

Public indecency:

written by Dennis_Rombaut_ | March 28, 2022

Officially called public indecency, the crime is popularly known as public indecency.

It involves the violation of “good morals”. This can be done through songs, texts, images, films and photographs, but also through actions.

The concept of ‘public morals’ is open to interpretation. It will be up to the judge to decide whether something is acceptable in today’s society. It is important to note that the Court of Cassation has long recognised that this is an evolving concept. Something that would have been immoral 10 years ago is not necessarily so today. One must look at what is acceptable within society at that time. The fact that some songs or cartoons are experienced as immoral by a group of people does not mean that this is not socially acceptable. Moreover, an absence of fundamental human rights such as the right to free expression and self-expression must always be taken into account. Think, for example, of the topless demonstrations by certain interest groups.

It is not necessary for nudity to violate public morals. Not even when performing acts. The classic example of showing one’s genitals will in most cases constitute public indecency, but making obscene (sexual) gestures can also violate decency. The main difference between public indecency and indecent assault is that indecent assault requires physical contact.

It is not required that the target of the acts files a complaint to be punishable.

For more information about this crime, a concrete punishment and/or tailored advice, contact our criminal lawyers at info@studio-penale.be.