

## TEMPLATE POLICY PAGE

<b>Category</b>	<b>Sexual crime</b>
<b>Country</b>	<b>Belgium</b>
<b>Year</b>	

<b>Main policy page</b>	
<b>Relevant legislation:</b>	<p><u>International sources</u></p> <p><b>European Union:</b></p> <ul style="list-style-type: none"> <li>- Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography.<sup>1</sup></li> <li>- European Parliament legislative resolution on the initiative by the Kingdom of Belgium with a view to the adoption by the Council of a framework decision on the recognition and enforcement in the European Union of prohibitions arising from convictions for sexual offences committed against children (P6_TA(2006)0236).<sup>2</sup></li> </ul> <p><b>Council of Europe:</b></p> <ul style="list-style-type: none"> <li>- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (25 October 2007).<sup>3</sup></li> <li>- Council of Europe Convention on Cybercrime of 23 November 2001 (Budapest) (ETS No. 185).<sup>4</sup></li> </ul> <p><b>United Nations:</b></p> <ul style="list-style-type: none"> <li>- Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, adopted in New York on 25 May 2000.<sup>5</sup></li> </ul> <p><u>National sources (Belgium)</u></p> <ul style="list-style-type: none"> <li>- Act of 13 April 1995 regarding sexual abuse against minors, M.B., 25 April 1995.</li> <li>- Act of 28 November 2000 regarding the penal protection of minors<sup>6</sup> which modifies the three laws of 1995 in the matter of morals (sexual abuse against minors, trading in human beings and child pornography, publicity in the field of sexual offences).<sup>7</sup> <ul style="list-style-type: none"> <li>• Three cooperation agreements – concluded in 1999 between</li> <li>• the Belgian Federal State, the Regions and the</li> </ul> </li> </ul>

	<p>Communities (one</p> <ul style="list-style-type: none"> <li>• for Brussels, one for Flanders and one for the Walloon Region) also deal with guidance and treatment for sex offenders.<sup>8</sup></li> <li>• Act of 17 May 2006 which establishes the execution courts,</li> <li>• M.B., 15 June 2006.</li> <li>• Act of 17 May 2006 pertaining to the external legal status of</li> <li>• people who have been given a custodial sentence and to the rights granted to the victim in the framework of the sentence execution modalities, M.B., 15 June 2006.</li> <li>• Act of 21 April 2007 pertaining to the confinement of people</li> <li>• who suffer from a mental illness, M.B., 13 July 2007.</li> <li>• Act of 26 April 2007<sup>9</sup> pertaining to the handing over to the</li> <li>• execution court.</li> </ul> <p>- Law of November 7th, 2011 modifying the Code of Criminal Procedure and the law of March 22nd, 1999 related to the identification procedure through DNA analysis within the framework of the criminal justice system, <i>BS (Belgian Official Journal)</i> November 30th, 2011.</p> <p>- Law of November 30th, 2011 modifying the legislation related to the improved approach of sexual abuse and facts of paedophilia within a power relationship, <i>BS</i> January 20th, 2012.</p>
<p><b>Trends:</b></p>	<p>Taking into account the seriousness of criminal offences and their impact on the psychic as well as on the physical integrity of the victim, sexual abuse cannot remain unpunished. A social reaction which intends to be appropriate must carry out repression. However, repression on its own is not enough. Indeed, one cannot just imprison sex offenders: it should be possible to take charge effectively of the latter, already on their arrival in prison. In order to achieve the primary objective, which is preventing recidivism, it should be possible for the taking charge part by means of guidance or treatment of sex offenders. Provisions have been made especially since the Act of 13 April 1995 and the Act of 28 November 2000, to be continuously improved in terms of human and material means which cannot be lacking, but also of scientific knowledge through an approach which is meant to be multidisciplinary. With the view of creating a practicable framework for the treatment and guidance of sex offenders, the Belgian Federal Government concluded cooperation agreements with the federated entities in</p>

	<p>1998-1999. The Department of Criminal Policy is presently assessing these cooperation agreements.</p> <p>Two laws pertaining to the execution courts came into force in 2006. The progressive implementation of these execution courts and the bringing into office of those courts' judges are accompanied by various modifications. One must pay attention to the latter in order to avoid the appearance of new problems related to the early release of sex offenders.</p> <p>At European level, there are ongoing negotiations within the Council of the European Union about a new guideline for combating the sexual abuse and exploitation of children and child pornography, so as to replace the current Framework Decision 2004/68/JHA on</p>
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<p><b>Contacts (National organisations)</b></p>	<p><b>National organisations:</b></p> <ul style="list-style-type: none"> <li>○ Federal Public Service Justice</li> <li>○ Federal Public Service Home Affairs</li> <li>○ Federal Police</li> <li>○ Federal Department of Public Prosecution</li> <li>○ Magistracy</li> <li>○ Support centres dealing with the guidance and treatment of sex offenders (UPPL, CAB, UFC)</li> <li>○ Field organisations</li> <li>○ Child Focus</li> <li>○ The Communities and the Regions, which have specific competencies in the fields of health, prevention, raising awareness and also following up on offenders and victims</li> <li>○ etc.</li> </ul> <p><b><u>Contact details</u></b></p> <p><b>Federal Public Service Home Affairs</b>  Directorate General Security and Prevention  Directorate Local Integral Security  76, Boulevard de Waterloo  1000 Brussels  <a href="mailto:info@sliv.be">info@sliv.be</a></p>
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<sup>1</sup> In French: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004F0068:FR:NOT>

<sup>2</sup> In French: <http://eurlex.europa.eu/LexUriServ/site/fr/oj/2006/ce298/ce29820061208fr02200223.pdf>

In Dutch: <http://eur-lex.europa.eu/LexUriServ/site/nl/oj/2006/ce298/ce29820061208nl02200223.pdf>

<sup>3</sup> In French: <http://conventions.coe.int/Treaty/FR/treaties/Html/201.htm>

In English: <http://conventions.coe.int/Treaty/EN/treaties/Html/201.htm>

<sup>4</sup> In French: <http://conventions.coe.int/Treaty/fr/Treaties/Html/185.htm>

In English: <http://conventions.coe.int/Treaty/EN/Treaties/Html/185.htm>

<sup>5</sup> In French: <http://www.ohchr.org/french/law/crc-sale.htm>

In English: <http://www.ohchr.org/english/law/crc-sale.htm>

<sup>6</sup> M.B., 17 March 2001.

<sup>7</sup> Act of 13 April 1995 regarding sexual abuse against minors (M.B., 25 April 1995.); Act of 27 March 1995 which inserts article 380quinquies in the Belgian Penal Code and repeals article 380quater, paragraph 2, in the same Code, and has become article 380ter (publicity for offering services of a sexual nature) (M.B., 25 April 1995); Act of 13 April 1995 containing provisions for the repression of trading in human beings and of child pornography (M.B., 25 April 1995).

<sup>8</sup> Act of 4 May 1999 which consents to the Cooperation Agreement between the Federal State and the Walloon Region regarding the guidance and treatment for sex offenders; Act of 4 May 1999 which consents to the Cooperation Agreement between the Federal State and the Flemish Community regarding the guidance and treatment for sex offenders; Decree of 2 March 1999 which consents to the Cooperation Agreement dated 8 October 1998 between the Federal State and the Flemish Community regarding the guidance and treatment for sex offenders; Decree of 1 April 1999 which consents to the Cooperation Agreement between the Federal State and the Walloon Region concerning the guidance and treatment for sex offenders; Act of 12 March 2000 which consents to the Cooperation Agreement between the Common Community Commission, the French-speaking Community Commission and the Federal State pertaining to the guidance and treatment for sex offenders; Ordinance of 20 July 2000 which consents to the Cooperation Agreement dated 13 April 1999 between the Federal State, the Common Community Commission and the French-speaking Community Commission concerning the guidance and treatment for sex offenders.

<sup>9</sup> M.B., 13 July 2007.

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