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1 - My rights during the investigation of a crime

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How and where can I report a crime?

You can report a crime to the local police, preferably in the area where the crime has taken place. In an emergency you can always telephone 112 to contact the police. In non-emergency situations you can go to the nearest police station. The addresses of police stations are listed on the website of the local police force in [Dutch](#) and [French](#).

If you are a Belgian citizen or a Belgian resident (e.g. you have been granted permanent residence in Belgium), you can report some petty crimes (e.g. vandalism, shoplifting and theft of a bicycle) online in [Dutch](#), [French](#) or [German](#). In addition, anybody, including tourists, can report internet-related crime online via a dedicated website which is available in [Dutch](#), [French](#), [German](#) and [English](#).

A few offences can be prosecuted only if the victim files a complaint (e.g. stalking, defamation and libel).

You do not have to report the crime immediately, but it is in your interest to do so to enable the police to have detailed information about the facts and circumstances of the crime and any damage or injury that you have suffered as soon as possible. You should also bear in mind that after a certain period of time it will no longer be possible for the authorities to prosecute. This time bar or period of limitation is specified by law and varies according to the crime, ranging from six months to fifteen years.

The police will interview you and draw up an official report. During the interview you have a number of rights which continue to apply if you make another statement later on. Whether you are interviewed as a victim or as a witness, the police officer must explain to you before the interview that:

- you can request that all questions and answers be recorded in your own words;

- you can request the performance of a specific investigative step or the questioning of a specific person;
- your statements may be used as evidence in court;
- you can receive a copy of the record of your interview free of charge. You must ask for the copy at the end of the interview. In most cases you will receive your copy immediately.

If you speak a language other than that in which the proceedings are carried out, the police will provide a professional interpreter, unless the police officer can write your statement in your language or asks you to write your statement in your language yourself.

Your statement will be included in the official report which may include the following information:

- your name, address, telephone number and any e-mail address;
- details about the crime – who was involved in the crime, where, when and what happened, what are the consequences for you;
- the contact details of any witnesses;
- a description of the people involved, including height, build and clothing. Information such as age, hair colour and style, accent, and any distinguishing features like warts, scars, tattoos or birthmarks is also very useful;
- any injuries you have sustained (a physician can write you a medical certificate which you can give to the police even several days after you have made the initial report); you can also ask your physician for a declaration that you are unfit to work;
- any other (physical) damage to property you have suffered (it is useful to take pictures of any damage).

In your statement you can also indicate whether you need any type of practical, social, psychological or legal assistance.

You should provide the police with copies of any documents, as you may need the original documents later on, for example if you contact your insurance company.

If you are a victim of sexual violence, your interview will whenever possible take place in a special room that offers the necessary privacy.

In most cases the police will send the official report (*proces-verbaal/procès-verbal*) to the public prosecution service (*parket/parquet*). The public prosecutor will then decide whether the police have to open an investigation or not. This investigation may be conducted either by the public prosecutor (*procureur des Konings/procureur du Roi*) (a standard investigation (*opsporingsonderzoek/enquête pénale*)) or in more complicated cases, or where more intrusive measures such as house searches are needed, by an investigating judge (judicial investigation (*gerechtelijk onderzoek/instruction judiciaire*)). In some cases the police can decide to conduct an investigation on their own authority and send a complete file to the public prosecution service for further action (police investigation (*ambtshalve politieel onderzoek/enquête policière d'office*)). For a number of petty crimes (such as theft of a bicycle), and depending on the circumstances (e.g. if there is no trace of the perpetrator) the police will draw up a simplified official report (*vereenvoudigd proces-verbaal (VPV)/procès-verbal simplifié*). This simplified official report will remain at the police station and will not be forwarded to the public prosecution service. Every month a list of all the simplified official reports which have been drawn up will be forwarded to the public prosecutor, and he or she will therefore be made aware of your case. If any new information comes to light which may have an impact on the case (for example, if the perpetrator of a crime is identified), the official report will be forwarded to the public prosecutor and the police will inform you accordingly.

How can I follow up on what the authorities do after I report a crime?

After you report a crime you will receive a certificate. On this certificate you can find your reference number, the name of the police officer who helped you the first time and contact details of the prosecution office, which you can contact to follow up on your case.

On your certificate you will clearly see whether your case will be handled as an official report (this means that the report is sent to the prosecution office, where the public prosecutor will decide whether the crime needs further investigation), a police investigation or a simplified official report.

How can I be involved in the investigation of the crime?

In the event of prosecution, if you have not taken any further steps beyond making your report to the police, you will be informed by the public prosecutor only of the date, time and place of the court hearing.

If you wish to receive information about any other action taken in respect of your report you have the legal right to register as an injured party (*benadeelde persoon/personne lésée*). You can submit a declaration that you are an injured party, either personally or through a lawyer, to the police officer drawing up the official report, or to the secretariat of the public prosecution service, or at the police station, or by sending a registered letter to the secretariat of the public prosecution service. You will also receive a template for making such a declaration when you receive the document confirming you have made a report.

As an injured party you will receive information in writing about the decisions taken by the public prosecutor (for example, a decision to close the case and the reasons for this, or a decision to start a judicial investigation) and the date of any hearing before an examining court. You will also have the right to add any document that you deem useful to the file. You will additionally have the right to request access to the file and to obtain a copy of it.

If you want to make a claim for damages, or obtain further rights, you must enter a claim as a [civil party to the criminal proceedings](#)¹ (*burgerlijke partij/partie civile*). You can do so by submitting an express declaration to that effect personally or through your lawyer at any stage of the proceedings. As a civil party you can request access to the case file and obtain a copy of it, ask for additional investigative steps to be taken, claim damages, bring legal challenges against the decisions reached, and be consulted and informed regarding the imprisonment of the offender.

As a civil party to the criminal proceedings or as an injured party you will have the right to be represented by a lawyer in your contacts with the authorities. Investigations are confidential in Belgium, and it is not possible for you to be present during the investigation (e.g. for the questioning of the suspect), except where there is a visit to the scene of the crime in order to carry out a reconstruction, in which case a civil party may be present.

You are not required to prove either the occurrence of the crime or the guilt of the perpetrator yourself.

It is not possible to have your loss or damage reimbursed at this stage of the criminal proceedings.

Once the official report has been forwarded to the public prosecution service and prosecution has started, you can no longer stop the criminal proceedings. This is so even where the offence can be prosecuted only if reported by the victim, which is the case with stalking for example.

What are my rights as a witness?

During the investigation you are likely to be interviewed as a witness.

As a witness you (as well as your family members and relatives) can benefit from the following witness protection measures:

- advise on preventive measures and help in installing preventive tools;
- preventive police patrols;
- registration of incoming and outgoing telephone calls;
- provision of a secret telephone number, protected license plate for your car, mobile phone for emergency calls;
- physical protection; and
- relocation for a maximum of 45 days.

If you have suffered from a crime committed by a criminal organisation or from a serious offence such as the kidnapping of a minor, arson or murder and the measures listed above are not sufficient, special protection measures can be granted. These include (also applying to family members and relatives):

- relocation for more than 45 days; and
- change of identity.

Reimbursement may be available for any travel and accommodation expenses incurred as a result of acting as a witness in the criminal proceedings. Witnesses can also apply for half-day compensation for time missed from work. These costs are paid by the state budget, but will have to be reimbursed by the defendant if found guilty.

When you have been granted a protection measure or if you are not in the country, you can be interviewed by videoconference or tele-conference by the public prosecutor or the investigating judge.

I am a minor. Do I have additional rights?

If you are under 18 years of age and you are the victim of a crime, you have the following additional rights during the interview:

- to be accompanied by an adult of your own choice; and
- to have your interview performed in a suitable room.

To prevent you from being interviewed several times your interview may be recorded or videotaped. If you are under the age of 12 your interview may be recorded on video; you must be informed beforehand. If you are older than 12 your interview may be recorded on video only if you give your permission. These interviews take place in specifically equipped rooms.

Where you have been the victim of sexual abuse, prostitution or pornography, the period of limitation after which the case can no longer be prosecuted does not start running until you have reached the age of 18.

If you are a victim of crime and a minor, the police will also refer you to a specialist centre for victims of child abuse.

You will also be shielded against disclosure of your identity in the media, that is to say that the publication or dissemination of pictures, drawings and other materials that may reveal your identity will be forbidden.

What information can I obtain from police or victim support organisations during the investigation of the crime?

The police will give you information about:

- the type of services or organisations which you can turn to for support;
- the procedures that will be followed after you have made your report;
- the requirements for obtaining damages.

This information can be provided in leaflets and brochures or verbally. The brochures are available in the three official languages ([Dutch](#), [French](#) and [German](#)). In practice, information given verbally may also be provided in other languages (e.g. English).

It is important to know that you will be kept informed of certain developments in your case only if you have registered as an injured party or have made a claim as a [civil party to the criminal proceedings](#)¹. These are as follows:

- a decision by the public prosecutor to close your case and the reason for this decision;
- a decision by the public prosecutor to refer your case to an investigating judge for a judicial investigation;
- a decision by the public prosecutor to propose an amicable agreement or mediation to the offender; and
- the date your case will appear before a court.
- As an injured party or civil party to the proceedings you will additionally have the right to request access to the file and to obtain a copy of it. This request must be addressed to the public prosecution service or to the investigating judge during the investigation.

You are allowed to make copies of the file, but you will be charged a fee for each copy (around 0.25 to 0.50 euros per copy). However, if your case is being handled by the assize court (*hof van assisen/cour d'assises*), copies are free of charge.

Can I receive legal aid?

For initial guidance you can ask for front-line legal assistance (*juridische eerstelijnsbijstand/aide juridique de première ligne*), in which lawyers provide free legal advice at certain times on certain days. Where necessary they can refer you to a specialist service or organisation. Consultations are organised in court buildings, civil magistrates' courts (*vrederecht/justice de paix*), law centres and some municipal administrations, etc. You can find a law centre (*justitiehuis/maison de justice*) in every judicial district (their contact details are available in [French](#) and [Dutch](#)) or you can contact one of the victim support services.

For detailed legal advice, assistance and representation, you need to enlist the services of a lawyer. Depending on your income this may be wholly or partially free of charge, through the second-line legal assistance system (*juridische tweedelijnsbijstand/aide juridique de deuxième ligne*). A number of categories of persons in specific situations, such as minors or persons with a mental disability, are always entitled to free legal representation.

For second-line legal assistance you need to go to a Legal Aid Office (*bureau voor juridische bijstand/bureau d'aide juridique*) (details in [French](#) and [Dutch](#)), which is present in every court building. You will have to produce documentation showing either that you belong to one of the special categories or that you are on a low net income. The Office will decide within a fortnight whether to approve your application and send you the contact details of your assigned lawyer. It is also possible to ask a lawyer of your choosing whether he or she is willing to work under the second-line legal assistance arrangements. If the lawyer agrees to this, he or she will contact the Office on your behalf in order to seek approval for your application.

If your financial means are modest, under certain circumstances you can ask to be exempted from a number of procedural costs (e.g. bailiff's costs and the costs of copies from the book of evidence) under the legal aid (*rechtsbijstand/assistance judiciaire*) arrangements. To benefit you need to submit a request to the Legal Aid Office of the criminal court handling the case. If you are already a civil party to the criminal proceedings you can submit this request, in writing or verbally, to the criminal court handling the case.

You are also advised to check your insurance policies closely to see whether you have legal expenses insurance. Contact your insurance broker.

How can I get protection, if I am in danger?

If you are in danger the police will ensure your immediate physical protection. Physical protection is possible also for you as a witness if you are in danger as a consequence of statements you have made during the investigation and are willing to confirm your statement in court. In this case the public prosecutor or the investigating judge can send an application to the special Commission on Witness Protection when they deem protection measures are necessary.

If you are a victim of rape or sexual assault you will be protected against media coverage: the publication or spread of pictures, drawings and other materials that reveal your identity.

If you are a victim of domestic violence and you are afraid to return home the police will provide you (and your children) with a safe shelter.

You can also ask the police officer not to include your official details in the official report. Although the police are bound to give such details to the prosecution officer if requested.

In very threatening situations for you or a person related to you the investigating judge can grant you full or partial anonymity (the police does not have any authority in this matter) when certain conditions are met. You also have the right to ask for anonymity yourself. If the investigating judge rejects your request you cannot appeal against this decision.

Partial anonymity means that your identity will not be revealed in the official record of the interview of the hearing and is only possible if there is an investigation led either by an investigating judge or by the public prosecutor.

Full anonymity means that your identity will be kept secret during the whole criminal proceedings and is only possible if:

- there is a judicial investigation by the investigating judge;
- the provision of partial anonymity is not sufficient to protect you;
- you feel that by making a statement you will cause yourself and your relatives danger and you indicate that for this reason you do not want to make a statement; and
- the crime is committed by a criminal organisation or is a serious one (e.g. kidnapping of minors, arson, murder, etc.)

What services and assistance can I be given during the investigation of the crime?

All employees of the police force and the judicial authorities are obliged to provide you with any necessary information and, where appropriate, to refer you to specialist services. There are various specialist services which offer assistance to victims. During and even after the criminal proceedings you can request the following services:

- The police offer initial reception, practical assistance, information, preparation of official reports, and referral to the appropriate services. When the attending police officer is unable to offer optimal support to you (e.g. in emergency or very serious situations) the specialist police victim services (*politieele slachtofferbejegening/assistance policière aux victimes*) can step in to provide the necessary support.
- The victim reception offices (*slachtofferonthaal/accueil des victimes*) at the law centre can give you specialist information about your case. There is a law centre in every judicial district (their contact details are available in [French](#) in [Dutch](#)). This office can provide you with the necessary support and assistance throughout the entire legal proceedings. If necessary, and depending on the problem, the staff at the victim reception office will refer you to more specialised services. The staff at the victim reception office can support you during emotionally difficult moments in the proceedings, and provide help with access to your file, assistance during the court hearing, help with the return of documentary evidence, or support during a reconstruction of the crime. They can also help you to draw up a victim statement for use with regard to the application of the sentence.
- The victim support services (*diensten slachtofferhulp/services d'assistance aux victimes*) provide further assistance to deal with the consequences of the crime: emotional and psychological support, information (on your rights, reparation of loss, the trial and the availability of legal assistance) together with assistance in contacting various institutions (such as insurance companies, the police, the judicial authorities, lawyers, hospitals, etc.). Usually you are referred to these [services](#) by the police or the judicial assistants but you can also contact them yourself.

Access to all of these services is free of charge and completely voluntary.

If you are a victim of human trafficking various private specialist services can provide support. Coordination and cooperation between these services is provided by the [Centre for Equal Opportunities and the Prevention of Racism \(Centrum voor Gelijkheid van Kansen en voor Racismebestrijding/Centre pour l'Égalité des chances et la lutte contre le racisme\)](#). You will also be eligible for a number of special arrangements on residence and work permits if you are granted protection as a [victim of human trafficking](#)².

You can receive medical assistance, but you may be asked to pay for it unless you have valid health insurance (although you may include these costs in your claim for compensation). Citizens of the 27 EU Member States, Iceland, Liechtenstein, Norway and Switzerland can benefit from the [European Health Insurance Card](#).

Are there opportunities to reach settlement/conciliation or to start mediation between the offender and myself?

Mediation is possible at all stages of the criminal proceedings: at the police stage (mediation at police level); at the level of the municipalities (mediation in connection with administrative penalties); at the level of the public prosecution service, before a decision on prosecution is taken (mediation in criminal cases) and after the public prosecution service has decided to prosecute (restorative mediation). Restorative mediation is also possible during and after the application of the sentence.

Mediation is available for all types of crimes. The public prosecutor, the investigating judge and the trial judge

must inform you of the possibilities for mediation. You can also request mediation yourself.

Mediation at police level (*politiezonele schadebemiddeling/médiation policière*) is offered in cases of petty offences (e.g. graffiti, minor thefts, and vandalism) in order to settle the property damage. This type of mediation is available in the police districts of Leuven, Mechelen and Brussels. Mediation takes place before the official report is sent to the public prosecution service. The public prosecutor is informed of the results of the mediation exercise, and if an agreement has been reached the case is usually closed.

Mediation in connection with [administrative penalties](#)³ provided before imposing an administrative penalty. It is mandatory when the offender is under 16 years of age. The mediation aims primarily at reimbursement of the damage caused and is carried out by local authority officials.

Mediation in criminal cases (*bemiddeling in strafzaken/médiation pénale*) may be proposed by the public prosecutor where he or she believes that the crime is punishable by a maximum of two years' imprisonment. This type of mediation takes place before a decision to prosecute the offender is taken, and is carried out by staff of the law centre. As a victim of an offence your main interest will be mediation aimed at reimbursement of your damage. The public prosecutor may propose one or more additional measures to be taken in respect of the offender (psychological treatment or therapy, training, or the provision of services). If an agreement is reached between the offender and the victim over reparation of damage, and if the offender has complied with any additional measures imposed, the prosecution will be dropped (which means that the public prosecutor will no longer be able to bring the case to court). If the offender does not comply with the conditions, the case may be referred to court. Mediation of this kind requires your cooperation, and if you do not agree to cooperate the case will be returned to the public prosecutor, who will take a fresh decision on whether or not to prosecute.

Restorative mediation (*herstelbemiddeling/médiation réparatrice*) runs separately from the criminal proceedings and does not replace them. The judicial authorities therefore remain responsible for any decision involving criminal prosecution, sentencing, and the application of sentences. This does not, however, prevent you from initiating mediation at any point in the proceedings, that is before the case comes to court, whilst the case is being dealt with by the court, or after the judge has given sentence. Anyone who is directly affected by a criminal case may request mediation. This means that not only can the victim or a offender request mediation, but also, for example, a partner, a family member or a relative. Restorative mediation is carried out by two non-governmental organisations, [Suggnomè](#) for the Flemish region and [Médiante](#) for the Walloon region of the country. They have local sections in each judicial district. An agreement reached as a result of restorative mediation is confidential and is transmitted to the court only with the consent of both parties. The court's judgment must make mention of the restorative mediation, but does not have to take account of the agreement reached.

Mediation is also available in juvenile cases, and restorative mediation is possible both at the level of the public prosecution service and at the level of the juvenile courts themselves. A group conference (*herstelgericht groepsoverleg (hergo)/concertation restauratrice en groupe*) can be ordered only by the juvenile court. The judge is expected to give priority to a mediation measure (as opposed to sentencing an offender who is a minor), and to inform the parties to the conflict of this possibility. If the restorative mediation exercise results in an agreement between the victim and the offender, the judge must as a rule approve this agreement. The judge is not allowed to change the content of the agreement, but can refuse to recognise the agreement if the content clearly entails some danger to public safety. Mediation and group conferences are organised by local non-governmental organisations active in the sector of juvenile assistance.

How will my case continue after the end of the investigation?

The decisions taken at the end of the investigation differ depending on whether it is a judicial investigation or a standard investigation.

In the standard investigation, the public prosecutor can decide to:

- close the case;
- propose an amicable agreement (*minnelijke schikking/résolution à l'aimable*) to the offender – if the offender accepts the proposal and compensates your damage, the case will be closed;
- propose mediation in criminal cases (*bemiddeling in strafzaken/médiation dans les affaires pénales*);
- send your case to court.

As an injured party or civil party to the criminal proceedings you will be informed of the public prosecutor's decision.

If a judicial investigation occurs the investigating judge must forward the file to the pre-trial division of the court (*raadkamer/chambre du conseil*). The court hearings in the pre-trial division are held *in camera*: the press and the public may not be present. You and your lawyer may be present, but your friends and family will not be allowed to attend. The pre-trial division can decide to:

- close the case, if it considers that there is not enough evidence against the defendant or that no offence has been committed;
- refer the case to court for trial, if it considers that there is enough evidence to bring the defendant to court;
- commit the offender to a specialised mental institution if he or she is mentally ill or in a serious state of mental deficiency which makes him or her unable to control his or her acts; in this case the defendant can request a public hearing;
- suspend judgment: the pre-trial division can decide to suspend judgment only when the offender has not been previously sentenced to more than six months' imprisonment; it will set a probation period of no more than five years, during which the offender will have to comply with a number of conditions; if he or she reoffends or does not comply with the conditions within the probation period, the court can decide to reopen the case.

If the pre-trial division decides to commit the suspect to a mental institution or to suspend judgment, its decision is deemed equivalent to the full judgment of a criminal court, and it will also rule on your civil claim for damages.

As an injured party or [civil party to the criminal proceedings](#)¹, you will be informed of the date of the hearing. If your case is referred to the criminal court, you will also be informed of the date of the hearing.

Can I appeal if my case is closed without reaching the court?

You cannot appeal against a decision of the public prosecutor to close the case. Depending on the facts and the circumstances of the case, and the reasons for closing it, it may still be possible to claim damages in the criminal courts (apart from any proceedings before the civil courts):

- If the offence is a minor offence (*contravention/overtreding*) or an intermediate offence (*délit/wanbedrijf*), it is possible to summon the offender to court directly. To do so you must ask a bailiff to serve a summons on the offender.
- You can also lodge a criminal complaint with the investigating judge, and make a claim as as a [civil party to the criminal proceedings](#)¹; the judge is then obliged to initiate a judicial investigation. In order to do so, you must expressly declare to the investigating judge that you are making a claim as a civil party to the criminal proceedings. This may be done verbally or in writing. The investigating judge draws up an official report confirming that you are a civil party to the proceedings. You should be aware that in this case the investigating judge may require you to lodge a security to cover the cost of the proceedings. The amount of this payment is set by the judge. You should also be aware that the pre-trial division of the court may still at the end of the investigation decide not to refer the case for trial if, for example, there is not not enough evidence against the defendant. At the trial you must confirm your status as a civil party to the proceedings.

You cannot summon the offender directly to court, nor lodge a complaint as a civil party to the criminal proceedings, if the offender is a minor.

As a [civil party to criminal proceedings](#)¹, you can appeal against all decisions of the pre-trial division, including any decision not to prosecute the defendant, before the indictment division of the court of appeal (*Kamer van inbeschuldigingstelling/Chambre des mises en accusation*). You cannot appeal against the decision of the indictment division, nor can you subsequently summon the offender to court yourself.

If a decision on damages is taken by the pre-trial division (where the offender is committed to a mental institution or where judgment is suspended) you can appeal with regard to the damages awarded, but not against the criminal judgment. You have to appeal within fifteen days (or three days when the offender is in pre-trial custody) at the registry office of the court. The indictment division of the court of appeal will then review your claim for damages.

If, for whatever reason, you did not take part in the criminal proceedings, you can choose to pursue a claim in the civil courts. This possibility is also open to you if the public prosecutor's office decides not to proceed with the criminal case. You bring the civil claim before the civil court by summoning the person who has caused the damage, unless all parties are willing to appear voluntarily. Where an insurer is involved (after a traffic accident, for example) you may also summon the insurer. Procedure in the civil courts differs fundamentally from criminal procedure. If you want to bring a claim in the civil court (*burgerlijke rechtbank/tribunal civil*) (for example if you were not involved in the criminal proceedings or if your case was closed), you must be prepared to prove that the wrongful act has been committed. If criminal proceedings are in progress the civil court has to suspend the proceedings before it pending the judgment of the criminal court. The civil court is bound by the findings in the criminal case. Bringing a claim before the civil courts will also incur costs.

I am a foreigner. How are my rights and interests protected?

If you are a foreigner who has suffered from a crime in Belgium you can benefit from all the rights explained above as well as some additional rights aimed to facilitate your participation in the procedure.

You have the right to ask for an interpreter free of charge when you do not speak the official language. It is also possible that you write your statement yourself (or that the police officer writes down your statement). If you are not in the country the public prosecutor or the investigating judge can interview you by videoconference or teleconference.

If you are an asylum seeker you can ask for the appointment of a lawyer free of charge.

More information:

- The Constitution - in [Dutch](#) and [French](#)
- The Judicial Code - in [Dutch](#) and [French](#)
- The Code of Criminal Procedure - in [Dutch](#) and [French](#)
- The Law on the police force of 5 August 1992 - in [Dutch](#) and [French](#)
- The Law on State compensation of 1 August 1985 - in [Dutch](#) and [French](#)
- The Law on suspension of judgment, postponement of the application of sentences and probation of 29 June 1964 in [Dutch](#)
- Circular GPI 58 of 4 May 2007 on the treatment of victims in the integrated police force, structured on two levels - in Dutch
- Circular of the College of Prosecutors-General COL 5/2009 concerning the use of uniform certificates of complaint, guidelines on handing over these certificates by the police and the modification of COL 8/2005, revised version of 20 December 2012.
- Circular of 26 September 2008 on the introduction of multidisciplinary cooperation relating to human trafficking of victims and/or victims of serious forms of human smuggling - in [Dutch](#)
- Circular COL 16/2012 of 12 November 2012 - Joint Circular from the Minister of Justice, the Minister of Home Affairs and the College of Prosecutors-General concerning the reception of victims by at the public prosecution services and courts
- Circular COL 17/2012 of 12 November 2012 - Joint Circular from the Minister of Justice, the Minister of Home Affairs and the College of Prosecutors-General concerning the respectful handling of the deceased, the notification of death, respectful leave-taking and cleaning up the scene of the crime in cases where the judicial authorities are involved.
- Circular COL 18/2012 of December 2012 - Joint Circular from the Minister of Justice, the Minister of Home Affairs and the College of Prosecutors-General concerning temporary bans on entering the home in the event of domestic violence
- Royal Decree of 18 December 2003 on the conditions for partial or completely free second-line legal assistance and legal aid - in [Dutch](#)
- Royal Decree of 16 May 2004 on combating human trafficking and smuggling - in [Dutch](#)
- Royal Decree of 13 June 1999 on the organisation of the Law Centres Department of the Ministry of Justice - in [Dutch](#) and [French](#)
- Royal Decree of 28 December 1950 laying down the general rules on legal costs in criminal cases
- Cooperation agreement of 7 April 1998 between the State and the Flemish Community on victim care -

in [Dutch](#)

- Protocol Agreement of 5 June 2009 between the State, the Flemish Community, the French Community, the French Community Committee and the Joint Community Committee on Victim Care - in Dutch and French
- Protocol Agreement of 5 June 2009 between the State, the French Community and the Walloon Region on Victim Care - in Dutch and French
- Protocol Agreement of 5 June 2009 between the State and the German-speaking Community on Victim Care - in Dutch, French and German

Notes: 1. Civil party to criminal proceedings *You can bring a civil claim before the criminal court at any time during the criminal proceedings even if you have not lodged a police complaint. In addition to the ordinary rights of a victim, your status as a civil party to the criminal proceedings then also confers the right:*

- *to request damages;*
- *to be heard by the court;*
- *to have costs reimbursed at the end of proceedings; and*
- *to request an interpreter during court proceedings;*
- *if your civil action is deemed admissible and well founded, you also receive a number of rights in the criminal proceedings without having to submit an application for recognition as a victim to the court for the application of sentences.*

You can register as a civil party to the criminal proceedings via an express declaration if the proceedings have already been launched by the public prosecutor's office. You can do this at any stage during the investigation and the actual trial, but it is no longer possible at the appeal stage. If the offence is a minor offence (contravention/overtreding) or an intermediate offence (délit/wanbedrijf), you can lodge a civil claim before the investigating judge, who is then obliged to launch a criminal investigation. Bear in mind that at the end of the investigation the pre-trial chamber is still free to decide that there is insufficient evidence to bring the alleged offender to court. If you wish to obtain damages, you will need to prove the damage you have suffered. The court will assess whether your application is admissible and either admit or dismiss it. As a civil party to the criminal proceedings, you are entitled to bring the matter before the indictment division of the court of appeal if the criminal investigation is still ongoing one year after it began. This option gives you indirect control over the investigation's progress. 2. Protection as a victim of human trafficking Since the beginning of the 1990s Belgium has offered victims of human trafficking a system of resident status. The following categories of victims are entitled to the status of 'victim of human trafficking':

- victims of human trafficking (i.e. trafficking for the purpose of various forms of sexual exploitation, exploitation of begging, economic exploitation, removal of organs, forced criminal acts);
- victims of human smuggling (i.e. assisting illegal immigration with a view to profit) when there are aggravating circumstances. Victims who are subject to violence or whose life is in danger are entitled to this status.

Recognition as a victim of human trafficking makes you eligible for special arrangements regarding residence and work permits, if you:

- break off contact with the suspected offenders;
- accept the mandatory assistance offered by an approved centre specialising in providing reception facilities and assisting trafficked persons;
- cooperate with the judicial authorities by making a statement or lodging a complaint.

3. Administrative penalties Administrative penalties are imposed by local authorities and are not criminal penalties. Local authorities have the power to punish certain petty offences and nuisances by means of administrative sanctions (fines, closure of buildings or premises, or suspension of permits or licences). The municipality may impose these penalties for violation of its regulations, certain forms of vandalism, etc. Prosecution does not depend directly on the public prosecutor.

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