

Voyeurism:

written by Dennis_Rombaut_ | March 28, 2022

Voyeurism is a relatively new offence, which has been created to compensate for the limitations of indecent assault. In the case of indecent exposure, it is required that the victim is physically attacked. This is not necessarily the case when someone is unwittingly being watched.

Voyeurism is the sneaking peek at people in a place where their privacy should be protected and where these people can wholly or partly bare themselves or perform sexual acts without interruption. This observation can be done directly or by means of a tool (camera, mobile phone, tape recorder, ...). It does not necessarily have to be a visual observation; a surreptitious sound recording of persons performing a sexual act also falls under voyeurism.

It is important that the victim in question has no consent and no knowledge of the observation. Observing a person naked in a public sauna will therefore not constitute voyeurism. It is different if someone starts secretly filming in a public sauna, as no consent can be presumed for this.

Finally, there is another special form of voyeurism, so-called 'revenge porn'. It is possible for someone to film another person with permission while they are bared and/or performing sexual acts. This does not mean that these images or sounds can be made available or distributed just like that afterwards. Again, explicit permission is required for this. The legislator mainly meant the situations where someone sends an explicit picture to another person in full consciousness and where this picture is sent on to a third party afterwards. Or the situations of partners who make images of their love game in mutual consent and where these are subsequently shared with others by one of the partners without the approval and/or knowledge of the other. Permission to film someone or receiving an explicit photo of someone does not mean that this may simply be distributed further. Permission is needed again, otherwise this is criminal behaviour.

Voyeurism carries a heavier penalty if the victim is a minor.

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