

## **SOC**

### **Sex Offenders in and out of Crime. Recidivism, Criminal Careers and Desistance**

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Axis 4: Federal public strategies





## NETWORK PROJECT

### SOC

**Sex Offenders in and out of Crime. Recidivism, Criminal Careers and Desistance**

**Contract - BR/154/A4/SOC**

### FINAL REPORT

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## **ABSTRACT**

### **Context**

Sex offences have attracted a lot of public and policy attention in the last decades. In Belgium, the Dutroux case led to unseen public protests and important policy changes. Elsewhere, similar horrifying events have taken place, also affecting in important ways policy responses to sex offenders (e.g. the cases of Megan Kanka in the U.S. and Sarah Payne in the U.K.). Furthermore, these last decades, sex offending has been high on public agendas in the aftermath of revelations about sexual abuse in the context of the Catholic Church, in sports and other leisure activities, but also with the #MeToo movement.

Sex offenders are generally viewed as a separate category of offenders. In the public and among policymakers, several stereotypes and unfounded beliefs about sex offenders exist, which sometimes affect policies that target sex offenders (e.g. sex offender registers,...). These include ideas about the recidivism of sex offenders (believed to be much higher than recidivism of non-sex offenders), the specialization (sex offenders are commonly believed to specialize in sex offences), that they cannot stop (with the idea that they do not desist from crime, that their criminal career differs in important ways from that of non-sex offenders,...).

Almost a quarter century after the Dutroux case, Belgium still seems to lack the empirical data about the offending behaviour of sex offenders needed to confront potential misconceptions on the nature of sex offenders' criminal careers.

Against this background, this research project has taken on the challenge of addressing a number of key issues revolving around sex offenders and sex offending.

### **Objectives**

This study set out to address the following questions:

- Do the criminal careers of sex offenders differ from those of non-sex offenders?
- Is the recidivism of sex offenders different from that of non-sex offenders?
- How do dynamic variables (such as housing and an occupation) affect the desistance success of conditionally released sex offenders?
- Are the desistance narratives of released sex offenders different from what emerges from desistance narratives of non-sex offenders (in international literature)?
- What is the scientific evidence that has been used in designing recent sex offender policies?

Each of these questions is addressed in a separate work package.

### **Conclusions**

In general terms, the criminal careers of sex offenders and non-sex offenders show slight differences, but above all remarkable similarities. The criminal careers of sex offenders seem to follow similar paths as those of non-sex offenders. Similar trajectories emerge with equal proportions among a national cohort of sex offenders in Belgium and in the Netherlands, and a nationally representative cohort of non-sex offenders in both these countries. Based on a latent class analysis of past convictions of sex offenders in Belgium and the Netherlands, and contrary to popular misconceptions about sex offenders, only a minority of sex offenders in the Dutch sample show specialization and persistence in sex offending; in the Belgian data, this is even absent.

In terms of recidivism, a national cohort of released sex offenders has a lower rate of returning to prison in comparison with non-sex offenders, which is found for first time prisoners, but also even for sex offenders with

prior detentions. Based on analyses of recidivism and risk assessment scores (Static 99R and Static 2002R) of a group of released sex offenders, the sex of the victim (male), the age of the offender when released from prison (younger) and the number of previous sexual offences (higher) are important in predicting future sexual offending. These static factors have to be viewed in association with dynamic changes in the lives of released sex offenders. Although the analysis of dynamic factors in this study is not conclusive due to difficulties in having access to a sufficient number of cases, the data here show that therapy can have a positive impact, while substance dependency issues negatively affect the risk of returning to prison.

Based on the desistance narratives of a group of 19 persons previously convicted for child molestation and released from prison, an important difference was found with respect to a 'redemption' script that was previously found in other studies among non-sex offenders (Maruna, 2001). Rather than going through an identity transformation, these interviews show the existence of a 'behavioural script', focused on avoiding new offences, but not identity change.

As far as 'research utilization' (Weiss, 1979) is concerned in the drafting of three recent policy initiatives, this study could not find any type of scientific evidence that was made use of. This calls into question the use of (the best available) scientific findings to inform the making of effective policies.

Taken together, the results of this research project show an important lack of good information about sex offenders and sex offending. This study falsifies a number of beliefs about sex offenders and shows how sex offenders are much more like other offenders, even though some minor differences might exist. These findings also raise doubts about 'catch-all' kind of policies oriented towards sex offenders, without any further differentiation between them.

## **Keywords**

SEX OFFENDERS – RECIDIVISM – CRIMINAL CAREERS – DESISTANCE - POLICY



## 1. INTRODUCTION

Sex offenders are generally viewed as a separate category of offenders. Both the general public, as well as policy makers tend to treat all sex offenders alike and view them as highly repetitive, extremely dangerous, and incorrigible offenders. Belgium is no exception to this, with the introduction of several criminal policy initiatives in the last two decades that single out those convicted of sexual offences (e.g. the introduction of a protective measure may lead to an additional sentence of 5 up to 15 years in prison or under supervision, the introduction of a residency interdiction for sex offenders with a minor victim,...). This state of affairs stands in opposition to the empirical evidence that points to considerable variety in sex offenders' criminal behaviour, both with regard to sex- and non-sex offences.

Stereotypes and unfounded beliefs about sex offenders are not uncommon among the wider public and even policy-makers and practitioners can be prone to myths and misconceptions about sex offenders. Stereotypes and misconceptions include the belief that sex offenders are almost 'programmed' to commit new sex offences, as if they are all recidivists, a highly deterministic view; the belief that they are very likely to commit the same type of sex offence again, assuming a high degree of specialization in their criminal behaviour; and that they cannot be changed on the basis of criminal justice interventions or therapeutic treatments, as if they are 'irredeemable', a group of offenders for which no single intervention helps to stop their criminal behaviour. These misconceptions feed the idea that sex offenders are a special and unique category, a group apart from all other offenders (these myths have already been identified decades ago, e.g. Sutherland, 1950; Tappan, 1951).

Such misguided ideas have sparked harsh criminal justice policies in many jurisdictions, with sex offenders being branded as 'monsters' and 'predators' against which the wider public has to be protected (e.g. Simon, 1998). Ex-prisoners convicted of a sex offence have even been described as "the ultimate neighbour from hell" (Kitzinger, 1999). Policies include harsher sentences, protective measures leading to longer prison terms or types of civil commitment after the prison term, even life imprisonment for some types of sex offenders. Sex offenders that are released from prison have to face up to registration and notification obligations, residency restrictions and no go zones, mandatory treatment and restrictive community supervision orders and conditions.

Research on sex offenders has provided much information that suggests the above myths are at the very minimum flawed, if not utterly mistaken. In this study, such myths will be tackled through five different work packages.

This project consists of a study of the criminal careers of sex offenders in comparison to non-sex offenders in Belgium and the Netherlands, the prevalence of recidivism of sex offenders drawing on several databases in Belgium, a study about dynamic variables such as housing, employment and affective relationships upon conditional release from prison and how these variables correlate with success or failure, an investigation of the narratives of convicted sex offenders who have been released from prison and a study of the evidence base about sex offending and sex offenders involved in drafting three laws that zoom in on sex offenders.

This report is a synthesis in English of work packages that have led to output in Dutch and/or in French (and will further lead to output in English). The materials in the annexes constitute the basis of the report. Throughout this text, reference will be made to these texts.

## **2. STATE OF THE ART AND OBJECTIVES**

As mentioned, the myths and misguided ideas about sex offenders have been found to be flawed or even outright mistaken. In the remainder of this research, the focus is on adult sex offenders (studies have shown important differences between juvenile and adults sex offenders (e.g. Lussier & Blokland, 2014). Internationally, meta-analyses show recidivism rates for sex offending among sex offenders are between 10 and 20%, whereas non-sexual re-offending rates are much higher (Hanson & Morton-Bourgon, 2005). In Belgium, until this date, no national prevalence statistics exist that focus on sex offenders and their types of offending. For the Walloon area, the recidivism rates of a sample of sex offenders released from prison and registered in ambulatory treatment facilities were 27% for general recidivism, 18,3% for non-sexual non-violent recidivism, 7,9% for sexual recidivism and 4,7% for non-sexual violent recidivism (Pham et al., 2010). These prevalence statistics already suggest the stereotypical ideas about sex offenders are mistaken.

The above cited numbers indicate that rather than specializing in sexual offending, sex offenders tend to have very diverse offending patterns that also include violent and property offences. Only recently have researchers started to take a criminal career approach to sexual offenders, distinguishing different career dimensions, like onset, specialization and aggravation, when examining patterns of sexual and non-sexual offending (e.g. Lussier & Cale, 2013). Exactly how patterns of sexual offending are linked to patterns of non-sexual offending still largely remains an empirical question.

Despite an apparent lack of specialization, having committed a sex offense in the past is one of the strongest predictors of committing a sex offense in the future. While general criminal history characteristics also predict sexual re-offending, risk factors for sexual recidivism are suggested to be different from those predicting non-sexual re-offending. Many sex offender recidivism studies however combine short-term follow ups with a dichotomized outcome measure and are thus unable to speak on the predictability of the long-term criminal career development of sex offenders.

Another issue in need of further research remains the impact of criminal justice interventions on sex offenders' recidivism. Few studies have compared different 'dosages' of a sentence or different types of sentences and their impact on sex offenders' recidivism. Evidence shows that for some sex offenders, alternative community sentences may affect the (mostly non-sexual) recidivism rates of sex offenders (e.g. Berliner et al., 1995), or that sentence length influences recidivism (e.g. Hanson & Bussière, 1998; Budd & Desmond, 2013). Perhaps the limited knowledge about this question in part is related to a broader development in research on sex offenders and sexual offending. This field has strongly been influenced by medicine and psychology and developed largely independently from the field of criminology (e.g.

Lussier & Beauregard, 2014), where such questions are commonly tackled in empirical research.

In the sex offender literature, likely due to a clinical focus on psychological variables, studies into the effects of sociological variables, like housing, employment, and romantic relationships on the (sexual and non-sexual) criminal behaviour of sex offenders are virtually absent. For general offenders, transitions like finding a job or engaging in a marriage have been found to reduce the likelihood of offending (e.g. Laub & Sampson, 2003; Sampson & Laub, 1993). To what extent this also applies to sexual offenders and sexual offending is still unknown.

Psychological research that focused on (non-sexual) offenders who turned away from crime versus those who remained active in crime has unveiled important differences in the narratives of ‘persisters’ in crime and ‘desisters’ from crime (Maruna, 2001). Being officially labelled as a sex offender may be a formative experience in the lives of those convicted for a sex offense. While a criminal label has been shown to negatively influence conventional development – a criminal record for example reducing life-time labour market success – being labelled a sex offender might even be more consequential. The stigma associated with being labelled a sex offender may cause the person to restructure his personal narrative and redefine his identity in ways that influence both conventional and criminal outcomes, including the likelihood of desistance from crime.

Next to empirical research that draws on the above state of the art (see further), the SOC-project also zoomed in on a set of sex offender criminal justice policies in Belgium, and tried to unravel how these policies came about, based on what evidence, what the role of research findings has been, next to other drivers and objectives of these policies.

In five different work packages, different aspects are tackled that link to the current state of the art:

- a work package focused on criminal careers
- a work package focused on recidivism
- a work package focused on dynamic variables upon release from prison
- a work package focused on desistance
- a work package focused on sex offender criminal policies

In what follows, a brief state of the art related to each work package will be presented, including the key objectives of the study.

### **Work package 1: Criminal careers** (see annex 1 and 2)

Scientific attention for the criminal behaviour of known offenders over a long period of time is gaining importance in criminology. Especially since the late 1980s, when the concept of ‘criminal career’ was coined and a number of dimensions of the criminal career were introduced (Blumstein & Cohen, 1987), research has turned towards the study of the development of crime over the life course. Dimensions studied in criminal career research include the onset of offending, the duration of criminal activity over time (career duration), the

frequency of offending, and the degree of versatility in the types of crimes that offenders commit (specialization in a specific type of crime or not). Criminal career research also assesses the impact of sentences on the criminal career (e.g. MacLeod et al., 2012). Criminal career researchers have been able to draw on datasets with large samples, often containing tens of thousands or even over one hundred thousand offenders, oftentimes being representative, sometimes containing entire populations. The substantive developments in focusing on the criminal careers of large groups of offenders have even led to the introduction of a new specific statistical data analysis method, i.e. group-based trajectory modelling (Nagin, 2005).

Few exceptions aside, criminal career research has stayed away from focussing on sex offenders. This is remarkable, as sex offenders are believed to constitute a different subset of offenders (Blokland & Van der Geest, 2015). The research on sex offender criminal careers is gradually drawing in more researchers from a number of countries and jurisdictions (e.g. the Netherlands, Canada, several states in the U.S.A.) (e.g. Blokland & Lussier, 2015).

In Belgium, in spite of a rich criminological history in research (e.g. Daems et al., 2013) and opposite to its international rise to importance, so far, there has not been any comprehensive research on criminal careers, let alone the criminal careers of sex offenders. This bleak state of affairs contrasts with the scientific and policy focus on criminal careers in several countries, including in Belgium's neighbour to the North, the Netherlands. Important experience and knowledge have been built up in this respect, particularly with the Criminal Careers and Life Course Study (CCLS).

In this work package, the NICC restructures a dataset with national conviction data that has been at the basis of the publication of Belgium's first national recidivism statistics (Robert et al, 2015). In order to generate the first national recidivism statistics in Belgium, the analysis has been limited to the first or only conviction in 1995 and the first (or only) new sentence or measure. Based on the available data, it is possible to conduct a criminal career analysis (including all past convictions and a follow-up until 2013). The first or only sentence or measure handed out in 1995 serves as the starting point for the analysis. Persons convicted for a sex offence in 1995 will be considered a 'sex offender' in the current study.

In the Netherlands, a similar analysis is conducted by the NSCR, drawing on a dataset of all offenders convicted in 1997. This analysis will have the same focus, zooming in on the descriptive criminal career dimensions and the criminal careers as analysed on the basis of group based trajectory models (GBTM), which enables the researchers to conduct a comparative research of the criminal careers of sex offenders and other types of offenders both in Belgium and in the Netherlands. These results will shed light on the international representativeness of national-based findings about the criminal careers of sex offenders (and in extension, other offenders).

Furthermore, next to a focus on the entire criminal career and a description based on criminal career parameters (onset, duration, termination, frequency and crime mix), the study will also involve a latent class analysis of the criminal career prior to the index conviction in

1995 for sex offenders and non-sex offenders in Belgium and 1997 for sex offenders and non-sex offenders in the Netherlands. This latent class analysis will be based upon categories derived from existing literature that focuses on differences between contact and non-contact, age of the victim and age of the offender.

The objective of this work package is to provide a detailed description of the criminal careers based on conviction data of a cohort of Belgian sex offenders starting from age 12 until the adult years and examine the extent to which different developmental pathways can be distinguished among sex offenders in terms of the frequency, timing and nature of their offending. This study is the first Belgian criminal career study focussing on the criminal careers of sex offenders in comparison with the criminal careers of other types of offenders. To assess the generalizability of the Belgian findings, results are compared with that from a comparable Dutch sex offender cohort.

### **Work package 2: Recidivism (annex 3 and 4)**

In this work package, several datasets that have been used in other studies for different purposes are revisited. Each of the partners disposes of one or several data sets that include sex offenders. The particular focus in this work package is on the influence of (mostly) static variables (variables that are unlikely to change over time or that can only change in one direction, e.g. criminal record) on recidivism. This is of importance for psychological theories and findings at the basis of risk assessment instruments (such as the Static-99).

Based on national conviction data, sex offender recidivism statistics will be developed, with particular attention for demographic variables (e.g. age, sex) and criminal history variables (previous convictions, types of convictions, types of offences) and their predictive value for (sexual) recidivism. Furthermore, the Belgian national conviction data set establishes a base rate of sex offender recidivism and such with a very long follow-up period (ca 18 years). Drawing on Walloon recidivism data, a replication of the base rates of sex offender recidivism can be done, with additional attention for a number of psychological variables (including scores on STATIC 99).

The results of this work package provide a firm overview of sex offender recidivism data in Belgium. Bringing together the different sources on sex offender recidivism in Belgium adds value to the research: it presents the first synthesis of current sex offender recidivism data in Belgium.

The objective of this work package is to provide an examination of both sexual and non-sexual recidivism and subsequent offending for sex offenders convicted for different types of sex offences and assess to what extent individual and criminal history characteristics predict subsequent criminal involvement.

**Work package 3: Dynamic variables upon release from prison (annex 5)**

In the last two decades, research about the reintegration (in the U.S. referred to as 're-entry', in the U.K. it is termed 'resettlement') of ex-prisoners has rapidly gained importance. The importance of post-release developments in domains such as housing, occupation and relationships have been (re-)established (e.g. Petersilia, 2003; Travis, 2005). Simultaneously, research on desistance has identified the importance of so-called 'turning points' (Laub & Sampson, 1993), and these include relationships and work too. Increasingly, the scientific community is pointing at the link between post-release reintegration and desistance (e.g. LeBel et al., 2008; Maguire & Raynor, 2006) and at the ways in which post-release social circumstances and individual characteristics influence each other.

The importance of such dynamic social circumstances or variables has not yet been clearly established for released sex offenders. This work package sets out to focus on dynamic variables (variables very likely to change depending on a range of circumstances, e.g. occupation...) and their relationship with reintegration, desistance and recidivism of all conditionally released sex offenders in Belgium in 2003-2005 (including a differentiation among sex offenders).

Conditionally released prisoners are minimally 2 years under supervision, mostly the supervision in the community is 5 years and in some cases, it even is 10 years. During the supervision period, so-called justice assistants (probation officers) repeatedly contact the ex-prisoner and check a number of dynamic variables (occupation, housing, relationships...). The reports by justice assistants are all gathered in release files, currently with the Courts for the Execution of Sentences (*tribunaux de l'application des peines / strafuitvoeringsrechtbanken*). Access to these files is sought, so that information about the sample can be coded from the files.

The information pertains to: psychological data (reports of the psychosocial service in prisons; this information is not updated after release), with particular attention for test results and diagnostics, and information on a range of life domains. Reintegration plans of prisoners that are granted conditional release include information about housing, occupation (vocational training/work), treatment upon release (especially but not exclusively for sex offenders). Post-release reports by the justice assistants provide updates on the situation of the conditionally released sex offender and such in principle at least every 6 months for the entire duration of the conditional release. The information from these reports would allow the construction of at least 4 (and at most 20) additional moments during which data about the ex-prisoner is mentioned (unless the ex-prisoner has been re-imprisoned).

This information will provide answers about the extent to which changes in social circumstances affect the criminal behaviour of sex offenders.

The objective of this work package is to provide a detailed understanding of the impact of time-varying life circumstances, like housing, employment, and romantic relationships, on the criminal career patterns of convicted sex offenders using detailed longitudinal post-prison supervision data on a sample of conditionally released Belgian sex offenders.

**Work package 4: Desistance** (annex 6)

Life course theory stresses the importance of human agency – the purposeful execution of choice and individual will (Matza, 1964; Wikström 2005) – in transforming transitions into turning points. Human beings are active participants in their own life course that through their own decision-making can shape future development (Laub & Sampson, 2003). If we accept that criminal careers of sex offenders are not, or not only, determined by psychological or structural factors, and that people have agency, it becomes important to understand the conscious and unconscious choices sex offenders have made during their lives and how these choices were shaped by them being labelled a sex offender upon their conviction.

Additionally, the research in narrative psychology undertaken by Maruna (2001), identified links between the role and place of offending and the narratives of criminal career offenders desisting from crime with others who were persisting in offending. In-depth interviews would allow a construction of the narrative of released sex offenders, including how they present themselves and their offences, the place of agency in their narrative, how their identity relates to the offences for which they have been convicted and imprisoned and how they look at the future after prison. This work package thus addresses a number of important issues that remain absent in the previous work packages. It draws on the personal experiences of sex offenders, thus adding an extra dimension to the research.

This work package takes on a much more open-ended approach, with in-depth qualitative interviews on the basis of a topic list. Interviews have been conducted with recently released sex offenders in the South and North of Belgium, but will further focus only on sex offenders released in the North of Belgium (Flanders) for reasons that will be highlighted further. These interviews will make it possible to highlight the experiences of released sex offenders and their outlook on life after prison, their experiences with the (double) stigma of being a convicted sex offender.

The objective of this work package is to gain an in-depth understanding of the ways in which being labelled as a sex offender through conviction and sanctioning, impacts the subsequent life-course of convicted sex offenders.

**Work package 5: Sex offender criminal policies** (annex 7)

Over the last decades, ideas about evidence-based policy and practice have gained importance in criminal justice systems. Yet, the relationship between scientific evidence and policy remains a complex issue. As Tonry states (2010: 785), *“evidence sometimes influences criminal justice policies and practices. Other times, it does not. The reasons are usually straightforward. Some subjects raise powerful normative and ideological issues.”* The use of evidence can vary widely, as policy analysts have shown (e.g. Weis, in an important article in 1979, distinguishes between 7 different types of ‘research utilization’). In the context of sex offender policy-making, the relationship between evidence and policy is particularly important, as sex offender research evidence has only accumulated throughout the years, while at the same time, sex offender policies in many jurisdictions have turned towards more strict, controlling, punitive options.

In this work package, several sex offender criminal policies in Belgium will be studied. The following three legislative initiatives are selected, as they contain a number of specific measures or sentences oriented towards sex offenders and they are of recent date. 1) The Act of 17 May 2006 related to the external legal position of persons convicted to a deprivation of liberty, which governs the early release of convicted offenders to a prison sentence. It includes a number of passages that focus on sex offences, including the mandatory assessment of sex offenders by a specialized team so as to establish whether they require treatment upon release. Prior to the Act of 2006, changes had already been implemented in the conditional release of sex offenders, as if a prelude to what was to follow in the release act of 2006; given that the previous changes in conditional release have set the scene for the Act of 2006, changes of conditional release for sex offenders prior to 2006 are also included. 2) The Act of 26 April 2007 concerning offenders at the disposal of the Court for the Execution of Sentences includes the possibility to place certain offenders at the disposal of the Court for periods of 5 up to 15 years. For certain sex offenders, upon conviction, they automatically are given an additional minimum period during which the Court can either keep them in prison or under supervision in the community. 3) Thirdly, the Act of 14 December 2012 aimed at improving the fight against sexual abuse and acts of paedophilia in the context of an authority relation has brought to life the prohibition for certain sex offenders to (continue to) live in the vicinity of the victim.

The focus of this policy analysis is to look at the objectives of the selected policies, the ideas about sex offenders that transpire from them and the ways in which use has been made of existing research on sex offenders and of other types of sources. The analysis will try to answer to what extent these sex offender policies are linked to existing research about sex offenders and what other types of sources, information, and goals have influenced these policies.

The objective is to analyse recent Belgian criminal justice policies that target sex offenders, with a particular focus on the objectives of these policies, the ideas about sex offenders in these policies, and the ‘research utilization’ about sex offenders by policy-makers.

### **3. METHODOLOGY**

#### **Work package 1: Criminal careers (based on annex 1 and 2)**

This work package draws on national populations. The data include all persons convicted in 1995 in Belgium ( $n = 136.530$ ) and all persons convicted in the Netherlands ( $n = 153.252$ ), including all their convictions prior to the index year (1995 or 1997) and following the index conviction in 1995 or 1997, up to November 2013 for Belgium and the end of 2015 for the Netherlands.

In this work package, three different analyses have been conducted. The first two are interrelated and refer to the entire criminal career, the third refers to convictions prior to the index conviction in 1995 (Belgium) or 1997 (the Netherlands).



Based on convictions of all sex offenders and a random sample of ca 10% of non-sex offenders, criminal career parameters are described. These involve descriptions (median, IQR: inter quartile range, and the minimum and maximum) of the onset (i.e. the age at the first conviction), the duration of the criminal career (i.e. the difference between the first and last conviction in the data), the termination (i.e. the last conviction in the data), the frequency (i.e. the number of convictions during the entire criminal career) and the crime mix (i.e. the number of types of offences that led to a conviction, based on a categorisation used by Statistics Netherlands (CBS), comprising 8 separate categories: sex offence, violent offence, property offence with violence, property offence without violence, traffic offence, drug offence, offences of public order and a miscellaneous group of 'other' offences).

Differences between sex offender and non-sex offender criminal career parameters are calculated per country. This is done using t-tests and for crime mix based on the 8 categories, a Mann-Whitney test is calculated. Due to the large sample sizes, which easily leads to statistical significance, effect sizes have been calculated, using Hedges' *g* as an alternative for Cohen's *d* (Cohen, 1992) and such as a correction for the different sample sizes of the groups.

A second test involves estimating a group-based trajectory model (GBTM) for both sex offenders and non-sex offenders in Belgium and the Netherlands. This technique, developed for criminological applications (e.g. Nagin, 2016: 356-357), is based upon the premise that a population consists of different subgroups with divergent criminal career patterns over time (e.g. years). Based on statistical probability, all subjects are appointed to a particular trajectory group (Nagin, 1999: 140). The number of trajectory groups that follow from a GBTM is arrived at on the basis of statistical grounds - i.e. the Bayesian Information Criterion (BIC) and Akaike's Information Criterion (AIC) are used to determine the optimal model (model fit). The GBTMs in this study are calculated using STATA 15.

The third analysis involves a latent class analysis (LCA) that focuses on the criminal history prior to the index conviction (1995 in Belgium, 1997 in the Netherlands) for sex offenders and for non-sex offenders. The past convictions are analysed based on a distinction between age (between 12 years and 25 years, referring to youth and early adulthood, and after 25 years). Convictions prior to the index conviction were also analysed using the CBS categorisation into 8 groups of types of offences. For the sex offenders, a further distinction is made between hands-on versus hands-off offences, age of the victim (adult versus minor). The LCA is calculated using the *poLCA* package in R (Drew & Linzer, 2011). 20 dichotomous indicators are used. 10 indicators relate to the period up to 25 years, 10 to the period after 25 years. Latent class models are estimated from 2 up to 5 classes. Like in the GBTM, BIC and AIC are used to assess model fit. Identification of the optimal model was also based on the posterior probabilities and the resulting patterns in the item response probabilities (Collins & Lanza, 2010).

## **Work package 2: Recidivism** (see annex 3 and 4)

In this work package, several analyses have been conducted on three different data sets representing three different cohorts: a cohort of convicted persons ( $n = 136,530$ ), a cohort of ex-prisoners previously convicted to a prison sentence ( $n = 14,754$ ), and a cohort of released sex offenders who have been/are under ambulatory treatment ( $n = 342$ ).

For each cohort, (especially prevalence-related) descriptives have been calculated. For the cohort of ex-prisoners, descriptives for sex offenders and non-sex offenders are calculated. Differences in the profiles of sex offenders and non-sex offenders have been tested based on measures of association and t-tests for continuous variables.

The time to recidivism (proportional hazard ratio's) has been calculated on the basis of Cox regression models and Kaplan-Meier survival curves. Multivariate Cox regression models are calculated in order to check whether differences in (time to) recidivism remain, taking into account other predictive factors.

For the 'treatment cohort', item scores on Static-99R and Static-2002R are used to identify static factors predictive for (sexual) recidivism.

## **Work package 3: Dynamic variables upon release from prison** (annex 5)

In work package 3, the objective was to shed light on the impact of dynamic variables in the re-entry and recidivism of conditionally released sex offenders. Unsuccessful termination of conditional release has been operationalized as a return to prison for either a violation of the conditions or for a new offence, or both.

For this work package, the files of all persons convicted for (among others) a sex offence, who have been conditionally released in the years 2003-2005, are studied. In 2003-2005, a total of 220 sex offenders were granted conditional release. Due to a range of problems (destroyed files, incomplete files, files that could not be retrieved), less than half of this number was available for the study. This led to the inclusion of a few additional files of sex offenders released in 2001 and 2002, but due to the time restraints and difficulties that came up in finding these additional files, in total, at the end, only 119 files have been consulted. Files included information about the release date, the conditions and information about the end of the conditional release (new offence, violation of conditions that led to a revocation, the date of incarceration if any).

Descriptive analyses have been conducted, with a particular focus on negative changes in the registered conditions. These include the meetings with the justice assistant (the parole officer), victim-related conditions (an interdiction to contact the victims and/or a prohibition to come into certain places), housing, employment/occupation, therapy and substance (ab)use.

'Successful' prisoners (i.e. those that did not return to prison) are compared to those who returned to prison; when possible (given the small numbers), distinctions have been made between a group that returned to prison for violating the conditions and a group that returned due to recidivism. Differences between three groups are calculated on the basis of mean

rank scores (Mann-Whitney's U), and further comparisons have been done based on a two by two basis.

#### **Work package 4: Desistance (annex 6)**

This work package had the objective to illuminate the narratives of sex offenders who have been released from prison and who are still under conditional release. The idea was to have interviews with ex-prisoners in the North and South of the country. At the end, only data gathered in the North of Belgium have been used in the final analysis. In the South of Belgium, it was not possible to get access to a sufficient number of released sex offenders. After many efforts over an extended period of time, only a handful of persons had participated, and in the time available, it was no longer realistic to continue the attempts and so the Francophone data collection had to be discontinued. The limited number of respondents is not analysed further. In part, the problems in recruiting conditionally released sex offenders may be due to a differential approach as arranged by the Houses of Justice in contacting sex offenders. In the end, 19 conditionally released sex offenders have been interviewed in the North of Belgium.

Face-to-face interviews were held in a location they preferred. 15 interviews took place in the home of the interviewee, 1 at the work of the interviewee and 3 in a House of Justice (parole service). Interviewees were handed out a consent form and were asked permission to tape the interview. The interviews were conducted using a topic list that included important subjects such as prison experiences, obstacles and support when returning to the community, the process of desisting from sex crimes.

All but one interview were conducted by 2 female interviewers; one was conducted by a female and a male interviewer. Interviews lasted between 2 and 6.5 hours, with an average of 3.5 hours. After the interview, respondents received 25 euros for their collaboration.

Interviews were transcribed verbatim, with a check by a Flemish speaker for local dialects or Flemish expressions. Important non-verbal expressions, such as crying, smoking and long periods of silence, were also noted in the transcripts.

Transcripts were analysed deductively and inductively. Broad topics first were coded (e.g. desistance, redemption, identity), and then were refined in further rounds of coding.

Analyses of the transcripts were completed and triangulated with observations and personal impressions of the two interviewers.

#### **Work package 5: Sex offender criminal policies (annex 7)**

In this work package, we look at three recent pieces of legislation that focus on sex offenders. The three policies focused upon are the residential restriction for sex offenders, the mandatory assessment for imprisoned sex offenders (focused upon whether they need a specialized treatment or not in case of early release) and the optional additional sentence of 5 up to 15 years that can be handed out when punishing an offender for a sex offence.

Particular attention goes to whether and which scientific literature has been mobilized, in which context, how it is mobilised and what its importance is in the policy. In order to do this, a citation analysis and a content analysis are conducted. The number of scientific publications is turfed per policy and in all publicly available preparatory documents leading to the policy. In terms of the content, we look at how the research is mentioned.

The idea was to situate the mentioned literature in terms of methodological quality criteria such as those in the Maryland Scientific Scale of Methods (MSSM, see Sherman et al., 1996).

In all, 44 preparatory documents have been analysed. 24 in the context of the mandatory assessment of imprisoned sex offenders, 7 in the context of the additional sentence for sex offences and 13 in the context of the residential restrictions.

## 4. SCIENTIFIC RESULTS

### Work package 1: Criminal careers (annex 1 and 2)

The entire criminal career findings are first described here. We then zoom in on the subgroup on which the latent class analysis has been conducted. The LCA is only calculated for those persons with convictions prior to the index conviction.

Table I provides an overview of descriptive information about the sex offenders and non-sex offenders in Belgium and the Netherlands.

TABLE I. Descriptive information

		Belgium (in 1995)		Netherlands (in 1997)	
		Sex offenders	Non-sex offenders	Sex offenders	Non-sex offenders
<b>N</b>		<b>885</b>	<b>13,380</b>	<b>1677</b>	<b>13,481</b>
<b>Age</b>	Median	35 (3 miss)	32 (126 miss)	33	31
	IQR	17	17	24	18
	Min-max	12 – 88	12 – 88	12 – 75	11 – 80
<b>Sex</b>	Man (%)	94.6% (6 miss)	83% (86 miss)	98.3% (2 miss)	84.7% (36 miss)
<b>Country of birth</b>	Born in the Netherlands (proxy)			77.9% (1 miss)	70.2% (95 miss)
	Born in Belgium (proxy)	68.2% (172 miss)	66,8% (2640 miss)		

The criminal career parameters of these groups are presented in Table II. Onset, duration, termination, frequency and crime mix are included in the table, with the median, the interquartile range (IQR) and the minimum and maximum values for onset, duration, termination and frequency. For crime mix, an average is given of the number of types of crime (with a maximum of 8 types), including the standard deviation.

TABLE II. Descriptives criminal career parameters

		Belgium		Netherlands	
		Sex offenders	Non-sex offenders	Sex offenders	Non-sex offenders
<b>Onset</b>	Median	24	26	26	25
	IQR	14	14	22	16
	Min-max	12-88	12-88	12-75	12-97
<b>Duration</b>	Median	12	9	8	8
	IQR	19	18	18	18
	Min-max	0-63	0-63	0-48	0-56
<b>Termination</b>	Median	40	39	39	38
	IQR	17	18	20	19
	Min-max	13-88	12-92	13-80	12-97
<b>Frequency</b>	Median	4	3	2	3
	IQR	6	6	5	5
	Min-max	1-70	1-119	1-57	1-84
<b>Crime mix</b>	Average	2,71	2,02	2,68	2,28
	SD	1,579	1,253	1,840	1,569

As expected, and due to the large samples, almost all parameters of the criminal career show a statistically significant difference. For all but one of the comparisons between sex offenders and non-sex offenders per country and per criminal career parameter, effect sizes are calculated. These show that only two of the differences are moderate or strong (see Table III). White cells refer to there being no difference between sex offenders and non-sex offenders (which is only the case for the data concerning termination). The grey scale refers to a weak effect size (light grey) over moderate up to a strong effect size (dark grey). For the crime mix, no effect sizes have been calculated. Only for offenders in Belgium, a statistically significant difference with a strong effect size could be found in terms of the length of the criminal career. Sex offenders in Belgium have a longer criminal career than non-sex offenders. In terms of frequency, a statistically significant difference with a moderate effect size could be found between sex offenders and non-sex offenders in the Netherlands: non-sex offenders have a higher frequency in offending than sex offenders.

TABLE III. Effect sizes

	Belgium		Netherlands	
	Sex offenders	Non-sex offenders	Sex offenders	Non-sex offenders
<b>Onset</b>	<		>	
<b>Duration</b>	>		>	
<b>Termination</b>	>		=	
<b>Frequency</b>	>		<	
<b>Crime mix</b>	No effect sizes calculated Mann-Whitney p = .000		No effect sizes calculated Mann-Whitney p = .000	

The results of the trajectory analysis are presented in annex 1. The GBTM shows 2 remarkable results. First of all, the proportions of the trajectories across all four models are quite similar, with a group of ca 65% (a low-risk group who rarely receives a conviction), a group of ca 17.5% (adolescence-limited offenders), a group of ca 12.5% (a group of adult onset-offenders) and a group of ca 5% (chronic persistent offenders). Secondly, as figures I-IV show (see also annex 1), the patterns of the trajectories across each 4-group model show

many similarities (and a few differences too). The trajectories resemble the four groups that appear in the work by Moffitt (1992; 2006). Each subset, be they sex offenders or non-sex offenders in Belgium or the Netherlands, contains a trajectory of life course persistent offenders, a trajectory of adolescent-limited offenders, and in addition a trajectory of late onset offenders and of low-level chronics. One remarkable difference is the very high frequency for sex offenders in Belgium, higher than all other groups (*mind the Y-axes in the figures*). The late onset offenders among sex offenders in Belgium are at the zenith of their criminal career in their mid 30ies, whereas this is 40 for the other three subsets. Overall, in spite of these differences, the figures show highly similar trajectories.

FIGURE I. 4-group model sex offenders (B)

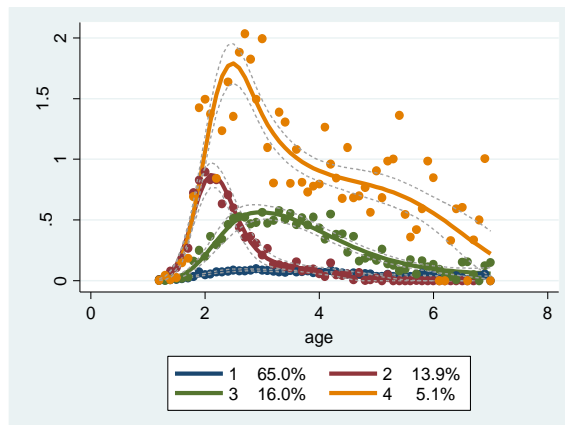


FIGURE II. 4-group model non-sex offenders (B)

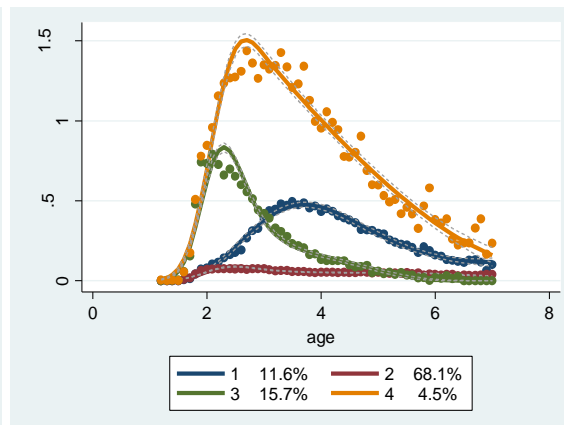


FIGURE III. 4-group model sex offenders (N)

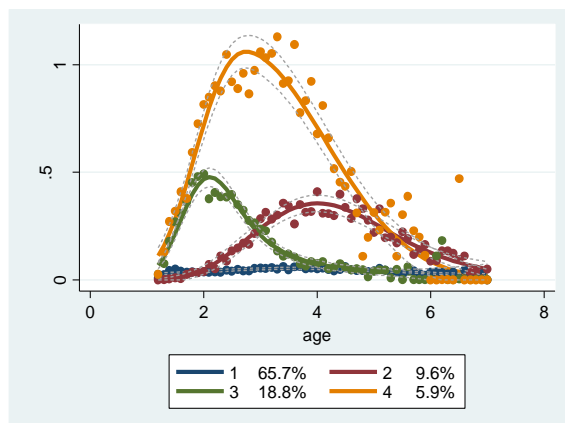
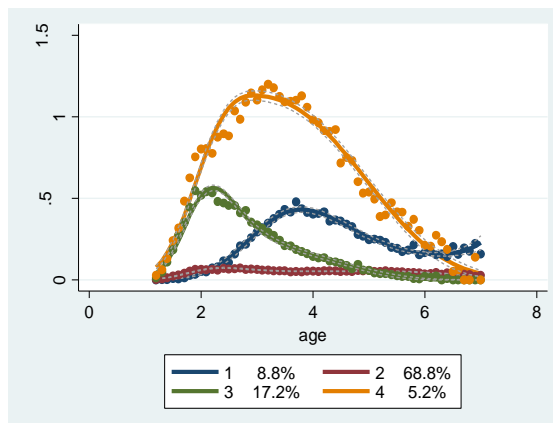


FIGURE IV. 4-group model non-sex offenders (N)



In all, these analyses show that few statistical differences exist between sex offenders and non-sex offenders in Belgium and in the Netherlands. These findings at the very least cast a shadow over the differential approach criminal justice policies make between sex offenders and non-sex offenders.

Based on a Belgian and Dutch sample of individuals convicted for a sexual offense in 1995 and 1997 respectively, who had at least one prior conviction (for either a sexual or nonsexual offense, or both), and applying latent class analysis, we distinguished four criminal career patterns based on the nature and timing of individuals' offending prior to the index year.

Three of these patterns: ‘persistent violent generalist’, ‘juvenile delinquent’, and ‘adult onset’ are found in both datasets.

Those in the ‘persistent violent generalist’ class show criminal career patterns characterized by persistence across the juvenile and adult period, diversity in the type of offending, and a high offending frequency. In contrast, the ‘juvenile delinquent’ pattern is characterized by discontinuity of offending from the juvenile to the adult period (though for the Belgian sample this might be an arte fact of the young age of offenders in this class). The criminal career of individuals in the ‘adult onset’ class is also characterized by discontinuity. Individuals in this class rarely have been convicted prior to age 25, yet their sexual offense in the index year seems part of a more general pattern of delinquent behavior.

Additional analysis show that such a classification of offenders based on their criminal history is only weakly associated with the type of sexual offense these individuals were convicted for in 1995 and 1997 respectively. In other words, those characterized as ‘hands-off sex offenders’ based on the index offense, are found in all four latent classes, and so are hands-on offenders with child victims and hands-on offenders with adult victims.

The results of these analyses indicate that, contrary to popular misconceptions about sex offenders, only a minority of offenders in the Dutch sample shows an offending pattern that is persistent and specialized in sexual offending. Whereas such a specialized pattern is even absent in the Belgian sample. These results therefore question the treatment of sexual offenders as a ‘special group’ warranting special attention.

## **Work package 2: Recidivism** (see annex 3 and 4)

In the two annexes 3 and 4, all results are presented. Table IV shows the prevalence statistics for the three cohorts. These cohorts differ from each other. The group of convicted offenders is put together on the basis of conviction records, regardless the type of conviction. Sex offenders here (Table IV) are those with a sex offence in the reference conviction. The cohorts of released offenders are convicted offenders who were released after they served their sentence in prison. Those who (at least once in their detention career) served a sentence for a sex offence (only for a sex offence or in combination with other types of offences) are counted as a sex offender here. As for the treatment cohort, these are offenders who were previously detained and then released with treatment in the community. These are only sex offenders.

TABLE IV. Prevalence of recidivism of sex offenders – 3 cohorts

		N	Follow-up	Prevalence recidivism
<b>Convicted offenders</b>	<b>Primary – sex</b>	374	Ca 18 y	43.4%
	<b>Primary – non-sex</b>	66.898		40.3%
<b>Released prisoners</b>	<b>Sex</b>	1637	10 y	37.6%
	<b>Non-sex</b>	13117		48.6%
<b>Treatment cohort</b>	<b>Sex</b>	342	Variable; after 5 y	17.9%
			After 9,6 y (mean)	25.1%

With respect to the recidivism of convicted offenders, it appeared that for those who had never been convicted in the past (before 1995; ‘first offenders’) 43.3% of the sex offenders was reconvicted within a period of ca. 18 years. Of the first offenders who were convicted for a non-sex offence in 1995, 40.3% was reconvicted within this follow-up period (see table IV). Recidivism prevalence rates of sex and non-sex offenders are thus close to each other where ‘first offenders’ are concerned. Although the prevalence of convicted offenders is slightly higher for sex offenders, this is in part related to the profile and limited comparability of sex offenders with non-sex offenders. Non-sex offenders for example include also persons who only have a traffic-related conviction.

For the ex-prisoner cohort, the comparability is better in terms of seriousness of offence and severity of punishment imposed, as those offenders by definition are convicted to a term of (at least partly) effective imprisonment and served time in prison and/or under electronic monitoring.

For this cohort of convicted offenders released from prison (N= 14,754), recidivism was defined as ‘re-incarceration’, either for a new conviction or due to a violation of parole conditions. It was observed that, within each of the follow-up periods studied (1, 2, 3, 5 and 10 years), less sex offenders were re-incarcerated compared to non-sex offenders. Within a period of 10 years slightly more than one-third (37.6%) of the sex offenders was re-incarcerated at least once, whereas nearly half (48.6%) of the non-sex offenders returned to prison (see table IV). More than a quarter (25.3%) of all convicted prisoners released from prison ended up behind bars again within 2 years after release (26.0% of the non-sex offenders vs. 19.0% of the sex offenders). The hazard ratio, calculated via Cox regression, is 0.717 and statistically significant, and shows that non-sex offenders are 1.39 more likely to recidivate, taking into account time to re-incarceration (inverse HR:  $1/0.717 = 1.39$ ).

This initially observed difference in risk of re-incarceration between sex and non-sex offenders remains when controlling for other variables, such as gender, age, and detention history (prior incarcerations, and length of prior detention periods). There is a significant effect of type of offence (sex vs. non-sex offences) both in the total prisoner population as in prisoners without prior detentions (‘first-time prisoners’). This impact of the offence is even more pronounced in first-time prisoners [hazard ratio, or Exp (B) = 0.765; see table V], compared to the total prisoner population [Exp(B)=0.885].

TABLE V. Output Cox regression – models first-time, sex offenders and non-sex offenders

Variables	First-time prisoners		Only sex-offenders		Only non-sex offenders	
	Exp(B)	S.E.(B)	Exp(B)	S.E.(B)	Exp(B)	S.E.(B)
<b>Type offence (ref: non-sex)</b>	0.765**	0.101	NA	Nat	NA	NA
<b>Sex (ref: male)</b>	0.609***	0.100	0.741	0.262	0.686***	0.062
<b>Age at time of release</b>	0.962***	0.003	0.945***	0.004	0.961***	0.002
<b>N prior detentions</b>	NA	NA	1.144***	0.009	1.113***	0.003
<b>N (missings)</b>	5675 (6)		1637		13,111(6)	

p = \* < 0.05 \*\* ≤ 0.01 \*\*\* ≤ 0.001



Age and detention history are predictive for re-incarceration in both sex offenders and non-sex offenders (table V). Gender only has a significant effect in non-sex offenders. Although male and female sex offenders thus seem not to differ regarding their risk of re-incarceration, this result should be interpreted with caution, given the small number of women in the sex offender population.

For the group of (male) sex offenders released from prison and subjected to specialised treatment a rate of general recidivism (GR; reconviction) of 17.9% was observed over a 5-year period, and 25.1% when measured over the total follow-up period (on average 9.6 years; see table IV). For more specific types of recidivism even lower scores were obtained: 6.6% resp. 12.7% for sexual recidivism (SR), 4.3% resp. 4.6% for violent-(but non-sexual) recidivism (VG), and 9.8% resp. 11.3% for neither violent nor sexual recidivism (NVNSR).

TABLE VI. Correlations static risk factors (mean item scores Static-99R and Static-2002R) and type of recidivism (Spearman correlation coefficients; n=308-310)

	GR	SR	VR	NVNSR
<b>STATIC-99R</b>				
1 Age at release	.25**	.15*	.18**	.16**
2 Ever lived with lover for at least two years	.10	.14*	.06	-.01
3 Index non-sexual violence – Any convictions	.15**	-.00	.10	.17**
4 Prior non-sexual violence – Any convictions	.13*	.01	.11	.18*
5 Prior sex offences (charges / convictions)	.14*	.10	-.01	.13*
6 Prior sentencing dates (excluding index) (3 or less – 4 or more)	.09	.00	.09	.15**
7 Any convictions for non-contact sex offences	.10	.19**	-.04	.01
8 Any unrelated victims	.12*	.16**	.06	.01
9 Any stranger victims	.13*	.12*	.06	.05
10 Any male victims	.07	.15**	.06	-.01
<b>Total score</b>	<b>.31**</b>	<b>.21**</b>	<b>.18**</b>	<b>.21**</b>

	GR	SR	VR	NVNSR
<b>STATIC-2002R</b>				
1 Age at release	.25**	.12*	.19**	.15**
<b>Persistence of sexual offending</b>	.11	.12*	-.05	.09
2 Prior sentencing occasions for sexual offences	.12*	.12*	-.04	.12*
3 Any juvenile arrest for a sexual offence and convicted as an adult for a separate sexual offence	.04	.03	-.03	.03
4 Rate of sexual offending	.12*	.12*	-.03	.11*
<b>Deviant sexual interests</b>	.09	.23**	.02	-.04
5 Any sentencing occasion for non-contact sex offences	.09	.16**	-.04	.03
6 Any male victim	.07	.15**	.06	-.01
7 Young, unrelated victims	.02	.16**	-.02	-.06
<b>Relationship to victims</b>	.13*	.16**	.08	.02
8 Any unrelated victim	.10	.15**	.06	-.01
9 Any stranger victim	.12*	.11	.06	.04
<b>General criminality</b>	.18**	.03	.12**	.22**
10 Any prior involvement with the criminal justice system	.13*	-.01	.09	.19**
11 Prior sentencing occasions for anything	.11*	.02	.08	.17**
12 Any community supervision violation	.20**	.06	.08	.18**
13 Years free prior to index sex offence	.22**	.07	.13*	.25**
14 Any prior non-sexual violence sentencing occasion	.06	-.02	.06	.11
<b>Total score</b>	<b>.27**</b>	<b>.21**</b>	<b>.14*</b>	<b>.17**</b>

p = \* < 0.05 \*\* ≤ 0.01

The analysis of (bivariate) correlations between the item scores on the *Static-99R* and *Static-2002R* and various types of recidivism indicates, among other things, that the majority of static factors that refer to deviant sexual interests, are positively associated with sexual recidivism. This is also particularly the case for (a young) age at release, the absence of living with a lover for at least 2 years, the number of prior sex offences and rate of sexual offending, the presence of convictions for non-contact (*hands off*) sex offences and the victimisation of male, young unrelated victims (see similarly: Hanson & Bussière, 1998; Helmus & Thornton, 2015) (see table VI).

Further multivariate analyses (logistic regressions) found three variables to be particularly predictive towards sexual recidivism. These are the young age of the offender at the time of release from prison, the number of previous sexual offences and having a male victim.

### Work package 3: Dynamic variables upon release from prison (annex 5)

In this work package, 119 files of conditionally released sex offenders have been coded and analysed. In the two tables below, descriptive information is mentioned about the files.

TABLE VII. Type of sex offender based on the type of offence (n = 119)

	N	%
Contact offence	103	86.6
Non-contact offence	7	5.9
Mixed (contact & non-contact)	9	7.6

TABLE VIII. Descriptive information of the conditions upon release

	N	M	SD	range
N conditions	113	9.52	2.07	5-16
N negative changes	109	2.95	3.35	0-13
Justice assistant (parole officer)	109	2.52	1.29	2-11
Housing	109	2.65	1.07	1-6
Victim-related condition	109	0.06	0.28	0-2
Occupation	109	0.97	1.42	0-6
Therapy	109	0.57	1.05	0-6
No recidivism	109	0.23	0.57	0-3
Substance-dependence	109	0.31	1.01	0-8
Violating conditions	109	0.90	1.50	0-8

Correlations between dynamic variables and success upon conditional release are shown in table IX. 6 variables are shown to correlate with a successful termination of the follow-up under conditional release (age, period of follow-up, therapy, no recidivism, substance-dependence and violating conditions).

Table IX. Correlations between successful termination of conditional release and dynamic variables

	N	P
Age at release	118	.21**
Period of follow-up	109	.56*
N conditions	108	-.02
N negative changes	105	-.16
Justice assistant (parole officer)	105	-.13
Housing	105	-.01

Victim-related condition	105	-.10
Occupation	105	.00
Therapy	105	-.21*
No recidivism	105	-.24*
Substance-dependence	105	-.28*
Violating conditions	105	-.43*

Several of these correlations could be expected: the period of follow-up is longer for those who are successful, the lack of recidivism and the non-violation of conditions is more important (logically) for the group that successfully ended its conditional release. Of particular interest are the age at release, therapy and substance-dependency issues.

Furthermore, logistic regression models are calculated to identify the impact of certain covariates upon successfully finalising conditional release.

TABLE X. Logistic regressions between dynamic variables and the successful termination of conditional release (n = 107)

Model	Variables	bêta	SE	W	R <sup>2</sup>	X <sup>2</sup>
1	Age at release	0.00	.03	.04	.62	66.5*
	Period of follow-up	1.50	.34	19.67*		
	Therapy	-.34	.98	.82		
	No recidivism	-1.00	.74	1.82		
	Substance-dependence	-.28	.50	.31		
	Violating conditions	-.60	.32	3.55		
2	Period of follow-up	1.50	.34	19.78*	.62	44.97*
	Therapy	-.34	.38	.82		
	No recidivism	-1.00	.74	1.84		
	Substance-dependence	-.29	.50	.34		
	Violating conditions	-.61	.31	3.84**		
3	Period of follow-up	1.48	.33	20.09*	.62	42.14*
	Therapy	-.41	.36	1.33		
	No recidivism	-1.09	.71	2.37		
	Violating conditions	-.65	.30	4.72**		
4	Period of follow-up	1.44	.32	19.74*	.61	36.06*
	No recidivism	-1.02	.71	2.06		
	Violating conditions	-.80	.27	8.49*		
5	Period of follow-up	1.40	.32	19.39*	.59	21.80*
	Violating conditions	-.90	.26	11.66*		

A description and mean rank test of three separate groups is then shown in Table XI. Next to the number of conditions, therapy and substance-dependence are shown to be statistically significant. A significant impact of the follow-up duration, no recidivism and violating conditions could be expected (as these are prime indicators for a lack of success) and were found in the description.

TABLE XI. Comparison of dynamic variables between groups 'success', 'non-respect' and 'recidivism'

	Success		Non-respect		Recidivism		K-W	p
	M	Mean rank	M	Mean rank	M	Mean rank		
Follow-up	3.88	66.13	1.81	29.21	2.09	31.71	30.19	.00*
N conditions	9.51	54.03	10.23	68.24	9.00	41.30	6.14	.05*
N negative changes	2.74	49.64	3.44	60.97	3.92	62.81	3.56	.17
Justice assistants	2.53	51.11	2.69	59.97	2.38	55.46	2.19	.33

Housing	2.67	53.03	2.37	47.69	2.85	59.42	1.41	.50
Victim-related conditions	.05	53.08	0.06	54.25	.00	51.00	0.76	.68
Occupation	1.04	53.07	.50	45.25	1.15	62.12	2.76	.25
Therapy	.45	49.20	1.37	71.63	.38	52.27	9.94	.00*
No recidivism	.14	50.03	.19	51.19	.77	72.62	15.05	.00*
Substance-dependence	.16	49.44	.81	60.94	.46	64.04	8.94	.01*
Violating conditions	.59	46.04	1.87	69.72	1.54	72.12	19.08	.00*

Again, these results are to some extent expected (especially for the lengths of the follow-up, the lack of recidivism and the violation of conditions). The link with the number of conditions imposed upon conditional release is interesting, as is the link with (negative change in) therapy and with substance-dependence.

In all, this work package suffers from an insufficient number of cases that could be analysed. Further research should attempt to include larger samples. Based on the above, only changes in dynamic variables during the period under conditional release are observed and this period is very variable among the 119 cases. More cases with similar periods of conditional release (2 years, between 5 and 10 years and 10 years) should ideally be compared (success versus revocation versus recidivism). The above is mostly descriptive, further analyses are less meaningful on the basis of the current sample. An exploratory test has been conducted (Kaplan-Meier survival method); this is not represented here (but see annex 5), as it lacks a sufficient number of cases with the same legal period under conditions (2 years, between 5 and 10 years and 10 years). For this reason, those results are not part of the main results of the study.

#### **Work package 4: Desistance** (annex 6)

The 19 in-depth interviews held with individuals that were sentenced to imprisonment for committing sexual offences against children and who were now under supervision of the justice assistants, focused on identity, agency, and redemption.

Central to Maruna's narrative theory of redemption is the notion that ex-offenders need to bridge the gap between their former criminal identity and their current conventional identity by narrative means. According to the theory, successfully desisting offenders accomplish this by constructing a redemption narrative. In a redemption narrative the offender is able to make a dramatic change, usually with the help from an outsider, and is able to reveal his or her true self. Former deviance is interpreted as a necessary prologue to the present and ex-offenders claim that their experiences have made them stronger, better persons. Ex-offenders also often voice the need to pay back to society, to make good for their past crimes. In short, the redemption narrative requires offenders to use their agency and make the conscious choice to change their identity thus revealing their true potential.

The 19 individuals convicted for sexual offences interviewed in the current study do not seem to experience a gap between their former identity and their current identity. Instead, most strongly reject the 'paedophile' identity: they are 'certainly not' paedophiles. As such, they experience no disjunction between their present and former self and do not feel the need to 'bridge a gap'. Given the current social stigma associated with the paedophile sex offender

status, claiming such an identity would likely result in 'social suicide' and knife-off any possibility of resocialisation.

The interviewees do report agency, but their agency seems to be focused on changing their behaviour rather than changing their identity. Respondents talk about their self-raised mental and physical barriers they have put in place to prevent them from relapsing. While all respondents make clear that they do not intend to re-offend, they also state one can never be 100% certain.

Redemption does not appear to be a prominent theme in the narratives collected for this study. To regain trust and to enable these men to be part of society again, the narratives instead suggest that respondents have sacrificed some of their autonomy and voluntarily put themselves under the control of others – family, partners – who are asked to keep a watchful eye.

Taken together, rather than a redemption script, the interviewees' narratives reflect a 'behavioural script' in which agency is focused on changing behaviour rather than identity, and in which redemption is replaced by the partial sacrifice of autonomy.

#### **Work package 5: Sex offender criminal policies (annex 7)**

The results of the citation analysis can be presented in a very concise manner. References to specific research about sex offenders or sex offending remain absent about the specific three policies.

The content analysis is limited in scope, only addressing scientific references or less explicit mentions of scientific findings in preparatory documents leading to three legal texts. In terms of the types of 'research utilisation', the way research is used refers mostly to symbolic use and to a lesser degree to instrumental use of knowledge.

As the Act of 17 May 2006 shows, a mandatory assessment for sex offenders applying for a type of early release is arranged. This is a watered-down version of what was mentioned in a previous act, the Act of 5 March 1998, which, in the immediate post-Dutroux era, included mandatory assessment and treatment. The mandatory assessment is more in line with international scientific findings related to sex offenders, in that not every offender who has committed a sex offence would profit or have advantage when being subjected to treatment.

In terms of the additional sentence that is optional in case of sex offences, no scientific findings seem to have been used, not even implicitly.

The same can be said for the residential restriction for sex offenders who have committed their offence against minors and/or with the help of a minor. No scientific reference is made and neither is there a scientific basis to install such a prohibition.

In conclusion, the results of this work package indicate a near-absence in the use of scientific evidence, in that no explicit references related to these three policies were retrieved and only

in the context of one of the three policies, the content seemed to be in line with scientific evidence, after a prior policy was watered down (the mandatory treatment was dropped).

## **5. RECOMMENDATIONS**

In this section, we provide recommendations that relate to: 1) data; 2) science; 3) policy and 4) wider society.

### **Recommendations related to data**

Throughout the SOC project, the network had to face up to challenges that related to data. Drawing on these experiences, the following can be recommended:

#### **1- Digitalising paper files**

In order to safeguard information that may at a later phase be of interest (for criminal justice purposes or for research), a digital copy of paper files should be made (and a future change towards digital files, with only a paper file if absolutely needed). This would also preclude the loss of information when physical files are destroyed, as was the case with a part of the files for this study.

#### **2- A common filing system in court files**

Older paper files of conditionally released sex offenders were consulted in different Clerck's Offices in courts. The filing systems in use in the different courts differed, with files that were either not retrievable, files that were split up (the reports of the justice assistants / parole officers), and other files that were still integrated. A common filing system could help retrieve information more easily for future consultation.

#### **3- A common identifier in data bases**

As far as the Belgian register data are concerned, it is paramount to have a common identifier across data bases. For the most part, analyses cannot be done drawing on linked data from multiple data bases. Currently, this situation is changing for the better, with more data bases that include the national registration number of persons, thus enabling in a more precise manner to link data from one data base with another.

### **Recommendations related to science**

Based on the five work packages, a range of recommendations arise for future research.

#### **1- Heterogeneity among sex-offenders**

In terms of the criminal careers, remarkable similarities have been found among the criminal careers of sex offenders and non-sex offenders. Further research should

delve more deeply into potential subtypes of sex offenders (child molesters, rapists, non-contact sex offenders). The heterogeneity among sex offenders could be further studied in order to assess more specifically the differences between their criminal careers and in terms of their recidivism. Such heterogeneity is also found in terms of risk of recidivism based on structured risk assessments, with many sex offenders predominantly in lower and medium risk groups and only a few in the higher risk groups (at least according to Static 99R and Static 2002R). Whether and how these groups overlap should be studied more in depth in the future (child molesters, rapists and non-contact sex offenders – low, medium and high-risk sex offenders).

## 2- Aetiological questions

The comparison of criminal careers shows highly comparable trajectories among sex offenders and non-sex offenders in Belgium and in the Netherlands. This raises a further question related to the aetiology of sexual offending. On the one hand these findings might be taken to reflect the commonality of aetiological factors underlying both non-sexual and sexual offending. This would suggest that sex offender research should turn to more general criminological theories, like the dual taxonomy, rather than offense specific theories to explain sexual offending. On the other hand, the commonality in criminal trajectories between sexual and non-sexual offenders may also be taken to reflect that the factors giving rise to sexual offending are completely separate from those giving rise to non-sexual offending. Such an interpretation would suggest that the commonality in criminal trajectories found simply reflects that sex offenders are found in all offender strata. To resolve this issue, future research could focus on within individual change in offending, rather than on between individual differences in criminal trajectories.

## 3- More and better data for the study of recidivism and criminal careers

Criminal career research based on official data suffers from dark figure bias, caused by not all offences coming to the attention of the police, being solved, and being brought before a judge. Dark figure bias may be especially prominent in officially registered sexual offending, with many sexual offences not being reported to the police, or registered as such due to foreseen evidentiary problems. As such, sole reliance on official data may underestimate both participation, frequency and persistence in sexual offending. Ideally, recidivism and criminal careers should therefore be studied drawing on a mix of self-report information and official information (conviction records). Furthermore, to be able to fully chart all dimensions of the criminal career, analyses should (ideally) be based on offenders that are no longer active, so as to be able to arrive at firm conclusions about criminal career parameters, recidivism and the entire criminal career trajectory. At the very least, to account for the sometimes long periods of non-offending between two subsequent offences, criminal career studies should employ sufficiently long follow up periods as to capture long-term developments in (sexual) offending.

Data should also include corrections for the time at risk (i.e. correcting for the time in detention) as especially sexual offenders are liable to serve long periods in detention or residential treatment and this impacts the time these offenders are 'at risk' of re-offending. Finally, to be able to explain sexual and non-sexual criminal career patterns among individuals convicted for sex offences, longitudinal data on significant life events and transitions should be gathered (e.g. employment, housing, affective relationships, debts, income...). Such data are needed to unravel the impact of stable and dynamic variables upon the criminal trajectories of sexual offenders.

With regard to qualitative research on desistance in sexual offenders, sex offenders with a different index offense (not only child molesters) should be sampled. Ideally, this could be done drawing on a prospective sample of sex offenders interviewed prior to release and at different intervals after release, so as to assess more in depth the impact of life-changing events, dynamic variables such as housing, occupation, financial situation, affective relationships, and the ways these offenders narrate their desistance from sex offending. The inclusion of other sex offenders in interviews about desistance could help to put the finding of a behavioural script among child molesters to the test. Would a similar script be found among rapists or non-contact sex offenders?

#### 4- A more comprehensive study of sex offender policies

The study of sex offender policies should be completed, not drawing only on preparatory documents, but also on interviews with the policy-makers involved in the sex offender policy.

#### 5- Public perceptions of sex offenders

Research should also delve into why sex offenders are deemed a different group, a group of offenders that are particularly troublesome. During discussions with other scholars at different conferences, we were confronted with statements such as "sex offences are particularly harmful". Although this cannot be denied in some instances, the wide variation among sex offences means that people tend to think only of the worst types of sex offences. Why is it that sex offenders have such a stigma? What are the underlying ideas and perceptions about sex offenders that explain the negative emotions related to sex offenders? This asks for further research.

### **Recommendations related to policy**

On the basis of the study, a number of policy-related recommendations can be mentioned.

#### 1- Scientific evidence in sex offender policies

Specific policy attention oriented to sex offenders should be based upon or at the very least in line with the best available scientific evidence. It is not sufficient to create new legislation that is legally checked, new legislation should also be tested in terms of its contents. Although an analogy with medicine is not entirely warranted, imagine



that policy-making about health would not take into account scientific findings from medicine, including the effects of treatments and interventions. Would people find it acceptable that a grave disease is treated with aspirin or that a mere cold would be tackled using chemotherapy?

One possibility could be to either consult experts when a draft of the legislation is ready, another possibility could be to install an expert committee that provides feedback about policy initiatives in the sphere of criminal justice. This would help to bring more scientific findings into criminal justice policy-making.

Although this may sound naïve, a similar check is done for legislative aspects of new legislation, so why could it not be done for the content too?

## 2- Scientific evidence and practice

The focus on sex offenders, both in policies as well as in practice, should be based on the best possible available instruments to assess these offenders. As sex offenders are found to be a highly heterogeneous group (in terms of risks), it would be advisable to orient more attention to those who are much more at risk of recidivism, while those who are moderate or low risks should be not treated as if they represent a similar high risk of recidivism. Policies and practices involving legal and/or therapeutic supervision should be calibrated on the basis of such scientific findings, not merely on the basis of the type of offence that a person has committed.

Policies should also draw on findings about the criminal career, recidivism and desistance.

## 3- 'Responsible speech'

Researchers should communicate more directly with policy-makers about the findings of their research and the impact of such findings towards policy. This means researchers should take on a more active role in the public debate on sex offenders and sex offending, communicating actively about what is known and not known.

## **Recommendations relevant to society**

The key recommendation about sex offenders refers to the previous point: researchers should inform the wider public about findings on sex offenders' criminal careers, recidivism, risks, desistance. Researchers involved in the study of sex offending / sex offenders need to proactively step out and communicate important research findings about recidivism, treatment, desistance, criminal careers and other elements to the wider public. This relates to ideas of 'responsible speech' and responsible scholarship and also connects to debates about the 'public' nature of scientific research (i.e. the different tasks and meanings of 'public sociology' and 'public criminology').

## 6. DISSEMINATION AND VALORISATION

### Organisation of events (on behalf of the SOC network)

- Organisation of a Symposium 'Sex Offenders In and Out of Crime', Brussel, Koninklijke Vlaamse Academie van België voor Wetenschappen en Kunsten (KVAB), 8 March 2018.  
*During the Symposium, key findings of the SOC project were presented, alongside keynote speeches by world-renown experts in the field of sex offender research.*  
*Over 150 persons from 5 countries registered for the event, which was free.*
- Organisation of a seminar (invitation only) on sex offenders, NICC, Brussel, 9 March 2018.
- Organisation of three meetings with the follow-up committee, comprised of people working in policy-relevant fields and/or in several organisations that are specialised in working with sex offenders. During these meetings, plans and results have been discussed and an exchange took place about the relevance of the findings, feedback and relevance of the findings for policy and practice.

### Scientific presentations related to the project

- Robert, L. (2019). *Dark Sides and Black Holes. Sex offender policies and criminological knowledge in Belgium two decades after Dutroux.* International Conference Criminology and Democratic Politics, 24-25 April, Leuven (invited presentation).
- Spaan, P. & Robert, L. (2018). *Hoe 'anders' zijn de criminele carrières van seksuele delinquenten? Een vergelijking van seksuele met niet-seksuele delinquenten op basis van nationale veroordelingsdata in België en Nederland.* Presentatie studiedag Seksueel grensoverschrijdend gedrag, seksuele delinquentie en seksueel strafrecht, Boekenpodium Maklu, Panopticon i.s.m. Maklu, 12 december, Antwerpen (no abstract).
- Maes, E. (2018). *Twee decennia na Dutroux. Wat weten we in België over de recidive van seksuele delinquenten?* Presentatie studiedag Seksueel grensoverschrijdend gedrag, seksuele delinquentie en seksueel strafrecht, Boekenpodium Maklu, Panopticon i.s.m. Maklu, 12 december, Antwerpen (no abstract).
- Spaan, P., Blokland, A., Blom, M., Robert, L., Maes, E. & De Blander, R. (2018). *Differentiating sex offenders: a latent class analysis of the criminal careers of sex and non-sex offenders.* 18th Annual Conference, ESC, 29 August-1 September 2018, Sarajevo.
- Robert, L., Deblock, M. & Maes, E. (2018). *Hoe onderzoeksgebaseerd is het beleid inzake seksuele delinquenten in België ? Een analyse van drie wetten.* NVC congres, 21-22 juni 2018, Leiden.
- De Blander, R., Spaan, P., Blokland, A. & Robert, L. (2018). *Zijn zedendaders anders? Een vergelijking van criminele voorgeschiedenis in zedendaders en niet-zedendaders in België en Nederland met Latent Class Analysis.* NVC congres, 21-22 juni 2018, Leiden.
- Spaan, P., Robert, L. & Blokland, A. (2018). *Zijn zedendaders anders? Trajectanalyse van criminele carrières in zedendaders en niet-zedendaders in België en Nederland.* NVC congres, 21-22 juni 2018, Leiden.
- Maes, E. (2018). *De gevangenisbevolking en de situatie in gevangenschap: een penale en maatschappelijke contextualisering – Cijfermatige benadering.* Gespecialiseerde opleiding voor toekomstige magistraten van de strafuitvoeringsrechtbanken (Instituut voor Gerechtelijke Opleiding, FOD Justitie), Leuven, Hotel Park Inn, 25 september 2018.
- Delannoy, D., Telle, E., Robert, L., Strzoda, I. & Pham, T.H. (2018). *Dynamic factors and desistance among sex offenders: impact on reintegration in the society.* 15th International Conference of the International Association for the Treatment of Sexual Offenders (IATSO), 28-31 August, Vilnius, Lithuania.
- Telle, E., Strzoda, I., Delannoy, D. & Pham, T.H. (2018). *Static factors in sex offenders and sexual recidivism.* 15<sup>th</sup> International Conference of the International Association for the Treatment of Sexual Offenders (IATSO), 28-31 August, Vilnius, Lithuania.
- Maes, E., Telle, E. & Pham, Th. (2018). *Sex offender recidivism in Belgium. A state of affairs.* Symposium 'Sex Offenders In and Out of Crime', Brussel, Koninklijke Vlaamse Academie van België voor Wetenschappen en Kunsten (KVAB), 8 maart 2018.

- Robert, L. (2018). *Comparing criminal careers: sex offenders versus non-sex offenders*. Symposium 'Sex Offenders In and Out of Crime', Brussel, Koninklijke Vlaamse Academie van België voor Wetenschappen en Kunsten (KVAB), 8 maart 2018.
- Robert, L., De Blander, R., Detry, I., Maes, E., Mine, B. & Vanneste, Ch., (2018). *Recidivism research at the NICC*. Seminar Series 20 years OD Criminology, Brussels, NICC, 6 March 2018.
- Delannoy, D., Strzoda, I., Robert, L., Blokland, A., Deblock, M. & Pham, Th. (2017). *Paroled sex offenders in Belgium. An assessment of the impact of dynamic variables on (the failure of) re-entry*. 2017 American Society of Criminology (ASC) (thematic session 'Criminal Career and Life-course Perspectives on Sex Crime'), Philadelphia, PA (Verenigde Staten), 15 November 2017.
- Robert, L., Pauwels, L., Maes, E. & De Blander, R. (2017). *In search for differences among sex offenders? A latent class analysis of sex offenders on Belgian register data*. 2017 American Society of Criminology (ASC) Meeting (thematic session 'Criminal Career and Life-course Perspectives on Sex Crime'), Philadelphia, PA (Verenigde Staten), Philadelphia Marriott Downtown, 15 November 2017.
- Robert, L., Blokland, A., Spaan, P., Maes, E., Pauwels, L. & Blom, M. (2017). *Are sex offenders really different? A comparison of criminal career dimensions of sex offenders and non-sex offenders in Belgium and the Netherlands*. 17<sup>th</sup> Conference of the European Society of Criminology (panel session 'Sexual offending, perpetrators and treatment'), Cardiff (Wales, UK), 14 September 2017.
- Robert, L. (2016). *Are sex offenders really different? A comparison of criminal career dimensions of sex offenders and non-sex offenders in Belgium and the Netherlands*. Symposium Sex Offenders: A Criminal Career Approach, NSCR & KNAW, Amsterdam, 15-16 December.
- Blom, M., Robert, L., Blokland, A., Maes, E. & Pauwels, L. (2016). *Are sex offenders really different? A comparison of criminal career dimensions of sex offenders and non-sex offenders in Belgium and the Netherlands*. 2016 American Society of Criminology (ASC) Meeting (panel session 'Sexual Offenders over the Life Course'), New Orleans (Verenigde Staten), LA, 18 November 2016.

## 7. PUBLICATIONS

- De Kruijff, L. & Berckmoes, L. (2018). Desistance onder zedendaders: Narratieven van mannen veroordeeld voor zedenmisdrijven tegen minderjarigen in België. *Panopticon*, Vol.39(5), 435-454.
- Maes, E., Telle, E., Strzoda, I., Delannoy, D., Pham, T.H., Robert, L. & De Blander, R. (2018). Twee decennia na Dutroux. Wat weten we in België over de recidive van seksuele delinquenten? *Panopticon*, Vol.39(6), 540-561.
- Robert, L., Spaan, P., Blokland, A., Maes, E., Pauwels, L., Blom, M. & Wartna, B.S.J. (2018). Hoe 'anders' zijn de criminele carriers van seksuele delinquenten? Een vergelijking van seksuele met niet-seksuele delinquenten op basis van nationale veroordelingsdata in België en Nederland. *Panopticon*, Vol.39(6), 519-539.

Future publications in preparation. BELSPO will be informed about these publications as soon as they are accepted for publication.

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