the victims are more than two persons, the victims are close relatives of the offenders, [or] the victims suffer severe injury [or] mental insanity, the offender in trafficking in women and children shall be punished by fifteen to twenty years of imprisonment and shall be fined from 100,000,000 Kip to 500,000,000 Kip[,] and shall be subject to confiscation of property as provided under Article 32 of the Penal Law.

In cases where offenders cause the victim lifetime incapacity, or [cause the victim to be] infected with HIV/AIDS, or cause death, the offender in trafficking in women and children shall be punished with life imprisonment and shall be fined from 500,000,000 Kip to 1,000,000,000 Kip[,] and shall be subject to confiscation of property as provided under Article 32 of the Penal Law, or shall be subject to capital punishment.

Preparation and attempts shall be subject to punishment.

Any person who has been an accomplice in the trafficking of women and children, as stipulated in paragraph 3 of Article 24 of this law, shall be punished

by four to ten years of imprisonment and shall be fined from 5,000,000 Kip to 50,000,000 Kip[,] and shall be subject to confiscation of property as provided under Article 32 of the Penal Law.

**Article 50. Measures against Domestic Violence Against Women and Children**

Any individual committing domestic violence against women and children, as provided in Articles 30, 31 and 32 of this law, shall be re-educated and receive an [official] warning<sup>37</sup>.

In a case where the domestic violence constitutes an offence, the offender shall be punished according to the Penal Law.

**Article 51. Criminal Measures against Those who Do Not Assist Victims**

Any person who does not assist the victims of trafficking in women and children or of domestic violence in severe cases[,] where he or she is capable of giving such assistance[,] is punishable in accordance with Article 86 of the Penal Law.

**Article 52. Civil Measures**

In addition to the penalties referred to in Articles 49, 50 and 51 of this law, the offenders shall also make compensation for damages, such as: costs of medical treatment and mental rehabilitation, loss of income, travel costs, costs of board and lodging<sup>38</sup>, and other losses.

**Part VIII  
Final Provisions**

**Article 53. Implementation**

The government of the Lao People's Democratic Republic and the central Lao Women's Union are assigned to implement this law.

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<sup>37</sup> There is a connotation that this is a document of warning.

<sup>38</sup> This is a translation of a single Lao word "allowance" which refers to both food and accommodations.

**Article 54. Effectiveness**

This law shall enter into force on the date ninety days after it is promulgated by a decree of the President of the Lao People's Democratic Republic.

Regulations and provisions which contradict this law shall be void.

Vientiane, 22 October 2004  
President of the National Assembly

*[Seal & Signature]*

Samane VIGNAKET