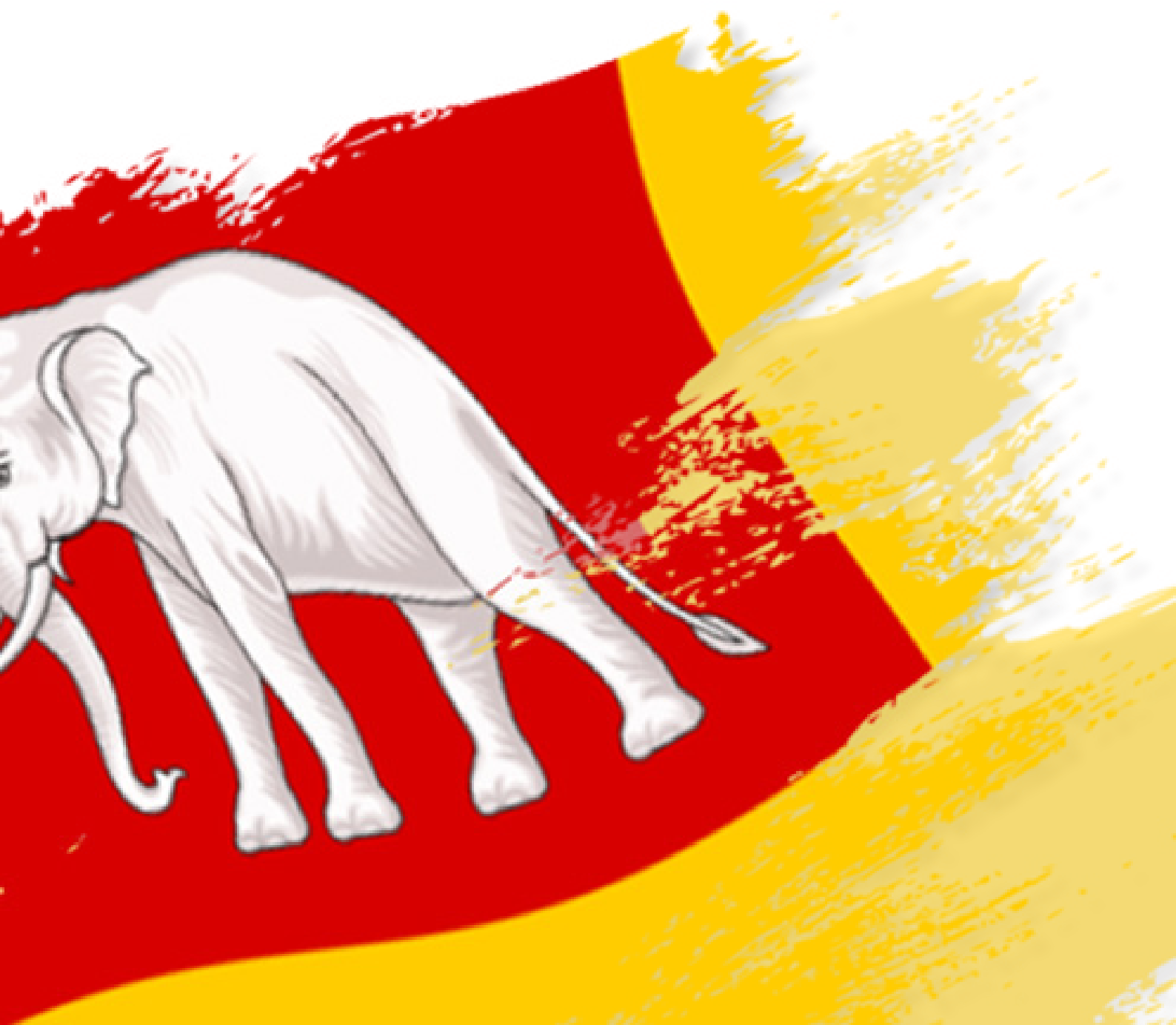


Real Rights: young people engaging with law enforcement

 Vientiane, Laos



The Real Rights project has been developed by Baker McKenzie and the Global Initiative on Justice with Children to provide young people – especially young people of colour, minority and vulnerable populations – with specific guidance for interactions with law enforcement. Thanks to the Real Rights project and the pro bono work of over 1,500 volunteer professionals, we have created a clear and accessible data base of answers to child questions when they are in contact with the police – from initial contact, questioning, to stop and report.

If you are interested to support us in this project, click on the "Feedback" button provided in each city page or email realrights@bakermckenzie.com.

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 Detain or 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?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- 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:

- Stay calm. It is not a good idea to run. Speak carefully and clearly. Anything you say can be used against you in a court of law.
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully.

Can the police arrest you for refusing to answer questions?

Probably no, unless the police believes you are committing or just committed an offence. Otherwise, they will need an order from court or prosecutor.

Law of Criminal Procedure, Article 62 & 63, available at
[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

What if the officers do not identify themselves?

You can ask them to identify themselves and clarify the charges/rights and obligations if you are the accused person, or your rights and obligations if you are the witness, victim.

Law of Criminal Procedure, Article 43, available at
[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

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

Just listen to the officer's statement. Be courteous. You can tell them that you will need your parent or a protector to participate as you are under 18 which is required by law.

Law of Criminal Procedure, Article 44, available at
[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

Reason: Laos Criminal Procedure law
Article 14 (Modifies). Guarantee of Right to Defend of Accused Person An accused person has the right to defend himself individually. The accused person may defend himself or have a lawyer to provide him legal assistance. The people's courts, public prosecutors, interrogators and investigators shall guarantee the right of defense in the proceedings to an accused person in order to protect his legitimate rights and interests. The offender, accused person, or defendant shall have the right to present evidence in order to defend himself, but shall not be forced to bring evidence to prove his innocence.

[Laos-Criminal-Procedure-Law-2004-2012-eng.pdf \(icj.org\)](#)

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

That's okay. You can still ask the officer to provide identification to prove themselves if they request you to answer any questions or do any action.

Source: [Arrests and Identification by Police \(NSW\) - Go To Court](#)

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

Yes, you can. But you will need to tell them that you will need your parent or a protector to participate as you are under 18. That's required by law.

Law of Criminal Procedure, Article 44, available at
[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

If I sit down, am I resisting?

It is extremely important to remain calm and not use abusive language or behave badly when being questioned by the police.

You can be charged with 'resisting' police while they are working if you struggle with police or run away when they are trying to arrest you, for example. Just sitting down and not being violent or using abusive languages, you are not likely to be considered resisting.

But if you are asked to move one as you are getting in the way of people going in or out of somewhere, then you need to move on.

Couldn't find government resources for NSW

<https://www.armstronglegal.com.au/criminal-law/nsw/offences/resisting-arrest/>

<https://www.criminaldefencelawyers.com.au/blog/what-is-the-offence-of-resisting-police/>

Resources for other jurisdictions

Victoria

<https://fls.org.au/law-handbook/fines-infringements-and-criminal-law/arrest-search-interrogation-and-your-rights/arrest/>

Queensland

<https://www.yac.net.au/police-powers-and-responsibilities-2/>

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

You should remain sensible and calm when being stopped by police officer. If police make a direction or request, you have the right to know why they are giving you such direction and what they require you to do. It is an offence not to obey a lawful police direction.

Source: [Get street smart: Under 18s: know your legal rights - Legal Aid NSW](#)

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

Yes. Persons who do not know the Law language have the right to use their own language or other languages through translation.

Law of Criminal Procedure, Article 13, available at

[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

When Can Police Search Your and Your Surroundings?

Proposed Information

It is important to follow this advice:

- You have the right to say no to searches of your person.
- You have the right to say no to searches of your car, house or other surroundings.
- 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.

What if a police officer wants to search my phone?

The search could be conducted only if they have a writing prosecutor/court's order if not in necessary and urgent case.

Article 121 (modified). Searches

Searches may be conducted only when there is an order in writing from the public prosecutor or the people's court, except in necessary and urgent cases, but in such necessary and urgent cases,

<https://www.icj.org/wp-content/uploads/2004/06/Laos-Criminal-Procedure-Law-2004-2012-eng.pdf>

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

You do not have to answer your password if you do not consent. The police needs to have a writing prosecutor/court's order to search your phone if not in necessary and urgent case.

Article 121 (modified). Searches

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<https://www.icj.org/wp-content/uploads/2004/06/Laos-Criminal-Procedure-Law-2004-2012-eng.pdf>

<https://www.icj.org/wp-content/uploads/2004/06/Laos-Criminal-Procedure-Law-2004-2012-eng.pdf>

Laos Criminal Procedure Law Article 12
[Laos-Criminal-Procedure-Law-2004-2012-eng.pdf \(icj.org\)](#)

Law of Criminal Procedure, Article 53, available at
[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

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- If the police arrest you, they also have the right to search you. Anything found during this search may be used as evidence against you.

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

You do not have to answer any questions (in most cases); however, police can ask you to give your name and address if they believe you have committed an offence or could assist with the investigation of a serious offence.

<https://fls.org.au/law-handbook/fines-infringements-and-criminal-law/arrest-search-interrogation-and-your-rights/interrogation/>

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

No. You can tell them that you will need your parent or a protector to participate as you are under 18. That's required by law.

Law of Criminal Procedure, Article 44, available at
[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

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

This is a technique used by police to make you more comfortable and trust them so you start talking. The law does not require you to respond. You can refuse to answer police questions or to reply to their speaking to you.

<https://fls.org.au/law-handbook/fines-infringements-and-criminal-law/arrest-search-interrogation-and-your-rights/know-your-rights/>

What is the legal difference between talking to them if they do not tell me I am under arrest, versus after they inform me that I am under arrest?

Either way, you are not obligated to speak. You will need to tell them that you will need your parent or a protector to participate as you are under 18. That's required by law.

Law of Criminal Procedure, Article 44, available at
[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

<https://www.legalaid.nsw.gov.au/publications/factsheets-and-resources/get-street-smart-under-18s-know-your-legal-rights>

The Difference Between Police TELLING Me What To Do And Asking Me To Do Something

What is the difference between the police deciding to search me or my belongings (phone, person, backpack) and me agreeing to the search?

If the police decide to search you, they must have a basis, either because there is a warrant or order, or they are making an on-the-spot arrest, or it is an urgent case. (Article 5, Part I, Law on Criminal Procedure, 15 May 2004.) If they do not have such basis, you can refuse to be searched. If you agree to be searched, you are giving them the basis/authority to search you.

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

It makes no difference. You do not need to provide information or answer questions. You do not need to give information as directed.

Law of Criminal Procedure, Article 44, available at
[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

Do Police Need A Warrant To Arrest You?

Proposed Information

It is important to follow this advice:

- No. Police officers can legally arrest you without a warrant in several circumstances:
 - When the crime is committed in front of the police officers; or
 - When the officer has probable cause (reason to suspect) that the suspect committed a felony, whether or not the act was done in front of them.

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

If you did not do anything, but:

- (1) you were summoned to appear before an investigation agency, public prosecutor, or juvenile court, did not appear, and a warrant was issued,
- (2) there is sufficient evidence that you committed a serious crime punishable by imprisonment of at least 3 years,
- (3) there is an order in writing issued by a public prosecutor or juvenile court supported by clean and precise evidence,
- (4) the officers witnessed you committing a serious crime, or,
- (5) the situation is urgent,

You may be stopped by the officials.

Source: [Art. 61 to 63, Law on the Protection of the Rights and Interests of Children, 27 December 2006.](#)

Source: [LAO81057.pdf](#)

Can I ask for the reason they stopped me?

Yes, you may ask for the reason they stopped you, and ask them to present the warrant or order authorizing them to stop you.

Source: [Art. 61 to 63, Law on the Protection of the Rights and Interests of Children, 27 December 2006.](#)

Criminal procedure law

Article 64.1

The Suspect A suspect is a person who is doubted to commit crime, but the investigation organizations, and the Office of the Public Prosecutor still not opening an investigation yet. The suspect has the rights as follow:

Be informed the charges

<https://www.icj.org/wp-content/uploads/2004/06/Laos-Criminal-Procedure-Law-2004-2012-eng.pdf>

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

You can but if you volunteer to communicate with law enforcement, anything you say can be used against you to cause an arrest or against you in a charge.

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

If you think the request or direction is unfair, be sensible and stay calm. Don't swear or use violence - if you do, police will then have the power to arrest and charge you. If you believe

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police have acted unfairly, you can make a complaint after the engagement with law enforcement.

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 do not feel free to leave an officer's presence, or if a reasonable person in your shoes would not feel free to 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 puts you into the back seat of a police car; or
 - an officer warns you about your rights.
- An officer only has to warn you of your rights before the police question you. This means an officer can arrest you before warning you of your rights.
- An arrest without rights warnings is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later.

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

Unless you were caught committing a serious crime (like killing someone) or during an urgent case (like when a crime just happened near you), you can ask the officer if you are under arrest and to show you the order in writing ordering your arrest.

Source: [Article 63, Law on the Protection of the Rights and Interests of Children, 27 December 2006.](#)

What is the difference between detention and arrest?

Detention means that you are to be held for no more than 48 hours because you are accused of allegedly committing a serious crime (punished by 3 years imprisonment or more) where there is sufficient evidence to support the allegation.

Source: [Article 62, Law on the Protection of the Rights and Interests of Children, 27 December 2006.](#)

Arrest means that there is an order in writing from a public prosecutor or a juvenile court where the allegations are supported by clear and precise evidence.

Source: [Article 63, Law on the Protection of the Rights and Interests of Children, 27 December 2006.](#)

If I am handcuffed, am I arrested?

Yes, the police must first arrest you before they can use handcuffs.

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.
- 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 present.
- Make sure you know what you're doing in giving up your rights

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

If the police read you your rights, that may mean that your status for them has changed from a potential witness to a potential offender. In that case, you have the right to be informed of the allegations against you and to receive the right to a defence, to have legal assistance, to have your parents or guardians present, to be treated fairly and not forced or threatened, and to be protected.

Source: [Article 51, Law on the Protection of the Rights and Interests of Children, 26 December 2007](#)

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

Yes. It should generally be at the office of the police, or in other proper place if necessary with a recorder present. And you shall be given a copy of the record of testimony.

Law of Criminal Procedure, Article 43 & 45, available at [Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

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 have arrested you and if you are under the age of 18, police are required to immediately notify your parent, caretaker or legal guardian.

Am I required to make a statement?

No. If you are being questioned or interviewed as a victim or a witness, you cannot be forced to make a statement.

Source: [Article 44\(4\) and \(5\), Law on the Protection of the Rights and Interests of Children, 27 December 2006](#)

Must police notify my guardian?

Yes. You are allowed to have your parents, guardians, or legal protectors with you at all stages of any proceedings, who can also participate during your interview.

Source: [Article 44\(3\) and 45\(2\), Law on the Protection of the Rights and Interests of Children, 26 December 2007](#)

If you are being accused, you also have the right to get legal assistance.

Source: [Article 51\(3\), Law on the Protection of the Rights and Interests of Children, 26 December 2007](#)

Must I confess?

No. When taking your testimony or your statement, you cannot be forced or threatened to confess.

Source: [Article 59\(3\), Law on the Protection of the Rights and Interests of Children, 26 December 2007](#)

What adults can I ask to be with me?

A child is entitled to involve a "protector", whose role is to participate in proceedings to protect the rights and interests of the child. The protector could be a lawyer, representative of an organisation, parent, guardian, or close relative.

Law on Criminal Procedure, Article 35, available at:
[Lao People's Democratic Republic - Criminal Procedure Law \(No. 01/NA\). \(ilo.org\)](#)

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

The police must notify your parent or guardian that you are in police custody.

Source: [Article 59\(3\), Law on the Protection of the Rights and Interests of Children, 26 December 2007](#)

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.**
- This applies even if you are told that (i) police officers only want to question you and/or (ii) you are only a witness.
- While you do have to wait until you attend court to get a lawyer appointed if you cannot afford your own lawyer, you should still 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.

What if I am just a witness?

You can ask if the interviewer they are specially trained.

Reason:

Interviews of child victims and witnesses in criminal proceedings must be conducted by specially trained investigators and public prosecutors in collaboration with social workers.

[Lao People's Democratic Republic: Access to justice for children | CRIN p. 8](#)

If you are being questioned or interviewed as a victim or a witness, you cannot be forced to make a statement.

Source: [Article 44\(4\) and \(5\), Law on the Protection of the Rights and Interests of Children, 27 December 2006](#)

Regarding the question: "whether children can REFUSE to answer questions if they are just a witness?", we could not find any special law for a child. But, according to Laos Criminal Law article 173, "In the incident that a ... witness...has received a summons three times, but

failed to appear without any reason, the public prosecutor will issue a warrant to bring such person to appear."

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

- No. 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 try and get you to talk more.

Can the police lie to me?

No, the Police must be truthful and honest and inform you of why you are being arrested.

Do I have to tell the police the truth?

You have a right to remain silent and as a minor your right to silence cannot be held against you.

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:

The State Inspection and Anti-Corruption Authority (SIAA) in Laos is supported by the United Nations Office of Drug and Crime. Complaints for maladministration and corruption are submitted through complaint boxes located in different government agencies and departments. The development of effective corruption complaint mechanisms is a priority for the SIAA. The SIAA has the mandate to receive and investigate complaints and requests related to corruption issues.

Source: [UNODC supports Lao authorities in developing systems for receiving corruption complaints](#)

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

Proposed Information

It is important to follow this advice:

Police and other public authorities are not allowed to unlawfully discriminate based on a person's characteristics including race, religion, gender identity. If you feel you have been unlawfully discriminated against, you may make a complaint.

The State Inspection and Anti-Corruption Authority (SIAA) in Laos is supported by the United Nations Office of Drug and Crime. Complaints for maladministration and corruption are submitted through complaint boxes located in different government agencies and departments. The development of effective corruption complaint mechanisms is a priority for the SIAA. The SIAA has the mandate to receive and investigate complaints and requests related to corruption issues.

Source: [UNODC supports Lao authorities in developing systems for receiving corruption complaints](#)

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

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Source: [UNODC supports Lao authorities in developing systems for receiving corruption complaints](#)

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

Proposed Information

What is a search?

Police can pat you down, ask you to remove your outer clothing and shoes, look into your clothing and belongings and use an electronic metal detection device. They can also ask you to shake your hair and open your mouth.

As far as is practicable, the search must be carried out by a police officer of the same gender as the person being searched.

In the case of a strip search it should be, as far as practicable, in a private area, out of sight of people of the opposite gender to you and out of sight of other people not involved in the search. In the case of minors, a parent or guardian must be present, unless the search must be done immediately for the safety of the person or to prevent evidence being destroyed.

What should I do if I believe I was improperly detained?

The State Inspection and Anti-Corruption Authority (SIAA) in Laos is supported by the United Nations Office of Drug and Crime. Complaints for maladministration and corruption are submitted through complaint boxes located in different government agencies and departments. The development of effective corruption complaint mechanisms is a priority for the SIAA. The SIAA has the mandate to receive and investigate complaints and requests related to corruption issues.

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Please note that the Real Rights Platform is in development and does not represent the final version of the work product. We will continue to update this Real Rights Platform as updates and edits are received across the globe.

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Law is generally described as of December 2022.

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