



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President's Office

No. 97/P
24 December 1990

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

On the Promulgation of the Family Law

Pursuant to the Resolution of the Meeting of the People Representatives on 2 December 1975 on the Appointment of the President of the State;

Pursuant to the Law on the People's Supreme Assembly of the Lao PDR, No 04/SPA, dated 19 April 1988; and

Pursuant to the Resolution of the fifth session of the second People's Supreme Assembly on the adoption of the Family Law, No, 07/90/SPA, dated 18 December 1990.

**The President of the Lao People Democratic Republic
Decrees that:**

- Article 1. The Family Law is hereby promulgated.
- Article 2. This decree shall enter into force on the date it is signed.

Vientiane, 24 December 1990

Acting President of the
Lao People's Democratic Republic

[Seal and Signature]

Phoumy VONGVICHIT



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

People's Supreme Assembly

No. 07/90/SPA
29 November 1990

FAMILY LAW

Part I General Principles

Article 1. Purpose of the Family Law

The Family Law aims to:

- Preserve and strengthen the family into a firm cell¹ of Lao society;
- Establish matrimonial [and] family relationships based on mutual consent and equality between men and women;
- Educate children to love the family, [and] nation, and to participate in the protection and development of the nation;
- Protect the interests of mothers and children in family life and upon divorce; [and]
- Preserve and develop fine customs and traditions.

Article 2. Equality between Men and Women in Family Relationship

Men and women have equal rights in all aspects pertaining to family relationships.

Family relationships arise independently from the origins, socio-economic status, nationality, ethnicity, educational level, occupation, beliefs, place of residence and others.²

¹ The term "firm cell" is a literal translation and is used as a metaphor for "strong component".

² The phrase "and others" is a literal translation of the Lao term and is not subject to further specificity.

Article 3. Freedom to Marry

Men and women who have attained the age of marriage have the right to marry on the basis of mutual consent, freedom and love. It is forbidden to force or hinder another individual's marriage.

Article 4. Monogamy

Marriage is governed by the system of monogamy.

Article 5. Protection of Interests of Mothers and Children

The state and society protect the interests of mothers and children in family life [when a married couple live together] and when a married couple no longer co-habitate.³

**Part II
Proposals And Marriage**

**Chapter 1
Proposals**

Article 6. Proposals

When a young couple enter a relationship of love and decide to marry, the man should ask his parents and elder relatives to ask for the women's hand from her parents and elder relatives according to customs and traditions, and they should decide upon the wedding together.

Article 7. Compensation for Failing to Implement Proposals

In the event that [a party who has agreed to marry does not implement the proposal and] the man's or the women's honour is damaged or expenses are incurred for wedding preparations, the party who does not implement the proposal shall compensate the other party for such damages.

Article 8. Sexual Relations before Marriage

If sexual relations occur before marriage and the man does not marry the woman, he shall have to make offerings to restore the spirit⁴ of the woman or of her family according to custom and tradition.

³ The term "co-habitate" is used in the sense of "living together in the same household," and does not imply that the persons living together are not married.

⁴ The phrase "restore the spirit" has both a secular sense of "repair the reputation" as well as a metaphysical sense of "undo any spiritual damage".

If such sexual relations have resulted in pregnancy, in addition to spiritual offerings, the man shall also have to be responsible for the expenses of childbirth, recovery and others.

The man also has the duty to look after the child born from such pregnancy until the child's maturity.

Chapter 2 Marriage

Article 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.

Article 10. Prohibition of Marriage

Marriage shall be prohibited in the following cases:

1. Marriage between individuals in a state of deficient mental or physical health which could become a threat to the lives or health of their spouses or children;
2. Marriage between individuals from the same bloodline such as parents, paternal and maternal grandparents upwards, with children and grandchildren downwards, between adoptive parents and adopted children, between step-parents and step-children, between adopted children and natural children, between siblings, and between uncles or aunts with nieces and nephews.

Chapter 3 Marriage Procedures

Article 11. Marriage Consideration and Registration

A couple having the intention to marry must submit a written request to the family registrar officer.

The family registrar officer must consider⁵ the request for marriage within a period not exceeding one month from the day such request is received.

If it appears that the couple meet all required conditions, the family registrar officer shall invite the concerned⁶ persons to register their act of marriage in the presence of three witnesses.

⁵ The single Lao word translated as “consider” connotes that the person considering a matter also has the authority to decide such matter.

⁶ The word “concerned” is used in the sense of “relevant”.

Article 12. Wedding Ceremony

A traditional wedding ceremony may or may not be conducted, simultaneously or after the marriage registration, but [if conducted] must not have any legal impact.

The matrimonial relationship shall arise from the day the marriage is registered.

**Chapter 4
Matrimonial Relationship**

Article 13. Rights and Obligations of the Married Couple

The husband and wife have equal rights in all aspects within the family. The husband and wife jointly decide on internal family matters. Spouses have the duty to love, respect, care for and assist each other, to jointly care for and educate the children, and to build the family into a solid, happy and progressive family.

Article 14. Married Couple's Right to Engage in Activities

The husband and wife have the right to engage in political, economic, cultural and social activities.

The selection of the family's place of residence is jointly decided by the married couple.

Article 15. Right to Select Family Name

The husband and wife have the right to choose either the husband's or the wife's family name or to keep their respective original family names.

**Chapter 5
Dissolution of Matrimonial Relationship**

Article 16. Causes for the Dissolution of Marriage

A marriage shall be dissolved by the death [of a spouse], by a court decision declaring that a spouse is deceased, by a court decision acknowledging that the marriage is a null marriage or by divorce.

Article 17. Null Marriage

A "null marriage"⁷ refers to a marriage transgressing any of the conditions in Articles 9 and 10 of this law.

⁷ The quotation marks have been added and are not in the original.

Article 18. Dissolution of Null Marriage

The dissolution of a null marriage is within the jurisdiction of the people's court.

The public prosecutor,⁸ the family registrar officer, the parents-in-law, and the husband and wife have the right to request the dissolution of a null marriage.

Article 19. Consequence of Null Marriage

If a null marriage is dissolved, the matrimonial relationship shall cease but children conceived or born during the marriage shall be considered legitimate.

Assets acquired during the marriage before its dissolution are subject to regulations outlined in this law and the Property Law.

Article 20. Causes of Divorce

The husband or wife may ask for a divorce based on any of the following reasons:

1. Adultery;
2. Use of violence or gross insults against each other or against parents or relatives, or [behaviour evidencing a] seriously inappropriate attitude making co-habitation impossible (such as regular drinking or gambling);⁹
3. Abandoning the family without informing them or without sending news or goods for the family's [needs] for more than three years;
4. The husband is definitely a monk or novice or the wife is a white nun;
5. [The spouse has been] convicted of a criminal offence and [the penalty imposed is] imprisonment of more than five years;
6. Dangerous serious disease making co-habitation impossible;
7. Mental illness making co-habitation impossible;
8. Incapacity of sexual act; [and]
9. Incompatibility of spouses making co-habitation impossible.

⁸ The term "public prosecutor" has been chosen because it is the English term commonly used in Laos for this title/institution. Other common translations are "people's prosecutor" and "people's public prosecutor". The Lao public prosecutor has considerably more powers than public prosecutors in common law jurisdictions and is more akin to a procurator in socialist systems. In addition, readers should note that the term is principally used in this Law to refer to the "office" or "organisation" of public prosecutors rather than to refer to individual prosecutors.

⁹ For readability, the punctuation and structure of this sentence have been modified.

Article 21. Consideration of Divorce Cases

When the married couple or one of the spouses submits a request for divorce, the people's court must try to reconcile them. In the event that reconciliation does not occur immediately, additional time for consideration not exceeding three months shall be given.

If the married couple do not reconcile, the court shall grant the divorce if it appears that they cannot co-habit [or] care for and preserve the family. In its decision on divorce, the court must formulate measures to protect the interests of minor children¹⁰ and of a husband or wife unable to work to ensure his or her subsistence.

After the pronouncement of divorce by the court, the court must send two copies of its decision to the family registrar officer for registration of the divorce, and give one copy to each spouse.

Article 22. No Right of Divorce

A husband does not have the right to ask for divorce during his wife's pregnancy or when a newly born child has not yet reached the age of one year.

Article 23. Custody of Children

If a husband and wife do not agree on the custody of children after divorce, the court shall decide whether the father or mother should have custody taking into consideration the children's interests.

A divorced couple must care for and educate their children. The court shall decide on the child support to be provided until [the children reach] maturity based on agreement between the husband and wife or based on the court's own decision in the event that agreement cannot be reached between the husband and wife.

Article 24. Demand for Alimony

After divorce, a former husband or wife who is sick and unable to meet his or her own needs has the right, in the case where his or her former spouse possesses economic potential, to request the court to consider what support should be paid by such [former] husband or wife but such support shall not exceed the period of one year.

Article 25. Remarriage

A divorced husband and wife wishing to re-marry must register a new marriage.

¹⁰ A child who has not yet reached the age of majority.

Chapter 6

Property of the Married Couple

Article 26. Initial Assets and Matrimonial Property

“Initial assets”¹¹ refers to property owned by the husband or wife before their marriage or acquired through an inheritance or grant made specifically to the husband or the wife after marriage, [whether] existing in its original form or transformed into other assets.

“Matrimonial property”¹² refers to property acquired by the married couple in common during their marriage, except for personal items of low value.

Article 27. Use of Matrimonial Property

Each spouse has equal rights over matrimonial property regardless of who actually acquired the property. Each spouse has the right to use matrimonial property in accordance with the requirements of the family. However, both spouses must agree to any exercise of the right of usufruct or disposition in respect of matrimonial property.

Article 28. Division of Property between Married Couple

The division of property between husband and wife is to be implemented as follows:

1. Initial assets shall remain the property of their owner;
2. Matrimonial property shall be equally divided between the married couple unless the husband or wife is responsible for the break of the matrimonial relationship or for damage to the matrimonial property. The wrongdoer shall only receive one third of the matrimonial property, and in the event that minor children remain with one parent, that parent may receive a bigger share according to the court’s decision.

Matrimonial property shall be divided after a husband and wife are divorced. In the event that a husband and wife are separated or have made secret use of matrimonial property in a wrongful way or displayed dishonest intentions towards the matrimonial property, the matrimonial property can be divided before divorce.

¹¹ The quotation marks have been added and are not in the original.

¹² The quotation marks have been added and are not in the original.

Part III

Right and Obligations of Parents and Children

Chapter 1

Affiliation

Article 29. Acquisition of Parental and Filial Rights and Obligations

Parental and filial rights and obligations arise upon the birth of children as provided by the laws.

“Children”¹³ refers to the children of legally married parents or of unmarried parents but [in the latter case only] if the father volunteers to recognise his parenthood or [if such parenthood] is recognised by a court decision.

Article 30. Affiliation

Affiliation may take place in the event that a child is born to unmarried parents.

Voluntary affiliation requires the child’s parents to submit a common request whereby the child’s father acknowledges his parenthood and the mother agrees to such request. If the mother is deceased, such affiliation may be done on a unilateral basis.

In the event that the child has reached maturity, affiliation may only take place with the child’s agreement. The father’s marriage to another woman shall not constitute any obstacle to affiliation.

If the father disputes affiliation, the child’s mother, care-giver¹⁴ or guardian also has the right to request the court to consider making a finding of affiliation.

The court shall make a finding of affiliation in any of the following cases:

- The child’s mother and the affiliating father are co-habiting, and hold property together;
- [The child’s mother and the affiliating father] are taking common care of and educating the child;
- There is evidence of the paternity of the affiliating father.

¹³ The quotation marks have been added and are not in the original.

¹⁴ The distinction between a care-giver and a guardian is that the latter is a formal, legal status.

Article 31. First Name, Family Name and Nationality of Children

Parents have the right to choose their children's names according to their preferences and upon mutual agreement.

Children have the right to change their names in accordance with specific regulations when they reach eighteen years of age.

The children's family name shall be the same as their parents if the latter bear the same family name.

If the parents have different family names, the children may use either their father's or mother's [family name] with their parents' approval. In the event that agreement cannot be reached, the children shall use the family name determined by the court.

In the event of a divorce or the dissolution of a null marriage, the children's family name shall not change. If, after the divorce or dissolution of null marriage, the father or mother has custody of any child and feels that it is necessary for the child to use the same family name, such parent has the right to require his or her minor child to change such child's family name to [such parent's] family name.

A child's nationality is determined by his or her parents' nationality if they have the same nationality.

If the parents have different nationalities, the children may take their father's or their mother's [nationality] in accordance with the Law on Lao Nationality.

Article 32. Parents Obligated to Educate Their Children

Parents must educate their children to be patriotic, progressive and to lead pure lives and engage in activities useful for society.

If parents do not meet their obligations to educate their children, exceed their parental rights, or use violence and ill-treatment towards them, the court may withdraw their parental rights, but parents must continue to implement their parental obligations in caring for the children.

In the event that parents who have had their parental rights withdrawn have made amends, the court may restore their parental rights.

Article 33. Parents Obligated to Protect Children's Rights and Interests

Parents have equal rights and obligations to protect their children's rights and interests. They are the legal representatives of their minor children, and have the obligation to protect their rights and interests in court, at the work place, at school and others.

If minor children enter into contracts without their parents' approval, the latter may request the court to cancel such invalid contracts. Furthermore, parents represent their children in lawsuits where their children are defendants and shall have to take all civil responsibility for them.

Article 34. Property of Parents and Children

During their parents' lifetime, children shall have no property rights in their parents' assets and parents shall have no property rights in their children's assets. Parents have the right to administer [the children's assets] in accordance with specific regulations. In the event that parents and children have joint property rights, their property rights shall have to comply with Article 25 of the Property Law.

Article 35. Parents Obligated to Care for Children

Parents have the obligation to care for their minor children or [for children who], having reached maturity, are unable to work.

Obligations to care for children must be met regardless of whether the parents are still living together or divorced, and child support may be demanded at any time, without any limitation period for the bringing of such a claim. The amount of support is defined through specific regulations and may be changed by court decision.

Parents have the right to request the court to reduce child support when they encounter economic difficulties.

Article 36. Filial Obligations to Care for and Assist Parents

Children have the obligation to care for and assist their parents in their old age, or when they are ill, unable to work or in need of assistance. Allowances to parents shall be agreed between parents and children. In the event that agreement cannot be reached, the court shall decide [on the allowance], on the basis of the children's economic potentials and such allowance shall be paid on a monthly basis.

Children may avoid such obligation if their parents are involved in wrongdoing as provided in Article 32 of this Family Law.

Chapter 2
Adoption of Children

Article 37. Adoption of Children

Adoptive parents and relatives are to consider adopted children born to others as their natural children, siblings and grandchildren. Such children shall have no more rights [against] and bear no more obligations to their natural parents and relatives.

Article 38. Conditions for Adoption

Adopted children must be minor children. Adoptive parents must be individuals who have reached the age of maturity and who have not had their parental rights withdrawn.

Adoption of children requires the prior written consent of the adopting married couple and of the children's natural parents except if [the latter] have had their parental rights withdrawn or have been recognised as incompetent or as disappeared.

If such children have reached the age of ten years, their consent shall also be required.

Article 39. Adoption Procedures

Individuals wishing to adopt children must submit requests to the village head for consideration. [The request shall be decided] within one month.

If deemed suitable, an act of adoption shall be issued and then forwarded to the family registrar officer for registration within three days and given to the adoptive parents.

Article 40. Confidentiality of Adoption

Any individual disclosing the secret of a child's adoption without the adoptive parents' consent or, if they are deceased, without the family registrar officer's consent, shall be subject to penal responsibilities under paragraph 1, Article 95 of the Penal Law.

Article 41. Implications of Adoption

The relationship between adoptive parents and adopted children arises on the day the adoption is registered.

Adopted children must use their adoptive parents' family name if the latter submit such a request.

Adoptive parents may change their adopted children's first names if deemed inappropriate. If such children have reached the age of ten years, their name can only be changed with their approval.

Article 42. Termination of the Status of Adopted Children

The status of adopted child shall cease in accordance with the court's decision if the adoption's invalidity is recognised or the adoption is cancelled.

An adoption shall be considered invalid when set up by counterfeit documents or by individuals not eligible to be adoptive parents.

Adoption which does not serve the interests of the adopted child or of the adoptive parents or is set up in transgression of conditions for adoption as provided in Article 38 of this law shall be cancelled.

Parents, adoptive parents or other individuals with a concerned interest have the right to request that the adoption be cancelled.

Chapter 3

Appointment of Guardians for Children and Incompetent Individuals

Article 43. Duties of Guardians of Children and Incompetent Individuals

Guardians of children or incompetent individuals have the duty to care for and educate them when their parents are deceased or have had their parental rights withdrawn or are ill or are in need of care for other reasons.

Such guardians also have the duty to protect the rights and interests of children or incompetent individuals.

Article 44. Nomination of Guardians for Children or Incompetent Individuals

The village head must appoint guardians for children or incompetent individuals from among their close relatives within one month after receipt of notice of an abandoned individual. If such close relatives do not accept the appointment to be guardians, other individuals may be chosen as guardians for the children or incompetent individuals.

The village head appointing the guardians has the duty to regularly monitor their activities.

It is forbidden to appoint minor persons, incompetent persons, persons who have had their parental rights withdrawn or persons with inappropriate behaviour as guardians.

Article 45. Rights and Obligations of Guardians for Children or Incompetent Individuals

Guardians of children or incompetent individuals have the right to represent such individuals if they enter into contracts and in other activities.

Such guardians have the obligation to provide [such individuals with] care, upbringing, health care and education, and to protect the rights and interests of such individuals.

Article 46. Termination of Guardianship of Children or Incompetent Individuals

The guardianship of children or incompetent individuals shall terminate when such individuals reach maturity or recover the ability of act

[on their own behalf]. Additionally, if guardians are incapable of implementing their duties or carrying out their duties in an appropriate manner, they may be removed or relieved by new guardians.

Part IV
Application of the Lao Family Law
on Aliens, Foreign Individuals, and
Apatrids and Overseas Lao

Chapter 1
Marriage and Divorce between Lao Nationals and Foreign Individuals,
Aliens and Apatrids, and among Foreign Individuals, Aliens,
and Apatrids in the Lao People's Democratic Republic

Article 47. Marriage between Lao Citizens and Foreign Individuals, Aliens, and Apatrids and among Foreign Individuals, Aliens and Apatrids in the Lao People's Democratic Republic

Foreign individuals, aliens and apatrids¹⁵ have the same rights and obligations as Lao citizens in matrimonial and family relationships.

Marriage between Lao citizens and foreign individuals, aliens and apatrids, and among foreign individuals, aliens and apatrids in the Lao People's Democratic Republic¹⁶ [shall] comply with the provisions of this law even though the laws of the marriage solicitor's¹⁷ country may authorise marriage [under other conditions, such as] with a minor person or polygamy.

Registration of marriage between foreign individuals, aliens, and apatrids in the Lao People's Democratic Republic may take place at the embassy or consulate of the concerned country.

Registration of marriage between apatrids [shall] comply with this law. In the event that Lao citizens marry foreign individuals, aliens or apatrids, the marriage must be registered with a Lao family registrar officer.

Regulations for marriage between Lao citizens and foreign individuals, aliens and apatrids shall be defined by the government.

¹⁵ Readers may wish to refer to the Law on Lao Nationality for more information on the distinction between foreign individuals, aliens and apatrids (i.e., persons unable to certify their nationality).

¹⁶ Chapter 1 principally deals with marriages and divorces which occur in Laos. The word “in” is used in the sense of “taking place in”, i.e., the phrase should be read as “a marriage that takes place in the Lao People's Democratic Republic among foreign, aliens and apatrids”. Chapter 2 refers to such events that occur outside of Laos.

¹⁷ The term “marriage solicitor” is used in the sense of “person seeking to be married”.

Article 48. Divorce between Lao Citizens and Foreign Individuals, Aliens, and Apatrids and among Foreign Individuals, Aliens, and Apatrids in the Lao People's Democratic Republic

Divorce between Lao citizens and foreign individuals aliens, and apatrids and among foreign individuals, aliens and apatrids in the Lao People's Democratic Republic [shall] comply with the provisions of this law.

Where a divorce between a Lao citizen and a foreign individual takes place outside the territory of the Lao People's Democratic Republic, [such divorce shall] comply with the laws of that country.

Chapter 2
Marriage and Divorce between Lao Citizens Abroad

Article 49. Marriage between Lao Citizens Abroad

A marriage between Lao citizens abroad must be acknowledged by the Lao embassy or consulate. Marriage regulations¹⁸ between Lao citizens abroad shall comply with this law.

The State recognises marriage between Lao citizens abroad when such marriage complies with this law.

Article 50. Divorce between Lao Citizens Abroad

A divorce between Lao citizens abroad [shall] comply with the laws of their country of residence.

If the husband or wife lives in the Lao People's Democratic Republic, this law must be implemented.

Chapter 3
Adoption of Lao Children

Article 51. Adoption of Lao Children

Overseas Lao desiring to adopt a child bearing Lao citizenship and residing abroad must process such adoption at the [relevant] Lao embassy or consulate in accordance with this law. If the adoptive parents are not Lao citizens, the adoption must first be authorised by the relevant authorities of the Lao People's Democratic Republic.

Foreign individuals, aliens, or apatrids desiring to adopt children bearing Lao citizenship and residing in the Lao People's Democratic Republic [must implement the provisions of this law;] Lao citizens desiring to adopt

¹⁸ This is a reference to the marriage regulations or procedures to be observed by such embassy or consulate in recognising such marriages.

foreign¹⁹ or apatrid children residing in the Lao People's Democratic Republic must [also] implement the provisions of this law.

This law was adopted through unanimous vote cast at the fifth ordinary session of the People's Supreme Assembly (II Legislature) on 29 November 1990, at 15:00.

Vientiane, 29 November 1990
Chairman of the Supreme People's Assembly

[Seal and Signature]

Nouhak PHOUMSAVANH

¹⁹ “Foreign”, as applied to children, is used in its generic, non-defined sense and does not refer to the categories of “foreign citizen” set out in the Law on Lao Nationality.