

UNITED NATIONS Press Release
Committee on the Rights of the Child
16 January 2009

The Committee on the Rights of the Child this morning reviewed the initial report of the Netherlands on how that country is implementing the provisions of the [Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography](#).

Andre Rouvoet, Minister for Youth and Families of the Netherlands, opening the discussion, observed that, as the manifestation of child abuse was greatly influenced by rapidly changing information and communication technology, the Netherlands was implementing the Lanzarote Convention which had a wide scope and multidisciplinary character and especially dealt with phenomena such as online sexual abuse and virtual child pornography. The Ministry of Health had a programme called "Sexual Health of Children" and there had been several activities carried out to inform about the dangers of "pimp boys" that courted girls with the intent to "groom" them into prostitution, such as the project "Stay in Love".

The delegation also provided answers to Experts' questions regarding whether the sale of children, including sale of children for the purposes of adoption, was specifically criminalized under domestic law; protections in place for children trafficked into the Netherlands; whether cartoons were covered by the expanded definition of child pornography; and what was being done to address the issue of unaccompanied asylum-seeking children who had gone missing from the reception centres.

Luigi Citarella, the Committee Expert serving as co-Rapporteur for the report of the Netherlands, in preliminary concluding observations, thanked the delegation for the discussion and its comprehensive report. Among the Committee's concerns were the status of the sale and commercial sexual exploitation of children in Dutch law. Further action was also needed in the field of sex tourism, where it appeared that so far no comprehensive, coordinated measures had been put forward.

The Committee will release its formal, written concluding observations and recommendations on the report of the Netherlands under the Optional Protocol towards the end of its three-week session, which will conclude on 30 January.

The large delegation of the Netherlands included the Permanent Representative of the Netherlands to the United Nations Office at Geneva and other members of the Permanent Mission, as well members from the three constituent countries of the Kingdom.

As one of the States parties to the Convention and to the Optional Protocol on the sale of children, child prostitution and child pornography, the Netherlands is obliged to present reports to the Committee on its efforts to comply with the provisions of those instruments. The delegation was on hand to present the report and to answer questions raised by Committee Experts.

When the Committee reconvenes at 10 a.m. on Tuesday, 20 January, it will take up

the combined second and third periodic reports of the Republic of Moldova (CRC/C/MDA/3). On Tuesday afternoon, once it has completed its consideration of the report of the Republic of Moldova under the Convention, the Committee will examine Moldova's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/MDA/1).

Report of the Netherlands

The initial report of the Netherlands on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/NLD/1) says Dutch legislation on sexual abuse, prostitution, trafficking in human beings, child pornography and adoption, viewed as a whole, criminalizes the behaviours addressed in the Optional Protocol. The Optional Protocol's provisions on the sale of children are implemented via the Act implementing international instruments to combat people smuggling and trafficking in human beings, which entered into force on 1 January 2005. In addition, in February 2006, additional measures to the National Action Plan on Human Trafficking were adopted, addressing a number of themes more specifically, such as minors who are victims of human trafficking and youth prostitution. With regard to child prostitution, the Expertise Unit on Youth Prostitution was launched in February 2005 to collate, process and disseminate information on such topics as municipal policy, prevention activities and assistance initiatives. It also keeps the problem of youth prostitution on the public agenda, advises on how to approach the issue and cultivates expertise by identifying and describing good practices. The Expertise Unit has determined that the registration of minors who engage in prostitution, either voluntarily or through coercion, is not optimal. The Foundation against Trafficking in Women is currently setting up a centralized youth prostitution register at the request of the Ministries of Justice and Health, Welfare and Sport, which is expected to generate a more accurate, comprehensive, national picture of the nature and extent of youth prostitution in the Netherlands.

On child pornography, an important amendment to Dutch sexual offences legislation entered into force on 1 October 2002, implementing the Council of Europe Convention on Cybercrime and International Labour Organization (ILO) Convention No. 182 on the Worst Forms of Child Labour, and is also relevant to the obligations under the Optional Protocol. The most important changes serve to tighten the ban on child pornography, through, inter alia, criminalization of virtual child pornography; raising the age-limit to which the ban applies from 16 to 18; and replacing the word "stocks" with "possesses" in the law. In 2005, the Digital Technology Department of the Dutch Forensic Institute conducted a large-scale study, by order of the Ministry of Justice, into ways of and barriers to investigating child pornography on the Internet. This study will be repeated every two years. As a consequence of this report, new legislation is being prepared that will raise the maximum prison sentence for making an occupation of the production, dissemination or possession of child pornography from six to eight years and expands the scope of the specific power to use technical equipment to record confidential communications to cover child pornography. As of March 2006, there are two websites where Internet-based child pornography can be reported: Meldpunt Kinderporno op Internet, an independent private foundation that has been receiving funding from the Ministry of Justice since 1998, and Nationale Meldpunt Cybercrime, the reporting website managed by the Netherlands Police

Services Agency, which has a specific child pornography reporting function. The Netherlands Police Service Agency checks incoming reports and, if necessary, closes down offending websites.

Questions by Experts

MARIA HERCZOG, the Committee Expert serving as Rapporteur for the report of the Netherlands, said the Committee noted with appreciation the adoption of the National Plan of Action to Combat Trafficking in Human Beings by the Netherlands. The Committee remained concerned, nevertheless that there was no national action plan to implement the Protocol's provisions, i.e. to combat the sale of children, child prostitution and child pornography. Another concern was a lack of coordination of ministries in the implementation of the Optional Protocol.

Ms. Herczog asked if there was any formal system to ensure civil society and children's participation in the procedure for formulating policies and programmes in the areas covered by the Optional Protocol on the sale of children, child prostitution and child pornography.

Also, Ms. Herczog wondered why were there so many gaps in the disaggregated data collected by the Netherlands on violations relevant to the Protocol, including in the areas of sex tourism, domestic trafficking, and trafficking into the Netherlands?

Finally, how was the Netherlands raising awareness on the Optional Protocol and the issues it covered, and how was it using the Internet to reach out to vulnerable children and their families, Ms. Herczog asked?

Other Experts raised a series of questions on topics including a lack of information in the report on actual cases of offences under the Optional Protocol that had been prosecuted in the courts and their disposition; confirmation that the sale of children was specifically criminalized under the domestic law; whether the sale of children for the purposes of adoption was specifically covered; and with regard to pornography and the filming of children, had there been effective prosecutions of those offences?

Other concerns raised by Experts included protections for children trafficked into the Netherlands, in particular to prevent them from being returned to their home countries if they were likely to be placed in danger again; whether cartoons were covered by the expanded definition of child pornography to include "virtual" pornography; how the independent National Rapporteur on Trafficking in Human Beings functioned and what happened to that procedure's recommendations; an apparent lack of a prohibition on the advertising of the sale of children and child pornography, which could be found on the Internet; and why there was no separate registration for rehabilitation and reintegration for child victims of offences under the Protocol. A further concern was the number of unaccompanied asylum-seeking children who had gone missing from the shelters where they were staying, although it was true that the Netherlands appeared to have been successful so far in tracking down any such children who had gone missing.

Discussion

ANDRE ROUVOET, Minister for Youth and Families of the Netherlands, opening the delegation's response to questions, said that the Netherlands had pursued an active policy to prevent and combat trafficking, sexual abuse and sexual exploitation of children. In the past decade, the Netherlands had worked hard to organize and align its legislation with the various international legislative instruments. As the manifestation of child abuse was greatly influenced by rapidly changing information and communication technology, currently, the Netherlands was implementing the Lanzarote Convention which had a wide scope and multidisciplinary character and especially dealt with phenomena such as online sexual abuse and virtual child pornography.

The legislation to implement the Lanzarote Convention, which was currently before Parliament, would tighten Dutch criminal legislation on four important points, namely, tightening the penalization of child pornography; specific penalization for the corruption of children; separate penalization of "grooming" ; and extension of jurisdiction for sexual exploitation and sexual abuse when the offence was committed abroad against a national or a person who lived in the Netherlands.

In terms of policies, most recently, the policy plan "Every Opportunity for Every Child" to combat child abuse had been developed. But there were also more specific plans such as the action plan against trafficking in human beings and a letter before Parliament on actions against child pornography and cybercrime, Mr. Rouvoet said.

Finally, with regard to implementation of the Optional Protocol, Mr. Rouvoet said that attention for the prevention of abuse and provision of information on abuse had steadily increased in recent years. The Ministry of Health had a programme called "Sexual Health of Children" and there had been several activities carried out to inform about the dangers of "pimp boys" that courted girls with the intent to "groom" them into prostitution, such as the project "Stay in Love".

Another member of the delegation, turning to specific questions, with regard to coordination, said that within the cabinet, as well as with regard to the task force, work was linked closely with the local level.

With regard to statistics, the independent National Rapporteur on Trafficking in Human Beings had the mandate to gather data on trafficking, and the police force had developed a specific monitor which was used by the National Rapporteur. That best practice would be translated to the domain of child trafficking over the next year.

On sex tourism, Parliament was very active in asking the Minister of Justice about this area. There was a motion pending by a Member of Parliament asking about data on sex tourism and what was being done about that phenomenon. It was hoped that a response would be provided in March. The Netherlands had broadened its jurisdiction in this area, making it possible to prosecute those from the Netherlands who had been involved in child pornography abroad. They were also cracking down on those returning from abroad, who had been involved in sexual offences against children, through better checks at airports.

Providing some additional information on the independent National Rapporteur on Human Trafficking, the delegation noted that she had been installed by Parliament in

April 2000, and was independent, although she had an office within the Ministry of Justice and a staff there. She annually published her findings in a report, including recommendations.

Regarding dissemination, the Netherlands had made numerous efforts to raise awareness of the public and children on issues relevant to the Optional Protocol. It had great media campaigns, as well as programmes in place in schools, and the Netherlands subsidized a hotline on child pornography, which also had a website which was also a very important means to reach youngsters.

As to whether Dutch legislation specifically criminalized the sale of children, the delegation cited the provision of the domestic law on trafficking and on forced labour which covered that offence, as well as the sale of children for the purposes of adoption and the sale of children for forced labour. Several Experts were not satisfied with this response, noting that sale and trafficking were two separate offences.

Turning to the issue of child pornography, and the extension of the provision to cover "virtual child pornography", the delegation said that issue of whether that applied only to images that appeared to reflect reality or cartoons had been extensively debated in Parliament. In that regard, there was a recent case involving pornographic images that clearly were not intended to appear real which had been held to be covered by the law.

With regard to the issue of illegal adoption in the Netherlands Antilles, the delegation noted that the Netherlands Antilles did not have the Hague Convention. All adoptions had to be processed through the regulations of the civil code. All adoptions taking place outside that framework were illegal and would be punished.

Regarding asylum-seeking minors in reception centres, there was a two-year pilot programme being carried out to protect those minors from human trafficking and falling into prostitution. They received personal coaching in small centres. As for children disappearing from those centres, they had been successful in making progress in reducing the number of Nigerian girls that had disappeared. In 2006 and 2007 some 20 girls had disappeared as compared with only one in 2008. Indian boys were another target group for concern, and less progress had been made there. In 2006, 33 had disappeared; in 2007, 38; and in 2008, 11.

If children were victims of sexual exploitation or abuse, they were granted residence permits in the Netherlands, the delegation confirmed.

On responsibility of regional and local authorities under the Optional Protocol, the delegation noted that the local authorities and municipalities were responsible for implementation and the provincial authorities were responsible for prevention activities.

Preliminary Concluding Observations

LUIGI CITARELLA, the Committee Expert serving as co-Rapporteur for the report of the Netherlands, in closing remarks, thanked the delegation for the discussion and its comprehensive report. Among the Committee's concerns were the status of the sale

and commercial sexual exploitation of children in Dutch law. Further action was also needed in the field of sex tourism, where it appeared that so far no comprehensive, coordinated measures had been put forward.

The concluding observations would reflect what had been discussed today, with the aim of improving the situation of children and the implementation of the Protocol in the Netherlands. The Netherlands had made good progress so far and it was hoped that it would be able to fully implement all the provisions of the Optional Protocol on the sale of children, child prostitution and child pornography in the near future.

For use of the information media; not an official record