

CONTACT US



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Rainbow Cops Belgium LGBT Police



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DIVERSITE FEDERALE DIVERSITEIT
RESEAU - NETWERK



VICTIM

of discrimination based on sexual orientation or
gender identity?

Information from Rainbow Cops, LGBT Police, Belgium.

WHY MAKE A COMPLAINT?

By reporting the facts, you will get a sympathetic hearing. A police officer will take down a record of the interview. This will allow:

... the police to make enquiries, to identify culprits, to take preventive measures and to improve their understanding of discriminatory acts;

... the judicial authorities to prosecute this type of offence, to record discriminatory acts against the LGBTQI community and to improve the fight against homo-, lesbo-, bi and transphobia..

The instructions set out in memo "COL 13/2013" for State Prosecutors provide for the designation of contact persons in magistrates courts and police forces who have knowledge of how to deal with hate crimes and discrimination based on sexual orientation and gender identity. These officers are stationed in every local police zone and front-line service of the Federal Police. This officer can be your main contact person if you wish. Do not hesitate to contact him/her!

HOW TO MAKE A COMPLAINT?

... In an emergency call 112.

... when it is not urgent, you can go to the Commissariat (police station) of your choice. The desk officer is obliged to note your complaint. You may also write to the Prosecutors Office (Procureur du roi/des konings [\(1\)](#)).



WHAT TO DO?

You can:

- ask a doctor for an official record of the injuries or for a medical report.
- collect evidence of the offence and injuries suffered (ie photos, e-mails, text messages, mail , videos etc).
- take the initiative to go to a Commissariat and talk to a police officer. If you do not wish to go the front desk of the police station, you can go directly to the office of the contact person responsible for "hate crimes and discrimination", or in the absence of this person, go to the " victim support" officer in the local police zone.
- contact the Police Service for Victim Support (SAPV/BPS) at any time. They will put you in contact with the appropriate police officer of your choice and will assist you with further steps to be taken.
- contact the lawyer of your choice. If so desired he/she can be present during the interview.

WHAT ARE YOUR RIGHTS?

As a victim, you can:

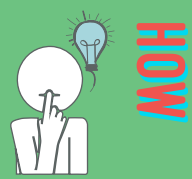
- claim to be the injured party (2).
- express yourself in the appropriate language. A registered interpreter may be used during the interview or you will be asked to write down your own statement.

Before the interview, you will be informed of your principle rights as follows:

- that your statements may used as evidence;
- that you may request all questions and answers are noted verbatim;
- that you may request enquiries be made of certain persons (e.g witnesses) ;
- that you may use the documentation in your possession without this delaying proceedings and request that these documents be annexed to the report of the interview or the case file(list of injuries, photos, medical report etc) .

At the end of the interview, you may request the assistance of the Victim Support Unit (SAPV/BPS). This office provides free front-line help in difficult situations (advice, counsel, practical help etc). They will also refer you to the appropriate services for further assistance (legal, social, psychological, financial etc).

You also have the right to a free copy of the report of you interview. Apart from in exceptional circumstances, this will be provided immediately after the interview. You will also get the number of the case file and other useful information certifying your complaint.



(1) REFUSAL?

The Belgian Police is only responsible for matters that are criminal offences or acts that are listed in the Criminal Code. In matters of Civil Law, these are handled by the appropriate legal authorities that can stop discrimination or provide compensation.

In other cases, if a Police Officer fails to properly record your complaint, you can:

- insist and request a reason for the refusal;
- ask to speak to a superior;
- turn to the SAVP/BPS;
- inform the head of the local Police Zone;
- report your complaint to the UNIA, or the Institute for Gender Equality in Belgium;
- inform the Police Ombudsman's Office.

(2) TO GET RECOGNITION AS THE INJURED PARTY?

If you make a formal complaint to the police, you will get the possibility of recognition as the "injured party". This is a free procedure. You will be asked to fill in a special form which will be added to your dossier. And will be passed on to the Prosecutors' Office (Procureur du Roi/ des Konings).

As the injured party, you have the right to request access to your dossier and to get a copy. The Prosecutors Office will inform you as appropriate:

- that the case is closed with no action taken;
- that an investigation has started;
- of the date the case will be heard;

(3) TO BECOME A PLAINTIFF IN CIVIL LAW?

Becoming a plaintiff requires appearing before the investigating magistrate (Juge d'instruction, onderzoeksrechter) in court. If granted this status, you will have extra rights beyond those of "injured part". Contact a lawyer or Law office to help you with these different steps..

LIKE TO KNOW MORE?

For further information, go to our website: www.rainbow-cops-belgium.be

Other useful links:

... The Federation Wallonia-Brussels has a website for every type of victim (only in French):

www.victimtimes.be

... You will find your local police zone here:

www.police.be

... The houses of Justice (only in French):

www.maisondejustice.be

... The federal public service of Justice (in French and Dutch):

www.justice.belgium.be

... UNIA – The interfederal Center for Equal Opportunities:

www.unia.be

... The Institute for the Equality of Women and Men:

www.igvm-iefh.be