



GENDER EQUALITY AND SOCIAL INSTITUTIONS IN LAO PDR

The 1991 Constitution of the Lao People's Democratic Republic (Lao PDR) guarantees the principle of gender equality. Equality is promoted further in a number of specific laws, most notably the 2004 Law on Women's Development and Protection. Legal awareness, however, remains low, in part because more women than men are illiterate.

Lao PDR is one of the world's most ethnically diverse countries. According to the Gender Resource and Development Information Centre (GRID), the country has 49 official ethnicities that can be grouped into four broad language families: the Lao-Tai (66.7 per cent) in lowland areas; the Mon Khmer (20.6 per cent) and the Hmong-lu Mien (8.4 per cent) in midland areas; and the Chine-Tibet (3.3 per cent) in highland areas. Hence, cultural differences play a large role in determining the role of women in this predominantly Buddhist country (65 per cent of the population are Buddhists; 33 per cent are Animists; 1 per cent are Christians).

All Lao cultures place high emphasis on family units and social structures. More than one-half of Lao women are economically active, most often in agriculture or the informal sector. Still, women generally experience a lower standard of living than men.

FAMILY CODE

Marriage is of great importance to Lao people, and Lao women are expected to marry and remain married throughout their lives. The 1990 Family Law sets the legal marriage age at 18 years, but also states that this age can be lowered to 15 years "if appropriate". *Early marriage* is common, particularly amongst girls in rural areas who often marry at the age of 16 or 17 years. In some remote midland villages, Lao girls are sometimes married before they reach the age of 14 years. The Lao PDR Ministry of Public Health and the Institute of Maternal and Child Health report that the average age of marriage for girls in urban areas is slightly higher, usually 17 to 18 years. (The average marriage age for boys varies between 15 and 18 years.) A 2004 United Nations report estimated that almost 27 per cent of women between 15 and 19 years of age were married, divorced or widowed.

Article 4 in the Family Law holds monogamy as the governing principle of marriage. However, the Japan International Cooperation Agency (JICA) reports that *polygamy* remains customary among some Hmong mountain tribes.

Parental authority is granted to both parents, and men and women have the same right to be appointed guardian of their children. The mother usually stays at home to care for infants and young children, while the father's role increases as the children grow older. Fathers usually take the disciplinary role, and also make decisions on school attendance and health care issues. In the event of divorce, the courts award custody rights based upon the best interests of the children.

Men and women are treated equally under the 1990 *Inheritance Law*. There is still some discrimination in inheritance rights in that land inheritance tends to follow customary practices, which vary amongst ethnic groups.

PHYSICAL INTEGRITY

Lao PDR took a significant step forward in equality issues by issuing (in 2006) a decree to make the Law on Women's Development and Protection fully enforceable. According to the US Department of State, this decree established more severe penalties for *violence against women* and defined human trafficking as a criminal act.

Despite this major achievement, violence against women remains common. The GRID indicates that this is partly because the concept is poorly understood. Domestic violence is perceived as a private matter, and most young men and women think that men are justified in hitting their wives, even for making simple mistakes. The 1992 Criminal Law does not specifically address



domestic violence. In fact, in cases where physical violence occurs between close relatives and does not result in serious injury, the law imposes lower penalties or no penalties at all. Current legislation does not recognise spousal rape.

Female genital mutilation is not practised in Lao PDR and there is no evidence to suggest that it is a country of concern in relation to missing women.

CIVIL LIBERTIES

Lao women generally have freedom of movement, although in rural areas traditional customs may prevent them from working at any significant distance outside the local village.

Women also have freedom of dress but tend to dress modestly. Female public servants, for example, are expected to wear traditional skirts. Both women and men belonging to ethnic minorities often choose to wear traditional attire.

OWNERSHIP RIGHTS

The law grants men and women equal access to land but tends to be of less significance than customary traditions, most notably in terms of inheritance patterns. The majority Lao-Tai group applies matrilineal inheritance principles. While both sons and daughters can inherit under this system, it is customary to give family land to the youngest daughter. Among the Mon Khmer, Hmong-lu Mien and Chine-Tibet groups, inheritance typically follows patrilineal principles, with land being transferred from father to son.

A 1998 survey by GRID shows that land registration does not necessarily coincide with land origin. Although 40 per cent of land surveyed was passed on to the parents of wives, only 16 per cent of land was registered in the wives' names. By contrast, some 58 per cent of land was registered in the husbands' names even though only 18 per cent of it originated from the husbands' parents.

Both men and women have the legal right to access to property other than land. Property in the form of the family home generally follows the same inheritance patterns as land.

Similarly, men and women have equal access to bank loans. However, because of illiteracy and a general aversion to and shyness about entering banking institutions, many women depend on their husbands to manage these affairs, or turn instead to more informal credit schemes. Responsibility for household finances is determined largely by ethnic customs. The GRID reports that in matriarchal societies, women comprise the majority of household financial managers, while the opposite is true in patriarchal societies.

In the event of divorce, pre-marital assets remain with their original owner while assets acquired during the marriage are divided equally between the spouses.



Sources:

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