

Relevant provisions of the Belgian Criminal Code include^[1]

Article 327 of the Criminal Code

Anyone who, either verbally or in writing, anonymously or signed, with order or under conditions, threatens with an attack against people or property, punishable by a criminal penalty, will be punished by imprisonment of six months to five years and a fine of EURO 100 to EUR 500.

The anonymous or signed threat in writing of an attack against people or property punishable by a criminal penalty, not accompanied by an order or condition, will be punished by imprisonment from three months to two years and a fine of EUR 50 to EUR 300.

Article 329 of the Criminal Code (threat)

The threat by gestures or emblems of an attack on persons or property, punishable as a criminal offense, will be punishable by imprisonment from eight days to three months and a fine of EUR 26 to EUR 100.

Article 330 of the Criminal Code (threat)

The threat, either made verbally or in writing, anonymously or signed, with an order or condition, of an attack on persons or property, punishable by imprisonment for a term of at least three months, will be punishable by imprisonment for eight days to three months and a fine of EUR 26 to EUR 100.

Article 348 of the Criminal Code (forced abortion)

Whoever, a doctor or not, by any means whatsoever, deliberately causes an abortion in a woman who has not consented to it, will be punished by imprisonment from five to 10 years. If the means used have failed to achieve their effect, Article 52 will be applied [according to which the attempted crime is punished with a penalty immediately lower than the one for the crime itself].

Article 349 of the Criminal Code (abortion caused by violence)

When the abortion was caused by violence exercised voluntarily, but without intention to produce it, the perpetrator will be punished with imprisonment from three months to two years and a fine of EUR 26 to EUR 300. If the violence was committed with premeditation or with knowledge of the woman's condition, imprisonment will be from six months to three years, and the fine will be from EUR 50 to EUR 500.

Article 371/1 of the Belgian Criminal Code (voyeurism)

Whoever has:

1. observed or caused to be observed a person, or made or caused to be made a visual or audio recording of a person: (i) directly or by technical or other means; (ii) without that person's authorization or without his or her knowledge; (iii) while the person was nude or engaged in explicit sexual activity; and (iv) in

circumstances in which the person could reasonably be expected not to invade his or her privacy

2. showed, made accessible or disseminated images or the visual or audio recording of a person who is nude or engaged in explicit sexual activity, without his or her consent or without his or her knowledge, even if that person has consented to their production

will be punished by imprisonment from six months to five years.

The sentence is 10 to 15 years of imprisonment if the victim was under 16. There is an irrefragable presumption of absence of consent for victims under 18.

Article 372 of the Criminal Code (indecent assault without violence or threats)

Any indecent assault committed without violence or threats against the person or with the help of a child of either sex, under the age of 16, will be punishable by imprisonment from five to 10 years. An indecent assault committed without violence or threats by any ascendant or adopter on the person or with the help of a minor, even if the minor is older than 16 years old, will be punishable by imprisonment for 10 to 15 years. The same penalty will be applied if the offender is the brother or sister of the minor victim or any person occupying a similar position within the family, or any person habitually or occasionally cohabiting with him or her and having authority over the victim.

Article 373 of the Criminal Code (indecent assault with violence or threat)

Indecent assault committed on people or with the help of people of one or the other sex, with violence, constraint, threat, surprise or ruse, or which was made possible by reason of an infirmity or physical or mental deficiency of the victim, will be punishable with imprisonment for six months to five years. If the attack was committed on a person [or with the aid of a person] over the age of 16, the penalty will be imprisonment (for five to 10 years). The penalty will be (imprisonment) for 10 to 15 years, if the minor was less than 16 years old.

Article 375 of the Criminal Code (rape)

Any act of sexual penetration, of any nature and by any means whatsoever, committed on a person who does not consent, constitutes the crime of rape. Consent does not exist, in particular, when the act has been imposed by violence, coercion, threat, surprise or deception, or has been made possible by the physical or mental infirmity or disability of the victim.

Article 376 of the Criminal Code (rape causing death)

If the rape or indecent assault caused the death of the person who it was committed on, the perpetrator will be punished with imprisonment for 20 to 30 years. (If the rape or indecent assault was preceded or accompanied by the acts referred to in Article 417-ter, paragraph 1 [torture], or of sequestration, the perpetrator will be punished by imprisonment for 15 to 20 years.)

If the rape or indecent assault was committed on a person [whose situation of vulnerability due to age, pregnancy, illness, disability or a physical or mental deficiency

was apparent or known to the perpetrator], either under the threat of a weapon or an object that resembles it, the perpetrator will be punished with imprisonment for 10 to 15 years.

Article 391-bis of the Criminal Code (nonpayment of alimony/maintenance)

A person will be punished by imprisonment for eight days to six months and a fine of EUR 50 to EUR 500, or by one of these penalties only, without prejudice, if necessary, to the application of more severe criminal sanctions, who, having been sentenced by a judicial decision to provide alimony to his spouse, his descendants or his ascendants, has voluntarily remained for more than two months without paying the alimony.

Article 391-sexies of the Criminal Code (forced marriage)

Anyone who, by violence or threats, forces someone to enter into marriage will be punished by imprisonment for three months to five years and a fine of EUR 250 to EUR 5,000.

Article 393 of the Criminal Code (murder)

Homicide committed with intent to cause death is qualified as murder. It will be punished by imprisonment for 20 to 30 years.

Article 394 of the Criminal Code (assassination)

Premeditated murder qualifies as assassination. It will be punished by life imprisonment.

Article 397 of the Criminal Code (poisoning)

Poisoning is defined as murder committed by means of substances that can cause death more or less promptly, in any manner in which such substances are used or administered. It will be punished by life imprisonment.

Article 398 of the Criminal Code (assault and battery)

Anyone who willfully assaults will be punished with imprisonment for eight days to six months and a fine of EUR 26 to EUR 100, or with one of these penalties only.

Article 399 of the Criminal Code

If the assault or injury caused personal illness or incapacity to work, the perpetrator will be punished with imprisonment for two months to two years and a fine of EUR 50 to EUR 200.

Article 401 of the Criminal Code (assault and battery causing death)

Where the assault or battery, done voluntarily, but without intent to cause death, has nevertheless caused it, the perpetrator will be punished by imprisonment for five to 10 years.

The perpetrator will be punished by imprisonment for 10 to 15 years, if he has committed these acts of violence with premeditation.

Article 402 of the Criminal Code (poisoning impairing health)

Whoever has caused to another person personal illness or incapacity to work by giving voluntarily, without intent to kill, substances that may cause death, or substances that, without being of such a nature as to cause death, may nevertheless seriously impair health, will be punished with imprisonment for three months to five years and a fine of EUR 50 to EUR 500.

Article 403 of the Criminal Code (poisoning with incurable illness)

The penalty will be imprisonment from five to 10 years, when these substances have caused either an illness that appears incurable, or personal incapacity to work for more than four months or the loss of the absolute use of an organ.

Article 404 of the Criminal Code (poisoning with death)

If the substances administered voluntarily, but without intent to cause death, nevertheless caused it, the perpetrator will be punished by imprisonment for 15 to 20 years.

Article 409 of the Criminal Code (genital mutilation)

Anyone who has practiced, facilitated or promoted any form of mutilation of the genital organs of a female person, with or without her consent, will be punished by imprisonment for a term of three to five years.

An **attempt** of genital mutilation will be punished by imprisonment for a term of eight days to one year. The same penalty as an attempt will be imposed on anyone who incites the practice of any form of mutilation of the genital organs of a female person or has, directly or indirectly, in writing or verbally, made, caused, published, distributed or disseminated publicity in favor of such a practice.

If the mutilation is practiced on a minor or for profit, the penalty will be imprisonment for five to seven years.

When the mutilation has caused a seemingly incurable illness or a personal incapacity for work of more than four months, the penalty will be imprisonment for five to 10 years.

When mutilation is carried out without intention to kill but, nevertheless, causes it, the penalty will be imprisonment for 10 to 15 years.

If the mutilation was carried out on a minor or a person who, because of his or her physical or mental state, was not able to provide for his or her maintenance, by his or her father, mother or other ascendants, any other person having authority over the minor or the incapable person or having custody, or any person who cohabits occasionally or habitually with the victim, the minimum of the penalties given above will be doubled in the case of imprisonment, and increased by two years in the case of seclusion.

Article 410 of the Criminal Code

In the cases mentioned in Articles 398 to 405 of the Criminal Code, if the perpetrator has committed the crime or the offense against his or her father and mother or other ascendants [in direct line or collateral up to the fourth degree], the minimum penalty carried by these articles will be doubled in the case of imprisonment, and increased by two years in the case of seclusion.

The same will apply if the perpetrator has committed the crime or the offense against his or her spouse or the person with whom he or she cohabits or has cohabited and maintains or has maintained a lasting emotional and sexual relationship. (In addition, in the case referred to in Article 398, paragraph 1, the maximum penalty is increased to one year's imprisonment.)

Article 417-bis of the Criminal Code (defining torture, inhuman treatment and degrading treatment)

1. Torture: any deliberate inhuman treatment that causes severe pain or very severe and cruel suffering, whether physical or mental.
2. Inhuman treatment: any treatment by which severe mental or physical suffering is intentionally inflicted on a person, in particular for the purpose of obtaining information or a confession from that person, punishing him or her, putting pressure on him or her or intimidating that person or third parties.
3. Degrading treatment: any treatment that causes serious humiliation or degradation to a person who is subjected to it, in the eyes of another person or in his or her own eyes.

Article 417-ter of the Criminal Code (torture)

Anyone who subjects a person to torture will be punished by imprisonment for 10 to 15 years. Torture will be punished by 20 to 30 years of imprisonment:

1. When it has been committed against a minor or against a person who, because of his or her physical or mental condition, was unable to provide for his/her maintenance, by his/her father, mother or other ascendants, any other person having authority over him/her or having custody of him/her, or any person of full age who occasionally or habitually cohabits with the victim.
2. When it has caused death and it was committed without intent to cause it.

Article 417-quater of the Criminal Code (inhuman treatment)

Anyone who subjects a person to inhuman treatment will be punished with imprisonment for five to 10 years. A person will be punished with imprisonment for 20 to 30 years either when:

1. it has been committed against a minor or against a person who, because of his or her physical or mental condition, was unable to provide for his/her maintenance, by his/her father, mother or other ascendants, any other person having authority over him/her or having custody of him/her, or any person of full age who occasionally or habitually cohabits with the victim
2. it has caused death and was committed without intent to cause it

Article 417-*quinquies* of the Criminal Code (degrading treatment)

Anyone who subjects a person to degrading treatment will be punished with imprisonment for 15 days to two years and a fine of EUR 50 to EUR 300 or one of these penalties only.

Article 431 of the Criminal Code (nonrestitution of a child)

Those who, being in charge of a minor under 12 years of age, do not present him/her to the persons entitled to claim him/her, will be punished with imprisonment for eight days to one year and a fine of EUR 26 to EUR 100, or only one of these penalties.

Article 432 of the Criminal Code (nonrestitution of a child by the mother or father)

The following will be punished by imprisonment for eight days to one year and a fine of EUR 26 to EUR 100, or by one of these penalties only: the father or mother who removes or attempts to remove his or her minor child from the proceedings instituted against him or her under the legislation relating to youth protection or youth assistance, who removes or attempts to remove him or her from the custody of the persons to whom the competent authority has entrusted him or her, who does not represent him or her to those who have the right to claim him or her, who removes him or her or has him or her removed, even with his or her consent.

If the perpetrator has been deprived of parental authority in whole or in part, imprisonment for up to three years may be imposed.

Article 448 of the Criminal Code (insults)

Anyone who has insulted a person either with facts or with writings, images or emblems, will be punished by imprisonment for eight days to two months and a fine of EUR 26 to EUR 500, or by one of these penalties only.