



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 12/NA
9 November 2005

PENAL LAW

GENERAL PART

Chapter 1
General Principles

Article 1. Role of the Penal Law

The role of the Penal Law is to safeguard the political, economic and social system of the Lao People's Democratic Republic, the property of the State, collectives and individuals, the life, health, rights and freedom of the people, and the national security and public order; to counter and prevent offences; and to educate all citizens to respect the laws.¹

In order to implement this role, this law defines certain acts as offences² and subjects the perpetrator to penalties.

Article 2. (New) Basis of Penal Responsibilities

An individual can only be charged with and punished for an offence based on intentional or negligent acts deemed dangerous for society as defined in the Penal Law or in other laws of the Lao People's Democratic Republic that define criminal penalties, and [such individual can be punished] only when a decision is rendered by a court.

¹ For readability, the punctuation in this sentence has been modified.

² The terms “offence” and “infraction” are used to refer generally to criminal acts. There are three levels of such criminal acts as set out in Article 8. “Minor offence”, “major offence” and “crime” are used specifically to refer to those three levels. The translators are aware that the Specific Part of the Penal Law does not in fact categorise offences into these three levels.

punished by one to three years of imprisonment and shall be fined from 500,000 Kip to 5,000,000 Kip.

Article 125. Loss of Assets to Fire Caused by Carelessness

Any person who negligently or inadvertently starts a fire which causes substantial damage to houses, warehouses, shops or crops of other persons shall be punished by three months to two years of imprisonment or by re-education without deprivation of liberty and shall be fined from 300,000 Kip to 3,000,000 Kip.

**Chapter 6
Breach of Marital and Family
Relationships and of Customs**

Article 126. Adultery

A married person having a sexual relationship with a third person shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined from 500,000 Kip to 5,000,000 Kip.

The partner in adultery shall be punished on the same charges.

Article 127. Failure to Perform Obligations towards Minor Children, Parents or Spouse

Any person failing to care for minor children,⁴⁶ parents in poverty, or a disabled or sick spouse in accordance with a court decision shall be punished by public criticism and shall be fined from 300,000 Kip to 3,000,000 Kip.

Article 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 rape⁴⁷, rape of girls under fifteen years of age, battery during rape or a rape resulting in the victim becoming an invalid or

⁴⁶ In this Article, the term “minor children” is used in the sense of under the age of majority.

⁴⁷ In this Article, the phrase “multiple rape” is used in the sense of “rape by more than one person”.

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.

Article 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.

Article 130. Sexual Act Committed by Monks

Any monk or novice who commits a sexual act with a female or male person shall be punished by six months to three years of imprisonment and shall be fined from 500,000 Kip to 3,000,000 Kip.

Any female or male person who willingly commits a sexual act with a monk or novice shall be punished on the same charges.

Article 131. Prostitution

Any person engaging in prostitution 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 500,000 Kip.

Any person assisting or facilitating prostitution shall be punished by three months to one year of imprisonment or re-education without deprivation of liberty and shall be fined from 300,000 Kip to 1,000,000 Kip.

Article 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 minors⁴⁸ 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

⁴⁸ In this article, the word “minor” is used in the sense of under the age of majority.

Article 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.

Article 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 means⁴⁹ [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.

⁴⁹

The term translated as “by any other means” is literally “by other forms”.

Article 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.

Article 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.

Article 137. Outrage to Decency

Except for the offences described in Article 128 of this law⁵⁰, 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.

Article 138. Dissemination of Pornographic Objects and Objects Contrary to Fine Traditions⁵¹

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.

**Chapter 7
Economic Offences**

Article 139. Destruction of Forests

Any person engaging in tree-felling or forest-slashing inconsistently with forestry regulations, or who starts a forest fire or destroys any forest through any other means shall be punished by three months to one year of imprisonment and shall be fined as provided by forestry regulations.

⁵⁰ Only Article 128 is mentioned here, even though the translators are aware that other articles in this part might also describe offences that ought to be excluded under this article.

⁵¹ The word “traditions” connotes both traditions and customs.