

Sexual Exploitation of Children in The Netherlands



The first report of the Dutch Coalition for Children's Rights on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in the Netherlands

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Content

1	<i>Introduction</i>	4
2	<i>Prohibition on the sale of children, child prostitution and child pornography</i>	5
2.1	Child prostitution	5
2.2	Exploitation of children	5
2.3	Illegal adoption	6
2.4	Child pornography	7
2.5	Child sex tourism	7
3	<i>Investigation and prosecution</i>	9
3.1	Investigation and prosecution of child prostitution	9
3.2	Investigation and prosecution of the exploitation of minors	9
	Expansion of police capacity	9
	Human Trafficking Task Force.....	10
	Staff training.....	10
3.3	Child pornography	10
3.4	Child sex tourism	11
4	<i>Protection of the rights of child victims</i>	12
4.1	Identification and referral	12
4.2	Registration of child victims of trafficking and exploitation	12
4.3	Shelter and care for child victims	13
	Placement in a closed institution	13
4.4	Special attention for foreign national children	14
	Interviewing minors during the asylum procedure	14
	Reception of unaccompanied minor foreign nationals.....	14
	Disappearance of minor asylum seekers from reception centres.....	14
	B9-regeling ('B9 Regulation')	15
	Returning minors to the land of origin.....	16
4.5	Interviewing and examining children	16
4.6	Requirement for training of professionals	16
5	<i>Prevention of the sale of children, child prostitution and child pornography</i>	18
5.1	Prevention of child trafficking and child prostitution	18
5.2	Prevention of sexual abuse of children and child pornography on the Internet 18	
5.3	Prevention of child sex tourism	19
6	<i>International collaboration</i>	20
7	<i>International regulations</i>	21
8	<i>Summary of the KRC's recommendations to the Dutch Government on the sale of children, child prostitution and child pornography in the Netherlands</i>	23
	Prohibition on the sale of children, child prostitution and child pornography.....	23
	Investigation and prosecution	23
	Protection of the rights of child victims	23
	Prevention of the sale of children, child prostitution and child pornography	23
	International collaboration.....	24
	International regulations.....	24
9	<i>Resources</i>	25

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Sexual Exploitation

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The following organisations support the general content of this first report of the Dutch Coalition for Children's Rights on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in the Netherlands:

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Kinderen- en Jongerenrechtswinkels
Kinderen-Ouders-Grootouders
Meldpunt Kinderporno
Nationale Jeugdfonds Jantje Beton
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Nederlandse Stichting voor het Gehandicapte Kind
Nederlandse Vereniging voor Kindergeneeskunde
NJCM
Nuso Speelruimte Nederland
Plan Nederland
Profit for the World's Children
Project "Pretty Woman"
RAAK
Rading, de
Rotterdamse Jongerenraad
SAMAH
Save the Children
Stichting Religieuzen tegen Vrouwenhandel
Stichting Halt Nederland
Stichting INLIA
Stichting Kinderpostzegels Nederland
Stichting LOS
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United Adoptees International Netherlands
Verdiwel
Vereniging VluchtelingenWerk Nederland
Vluchtelingen Organisaties Nederland
Wereldkinderen
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1 Introduction

The Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography came into force for the Netherlands on 23 September 2005. The Optional Protocol, in analogy with the Convention of the Rights of the Child (CRC), calls on countries that have acceded to the Protocol to forbid the sale of children, child prostitution and child pornography.

This report views the approach to the sale of children, child prostitution and child pornography and child sex tourism in the Netherlands. The Dutch NGO Coalition for Children's Rights (KRC) also states the latest developments relating to each issue, and the matters which give the KRC cause for concern. Each section is concluded with the KRC's recommendations to the Dutch Government. The last section contains a complete list of the 25 recommendations.

The Netherlands is confronted with child trafficking, child prostitution and child pornography. However it is difficult to obtain reliable information about the extent and nature of these problems, and precise figures are not available. Nevertheless, registration data and information from investigations offer some insight into the backgrounds of minors who have been the victim of sexual or other forms of exploitation, as well as the nature of that exploitation.

For a Dutch study of the exploitation of minors by ECPAT-Defence for Children International and Unicef a database was created which contained information about 230 minor victims of exploitation during the period from 2003 to 2005. 169 (73.5%) of the 230 cases concerned child prostitution. 21 minors (9.1%) were the victim of exploitation in prostitution and in other sectors such as in housekeeping, the hotel and catering industry, the cleaning sector, drug trafficking, and petty crime. 17.4% of the cases related solely to exploitation in these other sectors. The majority of the minors in the database are girls of between the ages of twelve and eighteen; the cases reviewed in this study relate to both Dutch and foreign national children. The victims included in the database originate from 31 different countries (Van den Borne & Kloosterboer, 2005).

In 2006 103 child victims were reported to the Foundation against Trafficking of Women (STV, which changed its name to CoMensha in 2008) (18% of the total number of reported cases). The majority of these cases reported to the STV concerned minors of between fifteen to seventeen inclusive (16%). In 2007 198 child victims were reported to the Foundation against Trafficking of Women (Comensha, 2008). In 2006 18 of the 120 cases of forced prostitution reported to Meld Misdaad Anoniem ('Report Crime Anonymously') concerned minors. In 2007 this number increased to 24 out of 93 reported cases to Meld Misdaad Anoniem ('Report Crime Anonymously') (www.meldmisdaadanoniem.nl May 2008).

The Public Prosecution Service's figures reveal a significant increase in the number of child pornography cases since 2001 (Lünneman et al., 2006: 162). In 2006 383 child pornography cases were submitted to the Public Prosecutors Office by the regional police forces and the Team Bestrijding Kinderpornografie ('Combating Child Pornography Unit') of the National Police Services Agency (KLPD) (Combating Child Pornography Unit, 2006). In 2006 the private Internet Hotline Against Child Pornography (Meldpunt Kinderporno) reported 71 cases to the KLPD. The reported cases to the KLPD by the Meldpunt Kinderporno increased in 2007 to 750 cases. This increase in reported cases is due to the fact that more and more distributors use internet hosting providers based in the Netherlands. The distributors are not necessarily of Dutch nationality (Meldpunt Kinderporno, 2008) Both the Meldpunt Kinderporno and the KLPD expressed their concern about the increasing number of reports of attempts to sexual abuse of minors using internet technology.

2 Prohibition on the sale of children, child prostitution and child pornography

The sexual abuse and (sexual) exploitation of children is an offence under articles 240b and 244 to 250 of the Criminal Code, Article 273f and articles 5 and 5a of the Netherlands Criminal Code. Sexual contact with a child under the age of 12 is an offence in all cases (article 244 of the Criminal Code). Sexual contact with a child aged 12 to 16 is an offence, except when the sexual contact is considered normal sexual contact for persons of that age group (article 245 of the Criminal Code). In general, engaging in sexual acts with a person aged 16 to 18 is not an offence. However, this is an offence in specific circumstances, such as sex within a relationship of dependence (article 249 of the Criminal Code), abuse of a relationship of authority, deception (article 248a of the Criminal Code), sexual exploitation for the purpose of prostitution (248b and 273f of the Criminal Code). The same applies to child pornography (article 240b of the Criminal Code) and other forms of sexual services (article 248a and 248c of the Criminal Code).

2.1 Child prostitution

The Wet opheffing bordeelverbod ('Act lifting the ban on brothels') came into force on 1 October 2000. Although this Act legalizes prostitution in the Netherlands it has also tightened up the penalization of the exploitation of certain forms of prostitution; for example, the exploitation of the prostitution of minors is an explicit offence. Child prostitution is an offence for customers (Article 248b of the Criminal Code; for related offences see also articles 248a and 248c of the Criminal Code). Offering minors for prostitution is deemed to constitute trafficking in human beings (Article 273f of the Criminal Code).

To date the legal practice has acquired little experience with the investigation and prosecution of offences against Article 248a and Article 248c of the Criminal Code. However, the number of cases in which children using chatboxes engage in sexual acts (with themselves) in front of webcams is increasing. It is not simple to bring these cases under the new legislation; prosecutions of cases of this nature are brought under articles 248a and articles 244 of the Criminal Code.

Viewing the performance of a child from a distance, for example viewing a child pornographic performance recorded with a webcam and transmitted on a closed television circuit, falls outside the scope of Article 248c of the Criminal Code. The spectator is not present at the performance and consequently is not deemed to be committing an offence as referred to in Article 248c of the Criminal Code. (Parliamentary Documents, II 2006-07 30800 VI, No. 37). The KRC is of the opinion that this distinction is not relevant in the digital world and that Article 248c of the Criminal Code should also be applicable to spectators of child pornographic performances viewed on a closed television circuits or the Internet.

Relating to child prostitution the requirement to file a complaint (Article 245, paragraph 2, of the Criminal Code) was rescinded on 1 October 2000 (within the scope of the Wet Opheffing Bordeelverbod). As of 1 October 2002 the complaint requirement stipulated in articles 245, 247 and 248a of the Criminal Code as a formal condition attached to prosecution of the sexual abuse of children from the ages of twelve to sixteen has been rescinded and replaced by the mandatory hearing of the victims (Article 167a of the Criminal Code). According to Lünnehan et al. (2006) rescinding the complaint requirement simplifies prosecutions in cases involving gang rapes and loverboys, a form of trafficking in human beings in which young men begin a relationship with girls with the intention of forcing them into prostitution.

2.2 Exploitation of children

On 1 January 2005 the Dutch Criminal Code was amended to implement international regulations on the fight against the smuggling of and trafficking in human beings, including

the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography, the Palermo Protocol supplementing the Convention against Transnational Organized Crime and the EU Council Framework Decision on combating trafficking in human beings. Prior to this date the Dutch legislation had deemed trafficking in human beings to be an offence solely in the event of trafficking in human beings for sexual purposes (Article 250a of the Criminal Code). Subsequent to the amendments trafficking for purposes other than sexual purposes is now also deemed to constitute trafficking in human beings. Various forms of exploitation and trade in organs constitute an offence under Article 273f of the Criminal Code.

Increased penalties have been imposed on the trafficking of minors below the age of sixteen. The penalty was originally a maximum of six years' imprisonment and a fine, but has now been increased to a maximum of eight years' imprisonment and a fine. The KRC is of the opinion, in analogy with ECPAT International in its Global Monitoring Report (2006) on the Netherlands, that the increased penalty should also be applicable to cases concerning the exploitation of minors aged sixteen and seventeen.

2.3 Illegal adoption

The study of DCI-ECPAT and Unicef The Netherlands on the exploitation of minors (2005) also collected cases concerning illegal adoption. A number of cases of illegal adoptions have recently been reported in the news. The 'baby Donna' case of 2005 concerned a baby who the surrogate mother had sold to a couple that had not requested the surrogate mothership. The couple who had asked the surrogate mother to bear their child demanded the baby. At that point the baby had already been with the other couple for some period of time. In the case the court decided that the couple with the baby had acted in conflict with the Dutch adoption regulations. However, the court also ascertained that family life had developed between the baby and the couple. In view of case law of the European Court of Human Rights it is not possible to simply break a relationship of this nature (LJN AU 4934). This case gave cause to the Minister of Justice's announcement that a protocol would be drawn up with the organizations involved, the Raad voor de Kinderbescherming ('Child Protection Board'), the Interprovincial Council and the Association of Netherlands Municipalities (Official Reports, II 2005-06, 429).

Another recent case concerned an Indian child adopted by a Dutch couple. The biological mother claimed the child, whereby she stated that her child had been kidnapped and offered for adoption without her knowledge. This case gave cause to the Minister of Justice's announcement that a three-part investigation would be carried out. The Youth Care Inspectorate was to initiate an investigation into the role of the adoption agency in this case; an independent investigation would be initiated into the role of the Dutch Ministry of Justice; and an investigation would be initiated into precisely what had happened in India (Parliamentary Documents II 2006-07 28457, No. 28).

These cases did not concern exploitation; however, these cases did concern an illegal practice that should be an offence pursuant to the Optional Protocol to the CRC (Article 2, paragraph a, and Article 3, paragraph ii of the Optional Protocol). Pursuant to the current Dutch legislation not all forms of illegal adoption fall within the concept of trafficking in human beings as specified in Article 273f of the Criminal Code. Adoption that does not take place in accordance with the prevailing regulations and procedures and which does not involve exploitation is an offence under the Wet opnemng buitenlandse kinderen ter adoptie ('Reception of Foreign Children for Adoption Act', WOBKA) (Article 8, part d, Article 20, third paragraph, in conjunction with Article 27 and Article 28, paragraph 1, of the WOBKA).

Pursuant to the Dutch legislation illegal adoption is deemed to constitute trafficking in human beings solely when the illegal adoption was intended for the purposes of exploitation of the child (see also the Instructions from the Board of Prosecutors General concerning trafficking in human beings).

The supplement to the Nationaal Actieplan Aanpak Mensenhandel ('National Action Plan against Trafficking in Human Beings', NAM) states that the measures to combat illegal adoption need to be improved, irrespective of whether illegal adoption is regarded as constituting trafficking in human beings (Parliamentary Documents, II 2005-06 28638, No. 19). The Ministry of Justice shall appoint a working group for this purpose. This working group shall submit proposals for the prevention of illegal adoption and an action protocol for situations involving illegal adoption. The KRC is of the opinion that these proposals and the action protocol need to be completed within the very near future.

2.4 Child pornography

The Wet van 13 juli 2002 tot wijziging van het Wetboek van Strafrecht, het Wetboek van Strafvordering en de Gemeentewet (partiële wijziging zedelijkheidswetgeving) ('Act of 13 July 2002 amending the Criminal Code, the Code of Criminal Procedure and the Municipalities Act (partial amendment of the sexual offences legislation)', Bulletin of Acts, Orders and Decrees 2002, 388) increases the age limit for punishment in child pornography cases in Article 240b of the Criminal Code from sixteen to eighteen years. Consequently the creation, distribution, and possession of child pornographic images involving a minor of sixteen or seventeen years now also falls under criminal law. On the partial amendment of the sexual offences legislation virtual child pornography is now also an offence (Article 240b of the Criminal Code).

In order to ratify the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, amendment of the Criminal Code is announced to meet the requirements of the convention, The KRC welcomes the announced amendment of the Criminal Code but recommends to broaden the amendment of the legislation with regard to 'grooming' on the Internet. In order to penalize 'grooming' in all possible situations, the penalization of this behaviour should not be limited to this behaviour in an Internet context.

Although the prosecution of cases relating to child pornographic images concerning minors of ages fifteen to seventeen is possible both under the child pornography Article 240b of the Criminal Code and the trafficking in human beings Article 273f of the Criminal Code, in practice this receives virtually no attention. The KRC is of the opinion that the legislator must make clear which forms of exploitation of minors fall under Article 273f of the Criminal Code to enable the agencies and organizations involved to identify the problem more rapidly and deal with them quickly.

The Instructions from the Board of Prosecutors General concerning child pornography (Article 240b of the Criminal Code) issued to the heads of the public prosecutor's offices came into force on 1 September 2003. These Instructions specify what can be regarded as constituting child pornography and which priorities are assigned to the prosecution of these cases. A new guideline for child pornography penalties came into force on 1 May 2007. This guideline, which supplements the Instructions, is intended to ensure that the penalties imposed in child pornography cases are more compatible with the gravity of the facts and feelings in society about child pornography.

2.5 Child sex tourism

The partial amendment of the Criminal Code has also expanded the extraterritorial effect of the Dutch criminal legislation, a measure which is primarily intended to increase the efficiency of combating child sex tourism. Article 5 of the Criminal Code was amended, and Article 5a was added. The sexual offences specified in articles 240b and 242 to 250 of the Criminal Code were transferred from the double criminality category (the action is an offence in the country in which it was committed and in the offender's country of origin) to the single criminality category. Consequently a Netherlands citizen can always be prosecuted for an offence in the Netherlands, irrespective of where the offence was committed and whether it is an offence in the country concerned.

Article 5a of the Criminal Code stipulates that the Dutch criminal law is applicable to foreign nationals who have or obtain a fixed domicile and residence in the Netherlands who are guilty

of the sexual exploitation of children or are profiting from the sexual exploitation of children (which constitutes trafficking in children) outside the Netherlands. The double criminality requirement has been abolished in both instances.

This amendment of 13 July 2002 complies with part of recommendation 57 submitted by the UN Committee on the Rights of the Child to the Dutch Government in 2004.

The KRC is of the opinion that important amendments to the legislation have been made during the period from 2002 to 2007 which can contribute to an improved ability to deal with the (sexual) exploitation of minors. Nevertheless, these amendments are not sufficient.

KRC recommendations to the Dutch Government concerning the prohibition on the sale of children, child prostitution and child pornography in the Netherlands:

1. Amend the legislation with respect to the definition of trafficking in human beings in Article 273f of the Criminal Code. Clarify, in particular, the forms of exploitation of minors that fall under the application of this Article.
2. Amend the legislation with respect to Article 248c of the Criminal Code such that this Article is also applicable to spectators of child pornographic performances viewed on a closed television circuits or the Internet.
3. Ensure that the increased penalty for cases of trafficking in minors is expanded to minors below the age of eighteen.
4. Amend the legislation in order to penalize 'grooming'.

3 Investigation and prosecution

Prostitution has been legal in the Netherlands since 2000. At the same time the prostitution of minors was made an explicit offence. Child prostitution is also an offence for customers. The municipalities operate a licensing system for the prostitution sector. Most municipalities have brought brothels and window prostitution under the licensing system, although other segments of the sector such as street prostitution, escort agencies and other providers of sexual services have not (yet) been brought under the system. Compliance with the prohibition on the employment of child prostitutes is one of the conditions attached to the issue of licences. The police are responsible for monitoring compliance with the licensing conditions. In relative terms this monitoring is more intensive in the licensed sector than in the non-licensed (illegal) sector, thereby rendering the non-licensed sex industry a place of refuge for trafficking in human beings. According to the Bureau Nationaal Rapporteur Mensenhandel ('Dutch Rapporteur on Trafficking in Human Beings', BNRM) the inspections of the licensed sector also leave something to be desired; abuses are still encountered in this sector, although it is not known how often (BNRM, 2007).

3.1 Investigation and prosecution of child prostitution

On the Ministry of Justice's request a number of studies have been carried out since the *Wet opheffing bordeelverbod* ('Act lifting the ban on brothels') came into force to evaluate the amendment of the legislation. These studies have investigated the consequences of the Act for dealing with child prostitution, as well as the nature and extent of child prostitution.

The evaluative study carried out in 2002 reveals that child prostitution is the least visible element of the sector. According to the researchers this is due to "the use of forged documents, short stays at any given address due to rapid relocations, and working in more invisible unofficial circuits" (Goderie, Spierings & ter Woerds, 2002: 65). This is also revealed by the reports of evaluative studies carried out in 2007 which conclude that there would appear to be virtually no child prostitution in the licensed sector and that there are also no indications of any large number of child prostitutes in the non-licensed prostitution sector (Daalder, 2007: 14). However, one of these studies does reveal that five percent of the adult prostitutes in the licensed sector interviewed for the study began working as a prostitute before they were eighteen. The equivalent proportion of the adult prostitutes active in the escort sector who were interviewed is over ten percent (Daalder, 2007: 14).

3.2 Investigation and prosecution of the exploitation of minors

Expansion of police capacity

Recommendation 57 the UN Committee on the Rights of the Child submitted to the Dutch Government in 2004 urges the strengthening of the capacity of the police in the Netherlands to receive and investigate complaints of trafficking and sexual exploitation. To this end the human and financial resources should be increased and appropriate training should be given where necessary. The KRC notes that the Dutch Government has not followed up this recommendation to a sufficient extent in the intervening years.

The lack of priority, capacity and expertise on the part of the police, Public Prosecution Service and judiciary continue to constitute the bottleneck in the investigation and prosecution of the (sexual) exploitation of children. Investigations of trafficking in children and adults are time-consuming; in addition, they are complex and require specialized knowledge and skills. Moreover investigations of this nature often have an international element.

Although trafficking in human beings has been designated one of the six priorities for the police and politicians have also stated that child trafficking has priority, this is still insufficiently evident in practice. The police need to be equipped better for investigations of the (sexual) exploitation of minors. The KRC advocates an expansion of police capacity.

Human Trafficking Task Force

In May 2005 the police, in collaboration with other agencies, set up a central information point to improve investigations and prosecutions of the smuggling of and trafficking of human beings, the Expertisecentrum Mensensmokkel en Mensenhandel ('Expertise Centre for Human Smuggling and Trafficking' EMM). The EMM collects and analyses all data relating to the smuggling of and trafficking in human beings, and plays an important role in the investigation of trafficking in human beings in general and the trafficking in children in particular.

The KRC is of the opinion that the coordination at national level should be improved. For this reason the KRC welcomes the installation of a Human Trafficking Task Force on 27 February 2008, but is concerned about the set-up of the Task Force. In the opinion of the KRC the Task Force should be set up comprised of all agencies involved in dealing with trafficking in human beings, including NGOs dealing with victims of trafficking in general and NGOs dealing with trafficking in children specifically. This is not the case yet.

Staff training

The staff of the Dutch police, Special Investigation departments, Public Prosecution Service and the judiciary are in need of training to improve their knowledge of trafficking in minors and its various manifestations of exploitation in diverse economic sectors, to obtain an increased insight into the scope of trafficking in human beings, the background, and the specific position of minors. The KRC calls on the Dutch Government to devote more attention to training the police, Public Prosecution Service and judiciary in the problem of the (sexual) exploitation of minors.

3.3 Child pornography

The number of child pornography cases has increased significantly since 2001 (Lünneman et al., 2006: 162). According to police figures 76% of the reported cases in 2006 (in total 1061) were investigated. The remaining 34% has not been investigated due to a lack of capacity and priority (Kamerstukken II 2007-2008 31200 VI Nr. 146).

In practice it has proven difficult to deal with child pornography in the Netherlands. The end-users and paedophile networks, in particular, have been the subject of investigation and prosecution. The majority of the production and commercial distribution of child pornography takes place outside the Netherlands, and consequently international collaboration is required in the investigation and prosecution of these offences.

In February 2008 the court sentenced a suspect for the distribution of virtual child pornography. This is the first court case in the Netherlands in which virtual child pornography is penalized. It is an important verdict, because it gives a broader definition of the punishability of virtual child abuse images than stated in the Dutch Criminal Code (article 240b Sr). According to the judge also computer animated images of sexual acts by children which are clearly animated should be seen as realistic and not distinctive from real images, because these images also can be used to seduce children to sexual behaviour or stimulate a subculture which promotes sexual abuse of children.

The tightening of the penalization of child pornography in 2002 has simplified prosecutions concerning child pornographic images of minors below the age of sixteen. The police concentrate on child pornographic images of minors under the age of sixteen for practical reasons, and as a result of the Child Pornography Instructions; cases in which minors are involved who are evidently older than sixteen are not submitted to the Public Prosecution Service. Although the law states that minors of the ages of sixteen and seventeen must also be protected, the judicial practice actually pays little to no attention to this group. The KRC is of the opinion that this must change, and that more attention must be devoted to prosecutions of child pornography cases involving minors aged sixteen or seventeen.

The KRC is also of the opinion that, in analogy with child-prostitution prosecutions, the burden of proof should be reversed; the possessors, producers and distributors of pornographic material should be placed under the obligation to demonstrate that the persons shown in the images were all aged at least eighteen at the time of the production. This should also extend to webcam sex and similar.

3.4 Child sex tourism

The extraterritorial effect of the sexual offences legislation is also reflected in the relevant case law. Only a few cases brought in the Netherlands since 2000 have resulted in conviction. No figures are available about the number of child sex tourism cases reported to the police or registered by the Public Prosecution Service (Lünneman et al., 2006: 163).

Child sex tourism cases in the Netherlands:

- District Court of The Hague, 8 October 1996, ECPAT Europe Law Enforcement Group 1999, 19-31 and Nemesis, 1997/689, with note from Meuwese
- District Court of The Hague, 15 September 2004, LJN: AR4546
- District Court of The Hague, 28 January 1997, ECPAT Europe Law Enforcement Group 1999, 35-47
- District Court of Utrecht, 13 November 1997 ECPAT, Europe Law Enforcement Group, 1999 49-60
- District Court of Haarlem, 7 December 2004, LJN: AR7023
- Court of Appeal, Arnhem, May 2005, unpublished
- Netherlands citizens convicted of child sex tourism offences abroad:
- 2005: On 22 June 2005 a Netherlands citizen was sentenced to ten years' imprisonment in Cambodia (www.ecpat.nl).
- 2006: In March 2006 a Netherlands citizen was sentenced to four years' imprisonment in Marocco (ECPAT International, 2006: 13)

KRC recommendations to the Dutch Government concerning investigation and prosecution:

5. Increase the police capacity for the investigation and prosecution of child trafficking, child prostitution and child pornography and child sex tourism.
6. Make arrangements for the national coordination of the investigation and prosecution of the trafficking in children by the appointment of a Human Trafficking Task Force, including NGOs working on children's issues.
7. Enhance the expertise of the police, Public Prosecution Service and the judiciary on the issue of (sexual) exploitation of minors.
8. Give more attention to prosecutions of child pornography cases involving minors aged sixteen or seventeen.
9. Reverse the burden of proof in child pornography cases: have the possessors, producers and distributors of pornographic material demonstrate that the persons shown in the images are aged at least eighteen.

4 Protection of the rights of child victims

The fifth report of the Bureau Nationaal Rapporteur Mensenhandel ('Dutch Rapporteur on Trafficking in Human Beings') cites children as one of the specific groups at risk. The Instructions from the Board of Prosecutors General concerning trafficking in human beings also explicitly state that children are a group at risk. The factors which make children vulnerable to exploitation are their emotional dependency, lack of documents and family circumstances, as well as financial issues. Children with a (slight) mental handicap are also vulnerable. Unaccompanied minor foreign nationals and former unaccompanied minor foreign nationals are also a specific group at risk. According to the first trend report about the position of victims of human trafficking identification of victims of human trafficking among unaccompanied minor foreign nationals is not sufficient (Vianen e.o. 2007).

The KRC is of the opinion that all organisations involved in dealing with the (sexual) exploitation of minors should focus on the protection of the rights of the child. All contacts agencies and institutions have with minors who are victims of exploitation or are at risk of exploitation should give additional attention to the special protection child victims must be given pursuant to the CRC, the accompanying Optional Protocol, and other relevant conventions.

4.1 Identification and referral

The Nationale Actieplan Aanpak Mensenhandel ('National Action Plan against Trafficking in Human Beings', NAM) was submitted to the Parliament on 22 December 2004 and implemented as of 1 January 2005. In February 2006 the Minister of Justice presented supplementary measures to the NAM to the Parliament which included a specific section on child victims and child prostitution. In so doing the Government recognizes that minors are specifically at risk, and that supplementary measures are required for them (Parliamentary Documents II, 2005-06 28638, No. 19).

The supplementary measures recognize that the single notification of the identification of cases is insufficient, and that dealing with child trafficking requires an integral approach of all the responsible stakeholders. Action protocols are then a useful instrument, since they make clear who must do what, and when. Action protocols are identification instruments which serve as an aid in recognizing indications of trafficking at an early stage and in activating agencies to collaborate, offer victims help, and track down and prosecute the offenders. A number of municipalities, such as Rotterdam, have implemented a child prostitution action protocol.

The KRC is of the opinion that a child prostitution action protocol of the form developed in Rotterdam should be made available to all municipalities, and that the municipalities should implement and make use of this protocol.

4.2 Registration of child victims of trafficking and exploitation

Studies of the exploitation of children in the Netherlands reveal that the agencies involved in child prostitution and/or (potential) victims of child trafficking fail to keep specific or complete records. In addition, the various systems are often incompatible, thereby complicating or even precluding exchanges of information.

The Ministry of Justice has requested the Foundation against Trafficking of Women (STV) – which changed its name to CoMensha in 2008 - to carry out a study of the feasibility of central registration of child prostitution. The ultimate objective is to integrate the child prostitution data in the registration of CoMensha. This approach is expected to lead to an integral and national overview of the nature and size of child prostitution in the Netherlands.

The KRC is of the opinion that the Elektronisch Kind Dossier ('Child Electronic File') being developed by the Ministry of Youth and Family Affairs should also include records of suspected (sexual) exploitation in prostitution, pornography, and other trafficking practices.

4.3 Shelter and care for child victims

Child victims of (sexual) exploitation require a specific approach and treatment. In the Netherlands specialized shelter and care facilities for child victims of trafficking are available to only a limited extent. The Netherlands has only one specific relief centre for minor victims of commercial sexual exploitation, Asja, in Leeuwarden, which offers accommodation for ten girls from sixteen to twenty-three (nine permanent places and one emergency place). Acceptance is subject to certain conditions: the girl must be willing to stop working as a prostitute, may not be addicted to drugs and – in the event that she is a foreign national – a residence-permit procedure must be initiated with a request for asylum or a B9-regeling ('B9 Regulation'), in which a temporary residence permit is granted to victims or witnesses who report trafficking. There are no special facilities whatsoever for young children, and they end up in the regular non-residential or residential juvenile care centres that usually lack specialized knowledge of the needs of child victims of sexual exploitation. Boys also miss out. There are no special care facilities for minor boys who are victims of sexual exploitation, and they often end up at centres for the homeless or institutions for juvenile delinquents. Victims of child trafficking are often placed in centres where they do not belong or which lack the specific expertise on the care and legal knowledge they require, such as relief centres for domestic violence, institutions for juvenile delinquents, or centres for the homeless. There is a need for more specific shelters and care facilities for child prostitutes and minor victims of sexual and other forms of exploitation.

In 2004 the UN Committee on the Rights of the Child urged the Dutch Government to ensure that all child victims of trafficking in the Netherlands have access to appropriate recovery and reintegration programmes (Recommendation 57). The KRC is of the opinion that the Dutch Government has not yet complied with this recommendation to an adequate extent; there are insufficient shelter facilities, and there is a lack of customized care. In the KRC's opinion more specific shelter and care facilities are required to offer child victims the necessary assistance and care. In addition, these facilities need to be available in both non-residential and residential forms.

The KRC is of the opinion that inadequate protection is provided to both Dutch minors and minors from abroad (either legally or illegally resident in the Netherlands). The KRC advocates that all child victims of trafficking domiciled in the Netherlands should receive the protection and care they need irrespective of their backgrounds or residence status. These protective measures should be applicable to all child victims. In addition, specific aid should be available that is focused on enabling the children to come to terms with their experiences and on teaching the skills required to avoid continued exploitation. The aid programmes should also devote special attention to the victims' social environment, an environment which is often similar to that of the offender.

Placement in a closed institution

An option is available when children are at risk of exploitation or becoming a victim of exploitation whereby the juvenile court can make a (provisional) supervision order. The juvenile court can issue a placement in a closed setting by civil court (Machtiging Gesloten Uithuisplaatsing) whereby the child is assigned priority for a temporary stay in a closed judicial institution for juvenile persons. The KRC is of the opinion that the decision to place a child in a closed institution should not be taken lightly (in accordance with Article 37 of the CRC), and careful consideration should be given to alternatives for the reception and protection of children who are at risk or a victim of exploitation.

However, the KRC does acknowledge there are situations in which children will have to be placed in a closed institution to provide them the necessary protection; when this is the case then they shall need to be placed as soon as possible. In addition, the KRC is concerned that most youth custodial institutions do not have specific care programmes for children who are or run great risk of becoming victims of exploitation. Just one youth custodial institution has implemented a specific care programme for girls confronted with the loverboy problem.

The Ministry of Health, Welfare and Sports, Ministry of Justice, and Ministry of Youth and Families have initiated a programme to set up closed residential institutions for children for whom a child protection order has been issued under civil law. In principle, as of 1 January 2010 all children placed in an institution under civil law should be accommodated in a juvenile

care institution and all children placed in an institution under criminal law should be accommodated in a institution for juvenile delinquents.

4.4 Special attention for foreign national children

There are insufficient guarantees for the protection of child victims of sexual exploitation who are in the Netherlands without a valid residence permit. On occasion the Aliens Police fails to regard minor foreign nationals who have been exploited in the prostitution sector as victims of trafficking and returns them to their country of origin without proper security assessment.

The KRC is of the opinion that minor foreign nationals should in the first place be regarded as children. In all contacts agencies and institutions have with the children and young people special attention should be given to their minority, i.e. account should be taken of their age, level of development, and gender. In addition, professionals coming into contact with this group of minors should always be concerned about the additional risk they run of becoming victims of trafficking.

Supplementary measures are required for unaccompanied minor foreign nationals which provide assurances for their interests in accordance with the guidelines issued by the UN Committee on the Rights of the Child (UN Document CRC/GC/2005/6 General Comment No. 6). These measures include the immediate assignment of a competent guardian to represent the minor's interests, periodic assessments of the placement, the assignment of priority to procedures concerning child trafficking, appropriate information about trafficking risks, and measures to supervise and give the minors additional attention.

Interviewing minors during the asylum procedure

Members of the Immigration and Naturalization Service (IND) conducting the initial interview at an application centre are often insufficiently aware of possible indications of the exploitation of minors. Moreover there is a lack of expertise in dealing with minors, in particular with traumatized minors. The KRC is of the opinion that when the IND interviews minors it should give specific attention to providing information to the minor on his/her rights and verifying that the information has been understood. The KRC is also of the opinion that the minor should receive assistance during the interview. The minor's guardian or legal adviser should be provided time to prepare the minor for the interview.

Reception of unaccompanied minor foreign nationals

There are insufficient assurances for the safety of the reception of unaccompanied minor foreign nationals. The COA (Asylum Seekers Reception Services) recognizes this problem, and has implemented measures to improve the safety of asylum-seekers reception centres. The COA is working on a plan focusing on the identification of potential victims of trafficking at the reception centres so as to prevent their disappearance and improve the care they receive.

Disappearance of minor asylum seekers from reception centres

The disappearance of a large proportion of the minors from the asylum centres is alarming. In the period from 2000 to 2005 between 79 and 91% of the departing unaccompanied minor asylum seekers left 'for an unknown destination' (MOB) (Kromhout & Leijstra, 2006). In 2007 122 unaccompanied minor asylum seekers disappeared from asylum centers and special homes. The majority of the disappeared unaccompanied minor asylum seekers is between 15 and 18 years old. In 2007 three of them were younger children (respectively thirteen, fourteen and fourteen years old) (Handelingen II 2007-2008 1461). In the majority of the cases it is unclear what happened to these children and young people, and where they went. In January 2008 the police succeeded to find back eleven unaccompanied minor foreign nationals who had disappeared.

In addition, it is often unclear who bears the responsibility to take action when unaccompanied minor foreign nationals disappear from the centres. Nidos, in its role as a guardianship organization, has an important duty in this respect. The guardian responsible for a child must report the disappearance of the unaccompanied minor foreign national from the asylum centre. However, as a result of their high caseload the guardians often do not have daily contacts with their pupils, and their ability to take rapid action on the disappearance of a minor is dependent on their contact with the staff of the asylum centre who have daily contact

with the children and young people. Consequently, in practice the large caseload of Nidos' guardians greatly complicates rapid action in the event of disappearances. On occasion children disappear from the asylum centres even before a guardian has been appointed for them; in a formal sense no-one is then responsible for the child. Sometimes minors who have not yet been assigned a guardian are not even reported as missing.

However, protective measures have since been taken for a limited group of unaccompanied minor foreign nationals, such as the more rapid assignment of guardians and the placing of unaccompanied minor foreign nationals who may be at risk in maximum security (closed) asylum centres. Trials have also been carried out with highly intensive supervision (BNRM, 2007: 162). Records are kept of the number of minors disappearing with unknown destination. In addition, a Protocol Vermissing AMA ('Missing Unaccompanied Minor Alien Protocol') was drawn up in 2003 which lays down the actions the authorities involved in the reception of unaccompanied minor foreign nationals are required to take. There are bottlenecks in the use of this protocol, which consequently will be amended (Kromhout and Leijstra, 2006 and (Parliamentary Documents, II 2006-07 27 062, No. 57).

The KRC is extremely concerned about the number of unaccompanied minor foreign nationals disappearing, being very vulnerable to exploitation. These young people run a great risk of becoming victims of (sexual) exploitation. Additional protective measures need to be implemented for all unaccompanied minor foreign nationals. The KRC is of the opinion that the asylum-seekers reception organization should devote structural attention to the safety of (unaccompanied) minors. Problems such as recruitment for prostitution and disappearing with unknown destination should be combated and prevented whenever possible. They need to be recognised, and records need to be kept (see also the section on children in immigration law in the third report of the Dutch Coalition for Children's rights on the implementation of the CRC in the Netherlands).

B9-regeling ('B9 Regulation')

The B9-regeling (Section B9 of the Vreemdelingen-circulaire 2000 ['Alien Policy Rules 2000']) provides for a residence permit for victims or witnesses who report trafficking. The period of validity of the residence permit is linked to the criminal proceedings. The B9-regeling has been amended on several occasions; for example, in 2005 the application of the regulation was expanded to include all forms of trafficking. As from 2005 victims and witnesses who have reported trafficking are permitted to work. In addition, the minor children of victims and witnesses reporting trafficking also come into consideration for a temporary residence permit. In 2006 the regulations for continued residence after the expiry of the B9-regeling were also amended.

In practice too little use is made of the B9-regeling, since it offers victims very little protection and care. Victims of trafficking and child victims show little inclination to report the offences, in particular child victims without a residence permit. In 2006 180 victims of human trafficking applied for the B9-regeling: 18% of these applicants were minor victims (Vianen a.o., 2007). The KRC concurs with the findings in the 2006 NGO report drawn up about the implementation of the UN Women's Convention for the UN Committee on the Rights of Women. This states that the B9-regeling is insufficient for the victims' needs and interests. In February 2007 the UN Women's Committee formulated a further major bottleneck: the victims and witnesses of trafficking come into consideration for a temporary residence permit via the B9-regeling solely when they cooperate with the criminal investigation. Victims and witnesses who do not wish to cooperate with the criminal investigation do not come into consideration for a (temporary) residence permit via the B9-regeling. In its recommendation the UN Women's Committee calls on the Dutch Government to provide temporary residence permits, reception, care and aid to all witnesses and victims of trafficking, irrespective of their willingness to cooperate with the criminal investigation (UN Document CEDAW/C/NLD/CO/4).

Following on from the recommendations of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings of the Organization for Security and Co-operation in

Europe (OSCE), the KRC advocates that in the event of the acknowledgement or serious suspicions of victimization of trafficking minors domiciled in the Netherlands should always be

offered a residence permit on humanitarian grounds, irrespective of whether they report the offence or the offenders are convicted.

Returning minors to the land of origin

The KRC is of the opinion that minors may only be returned to their land of origin only when it is safe. The KRC advocates that minors at risk of falling into the hands of traffickers (again) may be returned to their country of origin solely when this is in their best interest and adequate measures have been taken to protect them.

The burden of proof should be reversed in the event that consideration is being given to returning child victims to their country of origin. At present the victim needs to prove that it would not be safe for him or her to return. The KRC is of the opinion that the authorities are under the obligation to prove that it will be safe for the child to return, and that he or she will not be at risk of exploitation and trafficking.

4.5 Interviewing and examining children

The Instructions from the Board of Prosecutors General concerning trafficking in human beings state that persons examining and interviewing victims of trafficking should receive special training, and that certification is highly desirable. The Dutch police regard hearing children (of between the age of four and twelve) who are victims or witnesses in criminal proceedings as a specialized skill. Selected detectives are specially trained to interview and examine children. These interviews are held in special interview or examination rooms using a structured method for interviewing children (the Scenariomodel, 'Scenario Model'). These specialized and qualified detectives follow a ten-month training course given by the Police Academy. In February 2005 the Protocol Studioverhoeren ('Studio Hearings Protocol') laying down criteria and conditions attached to studio interviews was incorporated in the Aanwijzing opsporing en vervolging inzake seksueel misbruik ('Instructions for the investigation and prosecution of cases concerning sexual abuse') from the Board of Prosecutors General.

Studies have revealed that interviews of (possible) child victims of trafficking are not carried out in an adequate manner throughout the Netherlands (Van den Borne & Kloosterboer, 2005: 122). Although the police gives increasingly specific attention to the persons who are being heard or interviewed and takes increasing account of their age, capacity and developmental level, the KRC is of the opinion that both are still insufficient. The KRC is concerned that there are no special regulations for interviewing child victims of (sexual) exploitation aged between twelve and eighteen. Special attention for the children in a manner appropriate for their age, life experience and evolved capacities are also required for interviewing victims in this age group.

4.6 Requirement for training of professionals

The study of the exploitation of minors in the Netherlands (2005) revealed that the staff of institutions involved in dealing with victims of trafficking have insufficient knowledge about what trafficking is, the effects of trafficking on child victims, the needs of child victims, and the rights of children. This lack of knowledge is apparent in all vocational groups, such as in education, the Raad voor de Kinderbescherming ('Child Protection Board'), the youth care offices, juvenile care institutions and agencies working with asylum seekers etc. There is a need for training in the issues of trafficking in general, and child trafficking in particular.

The KRC is of the opinion that the provision of information to and training of the police, care agencies and the other institutions and organizations involved in dealing with minor victims of trafficking is in need of improvement. In the KRC's perception the existing training needs to give specific attention to the position of minors. Future staff of the agencies and institutions will need to learn how to identify and act in the event of (suspicions of) the (sexual) exploitation of children. For this reason the KRC is of the opinion that the curricula of the various vocational courses for social workers should devote specific attention to the (sexual) exploitation of minors.

KRC recommendations to the Dutch Government concerning the reception, supervision and provision of care to child victims of (sexual) exploitation:

10. Ensure for the implementation of a national child prostitution identification and action protocol
11. Ensure for a uniform register of child trafficking, child prostitution, and child pornography.
12. Ensure for specific shelter and care facilities for child victims of (sexual) exploitation.
13. Make sure that children identified as victims of trafficking are offered a permanent residence permit on humanitarian grounds.
14. Improve the safety of the reception centres for unaccompanied minor foreign nationals.
15. Ensure for the safe return of child victims of trafficking to their country of origin by defining this in the best interest of the child: the authorities are under the obligation to prove that it will be safe for the child to return, and that he or she will not be at risk.
16. Ensure for special attention for the children in a manner appropriate for their age, expertise and knowledge when hearing victims of the age of twelve and above.
17. Enhance knowledge and skills of professionals in the shelter and care facilities about dealing with minor victims and children at risk of sexual exploitation.

5 Prevention of the sale of children, child prostitution and child pornography

National and local Dutch authorities and civil-society organisations have developed a variety of initiatives to prevent child prostitution, child pornography and other forms of exploitation of children. However, these initiatives have not been structurally integrated in a coherent national policy focused on the prevention of child trafficking, child prostitution, child pornography and child sex tourism. The KRC is of the opinion that the prevention of the sexual exploitation of children can be effective solely when all the interested stakeholders are involved. In addition to this comprehensive approach the prevention programme also needs to devote specific attention to the groups at risk. Moreover the spokespersons will need to be trained in identifying problems with minors, entering into discussion with them, helping them in an appropriate manner, and referring them to the appropriate care providers.

5.1 Prevention of child trafficking and child prostitution

The Dutch Government published the Nationaal Actieplan Mensenhandel: Aanvullende maatregelen van het kabinet in het kader van de aanpak van mensenhandel in Nederland (National Action Plan for Trafficking: The Government's supplementary measures in the framework of combating with trafficking in the Netherlands') (Parliamentary Documents, II 2004-05 28 638, No. 13). In February 2006 this Action Plan was supplemented with measures primarily focused on minors (Parliamentary Documents II 2005-06 28638, No. 19).

The Expertisepunt Jeugdprostitutie ('Youth Prostitution Centre of Expertise'), which receives a subsidy from the Ministry of Justice, began operations in February 2005 (within the scope of the Ordening en bescherming van de prostitutiesector ['Regulating and protecting the prostitution sector' Plan of Action]). The Expertisepunt Jeugdprostitutie supports social and youth care workers, policy-makers, police and public prosecutors in dealing with and preventing child prostitution, whereby the emphasis is on the loverboy problem, child victims of trafficking, and boys' prostitution. The Expertisepunt Jeugdprostitutie has selected a number of prevention projects as good practices. The prevention projects focus primarily on the provision of information about the loverboy problem to young people.

The KRC advocates a more structural approach to the prevention of child trafficking and child prostitution. The child prostitution projects and plans on combating the loverboy problem set up in a number of regions should be introduced in more municipalities, whereby the national authorities could promote the implementation of these initiatives throughout the country.

The objective of the Schijn Bedriegt ('Appearances are deceptive') campaign that started in January 2006 is to increase the awareness of (potential) customers of prostitutes about illegal practices, such as trafficking and to increase the number of reports made to Meld Misdaad Anoniem ('Report Crime Anonymously'). This campaign does not give specific attention to minors. Studies have revealed that the campaign is effective and it will be continued at the regional and the national level. The KRC would like to see explicit attention to minors in the follow-up campaign.

5.2 Prevention of sexual abuse of children and child pornography on the Internet

A Veilig Internet voor kinderen ('Safe Internet for children') working group was set up in 2004. In 2005 the working party drew up guidelines for the prevention of sexual abuse for chat providers. This working party has since been integrated in the Digibewust ('Digi aware') campaign focusing on the safe use of the Internet. The KRC would like to see the 'Digi aware' campaign to focus more on 'grooming' and other behaviour that makes the Internet unsafe for children.

A study of young people and sex via the Internet carried out by the Rutgers Nissogroep on the request of the Dutch KPN telecommunications company gave cause to the Stichting Mijn Kind Online ('My Kid Online Foundation') to launch a campaign in collaboration with young people's organizations. This campaign, Internetseks, daar kun je ziek van zijn (Internet sex, it can make you sick'), gives young people information about the risks of Internet sex and romance.

The KRC is of the opinion that the Government needs to develop a policy on structurally promoting a safe Internet environment for children. The Ministry of Youth and Family Affairs, Ministry of Economic Affairs, Ministry of Education, Science and Cultural Affairs, the business community and civil-society organizations should work together on this, to which end the Government should set up a 'Safer Internet for Children' task force.

The KRC advocates that information about the (sexual) exploitation of minors should be assigned a structural place at schools and should become part of the curriculum. This should become part of the general sexuality and relational education. The lessons should not devote attention solely to prostitution, but should also extend to other forms of exploitation and violence. These classes and the assertiveness training should begin as early as at primary school. The Expertisepunt Jeugdprostitutie could play a role in this programme.

5.3 Prevention of child sex tourism

ECPAT Nederland, in collaboration with two major travel organizations that have signed the Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism (Code of Conduct) and the Dutch Association of Travel Agents and Tour Operators (ANVR) have implemented prevention measures designed to curb child sex tourism.

The KRC is of the opinion that child sex tourism can be dealt with effectively only when the entire travel sector is involved. Within the scope of promoting social responsibility and sustainable entrepreneurship in the tourist sector the Government should play an active role in promoting concrete actions against child sex tourism.

KRC recommendations to the Dutch Government concerning prevention:

18. Ensure for a structural approach to prevention of child trafficking, child prostitution and other forms of (sexual) exploitation on the national level.
19. Ensure for education at schools about (sexual) exploitation and violence, as part of the structural sexuality and relational education.
20. Set up a 'Safety for Children on the Internet' task force in which the government, the business community and civil-society organizations participate.
21. Promote and strengthen the involvement of travel organizations in combating child sex tourism.

6 International collaboration

Regional and international collaboration is of crucial importance to an effective approach to dealing with sexual and other forms of exploitation of children. The authorities, police and NGOs are involved in a variety of initiatives such as European and international research, training and exchange projects (often financed by the European Union or the Dutch Government). These projects are focused on the improvement of the bilateral and multilateral collaboration between the interested parties in the Netherlands and a number of other countries.

In spite of these initiatives, the KRC is of the opinion that the Dutch Government should play a greater and encouraging role in promoting regional and international collaboration to prevent and combat the (sexual) exploitation of children. Combating with child trafficking should be a priority of these activities.

KRC recommendation to the Dutch Government concerning international collaboration:

22. Increase the regional and international collaboration in combating (sexual) exploitation of children.

7 International regulations

In addition to the Optional Protocol to the Convention of the Rights of the Child on the sale of children, child prostitution and child pornography, in 2002 the Netherlands became a party to Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (ILO 182). In 2005 the Netherlands also became a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women And Children, supplementing the United Nations Convention Against Transnational Organised Crime (the Palermo Protocol). In addition, the European Union has drawn up two framework decisions, namely the Framework Decision on combating of trafficking in human beings and the Framework Decision on combating the sexual exploitation of children and child pornography. These binding instruments create the international legal framework within which the Netherlands must give shape to combating (sexual) exploitation of children.

The European Convention on Combating Criminal Offences related to Electronic Networks also came into force in the Netherlands in 2006. This Convention is the first to address criminal offences committed using computer networks. Article 9 of the Convention relates to child pornography and the protection of minors from abuse. Article 240b of the Criminal Code has been brought into line with Article 9, as a result of which it is no longer necessary to prove that a child actually was involved in the production of child pornography.

The Netherlands signed the Council of Europe's Convention on Action against Trafficking in Human Beings of 16 May 2005 on 17 November 2005. However, the Netherlands has not yet ratified this Convention. The KRC is of the opinion that the Netherlands should ratify this Convention as soon as possible.

On 25 October 2007 the Netherlands signed the new Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The KRC welcomes this step of the Dutch government and would like to recommend the government to ratify this Convention as soon as possible.

During the First World Congress against Commercial Sexual Exploitation of Children held in Stockholm (1996) the Netherlands agreed to the Stockholm Declaration and Agenda for Action and confirmed this again at the Second World Congress held in Yokohama in 2001. Although signing this Declaration is not binding, in signing the document the Dutch Government has indicated that it endorses the content of the Declaration. One of the obligations arising from the Declaration is the preparation of a national action plan against the commercial sexual exploitation of children. The Dutch Government's Nationaal Actieplan Aanpak Seksueel Misbruik van Kinderen ('National Action Plan against Sexual Abuse of Children', (NAPS), which was effective from 2000 to 2002, not only fulfilled the obligation it undertook at the First World Congress against Commercial Sexual Exploitation of Children in 1996, but also the recommendations made by the UN Committee on the Rights of the Child in 1999.

However, the collaborative framework created by the NAPS was not followed up after 2002. The NAPS was terminated in December 2002, without an evaluation, and consequently it is not clear whether the plan achieved its objectives. The KRC is of the opinion that the Dutch Government must fulfil the obligations it entered into on signing the Agenda for Action. In 2004 the UN Committee on the Rights of the Child also called on the Dutch Government to fulfil its obligation (Recommendation 57). At present the Dutch Government does not have a national action plan against the commercial sexual exploitation of children, although the Nationale Actieplan Mensenhandel ('National Action Plan for Trafficking in Human Beings', NAM) and its supplementary measures does give attention to trafficking in children.

The KRC is of the opinion that a structural and adequate approach to protecting children from sexual and other forms of exploitation is only possible with a national plan in which all relevant stakeholders are involved and which is coordinated at the national level. For this

reason the KRC wishes the Dutch Government to draw up a National Action Plan against the (sexual) exploitation of children.

KRC recommendations to the Dutch Government on international regulations:

23. Ratify the Council of Europe's Convention on Action against Trafficking in Human Beings.
24. Ratify the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
25. Draw up a national action plan against the sexual exploitation of children.

8 Summary of the KRC's recommendations to the Dutch Government on the sale of children, child prostitution and child pornography in the Netherlands

Prohibition on the sale of children, child prostitution and child pornography

1. Amend the legislation with respect to the definition of trafficking in human beings in Article 273f of the Criminal Code. Clarify, in particular, the forms of exploitation of minors that fall under the application of this Article.
2. Amend the legislation with respect to Article 248c of the Criminal Code such that this Article is also applicable to spectators of child pornographic performances viewed on a closed television circuits or the Internet.
3. Ensure that the increased penalty for cases of trafficking in minors is expanded to minors below the age of eighteen.
4. Amend the legislation in order to penalize 'grooming'.

Investigation and prosecution

5. Increase the police capacity for the investigation and prosecution of child trafficking , child prostitution and other forms of (sexual) exploitation.
6. Make arrangements for the national coordination of the investigation and prosecution of the trafficking in children by the appointment of a Human Trafficking Task Force, including NGOs working on children's issues.
7. Enhance the expertise of the police, the Public Prosecution Service and the judiciary on the issue of the (sexual) exploitation of minors. .
8. Give more attention to prosecutions of child pornography cases involving minors aged sixteen or seventeen.
9. Reverse the burden of proof in child pornography cases: have the possessors, producers and distributors of pornographic material demonstrate that the persons shown in the images are aged at least eighteen.

Protection of the rights of child victims

10. Ensure for the implementation of a national child prostitution identification and action protocol
11. Ensure for a uniform register of child trafficking, child prostitution, and child pornography.
12. Ensure for specific shelter and care facilities for child victims of (sexual) exploitation.
13. Make sure that children identified as victims of trafficking are offered a permanent residence permit.
14. Improve the safety of the reception centres for unaccompanied minor foreign nationals.
15. Ensure for the safe return of child victims of trafficking to their country of origin by defining the this in the best interests of the child : the authorities are under the obligation to prove that it will be safe for the child to return, and that he or she will not be at risk.
16. Ensure for special attention for the children in a manner appropriate for their age, expertise and knowledge when hearing victims of the age of twelve and above.
17. Enhance the knowledge and skills of professionals in shelters, care provision and assistance about dealing with minor victims and children at risk of (sexual) exploitation.

Prevention of the sale of children, child prostitution and child pornography

18. Ensure for a structural approach to the prevention of child trafficking, child prostitution and other forms of (sexual) exploitation of children..
19. Ensure for education at schools about (sexual) exploitation and violence, as part of the structural sexuality and relational education.

20. Set up a 'Safety for Children on the Internet' task force in which the authorities, business community and civil-society organizations participate.
21. Promote and strengthen the involvement of travel organizations in dealing with child sex tourism.

International collaboration

22. Increase the regional and international collaboration in combating (sexual) exploitation of children.

International regulations

23. Ratify the Council of Europe's Convention on Action against Trafficking in Human Beings.
24. Ratify the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.
25. Draw up a national action plan against the sexual exploitation of children.

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