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Help for U.S. Citizen Victims of Crime in Belgium

Please click on this [link](#) to read the Department of State's brochure for victims of crime, or go to <https://travel.state.gov/content/passports/en/emergencies/victims.html>.

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Being the victim of a crime in a foreign country can be a devastating and traumatic experience. While no one can undo the emotional trauma, physical injury, or financial loss you may have experienced, the U.S. Embassy in Brussels is ready to help. We are very concerned about violent crimes committed against U.S. citizens in Belgium. We will assist you in managing the practical consequences of being a crime victim and provide you with information about accessing the local criminal justice system, as well as other resources for crime victims abroad and the United States. This office can assist you to find appropriate medical care, contact family or friends on your behalf and explain how funds can be transferred. We can also help you to better understand the criminal justice system in Belgium, which is very different from the system in the United States.

The information included in this guide relating to the legal requirements in Belgium is provided for general information purposes only. The information may not be accurate or relevant to a particular case. Questions involving interpretation of Belgian laws should be addressed to legal counsel licensed to practice law in Belgium. The investigation and prosecution of the crime is solely the responsibility of local authorities. The Federal Bureau of Investigation (FBI) may assist local authorities in certain cases of kidnapping, hostage-taking and terrorism.

REPORTING CRIMES: As victim of a crime in Belgium, you can file a complaint. It is in your best interest to file the complaint as soon as possible with the nearest police station. After a certain amount of time (for some crimes five years), the accused can no longer be prosecuted. There is an exception for victims of certain sexual crimes, such as rape, sexual assault and prostitution: minor victims, or victims who were minors at the time of the crime, can file a complaint after reaching the age of 18, within a timeframe determined by Belgian law.

You have to file the complaint in person, this can be done at your local police station, or you may contact the police and make an appointment for the officers to come to you to file the complaint (e.g. in case of a burglary, or if you are in hospital). No one else can file the report on your behalf, including the U.S. Embassy. If you have already left Belgium, you will have to file the report at the nearest local police station.

If you have difficulties filing your police report with an official, please contact the U.S. Embassy or Consulate immediately. You may need a police report to file for crime victim compensation or insurance reimbursement. If you do decide to file a report please send a copy to us, along with your address and phone number and/or e-mail address in the event we need to communicate with you. While we are not authorized to act as your legal representative, prosecutor or investigator, our office can help you track the progress of your case and advise you of any developments.

INVESTIGATIONS: Many crime investigations never result in the arrest of a suspect. Once you have filed your complaint, the police in general forwards the complaint to the Public Prosecutor (Procureur des Konings/Procureur du Roi), who will decide what the further handling of the complaint can be. He takes into account the different elements of the case, the type of crime, and the result of the investigation when making this decision. He can decide to dismiss the case, he can suggest arbitration or a settlement, he can request a judicial investigation, or he can decide to prosecute the suspect. As a victim, you can at any time request assistance from Victim's Assistance, who can give more information on the investigation or prosecution procedure, and also update the victim about the progress of the case. You can expect to be interrogated more than once, if the investigation requires additional information. Forensic evidence, such as photos and fingerprints, may also be collected.

ARRESTS: Criminal cases in Belgium are all basically handled in the same manner. The following outline describes in general detail what one can expect to occur as arrestee. Your car, luggage, person, clothes, etc., can be searched without a warrant and against your will. If illegal drugs are found in your possession, or if the police suspect you of being involved in any other criminal activity, you can be held "incommunicado" for a maximum of twenty-four hours. During this period a decision is made to either release you from custody or to issue an arrest order.

PRETRIAL PERIOD: If an arrest order is issued, the arrestee must be brought immediately before a Judge of Instruction (Juge d'Instruction/Onderzoeksrechter) who decides if the arrest order can be sustained. If the order is confirmed, the judge will remand the arrestee to prison, usually for thirty days, while the case is under investigation. If the investigation is not completed within the initial thirty days, the judge can order detention for additional periods of thirty days, ad infinitum, until the case is ready for trial. At each stage, you may appeal the judge's decision pertaining to your detention. Although Belgian law provides for the release of a prisoner on bail, it may be more difficult to obtain for foreign citizens who, in the eyes of Belgian authorities, pose a greater risk of flight. The court will appoint an attorney to represent a prisoner who cannot afford to employ a private lawyer.

TRIAL: Any criminal offense that is punishable by more than five years of confinement may be tried before a panel of twelve jurors who determine the guilt or innocence of the accused. All other cases are heard by a panel of professional judges. Procedures are formal and trials normally are open to the public. It is up to your attorney to keep you informed throughout the course of the trial if you do not provide your own translator. The court does provide translation for witnesses who do not speak the local language. As a victim, you are not always required to return to Belgium to testify, you may submit a written statement.

SENTENCING:

The presiding judge will hand down a sentence in accordance with established sentencing guidelines. The sentence may be handed down immediately or within two weeks of the verdict. In certain cases, sentences may be more severe than in the United States. If requested by the victim,

the Office of Victim's Assistance will inform the victim of the sentence and any further steps that may be taken by the victim or the accused.

APPEALS: After notification of the court decision, victim and accused both have ten days in which to submit an appeal.

ATTORNEYS: You may want to consider hiring a local attorney to secure appropriate legal guidance. Local legal procedures differ from those in the United States. Although the public prosecutor (Openbaar Ministerie/Ministère Public) is responsible for prosecuting your case, an attorney you hire can promote your interests with the police and the court. While our office cannot recommend specific attorneys, we can provide you with a list of attorneys who have expressed interest in representing U.S. citizens. This list is available on the Internet at <https://belgium.usembassy.gov/service/legal-assistance-lawyers.html>.

VICTIM COMPENSATION IN BELGIUM: As victim of a crime in Belgium, you are assisted by your local Center for Victim's Assistance, even if you have not filed a complaint with the police. The center will assist you upon request, regardless of the nature of the crime. If you have filed a complaint with the police, the police may forward your contact information to the nearest Center for Victim's Assistance. The Center will then invite you for an interview. This interview will take place as soon as possible at the Center, at your home, or if necessary at the hospital where you are admitted. A Center for Victim's Assistance does not only offer psychological assistance, but also information on practical issues. The Center will advise you on the local procedures of the police and the justice department, on insurances and on damages. They can assist you with the procedure to claim compensation from the 'Commission for Financial Assistance for Victims of Deliberate Acts of Violence'. Upon request, an assistant will accompany you to the doctor, the police, the Parquet, or to court. You are free to accept or refuse any assistance from the Center. Complete information can be found at http://www.belgium.be/fr/justice/victime/aide_aux_victimes/ (French) or http://www.belgium.be/nl/justitie/slachtoffer/slachtofferhulp/centra_voor_slachtofferhulp/ (Dutch).

Belgium has a crime victim compensation program that will provide victims with partial financial compensation for material and moral damages. Foreigners need to have been legally residing or travelling in Belgium at the time of the crime. Complete information can be found at http://www.belgium.be/fr/justice/victime/aide_financiere/index.jsp (French), or http://www.belgium.be/nl/justitie/slachtoffer/financiele_hulp/ (Dutch).

ADDITIONAL INFORMATION: General information and other useful links for victims of crime are available at the Department of State's Help for American Victims of Crime Overseas webpage: <https://travel.state.gov/content/passports/en/emergencies/victims.html>. Information about each state's crime victim compensation program and how to apply for compensation is available on the Internet at the web site of the National Association of Crime Victim Compensation Boards, <http://www.nacvcb.org>

EMBASSY LOCATION: U.S. Citizens living or traveling in Belgium are encouraged to register with the nearest U.S. Embassy or Consulate through the [State Department's travel registration website](#) so that they can obtain updated information on travel and security within Belgium. U.S. Citizens without Internet access may register directly with the nearest U.S. Embassy or Consulate. By registering, U.S. Citizens make it easier for the Embassy or Consulate to contact them in case of emergency. The U.S. Embassy is located at Boulevard du Régent/Regentlaan 25, 1000 Brussels, and can be reached at +32-2-811-4000; the after-hours emergency number is the same. The fax number

for the consular section is +32-2-811-4546. The Embassy's web site is found at <http://belgium.usembassy.gov>.

SPECIAL INFORMATION FOR CASES OF SEXUAL ASSAULT AND RAPE: Physical evidence is very important in sexual assault cases, and can deteriorate as time passes. As such, victims should not change clothes, avoid bathing if possible, and have a physical exam at the first opportunity. You should take these steps even if you are unsure about whether to report the crime to police. If you decide to pursue a prosecution at a later time, these steps preserve evidence that will assist the prosecutor. A consular officer or after-hours duty officer from the U.S. Embassy may be able to accompany victims of sexual assault for the medical exam.

Under Belgian criminal law, rape is defined as "any act of sexual penetration of any nature or by any means perpetrated on a person who does not consent", while sexual assault is defined as the same acts but without penetration.

Forensic sexual assault exams are authorized by the Public Prosecutor (Procureur des Konings/Procureur du Roi) if the circumstances warrants such exam, but, as a victim, you may refuse such exam. The exams are performed by a medical doctor appointed by the Belgian authorities, or by a doctor of your choice. Only minor victims are allowed to bring a support person for the medical exam. The exam is performed at the place most convenient for you, the victim, preferably at a hospital or other medical facility. A forensic sexual assault exam may involve a pelvic exam, vaginal/penile/anal swabs, head and pubic hair samples, fingernail scrapings, blood samples, saliva samples, etc. You do not have to pay for the exam; the expenses are considered legal costs. Rape/sexual assault charges can be filed without an exam.

You should get medical attention to determine if you have been injured in any way and to discuss treatment and prevention options for pregnancy and sexually transmitted diseases. Emergency contraception, in the form of the morning-after pill, is available in all public hospitals in Belgium, or through any general practitioner or gynecologist. HIV prophylaxis is available in Belgium through any general practitioner or through hospitals. The U.S. Embassy can provide you with a list of local doctors.

As a victim, you are interviewed by a police officer when filing your report. In general, the same officer will assist you again if further reports are necessary. The Belgian authorities do take acquaintance rape (date rape) seriously, and consider spousal rape to be a crime. Your identity as a victim will not be made public by the authorities.

SPECIAL INFORMATION FOR CASES OF DOMESTIC VIOLENCE: Domestic violence is considered a crime in Belgium. If you are the victim of domestic violence, you should notify the local police, file a report, and contact your medical doctor or seek medical attention at the nearest hospital. A protective/restraining order against the perpetrator can be issued by the local judge (Juge de Paix/Vrederechter). If the perpetrator violates the judge's order, you should contact the police to intervene and file a report. Domestic violence shelters are available throughout Belgium and are considered secure. The number of beds and rooms offered may vary from shelter to shelter. To be admitted to a shelter, you have to contact the police or the nearest Center for Victim's Assistance, who will evaluate with you whether admission to a shelter is the most appropriate solution. Depending on the circumstances, you may be admitted at short time notice. At most shelters, children are also admitted.

SPECIAL INFORMATION FOR CASES OF CHILD ABUSE: Any Belgian citizen or resident who becomes aware of or suspects child abuse can notify the nearest office of the Center for Child Abuse (“Vertrouwenscentrum Kindermishandeling/Equipe S.O.S. Enfants’). This is of course especially true for all professions where caregivers are in frequent contact with children (teachers, social workers, doctors, etc.). More information on the Centers for Child abuse can be found on <http://www.kindermishandeling.org> (Dutch) and <http://www.one.be> (French).

The Juvenile Court is responsible for the protection of minors, and the Public Prosecutor’s office of this court investigates allegations of child abuse. A child, including a U.S. Citizen residing in Belgium, can be removed from his or her home based on a court order from the Juvenile Court. This court has the authority to give custody of the child to local social services or to place the child in a foster home. Foster homes, social services, and child protection services are experienced in assisting child victims. Larger hospitals in Belgium have the resources to perform medical examinations to establish whether or not a child has been mentally, physically or sexually abused.

A child may be asked to testify against his or her abuser, if the case goes to court, but in such cases the child will be prepared and assisted by social services and psychologists. The court will also make special accommodations in order to minimize the trauma of testifying for the child.

Clearance Page

Drafted: BRUSSELS

Cleared: ACS Unit Chief
Consular Section Chief
Post RSO (as needed)
Legatt (if kidnapping information included)
Regional Medical Officer (if medical information provided)

CA/OCS/ACS desk officer
Victim Assistance Specialist
CA/OCS/ACS division chief