



Global Monitoring

status of action against commercial sexual exploitation of children

THE NETHERLANDS



2nd EDITION

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GLOSSARY OF TERMS AND ACRONYMS

- **AIDS:** Acquired Immune Deficiency Syndrome
- **AMK:** Advice and Reporting Centres Child Abuse
- **BES islands:** Bonaire, St. Eustatius and Saba (special municipalities of the Netherlands)
- **CIRCAMP:** COSPOL Internet Related Child Abusive Material Project
- **Code of Conduct:** A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation
- **CRC:** United Nations Convention on the Rights of the Child
- **CoMensha:** Coordination Centre for Human Trafficking
- **COSPOL:** Comprehensive, Operational, Strategic Planning for the Police
- **CSEC:** The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are 3 primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.
- **CST:** Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.
- **ECPAT:** End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
- **ECPAT-NL:** End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes Netherlands
- **EPCTF:** European Police Chiefs Task Force
- **EU:** European Union
- **KNMG:** Royal Dutch Medical Association
- **HDI:** Human Development Index
- **HIV:** Human immunodeficiency virus
- **ILO:** International Labour Organization
- **IOM:** International Organization for Migration
- **NGO:** Non-governmental organization
- **NJI:** Netherlands Youth Institute
- **NPA:** National Plan of Action
- **OECD:** Organisation for Economic Cooperation and Development
- **STD:** Sexually transmitted disease
- **UNDP:** United Nations Development Programme
- **UNFPA:** United Nations Fund for Population Activities
- **UNICEF:** United Nations Children's Fund
- **UNIFEM:** United Nations Development Fund for Women
- **UNODC:** United Nations Office on Drugs and Crime
- **UNWTO:** World Tourism Organization

FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake
Executive Director, ECPAT International

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



THE NETHERLANDS

INTRODUCTION

As a modern, industrialized nation, the Netherlands is a founding member of the European Union (EU), the Organisation for Economic Cooperation and Development (OECD) and the World Trade Organisation. The Netherlands Antilles were part of the Kingdom of the Netherlands as a semi-autonomous entity. In October 2010, the Netherlands Antilles were dissolved and the 3 smallest islands - Bonaire, St. Eustatius, and Saba (BES islands) - became special municipalities of the Netherlands. The larger islands of St. Maarten and Curacao joined the Netherlands and Aruba as constituent countries forming the Kingdom of the Netherlands. The Kingdom Charter divides

responsibility among the 4 co-equal parts of the Kingdom based on jurisdiction and matter. The Netherlands (the term used to designate the European part of the Kingdom) is a constitutional monarchy. The Netherlands has a Human Development Index (HDI) of 0.890, ranking the country 7th in the world.¹ The Netherlands is ranked very high in term of gross domestic product (GDP), development, human rights practices and low levels of corruption. However, a number of problems related to child abuse and commercial sexual exploitation of children (CSEC) have emerged in recent years.

Child abuse

The Dutch Poverty Monitor reveals that an increasing percentage of children in the Netherlands are growing up in poor families. There is an evident link between contributing factors to poverty and child abuse: a recent study of child abuse in the Netherlands reveals that unemployed parents and parents with little education are more likely to commit child abuse.² In a study published in 2007, the Leiden University concluded that between 107,000 and 160,000 children become a victim of abuse in the Netherlands.³ The study estimated that 4,700 children were victims of sexual abuse and that approximately 50 to 80 children died each year from some form of abuse. This was the first time empirical research was

conducted to establish the extent of child abuse in the Netherlands. In the former Netherlands Antilles, no research has been conducted yet on the extent of child abuse.

Data on sexual abuse of children living in institutions (youth care institutions, foster parents, institutions for disabled children, children day care and schools) show that insuring children's safety in institutions is not adequate in the Netherlands. The Samson Commission, which was created in March 2010 to investigate sexual abuse among children who were placed in institutions or in foster families from 1945 until 2011, received 350 reports of child abuse. Also incidents of sexual abuse in 2

institutions for child day care in Amsterdam where more than 80 children were sexually abused, showed that the Dutch government failed to protect children from sexual abuse in institutions.⁴

In 2008, the Child Abuse Reporting Centre was contacted almost 53,000 times about possible child abuse.⁵ In 2010 this number was increased to 62,001.⁶ In 2009 the Committee on the Rights of the Child (CRC) expressed concerns on the high prevalence of child abuse in the

Netherlands.⁷ The Committee recommended ensuring a clearly defined policy on child abuse and neglect. Moreover, the Dutch NGO Coalition for Children's Rights complained that this recommendation has not been addressed yet and that financial and human resources available to approach this problem are inadequate.⁸ While child abuse is regarded as a serious social problem and is receiving increasing social attention, the Dutch government needs to invest much more attention and resources in tackling this problem.

Child prostitution

In the Netherlands, a distinction is drawn between legalized prostitution involving consenting adults from involuntary prostitution, prostitution of minors (regardless of their consent) and sex trafficking. With regard to the latter issues, the government pursues a zero tolerance strategy. Exploitation of children in prostitution in the Netherlands is always considered as human trafficking. The Dutch government does not differentiate between cases of child prostitution and trafficking of children for sexual purposes. In the Netherlands the internal dimension of child prostitution (involvement of Dutch children) largely concerns the so-called 'loverboys': pimps who use seductive techniques to draw minor girls into prostitution.

The Netherlands traditionally has liberal laws governing sexual activity. Adult prostitution is legal, soliciting is carried out openly and there is a high degree of organisation. Commercial sex is strictly regulated through labour and employment laws, and prostitutes are accepted members in trade unions. The general ban on brothels and the ban on pimping were lifted by the change in the law that came into force in 2000; the relevant sections have been deleted from the Dutch Criminal Code. At the same time, stricter penalisation of undesirable forms of prostitution and sexual abuse of minors was introduced. The new section 250a of the Dutch Criminal Code penalised all forms of exploitation in the prostitution sector. In October 2002, during a partial review of the decency legislation, a number of relevant sections of the law were amended, particularly with a view to more effective

protection of minors. Section 250a was tightened up, extended and renumbered, which resulted in the current Section 273f of the Dutch Criminal Code. Administrative responsibility has been primarily placed with the local authority. Therefore, the municipalities play the most important role in determining the form of the prostitution policy. As a consequence, there exist regional differences in policies.⁹

According to the government, allowing prostitution businesses to operate under strict conditions makes it possible to regulate licensed establishments.¹⁰ The expectation was that licensed prostitution could be properly monitored and that the police should focus their attention mainly on illegal prostitution. However, this legalisation also appears to have unintended negative effects. A grey prostitution sector continues

to escape regulation. So-called escort services, for example, are often not covered by municipal licensing schemes, since they do not operate from a fixed address. Due to the semi-illegality of the grey sector and the absence of regulation and monitoring, people in this sector face a higher risk of violence. The exploitation of minor girls and trafficked women also appears to take place mainly in grey sector prostitution establishments.¹¹ The sexual exploitation of children takes place most commonly within illegal escort services, in hotels, parked cars, private residences, and illegal concealed clubs.¹² Children and young people are rarely exploited as street sex workers or in red light districts, as pimps are aware that child prostitution is a criminal act and that police checks are usually stringent.

In November 2009 a proposal for a new law on the regulation of prostitution and on combating abuses in the sex industry

was presented to the Parliament. It aims to reduce local and regional differences within the Netherlands and to gain more visibility and control over the sex industry by including all forms of prostitution within one regulation. On March 29, 2011 the proposal was adopted by the Parliament and is most likely to be adopted by the Senate Committees.¹³

There is great variety in the kinds of sex establishments and in the manifestations of prostitution in the Netherlands. Widespread sub-sectors within prostitution are window prostitution; prostitution in clubs/brothels and private houses (and to a lesser extent in massage parlours and couples clubs); home prostitution; escort prostitution and streetwalking. In 2007 there were 1,270 licensed sex establishments in the Netherlands, mostly window brothels.¹⁴

Loverboys

A specific technique used increasingly in the Netherlands to recruit victims for commercial sexual exploitation is the so-called “loverboy” approach, whereby a young man seduces a girl by posing as her boyfriend and then forces her into providing sexual services. The young, good-looking “loverboy,” projecting an image of wealth, approaches an insecure, underage girl in schools, coffee-shops or outside care homes and starts a romance by promises of love, clothes, status and excitement. He slowly isolates her from her family, pushes her into a state of total emotional dependence upon him and finally introduces her into prostitution. How “loverboys” operate has been changing. In the past it took much time and attention for so-called ‘grooming’, nowadays the process is often shortened by using blackmail and violence in order to force girls to work in the prostitution. Victims of “loverboys” are also used to recruit new girls (these girls are called “lovergirls”). There are also signs that the “loverboy”-method is being taken over by other (organized) traffickers.¹⁵

“Loverboys” are usually Dutch men with an ethnic minority background, aged between 20 and 30 years old. The victims are typically minors when they are first forced into prostitution. Using available victim data, the Rotterdam Health Authority has calculated that the victims’ average age of recruitment is only 15.5 years. It is estimated that “loverboys” are involved in almost half of all cases of youth prostitution.¹⁶ Girls seduced and coerced into prostitution by “loverboys” accounted for 180 of the Dutch trafficking victims registered by Comensha in 2008. While every year hundreds of girls fall into the hands of “loverboys”, few have led to convictions so far.¹⁷

The Netherlands is primarily a destination country for women and children victims of trafficking, specifically for forced prostitution. There is also domestic trafficking, and the country has been identified, to a lesser extent, as a transit point for children trafficked onward to the UK, France, Germany, Italy and Spain.¹⁸ The Netherlands, together with Belgium and Luxembourg, represents a key strategic point in the complex human trafficking network with cross-border operations usually bringing in trafficked victims from Eastern Europe or West Africa. Trafficking in persons occurs in the Netherlands, in Aruba, Curacao and St. Maarten. The number of victims, the countries of origin, the trafficking patterns and responses by authorities differ in the 3 territories.

Numbers

The number of victims annually reported to CoMensha (the Coordination Centre for Human Trafficking – an NGO that receives government funding) has nearly tripled over the last 10 years (from 341 in 2000 to 993 in 2010). Until the year 2005 the number fluctuated between 257 and 424, but since 2006 a steady upward trend can be observed. The increase can probably be explained by increased investigative efforts of law enforcement and the increased focus on human trafficking and the NGO CoMensha. The proportion of minors varies between 5% (in 2005), 28% (in 2007) and 15% in 2010. The statistics show that the number of victims with ages between 10 and 14 is increasing. Almost 80% of the minor victims are exploited in the sex industry.¹⁹

The number of suspects to be registered annually at the Public Prosecutor Office remains relatively stable from 139 in 2000 to 136 in 2009, with a record number of 281 in 2007. The number of convictions in the period 2000-2008 increased slightly from 61 to 77.²⁰

In the 5 former Antilles islands over the course of 2009, an estimated 500 foreign women, some of whom had been trafficked, were reportedly involved in prostitution.²¹ The 2011 US Department of State Trafficking in Persons Report stated that the BES islands are a transit and destination

area for children who are subjected to sex trafficking.

Origins

In the Netherlands, exploitation of minors in prostitution is officially regarded as trafficking in human beings. The “loverboys” approach to persuade girls into prostitution is also viewed as human trafficking. For this reason, a high number of officially registered cases of child trafficking involve children of Dutch nationality. The proportion of victims of sexual exploitation with Dutch nationality has sharply increased in the past decade (from 7% in 2000 to 59% in 2010). This increase began in 2004 when the increase in attention to trafficking started, including the increasing focus on the specific problem of “loverboys”. In the period of 2006-2009 Dutch was the most common nationality of minor victims (an average of 52%), followed by West African (Nigerian (17%), Guinean and Sierra Leonean) and Chinese nationalities. Guineans entered the top 5 in 2008. From that year Romanian and Bulgarian were no longer in the top 5, but they returned in 2009 and 2010.²²

The 2011 US TIP Report reports that, in 2010, 113 male victims of trafficking were identified as victims of sex trafficking and forced labour. Some of these male victims were Dutch while others came from Nigeria, Slovakia, India and Ghana.²³ In comparison, the 2010 US TIP Report noted 138 male

victims of sex trafficking identified in 2009 from Romania, China, Ghana, Indonesia, and Nigeria.²⁴

The 2011 TIP Report suggests that the 5 islands of the former Netherlands Antilles are also transit and destination points for the trafficking of women and children for sexual exploitation. Curacao and St. Maarten are destinations for women trafficked for the sex trade from Peru, Brazil, Colombia, the Dominican Republic, and Haiti.²⁵

Patterns

Both the CRC Committee and the Committee on the Elimination of Discrimination against Women expressed concerns about the number of women and girl victims of trafficking in the Netherlands. Child trafficking in the Netherlands occurs mainly for sexual exploitation.

The prostitution market, proved a strong magnet for traffickers. Child trafficking for prostitution affects mainly girls aged 15 to 17 years. However, there are reports that eastern European boys are involved in prostitution as well.²⁶ The most vulnerable groups to trafficking in the Netherlands include single underage asylum seekers, women with dependent residence status obtained through fraudulent marriages, and women recruited in Africa, China, and Southeast Asia for work in massage parlours. Women in prostitution in the former Netherlands Antilles' regulated and illegal sex trades are highly vulnerable

to human trafficking, as are unaccompanied minors travelling to or through Curacao.²⁷

Most traffickers use threats of violence towards victims or their families to control their victims. Criminal networks are often involved in the forced prostitution of foreigners, while those involved in the forced prostitution of Dutch nationals often work independently.²⁸ Police report that traffickers rarely work in organised networks in the Netherlands, and trafficking within the borders involves mainly individuals who exploit 1 or 2 victims at a time.²⁹

However, connections between pimps and small networks also exist.³⁰ Sometimes girls are forced by their pimps to recruit other underage girls. For example, Nigerian women and girls in the red light district tend to be well organised, legal, and work for themselves. Some of these women assist their pimps in recruiting younger girls who are forced to work in prostitution like in the Bijlmer district in South East Amsterdam. African girls involved in prostitution in the Netherlands have also been found with African *madams*. Some of these came to the Netherlands a number of years ago as victims themselves, finally paid off their debts, and then became pimps.³¹ According to the Trafficking in Human Beings Information Unit (IEM), Internet and mobile phones are readily used to target and lure children and young people into prostitution.³²

Nigerian child trafficking case

The disappearance of 140 Nigerian children from asylum-seeker holding centres spurred an investigation by Dutch authorities in 2006. Numerous children were later found involved in prostitution in France, Italy and Spain. In 2007, the Dutch Police uncovered a crime ring that had allegedly trafficked these children into Western Europe (Koolvis Case). Thirteen arrests were made in Dutch cities and towns, and 6 people, all Nigerians, were detained in other countries. According to police, traffickers supplied the victims with false travel documents, flight tickets and instructions on how to seek asylum upon arrival in Amsterdam. Traffickers also used voodoo to gain a hold over the children before smuggling them abroad by scaring them into believing that a spell had been cast on them.³³ The Dutch court considered trafficking, forced prostitution or exploitation not proven. The suspects were therefore sentenced to 4.5 and 4 years imprisonment for human smuggling.

The US Department of State releases annually its *Trafficking in Persons Report* which places countries in different categories (called Tiers) based on the efforts they deployed to effectively combat trafficking in human beings. Countries which have the highest level of compliance with the international anti trafficking standards are placed in **Tier 1**, those who have made some efforts but which do not meet the anti trafficking standards are placed in **Tier 2** and countries which are not making efforts to combat trafficking in human beings are placed in **Tier 3**.

The Netherlands was placed in **Tier 1** in the US Department of State *Trafficking in Persons Report* 2011.

Child pornography

ECPAT has identified no data on the extent of child pornography in the Netherlands. However, the government and civil society are increasingly concerned with the issue, especially due to the diffusion of new technologies.

In December 2010 the Netherlands was shocked by a large case of production and distribution of child pornography. Robert M., employee in several child day care centres in Amsterdam, sexually abused over 80 children with ages varying from 0 to 4 years. M. made images of the sexual abuse and distributed it within an international network. The case caused considerable public concern and opened a political debate on prioritizing the investigation on child pornography by the police. In a reaction to the case, the Ministry of Security & Justice announced a planned increase in the number of police investigators specialized in child pornography from 70 to 145 by the end of 2011.

In 2010, the Dutch police investigated 1000 cases of child pornography, 200 more than the year before. Half of the cases handled by the police were referred to the Public Prosecutor Office (480 in 2010 and 450 in 2009).³⁴

In 2010 the private Hotline combating Child Pornography on the Internet (*Meldpunt ter Bestrijding van Kinderporno op Internet*) received 9,164 reports, a small increase in comparison with 2009, with 1,260 reports

containing illegal content hosted on a Dutch server. When the distribution takes place from the Netherlands, the Hotline forwards the report to the Dutch Police.³⁵

In recent years the Dutch government has taken a number of initiatives to combat child pornography, although a coherent, unified and effective approach is still lacking. The Police Monitor 2010 shows that many cases are not investigated due to a lack of specialized investigators and that 20 of the 25 police forces score below minimum standards. To improve the fight against child pornography, the Minister of Security & Justice and the police have produced a Plan of Action. The focus in this Plan of Action is on identifying victims and prosecuting perpetrators, producers and distributors of child pornography instead of focussing on the downloaders.³⁶

According to a EU Kids Online survey in 2010 published by the London School of Economics (LSE), one third of European children aged between 9 and 10 years old go online every day; the figure is as high as 80% for 15 and 16 year olds. Sixty percent have a profile on a social networking site,

such as Facebook or MySpace; this figure may be as high as 70% in the Netherlands. Two complementary surveys issued in 2011 on the occasion of the Safer Internet Day also determined that while the number of children using the Internet is growing continuously, parents do not uphold adequate safety measures to ensure that their children only access age-appropriate material. Only 14% of the study's participants admitted to using web filtering software to prevent children from accessing inappropriate websites.³⁷

Internet safety is becoming more important now with more and younger children frequently and intensively using the internet. There is an increased number of reports of children and young people who fall into exploitative situations through the use of Internet communications.³⁸ In 2010 the private Hotline combating Child Pornography on the Internet received 327 reports through www.helpwanted.nl, a

website specially for young people between 12 and 18 years old to report online sexual abuse. Most reports were about sexual abuse by means of a webcam.³⁹

Abuse, blackmail and grooming through social media requires a new approach from the police, prosecution and the private sector. The criminalisation of grooming since January 1, 2010 (article 248 of the Dutch Criminal Law) is an important step forward. However, prevention should ensure that social networking profiles of minors are private and accessible only to selected friends. Deleting an account should be easy for children, and it is important that social network sites also feature a single button for reporting in order for children to immediately report abuse and exploitation. This report button should be available to social networking sites in 2011. Children also need to be informed about safe use of the Internet and sharing data such as photos and movies.⁴⁰

Case study: Day-care centres case

In 2010, as a result of international law enforcement co-operation via INTERPOL, Amsterdam police undertook a large investigation into a child sexual abuse case. Up to 83 toddler-aged children were reportedly abused by an employee at 3 day-care centres in Amsterdam. The suspect confirmed the systematic abuse during a period of a year and a half, in which he sexually abused children in his car outside of the day care. In many cases, he made photographs and video tapes of the abuse. The case was uncovered in December 2010 after pornographic images of the children appeared on internet sites in the United States. The image was identified as a Dutch child by victim identification specialists of the KLPD Dutch national police after they received the image from INTERPOL's Victim Identification network affiliated with ICSE.⁴¹ The US authorities sought contact with their Dutch counterparts and an immediate investigation was launched. As part of the investigation, the photograph of an unidentified toddler was shown on a crime programme on Dutch television. The child's identity was immediately established, and the suspect was arrested the same day. The suspect was a 27-year-old Latvian born man with Dutch nationality. Photographs under examination reportedly show children under the age of 2 being raped. Two other men were also arrested on suspicion of possession of child pornography: the 37-year-old husband of the main suspect and a 39-year-old employee of one of the day care centres.⁴² Experts from the Netherlands Forensic Institute discovered child pornography on websites managed by the suspect's husband. The website, now closed down, featured photos of children in sexual poses. It also included links to sites containing explicit child pornography. The couple also managed websites for small private companies.⁴³ The police are investigating whether some web-stores were being used as payment platforms to download pornography. This case reveals the pressing need to require proper monitoring and oversight for employees working with children to

ensure that staff are not able to exploit their positions to abuse children.

In a related case, the Dutch Public Prosecutor's Office launched an investigation into the activities of the Dutch paedophile association named *Martijn*, which campaigns for the "acceptance of paedophilia and adult-child love relationships," and calls for the age of sexual consent to be abolished. The association advertised on the website run by the 2 suspects, and the investigation was launched after members of *Martijn* expressed support for the suspects.⁴⁴ In June 2011, the Public Prosecutor's Office concluded that *Martijn* cannot be abolished as an association, as the actual criminal acts take place outside of the association. Therefore, although child sex crimes have been linked to *Martijn* and its members, the association is acting legally. This case highlights the tension facing many countries between the need to protect children's rights while also guaranteeing other civil rights, such as speech and association.

Controversial proposal on the use of child pornography drawings to control child sexual abuse

A professor of the Netherlands Institute for Neuroscience (NIN) made a controversial suggestion to use drawings of child pornography to weaken paedophiles' destructive impulses. He argues that making child pornography drawings available, for example, in comic strip form, could lead to a reduction of child abuse. The professor's proposal counts on support from an unexpected source: the Dutch anti-paedophile group, *Stopkinderporno* (Stop-child-pornography-now). While the group's position is that possession of child pornography and the abuse of children should be combated in every way possible, it is willing to consider this proposal because real children would not be harmed.⁴⁵ ECPAT's position regarding drawings or cartoons of child pornography are that although they may not directly harm real children, such images still fuel the abuse of real children by reinforcing abuser's inappropriate feelings towards children. Also, such images could be used for grooming children to facilitate sexual exploitation. As such, ECPAT strongly encourages the criminalisation of such images.

In March 2011 a Dutch court convicted a 56 year old man for possessing both actual and virtual child pornography. He was sentenced to 2 years imprisonment, of which 6 months conditionally and 7 years probation. The virtual images were almost identical to real children.

Child sex tourism

The Netherlands is a source country for tourists seeking sex with children, travelling to destinations such as Brazil, Cambodia, Vietnam, Thailand, the Gambia, and Morocco.⁴⁶

The Netherlands is 1 of the 44 countries to have passed extraterritorial legislation, which means that prosecution of sexual abuse by a Dutch person committed abroad is possible,

even if the abuse is not a violation of the law in the country where the abuse took place. According to Article 5 Sr the criminal proof originating from the foreign country

must satisfy the Dutch criminal standards, before prosecution can proceed. Article 5a Sr concerns aliens who have a permanent residence in the Netherlands and abuse a minor abroad. The perpetrator can be punished in the Netherlands, even when the perpetrator came into the Netherlands after committing the act.

There have been few prosecutions so far in the Netherlands. From 1996 until 2011 there were 6 convictions of Dutch nationals for sexually abusing children abroad (see table 1). The few convictions do not approach the total number of Dutch child sex tourists, which, according to a 2002 study, amounts to over 3000 per year.⁴⁷

Table 1: Convictions of Dutch nationals under extraterritorial law⁴⁸

Year	Prison sentence	Country of abuse	Victims
2011	1.5 years	Brazil	14 year old boy
2004	1.5 years	Gambia	Girls between 12-16 years
1997	5 years	Sri Lanka	Boys below 16 years
1997	3 years	Thailand	Boys between 8-10 years
1997	2 years	Philippines	Girls between 9-14 years
1996	5 years*	Philippines	9 year old girl

**In September 2004, due to the civil procedure started by Defence for Children-ECPAT, the offender had to pay a fine of little more than 3000 euro to the victim.*



At the Holiday Fair in January 2010 the Dutch Minister of Justice launched a campaign

against child sex tourism called 'Break the silence'. The campaign aims to raise awareness, stimulate reporting at www.meldkinderseksstoerisme.nl and increase the number of convictions of Dutch child sex tourists. The campaign is implemented in cooperation with the Dutch Ministry of Justice, the Royal Military Police, the Anonymous Hotline of the Dutch police, the Association of Dutch Tour Operators, the Dutch private Hotline combating Child Pornography on the Internet and ECPAT-NL. At the launch, the Dutch Ministry of Justice and the Association of Dutch Tour Operators signed an agreement to work closely together in raising awareness and tracking down Dutch child sex tourists.

One month after the campaign was launched, the Royal Netherlands Marechaussee arrested a 65 year old Dutch

man at Amsterdam Schiphol Airport for possessing child pornography and abusing minors in Thailand.⁴⁹ At the time of this report, prosecutors were demanding 2.5 years imprisonment for this offender, who had collected child pornography for most of his life and frequently travelled to Cambodia, where he produced the child abuse images. The police discovered a total of 3,700 images and 293 movies of child pornography collected/produced between 1965 and 2010. Prosecutors have said that the man did not understand the seriousness of his crimes and did not cooperate with psychological investigations.⁵⁰



Since the launch of the online hotline www.meldkinderseksstoerisme.nl, the hotline has received 30 reports, of which 18 were transferred to the national police. Eighteen reports were made during the campaign

'Break the silence'. The number of reports plummeted after the campaign ended, suggesting the importance of awareness

raising campaigns.

In April 2011 the Association of Dutch Tour Operators (ANVR) signed the Code of Conduct for the Protection of Children from Commercial Sexual Exploitation in Travel and Tourism (Child Protection Code) and agreed to motivate listed tour operators and travel agencies to follow the example. Two large tour operators are active in the fight against child sex tourism since 2002 (Oad Reizen and TUI the Netherlands), and since 2010 more tour operators are signing up (amongst others: Travel Counsellors, Fly Brazil, VNC Asia Travel, Van Verre, 333Travel).⁵¹

The CRC Committee is concerned about the existence of child sex tourism involving Dutch nationals and the lack of an adequate

response.⁵² Also the Police Monitor 2010 shows that little attention is being paid to combat child sex tourism with little prioritisation and cooperation to investigate possible cases of child sex tourism.⁵³

The Netherlands, with its red light district in Amsterdam as a tourist attraction, is a destination country for sex tourists. Even though there is no conclusive evidence that minors work behind the windows in Amsterdam, child sex tourism most likely occurs in the Netherlands. For that reason ECPAT-NL started working together with the Dutch Association for Restaurants and Hotels (Koninklijke Horeca Nederland) for the implementation of child protection measures in hotels, such as the Child Protection Code.

NATIONAL PLAN OF ACTION

There is no general plan of action to combat CSEC in the Netherlands. However, various related plans do exist: the National Action Plan against Sexual Abuse of Children; the Action Plan Tackling Child Abuse, the National Action Plan to Combat Trafficking in Human Beings and the Action Plan to Combat Child Pornography.

National Action Plan to Combat Child Sex Abuse

The National Action Plan against Sexual Abuse of Children sought to achieve clearer policies and greater cooperation among institutions involved in implementing these policies. The goals of the plan were better support services for victims, lower levels of recidivism, and more professional working standards among staff. Reporting on this plan was conducted in 2002, and, though benefits were achieved, there was still significant room for improvement; thus, many of the plan focal areas have been incorporated into long term policies.⁵⁴

A few years after the implementation of the 2000 NPA, the Dutch government recognized that child abuse was still a serious social problem. The *Action Plan Tackling Child Abuse* 'Children Safely Home' was announced in July 2007 and clarifies how the government will address child abuse. According to the Action Plan, child abuse is a broad social problem that must be tackled through efforts by the government, professionals, volunteers and other people working with children. ECPAT-NL has played an important role in the development, implementation and monitoring of the Action Plan. While the recognition of the problem is a positive step, there is

limited evidence of concrete results of the implementation of the action plan.⁵⁵

Action Plan against Trafficking

In December 2004, the Dutch government presented the *National Action Plan against Trafficking in Human Beings: additional government measures on combating trafficking in human beings in the Netherlands* to the Dutch Parliament.⁵⁶ The Plan was a response to recommendations made by the National Rapporteur on Trafficking in Human Beings and to the fact that the Ministers of Justice, Foreign Affairs and the Interior had identified the investigation and prosecution of trafficking in human beings as priority issues. The plan approaches policy on trafficking in human beings from an integrated multidisciplinary perspective. It contains 65 concrete points of action in the areas of human rights, legislation, prevention, victim protection, investigation and prosecution, and research and registration. In connection with the Plan, the Board of Procurators General amended the “human trafficking directive,” which sets out policy guidelines for the purposes of investigation and prosecution and in which specific attention is paid to minors who are victims of human trafficking. The directive sets out procedures for dealing with minors who are victims and discusses specific forms of human trafficking.⁵⁷

After establishing the National Action Plan, the Netherlands acknowledged that many children, especially unaccompanied children seeking asylum and victims of ‘loverboys,’ continued to face a high risk of exploitation and required specific targeted measures. The CRC Committee also expressed concern about Netherlands’ lack of a comprehensive plan to prevent trafficking and other forms of CSEC. Thus, in February 2006, the Ministry of Justice released the *Addendum to the National Action Plan*,⁵⁸ focusing on

victim identification, repatriation procedures, protection, and established a national information centre on youth prostitution.⁵⁹ In 2006, the National Office of the Public Prosecution Service also issued new instructions for the public prosecutors’ office and the police on investigation processes for cases involving trafficking in human beings, including specific treatment for CSEC victims.⁶⁰ In July 2011 the Taskforce on Human Trafficking presented a Plan of Action for the period 2011–2014. In the Action Plan the Taskforce gives special attention to the care of victims of trafficking and international cooperation.⁶¹

The National Action Plan did not include a time limitation, which means that the Action Plan is still in force. The document did, however, designate time frames for each of the actions described in the plan as well as assigning them to particular participating Ministries. The Action Plan also failed to provide an evaluation or impact assessment mechanism. According to representatives of the Ministry of Justice, detailed progress reporting as called for in the action plan was perceived as overly ambitious and is thus no longer performed.⁶²

Reporting Code for Child Abuse

In 2008, the national physician organisation KNMG (Royal Dutch Medical Association) published the Reporting Code and Roadmap for Doctors on Child Abuse.⁶³ This Reporting Code contains clear guidelines on how doctors should respond to suspected child abuse. When a case is confirmed or there is a realistic possibility of injury to the child, the doctor must notify as soon as possible the Advice and Reporting Centre on Child Abuse or the Youth Care Office.⁶⁴ With regard to contacting police, doctors, in principle, should rely on their professional duty of confidentiality.

Since 2011 professionals working in the sectors of health, education, childcare, social support, child welfare and justice, are obliged to work with a Reporting Code when they receive a suspicion of violence or abuse. The Reporting Code enables them to follow a specific roadmap when they suspect child abuse.

Though the use of a Reporting Code is obligatory, the decision whether to report any particular suspicion still remains with the professional based on the criteria designated in the code.⁶⁵ However, a duty to report does require staff in primary and secondary education to immediately inform the school board if they obtain information about a possible sexual offence *involving an employee of the school* who sexually abused or harassed a minor student.⁶⁶

In recent years, there has been some debate on the question of whether a duty to report suspicions of child abuse should be legally required. The Dutch Minister of Youth and Families argues that the enactment of mandatory reporting may produce counterproductive effects. Specifically, the Minister mentioned that parents may subsequently avoid their medical practitioner or social worker out of fear that they will be automatically reported on suspicions of child abuse. Additionally, he identified the risk that professionals might be overly sensitive, letting their actions be determined by fear of criminal prosecution or another penalty for not reporting suspected child abuse. Moreover, there was concern that a duty to report would lead to a sharp rise in the number of false-positive reports, resulting in unnecessary extra pressure on the Advice and Reporting Centres Child Abuse (AMKs).⁶⁷

Based on research of the Dutch reporting system and foreign reporting requirements, the Netherlands Youth Institute (NJI) highlighted similar arguments against a

reporting requirement in the Netherlands. The conclusion of the NJI was therefore that a reporting requirement adds little value to the Dutch situation. The NJI emphasized that priority should be given to strengthening expertise in the field of child abuse and a well-functioning system of youth care.⁶⁸

Though these arguments may have some merit, the government's current position on a reporting requirement does not seem to prioritise the best interests of the child. Though there may be an increase in unfounded reports, there will also be an increase in reports of actual cases of child abuse. When enough resources are made available to the AMKs and related child protection agencies, they should be equipped to handle the false reports as well as those with merit. Though this may increase the AMKs' workload and create some strain on various actors in the system, it will also provide an important legally mandated check on child abuse.

National Action Plan to Combat Child Pornography

In June 2011 the Minister of Security and Justice presented an Action Plan to Combat Child Pornography. The Action Plan focuses on improvement of collaboration of different police regions. The aim is to have one National Police Unit to monitor quality, provide access to information within and outside the police organisation, manage the national child pornography database, develop intervention strategies and investigate serious, complex national or international cases. Instead of 25, there will be 10 regional police units which work in multidisciplinary teams and focus mainly on the identification of victims and suspects of sexual abuse. The National unit ensures the management and allocation of capacity to the 10 regional police units.⁶⁹

COORDINATION AND COOPERATION

Local and national levels

The Action Plan against Child Sexual Abuse builds relations between the activities of the various ministries and organisations. It includes both government services and those offered by private institutions and individuals in the areas of prevention, assistance, penalties and legislation.⁷⁰ Initiatives have been adopted to coordinate actions on combating trafficking; however, they have not focused on children and child protection agencies, and NGOs have not been methodically involved in the design and implementation of programmes. Efforts have primarily concentrated on enhancing cooperation between law enforcement agencies and have not focused on preventing child trafficking or protecting child victims through integrated methods.⁷¹ In order to provide comprehensive and specialized assistance to all child victims of CSEC, further resources must be allocated and collaboration between all the relevant partners should be enhanced to ensure a strong and integrated child protection system.

Child Protection Council

The Child Protection Council is the main government organ concerned with the protection of children. It is a department of the Ministry of Justice and represents the rights of children whose development and upbringing are under threat. The Council creates strategies to remove or prevent this threat by providing support to the family and will intervene if the situation of the child does not appropriately improve. The Council makes inquiries, provides advice in legal proceedings and can suggest measures or sanctions. It works in close cooperation with other agencies. These parties, together with the Council, form a chain within which child cases are handled. The Child Protection Council can make inquiries into children's home situations and recommend professional help or impose measures through a court order. The Council is a so-called second-line organization and does not independently provide assistance to families, but ensures that, if necessary, professional help is recruited.⁷²

Children's Ombudsman

In June 2010, the Senate approved the establishment of a Children's Ombudsman.

The Children's Ombudsman's will, solicited or unsolicited, advise the government and parliament on laws and regulations affecting the rights of juveniles. The Ombudsman also works to educate and empower young people so that they become aware of their rights and able to defend them. He or she will be active in the field of education and information. In addition, the Children's Ombudsman will receive and respond to complaints, not just about the government, but also about other organizations with a function in the area of youth, such as schools, child day care, youth care and hospitals. The Children's Ombudsman can also investigate possible violations of children's rights in the Netherlands.⁷³ Since April 2011 the Dutch Children's Ombudsman has been in operation.

Programme Minister for Family and Youth

From 2007 until 2010 there was a Programme Minister for Family and Youth Responsible for youth policy in the Netherlands. The policy focused on the improvement of local youth policies and is founded on the principles of the CRC. The Programme Minister responsibilities included youth care, youth protection and

preventive policy for young people.⁷⁴ Since October 2010 the Netherlands has had a new government and the Programme Minister for Family and Youth role has ceased. Youth policy is again scattered within different Ministries. The focus of the new government is very much on security issues and little on human rights and children's rights (especially in foreign policy) and migration and integration issues are high on the political agenda.

The RAAK method

RAAK is the Dutch acronym for "child abuse reflection and action group." Under the RAAK approach, the functioning of institutions that work with parents and children are adapted, improved and supplemented. The objectives of the RAAK approach are to prevent child abuse, and for social workers to identify problems earlier and faster in order to promote effective support and intervention. Its aim is to

develop a comprehensive strategy for tackling child abuse that will eventually include parenting support services, a system for identifying child abuse and adequate means of responding to the issue. In 2003, the RAAK approach was initiated in 4 regions. The RAAK pilot regions have demonstrated the importance of improving cooperation on early warning, rapid availability of help, and increased expertise of professionals in the prevention of child abuse. In 2007, the Dutch Parliament adopted a motion to implement the RAAK approach nationally; implementation began in January 2008 and must be completed by 2011. The Dutch Youth Institute (NJI) is responsible for carrying out the implementation. In the Tackling Child Abuse Action Statement, the Programme Minister for Family and Youth has made arrangements with the provinces, metropolitan areas and 35 central municipalities on the allocation of responsibilities.⁷⁵

National Rapporteur on Trafficking in Human Beings

On April 2000, the Netherlands became the first country to appoint an independent National Rapporteur (NR) on Trafficking in Human Beings. One of the main tasks of the NR is to provide independent reporting on the scope and extent of human trafficking in the Netherlands and on the effects of anti-trafficking policies. The NR has a broad approach to the subject, from prevention and assistance to investigation and prosecution, at both national and international levels. The Rapporteur is assisted by 6 staff members who together constitute the Bureau of the Dutch Rapporteur on Trafficking in Human Beings. In the Netherlands, exploitation of children in prostitution is regarded as trafficking in human beings and is therefore also one of the NR's areas of investigation. The Rapporteur is not a complaint body and has no power to conduct criminal investigations but rather provides policy recommendations. The NR collects statistical data from various stakeholders on human trafficking and disseminates the information in a yearly report to the government. The NR keeps in contact with and gathers information from individuals, organizations and authorities involved in the prevention and combating of human trafficking and in giving assistance to trafficking victims. Because human trafficking often occurs across borders, the Bureau also has many contacts abroad and cooperates with international organizations.⁷⁶

Every other year, a report with concrete recommendations is submitted to the government and made available to the public. Since April 2000, the NR has published 8 reports.⁷⁷ The reports of the Rapporteur contain information on relevant regulations and legislation, as well as information on prevention, criminal investigations regarding human trafficking, prosecution of perpetrators and victim support. Furthermore, in her reports, the Rapporteur gives policy recommendations aimed at improving the fight against human trafficking. Even though the mandate is not specifically focused on children, the public reports of the NR frequently pay attention to trafficking of children.⁷⁸

National Rapporteur on Child Pornography

In October 2009 the Rapporteur on Trafficking in Human Beings' mandate has been extended to child pornography. The Rapporteur's office will deliver its first report in 2011 to assess the effect of policies and measures to combat child pornography.

Task Force on Trafficking in Human Beings

The Minister of Security and Justice has the overall responsibility of coordinating anti-trafficking policies and is responsible for the areas of law enforcement, crime prevention and immigration. Local policy matters fall under the responsibility of the Ministry of the Interior. Other competent ministries are the Ministry of Foreign Affairs, the Ministry of Labour and the Ministry of Health, Welfare and Sport, which have all appointed a coordinator for human trafficking. Twice a year, all ministries meet with relevant NGOs and the National Rapporteur.

In February 2008, a multi-stakeholder collaboration was formalized with the establishment of a Task Force against Trafficking in Human Beings. The Task Force is chaired by the Public Prosecution Service and consists of the National Rapporteur on Trafficking in Human Beings, as well as representatives of the relevant Ministries, the police, local authorities and the judiciary. It was created to identify bottlenecks in the methods of tackling human trafficking. The Task Force does not limit its focus to tackling and punishing traffickers but also introduces permanent deterrents to human trafficking.⁷⁹ The Task Force reports to the Minister of Justice annually. Apart from Comensha, NGOs are not represented within the Task Force. Within the Task Force there is no specific organization with a focus on children. Also in the Plan of Action presented in 2010, there is little attention for children.

Task Force on Child Pornography and Child Sex Tourism

In November 2009, the Dutch Minister of Justice established a Task Force on Child Pornography and Child Sex Tourism. The Task Force analyses barriers in the approach to suppress child pornography and child sex tourism and offers solutions to these problems. The objective of the Task Force is to reduce the production, dissemination and accessing of child pornography and to battle child sex tourism.⁸⁰ The Task Force follows in the line of the previously inaugurated Task Force on Trafficking in Human Beings and is part of the programme of the Ministry of Justice to combat (organised) crime and cyber crime. The Minister of Justice is informed of the progress of the activities each year before September. ECPAT-NL has been lobbying for the creation of this Task Force, which consists mainly of members from law enforcement but also includes Internet Service Providers. The tourism sector, however, is not represented and also no NGO's are part of the Task Force.⁸¹

National Expertise Centre on Human Trafficking (EMM)

The National Expertise Centre on Human Trafficking and Migrant Smuggling (EMM) of the National Crime Squad was created in 2005, bringing together law enforcement agencies such as the National Police Service, the Criminal Investigation Unit, the Royal Netherlands Military Constabulary, the Immigration and Naturalization Service and the Social Intelligence and Investigation Service. The EMM acts as the centre for sharing information and best practices for operational cooperation and informs administrative, police and justice officials on human trafficking. The Centre receives information from agencies involved in investigations and assistance in trafficking cases and ensures that the collected information is properly disseminated to relevant actors. The police and the Public

Prosecution Service also have coordinating structures, within which information is exchanged.⁸²

Expertise Centre on Youth Prostitution

The Expertise Centre on Youth Prostitution was launched in February 2005. This Centre is an information desk in which research, data collection, good practices and policy development are brought together. The Centre focuses on stopping the prostitution of minors, rehabilitating victims and prosecuting offenders. It collects, processes and disseminates 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. Supported by a website, the Unit informs all interested organisations and social workers on youth prostitution and intervention options. The focus is on boys and girls in prostitution, 'loverboy' issues and child victims of trafficking.⁸³ According to the Expertise Centre, with regard to youth policy, a lack of consistency and clear guidelines seems to particularly afflict youth prostitution measures.

Regional level: European Union

The Netherlands actively cooperates with countries within the European Union in the fight against sexual exploitation of children.

EU Action Plan on Trafficking in Human Beings

Netherlands is actively engaged in the EU Action Plan on Trafficking in Human Beings, adopted in December 2005. This Plan focuses on enhancing regional cooperation among stakeholders, including sharing information and good practices.⁸⁴ Europol and the EU's Police Chief Task Force are central players in these efforts, and the Netherlands actively seeks collaboration with them.⁸⁵ In December 2010, the European Parliament voted with a strong majority in favour of the Directive against trafficking in human beings that the Commission proposed in March 2010. More stringent penalties for traffickers and improved protection for victims are the key objectives of the new EU law on trafficking in human beings. This new legislation further reconciles discrepancies between the laws of the member states. It obliges them

to set up National Rapporteurs or equivalent mechanisms to be responsible for monitoring implementation of anti-trafficking policy at the national level.

In 2010 the European Commission addressed human trafficking in a number of ways, including the gathering of comparable statistics on human trafficking and reports on the performance of the EU Action Plan. The European Commission expressed a desire to appoint an EU Anti-Trafficking Coordinator (ATC), through which a new integrated strategy for tackling human trafficking in 2011 would be presented. In addition, the European Commission intends to create measures to protect and assist victims through the development of *ad hoc* cooperation agreements with third countries. The Commission also stated that guidelines were needed to help consular services and border guards correctly identify victims of human trafficking.⁸⁶

ECPAT Project “Offenders Beware!”

From 2008 until 2011, five European ECPAT groups – including ECPAT-NL - and 6 partners in the South worked on the project “Offenders Beware - Raising Awareness, Capacity and Motivation for the Protection of Children from Commercial Sexual Exploitation in Tourism”. The project was supported by the European Commission and several national partners. The overall objective of the project was to contribute to the protection of minors from commercial sexual exploitation in travel and tourism. More specifically, the project aimed to make it more difficult for European perpetrators to abuse minors in developing countries. The specific objective was to increase the awareness, capacity and motivation of the tourism sector, the media and public at large to be proactive in the protection of minors from commercial sexual exploitation of children.

Within the project, ECPAT-NL and ECPAT Germany organised an expert meeting in March 2009 to promote adoption of a multi-stakeholder approach to combat the sexual exploitation of children in tourism. The role of tourism professionals, as well as NGOs in tourism destinations and countries of origin, were discussed in relation to law enforcement. More than forty participants from law enforcement agencies, NGOs and tourism businesses attended the meeting. A report on “Cases of child sex tourists” accumulated illustrative examples of different varieties of sex tourists. The cases displayed how time consuming it is to convict a child sex tourist, due to the international character of the crime and the fact that convictions ultimately depend on effective collaboration.⁸⁷

International level

At the international level, the Netherlands is active both bilaterally and multilaterally. In its bilateral contacts, the emphasis is on working with victims’ home countries and cooperation aimed at suppressing criminal networks. Minor victims of human trafficking are a high priority in these bilateral agreements.

The Netherlands embassies and consulates play an important role in awareness-raising regarding trafficking in persons, especially in the countries of origin of victims. They inform the general public about the laws and policies on trafficking in human beings and prostitution. Many Embassies have developed specific notices on their websites to avoid misconceptions and to inform potential victims about tactics used by trafficking offenders.⁸⁸

Within the United Nations system, the Netherlands supports UNICEF and ILO programmes such as the International Programme on the Elimination of Child Labour, which aims to end child trafficking and prostitution.⁸⁹ These programmes

operate in Central and Southern Asia, China, the Mekong region and several African countries.

Support Programmes in Countries of Origin of Children Victims of CSEC

An important component of Dutch bilateral efforts includes partnerships with source countries for trafficking victims that reach the Netherlands. The Ministry of Foreign Affairs funds projects to support officer training, better referral processes and shelter facilities and other forms of technical assistance in several source countries, including Bulgaria, Romania and Nigeria.⁹⁰

One prominent example of a cooperation

agreement between the Netherlands and a country outside the EU is with the Netherlands and the National Agency for Prohibition and Trafficking in Persons and Other Related Matters (NAPTIP) in Nigeria, specifically in the areas of information sharing and prosecution of human traffickers. In 2007, Netherlands police and prosecution agencies conducted an in-depth investigation on trafficked Nigerians to the Netherlands. This investigation, known as “Operation Koolvis,” was conducted in collaboration with the NAPTIP and other European destination countries. The investigation resulted in concurrent arrests of traffickers in October 2007 in the Netherlands, other European countries, the United States and Nigeria itself. Following this successful police operation, the Netherlands established a programme for training and technical assistance, intended for NAPTIP and other relevant Nigerian agencies. The training was designed for Nigerian detectives, prosecutors and border police to improve detecting passport fraud at airports and identifying trafficked victims.⁹¹

In Syria, the Dutch embassy provided financial assistance to the first women’s shelter in the country. In Oman, an ILO project is presently being funded to support authorities in the establishment of mechanisms designed to combat human trafficking and monitor employment agencies hiring foreign workers.⁹² In January 2009, the Ministers of Justice in the Netherlands, the Netherlands Antilles and Aruba signed a Memorandum of Understanding to improve cooperation in anti-trafficking efforts among these 3 countries.⁹³

The Netherlands also financially supports initiatives to combat child sex tourism. In 2008, the Netherlands committed to an ongoing UNICEF programme providing technical support to Cambodian law enforcement authorities, especially the Anti-Human Trafficking and Juvenile Protection

Police. Activities surrounding prevention and victim care are also an integral part of the project. In 2008, the Netherlands pledged funding to a three-year project run by Terre des Hommes, aimed at equipping victims of child sex tourism with legal support, encouraging them to act as witnesses and developing the capacity of local NGOs to mobilize law enforcement authorities to take action when needed.

The Dutch Ministry of Foreign Affairs supported an ECPAT-NL project to engage the tourism sector in taking action against child sex tourism in the Netherlands through the implementation of the Code of Conduct.⁹⁴ ECPAT-NL collaborated with local organizations in Cambodia, Thailand, Philippines, Dominican Republic and Gambia as part of the project that ran in 2009 and 2010. In each destination country 200 professionals were trained on the measures they can take to protect children from sexual exploitation. Professionals included security guards, hotel front desk employees, police officers and people working for governmental counselling and protection services and NGO’s. The aim of the project was to create more awareness about child sex tourism in these destination countries and to motivate stakeholders to take child-protection measures. The local partners also developed educational materials for travellers and travel staff. In 2011 the Dutch Ministry of Foreign Affairs approved a follow up of this project. Since 2010 ECPAT-NL, Plan the Netherlands, TUI the Netherlands, ANVR (Dutch Tourism Association), Travel Counsellors, Fly Brazil work together with Brazilian partners (Plan Brazil, Brazil Childhood Foundation, the Ministry of Tourism and Resposta) in a three-year project focusing on the elimination of sexual exploitation of minors in Brazil. The project aims to (1) increase the involvement of local and European stakeholders to eradicate sexual exploitation of children and adolescents, (2) improve youth employment in the local formal labour market, particularly

the tourism industry, (3) strengthen the resilience of children, adolescents and their parents to address sexual exploitation.⁹⁵ In 2008, ECPAT-NL, in partnership with Stellit and through funding from the Dutch Ministry of Foreign Affairs under

the Matra program, initiated a project for the improvement of the quality of care, protection and rehabilitative services for children who have been commercially sexually exploited in Russia.⁹⁶

PREVENTION

Following the 1996 Stockholm and the 2001 Yokohama World Congresses on Commercial Sexual Exploitation of Children, the Netherlands reaffirmed its commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil. The World Congress III renewed global commitment and galvanized international resolve to combat sexual exploitation of children and adolescents.

Prostitution of children

There are a number of organisations that perform prevention activities to address the problem of child prostitution in the Netherlands. Most of these projects limit themselves to addressing the 'loverboy' form of child prostitution, while other aspects receive less attention and the prostitution of boys receives little or no consideration. Furthermore, projects are usually temporary responses to salient events in the municipality. A more comprehensive, integrated approach is necessary, where police, youth care, care providers, health authorities and schools work together with government support.⁹⁷

Pretty Woman is a collaboration project with the Youth Care Agency Utrecht and Stichting Stade. *Pretty Woman* offers information, individual and group assistance to girls and young women between 12 and 23 years, focusing specifically on 2 target groups. The first group consists of underage girls with risky contacts, who are at an increased risk of being lured into prostitution by their boyfriends (loverboy). The second group consists of adult women who are already working in prostitution (or those involved in the past). *Pretty Woman* provides guidance to schools, community centres, referrers, etc. Additionally, it offers individual and group assistance to both groups of girls. The program includes several groups, such as an encounter group, a trauma group and a mother group. Representatives visit

schools, juvenile prisons and other relevant institutions, warning young people about the dangers of prostitution and the techniques used by recruiters to get children involved.⁹⁸

The foundation *Scharlaken Koord* (the Scarlet Cord), based in the Amsterdam Red light district, shelters girls and women engaged in prostitution. Other activities provided by the Foundation include preventive workshops for secondary schools, asylum centres and other places where young girls gather. The project "Love Limits" focuses on adolescent girls who face particular risk due to their negative self-image, home situation, educational level, past, friends or other activities. Its prevention projects "Beware of Loverboys" and "Whom to trust" are about information provision and education for girls aged 13-18 years and

for unaccompanied minor asylum seekers who are at risk of ending up in prostitution through coercion or manipulation. Scharlaken Koord also offers assistance to victims of “loverboys” and “girls-at-risk” (girls who are in contact with ‘loverboys’ but who are not yet engaged in prostitution), and support to parents of ‘loverboy’ victims.⁹⁹

Various municipalities in the Netherlands have projects relating to loverboys. Most of these projects are concerned with publicizing the problem, providing help and increasing expertise. Some of them are dedicated to investigating and prosecuting offenders. Target groups are at-risk girls, schools, victims, parents, teachers, experts and, in some cases, offenders or at-risk boys. Several campaigns to raise awareness of ‘loverboys’ among children are initiated by NGO’s, frequently with financial support from the Ministry of Health, Welfare and Sport (MHWS). These projects combine a reporting centre for ‘loverboy’ problems with arrangements for an integrated and systematic approach, with the aim of preventing minors from being drawn into prostitution as ‘loverboy’ victims, preventing boys from becoming ‘loverboys,’ providing adequate reception and assistance for victims and investigating and prosecuting suspects.

“Long life to love” is a project, implemented by the SoaAids Foundation and the municipal health care and financed by the MHWS, which focuses on the prevention of sexual abuse and exploitation. This school program for adolescent children (12-16 years) focuses on healthy sexual behaviour and relationships.¹⁰⁰ An additional teaching package consists of teenage magazines on the topic and the video clip “*Lover boy*.”¹⁰¹ The Expertise Centre on Youth Prostitution has also compiled a list of educational and preventive activities concerning youth prostitution and loverboys. The Association of Netherlands Municipalities has developed information packs about the loverboy issue,

describing projects and strategies of support organisations and local authorities. A model of assistance has been developed, which includes contact with fellow victims.

In the Rotterdam region, PMW Humanitas looks for boys, girls and women in prostitution and offers them assistance where possible. PMW provides personal and intensive assistance to girls, boys and adolescents who were induced into prostitution. Through assistance calls, the young people are supported in processing their experiences. If necessary, additional medical, psychological or psychiatric care is enabled. When desirable, safe accommodation can be organized elsewhere in the country through the national network of PMW. In Rotterdam, girls and boys receive help in finding housing, jobs and education. PMW also focuses on boys in prostitution. Boys can contact the organisation with questions or problems, and PMW assists in the resolution of issues such as debt, housing, taxes, medical tests (STIs).

More and more boys involved in prostitution make contact with adult men, not just on the street, in parks or cafés, but also through mobile phones and the Internet. Therefore, the field workers of PMW are working increasingly on the internet, visiting websites where boys can advertise or chat with customers.¹⁰² Humanitas also provides the prevention information “*Dangerous love*,” for girls between 12 and 23 years and provides information to parents, care providers and teachers. Volunteers talk about youth prostitution, perpetrator and victim profiles, the grooming process, risk signals and appropriate responses. In addition, through the project “*buddy contact*,” Humanitas offers victims of “loverboys,” other forms of trafficking and girls at risk, contact with a buddy. This buddy engages them in activities and provides them with assistance in other matters, such as furthering education, hobbies and new contacts.¹⁰³

Trafficking in children for sexual purposes

The Netherlands has long recognised the fight against trafficking in children as a priority, and the government has pursued various measures as well as a number of legislative changes. Efforts to prevent human trafficking in the Netherlands have included regular projects and awareness-raising campaigns. However, most prevention programmes on child trafficking are not sustained nationwide through structural policies, but are rather implemented on a project basis, depending on the particular interest of municipalities. Further efforts should be undertaken in order to ensure that these projects are implemented in a more structured manner in pluri-annual policies. Programmes should also ensure that these actions are institutionalised in full collaboration with a wide range of stakeholders.¹⁰⁴

The Dutch government has developed several policies to prevent vulnerable children from becoming victims of child trafficking. Examples are the quick appointment of a legal guardian to unaccompanied minor asylum seekers and the implementation of pilot “Quick Action Teams” to prevent the travel of possible victims of trafficking by airplane from Nigeria to the Netherlands.¹⁰⁵ Since January 2008, the government has provided single underage asylum seekers with awareness training in secure shelters to protect them against traffickers. The Justice Ministry is funding a multimedia awareness campaign about trafficking targeted at people involved in prostitution, as well as residents, shopkeepers, and taxi-drivers in areas where prostitution takes place.¹⁰⁶ The Expertise Centre on Youth Prostitution undertakes various initiatives for the purposes of prevention and victim assistance. There are special activities aimed at educating girls who are at risk, including providing teaching packs, educational theatre, resistance training, information for parents and special resources for migrants and unaccompanied minor asylum seekers.

The demand side of human trafficking is also addressed. This includes raising awareness among employers and clients in the Netherlands that trafficking in human beings is illegal and teaching them to look out for possible signs that a person is a victim of trafficking. In cooperation with *Meld Misdaad Anoniem* (“crime stoppers anonymous”), the Foundation against Trafficking in Women/ CoMensha and

the police, the Ministry of Justice initiated a public information campaign ‘Schijn bedriegt’ in 2006 to educate the public on how to recognize signs of human trafficking and to encourage them to report crimes anonymously.¹⁰⁷ In 2008 the Ministry of Justice funded another multimedia campaign, the Meld M, targeting the general public to report suspicions of trafficking to an anonymous telephone hotline.¹⁰⁸ Clients of prostitutes, local residents, shopkeepers and taxi drivers are encouraged through an aggressive advertising campaign to look for victims and alert the authorities or the Meld M group. The campaign is designed to help people recognize signs of sexual exploitation and take action if they notice suspicious activity or have information about criminals. Since the start of the campaign, Meld M has forwarded numerous calls regarding forced prostitution to the police and sexual exploitation of minors.¹⁰⁹

In regard to public education, the Dutch government has supported several awareness raising campaigns addressing internal trafficking where young men recruit young girls for trafficking and prostitution. Specific initiatives are already implemented in some Dutch schools to educate young people on healthy sexual behaviour and relationships.¹¹⁰ Currently debated in Parliament is the question of whether to oblige schools to address the issue of sexuality and healthy sexual development through inclusion in primary and secondary level education. This would be a way to ensure that all young people receive adequate education on the

risks associated with sexual exploitation and trafficking. However, such a requirement is still in discussion and has not reached the policy stage yet.

The government of the former Antilles has also displayed some effort to raise awareness of human trafficking. Trainings are provided for government officers and those who work in counselling and protection service for the victims of trafficking. The Ministry of Justice also added an anti-trafficking section to their

website, and the Minister and prosecutor speak publically about human trafficking. The Curacao anti-trafficking coordinator gave a lecture to public audiences, while in St. Maarten and Bonaire, the government provides human trafficking hotlines with in-kind support. Public service announcements, such as hotline numbers, were broadcasted over a six-week period. Meanwhile, the Dutch Ministry of Justice funded a sex trafficking awareness campaign in schools throughout the former Antilles.¹¹¹

Journey is an exhibition that took place in The Hague in October 2010. The exhibition gave the general public an opportunity to learn about the nature and impact of human trafficking. The exhibition targeted various groups who are in contact, or at risk of being in contact, with human trafficking, such as potential victims and young offenders, consumers and clients of prostitutes, employers and other relevant professionals. The exhibition included 7 sea containers, designed separately by 7 artists. Each container depicts a story about the journey of a victim of sexual exploitation and portrays the specific aspects of their experience.¹¹²

ECPAT-NL has developed training on trafficking of children for sexual purposes, including its definition, causes, locations and effects on victims. Information on in-country trafficking (“loverboys”) was also made available, explaining the situation, relevant legislation and law enforcement. Target groups of the training were law

enforcement, youth care providers and immigration officers.¹¹³ *CoMensha* offers victim social support, legal advice, medical aid, shelters, and counselling while the *La Strada Program* focuses on preventing trafficking in women from Central and East European countries.



STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT, this 3-year campaign launched in 2009, seeks to provide immediate relief to child victims with funds raised. The campaign also aims at creating long-term changes through engaging the public in awareness raising activity and lobbying decision makers

to strengthen concerted action against child trafficking for sexual purposes.

ECPAT-NL and The Body Shop have worked together since the beginning of the campaign in 2009 to raise public awareness on the issue of child sex trafficking. With the cooperation between the 2 partners, the campaign collected 173,188 signatures for the petition, asking the Dutch government to strengthen existing measures to better protect children and young people. The Dutch Minister of Security and Justice responded

positively to the campaign petition and said, “I think the sexual exploitation of children is unacceptable. I see a central role for the government in combating it, in terms of repression, care, treatment, and prevention. The signatures of so many Dutch civilians are a boost to take strong measures. I want to be kept to my words.”



Child pornography

European Commission's Safer Internet Programme

The EC's Safer Internet Programme aims at empowering and protecting children and young people online through awareness raising initiatives and by fighting illegal and harmful online content and conduct. It also supports 2 annual events, Safer Internet Day and Safer Internet Forum. The Safer Internet Programme funds, in particular, a network of NGOs active in the field of child welfare online, a network of law enforcement bodies who exchange information and best practices related to criminal exploitation of the Internet in dissemination of child sexual abuse material and a network of researchers who gather information about uses, risks and consequences of online technologies for children's lives. The last European Union Safer Internet Day was celebrated on 8 February 2011. Safer Internet Day is organised by Insafe each year in February to promote safer and more responsible use of online technology and mobile phones, especially among children and young people across the world. Safer Internet Centres,

present in 30 European countries including the Netherlands, develop awareness raising material and organize information sessions for children, parents and teachers.¹¹⁴

Hotline combating Child Pornography on the Internet

The private "Meldpunt ter bestrijding van Kinderpornografie op Internet" [Hotline combating Child Pornography on the Internet], an independent private foundation, was officially opened by the Ministry of Security and Justice in June 1996. The Dutch Hotline was created at the initiative of Internet Service Providers who joined with the (now dissolved) NLIP as well as individual Internet users. The main objective of the Hotline is to contribute to the reduction of the distribution of child abuse images through the internet. The hotline handles (anonymous) reports which are evaluated, and in case of child pornography the Hotline transfers the report to the national police. The Hotline also raises public awareness about the problem.

Help Wanted

At the end of 2007 the private Hotline combating Child Pornography on the Internet established the website [Helpwanted.nl](http://www.helpwanted.nl) for teenagers and since the end of 2010 it is also possible to chat with employees of the Hotline. Help Wanted is intended specially for young people between 12 and 18 years old to report online sexual abuse. Teenagers, parents and caregivers can find information about the safe use of Internet. In 2010 the Hotline received 327 reports through www.helpwanted.nl. Most were about sexual abuse by means of webcam.



Several activities have contributed to the greater public awareness of Helpwanted. The 'Cyberlokker' (cyber groomer) video was broadcasted in September 2010. More than 300,000 young people saw this video on TV Stations TMF, MTV or Comedy Central. During the same time Microsoft promoted Helpwanted through the youth channel RU Live TV. In addition 100,000 free cards (so-called Boomerang cards), were distributed to over 200 schools and 2,000 Hyves pages also received digital cards. Together with partner organisations and private enterprises the Hotline was able to distribute educational material free of charge.¹¹⁵

Child sex tourism related offences

The government funds several initiatives to prevent child sex tourism, both in the Netherlands and in destination countries. The Ministry of Foreign Affairs supports a project on raising awareness and implementation of the Child Protection Code in Thailand, Cambodia, Philippines, Dominican Republic and The Gambia. The Ministry of Foreign Affairs website includes travel information warning Dutch travellers that sex with children is prosecutable in the country of destination as well as in the Netherlands. In 2010, the Minister of Justice launched a child sex tourism awareness campaign 'Break the silence' that informs Dutch tourists that child sex abuse is a punishable offense, and that they can report suspicious situations to a special website.¹¹⁶ The private Hotline combating Child Pornography on the Internet was expanded with the possibility to report child sex tourism at www.meldkindersekstoerisme.nl.

The Multi-Stakeholder Initiative on Sustainable Outbound Tourism promotes sustainable tourism with the aim to diminish the negative effects of outgoing tourism, including sex tourism. ECPAT-NL, other NGOs, tour operators and tourism schools are the stakeholders of this platform.¹¹⁷

ECPAT-NL provides trainings to professionals in the tourism industry, such as travel agents and product managers. The

trainings explain the concept of child sex tourism, its causes and consequences, risk areas and the role of the travel industry to prevent the matter. In May 2010, more than 60 product managers of the Dutch tour operator Oad Reizen were trained by ECPAT-NL on how to discuss the topic of child sex tourism with local agents and hotels. The participants worked on case studies and practiced ways to introduce the topic to their local partners.

Every year ECPAT-NL visits about 40 tourism related schools (vocational and higher education) to educate future tourism professionals about child sex tourism and their role in combating it. Every year ECPAT-NL organizes a contest between vocational schools to design a gadget that tour operators can give to their customers and to raise their awareness on child sex tourism and the Dutch reporting hotline www.meldkindersekstoerisme.nl. About 200 students across the country develop plans. The group with the best idea of the school is delegated to the national final. At the final the school winners present their plan to a jury of several tourism experts who chose the winning idea. With a budget of 1,800 Euro, the winning idea is produced and distributed by tour operators. Examples of winning ideas include: liquid holder bags for hand luggage on the plane or sleeping masks with the text 'Don't close your eyes to child sex tourism'.

ECPAT-NL is the local representative to the globally recognized Code of Conduct for the Protection of Children from Exploitation in Travel and Tourism [The Code/Child Protection Code] for travel agencies, airline companies and other institutions active in the tourist sector. Since 2010 ECPAT-NL has been working on a three-year project which, amongst others, focuses on increasing the number of Code signatories in the Netherlands. Dutch Code signatories are: TUI the Netherlands, Oad Reizen, Dutch Association of Dutch Tour Operators, Travel Counsellors, Fly Brazil, VNC Asia Travel, Van Verre, 333Travel and the Association of Restaurants and Hotels.¹¹⁸

Moreover, ECPAT maintains contacts with NGOs abroad and acts as an intermediary

for travel agents who have been confronted with child exploitation.¹¹⁹

PROTECTION

International and regional children's rights legal standards

International Instruments			
Human Rights Bodies and Instruments related to Child Rights	Comments		
Charter-based bodies			
Working Group on the Universal Periodic Review (UPR)– Human Rights Council	Date of consideration: 15 April 2008		
Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography	Visit in December 1998		
Special Rapporteur on Trafficking in Persons, Especially Women and Children	No visits so far		
Treaty-based bodies			
Committee on the Rights of the Child			
CSEC Children's rights instruments	Date of Ratification/ Accession	Reservations	Date of last Report
Convention on the rights of the child (CRC)– 1989	Ratified in 1995		2007
Optional protocol on the sale of children, child prostitution and child pornography (OP-CRC-SC) – 2000	Ratified on 23 August 2005		2007
ILO Minimum Age Convention – 1973 (No. 138)	Ratified in 1976		
ILO Convention on the Worst Forms of Child Labour – 1999 (No. 182)	2002		
UN Convention against Transnational organized crime – 2003	Ratified on 26 May 2006		
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol) – 2000 (supplementing the UN Convention against transnational organized crime)	Ratified in 2005		
Regional Instruments			
The Council of Europe Convention on Action against trafficking in human beings	Ratified on 22 April 2010		
The Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse	Ratified on 1 March 2010		

EU directive on Trafficking in Human Beings

The EU directive Trafficking in Human Beings was approved in December 2010 by the European Parliament and entered into force once the EU Council of Ministers signed (April 5, 2011). Member States shall have then 2 years to transpose the Directive into legislation at national level. In particular, the directive contains provisions that will give more protection to children by Member

States, including the Netherlands. This will be a major step in enhancing regional cooperation with regard to the prosecution of cases of child trafficking, but also to improve the protection of children against trafficking, as well as services for children victims of trafficking. As of 5 April 2013 the European Commission can take Member States to the European court if they have not implemented the EU directives' requirements into their national legislation and policies.

Council of Europe Convention

During the negotiations on the new Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Netherlands initiated a discussion on whether the definition of the offence of "possessing" child pornography is adequate in the face of modern methods of obtaining access to child pornography on the Internet without actually saving it onto one's own computer. The Netherlands posed the question of whether "obtaining access to" child pornography should be criminalized along with "possession." A large number of member states have come out in favour of adding accessing child pornography to the list of criminal offences in the Convention, which is thus more comprehensive than existing international instruments. The phrase: "knowingly obtaining access, through information and communication technologies, to child pornography" has been added to the list of offences. This offence has been included in the convention as an option.¹²⁰

National legislation

Dutch legislation on child prostitution, trafficking in children and child pornography, viewed as a whole, criminalizes the behaviours addressed in the Optional Protocol.

Under Dutch legislation, the age of sexual consent is 16 years. Engaging in sexual contact with a person aged 16 or older is not an offence, unless it is done against the person's will, under duress or by means of violence or the threat thereof (arts. 242 and 246 of the Criminal Code). Child sexual abuse is an offence under articles 240b and 244 to 250a of the Criminal Code. Sexual contact with a child under the age of 12 is a criminal offence in all cases (arts. 244,

247 and 249). Sexual contact with children aged 12 to 16 is an offence, except when occurring between two consenting youth with an age difference of 5 years or less. The age limit is 18 for sexual contact in specific circumstances, such as abuse of a relationship of authority, deception, sex within a relationship of dependence, or sexual exploitation for the purpose of prostitution (arts. 248a, 248b, 249 and 273f).

PROSTITUTION OF CHILDREN

Prostitution is legal in the Netherlands as long as it is voluntary sex between adults. Child prostitution is illegal. Exploitation or coercion to prostitution by third parties is always regarded as trafficking in human beings.

All sexual contact with minors is illegal if it takes place through coercion. When sexual contact occurs in exchange for money, goods or the promise of such benefits, the rule of minimum age of 18 applies without any consideration of coercion as an element of the crime (arts. 248a and 248b). Child prostitution is criminalized in article 248b of the Criminal Code. This article penalises

people who buy services from persons younger than 18 years old. The age is an objective criterion in this provision, which means it is not necessary to establish that the offender acted intentionally or negligently, but only to prove the objective circumstance of the child's age. This offence carries a maximum prison sentence of 4 years.

Proposed legislation on prostitution: licensing system and criminalisation of clients

In December 2009, the Interior and Justice Ministers released a draft act containing new regulations for legalised prostitution. Under the terms of this bill, any type of sex establishment would be subject to the licensing system. This implies prostitutes who want to work independently will have to register and will be subject to punishment if they have not done so.¹²¹ The draft act also calls for the criminalisation of clients who purchase services from unregistered establishments. The new crimes specified in this draft bill does not include important elements of the Council of Europe's Convention on Action against Trafficking in Human Beings. This Convention suggests that states should consider criminalising clients if they use the services of a prostitute they know to be a victim of human trafficking. The proposed article focuses only on regulatory registration issues, criminalising clients of non-registered prostitutes or prostitutes working for a business that has no permit. The underlying assumption seems to be that victims of human trafficking are only to be found among non-registered prostitutes and prostitutes who do not work for a licensed establishment. However, in her 2010 Report, the National Rapporteur pointed out that human trafficking also takes place in the legal sector. The Rapporteur advised that special attention should be drawn to the fact that a client of a registered sex worker is not criminally liable if he knows, or could have known, that the sex worker was a victim of human trafficking.¹²²

TRAFFICKING IN CHILDREN FOR SEXUAL PURPOSES

The offence of trafficking in human beings is one of the most serious offences in the Dutch Criminal Code. The Netherlands prohibits all forms of trafficking through Criminal Code article 273f. While the Dutch trafficking definition is generally in line with the Trafficking Protocol, the Dutch legal framework fails to fully protect all children under the age of 18: penalties for trafficking in human beings were increased in July 2009 through the adoption of article 273f of the Criminal Code but only apply in cases in which victims are children under the age of 16. These penalties should ideally apply to every child victim under 18 years of age.

Trafficking in human beings and other related forms of exploitation or profiting

from such acts are criminal offences under article 273f of the Criminal Code.¹²³ The

most serious forms of exploitation include those that jeopardize an individual's physical integrity. According to the National Rapporteur, "the nature of forced work in the sex industry means that exploitation comes about readily, since physical integrity is at stake by definition."¹²⁴ Article 273f criminalises trafficking in human beings, regardless of whether this takes place across international borders or within the Netherlands. According to this article, anyone who wilfully profits from the exploitation of another person shall be guilty of trafficking in human beings. Exploitation comprises "at least the exploitation of another person in prostitution" as well as other forms of sexual exploitation.

Article 273f specifically addresses the protection of children. Trafficking in children is defined as: the recruiting, transportation, harbouring, or subsequent reception of a person with an aim to exploit a person, when that person has not yet reached the age of 18 years. Employment of minors in prostitution to gain a profit is, according to Dutch law, a form of trafficking in human beings. A distinction is made between children and adults when it comes to the issue of coercion. The presence of coercion is

not required for children under 18 (art. 273f, paragraph 1). Moreover, the offender does not need to know that the child is under age in order to be guilty of exploitation. If the exploited person is younger than 16 years old, this counts as an aggravating factor for sentencing.

Since 1 April 2010, Dutch jurisdiction standards in the trafficking realm basically comport with jurisdiction provisions in the Council of Europe Convention on Action against Trafficking in Human Beings. Concerning Dutch jurisdiction the trafficking of minors can be claimed if the offence is committed by a Dutch national or resident, no matter if the offence is punishable under criminal law where it was committed or is committed outside the territorial jurisdiction of any State; or, anytime the offence is committed against a Dutch national.¹²⁵

While in Aruba the law prohibits all forms of trafficking, there is no specific anti-trafficking law in Curacao and St. Maarten. However, authorities successfully used existing criminal statutes, including those penalizing smuggling, slavery, abduction, and coercion to prosecute traffickers.¹²⁶

Increased penalties

In July 2009, at the initiative of the Justice Minister, the government increased the maximum sentences for trafficking in persons from 6 to 8 years' imprisonment for a single offence, from 12 to 15 years in case of serious physical injury, and from 15 to 18 years in case of death. Penalties for trafficking a person under the age of 16 can be as high as imprisonment for 12 years, raised from a previous maximum of 8 years.¹²⁷ This implies that when the victim is between 16 and 18 years old, the maximum sentence does not apply. Various children's rights organisations have recommended extending these heightened punishments to all minors under 18. In October 2009, the Minister of Justice said that, while the new EU legislation on human trafficking was still in progress, the Netherlands supported the provision that would apply heightened sentences to all forms of human trafficking committed against a child (every person under the age of 18). He also said that implementation of the new legislation would probably lead to an amendment of article 273f of the Dutch Criminal Code.¹²⁸ The new EU Directive 2011/36/EU on prevention and combating trafficking in human beings and protecting its victims was finally adopted in March 2011 and came into force on April 5, 2011.¹²⁹

In October 2010, the BES (Bonaire, Sint Eustatius and Saba) islands obtained a new constitutional structure, and the Criminal Code was also adjusted to reflect the new structure. The BES Criminal Code includes an article prohibiting trafficking in persons (art. 286f) similar to the human trafficking

article in the Dutch Criminal Code, although prescribed penalties in the Criminal Code of the BES islands reflect the penalties in the Dutch Criminal Code prior to the 2009 increase and are thus lower, ranging from 6 to 15 years imprisonment.

B9 Regulation

Under Chapter B9 of the Aliens Act Implementation Guidelines (the B9 regulation), foreign nationals (adults and minors) who are or might be victims or witnesses of trafficking in human beings are entitled to a reflection period of maximum 3 months during which they can decide whether or not to cooperate in criminal proceedings. If the reflection period results in a report to the police or cooperation with the police and prosecution service, this is automatically accepted as an application for a temporary residence permit for 1 year. This permit is valid throughout the process of investigation and prosecution and, in principle, ends when this process has been terminated. During this period, the government provides victims with necessary legal, financial, and psychological assistance, including shelter, medical care, social security benefits, and education financing. The victim has the right to work and to receive vocational training. Witnesses of trafficking of human beings who reside illegally in the Netherlands might also be entitled to a B9-residence permit if their presence is deemed necessary for the criminal proceedings. After termination of the temporary residence permit, the victim or witness of trafficking may apply for a continued residence permit. Among other circumstances, the permit will be granted if information on trafficking provided by a victim ultimately results in conviction of the suspect in relation to that trafficking. Before the B9 regulations, victims of human trafficking who wished to remain in the Netherlands permanently had to give reasonable arguments to show that return to their own country was too dangerous. With the entry into force of the B9 Regulations, the minister will assume that the risks are too great if the human trafficker has been convicted by a court. A condition is that the conviction must have come about with the cooperation of the victim. This means, among other things, that the victim must report the crime to the police or cooperate in the investigation. Even if there is no conviction, victims who have made a police report may be eligible to stay in the Netherlands after the trial. In that case, they must have contributed to the tracing and prosecution of the suspected human trafficker for 3 years. Victims will not be prosecuted for violation of immigration laws, or for illegal activities in which they were involved as a direct consequence of their situation as a trafficked person. According to the 2011 EU Directive on Trafficking in Human Beings providing shelter, protection and care to victims of trafficking should not be conditional.

CoMensha is the first contact point by police if a child victim of trafficking applies for a temporary residence permit under the B9 Regulation. More specifically, for Dutch child victims of trafficking the Youth Care Office is the gateway to social services; office staff determine the kind of assistance required and the best way to provide it. For foreign trafficked children the guardianship organisation Nidos is the organisation with the responsibility to ensure that the children receive the services they are entitled to. The Annual Reports of the National Rapporteur on Trafficking in human beings provide information on the number of applications for the B9 Regulation by minors and the number of temporary residence permits granted to them. The number of applications has steadily increased from 2002. According to the 2010 report of the National Rapporteur, 235 victims of human trafficking have received a temporary residence permit. However, these statistics may incidentally and mistakenly include minors who applied for or were granted a temporary permit because they are the minor children of victims of trafficking who themselves applied for or were granted a temporary residence permit under the B9 Regulation. In 2007 the Dutch NGO Coalition on Children's rights has pointed out that, in practice, too little use is made of the B9 Regulation by child victims of trafficking in human beings. According to the NGO, this is due to the fact that the B9 Regulation offers very little protection and care and child victims of trafficking show little inclination to report the offences.¹³⁰

Prosecution

According to judicial data collected by the National Rapporteur on Human trafficking, the number of cases of human trafficking registered by the Public Prosecutor in the period 2000-2009 was 1,815. The number of cases remained fairly stable during this ten-year period (from 139 in 2000 to 136 in 2009), but the numbers fluctuate heavily, with a decline in one year alternating with an increase in the next. The number of cases only increased over successive years in 2006 and 2007, producing the record number of 281 registered cases in 2007. An average of 18% of the registered cases involved at least 1 underage victim in the period 2000-2008. The figure fluctuated over the nine years, with 27% in 2000 (38 cases) and 12% in 2008 (30 cases).

In the period of 2000-2009 there has generally been a decline in the proportion of convictions for human trafficking. Whereas in 2000 and 2001 there were convictions in 73% and 79% of the cases, respectively, the figure was only 63% in 2007 and just 51% in 2008.

Custodial sentences that were imposed in first instance for at least human trafficking were in 37% of the cases for a term of up to 1 year. More than half (53%) of the custodial sentences were for between 1 and 4 years, and only 11% were for more than 4 years.

Most of the convicted human traffickers were Dutch. In the period of 2000-2009, the Netherlands ranks first among birth countries of suspects every year. Apart from the Netherlands, Turkey is the only other country to appear in the top 5 every year, including 3 times in second place. Hungary returned to the annual top 5 in 2008 (after

previously sharing fourth place in 2005), while in that year (for the first time since 2002) Romania no longer appeared in the top five nationalities convicted.¹³¹

In the SNEEP case of 11 July 2008, more than 100 women working in the licensed sector were found to have been forced into prostitution. The case concerned 6 defendants, most of Turkish origin, all of whom were convicted of trafficking in women for sexual purposes. This crime ring was particularly cruel in its violations of victims. The court identified aggravating factors of rape and coerced breast enlargement or abortion. Sentences varied from 8 months to 7.5 years.¹³²

In January 2010, an underage suspect was charged with attempted human trafficking. The victim was a 13 year old girl. According to the public prosecutor, the suspect solicited her to work for him in prostitution and help him earn money through sex. He located customers via MSN, maintained contact with these clients, and offered to transport her to meeting points. The judge found that attempted human trafficking had been proven (if only because the suspect had asked the victim to work for him and had offered her services via MSN) and imposed a sentence of 120 hours of community service.¹³³

In 2009, the government of the former Netherlands Antilles prosecuted at least 11 people in Curacao for human trafficking offences and convicted nine trafficking offenders.¹³⁴ During 2009 authorities in Aruba investigated several cases of suspected trafficking, including that of a 15-year-old girl and 12 Haitian youths who may have been trafficked.¹³⁵

From a previously very liberal attitude towards all forms of pornography, the government of the Netherlands has in recent years taken steps to bring its legislation in line with the Council of Europe Convention on Cybercrime and the Optional Protocol. Important changes have been made to the criminal law on child pornography. The age limit has been raised from 16 to 18 years, virtual child pornography was criminalised in 2002 and a new offence was introduced: being deliberately present at pornography shows in which underage children perform. A recent legislative evaluation showed that the changes in the law have created better tools for combating child pornography. However, the evaluators also observed a number of problems with the approach to child pornography, mainly of an organisational and prosecutorial nature. They point to the incredible expansion of digital technology and the opportunities for dissemination ushered in by the Internet and digital media. Adequate expertise in dealing with digital technologies, sufficient capacity and international cooperation are required to improve the effectiveness of the strategy and of the investigation and prosecution of offenders.

Article 240b of the Criminal Code punishes with a term of imprisonment of up to 4 years or a fine any person who disseminates, publicly displays, manufactures, imports, distributes, exports, or has in his/her possession an image or a data carrier containing an image of a sexual act in which a person, who apparently has not reached the age of 18, is involved or appears to be involved. This means that the possession of child pornography for personal use or in a non-commercial context, and the real-time watching of child pornography are punishable. It is required that an active transaction is conducted in order to obtain access to child pornography. It is up to the court to decide on the apparent age of any person depicted in the pornographic images. Thus, the actual age of the person concerned need not be proven.

As of October 2002, virtual child pornography (images fabricated with the aid of computer technology depicting a sexual representation of a child) is also punishable, even if no actual child has been used in the process. To trigger these provisions, it is sufficient that the person could plausibly be taken to be real. Images of a real person who looks like a child also fall under this definition.¹³⁶

Making a profession or habit of committing the above offences is considered an aggravating circumstance. In 2005, the Digital Technology Department of the Dutch Forensic Institute conducted a study into ways of and barriers to investigating child pornography on the Internet.¹³⁷ As a consequence of this report, new legislation was prepared to raise the maximum prison sentence for making an occupation of the production, dissemination or possession of child pornography from 6 to 8 years. In this case, law enforcement officers have the power to enter a suspect's home without his/her permission to install a device on the suspect's computer to trace his/her communications with others.

Dutch legislation also criminalises deliberate attendance at pornographic performances involving children or screenings of pornographic films involving children at dedicated venues (art. 248c of the Criminal Code). The production and dissemination of material advertising the sale of children, child prostitution or child pornography is, as such, not a criminal offence in the Netherlands. It is however an offence to solicit a criminal act.

Virtual child pornography in Second Life

Virtual child pornography has been a criminal offence in the Netherlands since 2002. In December 2010 the court in Amsterdam classified paintings as child pornography. The court stated that: “The making of pornographic paintings and drawings contribute to the formation of behaviour that can become part of a subculture which promotes sexual abuse of children, and also helps to maintain a market for child pornography.” Furthermore, the defendant in the case had declared that he made the paintings from photos of actual children that were provided to him.



Also in March 2011, a Dutch court convicted a 56 year old man for possessing virtual child pornography. The Dutch prosecutor’s office is considering legal actions to test the law against child pornography in the virtual online platform of Second Life. Some areas of Second Life allow adult members to have virtual sex with others who pretend to be children. Discussions about virtual child pornography in Second Life started 3 years ago with the introduction of an avatar called Sasami Wishbringer, who has the body of an 8 year-old. Lately, there have been more reports about adult players with child avatars soliciting paid sex.¹³⁸

Ratification of the Treaty of Lanzarote

In order to be able to ratify the Lanzarote Treaty, the Dutch parliament approved legislation in 2010, criminalising gaining access to child pornography on the Internet with a maximum penalty of 4 years’ imprisonment. With the ratification, “grooming” also became punishable under Article 248e of the Dutch Criminal Code. Grooming is defined as the act of seduction by an adult who actively tries to seduce a minor through the internet with the ultimate aim of sexual abuse. Through this provision, a person may be prosecuted once he/she makes a proposal for a meeting with a child. The maximum penalty for grooming is 2 years imprisonment. In Aruba, Curacao, St. Maarten and the BES islands, this treaty has not been ratified yet.¹³⁹

EXTRATERRITORIAL LEGISLATION WITH REGARD TO CHILD SEX TOURISM RELATED OFFENCES

The application of extraterritorial jurisdiction was expanded to cover Dutch nationals and permanent residents of the Netherlands who sexually abuse or otherwise exploit minors outside the Netherlands (arts. 5 and 5a).

Dutch citizens who sexually abuse children in other countries where these acts do not constitute an offence may be prosecuted in the Netherlands. Foreign nationals who have their permanent address or residence in the Netherlands may also be prosecuted in this country for sexual abuse of children committed outside. Prosecution of sexual abuse by a Dutch person committed abroad

is possible, even if the abuse is not a violation of the law in the country where the abuse took place. According to Article 5, the criminal proof originating from the foreign country must satisfy the Dutch criminal standards before prosecution can proceed. Article 5a concerns aliens who have a permanent residence in the Netherlands and abuse a minor abroad. The perpetrator can be

punished in the Netherlands, even when the perpetrator came into the Netherlands after committing the act.¹⁴⁰

To date, very few Dutch nationals have been prosecuted for committing child sex tourism

and punishment does not equate to justice for the child victims. To send a stronger message to possible offenders, the Dutch government and authorities must increase prosecution and punishment.

EXTRADITION LAW

Under the Dutch Extradition Act, extradition is conditional on the existence of a treaty. The Netherlands has multilateral and bilateral extradition treaties with a great many countries. The Extradition Act has been supplemented to comply with the Optional Protocol. This makes extradition possible to State parties to the Optional Protocol with which the Netherlands has no extradition treaty. In cases where no specific extradition treaty applies to a concrete extradition request, the Netherlands may invoke the grounds for refusal set out in the Extradition Act.¹⁴¹

Child protection units

The Dutch police was composed of 25 regional police forces and the National Police Services Agency (KLPD). In June 2011 the Minister of Security and Justice announced that instead of 25, there will be 10 regional police units which work in multidisciplinary teams. Furthermore, there will be one National Police Unit that monitors quality and ensures the management and allocation of capacity to the 10 regional police units. Specialized units on trafficking in human beings and units for dealing with sexual abuse crimes against children and child pornography have been established. Each regional force has its own in-house expertise in dealing with such cases. Each force has specialized detectives and each public prosecutor's office has a public prosecutor with responsibility for dealing with sex crimes.¹⁴² Every year the police make a Police Monitor report to evaluate the actions taken and to improve the combat against sexual exploitation.

The Dutch police is part of the COSPOL Internet Related Child Abusive Material Project network (CIRCAMP), a network setup to support COSPOL (Comprehensive, Operational, Strategic Planning for the Police), a program initiated by the European Police Chiefs Task Force (EPCTF) to deal with matters related to online child exploitation. The CIRCAMP network aims to combine the resources and improve the coordination between the law enforcement agencies in Europe on matters relating to child exploitation online. Fundamentally, the network aims to detect and disrupt the businesses that profit from the production and distribution of child abuse images on the Internet, identify the offenders and the child victims and put an end to the abuse of children. It is also under the ambit of this

program to coordinate and cooperate to build better understanding of the global policing of the Internet. The network seeks to disrupt the distribution of child abuse images at the European level, in particular by paying special attention to the organised networks that aim to make profit from the sale of such images.¹⁴³

Victims of child abuse, including sexual abuse, who want to make a declaration to the police or others who wish to report suspicions, can do so in most police departments at the special division for Juvenile and Sexual Offence Matters. This division employs officers and detectives specially trained for such cases. When only a notification of sexual violence is made, the police will not make an official record;

there is thus no criminal prosecution of the offender. In the case of reporting sexual violence, the police compose an official statement, which must be signed by the victim, which will serve as a basis for an official record.¹⁴⁴ The police also have a duty to support victims by properly providing assistance and referring them to agencies such as Victim Support, a Stay-off-my-body home, and the Child Protection Council.¹⁴⁵

Victims of 'loverboys' may contact the Department of Human Trafficking, where they can apply for an interview with a specially trained human trafficking detective. The police can also arrange a safe place in a shelter if necessary and ensure that victims find the help they need. The police have many contacts with aid organizations and may, for example, introduce victims to a social worker. Or, in the case of a child with a suspected STD or pregnancy, the police can assist the victim by helping her get access to health services, such as the Municipal Health Service, on a voluntary basis.¹⁴⁶

Anti Trafficking Units

Local police forces have special units to deal with trafficking, and the National Crime Squad's Expertise Centre on People Trafficking and Smuggling (EMM) brought together experts from the National Police Criminal Investigation Service, military border police, regional police forces, the Immigration and Naturalization

Service, and the Social Information and Investigation Service. The national prosecutor for trafficking in persons supervises investigations conducted by the EMM.¹⁴⁷

The police have formulated and implemented specific measures to improve the detection of trafficking in human beings. For instance, there is now regular consultation between the relevant liaison officers in the police forces in order to share expertise and formulate strategies to address the problem. In addition, a registration system (IKPS) was established to collect names of past and potential victims of trafficking as well as traffickers themselves.¹⁴⁸ However, the Police and the Public Prosecution Service do not have fixed budgets for the investigation and prosecution of cases of trafficking in human beings.

According to a January 2010 article in the Dutch newspaper *Volkskrant*, based on evidence from an internal police report, Dutch police efforts to combat human trafficking remain insufficient.¹⁴⁹ Out of the 25 regional police forces, only 6 conform to the internal police guidelines and 5 have even received a negative score.

The Dutch National Rapporteur on Trafficking in Human Beings recommended in her 2009 report that there should be judges specialized in human trafficking and a specialised unit to the judiciary, similar to units in the Public Prosecutor's Office and the Police.¹⁵⁰

Cybercrime reporting websites

There are 2 websites in the Netherlands where Internet-based child pornography can be reported: the private "Hotline combating Child Pornography on the Internet" (*Meldpunt ter Bestrijding van Kinderporno op Internet*) which takes anonymous reports and the "Cybercrime Reporting Website" (*Meldpunt Cybercrime*) of the police, where anonymous reports are not possible.

The Hotline combating Child Pornography on the Internet is the Dutch Hotline that has been working since June 1996 to combat child abuse images on the Internet. This independent private organisation, supported

by the Ministry of Security and Justice, is the only organisation in the Netherlands besides the police that deals with this problem. In addition, regular consultation takes place between the Hotline and the Ministry on

issues relating to sexual abuse of children on the internet, cybercrime, and other related matters. The Hotline combating Child Pornography on the Internet is part of the Safer Internet Plus Plan (SIAP), which is funded by the European Commission and affiliated with the international organisation for Reporting Centres: INHOPE. In January 2010 the Hotline extended its work to receive reports of child sex tourism. Reports can be submitted anonymously, and any information given will be treated with confidentiality before being sent to the police after the assessment by the Hotline. The Hotline has processed over 32,000 reports in the last 10 years and devotes its work to raising public awareness, particularly among children and parents, and around risks related to Internet use. The Hotline also provides information on how to report incidents of abuse and illegal content to them through a child friendly interface.¹⁵¹ The Hotline has since set up 2008 Helpwanted.nl, a website where young people (12-18) can report internet related (sexual) abuse and grooming. Since the end of 2010 Helpwanted.nl is also enabling young people to chat with the Hotline employees about their internet related problems. The Hotline is part of the multi-stakeholder working groups concerning notice, blocking and take down of sites with images of child sex abuse.

On 15 September 2011, Dutch police announced a six-month pilot partnership with an Internet service provider to block child pornography images at the point of uploading. If possible, the IP address of

the person who is trying upload the picture on the internet will be forwarded to police. The police is working with Leaseweb, according to a spokesman one of the largest hosting providers in the world. All images uploaded onto a site hosted by LeaseWeb are compared with images from a database of the police. If there is a match, the image will be blocked and the Police Cybercrime Hotline will be informed. The comparison of images is performed using a “fingerprint” technique. According to the spokesman, using this method to assess images creates almost no delay in the uploading of non-pornographic images.¹⁵²

The *Meldpunt Cybercrime*, a reporting website managed by the Netherlands Police Services Agency (KLPD), has a specific child pornography reporting function. The Cyber Crime Reporting Website serves as a platform for reporting on suspected cases of child pornography and sexual behaviour involving minors. The KLPD checks incoming reports and, if necessary, initiates the closure of the offending websites. The Police are also responsible for forwarding the messages to the appropriate office. The Hotline works closely with other partners in the Internet domain, such as providers and foundations. Pornographic movies or pictures with minors, exchange of child pornography on a forum, or instances of people approaching minors sexually on a chat site or via a webcam may be referred to the Cybercrime Reporting website.¹⁵³ Since February 2011, it is also possible to report suspicions of child sex tourism.

M. Foundation

M. – or ‘Meld Misdaad Anoniem’ (Report Crime Anonymously) – is an independent foundation. By calling the M. Foundation’s hotline (0800 7000), it is possible to report suspected crimes anonymously. M.’s intended audience is those individuals who have information about crime but are afraid to enter a police station because of possible later reprisals or confrontations with the perpetrator. The number is free of charge and information can be given in Dutch, English or German. The number can also be dialled from abroad. M. is not a law enforcement phone line, which means that callers cannot officially report to the police via M. Rather, the organisation serves as an intermediary, and ensures that concrete reports are handed over to the police or other investigation services. The M. Foundation is financially supported by the Federation of Insurers, the Board of Police Commissioners, the Ministry of Justice, and the Ministry of the Interior.¹⁵⁴

There are a number of shelter and crisis care facilities for victims of forced prostitution and sexual violence in the Netherlands. The Netherlands has also developed a range of specialized services to assist child victims of trafficking. However, additional resources should be allocated and the collaboration between the different services should be improved to provide more comprehensive protection for trafficked children, both Dutch and foreign. In recent years there have also been a number of Parliamentary questions about the apparent shortage of shelter facilities for CSEC victims.

The Advice and Reporting Centres on Child Abuse (AMKs) are part of the Youth Care Office. An AMK is an institution for anyone with questions, concerns or reports of child abuse, including professionals working with children. The AMKs offer advice, investigate alleged cases of child abuse and get appropriate help by referring them to Youth Care Office or the Child Protection Council. Based on the information obtained, the AMK assesses the situation and decides on the next steps that should be taken, such as provision of assistance, protection, or criminal prosecution. Since the AMKs were provided a statutory foundation, there has been a sharp increase in the number of reports of child abuse. In 2002, only 25,374 cases were reported to the AMKs, but, by 2005, the number had risen to 38,052: an increase of around 50%. Though this increased reporting is encouraging, AMKs have had difficulty adequately dealing with such quickly increasing volume.¹⁵⁵

The Netherlands has an extensive network of facilities providing a full range of trafficking-specialized services for children, women, and men; the government provides victims with legal, financial, and psychological assistance, shelter, medical care, social security benefits, and education. However, according to the National Rapporteur on Human Trafficking, there is insufficient capacity to provide shelter for victims of human trafficking, including minors. The waiting time can range from several days to weeks and even months. Although there is general agreement on the

necessary steps, consultation among various ministries on shelter financing has delayed implementation.¹⁵⁶

In July 2009, the report “Trafficking Plan of Action” was presented to the Dutch Minister of Justice by the President of the Human Trafficking Task Force. The Plan elaborates on 10 measures identified by the Task Force. Measure 5 of the Task Force’s action plan addresses the issue of shelter for victims. The plan calls for State Secretaries for Justice and for Health, Welfare and Sport to create a pilot project to investigate safe methods for accommodating victims of human trafficking and ways to ensure these methods are permanently institutionalised. The pilot project is general and could include provisions relevant for all victims, but children and young people are not the primary focus and measures are not targeted to meet their needs. The report notes that where young people have a need for shelter, they (particularly victims of loverboys) fall under youth care, referring to the pilot scheme for protected shelter for unaccompanied underage aliens.¹⁵⁷

In the Netherlands, the Coordination Centre for Human Trafficking (CoMensha) is the focal point for initial assistance to and registration of possible victims of trafficking. CoMensha is an NGO that receives government funding and closely collaborates with police and other national authorities. As soon as any of these partners suspects a person is a victim of trafficking,

they are required to notify CoMensha. Victims or social workers can also approach CoMensha directly, which then organises and coordinates the initial reception of victims of trafficking and sets in motion the provision of care through several local networks. The responsibility for keeping a national register of suspected victims has also been delegated to the organisation. The Support Desk of CoMensha is the central reporting and registration point for trafficking victims. CoMensha has processed a large increase in numbers of notifications in recent years. According to the Dutch Rapporteur, CoMensha identified and registered 826 trafficking victims in 2008, 909 victims were registered in 2009 and 993 victims in 2010. This data concerns victims who are reported to CoMensha by all possible official and non-official reporters and is not restricted to those who can be regarded as 'recognised victims' on the basis of official criteria. Since *CoMensha* depends on information from third parties and has insufficient capacity for the collection of data, its registered cases are not reported in great detail.¹⁵⁸ At the beginning of 2006, CoMensha was requested by the Ministry of Justice to set up a central registry on youth prostitution (not just victims of human trafficking). In January 2010, CoMensha

began the registration of youth prostitution. This system has been developed as a closed website through which care providers can report youth prostitution.¹⁵⁹

In principle, foreign child victims of trafficking who are granted temporary residence and are legally residing in the Netherlands are entitled to a full range of benefits, including medical services. Even foreign minors illegally residing in the country are entitled to necessary medical care to prevent situations that could jeopardize public health, youth care and legal assistance.¹⁶⁰ However, most medical service providers may require identification before services are delivered. Such requirements may be intimidating particularly for foreign children who are victims of trafficking and illegally residing in the Netherlands. Likewise, while emotional care is provided and guaranteed by the law through a wide range of partners (ie. The Bureau for Victim Support Netherlands, CoMensha, trade unions and doctors), it is not always easy for victims to access such services. Lack of specialized personnel and well-equipped facilities result in insufficient response to the needs of trafficked children in the Netherlands.¹⁶¹

Shelters

The Dutch government has made particular efforts to develop several specialized options for sheltering of victims of trafficking and prostitution. However, most of these shelters are for adult women. Both the Dutch NGO Coalition on Children's Rights and ECPAT have pointed out that there are no special care facilities for minor boys who are victims of sexual exploitation. Consequently, they often end up at centres for the homeless or juvenile institutions.

Examples of shelter facilities specifically for minors include Fier Fryslân for girls aged 14-24. Located in the northern province of Friesland, *Fier Fryslân* is a specialized treatment centre for victims of

domestic violence, as well as child abuse and youth prostitution. Where necessary, it provides shelter in a safe and anonymous location. With regard to the issues of youth prostitution and child trafficking,

Fier Fryslân offers advice and consultation, counselling, treatment and care, and has a number of reception centres available. Their so-called 'prostitution track' consists of an Advice and Reporting Centre on Loverboy Issues and Youth Prostitution, which is available 24 hours a day; Prostitution Social Work; the Trafficking Coordination Network of Friesland province; and assistance and care for women with a B9 visa status. This Trafficking Coordination Network currently consists of 16 partners. The municipality of Leeuwarden makes money available for the coordination of the network, and *Fier Fryslân* also provides the girls in the reception facilities with education through e-learning.¹⁶²

The Nidos Foundation, the national guardianship and family guardianship institution for minor refugees and asylum seekers, deals with unaccompanied minors (including possible victims of child trafficking) and supports them in finding a place to stay. Young children (under 12 years old) are placed in foster families. Children from 12-15 years old are placed in small-scale reception units. In these centres, the conditions are made as safe and stable as possible and child care workers are available 24 hours a day. Older children (15-18 years old) are placed in large scale shelters, mostly campuses for unaccompanied minor aliens.¹⁶³

Victims of loverboys of 16 years and older can be placed in 24-hour shelter at the women's shelter *Asja*. This shelter offers accommodation for a maximum of 10 girls from 16 to 23 years old at 2 secret locations. These are the only 2 facilities aimed at young victims of CSEC in the Netherlands, though they admit women only. There are small crisis care and treatment facilities for girls who want to escape a trafficker, pimp or loverboy, and for girls who are at risk of falling victim. *Asja* has 8 places available in each shelter and girls can stay in the shelter for 6 to 9 months,

with an extension if necessary. The *Asja* shelter is primarily an adult women's shelter. Female child victims of loverboys younger than 16 years old cannot be placed in this shelter.¹⁶⁴

In March 2011 *Asja* threatened to close its doors because its funding had stopped. Since there is no solution for the sheltering of victims of loverboys and to ensure that the expertise and knowledge of *Asja* didn't get lost, the Minister of Security and Justice together with the Minister of Health, Welfare and Sport decided to give *Asja* an 18-month extension. Before that time the government has to come up with a plan on how to structurally organise the shelter of minor victims of sexual exploitation.

In the Netherlands, trafficking victims are cared for in the regular social care system. However, the quality of their shelter and support varies per municipality. As reception services in the Netherlands are decentralised, there is no national policy to ensure that each municipality adequately supports trafficking victims. The Dutch NGO Coalition for Children's Rights commented in their First Report in 2008 on the implementation of the Optional Protocol that "Victims of child trafficking were often placed in centres where they do not belong or which lack the specific expertise on the care and legal assistance the victims require, such as relief centres for domestic violence, institutions for juvenile delinquents, or centres for the homeless."¹⁶⁵ The Dutch coalition therefore called for more shelters with more specific capacities and care facilities for children involved in prostitution and minor victims of sexual and other forms of exploitation. ECPAT-NL has also been lobbying for years for categorical reception services with specialist counselling. In their Children's Rights Year Report 2011 of UNICEF and Defence for Children-ECPAT the Netherlands, this has been stated again.

Category-oriented Shelters

Care and shelter for underage victims has remained a persistent area of concern in the Netherlands. Based on the National Rapporteur's recommendations to explore alternative accommodation options for child victims of trafficking, the Ministry of Health, Welfare and Sport and the Ministry of Security and Justice are developing new shelter possibilities, called "category-oriented shelters," aimed specifically at sheltering minor victims of trafficking who have applied for the B-9 designation.¹⁶⁶ These shelters will differentiate various categories of victims in terms of gender, age and the nature of their exploitation. Such shelter should provide an adequate protective and learning environment and house the child victims in small groups. In June 2010, the government started a pilot project of 3 new shelters specifically equipped to assist female and male victims of human trafficking. The National Rapporteur recommended that underage victims should also be covered by the pilot project on category-oriented shelter. In response, the Program Minister for Family and Youth stated that specialised facilities were unnecessary, because the established facilities in the youth care system were capable of dealing with trafficking issues. However, in her 8th Report, the Rapporteur pointed out that there are no specialised facilities in the residential youth care system for victims of human trafficking who have unique needs beyond the capacity of the regular system.¹⁶⁷

In the former Netherlands Antilles, government officials refer identified trafficking victims to limited, short-term assistance provided by a combination of government agencies and by NGOs that receive government subsidies, and to

government-run care facilities for crime victims. The government may place child trafficking victims in facilities along with their parents or in institutions for abused children.¹⁶⁸

Enclosed Care

Until 2008, children who needed protection were placed in a judicial juvenile institution. However, as these institutions are primarily established for juveniles who have committed an offence, the government acknowledged that children who need protection from themselves or others do not belong in these institutions. Therefore, beginning in January 2008, the government introduced the Closed Youth Care system. After authorisation of the court, a child that needs protection can be placed in a designated care institution, which may include varying levels of control and restrictions on the child's freedom. For this placement an authorisation from the court for closed youth care has to be granted by the juvenile court. This provision includes child victims of 'loverboys,' who may be difficult to assist if they are on the street or in open accommodation, as they may be susceptible to further abuse from the loverboy. Under this justification, the Dutch legal system sometimes sends child victims to a closed institution. Enclosed care is also mandated for some high risk groups of child trafficking victims, including many unaccompanied minor aliens.¹⁶⁹

A 2-year pilot scheme called Protected Shelter for Unaccompanied Underage Aliens was launched in January 2008 to combat the disappearance of unaccompanied underage aliens from open reception centres. The project was targeted at unaccompanied underage foreign children aged 13 to 18 who are suspected of being potential victims of human trafficking and at risk of disappearing from the shelter. The pilot project intends to protect the youths and prevent them from disappearing from the shelter and ending up in situations of exploitation. While they are staying in the shelter, an effort is made to convince the children of the risks they face if they follow any instructions they may have received from the human traffickers before they departed. The Central Reception Agency for Asylum Seekers (COA) is responsible for organizing the protected shelter; however the arrangements are implemented by contract partners. The Nidos Foundation has legal guardianship over the young people, monitors their supervision and reports any children who go missing. The police are responsible for investigating any disappearances. Since the beginning of the project, the Justice Ministry has reported that fewer have disappeared from state care.¹⁷⁰

Child help-lines

A child helpline (*De Kindertelefoon*) has existed in the Netherlands since 1979. Children between 8 and 18 years can anonymously chat through Internet or call to a toll free number (mobile and landline) for help and assistance from one of the 750 volunteers all over the Netherlands. De Kindertelefoon is linked to the Youth Care Agency for direct assistance in crisis situations. De Kindertelefoon is open every day between 1400 and 2000 hours. As of September 2008, the national 116 000 hotline to report missing and sexually-exploited children is operational in the Netherlands. Other instruments to report other situations of exploitation of trafficked children are the CoMensha phone number and the national phone number 0800 7000

to anonymously report crime hosted by M Foundation. The CoMensha helpline provides 24h assistance to trafficked victims, including minors. It is also in charge of collecting and registering data of (possible) victims of trafficking and functions as a referral centre for victims of trafficking. *Tegen Haar Wil* is a national hotline based in Drenthe Province for women and girls who have had an experience of sexual violence, sexual abuse, incest, stalking or loverboys.



In 2008 the private Hotline combating Child Pornography on the Internet established the website Helpwanted.nl for teenagers between 12 and 18 years old to report online sexual abuse and provides information about the safe use of Internet. At the end of 2010, in cooperation with the Dutch Child Helpline, the Hotline added a chat application to the site which is open every Monday to Friday from 14:00 to 18:00. Furthermore, once every 2 weeks the Hotline employees represent HelpWanted in the Habbo Hotel, a virtual world for children. Habbos may start a conversation with the HelpWanted employees and questions can be asked.

There are several iterations of “Hotline Loverboys” in the Netherlands, which are hosted by the regional Centres for Domestic Violence. These Centres for Domestic Violence are cooperating with social workers, police and judiciary, and the Youth Care Offices and AMKs. Anyone who is involved with a loverboy or who wants to know more about them can contact the Hotline Loverboys. It is a focal point for victims of

loverboys and other stakeholders, including family members, bystanders, friends and professionals. The staff of the Hotlines listen to stories, provide advice or consultation,

help formulate a plan and locate appropriate assistance. The Hotlines are open day and night, 7 days per week.¹⁷¹

Training of law enforcement personnel

There are specific training courses in the detection of trafficking in human beings and the treatment of victims. A specialized course is included in the standard training programme of police officers, offered by the Dutch Police Academy, but there is no specific focus on child-sensitive approaches. Further training and expertise needs to be developed.

The Expertise Centre for Human Trafficking and People Smuggling is a government-organised collaboration between the Dutch Police (KLPD), the royal military, the immigration and naturalisation service (IND) and the social intelligence and investigation service (SIOD). The Expertise Centre provides training courses on human trafficking to the police and other concerned parties, devoting special attention to minor victims. The Centre uses a list of warning signs, compiled in close cooperation with experts from the field, which includes signals that indicate a minor is involved in prostitution. In cooperation with CoMensha, the post-graduate legal studies Institute OSR has offered courses on legal assistance for victims of trafficking since 2005. The courses are open to lawyers and employees of the Immigration and Naturalization Service. Employees of the Central Agency for the Reception of Asylum Seekers and of the Repatriation Service of the Immigration and Naturalization Service regularly receive training to recognise signals of trafficking in human beings. In 2009, the government-funded Judiciary Study Centre provided special anti-trafficking courses to public prosecutors, law enforcement officials, labour inspectors, immigration officers, and other authorities identify and assist trafficking

victims.

In 2008, the Ministry of Justice took measures to prevent victims from being punished for unlawful acts committed as a direct result of being trafficked, including through training prison staff on proactive victim identification. Police and prosecutors provide specialised training to assist judges, labour inspectors and immigration officers in identifying and assisting trafficking victims.¹⁷² EMM provided specialized training to police in the identification and protection of trafficking victims.

The Dutch military provide training to all military personnel on the prevention of trafficking. Additional training on recognizing trafficking victims is provided for Dutch troops being deployed abroad for duty as international peacekeepers.¹⁷³ The Dutch government also has anti-trafficking partnerships with other governments by providing trafficking-specific technical expertise on investigating and prosecuting trafficking cases, specifically collaborating with Aruba, Curacao, St. Maarten, the BES islands, Nigeria, Bulgaria, Romania, and Hungary. Curacao's anti-trafficking coordinator formally trained officials, including health officials working with women in a government-regulated brothel compound in Curacao, on identifying trafficking and providing victim assistance. The Bonaire anti-trafficking working group provided training for immigration officials on identifying trafficking victims. The government implemented a special trafficking victim referral mechanism to guide officials in referring potential trafficking victims to services. Officials

participated in a Kingdom-partnership training for Curacao, St. Maarten, and Bonaire law enforcement and immigration

officials on identifying and treating victims of trafficking and investigating trafficking crimes.¹⁷⁴

Special course: Inspection of brothels and report of cases of trafficking in human beings

According to the instruction on trafficking in human beings, prosecutors and the police are entitled to deal with cases of trafficking in human beings and to hear possible victims only if they hold a certificate from a special training course. This course, which is called “Inspection of brothels and intake and report of cases of trafficking in human beings,” usually lasts 12 weeks and includes trainings on: the inspection of sex clubs; the recognition of signals of trafficking in human beings; and the reporting of trafficking. The Police Academy also offers the same course to officers of the Royal Constabulary, the Dutch Training and Study Centre for the Judiciary and lawyers who assist victims that apply for the so-called B9-regulation.¹⁷⁵

CHILD AND YOUTH PARTICIPATION

A considerable number of NGOs participate in the development, implementation and evaluation of awareness-raising efforts concerning child trafficking. It is less evident that children participate directly in the development of preventive efforts. However, campaigns targeted at children do require active participation of children, for instance by means of the teaching materials provided to them. According to the Dutch NGO Coalition for Children’s Rights, there is a need for specific plans related to youth participation and a powerful impetus for youth work.¹⁷⁶

The introduction of the new Social Support Act 2007 makes municipalities responsible for a number of matters directly affecting young people. The Act creates an obligation for municipalities to involve the public -including younger members- in the development of local-level policies. The municipal council, municipal executive and civil society organisations/general public must decide together at the local level how this would be best implemented. During the introduction of the new Act, an explicit emphasis has been placed on the involvement of young people.

The Programme for Youth Policy took office in February 2007. In addition, the Parliament established a youth and family committee. The National Youth Council, an umbrella organisation including about 30 smaller organisations, is also commissioned to speak on behalf of the nation’s young people and to stimulate youth participation at local level. The Children’s Ombudsman has also expressed an intention to involve children in their work. Lastly, the Safer Internet Centres under the European Commission Safer Internet Programme set up a Youth Panel to give advice on safer Internet issues and information material.¹⁷⁷

Participation of the child in relevant procedures

The Youth Care Act provides that any application for youth care requires the consent of the youth or, in the case of a child under the age of 12, the consent of his/her legal representative. If the child is between 12 and 16 years old, consent must be granted by both the child and his/her legal representative. A lack of consent by the legal representative can be ignored if the child persists in a carefully considered request for care. Minors aged 16 to 18 have the right to decide for themselves. In several relevant procedures, child victims of trafficking may actively participate. For instance, under the Youth Welfare Act, a child care institution in which the victim is placed must come up with an assistance plan for the child to be involved in the consultation process. In addition, when a minor is traced as a possible victim of trafficking, he/she may take part in an informative interview with an

investigative officer before deciding whether to report the case to the police. Also, a child victim has the right to speak in court as well as to submit a written statement for criminal cases relating to trafficking.¹⁷⁸

ECPAT Youth Group

Since November 2011 there is an ECPAT Youth Group in the Netherlands. The ECPAT Youth Group consists of 12 young people between 20 and 26 years. They initiate and support projects, campaigns and activities of ECPAT-NL. Examples of activities of the ECPAT Youth Group are: giving lectures at schools, organizing debates and making a website for youth about sexual exploitation of minors. The group also assisted in April 2011 with the handover of The Body Shop-ECPAT petition to the Minister of Security and Justice, where they guided 30 students from a local vocational tourism school.

STOP Sex Trafficking of Children & Young People Campaign



An important advocacy component of The Body Shop and ECPAT 'Stop Sex Trafficking of Children and Young People Campaign' is the country progress card system, which is created to serve as an assessment on the progress of a state's action on specific commitments to uphold the rights of child relating to protection from sex trafficking and all forms of commercial sexual exploitation. In line with the 2008 *Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children* from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states' action to combat child trafficking, specifically towards the 3 goals of the campaign:

1. Community-based prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

Italy: summary of progress card *			
Goal 1: community-based prevention programmes			
Prevention	Collaboration	Awareness raising	Teacher training
		★	
Goal 2: legal framework			
Optional Protocol	Trafficking Protocol	National legislation	Special police units
Goal 3: specialised services for child victims			
Helpline	Shelters	Medical services	Psychological counselling
★			

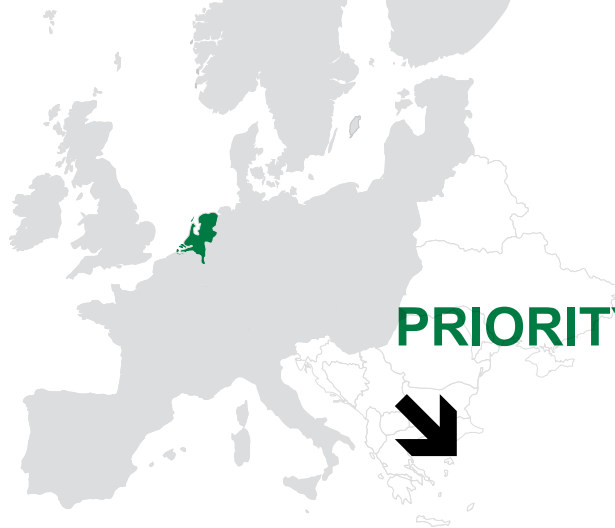
Green = significant action taken by state; Yellow = partial action taken by state;
Red = inadequate level of state action; Star = work undertaken by NGOs

From the global assessment of the Progress Cards, Netherlands is among the 53% of countries that have made some progress to stop sex trafficking of children and young people.

On 19 April over 100 youth, together with ECPAT Netherlands and The Body Shop, handed-over 173,188 signatures for The Body Shop-ECPAT campaign petition to stop sexual exploitation of minors to the Dutch Minister of Security and Justice. The petition called for the following measures to be taken by the Dutch government:

1. Ensure appropriate expertise of police and judicial authorities to investigate and prosecute people who sexually exploit children and young people in prostitution and pornography.
2. Ensure adequate and appropriate care and services for children and young people of Dutch and foreign origin who are victims of sexual exploitation.
3. Provide good information, including in schools, and targeted assistance for minors who are more at risk of sexual exploitation.

*The Netherlands Progress Card is available at www.ecpat.net



PRIORITY ACTIONS REQUIRED

Protection

- Develop a specific NPA to combat commercial sexual exploitation of children, addressing the unique issues involved in each manifestation;
- Ensure that there is a responsible coordinating body to oversee the implementation of such a plan, and that the plan has adequate financial and human resources to achieve full effectiveness.

Coordination and cooperation

- Strengthen cooperation between key agencies and relevant stakeholders to combat all commercial sexual exploitation of children, such as on repatriation of child victims or prosecuting Dutch nationals abroad for production of child abuse images.
- Expand the Task Force Child Pornography and Child Sex Tourism with expertise from child welfare, child protection and child rights organizations.
- Put more focus on children in the work of the Task Force Trafficking in Human Beings and connect the Task Force with the Task Force Unaccompanied Minors, to obtain structural attention for child victims of trafficking.

Prevention

- Undertake comprehensive studies and implement consistent data collection methods to quantify the prevalence and dimensions of sexual exploitation of children relevant to the Netherlands;
- Sensitize professionals, parents, children and the general public to the problem of sexual exploitation of children and adolescents, especially child sex tourism and child pornography, through education, including media campaigns;
- Increase efforts to engage the private sector and encourage corporate social responsibility, especially in the prevention of child sex tourism and the exploitation of children over the internet.
- (Potential) clients of persons in prostitution should be made aware of the implications of child trafficking and sexual exploitation of children. Information sharing can find a place via national awareness-raising campaigns, the Internet, and information folders in sex institutions.
- Awareness-raising on commercial sexual exploitation of children must become part of every school curriculum. Sex education topics must be broad, covering issues such as respectful sexual relationships, self-integrity, perceptions of sexuality, group behaviour and group-induced pressure.
- Specially tailored information must be provided to vulnerable groups that run additional risks of exploitation, such as unaccompanied minor asylum seekers and children with no legal residence.
- Measures are needed to protect the interests of unaccompanied minor aliens. Such measures should include: immediate referral to a competent guardian, periodic assessment of placement, priority for procedures concerning trafficking in children, adequate information about the risks of trafficking and measures to supervise them and show them extra attention. Return to the country of origin should only occur if no further risk exists that the child should come to harm.

Protection

- Amend sentencing provisions for child trafficking in order to fully protect children between 16 and 18 years of age;
- Train law enforcement officials, social workers and prosecutors on how to receive, monitor and investigate complaints in a child-sensitive manner. Child victims of sexual exploitation should be carefully and extensively interviewed by trained specialists. The interviews need to be done in a child friendly environment and with techniques and methods that take into account the age, development and circumstances of the child;
- Alternative methods for starting an investigation, other than a victim's report should be facilitated. In the case of serious suspicions of trafficking, intelligence-led investigative techniques must be used to gather various kinds of evidence that can demonstrate that a case involves trafficking in human beings;
- The Judiciary should be more informed about the offence of trafficking and sexual exploitation of minors in prostitution and pornography, how child victims fall into such exploitative situations, and what this means for the victims and their environment.
- In order to send a strong signal that complements existing campaigns and initiatives, strengthen prosecution of Dutch nationals that engage in child sex tourism and encourage prosecutors and judges to seek punishments for convicted offenders that reflect the seriousness of the crimes committed against children and will serve as a much-needed deterrent.
- Stop the uncertain and temporary nature of the special B9 regulation. When it is proven that a minor alien is a victim of trafficking, or if there are strong suspicions, it is in the interests of the child to have the right to a permanent residence permit without the obligation of reporting to the police. The right of residence should continue after reaching the age of 18 years.

Recovery and reintegration

- Improve the number and quality of shelters that deal with child victims of all forms of sexual exploitation, especially boys. Ensure that the unique needs of child victims of sexual exploitation are addressed rather than merely included in broader youth programming;
- Expand education and training programs for victims to ensure that they have access to the tools to build new professions for themselves and do not fall into a cycle of exploitation and re-victimisation.
- More specific relief and assistance options must be made available to child victims of human trafficking. These must be available to girls and boys, and to victims of all kinds of exploitation. Assistance must be tailored to the culture specific needs of victims from both the Netherlands and from abroad.

Child participation

- Provide meaningful opportunities for children to contribute ideas and express themselves in the policymaking process, as well as in the delivery of prevention and recovery and reintegration programs. Institutionalise these opportunities to create a culture that values the participation of children in these processes.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and

implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.

- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.

- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.

- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.

- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.

- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.

- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and

new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and

in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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