



EXECUTIVE SUMMARY

The Netherlands*



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Introduction

Though the Netherlands' is highly developed¹ with a strong human rights record, a number of problems related to child abuse and commercial sexual exploitation of children (CSEC) have emerged in recent years.

The Dutch government does not differentiate between cases of child prostitution and trafficking of children for sexual purposes. Most Dutch children exploited in prostitution are victims of pimps who lure their girlfriends into prostitution, commonly known as “loverboys.” Child prostitution is typically relegated to private venues, with children rarely exploited as street sex workers or in red light districts, as pimps are aware that child prostitution is a criminal act and that police checks are usually stringent.

With regard to trafficking in persons, data shows increasing rates of trafficking of women and children in the Netherlands, with 80 % of trafficked minors exploited in the sex industry.² The percentage of victims of Dutch nationality has increased sharply in the last ten years to more than 50%, with West Africans composing the second largest group. Child trafficking

is most organised by individuals and small networks exploiting a few victims rather than large networks.

In recent years the Dutch government has implemented a number of initiatives to combat child pornography, although a coherent, unified and effective approach is still lacking. The Police Monitor 2010 shows that many cases are not investigated due to a lack of specialized investigators and that 20 of the 25 police forces score below minimum standards for such investigations. However, the Dutch government has announced plans for a framework that includes identifying victims and prosecuting perpetrators, producers and distributors of child pornography.³

The Netherlands has achieved several extraterritorial prosecutions of Dutch nationals exploiting children in travel and tourism, but this represents a tiny fraction of the actual number of perpetrators. Though national campaigns have spurred temporary rises in reporting, the Netherlands still lacks an adequate strategy to address child sex tourism.

National Plan of Action (NPA)

There are three NPAs relevant to CSEC issues in the Netherlands. The National Action Plan against Sexual Abuse of Children from the year 2000 sought to provide better support services for victims, lower levels of recidivism, and improved standards among staff; however, recognising continuing gaps, in 2007 the government passed the Action Plan Tackling Child Abuse “Children Safely Home.” There is still limited evidence of concrete results from these plans. The NPA to Combat Trafficking

in Human Beings provides a multi-disciplinary set of concrete policy actions in the areas of human rights, legislation, prevention, victim protection, investigation and prosecution, and research and registration, though most of them are not child-specific. Finally, the NPA to Combat Child Pornography created a National Police Unit to improve coordination among police in the enforcement of child pornography laws and plans to monitor the national database and identify victims.

Coordination and Cooperation

The Action Plan against Child Sexual Abuse builds relationships between the activities of the various ministries and organisations. It includes both government services and those offered by private institutions and individuals in the areas of prevention, assistance, penalties and legislation.⁴ Initiatives have been adopted to coordinate actions on combating trafficking; however, they have not focused on children and child protection agencies, and NGOs have not been methodically involved in the design and implementation of programmes. Efforts have primarily concentrated on enhancing cooperation between law enforcement agencies and have not focused on preventing child trafficking or protecting victims through integrated methods. The Dutch government implements programs and activities by establishing several institutionalised bodies, such as the Child Protection Council,

Children's Ombudsman, the Programme Minister for Family and Youth, the National Rapporteur on Child Pornography, and the National Rapporteur on Trafficking in Human Beings.

At the regional and international level, Netherlands is actively engaged in the EU Action Plan on Trafficking in Human Beings, adopted in December 2005. This Plan focuses on enhancing regional cooperation among stakeholders, including sharing information and good practices.⁵ In December 2010, the European Parliament passed a Directive against trafficking in human beings, reconciling discrepancies among the laws of member states. The Netherlands embassies and consulates play an important role in awareness-raising regarding trafficking in persons, especially in the countries of origin of victims.⁶

Prevention

There are a number of organisations that perform prevention activities to address the problem of child prostitution in the Netherlands; however, most of these are focused on the "loverboy" issue, with little attention devoted to other forms, including the prostitution of boys. Campaigns are usually implemented by NGOs and focus on awareness raising among vulnerable groups.

Prevention efforts are more widespread with regard to child trafficking, with the government long recognising this as a priority. However, while there are numerous awareness raising projects and campaigns, they depend on the interest of particular municipalities at particular times and have yet to be turned into a systematic set of nationwide policies engaging multiple stakeholders.

The European Commission's (EC) Safer Internet Programme aims at empowering and protecting children and young people online

through awareness raising initiatives and by fighting illegal and harmful online content and conduct. There is also a private child pornography hotline "Meldpuntterbestrijding van Kinderpornografie op Internet" (Hotline combating Child Pornography on the Internet), supported by the Ministry of Security and Justice.

To prevent the exploitation of children in travel and tourism, the Ministry of Foreign Affairs supports a project on raising awareness and implementation of the Child Protection Code in Thailand, Cambodia, Philippines, Dominican Republic and The Gambia. The Multi-Stakeholder Initiative on Sustainable Outbound Tourism promotes sustainable tourism with the aim to diminish the negative effects of outgoing tourism, including sex tourism. NGO initiatives, such as those of ECPAT-NL, also provide training to those involved in the tourism industry.

The Dutch government has ratified all human rights treaties relevant to CSEC as well as major European regional instruments. Dutch legislation is mostly compliant with the OPSC. Under Dutch legislation, the age of sexual consent is 16 years; however, sexual exploitation for the purpose of **prostitution** or with the use of deception or a relationship of authority is an offence when committed against children up to the age of 18. Defendants may be convicted regardless of whether they knew or should have known the age of the victim.

Trafficking in children; defined as the recruiting, transportation, harbouring, or subsequent reception of a person with an aim to exploit a person, when that person has not yet reached the age of 18 years; is one of the most serious offences in the Dutch Criminal Code. Penalties for trafficking a person under the age of 16 can be as high as imprisonment for 12 years (raised from a previous maximum of 8 years).⁷

The government of the Netherlands has in recent years taken steps to bring its legislation in line with the Council of Europe Convention on Cybercrime and the OPSC with regard to **child pornography**. The age limit has been raised from 16 to 18 years; virtual **child pornography** was criminalised in 2002; and a new offence was introduced: being deliberately present at pornography shows in which underage children perform. Article 240b of the Criminal Code punishes with a term of imprisonment of up to 4 years or a fine any person who disseminates, public displays, manufactures, imports, distributes, exports, or has in his/ her possession an image or a data carrier containing an image of a sexual act in which a person, who apparently has not reached the age of 18, is involved or appears to be involved.

Regarding the elimination of **child sex tourism**, the application of extraterritorial jurisdiction was expanded to cover Dutch nationals and permanent residents of the Netherlands who sexually abuse or otherwise exploit minors outside the Netherlands (arts. 5 and 5a of Criminal Code).⁸

The Dutch police includes specialized units on trafficking in human beings, sexual crimes against children and child pornography. The police have formulated and implemented specific measures to improve the detection of trafficking in human beings by conducting regular consultation between the relevant liaison officers in the police forces in order to share expertise and formulate strategies to address the problem. The Hotline combating Child Pornography on the Internet is part of the Safer Internet Plus Plan (SIAP), affiliated with the international organization for Reporting Centres: INHOPE.⁹ In January 2010 the Hotline extended its work to receive reports of child sex tourism.

The Advice and Reporting Centres on Child Abuse (AMKs) provides advice, investigate alleged cases of child abuse and get appropriate help by referring them to Youth Care Office or the Child Protection Council.¹⁰ Based on the information obtained, the AMK assesses the situation and decides on the next steps that should be taken, such as provision of assistance, protection, or criminal prosecution. The government provides victims with legal, financial, and psychological assistance, shelter, medical care, social security benefits, and education. However, according to the National Rapporteur on Human Trafficking, there is insufficient capacity to provide shelter for victims of human trafficking, including minors. In principle, foreign child victims of trafficking who are granted temporary residence are entitled to a full range of benefits, but these are not always implemented in practice.

A human trafficking course is included in the standard training programmes offered by the Dutch Police Academy, but there is no specific focus on child-sensitive approaches. However, the Expertise Centre for Human Trafficking and People Smuggling serves as a centralised source of expertise and training for various law enforcement units throughout the Dutch system.¹¹ The Dutch military also provides courses for its personnel. Training on CSEC issues outside trafficking appears limited.

Child and Youth Participation

The introduction of the new Social Support Act 2007 makes municipalities responsible for a number of matters directly affecting young people. The Act creates an obligation for municipalities to involve the public-including younger members- in the development of local-level policies. The National Youth Council, an umbrella organisation including about 30

smaller organisations, is also commissioned to speak on behalf of the nation's young people and to stimulate youth participation at local level. These programmes are, however, limited, and there is a need for further development of systematic opportunities for child and youth participation.

Priority Actions Required

National plan for action

Ensure that there is a responsible coordinating body to oversee the implementation of a comprehensive CSEC NPA, and that the plan has adequate financial and human resources to be fully effective.

Coordination and cooperation

Strengthen cooperation between key agencies and relevant stakeholders to combat all commercial sexual exploitation of children, such as on repatriation of child victims or prosecuting Dutch nationals abroad for production of child abuse images. The government should put more focus on children in the work of the Task Force Trafficking in Human Beings and connect the Task Force with the Task Force for Unaccompanied Minors.

Prevention

Undertake comprehensive studies and implement consistent data collection methods to quantify the prevalence and dimensions of sexual exploitation of children relevant to the Netherlands. Similarly, sensitise professionals, parents, children and the general public to the problem of sexual exploitation of children and adolescents, especially child sex tourism and child pornography, through education, including media campaigns. These efforts must also be part of school curricula;

Measures are needed to protect the interests of unaccompanied minor aliens, such as: immediate referral to a competent guardian, periodic assessment of placement, priority for procedures concerning trafficking in children, adequate information about the risks of trafficking and measures to supervise them and show them extra attention.

Protection

Train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner. Child victims of sexual exploitation should be carefully and extensively interviewed by trained specialists through methods that take into account the age, development and circumstances of the child;

Improve the number and quality of shelters that deal with child victims of all forms of sexual exploitation, especially boys. Ensure that the unique needs of child victims of sexual exploitation are addressed rather than merely included in broader youth programming. Additionally, more specific relief and assistance options must be made available to child victims of human trafficking. These must be available to girls and boys of all nationalities, and to victims of all kinds of exploitation.

Child participation

Provide meaningful opportunities for children to contribute ideas and express themselves in the policymaking process, as well as in

the delivery of prevention and recovery and reintegration programmes. Institutionalise these opportunities to create a culture that values the participation of children in these processes.

Endnotes

- ¹ Human Development Index. Accessed on 3 March 2011 from: http://hdr.undp.org/en/media/HDR_2010_EN_Table1_reprint.pdf
- ² National Rapporteur on Trafficking in Human Beings, Eighth Report, 2010. Accessed on 3 March 2011 from: <http://english.bnrm.nl/reports/eighth/>
- ³ Information direct from ECPAT Netherlands
- ⁴ Convention on the Elimination of All forms of Discrimination against Women, Fourth Periodic Report, the Netherlands, 2005. Accessed on 3 March 2011 from: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/236/02/PDF/N0523602.pdf?OpenElement>
- ⁵ Committee on the Rights of the Child, The Netherlands initial report to the Optional Protocol on the Sale of Children, child prostitution and child pornography, 2009. Accessed on 3 March 2011 from: <http://www2.ohchr.org/english/bodies/crc/crcs50.htm>
- ⁶ The UN's Secretary General Database on violence against women, Awareness raising by embassies and consulates regarding trafficking in persons. Accessed on 3 March 2011 from: <http://webapps01.un.org/vawdatabase/searchDetail.acti>
- ⁷ Legislation on trafficking in human beings accessed from the Dutch Rapporteur on Trafficking in Human Beings on 18th May 2010 from <http://english.bnrm.nl/legislation/index.aspx>
- ⁸ ECPAT-NL, Legislation. Accessed on 3 March 2011 from: <http://www.ecpat.nl/p/30/284/mo45mc76/legislation>
- ⁹ Meldpunt Kinderporno Website. Accessed on 3 August 2011 from : http://www.meldpunt-kinderporno.nl/EN/about_us.htm
- ¹⁰ Second Chamber of Parliament, Acts 2006-2007, 3619. Available at: <https://zoek.officielebekendmakingen.nl/handelingen/TK/2006-2007/>
- ¹¹ Committee on the Rights of the Child, The Netherlands initial report to the Optional Protocol on the Sale of Children, child prostitution and child pornography, 2009. Accessed on 3 March 2011 from: <http://www2.ohchr.org/english/bodies/crc/crcs50.htm>