

Laos

National Child Protection Legislation

National Legislation

- **Age of Consent:** 15 years old
[Penal Law of Lao People's Democratic Republic](#)
Art. 129. Sexual Intercourse with a Child
Any person engaging in sexual intercourse with a girl or boy under fifteen years of age shall be punished by one to five years of imprisonment and shall be fined from 2,000,000 Kip to 5,000,000 Kip.
- **Age of Marriage:** 18 years old
[Family Law of Lao People's Democratic Republic](#)
Art. 9. Conditions for Marriage
Men and women have the right to marry at eighteen years of age. In special and necessary cases, this limit may be lowered to less than eighteen years of age but not less than fifteen years of age. Marriage must be based on mutual consent from both sides without coercion from any side or individual.
- **Age of Criminal Responsibility:** 15 years old
[Penal Law of Lao People's Democratic Republic](#)
Art. 7. Components of Offences
The actor's component of an offence refers to the fact that in order to be liable, the offender must be mentally competent, must not be insane, and must have reached the age of majority, that is, at least 15 years of age.¹

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- **Extraterritoriality**

[Penal Law of Lao People's Democratic Republic](#)

Art. 4. Application of Penal Law outside the Territory of the Lao People's Democratic Republic
Lao citizens who commit offences outside the territory of the Lao People's Democratic Republic shall be charged with and punished for such offences if they are defined [as offences under] the Penal Law of the Lao People's Democratic Republic. Aliens and apatrids residing in the Lao People's Democratic Republic³ who commit offences outside the territory of the Lao People's Democratic Republic shall also be charged and punished. Foreign individuals who commit offences outside the territory of the Lao People's Democratic Republic shall be charged and punished as provided in the Penal Law of the Lao People's Democratic Republic if such a case is provided for in international conventions.

¹ The translators are aware that the specific age referred to in this article (15 years) is different from the age of majority specified in other laws.

- **Dual Criminality**

[Law on Criminal Procedure of Lao People's Democratic Republic](#)

Art. 117. Principle of International Cooperation in Criminal Proceedings

International cooperation in criminal proceedings between the competent organisation conducting criminal proceedings in the Lao PDR and competent organs of foreign countries shall comply with principles of respect for the independence, territorial sovereignty of the States, non-interference in the domestic affairs, equality and mutual benefit, and be consistent with the Constitution of Lao PDR and the fundamental principles of international law.

Art. 118. International Cooperation in Criminal Proceedings

International cooperation in criminal proceedings must be carried out in compliance with agreements that the Lao PDR has signed with foreign countries or international conventions that it has entered into and in accordance to the laws of the Lao PDR. In the event that the Lao PDR has not yet signed or not yet entered into international conventions relating to criminal proceedings, [such co-operation] shall be carried out on the basis of principles of mutual cooperation, but shall not be in conflict with the laws of the Lao PDR.

Art. 119. Implementation of Judicial Assistance

In the provision of judicial assistance, the competent organisation conducting criminal proceedings in the Lao PDR shall comply with the agreements that the Lao PDR has signed with foreign countries or international conventions that the Lao PDR is a party to and shall comply with this law. Provision of judicial assistance may have the objective of extradition, or exchange of prisoners, or seizure or sequestration of assets of an accused person or defendant, or enforcement of judgment, or cooperation in combating of cross-border crime and others.

Art. 120. Refusal to Provide Judicial Assistance

The competent organisation conducting criminal proceedings in the Lao PDR may refuse to provide judicial assistance in the following cases: 1. The request for judicial assistance is not in conformity with agreements that the Lao PDR has signed with foreign countries, or international conventions to which the Lao PDR is a party, or the laws of the Lao PDR. 2. The provision of the judicial assistance would affect the sovereignty, security or stability of the nation, or any important interest of the Lao PDR.

- **Mandatory reporting requirements**

[Law on the Development and Protection of Women](#)

Art. 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 information¹⁸ 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 a national committee for prevention of trafficking in humans.

Art. 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. In the case of domestic violence which results in danger, such as physical violence, [or] burning [or] destroying houses, 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.

[Law on the Protection of Rights and Interests of Children](#)

Art. 38. Reporting

A network system shall be established under the direction of the Committee on Protection and Assistance to Children in order to keep track of situations happening in the children's community and the society, and to identify situations that cause children to need special protection.

The main duties of the network are the following:

- To monitor children who have been neglected or taken advantage of;
- To collect data and statistics relating to children in need of special protection and regularly report to the Committee on Protection and Assistance to Children;
- To provide counselling and recommendations to children in need of special protection;
- To facilitate and collaborate with relevant sectors concerning protection and assistance to children.

In addition, any person or organisation that knows of or observes any situation regarding any child at risk of needing special protection or any child in need of special protection, must promptly notify or report on that situation to the Committee on Protection and Assistance to Children or to an investigation agency if it is a criminal offence.

▪ **Obligations of Educational Institutions**

[Law on the Protection of Rights and Interests of Children](#)

Article 27. Child-Friendly Schools

The State has the policy to create child-friendly schools that are popular for children and attract them to learn. A child-friendly school is a place with a good environment that promotes learning and study by children, where they can receive attention, counselling and assistance from teachers, with friendly solidarity among students[; and where they are] protected from the use of violence, physical punishment or inappropriate words or acts that affect the dignity of children, [and] from discrimination or bias, and work that exceeds their abilities.

Art. 35. Policies on Protection and Assistance to Children

The State has policies to prevent and combat acts of child violence or exploitation, by adopting protective measures and assistance to children at risk of violence or exploitation, by assigning the Ministry of Labour and Social Welfare to actively collaborate with other relevant sectors,

such as: organisations in public health, education, justice, foreign affairs, public security, the Office of the Public Prosecutor, mass organisations and other concerned organisations. The Ministry of Labour and Social Welfare shall issue regulations and instructions on protection and assistance to children, and establish the Committee for Protection and Assistance to Children, aimed at implementation, including monitoring, inspecting and encouraging [such] implementation.

Article 36. Rights and Duties of the Committee for Protection and Assistance to Children

The Committee for Protection and Assistance to Children has the following main rights and duties:

1. To receive reports on children who are at risk and children in need of special protection, and to identify and use emergency measures to protect and assist them;
2. To create conditions and provide assistance to the families of children in need of special protection and children at risk to enable them to solve the problem in the right way by themselves;
3. To advise, monitor and regularly inspect the care and assistance to children provided by various centres or relevant places;
4. To collect statistics on children in need of special protection and children at risk in the area under its responsibility, to summarise on the execution of its own work and regularly report to the higher authority.

▪ **Prohibition to hold certain positions**

[Law on the Protection of Rights and Interests of Children](#)

Art. 84. Administrative Measures

Individuals or organisations that violate this law will be fined or subject to disciplinary sanctions when acting as follows:

- Violations referred to in Article 83², that continue after re-education;
- Allowing children to enter a restaurant serving alcohol, beer or intoxicating drinks;
- Allowing children to take part in pornographic and obscene activities;
- Employing children over the limit of hours or to perform heavy work as prescribed by the Labour Law;
- Other violations stated in this law, which are administrative violations.

Besides the above-mentioned measures, the violators may be subject to suspension or withdrawal of business license. Fines are determined in specific regulations.

▪ **Employment Law**

[Labor Law](#)

Art. 17. Limitation of Employer's Right to Terminate an Employment Contract

An employer does not have the right to terminate an employment contract or force an employee to stop work where the said employee is:

- Sick and undergoing medical treatment or rehabilitation after medical treatment on the advice of a doctor, or facing disasters such as when his house has been destroyed by a fire;
- A woman employee who is pregnant or who has given birth but the postnatal period is less than nine months;

² Article 83 addresses other violations that are not serious in nature as prescribed in this law.

- On annual leave or on leave approved by the employer;
 - Still performing work in another workplace upon assignment of the employer;
 - Filing a complaint or claim against the employer or cooperating with government officials in relation to the implementation of the labour law, and [in relation] to labour disputes within his labour unit;
 - Carrying out activities for trade unions, workers' representatives or other social organisations upon approval of the employer or outside of working hours;
 - A worker who has been elected to the trade union or workers' representatives. This article does not apply to employees who have committed an offense as stipulated in Article 19 of this Labour Law.
- **Criminal Law - Defamation**

[Penal Law of Lao People's Democratic Republic](#)

Art. 94. Defamation and Libel

Any person severely damaging the honour of another person through written, oral or other means shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 50,000 Kip to 300,000 Kip. Any person libeling another person through written, oral or other means resulting in severe damage to the other person's honour shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 50,000 Kip to 300,000 Kip.

[Sexual Offenses Against Children](#)

[Penal Law of Lao People's Democratic Republic](#)

Art. 128. Rape

Any person using force, armed threats, drugs or other [substances], or other means to place a woman in a state of helplessness in order to have sexual intercourse with the woman against her will, where such woman is not [the offender's] spouse, shall be punished by three to five years of imprisonment and shall be fined from 1,000,000 Kip to 5,000,000 Kip. Where the victim of such rape is a woman between fifteen and eighteen years of age, a woman dependent upon the offender's care, or a patient of the offender, the offender shall be punished by five to ten years of imprisonment and shall be fined from 2,000,000 Kip to 10,000,000 Kip. In the event of multiple rape, rape of girls under fifteen years of age, battery during rape or a rape resulting in the victim becoming an invalid or dying, the offender shall be punished by seven to fifteen years of imprisonment and shall be fined from 5,000,000 Kip to 15,000,000 Kip. Where the offender rapes the victim and then murders the victim, such offender shall be punished by fifteen to twenty years of imprisonment and shall be fined from 10,000,000 Kip to 20,000,000 Kip. Furthermore, such person may be sentenced to life imprisonment or subject to the death penalty. Any attempt to commit such an offence shall also be punished.

Art. 129. Sexual Intercourse with a Child

Any person engaging in sexual intercourse with a girl or boy under fifteen years of age shall be punished by one to five years of imprisonment and shall be fined from 2,000,000 Kip to 5,000,000 Kip.

Art. 132. Procuring

Any person generating income through procuring prostitution in any manner whatsoever shall be punished by six months to three years of imprisonment and shall be fined from Kip 5,000,000 to 10,000,000 Kip. Where procuring is performed as a regular profession or involves the prostitution of female minors or the forcing of a female person under the

offender's guardianship into prostitution, the offender shall be punished by three to five years of imprisonment and shall be fined from 10,000,000 Kip to 50,000,000 Kip.

Art. 133. (New) Forcing to Prostitution

Any person forcing another person to prostitution shall be punished by five years to ten years of imprisonment and shall be fined from 10,000,000 Kip to 20,000,000 Kip. Any person forcing another person who is under 18 years of age to prostitution shall be punished by ten years to twenty years of imprisonment and shall be fined from 20,000,000 Kip to 50,000,000 Kip.

Art. 134. (New) Human Trafficking

Human trafficking means the recruitment, moving, transfer, harbouring, or receipt of any person within or across national borders by means of deception, threats, use of force, debt bondage or any other means [and using such person in] forced labour, prostitution, pornography, or anything that is against the fine traditions of the nation, or removing various body organs [of such person], or for other unlawful purposes.

Any of the above-mentioned acts committed against children under 18 years of age shall be considered as human trafficking even though there is no deception, threat, use of force, or debt bondage. Any person engaging in human trafficking shall be punished by five years to fifteen years of imprisonment and shall be fined from 10,000,000 Kip to 100,000,000 Kip.

Where human trafficking is performed as a regular profession or in an organised group, where the victims are children, where there are two or more victims, where any victim is a close relative of the offender, or where any victim suffers serious injury or becomes an invalid or insane, the offender committing human trafficking shall be punished by fifteen to twenty years of imprisonment and shall be fined from more than 100,000,000 Kip to 500,000,000 Kip and his property shall be confiscated as provided in Article 34 of this law.

When the offence causes the victim to be a lifetime invalid, to be infected with HIV, or to die, the offender in human trafficking shall be punished by life imprisonment and shall be fined from more than 500,000,000 Kip to 1,000,000,000 Kip and his property shall be confiscated as provided in Article 34 of this law.

For trafficking in women and children, provisions of the Law on the Development and Protection of Women may be used.

Any attempt to commit such an offence shall also be punished.

Art. 135. Incest

Any person engaging in sexual intercourse with a biological parent, parent by adoption, step-parent, grandparent, parent in law, biological child, adopted child, step-child, grandchild or sibling shall be punished by six months to five years of imprisonment and shall be fined from 500,000 Kip to 2,000,000 Kip. The partner in incest shall be punished by three months to one year of imprisonment and shall be fined from 50,000 Kip to 300,000 Kip.

Art. 136. Pornography

Any person who, in the presence of members of the public or in any public place, engages in an act of sexual intercourse or exposes his or her sexual organs shall be punished by three months to one year of imprisonment or re-education without deprivation of liberty and shall be fined from 50,000 Kip to 200,000 Kip.

Art. 137. Outrage to Decency

Except for the offences described in Article 128 of this law, any person engaging in any act that causes embarrassment of a sexual nature to another person against such other person's will shall be punished by six months to three years of imprisonment or re-education without deprivation of liberty and shall be fined from 100,000 Kip to 500,000 Kip.

Art. 138. Dissemination of Pornographic Objects and Objects Contrary to Fine Traditions

Any person engaging in the widespread production, distribution, or dissemination of pornographic items, magazines, pictures, video cassettes and other materials contrary to fine traditions shall be punished by three months to one year of imprisonment and shall be fined from 200,000 Kip to 5,000,000 Kip.

[Law on the Development and Protection of Women, Articles 24, 29, 30, 49, 50](#)

Art. 24. Trafficking in Women and Children

Trafficking in women means the recruitment, hiding, moving, transportation, 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 pornography and what is in contradiction to fine national culture, [for] the removal of various body parts, 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 the offender [who commits] an offence 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.

Art. 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.

Art. 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.

Art. 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.

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

[Law on the Protection of Rights and Interests of Children, Articles 35, 86, 89, 90, 91](#)

Art. 35. Policies on Protection and Assistance to Children

The State has policies to prevent and combat acts of child violence or exploitation, by adopting protective measures and assistance to children at risk of violence or exploitation, by assigning the Ministry of Labour and Social Welfare to actively collaborate with other relevant sectors, such as: organisations in public health, education, justice, foreign affairs, public security, the Office of the Public Prosecutor, mass organisations and other concerned organisations. The Ministry of Labour and Social Welfare shall issue regulations and instructions on protection and assistance to children, and establish the Committee for Protection and Assistance to Children, aimed at implementation, including monitoring, inspecting and encouraging [such] implementation.

Art. 86. Disseminating Child Pornography

Any person who produces, distributes, disseminates, imports, exports, displays or sells magazines, photographs, films, videos, VCDs, DVDs and other items of child pornography, shall be punished by imprisonment from one year to three years and fined from 2,000,000 Kip to 6,000,000 Kip.

Art. 89. Sexual Relations with Children

Any individual who has sexual relations with a girl or boy under eighteen to fifteen years of age by paying or giving any type of benefit shall be punished by imprisonment from three months to one year or re-educated without deprivation of liberty and fined from 1,000,000 Kip to 2,000,000 Kip.

Any individual who has sexual relations with a girl or boy from under fifteen to twelve years of age by paying or giving any type of benefit shall be punished by imprisonment from one year to five years and fined from 2,000,000 Kip to 5,000,000 Kip.

Any individual who has sexual relations with a girl or boy under twelve years of age by any means shall be considered as having committed rape and that person shall be punished by imprisonment from seven years to fifteen years and fined from 7,000,000 Kip to 15,000,000 Kip.

Any individual who has requested, received, recruited or offered children under eighteen years of age to become prostitutes, shall be considered as an offender and shall be punished as stipulated in Article 134 (New) of the Penal Law.

Art. 90. Trafficking in Children

Any person who commits an offence of trafficking in children shall be punished by imprisonment from five years to fifteen years and fined from 10,000,000 Kip to 100,000,000 Kip and shall have his assets confiscated as provided in Article 134 of the Penal Law.

Art. 91. Civil Measures

In addition to the penalties stipulated in Articles 85 to 90 of this law, the offender shall pay compensation for damages such as medical treatment, moral injury, sick leave, travel, food and accommodation and other damages.