

**Baker
McKenzie.**

Real Rights: young people engaging with law enforcement

 Thailand



Developed by Baker McKenzie and the Global Initiative on Justice with Children, Real Rights provides young people – especially young people in vulnerable populations – with legal information for when children encounter police in public settings. Thanks to the pro bono work of over 1,500 volunteer professionals, this database provides answers for children in contact with the police from initial contact to searches and questioning.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Arrest You
- The Difference Between Police TELLING Me What To Do And Asking Me To Do Something
- Do Police Need A Warrant To Arrest You?
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- What To Do After Being Warned of Your Rights
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- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What if I feel I was a victim of discrimination or racism?
- How can I respond to circumstances involving discrimination?
- What can you do if the police perform an improper search? Or I was improperly detained?

Stopped by the police on the street, now what?

Proposed Information

It is important to follow this advice:

The police must show their identification to you, which includes their police badge and police ID card. They must ask your name, nationality, age, residing place, birth place, your parent's name, and inform you of the reason for the stop and any charges or accusations against you. If the police wish to conduct a search against you, they must have a valid reason to suspect that you possess an article related to the offence, obtained by the offence, or the possession as the offence. The search should be conducted in compliance with the law, in a proper manner, and with respect for your rights.

When handling this situation, you should remain calm. Politely ask the police for their identification if it is not presented initially. Listen carefully to the charges or reasons for the stop. If unclear, ask the police to explain. Show your ID card, passport, and any other identification documents when asked. If the police ask to search your belongings, allow them

to do so. Understand your rights and the charges before making any statements. If the situation escalates or you feel your rights are being violated, contact a legal professional or your embassy for assistance.

[Reference: Section 28 Paragraph 3 of [Constitution of the Kingdom of Thailand](#), and Section 93 of [Thailand Criminal Procedure Code](#)]

Can the police arrest you for refusing to answer questions?

The police can only arrest you if:

1. They catch you doing something wrong right then and there.
2. They have a warrant or order from the court to arrest you.
3. They have good reasons to believe you did something very serious (if you are older than fifteen but younger than eighteen).

Refusing to answer questions from the police can sometimes lead to trouble, depending on what they ask. If they ask general questions like your name, age, or where you are going, not answering might make them suspicious and think you are hiding something or have done something wrong. This could lead to them restraining or arresting you. However, if the questions are related to the charge or accusation that could get you in trouble, you have the right to stay silent and not answer. This is a basic right, and using it should not lead to your arrest.

[Reference: Section 28 and Section 29 Paragraph 4 of [Constitution of the Kingdom of Thailand](#), Section 66 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act, B.E. 2553 \(2010\)](#), and Section 57, Section 78, and Section 80 of [Thailand Criminal Procedure Code](#)]

What happens when you are arrested or detained?

When being arrested, the officer must inform you of the accusation, the reason for the arrest, and your rights under the law. If there is an arrest warrant issued by the court, it must be shown to you. Throughout these procedures, you have the right to:

1. Choose whether to give a statement or remain silent while an examination by the officer in the arresting stage is prohibited.
2. Receive contact or counsel with your parent.
3. Meet and consult privately with a lawyer.
4. Receive prompt medical treatment if you fall ill.

The officer will bring you to the police station to send you to a responsible inquiry officer as soon as possible. The inquiry officer will ask you for general information such as your first name, family name, age, nationality, domicile, birthplace, and occupation, as well as the first name, family name, and details of your father, mother, guardian, or any person or organization where you reside.

The next step is to be informed of the charges, which is a process where you are notified of the accusations. The interrogation will be conducted afterward. If you are a child under eighteen years old, the interrogation must be conducted in a suitable place, and a psychologist or a social welfare worker, a person requested by you, and a public prosecutor must be present during the procedures. Throughout the interrogation, you have the right to:

1. Choose whether to give a statement or remain silent.
2. Have a lawyer or a trusted person present during your interrogation.

After that, the investigating officer will investigate and decide whether to prosecute or not, then send the case to the public prosecutor.

During this investigation phase, there may be a detention request. The law gives the investigating officer the right to detain the arrested child for not more than 24 hours and will then have to speedily send the child to an Observation and Protection Centre where the child will be provided with appropriate accommodation, food, education and vocational training on a case-by-case basis.

Child offenders have a right to bail during the investigation or during the trial. The bail procedures or criteria for bail application are not as complicated as the ones applied to adult offenders.

Child offenders may order provisional release of the juvenile with or without bail, or with bail and security, or send the juvenile to the care of his or her parents, guardian, the person or institution with whom he or she is residing or to the person or institution that the Court deems appropriate. Prior to issuing an order of sending the juvenile to such persons or institution, the Court shall call the Director of the Observation and Protection Centre in charge of the place entrusted to keep the juvenile in custody for questioning as the case may be.

[Reference: Section 7/1, Section 83, Section 84, Section 87, Section 133 bis, Section 134, Section 134/2, and Section 134/4 of [Thailand Criminal Procedure Code](#), Section 69, Section 70, Section 71, Section 72 and Section 126 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act, B.E. 2553 \(2010\)](#)]

What if the officers do not identify themselves?

You have the right to ask the officers to show their identification.

The police are required to show their identification, which includes their police badge and police ID card. They must also inform you of the reason for the stop and any charges or accusations against you. This is in line with the legal requirements to ensure transparency and protect the rights of individuals during police interactions.

However, if the officers continue to refuse to identify themselves or if you feel your rights are being violated, contact a legal professional or your embassy for assistance.

What if an officer just begins speaking to me but does not order me to do anything?

Firstly listen to him/her carefully and understand the reason why an officer speaks to you. Be polite and reasonably cooperate with them when they tell you the reason. Note that, generally speaking, you are not arrested without an order or warrant.

If you feel uncomfortable, you can ask the officer if you are free to leave. If the officer does not indicate that you are being detained, you have the right to walk away.

What if the officer is not in uniform or identified as an officers but I think it is one?

Try to remain calm and observe the person's behavior and actions. Look for any signs that might indicate they are an officer, such as their mannerisms, equipment, or interactions with others.

Politely ask the person to show their identification. Officers are usually required to carry identification and should be willing to show it when asked.

If you are still unsure and feel uncomfortable, you can contact local authorities to verify the person's identity. Provide them with as much information as possible about the situation.

If something feels off, trust your instincts and take appropriate precautions to ensure your safety.

Notably, the components of the police uniform typically include:

- Shirt: A khaki-colored shirt with the police insignia and rank badges.
- Trousers: Matching khaki-colored trousers.
- Hat: A cap or helmet, depending on the type of duty.
- Badges and Insignia: Rank badges, name tags, and other insignia that indicate the officer's rank and position.
- Belt: A utility belt that holds essential equipment such as handcuffs, a baton, and a firearm.
- Footwear: Black boots or shoes that are suitable for various types of terrain and activities.
- Accessories: Additional items such as gloves, a whistle, and a radio for communication.

[Reference: Section 107 of [Royal Thai Police Act B.E. 2547](#), Chapter X Police Uniforms]

Can I tell police I do not want to speak without a lawyer?

Yes. You can tell the police that you do not want to speak without a lawyer present. You have the right to have legal representation during police questioning. You do not need to answer any questions until your lawyer is present.

If you do not have a lawyer or wish to have one present at questioning, you can instead ask for a trusted person, such as a family member or a friend, to be there during questioning.

[Reference: Section 7/1 (2) of [Thailand Criminal Procedure Code](#)]

If I sit down, am I resisting?

It should not be; unless you have done it violently or with a threat to use violence, it could be considered as the resistance or obstruction. However, under Thai law, resistance can include passive actions such as sitting down and refusing to move when instructed by an officer. Although sitting down does not involve physical force, it can still be perceived as a form of resistance if it hinders the officer's ability to perform their duties.

[Reference: Section 138 of [Thailand Penal Code](#)]

If I am stopped in a group, and some kids run, can I run?

It is not advisable to run when stopped by the officers, as running away can be seen as an attempt to evade their authority and hinder them from performing their duties. Even if your intention is not to resist, the act of fleeing can be perceived as such, especially if others in your group run, can be interpreted as suspicious behavior and may lead to further complications.

Section 138 of the Thai Penal Code stated that resisting or obstructing an officer in the due exercise of their duty is considered an offense. This include any actions that hinder the officer's ability to perform their duties. Although it might not be explicitly illegal to run, doing so could be seen as an attempt to obstruct the officer to perform their duties, which might result in being pursued or facing charges such as resistance or obstruction.

[Reference: Section 138 of [Thailand Penal Code](#)]

Can I tell others (siblings, for example) to run?

It is not advisable for you to tell others to run when stopped by the officers. While there is no specific law that explicitly prohibits telling others to run, such actions can be interpreted as obstructing justice or encouraging others to evade law enforcement. This could potentially lead to legal consequences for both you and the individuals involved.

By instructing others to run, you are actively encouraging behavior that obstructs the officers, which can be seen as an attempt to hinder their duties. While running itself might not be explicitly illegal, it can result in being perceived as resisting or obstructing the officers. This can lead to you being pursued or facing charges for resistance or obstruction, which is punishable under Section 138 of the Thai Penal Code.

[Reference: Section 138 of [Thailand Penal Code](#)]

If the officer's language is not my first language, can I tell them without waiving my rights?

Yes, you can inform the police officer that their language is not your first language without waiving your rights. An inquiry is normally conducted in Thai, but if you cannot speak or understand Thai and have no translator, the inquiry official must procure a translator to you without delay.

It is important to communicate clearly to ensure that you fully understand the situation and your rights. Anything you say after informing the officer could still be used against you in a court of law, so it is advisable to request a translator or legal representation to avoid any misunderstandings.

[Reference: Section 13 of [Thailand Criminal Procedure Code](#) and Section 70 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act, B.E. 2553 \(2010\)](#)]

If I did not do anything, can they stop me?

The police have the authority to stop and question individuals even if they have not done anything wrong. This is often done for routine checks or if the police have reasonable suspicion that a crime may have been committed.

However, the police cannot arrest or detain you without an order or a warrant issued by the Court. The police can arrest a person without a warrant in specific situations including when you do something wrong right then and there or they have good reasons to believe you did something very serious (if you are older than fifteen but younger than eighteen).

[Reference: Section 28 and 29 Paragraph 4 of [Constitution of the Kingdom of Thailand](#), Section 66 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act, B.E. 2553 \(2010\)](#), and Section 57, Section 78, and Section 80 of [Thailand Criminal Procedure Code](#)]

When can police search you and your surroundings?

Proposed Information

It is important to follow this advice:

- You have the right to say no to searches of you without warrants.
- You have the right to say no to searches of your car, house or other surroundings without warrants.
- You cannot be arrested for refusing to consent to a search without a warrant.
- A warrant is a court order so you have no choice but to consent.
- No search may be conducted in a public place unless there are reasonable grounds to suspect that you possess an object used in committing an offense, which has been obtained through an offense, or of which the possession is an offense.

What if a police officer wants to search my phone?

If you are not under arrest, the police officer must have the court's permission to search your phone. A police officer must request permission from the competent court before conducting a search. When asking for permission, the police officer must submit the reasons and necessity for the search to the court, and the police officer must present and give a copy of these reasons to you before conducting the search.

However, according to section 85 of Thailand Criminal Procedure Code, if you are already under arrest, the police may search you or seize any of your belongings that may be used as an evidence of the accusation, including your phone. The search must be conducted politely, and the police officer is not allowed to use force. For more details on the grounds for arrest, please refer to Warrant and Arrest sections below.

[Reference: Section 85 of [Thailand Criminal Procedure Code](#) and Section 18 and 19 of the [Computer Crime Act 2007](#)]

What if a police officer asks me for my password to my phone?

Without a valid search warrant from the police, you are not obliged to give them your password.

In handling computer data related to criminal offenses, a police officer must have permission from the competent court before conducting the following actions: 1) making copies of data from the computer system that is not under the police's possession; 2) ordering the hand-over of data or devices from the person who possesses or controls the data or devices; 3) inspecting and accessing computer systems, the data, and the devices, as well as requesting the hand-over of the data; 4) decrypting data or request the relevant person to do so (such as giving them the password); and 5) seize or suspend the computer system as necessary for investigation.

When asking for permission from the court, the police officer must submit the reasons and necessity for such request to the court, and the police officer must present and give a copy of these reasons to you before conducting any of the above action, including asking for your password.

However, without a court permission, the police may issuing inquiries or summons relevant persons for statements and evidence, requesting computer traffic data from service providers or other relevant persons, and ordering service providers to deliver or retain users' data.

[Reference: Section 18 and 19 of the [Computer Crime Act 2007](#)]

What if they tell me to give them my password or other access to my phone?

Without a valid search warrant from the police, you are not obliged to give them your password.

In handling computer data related to criminal offenses, a police officer must have permission from the competent court before conducting the following actions: 1) making copies of data from the computer system that is not under the police's possession; 2) ordering the hand-over of data or devices from the person who possesses or controls the data or devices; 3) inspecting and accessing computer systems, the data, and the devices, as well as requesting the hand-over of the data; 4) decrypting data or request the relevant person to do so (such as giving them the password); and 5) seize or suspend the computer system as necessary for investigation.

When asking for permission from the court, the police officer must submit the reasons and necessity for such request to the court, and the police officer must present and give a copy of these reasons to you before conducting any of the above action, including asking for your password.

However, without a court permission, the police may issuing inquiries or summons relevant persons for statements and evidence, requesting computer traffic data from service providers or other relevant persons, and ordering service providers to deliver or retain users' data.

[Reference: Section 18 and 19 of the [Computer Crime Act 2007](#)]

Do I have to give them my device password if they demand it from me if I am not under arrest? What if they just ask for it?

If you are not under arrest, the police officer cannot seize your phone.

Even if you are under arrest, they can only ask for your password when they have the court's permission to do so. When asking for permission, the police officer must submit the reasons and necessity for the password request to the court, and the police officer must present and give a copy of these reasons to you when asking for your password.

[Reference: Section 85 of [Thailand Criminal Procedure Code](#) and Section 18 and 19 of [Computer Crime Act 2007](#)]

What tools can the police use to search me? What technology? (Facial recognition, hidden cameras, finger print searches, etc.)

Generally, police searches require a search warrant. However, for surveillance purposes related to crime prevention and suppression, the police have access to various tools and technologies to conduct searches and gather evidence. Some of the key tools include public CCTV systems and their authority to request electronic information from computer system providers.

[Reference: Section 57 of [Thailand Criminal Procedure Code](#) and Section 18 and 19 of [Computer Crime Act 2007](#)]

Can they search my backpack or other item I am carrying?

No search may be conducted in a private place without a search warrant or court order, unless there are reasonable grounds to suspect that an offense has been committed at that place or that objects which are evidence of the offense are present there.

No search may be conducted in a public place unless there are reasonable grounds to suspect that you possess an object used in committing an offense, which has been obtained through an offense, or of which the possession is an offense.

[Reference: Section 57, 92, and 93 of [Thailand Criminal Procedure Code](#)]

Can they take my picture or record me?

Generally, your personal data is protected under the Personal Data Protection Act 2019. However, the police may take your picture or record you without your consent for security and law enforcement purposes, which is an exception to the law. They may also do so for other legitimate purposes. The police cannot take your picture or record you outside of their authority or without a legitimate ground.

Additionally, at the investigation stage, if you are a suspect in a criminal case, the investigating officer can take your picture, fingerprints, handprints, and footprints, as well as record you for the purpose of collecting evidence. If you are a woman, the examination must be conducted by a female officer. Also, with reasonable grounds, you may request the presence of another person during the examination.

[Reference: Section 4 and 24 of [Personal Data Protection Act 2019](#) and Section 132 of [Thailand Criminal Procedure Code](#)]

Can they ask me where I am going and why?

When facing questions from the police, you have the right to remain silent at all stages.

[Reference: Section 29 paragraph 4 of [Constitution of the Kingdom of Thailand](#), Sections 83 and 134/4 of [Thailand Criminal Procedure Code](#)]

Reasons police may arrest you

Proposed Information

It is important to follow this advice:

- The police may arrest you because they suspect you of committing (or having committed) a violation of the law, messing with the evidence or causing any harm.
- To arrest you, the police must have a warrant for an arrest, except for the event that you have committed a crime openly. You should be clear on what kind of warrant is being presented to you.
- If you are stopped by the police, you should ask for their officer identity card first to verify if they are the real police.
- It is a good idea to review any paper from police/warrant carefully, to ensure you understand what exactly is covered.
- If arrested, you may be charged with a felony for a more serious crime (with potential jail time of one month or more), a misdemeanor for a less serious crime (with jail time of less than one month) or a violation.
- Even after arrested, police cannot capture or imprison you without warrant or court's order of detention, or there are some necessary reasons to comply with section 69, 70 or 72 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#).
- If the police legally arrest you, they also have the right to search and ask you questions. Anything found or recorded during this process may be used as evidence against you.

[Reference: Section 78 of the [Thailand Criminal Procedure Code](#)]

What if I did not do anything illegal, must I speak with the police and answer questions?

When police arrest you, they must identify themselves and tell you the accusation for the arrest. If you are not sure, ask the police if you are under arrest and why.

Once you are under arrest, you should tell the police your name and address if the police ask. You have right to remain silent or not answer other questions but it would be better to speak up and say so. Also, you have the right to inform and talk to a lawyer and guardian. The police must allow you to use the phone to contact a lawyer and guardian.

[Reference: Sections 83 and Section 134 of the [Thailand Criminal Procedure Code](#)]

What if they tell me something they are investigating that is wrong? Must I correct them?

You have the right to correct/defend/clear up the allegations and to show the matter of facts as benefit to yourself.

[Reference: Paragraph 4, Section 134 of the [Thailand Criminal Procedure Code](#)]

What if a police officer just begins speaking to me but does not order me to do anything?

If you are arrested, you have the right to remain silent or to give a statement, and such statement may be used as evidence in the court. You also have the right to see and consult with a lawyer. If you wishes to inform your family of the arrest, the police must allow you to do so.

[Reference: Section 83 and Section 134 of the [Thailand Criminal Procedure Code](#)]

What is the legal difference between talking to a police officer without being told me that I am under arrest, versus talking to him/her after being informed that I am under arrest?

If you are arrested, the police must tell you that you are being arrested and explain why they are arresting you in accordance with the law. However, if the police do not give you this information as soon as is practicable, the arrest is unlawful. Anything you say during the unlawful investigation cannot be used as evidence against you in the court.

[Reference: sections 83-84, section 134 and section 226 of the [Thailand Criminal Procedure Code](#)]

The difference between police telling me what to do and asking me to do something

What if they tell me to give them information versus them asking and me providing answers voluntarily?

You can often determine the nature of the interaction by considering the circumstances.

- If you are approached on the street and asked for information, it's usually a voluntary request. And you have the right to not answer the question or provide information to police if you do not want to.

[Reference: Section 36 [Constitution of the Kingdom of Thailand](#)]

- In the case of a formal interview, the process must comply with legal standards, and you have specific rights under the law.

If police want to summon you for an inquiry, preliminary hearing, trial or any other act under the code, the summons is required. However, in the event that an inquirer or superior administrative or police official holds an inquiry in person, he can require an accused or witness to make presence without issuing any summons.

[Reference: Section 52 of the [Thailand Criminal Procedure Code](#)]

Do police need a warrant to arrest you?

Proposed Information

It is important to follow this advice:

If you're a child (12-15 years old): Yes, the police can only legally arrest you **without a warrant/court order** if: i) they see you commit a crime; or ii) they catch you right after you commit a crime and it's obvious you did it.

[Reference: Section 66 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

If you're a juvenile (15-18 years old) or an adult: Yes, however, the police can legally arrest you **without a warrant** in more situations, depending on where the arrest happens.

i) Arrest in Public Area:

- When the crime is committed in front of the police officers;
- When the officer catch the suspect right after committed a crime and it's obvious the suspect did it;
- When the police found the suspect in a suspicious situation where they might hurt someone or damage property, and they have tools, weapons, or other things that could be used to commit a crime; or
- If there's good evidence that the suspect might have committed a crime and there's a reasonable belief that they might run away, mess with evidence, or cause more trouble, but it's urgent and they can't get a warrant from the court in time. (Section 66(2), 78, 80 of the Thailand Criminal Procedure Code)

ii) Arrest in Private Area: The police cannot arrest you in a private area without following the rules for searching private area, even if they have a warrant.

The police cannot search a private place without a search warrant or court order, unless:

- They hear someone calling for help or there's a sign something bad is happening.
- A crime is happening right then and there.
- Someone who committed a crime is hiding in the private place.
- There's strong evidence that something illegal is hidden there and waiting for a warrant would mean it might get moved or destroyed.
- The person to be arrested lives there and the arrest is based on a warrant.
[Reference: Section 81 and 92 of [Thailand Criminal Procedure Code](#)]

Even if I did not do anything, can they stop me?

Yes. Generally, no search can be conducted on any person in a public area; unless, the police officer with a reasonable cause suspects that you have in your possession an article for use in committing an offence, or which has been obtained through an offence, or of which the possession is an offence.

In searching, the police official shall try to avoid causing damage and disorder to the maximum extent possible.

[Reference: Sections 93 and 99 of the [Thailand Criminal Procedure Code](#)]

Can I ask for the reason they stopped me?

Yes, you can definitely ask why they stopped you and the police officer must have a reasonable cause to stop you. [Reference: Sections 93 and 99 of the [Thailand Criminal Procedure Code](#)]

If you are arrested, the police officer must tell you that you are under arrest, that you are to go with them to the local police station. The police officer must also tell you all of these:
1) the charge you are being arrested for and show you the arrest warrant if they have one;
2) let you know that you can stay quiet and that anything you say can be used in court and
3) tell you that you can talk to a lawyer or get advice from one. If you want to tell a family member or someone you trust about your arrest, the police should let you do that as long as it does not interfere with the arrest or put anyone in danger. [Reference: Section 83 paragraph 1 and 2 of the [Thailand Criminal Procedure Code](#)]

If you are child or juvenile that are arrested and kept in custody, the police officer have to be gentle and respect your dignity. They should only do what is necessary to stop you from

running away or to keep you and others safe. If you are child, the police cannot use handcuffs unless it is really necessary.

[Reference: Section 69 of the [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

Can I advocate for another young person stopped by police if we are stopped together?

Yes, you can. A person arrested must not be restrained more than is necessary to prevent his or her escape [Reference: Section 86 of [Thailand Criminal Procedure Code](#)]. A person arrested must not be kept in custody for a longer period than under the circumstances of the case is necessary [Reference: Section 87 of [Thailand Criminal Procedure Code](#)]. If you are a child or juvenile, a police officer cannot hold, detain, confine, put you on probation, or take away your rights and freedom just because you are accused of doing something wrong. This can only happen if there's a warrant, court order, or if it's necessary according to the law. [Section 68 of the [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]. Anyone can claim these codes for any person.

If I think the stop is unjustified, what can I do?

You have the right not to give a statement and meet and consult your counsel or a person who will be your counsel. [Reference: Section 83 paragraph 2, of the [Thailand Criminal Procedure Code](#)]

If you are arrested, do not try to run away or resist the arrest as the police can take necessary actions to stop you. [Reference: Section 83 paragraph 3, of the [Thailand Criminal Procedure Code](#)] Also, if you resist or get in the way of a police officer doing their job, or if you use violence or threaten to use violence while resisting, you could face more charges. [Reference: Section 138 of the [Thailand Criminal Procedure Code](#)]

Can I get the officer's identifying information for a future complaint?

Yes, and make sure your action does not interfere with their duties.

You can make a complaint to the police official. Such complaint must contain your name and address including the nature of the offence, the circumstances under which the offence was committed, the damage suffered, and the name or description, to the maximum extent possible, of the official.

The complaint may be made to an administrative or police official whose position is inferior or superior to the official and whose duty is to maintain peace and order under law.

[Reference: Sections 123 and 124 of [Thailand Criminal Procedure Code](#)]

How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

- You are under police custody if you feel like you cannot leave when they are around, or if someone else in your situation would also feel like they cannot leave.
- If the following happens, you are likely under arrest under the law:
 - an officer handcuffs you;
 - an officer forcibly holds you down;
 - an officer forcibly puts you into the back seat of a police car; or
 - you are in long-time investigation with lodging.

- An officer has to tell you of your rights when they arrest you.
- If someone is arrested without being told their rights, the arrest is still valid. But, the evidence found during that arrest might not be allowed in court later.

[Reference: Section 69 of the [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#) and Section 84 of the [Thailand Criminal Procedure Code](#)]

What if I do not know if I am under arrest?

If you are a child (older than 12 but not exceed 15 years old): Generally, the police need to show you a special paper called an arrest warrant to take you in. The police will tell you that you are under arrest and what you are being arrested for. Therefore, you may politely request the police to show the arrest warrant. However, if you are caught committing a crime right in front of the police, the police may not need that paper.

If you are a juvenile (older than 15 but under 18 years old): Generally, the police need to show you an arrest warrant and tell you that you are under arrest. However, in more exceptional cases than a child, the police do not need an arrest warrant to take you in (please refer to Question 5 for more details).

If a child or juvenile is arrested, the law mandates that the inquiry officer must either accompany them or assign parents or other responsible individuals to accompany them to the court within 24 hours from the time they arrive at the police station. This allows the court to assess the lawfulness of the arrest.

[Reference: Sections 57, 60, and 78 of the [Thailand Criminal Procedure Code](#) and Sections 4, 66, 69, 72 and 73 of the [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

What is the difference between detention and arrest?

Detention is meant to be a temporary restriction on a person's freedom for investigative purposes or for legal proceedings. Arrest means taking someone into custody because they are being charged with a crime.

[Reference: Sections 73 and 74 of the [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

If I am handcuffed, am I arrested?

There is no rule that says police must always use handcuffs when arresting someone. It depends on the situation. Generally, if you are arrested, the police will not use handcuffs unless it is really necessary to keep you or others safe, or if the need to stop you from running away.

[Reference: Section 69, paragraph 3, of the [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

If my liberty is restricted, am I under arrest?

If your liberty is restricted by the police, it could be detention or arrest. The police must tell you the reason if you are detained or arrested. If you are not sure, ask the police if you are under detention or arrest and why.

What to do after being warned of your rights

Proposed Information

It is important to follow this advice:

- You can use your right to remain silent or any of your other rights (e.g., the right to an attorney) by saying that you want to use that right. For clarity, to use right to remain silent, you don't have to tell to do.
- You are also able to waive your rights (that is, not use them) by, for example, saying 'Yes, I understand my rights but I am ready to talk to you'. This is not a good idea without a lawyer's advice.
- Make sure you know what you're doing in giving up your rights.

How do things change if I am read my rights by the police?

If you are read your rights by police, you are probably arrested. Addition to your rights, the police must notify you of the charge and arrest warrant. You can use the rights which are read by police. You also have the right to contact and talk to your parent, your relative, or the person trusted by you.

[Reference: Section 83 of the [Thailand Criminal Procedure Code](#)]

Does it matter where I am when the police read me my rights? (street, police station, police car, etc.)

It doesn't matter, the police only needs warrant of arrest or if you're wanted person.

Police questioning you

Proposed Information

It is important to follow this advice:

- You are not required to make a statement, answer police questions or participate in a police investigation, and you never have to go anywhere with the police unless they have arrested you.
- If police has arrested you and if you are under the age of 20, police generally notifies your parent, caretaker or legal guardian immediately in practice.

Am I required to make a statement?

No, you are not required to make a statement as the officer is required to read your right to make a statement or not to make a statement.

[Reference: Section 83 of [Thailand Criminal Procedure Code](#) and Section 75 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

Must police notify my guardian?

The police is not required to notify your guardian. However, your parent, guardian or representative is allowed to participate in the investigation. Thus, you should request the police that they will be with you.

[Reference: Section 83 of [Thailand Criminal Procedure Code](#) and Section 75 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

Must I confess?

No, you can avail yourself of the right to silence and consult a lawyer and/or your guardian before you make a statement.

[Reference: Section 83 of [Thailand Criminal Procedure Code](#) and Section 75 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

What adults can I ask to be with me?

You are allowed to have the following persons to be with you during the investigation:

1. A lawyer: He/she is required by the law to always be with you
2. Your parent, guardian or representative: He/she is allowed to be with you upon request.

[Reference: Section 83 of [Thailand Criminal Procedure Code](#) and Section 75 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

Who do the police have to contact if I am a legal minor?

The police has to contact your parent, guardian or representative upon request.

[Reference: Section 83 of [Thailand Criminal Procedure Code](#) and Section 75 of [Juvenile and Family Court and Juvenile and Family Case Procedure Act 2010](#)]

How do I contact a lawyer and when?

Proposed Information

It is important to follow this advice:

- **You should always contact a lawyer before making any statements to anyone in a criminal case or investigation because what you said will be used as evidence in the court.**
- If you cannot afford your own lawyer, the state will provide you one instead.
- You should ask for a lawyer as soon as you are questioned or arrested by the police. If you are arrested, you have the right to remain silent and to not speak until your lawyer is present.

[Reference: Section 83 of [Thailand Criminal Procedure Code](#) and Section 134/1 of [Thailand Criminal Procedure Code](#)]

What if I am just a witness?

If the witness is a child not over eighteen years of age, the inquiry officer shall interview him/her separately at a place suitable for children. It is the inquiry officer's duty to provide the child with a psychologist or social worker, a person as requested by a child, and a public prosecutor.

If the psychologist or social worker views the questioning of any child or any question may significantly affect the child's mental health, the inquiry officer's questions must be specifically asked by the psychologist or social worker whereby the child is prevented from hearing the inquiry officer's questions.

The law also provided a protection that children must not be questioned repeatedly without valid reason.

Further to this instance, the above also applies to a child who is the suspect.

[Reference: Section 133 bis of [Thailand Criminal Procedure Code](#)]

Do police always have to tell the truth?

Proposed Information

It is important to follow this advice:

- No. Although a confession obtained through a lie by police may not be admissible as evidence at trial pursuant to certain court precedents, the police may lie to you during the course of an investigation, including lying about the strength of the case they have against you and particular evidence they have in their possession.
- Sometimes police will lie to get you to talk more.

Can the police lie to me?

Generally, no. the inquiry officers are not allowed to make the harmful action against the accused, including the promise giving, threatening, lying, torturing or physical abusing.

[Reference: Section 135 of the [Thailand Criminal Procedure Code](#)]

In case the police officer lies to child or juvenile accused, the investigation process shall be considered as undue process and leads to unfavorable result to the case, i.e.

1. The Court considers that the investigation is certainly unlawful and entirely null and void. Therefore, the public prosecutor has no authority to sue the accused in court and then Court could dismiss the case.
2. The Court considers that the investigation is partially unlawful and partial nullity, but it has no impact to the authority of the prosecutor to sue the accused in court. The case may still proceed. However, the court will not take the evidence obtained from an unlawful investigation into consideration.

[Reference: Section 120 of the [Thailand Criminal Procedure Code](#)]

Also, parts of Section 111 of the Royal Thai Police Act B.E. 2565:

(8) must welcome, provide services, provide convenience, fairness and assistance as appropriate for the people who come to receive services or in performing official duties in connection with his duties without delay and with modesty;

(11) must not make false reports to the superior, additionally, reporting with the concealment of statements which should be reported is also considered a false report;

(12) must not use inappropriate language or conduct oneself in an inappropriate manner;

(13) must not commit an act which is attributable to a misconduct;

[Reference: <https://www.royalthaipolice.go.th/downloads/article/law65/13964-1610eng.pdf>]

Do I have to tell the police the truth?

Yes. Lying to the police officer can be illegal and considered as the criminal offences under the Thailand Penal Code. You may tell truth statements or exercise rights to remain silent.

The relevant provisions include:

Section 137: Any person who makes a false statement before a competent official which may cause injury to any other person or the people shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

Section 172: Any person who makes a false statement in relation to a criminal offence to a public prosecutor, police prosecutor, inquiry official or competent official in charge of criminal investigation, which may cause injury to any other person or the people, shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand baht or to both.

Section 173: Any person who, knowing that a particular offence did not occur, makes a statement to an inquiry official or competent official in charge of criminal investigation that the offence has been committed, shall be liable to imprisonment for a term not exceeding three years and to a fine not exceeding sixty thousand baht.

Section 174: If the statement under section 172 or section 173 is made to cause any person to be subject to any measure of safety, the perpetrator shall be liable to imprisonment for a term not exceeding three years and to a fine not exceeding sixty thousand baht.

If the statement under paragraph one is made to cause any person to receive a punishment or receive a more severe punishment, the perpetrator shall be liable to imprisonment for a term not exceeding five years and to a fine not exceeding one hundred thousand baht.

Section 267: Any person who notifies a competent official, who is engaged in the performance of his or her duty, for record of any false statement in a public document or official document which is intended to be used as evidence, in a manner likely to cause injury to any other person or the people, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding sixty thousand baht or to both.

[Reference: <https://library.parliament.go.th/en/node/3380>]

How do I make a complaint if I have questions or feel my rights have been violated?

Proposed Information

It is important to follow this advice:

You can make a complaint about police behavior to:

- Royal Thai Police
- Inspector General of Police
- The Office of the Ombudsman
- The National Anti-Corruption Commission (if the complaint is about corruption and misconduct)

Royal Thai Police

You can make a complaint to Royal Thai Police Headquarters by calling complaint report service center at 1599.

The contact details for Royal Thai Police are:

Address: Rama 1 Road, Pathum Wan Subdistrict, Pathum Wan District, Bangkok 10330, Thailand

Tel: +66 2-209-8610 (Main number) or 1599 (Complaint report service center)

Fax: +66 2-252-1174

Email address: saraban@police.go.th

Website: <https://www.royalthaipolice.go.th/index.php>

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Sources: <https://www.royalthaipolice.go.th/contact.php>

Inspector General of Police

Inspector General of Police is directly responsible for investigating complaints and allegations against police officers. You can make a complaint to Inspector General of Police through [online system](#). For more details, please see [online manual](#).

The contact details for Inspector General of Police are:

Address: 701/701 Ram Inthra Road, Tha Raeng Subdistrict, Bang Khen District, Bangkok 10220, Thailand

Tel: +66 2-509-8797 (Main number) or +66 2-509-9375 (Complaint Reception Division)

Sources: <https://jcoms2.police.go.th/home>

https://jcoms2.police.go.th/static/uploads/manual/people_manual.pdf

Office of the Ombudsman

The Ombudsman has a duty and power under the Constitution to investigate when a person is affected by grievance or unfairness from the actions of a state official (which includes a police officer), and to recommend the relevant State agencies to eliminate or deter the grievance or unfairness.

[Reference: Section 230 of the [Constitution of the Kingdom of Thailand](#)].

You can make a complaint to the Ombudsman in writing or verbally.

You can lodge the complaint with the Office of the Ombudsman in person, by post, through the official website, or through complaint-receiving service center at relevant government agencies located nationwide.

The contact details for the Office of the Ombudsman are:

Address; The Government Complex, 5th Floor, Ratthaprasasanabhakti Building (Building B) 120 Chaengwattana Road, Thung Song Hong Subdistrict, Laksi District, Bangkok 10210, Thailand

Tel: +66 2-141-9100 (Main number) or 1676 (Toll-free nationwide)

Fax: +66 2-143-8341

Email address: saraban@ombudsman.go.th or info@ombudsman.go.th

Website: www.ombudsman.go.th

Sources: <https://www.ombudsman.go.th/new/en/duties-and-powers-of-the-ombudsman/>

<https://www.ombudsman.go.th/new/en/complaint-channels/>

<https://www.ombudsman.go.th/new/en/contact-us/>

National Anti-Corruption Commission (NACC)

You can lodge a complaint about corruption and misconduct to the National Anti-Corruption Commission. You can:

1. Write a letter to "Secretary-General of the NACC" or "P.O. Box 100, Dusit District, Bangkok 10300" or file a complaint at a police station within the jurisdiction of the investigation. The investigating officer will send the matter to the NACC office for further action. For more details, please see [Instructions for making a complaint letter](#).

2. Make a complaint via [the online complaint system](#). For more details, please see [Online complaint manual](#).
3. Make a complaint by sending an email to complaint.nacc@nacc.go.th.

The contact details for National Anti-Corruption Commission are:

Address: 361 Nonthaburi Road (Sanambinnam Road), Thasaai Subdistrict, Muang Nonthaburi District, Nonthaburi 11000, Thailand

Tel: +66 2-528-4800-4849 or 1205 (Hotline)

Website: <https://www.nacc.go.th/english>

Sources: <https://www.nacc.go.th/allcomplaint>

<https://www.nacc.go.th/categorydetail/2019050918120367/20191124180010?>

<https://www.nacc.go.th/member/login>

https://www.nacc.go.th/download/Complaint_Manual.pdf

National Human Rights Commission

The Ombudsman can refer cases related to human rights violations to the National Human Rights Commission for further action [Reference: Section 230 of the [Constitution of the Kingdom of Thailand](#)].

The contact details for National Human Rights Commission are:

Address: The Government Complex, 6th Floor – 7th Floor, Rattaprasasanabhakti Building (Building B) 120 Chaengwattana Road, Thung Song Hong Subdistrict, Laksi District, Bangkok 10210, Thailand

Tel +66 2-141-3800, +66 2 141-3900 or 1377 (Complaint Hotline)

Email address: info@nhrc.or.th or help@nhrc.or.th

Website: <https://www.nhrc.or.th/en/>

Sources: <http://hris.nhrc.or.th/httpdocs/en/contact.php>

What if I feel I was a victim of discrimination or racism?

Proposed Information

It is important to follow this advice:

You can make a complaint about police behavior to:

- Royal Thai Police
- Inspector General of Police
- The Office of the Ombudsman
- The National Anti-Corruption Commission (if the complaint is about corruption and misconduct)

For more details, please refer to Question No. 11

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

You can respond by saying that one of your basic rights as a child is being protected against discrimination and there is a law that protects you from any discrimination.

Discrimination can take many forms. But you have to remember that if you are being treated unfairly just because of your age, that can be considered as discrimination.

[Reference: Article 22 of [Child Protection Act 2546](#)].

What can you do if the police perform an improper search? Or I was improperly detained?

Proposed Information

It is important to follow this advice:

If you believe that you are subjected to an improper search or improperly detained by Thai police, it's important to be aware of your rights and you may consider taking the following steps:

1. **Remain Calm:** It's very important to stay calm during the encounter. Do not resist arrest or become confrontational, as this can escalate the situation.
2. **Request Identification and Warrant:** Politely ask the police officers for their identification and official warrant.
3. **Document the Incident:** If possible, record the encounter using your phone (e.g., taking photos or recording audio), if it is proper to do so under the situation. However, always prioritize your safety and follow any instructions from the police.
4. **Seek Legal Assistance:** Contact a local lawyer for assistance or legal aid organization for guidance. They can advise you on the best course of action and can help protect your rights.

You can contact the Thai Lawyers for Human Rights (TLHR) who helps people whose rights have been violated by the police. TLHR help is free. For enquiries to the TLHR, call +66 92-271-3172 and +66 96-789-3173 at 24 hrs.

- Facebook: <https://www.facebook.com/tlhr2014>
- Twitter: <https://twitter.com/TLHR2014>
- Email address: tlhr@tlhr2014.com
- Address: 66/4 Lat Phrao 16, Chom Phon Subdistrict, Chatuchak District, Bangkok 10900, Thailand
- Website: <https://tlhr2014.com/en/home>

You can make a complaint about police behavior to:

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Law is generally described as of April 2025.

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