



**STATE PARTY EXAMINATION OF THE NETHERLANDS' INITIAL
REPORT ON THE OPTIONAL PROTOCOL ON THE SALE OF
CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

50TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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The Netherlands ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) on 23 August 2005. On 16 January 2009, the Committee on the Rights of the Child (the Committee) considered the Netherlands' initial report.

Opening Comments

Ms Maria Herczog, the co-Rapporteur for the report of the Netherlands, stated that the discussion would be guided by the first periodic report from 2005. While she expressed her appreciation for the Netherlands' national plan of action on combating human trafficking, Ms Herczog voiced her concern about the absence of any plans regarding the implementation of the OPSC. She asked the delegation to explain how it produced its report on the OPSC and whether or not it included formal participation from civil society and children. In addition, Ms Herczog questioned the lack of data on domestic trafficking, trafficking into the Netherlands, and sex tourism. Finally, she asked the delegation whether there was training in place for those working with victims and whether there were any awareness raising activities in the media and on the internet.

H.E. Mr André Rouvoet, Minister for Youth and Families of the Netherlands and head of delegation of the Netherlands, asserted that safety was a major priority for the government and that the government had an active policy to combat and criminalize sexual exploitation, sexual abuse, and trafficking. The Netherlands was currently implementing the Lanzarote Convention, which the Minister of Justice had declared as a priority, to further tighten the Dutch legislation on behaviours in the OPSC. The Lanzarote Convention, which dealt with such phenomena as on-line sexual abuse and virtual child pornography, would tighten Dutch criminal legislation on the penalization of child pornography, the penalization of corrupting children, the penalization of “grooming” (i.e. leading a child into prostitution), and the extension of jurisdiction for sexual exploitation and abuse committed abroad by someone from the Netherlands.

General measures of implementation

The Committee asked the delegation to explain the role of the National Rapporteur on Human Trafficking. The delegation responded that the national rapporteur, installed by Parliament in April 2000, was not intervening in the affairs of policy making though she had offices and a limited staff within the Ministry of Justice. Her role included prevention, victim-assistance, investigation, and prosecution at the national and international levels. In addition, the national rapporteur published yearly reports.

Legislation and criminal code

The Committee asked whether or not Dutch legislation criminalized the sale of children. The delegation clarified that the sale of children for the purposes of exploitation was criminalized under Dutch legislation on trafficking and forced labour, whereas the sale of children without the purpose of exploitation was criminalized under the law on adoption. Some of the Committee members remained unsatisfied with this response, commenting that the sale of children and child trafficking were considered as two different offences.

The delegation clarified that there was a specific provision criminalizing people who profited from child exploitation. Likewise, the Dutch criminal code criminalized the recruiting of a child for the purposes of prostitution as well as the clients who solicited child prostitutes. The delegation announced that a new legislation was in process to further tighten the criminal legislation by raising the age of children from 18- to 21-years-old.

Dissemination and training

The Committee asked if information about the sale of children, child prostitution, and child pornography was being disseminated and reaching youth. The delegation confirmed that the Netherlands was disseminating information among youth via media campaigns on issues like how to prevent becoming a victim of trafficking, “pimp boys,” and child pornography. In addition, the government subsidized a hotline on child pornography and launched a website. The delegation reiterated that their recent action plan encompassed child abuse in a broader sense, leading to the creation of numerous programs between the high-level task force and provincial communities.

The Committee asked the delegation to expand upon efforts in the area of abuse prevention and professional training on abuse prevention. The delegation mentioned that school programs addressed the prevention of sexual intimidation and that a nationwide program worked to professionalize youth care. In particular, the delegation described an upcoming form of secured youth care for children with severe behavioural problems as well as for child prostitutes. Along with keeping child prostitutes safe from “pimps,” the centres would train girls on how to become assertive in order to decrease the girls’ vulnerability.

The Committee requested information about the government’s cooperation with the private sector and non-governmental organizations (NGOs) in addressing the issues relevant to the OPSC. For an active policy, the delegation stressed the need for the government to work with private citizens, the private sector, and NGOs. As a result of working together, these groups reached an agreement with internet service providers to block access to websites allowing access to child prostitution.

Undocumented minors

The Committee was interested in hearing about the mechanisms established with other countries to ensure the repatriation of undocumented minors to their countries of origin. The

Netherlands did not have special home-return agreements with foreign countries. A child could only return to his or her country of origin given an adequate reception. If a child expressed interest in returning to his or her home country, Dutch officials would start looking for the child's relatives or NGOs to provide assistance. In 2008, three children returned to their home countries.

The Committee asked the delegation for more information on undocumented children and the cases of their disappearances. In January 2008, the delegation explained that the government started a two-year pilot for unaccompanied and undocumented minors at risk of disappearing. If a non-resident child was a victim of exploitation, he or she would receive a residency permit. A child would be detained as a last resort in cases where he or she was not eligible for asylum and there was no evidence of exploitation. Twenty-five children were recently in detention. In 2008, eleven Indian boys disappeared from reception centres. Once a child disappeared, authorities took immediate action and filed a report with the police.

Virtual child pornography

The Committee asked the delegation if virtual pornography was a real concern, and if so, what plans were in place to combat this phenomenon. The delegation replied that a discussion was currently under way debating whether or not criminalization of virtual child pornography might only be extended to images that are real or if it might also be extended to broader images like cartoons.

“Pimp boys”

The Committee asked the delegation if “pimp boys,” who courted girls with the intent to “groom” them into prostitution, started in school as part of the bullying process. The delegation clarified that the term “pimp boys” applied to not only boys but also men over age 18. The delegation expressed concern that the problem could worsen due to the fluid pimp-boy networks within the country. Pimps were considered as traffickers in court.

Sex tourism

The Committee requested information on trials and judgements pertaining to sex tourists. The delegation referred the Committee to an NGO report describing 8 such cases. The Committee also requested more details about the information gathering efforts and data on sex tourism. The delegation explained that data were being collected on this serious subject and that there was an increase in the number of people travelling abroad to have sex with minors. In addition to broadening the Netherlands' jurisdiction to prosecute people from the Netherlands who had committed child pornography or child exploitation abroad, the Netherlands was also working to monitor people returning from abroad who had allegedly committed sexual offences with minors. The delegation said that customs officers and police officers were working to profile incoming travellers at the airport, checking cameras and USB drives for pictures of illicit activities. Furthermore, the delegation mentioned efforts to enhance dissemination of information by working with the tourist industry and airlines flying to Thailand, a country believed to attract sex tourists.

Adoption

The Committee asked if there was pending legislation on prohibiting weak adoptions or only intent to change the legislation. Additionally, it asked the delegation why the Netherlands upheld bilateral agreements with countries not party to the Hague Convention. The delegation emphasized that it did not support maintaining connections between children and

their biologic parents, and legislation prohibiting weak adoptions is pending. Regarding the Hague Convention, the delegation explained that just because a country was not party to The Hague Convention did not mean that children in such country should do without the benefits of adoption.

As for the Netherlands Antilles, the Committee asked if data were available and if law covered illegal adoptions. The delegation responded that while the Netherlands Antilles was not currently party to the Hague Convention-all adoptions were going through the civil code process instead-the Netherlands Antilles was considering adopting a protocol on such measures before dismantling.

Concluding Remarks

Mr Rouvoet thanked the Committee for its interest in the report of the Netherlands on the OPSC and expressed his gratitude for the Committee's encouragement and legislative recommendations. He considered the Committee's description of the report as "exhaustive" to be a compliment.

Ms Yanghee Lee, Committee Chairperson, commended the constructive dialogue between the Committee and the delegation. She stated that the Netherlands might count on the Committee for assistance in whatever means it thought necessary so that the CRC could be fully realized in the country. Ms Lee said she was convinced that the delegation would take the Committee's comments and concerns home and that the delegation had political will to carry this process forward. She hoped that by the next report, the Netherlands would extend the OPSC to all children and ratify the OPAC in all regions within the Kingdom.