

Real Rights: young people engaging with law enforcement



French Guiana



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.
- 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.

French law gives the police broad powers to conduct identity checks without suspicion of a crime, including in public transport stations and any other area that has been designated by a prosecutor.

At the beginning of the arrest and detention, the police must inform the district attorney

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Code of procedure - [Article 63](#)

Can the police arrest you for refusing to answer questions?

No. In most cases, you are not obligated to answer police questions. However, to avoid being held for a long time, it may be a good idea to give them your identity and answer what they ask you.

You cannot be punished for refusing to answer a question, but you cannot refuse a police or gendarmerie check.

The French Code of Criminal Procedure ([art. L116](#)) makes it compulsory that when an investigating judge hears a suspect, he must warn him that he has the right to remain silent, to make a statement, or to answer questions.

What if the officers do not identify themselves?

You have the right to ask them to identify themselves. Unless an exception is warranted, they must comply with the instructions regarding their identification badges.

If the officer is not in uniform, you may ask him to show you his identification badge.

Code of ethics of the police and the gendarmerie in France - Article R. 434-15

https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006418557

<https://www.interieur.gouv.fr/sites/minint/files/medias/documents/2022-07/code-deontologie-police-gendarmerie-version-anglaise.pdf>

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

Stay calm. Try to listen what they say. It is not a good idea to run. It is advisable to do so to show good will.

You have the right to remain silent.

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

Although it is not mandatory to answer questions from a police officer who has not identified himself/is not in the performance of his duties, it is advisable to do so to show a good predisposition.

You have the right to ask them to identify themselves. Unless there are justified exceptions, they must comply with the instructions regarding their badges.

If the officer is not in uniform, you may ask him to show you his identification badge in order to know his details.

Code of ethics of the police and the gendarmerie in France - [Article R. 434-15](#)

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

You have a constitutional right to speak to an attorney before answering questions. If you do not want to, you have the right to remain silent.

The French Code of Criminal Procedure ([Article L116](#)) " When the provisions of article 80-2 have been applied and the person is assisted by a lawyer, the investigating magistrate, after informing the person of his right to make statements, answer questions put to him or remain silent, shall proceed with the interrogation; the person's lawyer may present his defense to the investigating magistrate"

If I sit down, am I resisting?

Only if with this behavior you prevent police officers from performing their duties or you are asked not to do so. Otherwise, the crime of resistance to authority is only committed during the use of threats, intimidation or physical force against the authorities.

[The Declaration of the Rights of Man and of the Citizen | Élysée \(elysee.fr\)](https://elysee.fr/en/declaration-of-rights-of-man-and-of-the-citizen)

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

No, stay calm. Any act that the police deem suspicious can be stopped, so try not to run away unless your life is in danger. Also, you have a right to know why you are being stopped in the first place.

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

Running may put yourself and others in a worse position because it can potentially provide a police officer with authority to take further action against you.

Try to stay calm. Don't run. Don't argue, resist or obstruct the police, even if you are innocent or police are violating your rights. Keep your hands where the police can see them.

You can ask if you all are free to leave. If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why.

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

If you do not speak or understand French, you have the right to have the free assistance of an interpreter.

https://fra.europa.eu/sites/default/files/fra_uploads/rights-suspected-persons-country_fr.pdf

Article D.594-3 of the CCP .The interpreter assists the person at the time of the questioning and exchanges with their lawyer.

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

French law gives the police extensive prosecutorial and judicial independence to carry out identity checks without suspicion of crime, including in public transport stations and any other area.

In addition, the police exercise their functions with total impartiality. They pay equal attention and respect to all persons. They make no distinctions in their actions or remarks that may constitute one of the forms of discrimination described in article 225-1 of the Criminal Code 1.

Code of Criminal Procedure - Article 63 - A judicial police officer may, where this is necessary for an inquiry, arrest and detain any person against whom there exist one or more plausible reasons to suspect that they have committed or attempted to commit an offence. At the beginning of the arrest and detention he informs the district prosecutor. The person so placed in custody may not be held for more than twenty-four hours. However, the detention may be extended for a further period of up to twenty-four hours on the written authorization of the district prosecutor. The district prosecutor may make this authorization conditional on the prior production before him of the person detained. On instructions given by district prosecutor, any persons against whom the evidence collected is liable to give rise to a prosecution are, at the end of the police custody, either set free or referred to the district prosecutor. For the implementation of the present article, the area jurisdiction of the Paris, Nanterre, Bobigny and Créteil district courts constitute a single jurisdiction.

When can police search you and your surroundings?

Proposed Information

It is important to follow this advice:

Only a judicial police officer (OPJ) or a gendarme can search a person's personal belongings, in cases of flagrante delicto, preliminary investigation or rogatory commission.

- 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.

<https://www.demarches.interieur.gouv.fr/particuliers/controle-securite-fouille-corporelle-verification-sac-vehicule#:~:text=La%20fouille%20dans%20les%20affaires,pr%C3%A9liminaire%20ou%20de%20commission%20rogatoire.>

Code of Criminal Procedure - Article 63 - A judicial police officer may, where this is necessary for an inquiry, arrest and detain any person against whom there exist one or more plausible reasons to suspect that they have committed or attempted to commit an offence. At the beginning of the arrest and detention he informs the district prosecutor. The person so placed in custody may not be held for more than twenty-four hours. However, the detention may be extended for a further period of up to twenty-four hours on the written authorization of the district prosecutor. The district prosecutor may make this authorization conditional on the prior production before him of the person detained. On instructions given by district prosecutor, any persons against whom the evidence collected is liable to give rise to a prosecution are, at the end of the police custody, either set free or referred to the district prosecutor.

What if a police officer wants to search my phone?

A police officer cannot search your phone or other electronic devices without a warrant or unless you are found committing a crime.

Police officers have the power to stop and search you if they have 'reasonable grounds'. They aren't legally allowed to look through your phone unless you give them permission.

Only a judicial police officer (OPJ) or a gendarme can search a person's personal belongings, in cases of flagrante delicto, preliminary investigation or a rogatory commission. A customs officer may search in the course of a search for fraud.

Code of ethics of the police and the gendarmerie in France [Article R. 434-16](#)

Identity checks – Identity checks When an identity check is authorized by law, police and gendarmerie personnel do not use any physical feature or distinctive mark to choose whose identity is to be checked, unless there is a specific alert justifying this. Identity checks are done without harming the dignity of the person who is checked. The pat-down search is only a security measure. It is not a systematic measure. It may only be done if it is necessary to ensure the security of the police officer or the gendarme who performs it or the security of other people. Its aim is to check that the person under scrutiny is not carrying any object that is dangerous for him/herself or others. Every time that circumstances allow it, the pat-down search must be done out of sight of the public.

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

You have the right to refuse and to say "no" because only people suspected or accused of a crime are obliged to reveal their cell phone password to the investigating authorities. If your

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phone is password protected, this provides you with a kind of protective shield in case of arrest or police interrogation. Furthermore, The French Court of Cassation has ruled that people who are suspected or accused of a crime are obliged to reveal the passcode of their mobile phone to the investigative authorities.

<https://www.fairtrials.org/articles/news/french-court-rules-that-refusing-to-disclose-a-mobile-passcode-to-law-enforcement-is-a-criminal-offence/#:~:text=%E2%80%9CAnyone%20who%20is%20suspected%20or,mobile%20phones%20threatens%20this%20right.>

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

You have the right to refuse and to say "no". If your phone is password protected, this provides you with a kind of protective shield in case of arrest or police interrogation.

Only a judicial police officer (OPJ) or a gendarme can search a person's personal belongings, in cases of flagrante delicto, preliminary investigation or rogatory commission.

The French Court of Cassation has ruled that people suspected or accused of a crime are obliged to reveal their cell phone's access code to the investigating authorities.

<https://www.fairtrials.org/articles/news/french-court-rules-that-refusing-to-disclose-a-mobile-passcode-to-law-enforcement-is-a-criminal-offence/>

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 refuse and to say "no". If your phone is password protected, this provides you with a kind of protective shield in case of arrest or police interrogation.

Only a judicial police officer (OPJ) or a gendarme can search a person's personal belongings, in cases of flagrante delicto, preliminary investigation or rogatory commission.

The French Court of Cassation has ruled that people suspected or accused of a crime are obliged to reveal their cell phone's access code to the investigating authorities.

[French Court rules that refusing to disclose a mobile passcode to law enforcement is a criminal offence - Fair Trials](#)

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

According to data protection regulations, France is prohibited from processing biometric data, including facial images, so the use of facial recognition software by police authorities is banned in France.

Although this is still prohibited, this provision has recently been made more flexible for testing purposes in the context of the next Olympic Games in Paris in 2024.

[REGULATION \(EU\) 2016/ 679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL - of 27 April 2016 - on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/ 46/ EC \(General Data Protection Regulation\) \(europa.eu\)](#)

[Polícia francesa acusada de usar software de reconhecimento facial ilegalmente – Euractiv](#)

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

Only the judicial police officer (OPJ) or a police officer may search a person's personal effects, in case of flagrante delicto, preliminary investigation or rogatory commission. A customs officer may carry out a search in case of fraud.

The police or gendarmerie officer may conduct a security search. The purpose of the security pat-down is to ensure that the person arrested is not carrying any dangerous objects. No consent is required. The pat-down must be performed by a person of the same sex as the person being searched.

A pat-down search, also called a pat-down search, consists of searching a person's body for objects that could be used to commit a crime. The person may be required to undress. A full body search is only possible in the following 4 cases: Flagrante delicto Preliminary investigation, express agreement person Letters Search for customs fraud The full search must be essential to the investigation. It is only possible if security palpation or electronic means of detection are not sufficient. The search is carried out by a judicial police officer (OPJ) of the same sex as the person in an isolated, locked room. If the person refuses the search, the CPO must notify the prosecutor or the examining magistrate.

<https://www.service-public.fr/telechargerPdf?location=/particuliers/vosdroits/F32041&audience=particuliers&lang=en>

<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006151876/>

Can they take my picture or record me?

They can take a picture of you for identification purposes, but they cannot exhibit you or publish your image.

Can they ask me where I am going and why?

They may ask what you are doing, why you are in an area, where you are going, or what you are carrying. You don't have to answer any questions the police officer asks you.

Police checks must always be justified. Below is the list of legitimate reasons for control:

- Infraction check, carried out on a person suspected of having committed an offence;
- Control in a dangerous place;
- Control by order of the public prosecutor;
- Road check;
- Country border control.

<https://www.justifit.fr/b/guides/droit-penal/controle-de-police-ou-de-gendarmerie-vos-droits/>

Reasons the police may detain or arrest you

Proposed Information

It is important to follow this advice:

Police Custody is used for any person suspected of having committed, or attempted to commit, a crime punishable by imprisonment. Police Custody aims to meet certain objectives including preserving evidence, preventing coercion, stopping crime, etc.

Code of criminal procedure - [Article 63](#) - A judicial police officer may, where this is necessary for an inquiry, arrest and detain any person against whom there exist one or more plausible reasons to suspect that they have committed or attempted to commit an offence. At the beginning of the arrest and detention he informs the district prosecutor. The person so placed in custody may not be held for more than twenty-four hours. However, the detention may be extended for a further period of up to twenty-four hours on the written authorization

of the district prosecutor. The district prosecutor may make this authorization conditional on the prior production before him of the person detained.

Code of ethics of the police and the gendarmerie in France - [Article R. 434-17](#) - Protection and respect of persons arrested.

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

The police have a right to stop and question you at any time. However, in most cases you don't actually have to stop or answer any questions. Providing there's no actual reason for the police to think you've committed a crime, your refusal to answer questions can't be used as a reason to search or arrest you.

You do not have to talk to the police at all, except to give them your name. You do not have to answer their questions or say anything. Anything you say can be used against you in court, so it is important to talk to a lawyer before you answer to the police.

The French Code of Criminal Procedure ([Article L116](#))

During a (identity check) a police officer stops to check your identity, and it can only happen under certain conditions: they suspect you have committed or will commit a crime, you are in a 'dangerous' location where crime is known to occur, the public prosecutor has ordered an area to be watched, or you are operating a motorized vehicle (*contrôle routière*).

If you refuse to provide proof of identity, the police can find you guilty of refusing to obey or find you guilty of contempt and rebellion. If you do not have documents on your person to prove your identity, the officer can take you to the police station to check your identity there.

EU Charter of Fundamental Human Rights

[Article 11](#) - Freedom of expression and information

Everyone has the right to freedom of expression. This right includes freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

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

Yes, you can explain the situation, but stay calm and keep your hands visible at all times. Don't move them, don't reach for the cell phone or anything in your pocket.

EU Charter of Fundamental Human Rights - [Article 11](#) - Freedom of expression and information

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

Stay calm. Try to listen to what they say. It is not a good idea to run. It is advisable to do so to show good will.

Unless you are suspected of committing a crime, have a warrant or are asked to identify yourself, you have the right to remain silent.

The French Code of Criminal Procedure ([Article L116](#))

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?

The legal difference is that once you are informed you are under arrest, you Rights and Guarantees in the Constitution of France (the Constitution of the Fifth Republic) now apply.

Constitution of France (the Constitution of the Fifth Republic) [Article 34 and 73](#)

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

Proposed Information

It is important to follow this advice:

Simply stay quiet and kindly listen to the officers and respond to reasonable orders, comments or questions in a respectful manner.

If the action you are asked to take is reasonable, e.g., show your hands, approach, get out of your vehicle. It is advisable to do so. If the requested action seems contrary to the law, you may not do so.

[How to know if a police officer is asking me to do something or ordering me - Quora](#)

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

The search/requisition always has to be done voluntarily, otherwise there must be a court order involved. The exception is in cases of flagrante delicto, preliminary investigation or rogatory commission.

Code of Criminal Procedure - [Article 63](#)

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

The police cannot force you to deliver information. You can provide information voluntarily, yet they cannot force you to declare against yourself. Moreover, anyone who is suspected or accused of a crime has the right not to incriminate themselves. This is an essential guarantee of a fair trial, which helps to protect people from undue coercion during an investigation.

[Article 116](#) establishes the procedural guarantees of the accused.

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.
 - Has reasonable grounds to believe that you are the subject of an outstanding warrant.
 - Believes it is in the public interest to do so in order to establish your identity, preserve evidence or stop criminal activity.

The French Code of Criminal Procedure ([Article L116](#)) and ([Article L63](#))

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

French law gives the police extensive prosecutorial and judicial independence to carry out identity checks without suspicion of crime, including in public transport stations and any other area.

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In addition, the police exercise their functions with total impartiality. They pay equal attention and respect to all persons. They make no distinctions in their actions or remarks that may constitute one of the forms of discrimination described in article 225-1 of the Criminal Code.

The French Code of Criminal Procedure ([Article 63](#))

Can I ask for the reason they stopped me?

Yes, you have the right to be informed at all times.

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

Yes, but it is recommended not to take an abrupt action on this or do anything about it, in order to prevent misunderstandings.

Criminal Code - [Article 433-6](#)

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

The police and the gendarmerie are subject to the supervision of the Defender of Rights in accordance with his/her role as mentioned in Article 71-1 of the Constitution.

You may contact the Defender of Rights, who exercises the power of supervision, he/she can raise the matter with the authority in charge of initiating disciplinary proceedings with regard to the facts brought to his/her attention if they appear to justify a sanction.

[Article 71-1](#) of the Constitution.

[Article R. 434-24](#) – The Defender of Rights

<https://www.justice.fr/fiche/injure>

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

You have the right to request them to identify themselves. Unless an exception is justified, they have to comply with the instructions relating to their number tags.

If the officer doesn't wear a uniform, you can ask to see their warrant card for their details.

Code of ethics of the police and the gendarmerie in France - [Article R. 434-15](#)

How do you know if you are under arrest?

Proposed Information

It is important to follow this advice:

- You are under police custody if you do not feel free to leave an officer's presence, or if a reasonable person in your shoes would not feel free to leave.
- If the following happens, you are likely under arrest under the law:
 - an officer handcuffs you;
 - an officer forcibly holds you down;
 - an officer puts you into the back seat of a police car; or
 - an officer warns you about your rights.
- An officer only has to warn you of your rights before the police question you. This means an officer can arrest you before warning you of your rights.

- An arrest without rights warnings is still a valid arrest; it just may mean that evidence collected from it is not admissible in court later.

[What do French police say when arresting someone in France - brainly.com](https://brainly.com/question/11111111)

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

The arrest must be communicated verbally under penalty of due process.

If your rights are not communicated or, if you are in doubt, always remain calm, ask the officer for more information or speak to a lawyer if you feel you need to.

The police can arrest you if they have a legal form called an arrest warrant. If a judge has signed this form, the police can arrest you by showing or mentioning it.

The police officer must inform you immediately if you are detained, in a language you understand.

LAW n° 2011-392 of April 14, 2011 relating to police custody

[France: Reform of Police Custody | Library of Congress \(loc.gov\)](https://www.loc.gov/law/foreign-affairs/document/?xs=1&xs=2&xs=3&xs=4&xs=5&xs=6&xs=7&xs=8&xs=9&xs=10&xs=11&xs=12&xs=13&xs=14&xs=15&xs=16&xs=17&xs=18&xs=19&xs=20&xs=21&xs=22&xs=23&xs=24&xs=25&xs=26&xs=27&xs=28&xs=29&xs=30&xs=31&xs=32&xs=33&xs=34&xs=35&xs=36&xs=37&xs=38&xs=39&xs=40&xs=41&xs=42&xs=43&xs=44&xs=45&xs=46&xs=47&xs=48&xs=49&xs=50&xs=51&xs=52&xs=53&xs=54&xs=55&xs=56&xs=57&xs=58&xs=59&xs=60&xs=61&xs=62&xs=63&xs=64&xs=65&xs=66&xs=67&xs=68&xs=69&xs=70&xs=71&xs=72&xs=73&xs=74&xs=75&xs=76&xs=77&xs=78&xs=79&xs=80&xs=81&xs=82&xs=83&xs=84&xs=85&xs=86&xs=87&xs=88&xs=89&xs=90&xs=91&xs=92&xs=93&xs=94&xs=95&xs=96&xs=97&xs=98&xs=99&xs=100&xs=101&xs=102&xs=103&xs=104&xs=105&xs=106&xs=107&xs=108&xs=109&xs=110&xs=111&xs=112&xs=113&xs=114&xs=115&xs=116&xs=117&xs=118&xs=119&xs=120&xs=121&xs=122&xs=123&xs=124&xs=125&xs=126&xs=127&xs=128&xs=129&xs=130&xs=131&xs=132&xs=133&xs=134&xs=135&xs=136&xs=137&xs=138&xs=139&xs=140&xs=141&xs=142&xs=143&xs=144&xs=145&xs=146&xs=147&xs=148&xs=149&xs=150&xs=151&xs=152&xs=153&xs=154&xs=155&xs=156&xs=157&xs=158&xs=159&xs=160&xs=161&xs=162&xs=163&xs=164&xs=165&xs=166&xs=167&xs=168&xs=169&xs=170&xs=171&xs=172&xs=173&xs=174&xs=175&xs=176&xs=177&xs=178&xs=179&xs=180&xs=181&xs=182&xs=183&xs=184&xs=185&xs=186&xs=187&xs=188&xs=189&xs=190&xs=191&xs=192&xs=193&xs=194&xs=195&xs=196&xs=197&xs=198&xs=199&xs=200&xs=201&xs=202&xs=203&xs=204&xs=205&xs=206&xs=207&xs=208&xs=209&xs=210&xs=211&xs=212&xs=213&xs=214&xs=215&xs=216&xs=217&xs=218&xs=219&xs=220&xs=221&xs=222&xs=223&xs=224&xs=225&xs=226&xs=227&xs=228&xs=229&xs=230&xs=231&xs=232&xs=233&xs=234&xs=235&xs=236&xs=237&xs=238&xs=239&xs=240&xs=241&xs=242&xs=243&xs=244&xs=245&xs=246&xs=247&xs=248&xs=249&xs=250&xs=251&xs=252&xs=253&xs=254&xs=255&xs=256&xs=257&xs=258&xs=259&xs=260&xs=261&xs=262&xs=263&xs=264&xs=265&xs=266&xs=267&xs=268&xs=269&xs=270&xs=271&xs=272&xs=273&xs=274&xs=275&xs=276&xs=277&xs=278&xs=279&xs=280&xs=281&xs=282&xs=283&xs=284&xs=285&xs=286&xs=287&xs=288&xs=289&xs=290&xs=291&xs=292&xs=293&xs=294&xs=295&xs=296&xs=297&xs=298&xs=299&xs=300&xs=301&xs=302&xs=303&xs=304&xs=305&xs=306&xs=307&xs=308&xs=309&xs=310&xs=311&xs=312&xs=313&xs=314&xs=315&xs=316&xs=317&xs=318&xs=319&xs=320&xs=321&xs=322&xs=323&xs=324&xs=325&xs=326&xs=327&xs=328&xs=329&xs=330&xs=331&xs=332&xs=333&xs=334&xs=335&xs=336&xs=337&xs=338&xs=339&xs=340&xs=341&xs=342&xs=343&xs=344&xs=345&xs=346&xs=347&xs=348&xs=349&xs=350&xs=351&xs=352&xs=353&xs=354&xs=355&xs=356&xs=357&xs=358&xs=359&xs=360&xs=361&xs=362&xs=363&xs=364&xs=365&xs=366&xs=367&xs=368&xs=369&xs=370&xs=371&xs=372&xs=373&xs=374&xs=375&xs=376&xs=377&xs=378&xs=379&xs=380&xs=381&xs=382&xs=383&xs=384&xs=385&xs=386&xs=387&xs=388&xs=389&xs=390&xs=391&xs=392&xs=393&xs=394&xs=395&xs=396&xs=397&xs=398&xs=399&xs=400&xs=401&xs=402&xs=403&xs=404&xs=405&xs=406&xs=407&xs=408&xs=409&xs=410&xs=411&xs=412&xs=413&xs=414&xs=415&xs=416&xs=417&xs=418&xs=419&xs=420&xs=421&xs=422&xs=423&xs=424&xs=425&xs=426&xs=427&xs=428&xs=429&xs=430&xs=431&xs=432&xs=433&xs=434&xs=435&xs=436&xs=437&xs=438&xs=439&xs=440&xs=441&xs=442&xs=443&xs=444&xs=445&xs=446&xs=447&xs=448&xs=449&xs=450&xs=451&xs=452&xs=453&xs=454&xs=455&xs=456&xs=457&xs=458&xs=459&xs=460&xs=461&xs=462&xs=463&xs=464&xs=465&xs=466&xs=467&xs=468&xs=469&xs=470&xs=471&xs=472&xs=473&xs=474&xs=475&xs=476&xs=477&xs=478&xs=479&xs=480&xs=481&xs=482&xs=483&xs=484&xs=485&xs=486&xs=487&xs=488&xs=489&xs=490&xs=491&xs=492&xs=493&xs=494&xs=495&xs=496&xs=497&xs=498&xs=499&xs=500&xs=501&xs=502&xs=503&xs=504&xs=505&xs=506&xs=507&xs=508&xs=509&xs=510&xs=511&xs=512&xs=513&xs=514&xs=515&xs=516&xs=517&xs=518&xs=519&xs=520&xs=521&xs=522&xs=523&xs=524&xs=525&xs=526&xs=527&xs=528&xs=529&xs=530&xs=531&xs=532&xs=533&xs=534&xs=535&xs=536&xs=537&xs=538&xs=539&xs=540&xs=541&xs=542&xs=543&xs=544&xs=545&xs=546&xs=547&xs=548&xs=549&xs=550&xs=551&xs=552&xs=553&xs=554&xs=555&xs=556&xs=557&xs=558&xs=559&xs=560&xs=561&xs=562&xs=563&xs=564&xs=565&xs=566&xs=567&xs=568&xs=569&xs=570&xs=571&xs=572&xs=573&xs=574&xs=575&xs=576&xs=577&xs=578&xs=579&xs=580&xs=581&xs=582&xs=583&xs=584&xs=585&xs=586&xs=587&xs=588&xs=589&xs=590&xs=591&xs=592&xs=593&xs=594&xs=595&xs=596&xs=597&xs=598&xs=599&xs=600&xs=601&xs=602&xs=603&xs=604&xs=605&xs=606&xs=607&xs=608&xs=609&xs=610&xs=611&xs=612&xs=613&xs=614&xs=615&xs=616&xs=617&xs=618&xs=619&xs=620&xs=621&xs=622&xs=623&xs=624&xs=625&xs=626&xs=627&xs=628&xs=629&xs=630&xs=631&xs=632&xs=633&xs=634&xs=635&xs=636&xs=637&xs=638&xs=639&xs=640&xs=641&xs=642&xs=643&xs=644&xs=645&xs=646&xs=647&xs=648&xs=649&xs=650&xs=651&xs=652&xs=653&xs=654&xs=655&xs=656&xs=657&xs=658&xs=659&xs=660&xs=661&xs=662&xs=663&xs=664&xs=665&xs=666&xs=667&xs=668&xs=669&xs=670&xs=671&xs=672&xs=673&xs=674&xs=675&xs=676&xs=677&xs=678&xs=679&xs=680&xs=681&xs=682&xs=683&xs=684&xs=685&xs=686&xs=687&xs=688&xs=689&xs=690&xs=691&xs=692&xs=693&xs=694&xs=695&xs=696&xs=697&xs=698&xs=699&xs=700&xs=701&xs=702&xs=703&xs=704&xs=705&xs=706&xs=707&xs=708&xs=709&xs=710&xs=711&xs=712&xs=713&xs=714&xs=715&xs=716&xs=717&xs=718&xs=719&xs=720&xs=72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What is the difference between detention and arrest?

To be detained means that a police officer suspects that someone has been or may be engaged in criminal conduct. The officer stops the individual to investigate and determine whether they need to take further action.

An arrest is more long-term than a detention. The officer takes them into custody, and the individual's liberties are restricted, meaning they are not free to leave.

[In case of arrest, France – Prison Insider \(prison-insider.com\)](https://prison-insider.com/en/what-is-arrest-in-france/)

I am handcuffed, am I arrested?

Being handcuffed does not necessarily mean you are under arrest. If you are handcuffed, it may be because:

- 1) There is an escape attempt.
- 2) You are considered a dangerous person.
- 3) You may do harm to yourself or others

The article 803 of the Code of Criminal Procedure states that "no one may be subjected to the wearing of handcuffs or restraints unless he is considered either as dangerous to others or to himself, or as likely to abscond".

If my liberty is restricted, am I under arrest?

Not necessarily, it is possible to restrict freedoms without being arrested.

[The Article 6° - EU Charter of Fundamental Rights- Article 6 - Right to liberty and security | European Union Agency for Fundamental Rights \(europa.eu\)](https://european-council.europa.eu/media/402076/image_cache/image_cache.png)

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.

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- You can also give up your rights (i.e., not use them) by saying, for example, "Yes, I understand my rights but I am willing to talk to you." This is not a good idea without a lawyer present.
- Make sure you know what you are doing by having your rights signed away.

The French Code of Criminal Procedure ([Article L116](#))

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

After the police read you your rights, the process formally begins and you acquire the following guarantees:

You may refrain from testifying. In no case shall you be required to take an oath or promise to tell the truth, nor shall any coercion or threat be exercised over you, nor shall any means be used to force, induce or determine you to testify against your will, nor shall accusations or counterclaims be made against you to obtain your confession.

LAW No. 2011-392 of April 14, 2011, on police custody

[France: Reform of Police Custody | Library of Congress \(loc.gov\)](#)

"Article 62-2.-Police custody is a measure of constraint decided by a judicial police officer, under the supervision of the judicial authority, by which a person against whom there are one or more reasonable grounds for suspecting that he has committed or attempted to commit a crime or an offence punishable by imprisonment is kept at the disposal of investigators.

"This measure must be the only means of achieving at least one of the following objectives:

"1 ° Allow the execution of investigations involving the presence or participation of the person;

"2° Guarantee the presentation of the person before the public prosecutor so that this magistrate can assess the follow-up to be given to the investigation;

"3° Prevent the person from altering the physical evidence or clues;

"4° Prevent the person from putting pressure on witnesses or victims as well as on their families or relatives;

"5° Prevent the person from consulting with other persons likely to be his co-perpetrators or accomplices;

"6° Guarantee the implementation of measures intended to put an end to the crime or offence.

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

In public order crime and only if the offender is caught in the moment of attempting to commit the crime, of committing it, immediately afterwards, if he is being followed or if he has objects or presents evidence that would reasonably sustain that he has just participated in a crime; the police may request from you and at the scene of the crime, news and summary evidence on relevant circumstances to guide the immediate follow-up of the investigations.

You will be asked for written consent so you must sign the statement. The writing will consist of a police report in French stating your rights and stating that you were informed of them and that you understood them. You will be required to sign this sheet and if you refuse to do so, it will be mentioned by the police officers on the police report.

In practice, you will be immediately informed of your rights when remanded in custody. However, if you are in a state of intoxication at the time of arrest, the notification of your rights may be postponed until the effects of the alcohol/drugs have worn off.

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Code of Criminal Procedure, The [Article 116](#) establishes the procedural guarantees of the accused.

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 age (18), police are required to immediately notify your parent, caretaker or legal guardian.

Juvenile Criminal Justice Code - Pre-Trial Procedures - [Article L422-2](#)

From the beginning of the investigation to the judgement, a minor at least 13 years may be subject to various measures that limit his freedom.

This may include a series of obligations (judicial review, house arrest) and/or prohibitions (to contact certain persons, to visit certain places, etc.). The minor may also be temporarily placed in a suitable prison. The implementation of these measures varies according to the age of the minor.

The age of criminal responsibility is 18 years.

Am I required to make a statement?

If you are under 18 years old, the procedures and rights are the same as above and you are not obliged to make any statement.

You should be aware that if you have reached this stage, there is a process in place in which you have access to certain rights, such as the right to be assisted by a lawyer.

The French Code of Criminal Procedure - [Article 116](#)

Must police notify my guardian?

Yes, they will contact your guardian or responsible adult about your situation.

The judicial police officer (JPO) must immediately inform your parents or responsible adults of the detention.

A lawyer should be appointed to assist the you.

A doctor should be appointed to attend you from the beginning of the detention.

Juvenile Criminal Justice Code - [Article L413-3](#)

The judicial police officer informs by any means whatsoever the legal representatives of the minor, as well as the person or service to whom he is entrusted, of the detention measure to which he is subject.

The legal representatives are informed that the minor must be assisted by a lawyer and that they may appoint a lawyer or request that a lawyer be appointed.

Juvenile Criminal Justice Code - [Article L413-7](#)

The judicial police officer, after informing the public prosecutor's office or the investigating judge that the minor has been placed at the disposal of the police, informs the legal representatives and the person or service to whom the minor is entrusted.

Must I confess?

Nobody is obliged to declare against themselves. The detainee has the right to remain silent. In no case the detainee is obligated to speak. If you are detained and if you have doubts, it is preferable that you do not say anything, and you wait for your lawyer. Your silence cannot be used against you.

The French Code of Criminal Procedure - [Article 116](#)

What adults can I ask to be with me?

From the moment of your arrest, a doctor and a lawyer will be immediately appointed for you.

The doctor will only be with you for a few hours to evaluate your health.

The lawyer will be with you permanently.

Your guardians will also be notified and from the moment you come to the police station you will be able to see them.

Juvenile Criminal Justice Code - [Article L413-4](#)

As soon as custody begins, the district prosecutor or the investigating judge appoints a doctor who examines the minor in accordance with the conditions set out in article 63-3 of the Code of Criminal Procedure.

Juvenile Criminal Justice Code - [Article L413-5](#)

A detained minor is assisted by an advocate in accordance with the conditions set out in articles 63-3-1 to 63-4-4 of the Code of Criminal Procedure.

Where the minor or his legal representatives have not appointed an advocate, the public prosecutor, the investigating judge or the judicial police officer shall apply to the president of the bar association by any means, as soon as the detention begins, to have one appointed ex officio.

Juvenile Criminal Justice Code - [Article L413-8](#)

From the beginning of the police custody of a minor under sixteen years of age, the public prosecutor or the investigating judge appoints a doctor who examines the minor under the conditions provided for by article 63-3 of the Code of Criminal Procedure.

When a minor of at least sixteen years of age is taken into police custody, he is informed of his right to request a medical examination in accordance with the provisions of article 63-3 of the code of criminal procedure. Their legal representatives are informed of their right to request a medical examination when they are informed of the custody. The minor's attorney may also request that the minor undergo a medical examination.

Juvenile Criminal Justice Code - [Article L413-9](#)

From the beginning of police custody, the minor must be assisted by a lawyer, in accordance with the conditions set out in articles 63-3-1 to 63-4-3 of the Code of Criminal Procedure. He must be informed immediately of this right. Where the minor has not requested the assistance of an advocate, this request may also be made by his legal representatives, who are informed of this right when they are informed of the custody pursuant to article L. 413-7. Where the minor or his legal representatives have not appointed an advocate, the public prosecutor, the investigating judge or the judicial police officer must, as soon as the police custody begins, inform the president of the bar by any means and without delay so that he may appoint one ex officio.

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

The police have to contact the minor's parents or guardian.

Juvenile Criminal Justice Code - [Article L413-3](#)

The judicial police officer informs by any means whatsoever the legal representatives of the minor, as well as the person or service to whom he is entrusted, of the detention measure to which he is subject.

The legal representatives are informed that the minor must be assisted by a lawyer and that they may appoint a lawyer or request that a lawyer be appointed.

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.

In French Guiana there is an additional policy of equal access to the law.

The objective of the policy of access to the law is to enable everyone to know their rights and obligations and to benefit from the means to enforce them.

The procedures for implementing access to the law are determined by the departmental councils of access to the law (CDAD) created by the law of July 10, 1991, as amended by the law of December 18, 1998 relating to access to the law.

These structures offer confidential and free access to general legal services of reception, information and guidance.

Rights Notifications - European Convention on Human Rights - [ARTICLE 6 Right to a fair trial](#)

1. (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

Right to be assisted by a lawyer, chosen by him or her clerk, from the beginning of police custody

Right to a lawyer

The suspect being held in custody may seek the assistance of a lawyer at the beginning of the detention. He or she shall appoint a lawyer whom he or she knows or ask for a lawyer clerk.

If the suspect being held in custody asks for a lawyer, his mother the hearing shall begin in the presence of his or her defense counsel unless the hearing relates solely to his or her identity. If a 2-hour period has elapsed since the lawyer's contact and the lawyer has not

arrived, the hearing may still take place. The judge in charge of the case (judge or public prosecutor) may authorize an immediate hearing.

Upon arrival, the lawyer can speak with his client for 30 minutes and consult the following documents:

- Hearing minutes
- Notice of detention
- Medical Certificate (if issued)

In the event of an extension of custody, the lawyer may once again meet with his client for 30 minutes.

The lawyer can attend all interrogations and take notes. They may also assist the person being held in custody during a reenactment or be present at an identification session in which the suspect participates.

At the end of each interrogation, the lawyer can ask questions. The OPJ may oppose this only if it is likely to prevent the investigation from proceeding properly.

Counsel may also make representations in which he may note the questions refused. These observations are attached to the proceeding.

If the person in custody is taken to another location, his lawyer is immediately notified.

What if I am just a witness?

In the course of a criminal investigation, any person who can give information on the facts concerned or on the personality of the suspect may be heard as a witness. The procedure depends on the type of investigation. The witness may sometimes testify anonymously.

If for any reason you have difficulty expressing yourself, whether linguistically or motoric, you have the right to be assisted by an attorney.

A minor may also be a witness. The validity of his statements can be analyzed by the judge.

European Convention on Human Rights - ARTICLE 6 Right to a fair trial

Investigation for flagrante delicto

Preliminary investigation

Code of Criminal Procedure : Section 4: Hearings of Witnesses - Article 113-3

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.
- Although it is against the law for people to give false statements to the police, the same is not true for law enforcement. They can and do lie to both suspects and others during criminal investigations.

Can the police lie to me?

As a general rule, the police can lie to you, deceive you or mislead you in order to get information from you, but there are some restrictions

Do I have to tell the police the truth?

You have the right to remain silent, and talk to your lawyer before answering police questions.

The right to remain silent is therefore opposed to the obligation to speak, which can only be seriously conceived in a system of physical or moral constraint that is not acceptable in a state under the rule of law.

Therefore, the right to remain silent and does not take an oath to tell the truth when such is the case of the witness.

The right to remain silent is dictated mainly by the game of the presumption of innocence, the accused not having to prove his innocence and facilitating the work of the prosecution.

Not speaking also allows you not to incriminate yourself, always bearing in mind the burden of proof.

This is a choice that can have many disadvantages because some questions will remain unanswered and the objective elements of the file will then have all their weight.

Article 14 of the International Covenant on Civil and Political Rights provides for the right against self-incrimination:

"Article 14. Everyone charged with a criminal offence shall be entitled in full equality to at least the following guarantees:

(g) Not to be compelled to testify against himself or to confess guilt."

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:

Remedies:

If you have been a victim or witness of acts that you consider to be contrary to the rules of ethics in the field of security, you can assert your rights to reparation and alert the public authorities. You may refer the matter to the Ombudsman and to the general inspections of the police and the national gendarmerie.

The Defender of Rights ensures the respect of ethics by persons carrying out security activities in France.

It may intervene in security activities carried out by:

public authorities (police, gendarmes, customs officers, prison guards, country or forestry guards, etc.),

public service supervisory personnel (public transport: RATP), private security personnel (guardianship, surveillance, money transport, etc.).

You can enter the Advocate if you are a victim (or your entitled) or witness to facts that you consider to be contrary to the rules of ethics in the field of security.

Criticizing behavior (inappropriate remarks or gestures, violence...) can be observed in one of the following situations:

- Detention or custody
- Identity check
- Filing of complaints (refusal, contempt, moral judgment, etc.)
- Detention (violence, humiliation, deprivation, etc.)
- Search
- Maintenance of law and order at a demonstration (misuse of intermediate force weapons).

These behaviors can also be seen in another context, outside the judicial or prison framework: supermarkets, customs, airports, etc.

The police and the gendarmerie are subject to the supervision of the Defender of Rights in accordance with his/her role as mentioned in [Article 71-1 of the Constitution](#).

[Organic law n° 2011-333 of March 29, 2011 on the Human Rights Defender \(1\)](#)

<https://www.justice.fr/fiche/injure>

[TITLE I: GENERAL PROVISIONS \(Articles 5\)](#)

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

Proposed Information

It is important to follow this advice:

Remedies:

You may refer the matter to the Ombudsman (Defender of Rights) and to the general inspections of the police and the national gendarmerie.

[Organic law n° 2011-333 of March 29, 2011 on the Human Rights Defender \(1\)](#)

[TITLE I: GENERAL PROVISIONS \(Articles 5\)](#)

Article 5

The Defender of Rights may be contacted:

3° By any person who considers himself or herself to be a victim of direct or indirect discrimination prohibited by law or by an international commitment regularly ratified or approved by France, or by any association that has been regularly registered for at least five years on the date of the incident and whose articles of association propose to combat discrimination or assist victims of discrimination, jointly with the person who considers himself or herself to be a victim of discrimination or with his or her consent;

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

Remedies:

Keep calm and talk to your lawyer. Explain the situation to him and he will be able to act according to the law.

[Law no. 90-615 of July 13, 1990 to suppress all racist, anti-Semitic or xenophobic acts](#)

Art. 1. - Any discrimination based on ethnicity, nation, race or religion is prohibited. The State ensures the respect of this principle within the framework of the laws in force.

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:

Remedies:

If you are a victim or witness of behavior by the police that you consider illegal, you can alert the *Défenseur des droits*. If the acts are committed by police officers, you can also alert the general inspection of the national police.

Referring to the Human Rights Defender.

[The Human Rights Defender](#)

The Defender of Rights is an independent institution of the State. Created in 2011 and enshrined in the Constitution, it has been entrusted with two missions: to defend people whose rights are not respected; to allow equal access to rights for all.

The Human Rights Defender ensures that people working in the security sector in France respect the code of ethics. He can intervene in the security activities carried out by the following persons

- Public security agents (police officers, gendarmes, customs officers, prison guards, rural or forest rangers, etc.)
- Agents of organizations in charge of a public service mission (e.g. public transport surveillance agents)
- Employees of private security companies (guarding, surveillance, cash-in-transit services, etc.)

You can contact the Human Rights Defender if you are a victim of or witness to behavior by law enforcement officers or security guards that you consider illegal. You can also do so if you are the representative or the beneficiary of a direct victim.

The facts must occur in the professional context of the agents, for example in one of the following situations:

- Arrest or police custody
- Identity check
- Filing a complaint (refusal, contempt, moral judgment, etc.)

- Detention (violence, humiliation, deprivation, etc.)
- Search

Maintaining order during a demonstration (abusive use of intermediate force weapons (flashbulbs)

These behaviors can also be observed in other contexts, outside of the judicial or penitentiary framework: supermarkets, customs, airports, etc.

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Law is generally described as of June 2024.

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