

**LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE UNITY SOCIALISM**

People's Supreme Assembly

No. 07/90/SPA

FAMILY LAW

**PART I:
General Principles**

Article 1. Purpose of the family law

The Family Law aims at:

- Preserving and strengthening the family into a firm cell of the Lao Society;
- Establishing matrimonial family relations based on will and equality between men and women;
- Protecting the interest of mothers and children in family life and at divorce;
- Preserving and developing fine traditions.

Article 2. Equality between men and women in family relations

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

Family relations arise independently from the origins, economic and social status, nationality, ethnical group, cultural level, occupation, religion, place of residence and others.

Article 3. Freedom in marriage

Men and women reaching the age of marriage have the right to marry on the basis of will, freedom and love, It is forbidden to force or hinder other individuals' marriage.

Article 4. Monogamy

Marriage is governed by the monogamic system.

Article 5. Protection of interest of mothers and children

The state and society protect the interest of mothers and children in family life and when a married couple may not lead further common life.

**PART II:
Proposals and Marriage**

**Chapter 1:
Proposals**

Article 6. Proposals

As a young couple enter relationships of love and decide to marry, the men's parents,

elder relatives will ask for the women's hand from her parents and elder relatives according to the customs and decide the wedding.

Article 7. Compensation of damages due to the non implementation of proposals

In case the man's or women's honor is damaged or in case expenses were incurred for wedding preparations, the party which does not implement the proposals will be responsible for the compensation of such damages.

Article 8. Sexual relations before marriage

As sexual relations occur before marriage and the man does not marry the woman, he will have to make offerings to bring the spirit of the woman or of her family back according to the customs.

If such sexual relations have resulted in pregnancy, in addition to spiritual offerings, the man will also have to take in charge the expenses for child's birth, recovering and others.

The man also has the duty to provide for food and care for the born child until maturity.

**Chapter 2:
Marriage**

Article 9. Conditions for marriage

Men and women have the right to marry from eighteen years old. In special and necessary cases, this limit may be lowered down to less than eighteen years old but not less than fifteen years old. Marriage must be based on mutual consent and will from both sides without coercion from any side or individual.

Article 10. Prohibition of marriage

Marriage will be prohibited in the following cases:

1. Individuals under the state of deficient mental or physical health which can become potential threats for the lives or health of their spouses or children;
2. Individuals from the same bloodline such as parents, paternal and maternal grandparents upwards with children, grandchildren downwards, between adoptive parents and adopted children, between stepparents and stepchildren, between adoptive children and offsprings, between siblings, 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 registrar officer.

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

If it is seen that the couple meets all required conditions, the registrar officer will invite the concerned persons to register their act of marriage in the presence of three witnesses.

Article 12. Wedding ceremony

Tradinational wedding ceremony may be done or not, simultaneously or ulteriorly to the marriage registration but must not cause any legal impact.

Matrimonial relations will arise from the day the marriage is registered.

**Chapter 4
Matrimonial relations**

Article 13 Rights and obligations of the married couple.

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

Article 14 Activity rights of the married couple

Husband and wife have the right to lead political, economic, cultural and social activities.

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

Article 15. Right in the selection of family name

Husband and wife have the right to choose either the husband's or the wife's family name or may keep their respective initial family names.

**Chapter 5:
Dissolution of matrimonial links**

Article 16. Causes for the dissolution of marriage

Marriage will be dissolved by the death or declaration by court decision as deceased of a spouse, by the acknowledgement of the marriage's nullity by court decision and by devorce.

Article 17. Nullification of marriage

A null marriage is a marriage transgressing the conditions mentioned in Article 9 and 10 of this law.

Article 18. Dissolution of null marriage

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

The attorney general, the registrar officer, the parents-in-law, the husband or wife themselves have the right to request the dissolution of a null marriage.

Article 19. Consequence of null marriage

As a null marriage is dissolved, matrimonial links will cease but children carried in their mothers' wombs and born during marriage life will be considered as legal.

Acquired assets during the marriage before its dissolution are subject to regulations outlined in this law and the Property law.

Article 20. Causes of divorce

Husband or wife may ask for divorce for the following reasons:

1. Adultery;
2. Use of violence or gross insults against each other or against parents or relatives, or of seriously inappropriate attitude, such as regular drinking or gambling, hence making common life impossible;
3. Abandoning the family without warning nor without sending news or goods for the family's living for more than three years;
4. The husband is definitely ordained priest or novitiate or the wife as white nun;
5. Prosecution by the court of justice to five years of custody;
6. Dangerous serious disease making common life;
7. mental illness making common life impossible;
8. Incapacity of sexual act.

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 case of non immediate reconciliation, an additional time for consideration not exceeding three months will be given.

As the married couple may not reconcil, the court will decide the devorce if it is seen that they may not lead further common life, care and preserve the family. In its decision on invoice, the court must formulate measures protecting the interest of children under age and of husband or wife unable to work to ensure their subsistence.

Uteriorly to the pronouncement of invoice by the court, the latter must send two copies of the verdict to the registrar officer for application and registration of the divorce, and give one copy to each one of the couple.

Article 22. Non authorization of divorce

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

Article 23. Guardianship of children

If husband and wife may not agree on the guardianship of children after divorce, the court will decide whether the father or mother will take care of them by taking into consideration the children's interest.

A divorced couple must care for and educate their children. The court will decide on child alimony to be provided until their maturity based on agreement between husband and wife or based on court decision in case agreement may not be reached between husband and wife.

Article 24. Demand for alimony

After divorce, a sick husband or wife from their former matrimonial relations and unable to meet their own needs, has the right to request the court to decide the attribution of an alimony by the husband or wife in case the solicited party possesses economic potentials, but such alimony will not exceed the period of one year.

Article 25. Remarriage

Divorced husband and wife wishing to marry again must register a new marriage.

**Chapter 6 :
Estates of the married couple**

Article 26. Initial and acquired assets

Initial assets are properties owned by the husband or wife before marriage or acquired through inheritance or bequeath or bestow to specifically either the husband or the wife after marriage and existing in their original forms or transformed into other assets.

Acquired assets are properties acquired by the married couple in common during their married life except for low value assets of personal use.

Article 27. Use of aquired assets

Husband and wife have equal rights over aquired assets independently from the fact whether the estate was aquired by the husband or the wife. Husband and wife have the right to use aquired assets in accordance with the requirements of the family, Prior mutual consent must be obtained on the right of usufruct and of decision over aquired assets.

Article 28. Share of estates between the married couple

The share of estates between husband and wife is to be implemented as follows:

1. Initial assets will remain the property of their owner;
2. Acquired assets are to be shared in two between the married couple except if the husband or wife is responsible for the break of materimonial relations or towards the acquired assets. The wrongdoer will only receive one third of the aquired assets, and in case children still under age are staying with one parent, the latter may receive a bigger share according to the court's decision.

Acquired assets will be shared after husband and wife are divorced. In case husband and wife areseparated or have made secret use of aquired assets in a wrongful way or displayed dishonest intention towards the aquired assets, they can be shared before divorc.

**PART III :
Rights and Obligations of parents and Children**

Chapter 1 **Affiliation**

Article 29. Acquisition of parental and filial rights and obligations

Parental and filial obligations arise on the basis of the birth of children as provided by the law.

Children may be born to legally married parents or to unmarried parents but whose father volunteers to recognize his parenthood or whose parenthood is reconized by court decision.

Article 30. Affiliation

Affiliation may take place in case a child is born to unmarried parents.

Voluntary affiliation repuired 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 case the child has reached maturity, affiliation may only take place with the child's agreement. The father's marriage to another woman will not constitute any obstacle to affiliation.

At the father's rejection of affiliation the child's mother, caretaker or guardian also have the right to request the court to consider the affiliation.

The court will decide on affiliation in the following cases:

- Common life and estates between the child's mother and the affiliating father;
- Common care and education of the child;
- Evidence on the paternity of the concerned person.

Article 31. First name, family name and nationality of children

Parents have the right to choose their children's name according to their like and on mutual agreement.

Children have the right to change their names in conformity with formulated regulations when reaching eighteen years of age.

Children's family name will 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 with their parents approval. In case agreement may not be reached, the children will use the family name decided by the court.

In case of divorce or recognition of marriage's invalidity, the children's family name will not alter. If the father or mother are keeping children with them and need them to use the same

family name as them after divorce or recognition of marriage invalidity, they have the right to have their children still under age to change family name.

Children's nationality is to be determined by their parents' nationality if they have the same nationality.

If parents have different nationality, children might take their father's or mother's in conformity with the law on Lao Nationality.

Article 32. Parental obligations in the education of children

Parents must educate their children on patriotism, progressiveness and pure livelihood, to lead activities useful for society.

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

In case parents who have been withdraw their parental rights have made amends, the court may send them their parental rights back.

Article 33. Parental obligations to protect children's rights and interest

Parents have equal rights and obligations to protect their children's rights and interest. They are the legal representatives of their children who are still under age, and have the obligation to protect their rights and interest at the court, work place, school and others.

If children under age enter contracts without their parents' approval, the latter may request the court to resiliate such invalid contract. Furthermore, parents request their children in lawsuits whereby their children are defendants and will have to take all civil responsibilities for them.

Article 34. Property of parents and children

During their parents' lifetime, children will have no right of property over their parents' estates and parents will have no right of property over their children's estates. Parents have the right to administer conformity with specific regulations. In case of common right of property between parent parents and children, the relations of property will have to comply to Article 25 of the Property law.

Article 35. Parental obligation in child care

Parents have the obligation to care for their children still under age or having reached maturity but unable to provide for themselves.

Obligations to care for children must be furthered notwithstanding the fact whether parents are still living together or divorced, and child alimony may be demanded at any time without any period of validity for lawsuit. Its amount is defined through specific regulations and may be changed by court decision.

Parents have the right to request the court to reduce child alimony when encountering economic difficulties.

Article 36. Filial obligations to care and assist parents

Children have the obligation to care and assist their parents in their old age, when ill, unable to work and in need of assistance. Allowances to parents will be agreed between parents and children. In case no agreement may be reached, the court will be left to decide on the basis of the children's economic potentials and such allowance will be paid on a monthly basis.

Children may transcend from such obligation if their parents in their parents are involved in wrongdoing as mentioned in Article 32 of this 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 offsprings, siblings and grandchildren. Whereas such children will bear no more rights and obligations from their own parents and relatives.

Article 38. Conditions for adoption

Adopted children must be under age. Adoptive parents must be mature individuals who have not been withdrawn their parental rights.

Adoption of children must be accompanied with the prior written consent of the adopting married couple and of the children's parents except if they have been withdrawn their parental rights or have been recognized as unable of act or as disappeared.

If such children reach the age of eighteen, their additional consent will be required.

Article 39. Adoption procedures

Individuals wishing to adopt children must submit requests to the village administrative committee for consideration within less than one month time.

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

Article 40. Confidentiality of adoption

Any individual disclosing the secret on children's adoption without the adoptive parents' consent or in case of the latter's decease, without the registrar officers' consent, will assume penal responsibilities as under paragraph 1, Article 95 of the Penal Code.

Article 41. Implications from adoption

Relations between adoptive parents and adopted children arise from 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 adopted children's first names if deemed inappropriate. In case such children have reached the age of ten years, their name only be changed with their approval.

Article 42. Expiration of the status of adopted children

The status of adopted child will cease in accordance with the court's decision as the adoption's invalidity is recognized