

**Baker
McKenzie.**

Real Rights: young people engaging with law enforcement



Bern, Switzerland



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?
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- 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 are innocent or if you think the police are acting unfairly or unlawfully.

Are the police allowed to stop me on the street?

Yes. Police officers are allowed to stop you on the street and ask you basic questions about who you are.

Source: [Swiss Criminal Procedure Code, Art. 215](#).

What questions do I have to answer?

You must tell the police officer your personal details (such as name, address, date of birth, etc.), but that is all.

You don't have to say anything else, and you don't have to answer any further questions.

Sources: [Swiss Criminal Procedure Code, Arts. 215](#) and [217](#).

Do the police have to tell me why I am being stopped and questioned?

There is no requirement that a police officer must tell you why they have stopped you, but you may ask them to explain the reasoning for their stop if you think it is appropriate to do so.

There is no source for this. As the law does not state that the police have to inform the individual in these cases, the police do not have to.

If I'm asked to go to a police station, does this mean that I'm being arrested?

No — the police must tell you if you are being arrested, but they may ask you to go with them to a police station to check that you are who you say you are.

If they think that you may be able to help them with the investigation of an offense/crime, then they may ask you some more questions and search you and/or your property.

Remember: you must tell the police officer your name, your current address and your date of birth, but that is all. You don't have to say anything else, and you don't have to answer any further questions.

Sources: [Swiss Criminal Procedure Code, Arts. 215](#) and [219](#).

Can the police arrest you for refusing to answer questions?

Where police have caught you in the act of committing a crime or have stopped you immediately after committing a crime and you refuse to provide your personal details, the police are permitted to arrest you. Your obligation to answer is limited to providing your personal details.

However, if you are not committing a crime or suspected of committing a crime, the police cannot arrest you for refusing to answer questions.

Source: [Swiss Criminal Procedure Code, Art. 217](#).

What if the officers do not identify themselves?

Police officers should voluntarily give you their name and ID number. If they do not, you are permitted to ask.

Officers may be undercover. If so, they are allowed to withhold their identity.

Source: [Swiss Criminal Procedure Code, Art. 151](#).

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

Listen to what the officer has to say as there may not be any further actions on your part. Be patient and respectful, but cautious, and do not assume there is a reason to be concerned until you have heard what the police officer has to say.

Remember: you must tell the police officer your name, your current address, and your date of birth — but that is all. You don't have to say anything else, and you don't have to answer any further questions.

Source: [Swiss Criminal Procedure Code, Art. 215](#).

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

If you are concerned and you wish to know the true identity of the person speaking to you, then ask them for their name and ID number.

Officers may be undercover. If so, they are allowed to withhold their identity.

Source: [Swiss Criminal Procedure Code, Art. 151](#).

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

You are able to appoint a lawyer before you speak. However, this will happen after you have been arrested. A lawyer will automatically be given to you where you cannot protect your own interests i.e., if you are too young or considered not to have the mental capacity to protect your own interests. You do not have to say anything to the police officer besides giving them the basic information about yourself.

Sources: [Swiss Criminal Procedure Code, arts. 129, 130 and 215](#).

If I sit down, am I resisting?

Resisting arrest is the crime of preventing or hindering an arrest. If you sit down while the police are talking to you, explain to them that you are sitting down and why you are doing so. We do not recommend that you sit down if the police have indicated that they plan to or are in the process of arresting you.

Source: [Article 285 of the Swiss Criminal Code](#)

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

It is not a good idea to run away from the police, as you may be considered to be resisting arrest and you could end up in more trouble, or the police may believe they need to take more extensive measures. Be patient and do not assume there is a reason to be concerned until you have heard what the police officer has to say.

In certain circumstances, fleeing may be considered resisting arrest, which is a separate crime.

Source: [Swiss Criminal Code, arts. 286 and 305](#); [Swiss Supreme Court BGE 124 IV 127](#)

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

You should not advise or influence others to run away from the police. They could end up in more trouble or the police may think they need to take more extensive measures. Be patient and do not assume there is a reason to be concerned until you have heard what the police officer has to say.

In certain circumstances, fleeing may be considered resisting arrest, which is a separate crime. Your involvement (telling others to run) could be considered as incitement.

Source: [Swiss Criminal Code, arts. 286, 305 and 24](#); [Swiss Supreme Court BGE 124 IV 127](#)

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

The police should inform you of the reason for the arrest in a language you can understand. However, they may not be able to speak your native language when they first encounter you, and this requirement doesn't really come into play until after your arrest.

Source: [Swiss Criminal Procedure Code, Art. 219](#).

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

Yes. Police officers are allowed to stop you on the street for the purpose of investigating an offense, whether or not you were involved.

Source: [Swiss Criminal Procedure Code, Art. 215](#).

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 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?

If the police think your phone has information on it that would be evidence that a crime has happened, they can search it without consent. However, the police generally needs a warrant. They can obtain a respective warrant orally by phone from a public prosecutor. Only in case of urgency can the police search your phone without a warrant. You can request that your phone be sealed if it contains privileged information of the accused, sensitive personal information on the accused, personal correspondence with close relatives or spouses of the accused, or privileged correspondence of another person.

Sources: [Swiss Criminal Procedure Code, Arts. 246, 248, 249](#) and [264](#).

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

If you are stopped, held or arrested by the police, they can ask you to show them your phone, but you don't have to hand over the phone or the password if they ask you to.

The police can ask a court to give them the power to take your phone and search it. The court will then decide if you must give the police your password.

If the police think your phone has information on it that would be evidence that a crime has happened, they can search it without consent.

You can request that your phone be sealed (see answer above).

Sources: [Swiss Criminal Procedure Code, Arts. 215, 241, 246, 248, 263](#) and [264](#).

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

If you are stopped, held or arrested by the police, they can ask you to show them your phone, but you don't have to hand over the phone or the password if they ask you to.

The police can ask a court to give them the power to take your phone and search it. The court will then decide if you must give the police your password.

If the police think your phone has information on it that would be evidence that a crime has happened, they can search it without consent.

You can request that your phone be sealed (see answer above).

Sources: [Swiss Criminal Procedure Code, Arts. 215, 241, 246, 248, 263 and 264](#).

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 stopped, held or arrested by the police, they can ask you to show them your phone, but you don't have to hand over the phone or the password if they ask you to.

The police can ask a court to give them the power to take your phone and search it. The court will then decide if you must give the police your password.

If the police think your phone has information on it that would be evidence that a crime has happened, they can search it without consent.

You can request that your phone be sealed (see answer above).

Sources: [Swiss Criminal Procedure Code, Arts. 215, 241, 246, 248, 263 and 264](#).

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

The police are able to tap phone lines and emails for surveillance purposes, and can track movement through hacking into your mobile phone. The police can also ask for government permission to hide cameras and listen to your phone calls, but all of these actions can only be utilized in relation to felonies. However, the actual usage of these tactics does not appear to be limited to the circumstances prescribed by law.

The police need to have a "strong suspicion" to use these tools. The tools used need to be reasonable and proportioned to the suspicion. If the tools would invade your rights to privacy then the police must get a warrant signed by the court. If they have a warrant, police are permitted to obtain fingerprints, handwriting and voice samples to identify you.

Sources: [Swiss Criminal Procedure Code, Arts. 260 and 262](#); Swiss police tracking mobile users ([link](#)); Swiss spies track and hack more often ([link](#)); and Wiretapping mainly targets less serious crimes ([link](#)). See also Freiwald, Susan and Métille, Sylvain, Reforming Surveillance Law: The Swiss Model (2013). Berkeley Technology Law Journal, Vol. 28, 2013, Available at SSRN: <https://ssrn.com/abstract=2369075>.

Disclaimer: Please note several of these sources are online articles. We do not promote the publishers of these sources, nor can we confirm these sources are routinely updated.

Can the police search my backpack or another item I am carrying?

The police need your consent to search your belongings, unless they suspect that they will find forensic evidence or things that they must take away. "Forensic evidence" means evidence that can help to establish the guilt or innocence of possible suspects.

In general, you do not have to allow the police to search your belongings, unless they have a written warrant. However, the police can search your belongings without a warrant in cases of urgency. If they do this, they must confirm what they have done in writing.

Sources: [Swiss Criminal Procedure Code, Arts. 241, 246, 249 and 263](#).

Can the police take my picture or record me?

Yes. To fulfill their statutory duties, the police may use technical equipment to monitor generally accessible places openly or covertly and, where necessary, make video and audio recordings.

Source: [Relevant cantonal police act, e.g. § 32 of the police act of the canton of Zurich.](#)

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

In certain circumstances, yes. The police have the power to stop you and question you when investigating a crime, which includes questions about where you are going.

Source: [Swiss Criminal Procedure Code, Art. 215.](#)

Reasons the 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 the 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 more than three years), a misdemeanor for a less serious crime (with jail time of up to three years) or a violation (offense).
- 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?

Yes, you must still answer certain questions. If you are stopped by the police, you only have to state your name, your current address, your occupation, your date of birth, etc.

If you do not have an address, they will probably ask you the name of a guardian and to state an address where this person can be contacted.

Sources: [Swiss Criminal Procedure Code, Arts. 206](#) and [215](#).

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

It is not a legal requirement for you to correct them. It is recommended that you speak with a lawyer before speaking to officers or even correcting what they are saying. This is true even if you think there is a misunderstanding.

Always check with the police what the purpose of the conversation is.

Unless brought in formally for questioning under a formal summons, you are not required to tell them anything apart from your personal details.

Sources: [Swiss Criminal Procedure Code, Arts. 159, 206](#) and [215](#).

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

In this case, the police are not ordering you to provide any details. You are not required to provide them with any information.

Even though it is convenient to cooperate, you are not legally required to provide them with any information voluntarily.

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Source: [Swiss Criminal Procedure Code, Art. 215](#).

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?

The police can only arrest you if they have an arrest warrant or if they have caught you committing a crime (an offense is in some cases sufficient), or if you are suspected of having committed a crime. Otherwise, you are not legally under arrest.

If you are under arrest, you have the rights associated with an accused person. This means that the police must inform you of your rights in a language that you understand. This includes the following information:

- That preliminary proceedings have been instituted against you and which criminal offenses are the subject of the proceedings
- You may refuse to testify and cooperate
- You are entitled to appoint a defense (lawyer) or, if necessary, request an official defense
- You may request a translator

Please note that if you are not arrested but your friend is, you may be invited for questioning as a witness. Witnesses have to cooperate unless this would incriminate yourself, or the accused person is a close relative or your spouse. The police must tell you in which capacity you are being interrogated. You may also be interrogated as an informant, in which case the same rules as for the accused person apply for the interrogation (unless you constituted yourself as a private claimant).

When you are placed under arrest, you will be informed of your rights by the police. If they do not do so, you can ask them why you have been arrested and what your rights are. If you have been arrested, the police must either release you or hand you over to the public prosecutor for further action within 24 hours.

If you are not under arrest, you can only be asked for your details along with any minor questions, for them to check if you have committed the offense. Anything else that you say will not be admitted in evidence against you.

Sources: [Swiss Criminal Procedure Code, Arts. 217, 219, 158, 159, 178, 179 and 180](#).

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, etc.) and me agreeing to the search?

If the police decide to search or examine you or your personal belongings, they need to have a written warrant. Without that, you are not required to give them anything. This written warrant must have the name of the persons authorized to search and also clearly state the purposes of the search.

If you consent to a search of you and your possession(s), they will proceed. This is giving up your right and your freedom, and may not be a good idea. If you do give up your right, it is a good idea to have a witness with you that can confirm the procedure. This is only a recommendation and there is no law that you are required to have a witness.

Having a witness may be useful so that they can be proof of the search and how it happened, which they can provide in the form of a witness statement.

Sources: [Swiss Criminal Procedure Code, Arts. 241, 246, 249 and 263](#); see also, [this guide](#).

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What is the difference between the police telling me to give them information versus them asking and me providing answers voluntarily?

The police can stop you and ask you certain questions if they are investigating an offence. They can ask you to identify yourself and may ask you to show them identifying documents such as your identity card or passport.

The main purpose of this is for them to see if you have committed an offence.

You are not required to answer any further questions, but you can choose to do so voluntarily. In this case, just ensure that whatever you are saying is accurately recorded by the police.

The police may issue a summons for you to appear and answer certain questions. In this case, be clear to read what is on the summons. It may include a warning that they may bring you to an authority if you fail to comply with the summons.

If you were given no such warning, then there will be no power to do so.

Sources: [Swiss Criminal Procedure Code, Arts. 205, 206 and 215](#); see also [this guide](#) at p. 18.

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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, as follows:
 - When the crime is committed in front of the police officers
 - When the officer has probable cause (reason to suspect) that the suspect has committed a felony, whether or not the act was done in front of them.

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

Yes, you can be stopped by the police even if you have done nothing wrong. When investigating whether a crime has been committed, the police can ask you brief questions or for ID.

Sources: [Swiss Criminal Procedure Code, Art. 215](#); see also [Wa Baile v. Switzerland](#).

Can I ask for the reason they stopped me?

There is no requirement that a police officer must tell you why they have stopped you, but you may ask them to explain the reasoning for their stop if you think it is appropriate to do so.

Source: There is no source for this. As the law does not state that the police has to inform the individual in these cases, the police does not have to.

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

You should take notes of the actions taken by the police and their appearance for future reference if you or your friend decide to make a complaint against the police. However, you do not have any rights allowing you to advocate on that person's behalf.

Source: [this guide](#).

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

You may do the following:

- Question the officers' motives: "Why are you stopping me?"
- Ask the police officers to tell you their name and badge number. They may refuse to give you an answer. Therefore, it is important to make a note of the police officers' appearance.
- Engage nearby pedestrians by asking if they can observe the police officer's conduct. After your interaction with the police, ask other bystanders for their email address or phone number. Ask them to write a witness statement.
- State your rights by saying "I do not consent to the search." The police have the authority to empty your pockets and frisk you for weapons in public, but they cannot strip search you in public.
- Take notes: After the identity check, write a report of the event. Write down the place, date and make a detailed report with the names of the police officers, and the names and contact details of witnesses.

If your rights have been violated by the police, you can contact the ombudsman's office of the canton or the internal complaints office in the Department of Justice and Security directly. The latter is a neutral complaints body independent of the administration. Ombudsmen are currently available in Bern. If you want to file a complaint at the cantonal court, you need to do so within 10 days.

For the city of Bern the link to the Ombudsman is available [here](#).

Zurich: [Ombudsstelle des Kantons Zürich \(zh.ch\)](#)

Geneva: [Contact the Administrative Mediation Office \(BMA\) | ge.ch](#)

Sources: [Swiss Criminal Procedure Act, Arts. 393, 395 and 396](#).

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

Yes, you can ask the police officer to tell you their name and badge number. However, they are not required to give you this information. If they refuse to give you an answer, so it is important to make a note of the police officers' appearance so you can refer to it if you make a complaint later on.

Source: [this guide](#).

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How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

- By law, after the arrest, the police must immediately establish the identity of the arrested person, inform the arrested person in a language they understand of the reasons for the arrest and inform them of their rights (see answer to question 3.d.). They shall then immediately inform the public prosecutor's office of the arrest (Article 219 of the Swiss Criminal Procedure Act).
- 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
 - An officer warns you about 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?

If you do not know whether you are under arrest, you can ask the police. If you are being arrested, the police officer should ask for your name and immediately tell you the reasons for your arrest, and explain your rights in a language that you understand.

If they don't do this, you can ask the officer for the reason for your arrest and the particular behavior that caused them to arrest you. You can also ask for the officer to contact your parents or legal guardian immediately.

However, if the suspicion and the grounds for detention are confirmed, the public prosecutor's office shall apply to the compulsory measures court without delay, but at the latest within 48 hours of the arrest, for an order for pre-trial detention or a substitute measure. The compulsory measures court shall decide without delay, but at the latest within 48 hours of receipt of the application. Hence, the detention can last up to a maximum of 96 hours after the arrest before the compulsory measures court decides on the detention.

Source: [Swiss Criminal Procedure Code, Art. 219](#) and [Art. 224](#)

What is the difference between detention and arrest?

The police have the power to arrest someone who has committed, or they suspect has committed, a felony or misdemeanor based on police enquiries or other reliable information. The police can also arrest a person if there is a warrant out for their arrest.

After making an arrest, the police have the power to detain a person for up to 24 hours while they ask questions, gather evidence and investigate the crime. If the investigation reveals that a crime has been committed, the arrested person may be charged, otherwise the person shall be immediately released.

However, if the suspicion and the grounds for detention are confirmed, the public prosecutor's office shall apply to the compulsory measures court without delay, but at the latest within 48 hours of the arrest, for an order for pre-trial detention or a substitute measure. The compulsory measures court shall decide without delay, but at the latest within

48 hours of receipt of the application. Hence, the detention can last up to a maximum of 96 hours after the arrest before the compulsory measures court decides on the detention.

Sources: [Swiss Criminal Procedure Code, Arts. 217, 219, 224, 225 and 226](#).

If I am handcuffed, am I arrested?

If you are placed in handcuffs, this probably means you have been arrested, but the police officer must tell you the reasons for your arrest, so this should become clear. If they don't, you should ask the police officer if you are under arrest and the reason for you being placed in handcuffs. However, being handcuffed is not a sure sign that you are under arrest, so do not take this as a guarantee.

Source: [Swiss Criminal Procedure Code, Art. 219](#).

If my liberty is restricted, am I under arrest?

The police are empowered to use reasonable force as a last resort when carrying out certain policing functions. If lawfully detained, you may also feel this way. However, this does not necessarily mean that you are under arrest. A police officer should always tell you if you are being arrested.

Source: [Swiss Criminal Procedure Code, Art. 219](#).

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 the police?

After you have been read your rights, evidence obtained by the police when speaking to you may then be used in court.

Any evidence obtained by the police when speaking to you during an examination hearing, if your rights were not communicated to you, cannot be used as evidence in court.

If you are taken to the police station and questioned, you have the right to remain silent.

You only have to give the following information:

- Surname
- Given name
- Address where you are registered
- Date of birth
- Profession (not the employer)
- Name of parents

Do not sign anything you do not understand or disagree with. However, in certain situations, it may be useful to make a statement to defuse the situation.

Sources: [Swiss Criminal Procedure Code, Art. 158](#); see also, [this guide](#) at p. 18.

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

No, it does not matter because the police can question you (and therefore potentially try to get evidence) at any stage of the criminal proceeding.

Source: [Swiss Criminal Procedure Code, Art. 157](#).

Police questioning you

Proposed Information

It is important to follow this advice:

- You are not required to make a statement and must only answer certain basic questions if you are not under arrest.
- If the police have arrested you and if you are under the age of 18, the police are required to immediately notify your parent, caretaker or legal guardian.

Am I required to make a statement?

No. You must tell the police officer your personal details (such as name, address, date of birth, etc.), but that is all.

You don't have to say anything else, and you do not have to answer any further questions.

Sources: [Swiss Criminal Procedure Code, Arts. 215](#) and [217](#).

Must police notify my guardian?

The Federal Constitution of the Swiss Confederation says that any person who is deprived of their liberty has the right to have their next-of-kin informed.

Being deprived of liberty means that the person is not free to leave.

A next-of-kin is a person's closest living relative. For example, a person's parent, brother or sister.

Source: [Federal Constitution of the Swiss Federation, Art. 31](#).

Must I confess?

After you have been read your rights, evidence obtained by the police when speaking to you may then be used in court.

Any evidence obtained by the police when speaking to you during an examination hearing, if your rights were not communicated to you, cannot be used as evidence in court.

The right to remain silent

If you are taken to the police station and questioned, you have the right to remain silent.

You only have to give the following information:

- Surname

- Given name
- Address where you are registered
- Date of birth
- Profession (not the employer)
- Name of parents

Do not sign anything you do not understand or disagree with. However, in certain situations, it may be useful to make a statement to defuse the situation.

This applies equally to confessions, and you do not need to provide one as it is not included in the required information listed above.

Sources: [Swiss Criminal Procedure Code, Art. 158](#); see also, [this guide](#) at p. 18.

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What adults can I ask to be with me?

The Federal Constitution of the Swiss Confederation says that any person who is deprived of their liberty has the right to have their next-of-kin informed.

Being deprived of liberty means that the person is not free to leave.

A next-of-kin is a person's closest living relative. For example, a person's parent, brother or sister.

However, there is no Swiss law requiring that a parent or legal guardian be present when you are being questioned. The best action to take is to remain silent and ask for a lawyer.

Sources: [Federal Constitution of the Swiss Federation, Art. 31](#) and [Swiss Criminal Procedure Code, Art. 159](#).

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

Article 31 of the Federal Constitution of the Swiss Confederation says that any person who is deprived of their liberty has the right to have their next-of-kin informed.

Being deprived of liberty means that the person is not free to leave.

A next-of-kin is a person's closest living relative. For example, a person's parent, brother or sister.

Source: [Federal Constitution of the Swiss Federation, Art. 31](#).

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?

A person who is called to provide information as a witness can refuse to collaborate. However, any person who can testify (ability to discern and older than 15 years old) and is listed as a witness must testify and tell the truth. There are exceptions to this, e.g., when the witness and the accused are related through marriage or familial relationship.

Source: [Swiss Criminal Procedure Code, Art. 163](#).

Do the 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?

There is no requirement for the police to be truthful with you. When dealing with the police, answer cautiously and calmly, as you may not know their motives.

Source: [●]

Do I have to tell the police the truth?

If you are not sure whether you want to testify or not, you may refuse to testify.

If you do testify, do not invent stories. Those stories are highly likely to be found out later, particularly if other people (including suspects or witnesses) have also been questioned or data has been searched. You will make yourself untrustworthy later in court. If you do not know the answer to a question, tell them you do not know the answer.

Sources: [Swiss Criminal Procedure Code, Arts. 168](#) and [169](#).

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 your rights have been violated by the police, you can contact the ombudsman's office of the canton or the internal complaints office in the Department of Justice and Security directly. The latter is a neutral complaints body independent of the administration. Ombudsmen are currently available in Bern. If you want to file a complaint at the cantonal court, you need to do so within 10 days.

For the city of Bern, the link to the ombudsman is available [here](#).

Zurich: [Ombudsstelle des Kantons Zürich \(zh.ch\)](#)

Geneva: [Contact the Administrative Mediation Office \(BMA\) | ge.ch](#)

Fribourg: [Contact Autorité cantonale de la transparence, de la protection des données et de la médiation | Etat de Fribourg](#)

Sources: [Swiss Criminal Procedure Act, Arts. 393, 395 and 396.](#)

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

Proposed Information

It is important to follow this advice:

You may do the following:

- Question the officers' motives: "Why are you stopping me?"
- Ask the police officers to tell you their name and badge number. They may refuse to give you an answer. Therefore, it is important to make a note of the police officers' appearance.
- Engage nearby pedestrians by asking if they can observe the police officer's conduct. After your interaction with the police, ask other bystanders for their email address or phone number. Ask them to write a witness statement.
- State your rights by saying "I do not consent to the search." The police have the authority to empty your pockets and frisk you for weapons in public, but they can't strip search you in public.
- Take notes: After the identity check, write a report of the event. Write down the place, date and make a detailed report with the names of the police officers, and names and contact details of witnesses.

If your rights have been violated by the police, you can contact the ombudsman's office of the canton or the internal complaints office in the Department of Justice and Security directly. The latter is a neutral complaints body independent of the administration. Ombudsmen are currently available in Bern. If you want to file a complaint at the cantonal court, you need to do so within 10 days.

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[ZÜRAS - Home \(zueras.ch\)](#)

Geneva: [Contact the Administrative Mediation Office \(BMA\) | ge.ch](#)

General help, other than discrimination: [Finding support and a sympathetic ear | Ville de Genève - Site officiel \(geneve.ch\)](#)

Phone numbers for racism and discrimination, as well as domestic or physical, sexual or psychological violence: [Victim of violence or discrimination? - CCSI : CCSI](#)

Specifically for migrants: [Help and information - CCSI : CCSI](#)

Fribourg: [Prévention du sexisme, de la discrimination ou de l'abus de pouvoir | Etat de Fribourg](#)

[Comment Info-Racisme peut-il vous aider? \(inforacisme.ch\)](#)

[Contact Autorité cantonale de la transparence, de la protection des données et de la médiation | Etat de Fribourg](#)

Particularly if you are a student at the University of Fribourg: [Finding help | Campus | University of Fribourg \(unifr.ch\)](#)

[Discrimination, respect & harassment | Campus | University of Fribourg \(unifr.ch\)](#)

Sources: [Swiss Criminal Procedure Act, Arts. 393, 395 and 396.](#)

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

You may do the following:

- Question the officers' motives: "Why are you stopping me?"
- Ask the police officers to tell you their name and badge number. They may refuse to give you an answer. Therefore, it is important to make a note of the police officers' appearance.
- Engage nearby pedestrians by asking if they can observe the police officer's conduct. After your interaction with the police, ask other bystanders for their email address or phone number. Ask them to write a witness statement.
- State your rights by saying "I do not consent to the search." The police have the authority to empty your pockets and frisk you for weapons in public, but they cannot strip search you in public.
- Take notes: After the identity check, write a report of the event. Write down the place, date and a detailed report, with the names of the police officers, and names and contact details of witnesses.

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[Discrimination, respect & harassment | Campus | University of Fribourg \(unifr.ch\)](#)

Sources: [Swiss Criminal Procedure Act, Arts. 393, 395 and 396.](#)

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 your rights have been violated by the police, you can contact the ombudsman's office of the canton or the internal complaints office in the Department of Justice and Security directly. The latter is a neutral complaints body independent of the administration. Ombudsmen are currently available in Bern. If you want to file a complaint at the cantonal court, you need to do so within 10 days.

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Sources: [Swiss Criminal Procedure Act, Arts. 393, 395 and 396.](#)

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Law is generally described as of January 2024.

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