

**Baker  
McKenzie.**

# Real Rights: young people engaging with law enforcement

 Vietnam



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 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 police 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?

No. Police cannot arrest you for refusing to answer a question. While police have the right to ask questions to investigate a crime or suspected crime under the Criminal Procedure Code

(Article 37), it is not a criminal offence to not respond to such questions. If you are unsure whether you should respond to a police officer's question, you can inform the officer that you would like to consult with a lawyer before answering. Any information you volunteer to police could be used as evidence against you in a criminal court proceeding.

Source:

The Constitution 2013, Article 20.

The Criminal Procedure Code 2015 – which does not impose any obligations to answer questions unless you are a participant in criminal proceedings (as defined in Article 55).

<https://vanbanphapluat.co/law-no-101-2015-qh13-criminal-procedure-code>

<https://www.derechos.org/intlaw/doc/vnm1.html>

### **What if police officers do not identify themselves?**

Under Vietnam's Criminal Procedure Code, police officers are not obliged to identify themselves to suspects or members of the public. If you are not sure whether an individual asking you questions is a police officer, you can ask to speak with a lawyer before answering.

Source:

The Criminal Procedure Code 2015

<https://vanbanphapluat.co/law-no-101-2015-qh13-criminal-procedure-code>

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

Under Vietnam's Criminal Procedure Code, police have the right to ask questions to investigate a crime or suspected crime (Article 37). If a police officer does not order you to do anything, you can ask the officer whether you are under arrest. If you are not under arrest or being detained, you can generally end that encounter. If you are asked a question that you do not want to answer, you may refuse to answer and ask to speak to a lawyer.

Source:

The Criminal Procedure Code 2015

<https://vanbanphapluat.co/law-no-101-2015-qh13-criminal-procedure-code>

<https://www.derechos.org/intlaw/doc/vnm1.html>

### **What if an officer is not in uniform or identified as an officer but I think they are one?**

Traffic officers (police officers assigned to patrol, monitor and take actions against traffic violations) are allowed to disguise themselves (by putting on plain clothes), when they are on duty to ensure traffic order. Regulations don't clearly address other types of police disguising themselves, however - in practice, other police officers may also disguise themselves for the purpose of a criminal investigation.

When pulling over an offender, plain-clothes police are required to present their police ID cards and introduce themselves as officers, before calling an officer **in uniform** over to book and handle the case. Plain-clothes officers are not permitted to fine lawbreaker on the spot. They are only allowed to explain legal offenses to violators and ask to check their personal papers. Violators will then be transferred to officers in uniform or taken to the nearest police station (in the company of uniformed officers).

Hence, even if you think that an individual who has stopped you is a plain-clothes officer, you should request them to present their police ID cards and also have a uniformed police officer to be present during any questioning. Do be mindful that a plain-clothes officer cannot book

[back to top](#)

the case themselves or bring you to the police station on their own without an officer in uniform present.

Source: <https://tuoitrenews.vn/news/society/20171030/vietnamese-city-creates-grey-area-by-deploying-plainclothes-traffic-police/42322.html>

Article 11(1) of [Circular No. 32/2023/TT-BCA](#)

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

Yes. Under Vietnam's Criminal Procedure Code, you are not obliged to answer questions from a police officer. You can refuse to answer questions or mention you wish to speak with a lawyer before you answer any questions.

### **If I sit down, am I resisting?**

Article 330 of the Criminal Code 2015 states that any person who uses violence or threat of violence or other methods to obstruct a law enforcement officer from performing his/her official duties can face a penalty of up to 3 years' community sentence or 6 – 36 months' imprisonment.

In a broad sense, sitting down MAY fall under "other methods" if by sitting down, you have prevented the officers from performing their duties.

Source: <https://www.derechos.org/intlaw/doc/vnm1.html>

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

You are advised not to run as this will highly likely be regarded by the police as obstruction of investigation or resisting a police officer.

Under Vietnam's Criminal Procedure Code, Article 109 states that "Competent procedural authorities and persons within their powers can implement measures of emergency custody, arrest, temporary detainment, detention, bail, surety, residential confinement, exit restriction, in order to preclude crime, to prevent accused persons from evidently obstructing investigations, prosecution, adjudication or from committing other crimes, or to assure the enforcement of sentences."

Source: <https://vanbanphapluat.co/law-no-101-2015-qh13-criminal-procedure-code>

Under Vietnam's Criminal Code 2015, Article 330 states that "Any person who uses violence or threat of violence or other methods to obstruct a law enforcement officer from performing his/her official duties or forces a law enforcement officer to act against the law shall face a penalty of up to 3 years' community sentence or 6 – 36 months' imprisonment".

Source:

<https://www.derechos.org/intlaw/doc/vnm1.html>

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

You are advised not to do this, as it will highly likely be regarded by the police as obstruction of investigation.

Under Vietnam's Criminal Procedure Code, Article 109 states that "Competent procedural authorities and persons within their powers can implement measures of emergency custody, arrest, temporary detainment, detention, bail, surety, residential confinement, exit restriction, in order to preclude crime, to prevent accused persons from evidently obstructing investigations, prosecution, adjudication or from committing other crimes, or to assure the enforcement of sentences."

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Source:

The Criminal Procedure Code 2015

<https://www.derechos.org/intlaw/doc/vnm1.html>

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

According to Vietnam's Criminal Procedure Code, Article 29, Vietnamese is the spoken and written language for criminal procedures. However, Article 70 mentions that individuals are permitted to speak and write in their native language during criminal procedures, meaning the presence of a translator is mandatory. All individuals have the right to a lawyer, and foreigners can contact their embassy for consular assistance immediately.

Source:

The Criminal Procedure Code 2015

<https://vanbanphapluat.co/law-no-101-2015-qh13-criminal-procedure-code>

### **If I did not do anything, can the police stop me?**

Article 110 of the Criminal Procedure 2015 provides situations where the police may hold people in case of an emergency (such as having sufficient grounds to conclude that such people are about to commit a serious or particularly serious crime). As such, if there is an emergency - police can stop you even if you did not do anything (as the police may have, for example, sufficient grounds to identify a person who is preparing to commit a serious crime).

Source:

The Criminal Procedure Code 2015

<https://vanbanphapluat.co/law-no-101-2015-qh13-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 your person.
- You have the right to say no to searches of your car, house, workplace or other surroundings.
- You cannot be arrested for refusing to consent to a search without a warrant.
- A warrant is an order from a competent government authority (see notes column), so you have no choice but to consent.

[Article 193 Criminal Procedure Code 2015]

A search warrant in Vietnam is not just a court order. Depending on the stage of criminal proceedings, a warrant can be issued by different authorities such as the investigation authority or the People's Procuracy, or a court.

## What if the police want to search my phone?

In general, the police must have a warrant before they can search your phone. A warrant is an official document issued by a relevant government authority (see notes column) during criminal or administrative proceedings to authorize a search. A warrant should state clearly what item can be searched.

[Article 12 of UN Int'l Decl. on Human Rights 1948; [Article 21 of the Constitution of Vietnam 2013](#); [Article 38 of the Civil Code 2015](#)]

If the police do not have a warrant to conduct a search, you can refuse the search.

[[Article 128\(4\), of the Law on Handling Administrative Violations 2012](#); Article 194 of the Criminal Procedure Code 2015]

Exceptional cases where a warrant to search a phone is not required:

- In an emergency situation where the police have reason to believe that important evidence will be lost or destroyed if the phone is not searched immediately.  
[\[Article 128\(3\) of the Law on Handling Administrative Violations\]](#)
- You consent or give permission. Consent can be presumed to have been given if you hand over your phone voluntarily and/or provide your password(s) to the police. You should not do so unless you are willing to let the police conduct the search.

If the police conduct a search of your phone:

- It must be done in your presence (as the owner of the phone) and one other witness.
- The search must be recorded and a copy of the records given to you.
- The search must be reported to the officer's superiors immediately.

[\[Article 128\(4\) of the Law on Handling Administrative Violations\]](#)

## What if the police ask me for my phone password?

You can refuse to provide the password to your phone unless:

- The police have a warrant to search your phone; or
- The police tell you that they have reason to believe that important evidence will be lost or destroyed if the phone is not searched immediately.

[\[Article 128\(3\) of the Law on Handling Administrative Violations 2012\]](#)

In general, if you provide your password, you may be deemed to have provided consent or voluntarily given permission to the police to search your phone and its contents. You should not do so unless you are willing to let the police conduct the search. You can also ask the police to provide reasons for the search.

Everyone has the right to have their property protected by law. No person can illegally violate others' confidentiality of telephone and other forms of personal communication. Search and seizure or temporary confiscation of phones, electronic data and other forms of private communication must abide by this law.

[\[Article 11 - 12, the Criminal Procedure Code 2015\]](#)

## What if the police tell me to give them access to my phone?

You can refuse to provide access to your phone unless:

- The police have a warrant to search your phone; or

- The police tell you that they have reason to believe that important evidence will be lost or destroyed if the phone is not searched immediately.

[\[Article 128\(3\) of the Law on Handling Administrative Violations 2012\]](#)

In general, if you provide access to your phone, you may be deemed to have provided consent or voluntarily given permission to the police to search your phone and its contents. You should not do so unless you are willing to let the police conduct the search.

Everyone has the right to have their property protected by law. No person can illegally violate others' confidentiality of telephone and other forms of personal communication. Search and seizure or temporary confiscation of phones, electronic data and other forms of private communication must abide by this law.

[\[Article 11 - 12, Criminal Procedure Code 2015\]](#)

The police may only examine objects according to administrative procedures when there are grounds to believe that illegal material is hidden/stored in such objects.

[\[Article 128 of the Law on Handling of Administrative Violations\]](#)

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

You do not have to provide your device password unless:

- The police have a warrant to search your phone; or
- The police tell you that they have reason to believe that important evidence will be lost or destroyed if the phone is not searched immediately.

[\[Art. 128, cl. 3 of the Law on Handling Administrative Violations 2012\]](#)

In general, if you provide your password, you may be deemed to have provided consent or voluntarily given permission to the police to search your phone and its contents. You should not do so unless you are willing to let the police conduct the search.

Everyone has the right to have their property protected by law. No person can illegally violate others' confidentiality of telephone and other forms of personal communication. Search and seizure or temporary confiscation of phones, electronic data and other forms of private communication must abide by this law, including having a justification showing the existence of criminal electronic data on the device.

[\[Articles 11 – 12, 192, Criminal Procedure Code 2015\]](#)

The police may only examine objects according to administrative procedures when there are grounds to believe that illegal material is hidden/stored in such objects.

[\[Article 128 of the Law on Handling of Administrative Violations 2012\]](#)

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

There is no legislation specifically providing for the tools or technologies that the police can or cannot use for searches. In practice, the use of technologies in searches would be based on internal regulations and practices of the police.

### **Can the police search my backpack or other items I am carrying?**

Everyone has the right to have their property protected by law. No person can illegally violate others' confidentiality of telephone and other forms of personal communication. Search and seizure or temporary confiscation of phones, electronic data and other forms of private

communication must abide by this Law, including having a justification showing the existence of criminal electronic data on the device.

[\[Articles 11-12, 192, Criminal Procedure Code 2015\]](#)

The police may only examine objects according to administrative procedures when there are grounds to believe that illegal material is hidden/stored in such objects.

[\[Article 128 of the Law on Handling of Administrative Violations 2012\]](#)

Everyone shall enjoy the inviolability of the individual and the legal protection of his or her life, health, honor and dignity and is protected against torture, violence, coercion, corporal punishment or any form of treatment harming his or her body and health, or offending his or her against honor and dignity.

[\[Article 20\(1\), 2013 Constitution of Vietnam\]](#)

### **Can the police take my picture or record me?**

It is not clear whether police have express power to take photographs or recordings of a suspect unless they have arrested them.

The police cannot arrest you unless there is a decision made or approved by a court or the procuracies enabling them to do so, except for cases where you are caught red-handed committing a crime.

[\[Article 10, Criminal Procedure Code 2015\]](#)

No one is permitted to infringe on your right to private life, personal secrets, family secrets, safety and confidentiality of personal correspondence unless they have a lawful reason [\[Article 12 of Criminal Procedure Code\]](#).

Your private life, personal secrets and family secrets are protected by law. The police can therefore only collect, retain, use and disclose information related to your private life and personal secrets if you agree, or unless they have a right to do so under an applicable law.

[\[Article 21 of the 2013 Constitution of Vietnam\]](#)

However, if you have been investigated by the police and the investigation authorities of Vietnam decide to charge you with a crime, they must take photographs of you and make a record of you for the case file (Article 179.5 Criminal Procedure Code 2015).

If you are questioned by the police as a witness, victim, or an involved party, the questioning can be recorded or filmed (Article 187 and 188, Criminal Procedure Code 2015).

### **Can the police ask me where I am going and why?**

If investigators are examining a crime scene, they have the right to ask questions to determine facts that are significant to the case, which may include asking questions about where you are going. However, prosecutors must be present to administer a crime scene examination [\[Article 201 Criminal Procedure Code 2015\]](#). Unless there is an official crime scene investigation, you do not need to tell officers where you are going or why you are there.

Also, because no one is permitted to infringe on your right to private life, personal secrets, family secrets, safety and confidentiality of personal correspondence unless they have a lawful reason [\[Article 12 of Criminal Procedure Code 2015\]](#), you should ask why the police want to know where you are going and if they do not say that they are investigating a crime and there is an official investigation underway, then you do not need to tell them.

## Reasons police may detain or 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, or if they suspect that you have evidence of a crime.
- Sometimes police have a warrant for an arrest. You should be clear on what kind of warrant is being presented to you if that is the case.
- It is a good idea to review warrants or any documents from the police carefully, to ensure you understand what exactly is covered.
- If arrested, you may be charged with a crime.
- 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.

Vietnamese criminal laws do not have the concepts of "felony" or "misdemeanor" like common law jurisdictions.

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

Individuals are not required to answer questions and have the right to remain silent. (Articles 58, 59, 60 of the Criminal Procedure Code 2015). For individuals under 18, there may be a right to counsel/representation (under Articles 76, 417, 421 of the Criminal Procedure Code 2015).

<https://www.wipo.int/wipolex/en/text/585372>

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

No. You have the right to remain silent and have no obligation to respond to or correct statements made by the police (Articles 59, 60, and 61 of the Criminal Code 2015).

<https://www.wipo.int/wipolex/en/text/585372>

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

You have the right to remain silent and have no obligation to respond to any statements made by the police (Article 59, 60, and 61 of the Criminal Code 2015).

If you are under the age of 18, you should let the police know - as you are entitled to additional protections, including the right to legal representation (Articles 76, 414 of the Criminal Code 2015).

<https://www.wipo.int/wipolex/en/text/585372>

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

In both situations, you have the right to remain silent and have no obligation to respond to any statements or questions by the police.

If you are under arrest, you have the right to be informed of the reasons or charges against you.

[Articles 58, 59, 60 of the Criminal Procedure Code 2015].

<https://www.wipo.int/wipolex/en/text/585372>

## 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 (phone, person, backpack) and me agreeing to the search?

If the police exercise the right to search (Article 192-194 of the Criminal Procedure Code 2015):

- Body search shall only be allowed when there is sufficient basis to determine that instruments of a crime, or any data or materials related to a crime are carried with you.
- The police must make sure the searched person understands their rights and duties, and has first been given the chance to cooperate.
- A search warrant is required.
- In certain special cases, a warrant is not needed (e.g. if there is sufficient basis to determine that instruments of a crime, or any data or materials related to a crime are carried with you).

### What if the police tell me to give them information versus them asking and me providing answers voluntarily?

In the course of an investigation, the police may "invite" you in for questioning. This may be by a written summons instructing you to appear at a police station at a specific date and time. You are usually not placed in detention but may be summoned for questioning for several days or even weeks.

Failing to respond to a police invitation can be seen as an admission of guilt and will likely lead to you being detained. [Source: Article 127(2)(c) of the Criminal Procedure Code 2015]

## 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 a crime is committed in front of police officers; or
  - When you are wanted for a crime;

### If I did not do anything, can the police stop me?

Yes, a police officer may stop you for various reasons. For example, if there is a concern for your safety or welfare, or if the officer suspects or believes that a person is causing public disorder, or is not complying with applicable laws and regulations. You may refer to other sections about the search, detention, arrest, etc.

Article 110 of the Criminal Procedure 2015 provides situations where the police may hold people in case of an emergency. As such, they can stop you even if you did not do anything, as the police may have, for example, sufficient grounds to identify a person who is preparing to commit a serious crime.

Under Vietnam's Criminal Procedure Code 2015, police have the right to ask you questions to investigate a crime or suspected crime (Article 37). However, you are generally not required to answer unless the question relates to an emergency situation. If the police do not order you to do anything, you can ask the officer whether you are under arrest. If you are not

under arrest or being detained, you can generally end that encounter. If you are asked a question that you do not want to answer, you may refuse to answer and ask to speak to a lawyer.

[Source: [The Criminal Procedure Code 2015](#)]

### **Can I ask for the reason the police stop me?**

Children (i.e. those under the age of 16) are entitled to access information in a sufficient, timely and appropriate manner. They have the right to retrieve and obtain information in all forms as regulated by the law and engage in social activities in conformity with their age, maturity level, demands and capacity.

Children have the right to be protected during proceedings and actions against administrative violations. They are entitled to defend themselves or be defended and have their lawful rights and interests protected. They are also entitled to legal aid, to state their opinions and protection from illegal deprivation of their right to freedom.

[Articles 30 and 33, [Children Law 2016](#)]

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

Under the Criminal Procedure Code, an accused person is entitled to defend themselves or be defended by a lawyer or another person ([Article 16 of the Criminal Procedure Code 2015](#)). However, the law does not expressly address the case where a person is not an accused. It is advisable to ask for a lawyer rather than advocate for yourself.

### **If I think a stop is unjustified, what can I do?**

If you have grounds to believe that a stop infringes on your rights or lawful interests, you may make a first-time complaint with the relevant police department in accordance with the Law on Administrative Procedures 2015.

If you disagree with the decision or the complaint remains unsettled past the prescribed time limit, you may make a second complaint with the direct superior or institute an administrative lawsuit at court in accordance with the Law on Administrative Procedures 2015.

[Source: [Article 7, Section 1, Chapter 2 of Law on Complaints 2011](#)]

If you feel that your rights are being violated, you can contact 111 (National Hotline for Child Protection). You can call, SMS or webchat via this line. All calls are confidential.

<https://childhelplineinternational.org/vietnam-national-hotline-for-child-protection-111/>

### **Can I get an officer's identifying information for a future complaint?**

It is not clear whether you can obtain an officer's identifying information. However, [you can ask for it under Article 33 \(the Children Law 2016\)](#), which states that children have a right to retrieve and obtain information in all forms as regulated by the law and engage in social activities in conformity with their age, maturity level, demands and capacity.

## **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:

- 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 a rights warning 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?**

If you do not know, you should ask if you are under arrest.

The police are obliged to tell you if you are under arrest along with the reasons for the arrest and to show you a copy of the warrant for your arrest (unless a warrant is not required for the arrest as per the cases listed above). (Article 58 of the Criminal Procedure Code 2015).

<https://www.wipo.int/wipolex/en/text/585372>

### **What is the difference between detention and arrest?**

Under the law, you can be temporarily detained for up to 3 days without being arrested and charged with a crime. Under special circumstances, the police can extend the time of detention by an additional 3 days (Article 118 of the Criminal Procedure Code 2015).

If you are arrested, you are being charged with a crime (Criminal Procedure Code 2015, Article 58).

<https://www.wipo.int/wipolex/en/text/585372>

### **If I am handcuffed, am I arrested?**

Yes. However, you should still ask for the reasons for your arrest and a copy of the warrant.

(Criminal Procedure Code 2015, Article 58).

<https://www.wipo.int/wipolex/en/text/585372>

### **If my liberty is restricted, am I under arrest?**

Not necessarily. You could be temporarily detained without being arrested. Under the law, you can be temporarily detained for up to 3 days. Under special circumstances, the police can extend the time of detention by an additional 3 days.

(Criminal Procedure Code, Article 118).

<https://www.wipo.int/wipolex/en/text/585372>

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

[Under Article 33 \(Children Law 2016\)](#): Children have a right to retrieve and obtain information in all forms as regulated by the law and engage in social activities in conformity with their age, maturity level, demands and capacity.

## 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 if giving up your rights

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

No change.

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

Article 113 of the Criminal Procedure Code 2015 requires reading out of the rights and duties by a police officer when a person is arrested, but does not provide detailed guidance on different requirements for different places.

It does not really matter where the person is read his/her rights. However, the process must be witnessed. The requirements for witnesses differ depending on the place of arrest.

## 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. Police cannot arrest you for refusing to make a statement, unless the police ask you a question that relates to an emergency situation. While police have the right to ask you questions to investigate a crime or suspected crime under the Criminal Procedure Code 2015 (Article 37), it is not a criminal offence not to respond to a question. If you are unsure whether you should respond to a police officer's question, inform the police that you would like to consult with a lawyer before answering. Any information you volunteer to police could be used as evidence against you in a criminal court proceeding.

Source:

The Criminal Procedure Code 2015

<https://vanbanphapluat.co/law-no-101-2015-gh13-criminal-procedure-code>

<https://www.derechos.org/intlaw/doc/vnm1.html>

## Must police notify my guardian?

Yes, the Children Law 2016 Article 70.3, requires: "the support of parents, guardians, and other legal representatives of children throughout the proceedings and handling of administrative violations to protect the legitimate rights and interests of children."

Source: <https://luatvietnam.vn/lao-dong/luat-tre-em-2016-104818-d1.html>

## Must I confess?

No. Police cannot force you into a confession. While police have the right to ask you questions to investigate a crime or suspected crime under the Criminal Procedure Code 2015 (Article 37), it is not a criminal offence not to confess. If you are unsure whether you should respond to a police officer's question, inform police that you would like to consult with a lawyer before answering. Any information you volunteer to police could be used as evidence against you in a criminal court proceeding.

Source:

The Criminal Procedure Code 2015

<https://vanbanphapluat.co/law-no-101-2015-qh13-criminal-procedure-code>

<https://www.derechos.org/intlaw/doc/vnm1.html>

## What adults can I ask to be with me?

Article 70 of the Children Law 2016 states that the support of parents, guardians, and other legal representatives of children throughout the proceedings and handling of administrative violations has to be ensured to protect the legitimate rights and interests of children.

Hence, children can request for their parents, guardians or other legal representatives to be with them during questioning.

Source: <https://luatvietnam.vn/lao-dong/luat-tre-em-2016-104818-d1.html>

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

Article 70 of the Children Law 2016 states that the support of parents, guardians, and other legal representatives of children throughout the proceedings and handling of administrative violations has to be ensured to protect the legitimate rights and interests of children.

Hence, the parents, guardians or other legal representatives of children have to be informed.

Source: <https://luatvietnam.vn/lao-dong/luat-tre-em-2016-104818-d1.html>

## 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.
- 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.

## What if I am just a witness?

You have the right to consult a lawyer as a witness prior to engaging in any interviews with the police.

## What if I can't afford a lawyer?

In case you are under 18 and have not invited a defense lawyer, the competent authorities must appoint a lawyer for you (and pay for your lawyer).

Source:

Article 76(1)(b) of the Criminal Procedure Code 2015

Article 3, [Joint Circular 191/2014/TTLT-BTC-BTP](#)

## Do police always have to tell the truth?

### Proposed Information

It is important to follow this advice:

- Article 31.1 of Law No. 37/2018/QH14 on People's Public Security Force requires police officers to be honest.

## Can the police lie to me?

Article 31.1 of the Law on People's Public Security Force requires police officers to be honest.

## Do I have to tell the police the truth?

You don't have to say anything against yourself (Article 58 and 60 of the Criminal Procedure Code 2015). However, if you decide to tell the police anything, you should not lie.

## 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:

If you feel that your rights are being violated or your safety is at risk, you can contact 111 (National Hotline for Child Protection). You can call, SMS or webchat via this line. All calls are confidential.

<https://childhelplineinternational.org/vietnam-national-hotline-for-child-protection-111/>

If you are detained or arrested as a suspect, you have the right to file complaints against the procedural authorities, including their decisions and legal procedures.

You should also report to the police if you feel that you are threatened with harassment or violence.

Source:

Article 58, 59 and 60 of Criminal Procedure Code 2015.

<https://www.wipo.int/wipolex/en/text/585372>

## What happens and what should I expect after I submit my complaint?

The police will work directly with you and other involved parties to verify the complaint and organize dialogue between all parties before issuing a decision to resolve the complaint.

Source:

Article 6 – 25, [Circular 23/2022/TT-BCA](#)

[Decree 124/2020/ND-CP](#)

## Options after you receive a decision on your complaint

If you disagree with the decision or the complaint remains unsettled past the prescribed time limit, you may make a second complaint with the direct superior of the person authorized to resolve the first complaint, or start an administrative lawsuit at court in accordance with the Law on Administrative Procedures.

[Source: [Article 7, Section 1, Chapter 2 of Law on Complaints 2011](#)]

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

### Proposed Information

It is important to follow this advice:

If you feel that your rights are being violated or your safety is at risk, you can contact 111 (National Hotline for Child Protection). You can call, SMS or webchat via this line. All calls are confidential.

You should also report to the police if you feel that you are threatened with harassment or violence.

[Vietnam: National Hotline for Child Protection 111 – Child Helpline International](#)

### Resources to contact if you feel you were a victim of discrimination or racism

If you feel that your rights are being violated or your safety is at risk, you can contact 111 (National Hotline for Child Protection). You can call, SMS or webchat via this line. All calls are confidential.

You should also report to the police if you feel that you are threatened with harassment or violence.

[Vietnam: National Hotline for Child Protection 111 – Child Helpline International](#)

## How can I respond to circumstances involving discrimination?

### Proposed Information

It is important to follow this advice:

You may not be discriminated against due to being a child. If you are discriminated against you may lodge a complaint with the police or contact 111 (National Hotline for Child Protection). You can call, SMS or webchat via this line. All calls are confidential.

**Sources:**

(Children Law 2016) Articles 5, 7, 9, 31, 83

## What can you do if the police perform an improper search? Or if you were improperly detained?

### Proposed Information

It is important to follow this advice:

You should not be subject to an improper search or detained against the law. If the police perform an improper search or you are improperly detained, you may lodge a complaint against the police or contact 111 (National Hotline for Child Protection). You can call, SMS or webchat via this line. All calls are confidential.

Under Vietnam's Constitution, a person may also pursue civil action to redress or remedy abuses committed by authorities.

#### Sources:

Criminal Code 2015, Articles 12, 36, 37, 157 – 159, 175

The 2013 Constitution

[Vietnam: National Hotline for Child Protection 111 – Child Helpline International](#)

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Law is generally described as of August 2024.

[back to top](#)