

Real Rights: young people engaging with law enforcement



Côte-d'Ivoire



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?

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?

No, the police can only arrest you if you commit a criminal offence (Article 7, Constitution - https://www.constituteproject.org/constitution/Cote_D'Ivoire_2016.pdf?lang=en).

You have the right to remain silent: you do not have to answer their questions (Article 7, Constitution - https://www.constituteproject.org/constitution/Cote_D'Ivoire_2016.pdf?lang=en).

What if the officers do not identify themselves?

When being interviewed, you have the right to be informed of who is arresting you and why (Article 7, Constitution - https://www.constituteproject.org/constitution/Cote_D'Ivoire_2016.pdf?lang=en).

Officers must clearly identify themselves and the unit to which they belong: they must show an official identity card (Part 1 Arrest, 3.b., - <https://www.refworld.org/docid/5799fac04.html>).

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

You have the right to remain silent: you do not have to respond to the officer (Article 7, Constitution - https://www.constituteproject.org/constitution/Cote_D'Ivoire_2016.pdf?lang=en).

However, you can request the presence and assistance of a lawyer if you would like to speak to an officer (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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

Yes, you have the right to remain silent without a lawyer being present if you have been arrested by the police (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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

No, the police can only arrest you for committing a criminal offence (Article 7, Penal Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

When Can Police Search Your and Your Surroundings?

Proposed Information

It is important to follow this advice:

When can police search you and your surroundings?

- 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.

(no primary source, just general advice being given).

What if a police officer wants to search my phone?

A police officer can search your phone only if there is a good reason for it: if searching it will lead to the discovery of a criminal offence (Article 97, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

But you can remain present while he is searching through it (Article 75, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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

You have the right to not respond to his request (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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

You have the right to not respond to this request and remain silent (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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?

You have the right to not respond to this request and remain silent (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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

A police officer can search your surroundings only if there is a good reason for it: if searching it will lead to the discovery of a criminal offence (Article 97, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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

A police officer can search your surroundings only if there is a good reason for it: if searching it will lead to the discovery of a criminal offence (Article 97, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

But you can remain present while he is searching through it (Article 75, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

Can they ask me where I am going and why?

If you are being arrested and police officers ask you specific questions about an alleged offence, you have the right to remain silent until a lawyer is present (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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 currently 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 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 year or more), a misdemeanor for a less serious crime (with jail time of less than one year) or a violation.
- 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 have the right to remain silent and not respond to any of their questions without a lawyer (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

You also have the right not to incriminate yourself: it means that you do not have to say anything that would suggest that you did something illegal (Part 1 Arrest, 4.c., - - <https://www.refworld.org/policy/legalguidance/achpr/2016/en/111339>).

You have the right to notify your parents or your legal guardians of your arrest and the charges against you (Part 7, c.i., - - <https://www.refworld.org/policy/legalguidance/achpr/2016/en/111339>).

Sometimes police will have a warrant for an arrest, or for a hearing. You will have to come to the hearing (Article 61, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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

You have the right to speak up and tell your side of the story (no primary source, just general advice being given).

You can also remain silent and wait for a lawyer to be present to assist you with answering questions (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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

You can either reply and you can remain silent until a lawyer comes to help you (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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?

If you are under arrest, you have the right to remain silent (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

The difference between police TELLING me what to do and ASKING me to do something.

Proposed Information

It is important to follow this advice:

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

A police officer can search your surroundings only if there is a good reason for it: if searching it will lead to the discovery of a criminal offence (Article 97, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

But you can remain present while he is searching through it (Article 75, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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

You can either reply and you can remain silent until a lawyer comes to help you (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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.

(no primary source, just general advice being given).

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

Police officers may stop you if they believe you have or are about to commit a criminal offence (Article 7, Penal Code - <https://www.refworld.org/docid/3ae6b5860.html>).

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

You can file a complaint with the Commission on Human Rights under the Commission on Human Rights And Administrative Justice Act (1993). <https://chraj.gov.gh/>.

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.

(no primary source, just general advice being given).

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

If you have been arrested, the police must tell you immediately (in a clear and simple language) that you have been arrested and the reasons why you have been arrested (Article

[back to top](#)

7, Constitution -

https://www.constituteproject.org/constitution/Cote_Dlvoire_2016.pdf?lang=en; Part 1 Arrest, 4.b., - <https://www.refworld.org/docid/5799fac04.html>.

I am handcuffed, am I arrested?

If police officers have used handcuffs, you have most likely been arrested (no primary source, general advice usually being given).

A police officer is legally able to use physical force. However, the use of force should be strictly necessary to carry out an arrest and used as a measure of last resort (Part 1 Arrest, c., - <https://www.refworld.org/docid/5799fac04.html>).

If my liberty is restricted, am I under arrest?

Yes, you are under arrest if your liberty has been restricted.

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.

(no primary source, just general advice being given).

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

If you have been arrested, the police must tell you immediately (in a clear and simple language) that you have been arrested and the reasons why you have been arrested (Article 7, Constitution

https://www.constituteproject.org/constitution/Cote_Dlvoire_2016.pdf?lang=en; Part 1 Arrest, 4.b., - <https://www.refworld.org/docid/5799fac04.html>

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?

You have the right to remain silent: you do not have to respond to the officer (Article 7, Constitution -

https://www.constituteproject.org/constitution/Cote_Dlvoire_2016.pdf?lang=en).

You have the right to remain silent without a lawyer being present if you have been arrested by the police (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

Must I confess?

You have the right to remain silent: you do not have to respond to the officer (Article 7, Constitution - https://www.constituteproject.org/constitution/Cote_Dlvoire_2016.pdf?lang=env).

You have the right to remain silent without a lawyer being present if you have been arrested by the police (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

What adults can I ask to be with me?

You have the right to have a lawyer present from the moment of arrest and at all next stages of the criminal justice process (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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.

(no primary source, general advice usually being given).

What if I am just a witness?

You can request a lawyer to be present (Article 76-2, Penal Procedure Code - <https://www.gouv.ci/doc/accords/1511864737CODE-PROCEDURE-PENALE.pdf>).

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.

(no primary source, general advice usually being given).

Can the police lie to me?

The law does not address this question specifically.

Do I have to tell the police the truth?

The law does not explicitly order you to tell the truth to the police.

However, it can be in your best interest to cooperate and tell the truth.

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 file a complaint with the Commission on Human Rights under the Commission on Human Rights and Administrative Justice Act (1993) (CHRAJ) - <https://chraj.gov.gh/>.

The Constitution protects you from unlawful detention: the police cannot arrest or detained you unless they have a good reason to (https://www.constituteproject.org/constitution/Cote_D'Ivoire_2016.pdf?lang=en).

Disclaimer

The materials and content provided on this website are for general information only and are not intended as legal advice. Although we strive to provide accurate and up to date legal information, we cannot promise it is error free or that it is suitable for your specific concerns. Therefore, you should contact an attorney to obtain legal advice for any issue specific to your situation. If you use the materials and information provided on this site or links to other websites, it does not create an attorney-client relationship between us or any providers of information you find on this website, and we take no responsibility for any information linked to this website.

The materials and content are provided as-is with no warranty of any kind. We disclaim all express and implied warranties, including the implied warranties of merchantability, fitness for particular purpose. Under no circumstances will we or our contributors be liable for any consequential, indirect, incidental, special or punitive damages or lost profits, whether foreseeable or unforeseeable, under any legal theory. Some states do not allow the exclusion of implied warranties or the limitation of incidental or consequential damages, so the above limitation and exclusions may not apply to you.

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.

Baker McKenzie International is a Swiss Verein with member law firms around the world. In accordance with the common terminology used in professional service organizations, reference to a "partner" means a person who is a partner, or equivalent, in such a law firm. Similarly, reference to an "office" means an office of any such law firm.

Law is generally described as of May 2025.