

Real Rights: young people engaging with law enforcement



Luanda, Angola



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

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

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- The Difference Between Police TELLING Me What To Do And Asking Me To Do Something
- Do Police Need A Warrant To Arrest You?
- How Do You Know If You Are Under Arrest?
- What To Do After Being Warned of Your Rights
- Police Questioning You
- How do I Contact A Lawyer and When?
- Do Police Always Have To Tell The Truth?
- How do I make a complaint if I have questions or feel my rights have been violated?
- What if I feel I was a victim of discrimination or racism?
- How can I respond to circumstances involving discrimination?
- What can you do if the police perform an improper search? Or I was improperly detained?

Stopped By The Police On The Street, Now What?

Proposed Information

It is important to follow this advice:

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

Can the police arrest you for refusing to answer questions?

No. The police can only arrest you if they have a warrant or if they catch you while you are committing a crime. [[Article 64 of the Constitution of 2010](#); [Article 251 of the Code of the Angolan Criminal Procedure](#)].

What if the officers do not identify themselves?

- If a police officer stops you because they suspect that you have committed a crime, they must identify themselves. If they do not, you can ask them to show you their identification. [[Article 211 of the Code of the Angolan Criminal Procedure](#)]
- If a police officer stops you because they have a warrant to search you or arrest you, they should identify themselves and show you the warrant. If they do not, you can ask to see the warrant, which should also prove their identity. [[Article 255 of the Code of the Angolan Criminal Procedure](#)]

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

If an officer begins speaking to you but does not order you to do anything, you do not have to speak to the officer. The officer cannot arrest you for refusing to speak to them. [[Articles 63 and 64 of the Constitution of 2010](#)];

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

- If the officer is not wearing a uniform or has not identified themselves, but they have stopped you because they suspect you have committed a crime you can ask them to identify themselves. [[Article 211 of the Code of the Angolan Criminal Procedure](#)].
- If the officer is not wearing a uniform or has not identified themselves, but they have stopped you because they have a warrant to search you or arrest you, you can ask to see the warrant, which should also prove their identity. [[Article 255 of the Code of the Angolan Criminal Procedure](#)].

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

Yes, you can. You do not have to speak to the police, and they cannot arrest you for refusing to speak to them. If you do get arrested, you have the right to speak to a lawyer before speaking to the police, and you can tell the police that you do not want to speak without a lawyer. [[Article 63 of the Constitution of 2010](#)]

If I sit down, am I resisting?

No, sitting down is not resisting. [[Article 36 of the Constitution of 2010](#)]

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

If the police have stopped you because they have a warrant, you should not run. If you run, you might be considered to be disobeying the warrant, and you might be punished for that. [[Article 340 of the Angolan Criminal Code](#)].

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

If the officer speaks to you in Portuguese and you do not understand them, you can tell them without waiving your rights. You have the right to an interpreter, and you can ask for one. [[Article 105 of the Code of the Angolan Criminal Procedure](#)]

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

Even if you did not do anything, the police can stop you if you are at the location where a crime occurred or where they suspect a crime occurred [[Article 209 of the Code of the Angolan Criminal Procedure](#)].

The police can also stop you if they suspect that you committed a crime. If they do this, they can only hold you for 8 hours and they cannot arrest you unless they have a warrant. You also have the right to a lawyer and should ask to see one [\[Article 211 of the Code of the Angolan Criminal Procedure; Article 63 of the Constitution of 2010\]](#).

When Can Police Search Your and Your Surroundings?

Proposed Information

It is important to follow this advice:

- Police can search your person without a warrant if they have a well-founded suspicion that you are hiding an object on your person that is connected a crime [\[Article 212 of the Code of the Angolan Criminal Procedure\]](#).
- If you are worried about your modesty in the search, you have the right to request that a person you trust be with you for the search. The police should tell you this before they search you. [\[Articles 216 and 239 of the Code of the Angolan Criminal Procedure\]](#).
- Police can also search you and your car, house or other surroundings if they have a warrant or if you are caught committing a crime. The police can only start searching your house during the day, unless the search relates to a violent crime. [\[Articles 213, 214, 220 and 239 of the Code of the Angolan Criminal Procedure\]](#).
- In all other circumstances police can only search you and your surroundings if they have a warrant. A warrant is a court order, so if the police show you that they have a warrant to search you and your surroundings, that is allowed. [\[Articles 213, 214 and 240 of the Code of the Angolan Criminal Procedure\]](#).
- If the police do not show you that they have a warrant, you have the right to say no to searches of your person and your surroundings. You cannot be arrested for refusing to consent to a search without a warrant.

What if a police officer wants to search my phone?

If the police do not have a warrant to search your phone, then you do not have to give them your phone if they ask you for it. If they have a warrant, you must give them your phone. [\[Articles 213 and 214 of the Code of the Angolan Criminal Procedure\]](#).

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

If the police do not have a warrant to search your phone, then you do not have to give them your password. If they have a warrant, you must give them your password. [\[Articles 213 and 214 of the Code of the Angolan Criminal Procedure\]](#).

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

If the police do not have a warrant to search your phone, then you do not have to give them your password or your phone. If they have a warrant, you must give them your password or other access to your phone. [\[Articles 213 and 214 of the Code of the Angolan Criminal Procedure\]](#).

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 the police do not have a warrant to search your phone, then you do not have to give them your password or your phone. If they have a warrant, you must give them your password or other access to your phone. Even if you are not arrested, the police may still have a valid warrant to look at your phone [\[Articles 213 and 214 of the Code of the Angolan Criminal Procedure\]](#).

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

If you are worried about your modesty in the search, you have the right to request that a person you trust be with you for the search. The police should tell you this before they search you. [\[Articles 216 and 239 of the Code of the Angolan Criminal Procedure\]](#).

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

Yes, if you are carrying a backpack or other item and the police have a well-founded suspicion that you are hiding an object in that backpack or other item that is connected to a crime, they can search the backpack or other item, even without a warrant. [\[Article 212 of the Code of the Angolan Criminal Procedure\]](#).

Police can also search your backpack or other item if they have a warrant or if you are caught committing a crime [\[Articles 213, 214 and 220 of the Code of the Angolan Criminal Procedure\]](#).

In all other circumstances police cannot search your backpack or other item you are carrying unless they have a warrant to do so. If the police show you that they have a warrant to search your backpack, that is allowed. [\[Articles 213 and 214 of the Code of the Angolan Criminal Procedure\]](#).

Can they record me?

Police can record you if they have been authorised to do so by a judicial magistrate, which is a type of judge in the courts [\[Article 243 of the Code of the Angolan Criminal Procedure\]](#).

Can they ask me where I am going and why?

The police can ask you where you are going and why, but you do not have to answer. The police cannot arrest you if you refuse to answer their questions. The police can only arrest you if they have a warrant or if they catch you while you are committing a crime. [\[Article 64 of the Constitution of 2010;\]](#).

Remember that if the police ask you questions and you have been arrested, you have the right to speak to a lawyer before answering their questions. You can tell the police that you do not want to speak without a lawyer. [\[Article 63 of the Constitution of 2010;\]](#)

Reasons Police May Detain or Arrest You

Proposed Information

It is important to follow this advice:

- The police may arrest you if they catch you committing a crime or if they have a warrant to do so. [\[Article 64 of the Constitution of 2010; Article 255 of the Code of the Angolan Criminal Procedure\]](#).
- If the police do have a warrant, you can ask to see the warrant. It is a good idea to review any paper from police/warrant carefully, to ensure you understand what exactly is covered. You might have been arrested because you are going to be charged with a crime. [\[Article 255 of the Code of the Angolan Criminal Procedure\]](#).

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

If you have been arrested, you do not have to speak to the police – you can remain silent. You can also tell the police that you do not want to speak without a lawyer present. Remember that you have the right to speak to a lawyer before speaking to the police [\[Article 63 of the Constitution of 2010;\]](#)

If you refuse to speak to the police once you have a lawyer present, you may be forced to do so if the police have an examination order from the court [[Article 239 of the Code of the Angolan Criminal Procedure](#)].

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

You do not have to correct the police immediately. You can decide not to say anything to the police until you speak to a lawyer [[Article 63 of the Constitution of 2010](#)].

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

If an officer speaks to you but does not order you to do anything, you do not have to say anything to the officer – you can remain silent. You can also tell the officer that you do not want to speak without a lawyer present. Remember that you have the right to speak to a lawyer before speaking to the police [[Article 63 of the Constitution of 2010](#)].

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

If you are not under arrest, you do not have to speak to the police officer unless you would like to. You cannot be arrested for refusing to speak to the police. [[Article 64 of the Constitution of 2010](#); [Article 251 of the Code of the Angolan Criminal Procedure](#)].

If you have been arrested, you can tell the police officer that you do not want to speak without a lawyer present. Remember that you have the right to speak to a lawyer before speaking to the police, and because you are under 18, if you have been arrested then the police cannot speak to you without a lawyer being present [[Article 63 of the Constitution of 2010](#); [Article 71 of the Code of the Angolan Criminal Procedure](#)].

If you are informed that you are under arrest, you can ask to look at the warrant used to arrest you. The warrant must include your identification, address, the authority that is in charge of your arrest, the reason why you have been arrested and the circumstances of your arrest. [[Article 255 of the Code of the Angolan Criminal Procedure](#)].

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

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

Police can only search you or your belongings if they have a well-founded suspicion that you are hiding an object on your person or in the backpack / phone in that backpack or other item that is connected to a crime, or if they have a warrant. This means that if they decide to search you, you can ask them whether they have a warrant – if they do not have a warrant you can ask them the reason for their search. You can agree to the search, but you do not have to unless the police have shown you the warrant. [[Articles 212, 213, 214 and 220 of the Code of the Angolan Criminal Procedure](#)].

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

Police can ask you to give them information, but you do not have to do so unless you are under arrest. Even if you are under arrest, you do not have to speak to the police officer immediately – you can tell the police officer that you do not want to speak without a lawyer present. Remember that you have the right to speak to a lawyer before speaking to the police [[Article 63 of the Constitution of 2010](#)].

If you have not been arrested, you can provide answers voluntarily, but you do not have to. You cannot be arrested for refusing to speak to the police. [\[Article 64 of the Constitution of 2010; Article 251 of the Code of the Angolan Criminal Procedure\]](#).

Do Police Need A Warrant To Arrest You?

Proposed Information

It is important to follow this advice:

- No. Police officers can arrest you without a warrant if they catch you in the act of committing a crime. [\[Article 64 of the Constitution of 2010; Article 251 of the Code of the Angolan Criminal Procedure\]](#).

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

Even if you did not do anything, the police can stop you if you are at the location where a crime occurred or where they suspect a crime occurred [\[Article 209 of the Code of the Angolan Criminal Procedure\]](#).

The police can also stop you if they suspect that you committed a crime. If they do this, they can only hold you for 8 hours and they cannot arrest you unless they have a warrant. You also have the right to a lawyer and should ask to see one [\[Article 211 of the Code of the Angolan Criminal Procedure; Article 63 of the Constitution of 2010\]](#).

Can I ask for the reason they stopped me?

Yes, you can ask why you were stopped or arrested and ask to be shown the warrant for your arrest [\[Article 63 of the Constitution of 2010\]](#).

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

If you think the stop was unjustified, you have the right to make a complaint about the stop to the police or to another government authority [\[Articles 73 and 75 of the Constitution of 2010\]](#).

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

If a police officer stops you because they suspect that you have committed a crime, they must identify themselves. If they do not, you can ask them to show you their identification. [\[Article 211 of the Code of the Angolan Criminal Procedure\]](#)

If a police officer stops you because they have a warrant to search you or arrest you, they should identify themselves and show you the warrant. If they do not, you can ask to see the warrant, which should also prove their identity. [\[Article 255 of the Code of the Angolan Criminal Procedure\]](#)

If you think the stop was unjustified, you have the right to make a complaint about the stop to the police or to another government authority. You should include the information about the officer's identity when you make your complaint [\[Articles 73 and 75 of the Constitution of 2010\]](#).

How Do You Know If You Are Under Arrest?

Proposed Information

It is important to follow this advice:

- You will know if you are under arrest because the officers will tell you. They will also show you a copy of the arrest warrant when you are arrested [\[Articles 255 and 256 of the Code of the Angolan Criminal Procedure\]](#).

- The officer must also warn you of your rights [[Articles 67 and 170 of the Code of the Angolan Criminal Procedure](#)].

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

If you do not know that you are under arrest, you can ask the officer whether you are. If the officers tell you that you are under arrest, you can ask to see a copy of the warrant for your arrest [[Articles 255 and 256 of the Code of the Angolan Criminal Procedure](#)].

What is the difference between detention and arrest?

Detention is when the police hold you in their custody when they may not be able to arrest you because they do not have a warrant or they do not catch you committing a crime. The detention cannot last more than 48 hours and is only allowed for certain reasons, for example to bring you before a judge for interrogation, or to make sure that you appear for certain procedural acts you might be required for [[Articles 249 and 250 of the Code of the Angolan Criminal Procedure](#)].

To arrest you, the police must have strong evidence that you committed a crime because they must have a warrant for your arrest or must catch you in the act of committing the crime. When you are arrested, you will be questioned by a judge within 48 hours of your arrest. After the judge questions you, you will either be released or the criminal proceeding process will start [[Articles 63 and 64 of the Constitution of 2010](#); [Articles 169, 251, 526, 258 and 259 of the Code of the Angolan Criminal Procedure](#)].

If I am handcuffed, am I arrested?

If you are handcuffed, you may have been arrested. However, the handcuffs should not be on for a long time - you should not be handcuffed by the police when you are speaking to them, even if you have been arrested [[Article 165 of the Code of the Angolan Criminal Procedure](#)].

If my liberty is restricted, am I under arrest?

If your liberty is restricted, you could be under arrest or simply detained. You should ask the officers if you are under arrest and if they say that you are, ask to see the warrant [[Articles 255 and 256 of the Code of the Angolan Criminal Procedure](#)].

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 [[Article 63 of the Constitution of 2010](#)]
- Because you are under 18, a lawyer must be with you when you are being questioned [[Article 71 of the Code of the Angolan Criminal Procedure](#)]

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

Once you have been read your rights, you can ask to speak with a lawyer or choose not to speak to the police [[Article 67 of the Code of the Angolan Criminal Procedure](#); [Article 63 of the Constitution of 2010](#)].

As you are under 18, your lawyer must be present with you when you are questioned, interviewed, taken to Court or during any other procedural step [[Article 71 of the Code of the Angolan Criminal Procedure](#)]

Police Questioning You

Proposed Information

It is important to follow this advice:

- You are not required to make a statement or answer police questions unless you have been arrested. You cannot be arrested for refusing to speak to police [[Article 64 of the Constitution of 2010](#); [Article 251 of the Code of the Angolan Criminal Procedure](#)].
- As you are under 18, your lawyer must be present with you when you are questioned or interviewed by the police once you have been arrested [[Article 71 of the Code of the Angolan Criminal Procedure](#)]

Am I required to make a statement?

You are not required to make a statement or answer police questions unless you have been arrested. You cannot be arrested for refusing to speak to police [[Article 64 of the Constitution of 2010](#); [Article 251 of the Code of the Angolan Criminal Procedure](#)].

If you witness a crime and the police stop you to ask you to make a statement, you do not have to say anything at that time – remember that you cannot be arrested for refusing to speak to the police. However, you may be called to be a witness in the court hearings. If this happens, you must speak to the police and give a statement when called or you may be committing a crime [[Article 64 of the Constitution of 2010](#); [Articles 161 and 251 of the Code of the Angolan Criminal Procedure](#)].

Must police notify my guardian?

If you have been arrested or detained, police must contact your family members to tell them about the arrest / detention and tell them where you are being taken [[Article 257 of the Code of the Angolan Criminal Procedure](#); [Article 63 of the Constitution of 2010](#)].

Must I confess?

If you have committed a crime or have something to confess, you should speak to your lawyer before you say anything to the police. You have the right not to confess. Remember that you do not have to speak to the police without speaking to your lawyer first. Because you are under 18, your lawyer must also be present with you when you say anything to the police [[Article 71 of the Code of the Angolan Criminal Procedure](#); [Article 63 of the Constitution of 2010](#)].

What adults can I ask to be with me?

If you have been arrested, you can ask for your lawyer to be with you [[Article 63 of the Constitution of 2010](#)].

If you do not have a lawyer because you cannot afford one, a judge or the police will appoint one for you [[Article 69 of the Code of the Angolan Criminal Procedure](#)].

If you are going to be searched and you are worried that the search will offend your modest (for example, if you are asked to remove your clothes or a piece of religious clothing), you can ask to have someone you trust with you [[Article 239 of the Code of the Angolan Criminal Procedure](#)].

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

If you have been arrested or detained, police must contact your family members to tell them about the arrest / detention and tell them where you are being taken [[Article 257 of the Code of the Angolan Criminal Procedure](#); [Article 63 of the Constitution of 2010](#)].

How do I Contact A Lawyer and When?

Proposed Information

It is important to follow this advice:

- You should contact a lawyer if you are stopped and asked to speak to police, even if you have not been arrested. If the police are holding you where you are until you speak to them, then you have the right to a lawyer even if they have not arrested you. You cannot be arrested for refusing to speak to the police [[Articles 63 and 64 of the Constitution of 2010](#)]
- If you have been arrested and you can't afford a lawyer, the police or a judge will appoint one for you before you attend court to be questioned by the judge. Remember that you have the right to stay silent until you have a lawyer – you do not have to speak to the police until your lawyer is present [[Articles 63 and 67 of the Constitution of 2010](#)]

What if I am just a witness?

If you have not been arrested but have been stopped by the police to be questioned as a witness, you do not have to speak to the police. You can contact a lawyer if you would like to, and they can help you decide whether you should speak to the police. You cannot be arrested for refusing to speak to the police [[Article 63 of the Constitution of 2010](#)].

If you witness a crime and do not speak to the police at the time they stop you, you may be called to be a witness in the court hearings. If this happens, you must speak to the police and give a statement when called or you may be committing a crime [[Article 161 of the Code of the Angolan Criminal Procedure](#)].

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

- There is no requirement for the police to tell the truth unless they are giving evidence in Court and are under oath [[Article 104 of the Code of the Angolan Criminal Procedure](#)].

Can the police lie to me?

There is no requirement for the police to tell the truth unless they are giving evidence in Court and are under oath [[Article 104 of the Code of the Angolan Criminal Procedure](#)].

Do I have to tell the police the truth?

If you have been arrested or are giving the police a statement, you must tell the truth if you choose to speak. Remember that you do not have to speak to the police officer until you have spoken to a lawyer. [[Article 349 of the Angolan Criminal Code](#); [Article 63 of the Constitution of 2010](#)]

How do I make a complaint if I have questions or feel my rights have been violated?

Proposed Information

It is important to follow this advice:

- If you think that your rights have been violated, you can make a complaint to the police [[Article 75 of the Constitution of 2010](#)].
- If you feel that your rights have been violated because you have been improperly detained or searched, you can apply to the court for compensation [[Article 296 of the Code of the Angolan Criminal Procedure](#); [Articles 68 and 75 of the Constitution of 2010](#)].
- If you feel that your rights have been violated because you have been arrested but you have not been brought before a judge, you can ask to be brought to Court and have a judge decide whether you have been improperly detained or not [[Article 68 of the Constitution of 2010](#)].

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

Proposed Information

It is important to follow this advice:

- If you have been a victim of discrimination or racism, then your rights and freedoms may have been violated and the police may be held responsible. You should make a complaint to the police. Try to include as much detail as you can about the date, name of the police officer and what they did. [[Article 75 of the Constitution of 2010](#)]

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

- If you have been discriminated against, then your rights and freedoms may have been violated and the police may be held responsible. You should make a complaint to the police or authorities. Try to include as much detail as you can about the date, name of the police officer and what they did. [[Article 75 of the Constitution of 2010](#)]

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 the police perform an improper search, you can apply to the court for compensation for the harm caused to you if it is proven that you did not commit the crime they thought that you did commit. You can also apply to the Court for compensation for the harm caused to you if you were improperly detained [[Article 296 of the Code of the Angolan Criminal Procedure](#); [Articles 68 and 75 of the Constitution of 2010](#)].
- If you decide to apply to the Court for compensation for being improperly detained, you need to apply within one year of the detention [[Article 297 of the Code of the Angolan Criminal Procedure](#)]

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Law is generally described as of January 2022.

[back to top](#)