



## CRBB2.0

### Data collection

#### French-speaking community of Belgium

The indicators, presented hereunder, are a selection of the indicators developed by Unicef and UNODC along with the indicators developed by the UN Global Study on children deprived of liberty. The selection was based on the following criteria:

- Relevancy to CRBB2.0 project
- Availability of the data

We would like to identify data and indicators that give a glance on the situation of children deprived of liberty in each partner country. This data collection will be used to present the situation in each country.

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- 1) What is the minimum age of criminal responsibility in your country?  
*If the minimum age of criminal responsibility varies within your country, please provide details.*

18 years old

- 2) Are there separate juvenile justice processes and/or facilities for children in conflict with the law?  
*Please describe juvenile justice arrangements at all levels of the criminal justice system (police, courts, corrections).*

For more information please see “[Children’s Rights Behind Bars – Human Rights of Children deprived of liberty: Improving the Monitoring Mechanisms. National Report – Belgium 2014](#)”, chapter C “The national framework”.

- 3) A. From what age are children subject to detention in the juvenile justice system?  
12 years old



B. From what age are they subject to detention in the adult criminal justice system?

18 years old. However a minor from the age 16 onward may be transferred to an adult court: under certain conditions the Juvenile court judge may remit cases of especially serious acts to an adult court. The law states that *“if the person accused of an act deemed to constitute an offense before the Juvenile Court is aged 16 or more when the act was committed and that the juvenile court considers that care, preservation or educational measures are inadequate, the judge may relinquish jurisdiction through a reasoned decision and remit the case to the Public Prosecutor’s Office for the purpose of presecution (...)”*.

The motivation to transfer a minor into an adult court has to take into account the minor’s and his/her relatives characters and the juvenile’s maturity. Therefore, a social study and a medical-psychological examination are required.

The proceedings will take place before:

- If the person concerned is suspected to have committed an offence or a correctionable crime, the proceedings will take place before a specific chamber within the Juvenile Court (composed of two juvenile court judges and one judge from the Correctional Court) that applies the common criminal law and the common criminal proceedings.
- If the person is suspected to have committed a crime that cannot be relinquished to the Correctional Court, the proceedings will take place before the Court of Assize.

A minor can only be transferred to an adult court if he/she has already gone through one or several protective measures or if he/she has committed a serious offence.

In the event of a sentence to imprisonment without suspension, the minor concerned will complete the sentence in a Federal Detention Center (FDC). By the time the juvenile reaches his/her 18<sup>th</sup> birthday, he/she could be transferred to an adult prison if there is not enough space within the FDC or if there are serious disruptions in the institution.<sup>1</sup>

- 4) Please provide the number of children deprived of liberty on 1 January 2017 in the criminal justice system:
- A) in pre-trial (remand) detention
  - B) in prison or other detention facilities after a conviction and sentence (or their equivalent in domestic law)

Please provide data disaggregated by age and nationality (citizens/non-citizens) where possible.

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<sup>1</sup> Children’s Rights Behind Bars project, National Report – Belgium, 2014, p. 23.



**Table 1: Children deprived of liberty in the criminal justice system in 1/1/2017**

	Under 10			10-11			12-13			14-15			16-17			18 - 21		Total (ages 0-17)		
	Nat	Non-nat.	Total	Nat	Non-nat.	Total	Nat	Non-nat.	Total	Nat	Non-nat.	Total	Nat	Non-nat.	Total	Nat	Non-nat.	Nat	Non-nat.	Total
<b>A)</b>	<b>B) Pre-trial detention</b>																			
Male	NA	NA	NA	NA	NA	NA	8	1	9	57	7	64	83	18	101	6	1	148	26	174
Female	NA	NA	NA	NA	NA	NA	4	0	4	11	2	13	10	0	10	1	0	25	2	27
Total pre-trial detention	NA	NA	NA	NA	NA	NA	12	1	13	68	9	77	93	18	111	7	1	173	28	<b>201</b>
<b>C)</b>	<b>D) Sentenced</b>																			
Male	NA	NA	NA	NA	NA	NA	0	0	0	1	0	1	8	0	8	0	0	9	0	9
Female	NA	NA	NA	NA	NA	NA	0	0	0	0	0	0	1	0	1	0	0	1	0	1
Total prison	NA	NA	NA	NA	NA	NA	0	0	0	1	0	1	9	0	9	0	0	10	0	<b>10</b>
<b>Total children in deprived of liberty in the criminal justice system</b>																				
Male	NA	NA	NA	NA	NA	NA	8	1		58	7		91	18		6	1	157	26	
Female	NA	NA	NA	NA	NA	NA	4	0		11	2		11	0		1	0	26	2	
Total	NA	NA	NA	NA	NA	NA	12	1	13	69	9	78	102	18	120	7	1	183	28	<b>211</b>



- 5) Please provide the total number of children aged 0-17 deprived of liberty in the context of criminal justice in each of the last 10 years when data are available.

**Table 3**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Male	844	834	805	847	877	786	756	792	762	776
Female	166	162	157	161	176	152	172	161	144	142
<b>Total</b>	1010	996	962	1008	1053	938	928	953	906	918

- 6) What is the longest period of custodial detention (imprisonment or other form of detention) to which a child can be sentenced?

1240 days<sup>2</sup>

- 7) What is the percentage of children in detention not wholly separated from adults?

0%

- 8) What is the percentage of children released from detention receiving aftercare?  
Please provide data disaggregated by type and nature of aftercare when possible.

Among the children whose aftercare finished during the year 2016, 24,54% received post-detention aftercare.

- 9) Is there any data and/or analysis regarding recidivism of children who have been deprived of liberty?

No data available

<sup>2</sup> It is an exceptional situation of a boy placed in a closed facility. The average period of custodial detention in closed facility, all services included, between 2007 and 2016 is 65 days. It is 7 months in specialised services in closed detention facilities of longer period.