



National Rapporteur on Trafficking in  
Human Beings and Sexual Violence  
against Children

## SUMMARY

# On solid ground

*Tackling sexual violence against children in the Netherlands*





## **The Dutch Rapporteur reports on the nature and scale of human trafficking and sexual violence against children in the Netherlands**

### **What does the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children do?**

The National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children reports on the nature and scale of human trafficking and sexual violence against children in the Netherlands. The rapporteur monitors the effects of policy conducted in these domains, identifies bottlenecks and makes recommendations to improve the tackling of these themes. The National Rapporteur has no investigative authority and is not a complaints agency. The Rapporteur has a uniquely independent position in relation to the government by international standards.

### **Who is the National Rapporteur?**

The National Rapporteur is Corinne Dettmeijer-Vermeulen. She is supported in her work by a team of researchers from diverse disciplines.

### **What activities does the National Rapporteur carry out?**

The National Rapporteur publishes reports and studies on issues relating to human trafficking and sexual violence against children in the Netherlands. The reports contain recommendations for improving measures to tackle human trafficking and sexual violence against children, information about relevant legislation and regulations, prevention, the detection and prosecution of offenders and care for victims. The National Rapporteur collects quantitative and qualitative data by means of independent research, through research in external databases and by organising and attending meetings and conferences. The Rapporteur is a member of various task forces and expert groups in the field of human trafficking and sexual violence against children. The National Rapporteur is also active internationally.

### **Sexual violence against children**

The Dutch government extended the National Rapporteur's mandate to include sexual violence against children as of 2012. On Solid Ground is the National Rapporteur's first report encompassing the entire topic. First, it covers sexual violence against children in all its different forms. Second, it discusses policies aimed at both victims and perpetrators. Earlier, the National Rapporteur published reports on child pornography (2011) and child sex tourism (2013).

# What is sexual violence against children?

Sexual violence against children takes many different forms: the mother who commits incest with her son, the boy who rapes his girlfriend, the teacher who watches child pornography, the man who induces girls to undress in front of the webcam. In the Dutch Criminal Code, various forms of sexual violence are defined as criminal offences, ranging from rape to indecent assault and grooming. Where possible, the report follows this legal framework. Topics such as identification of victims and providing assistance for them, however, are addressed from a psychological perspective (does a person regard him- or herself as a victim of sexual violence).

Where the legal definitions can be used, the report distinguishes four different types of offences:

**HANDS-OFF:** offences involving children where the sex offender does not touch the victim, such as possession and distribution of child pornography or abuse via a webcam

**HANDS-ON/OFF:** a combination of hands-on and hands-off offences

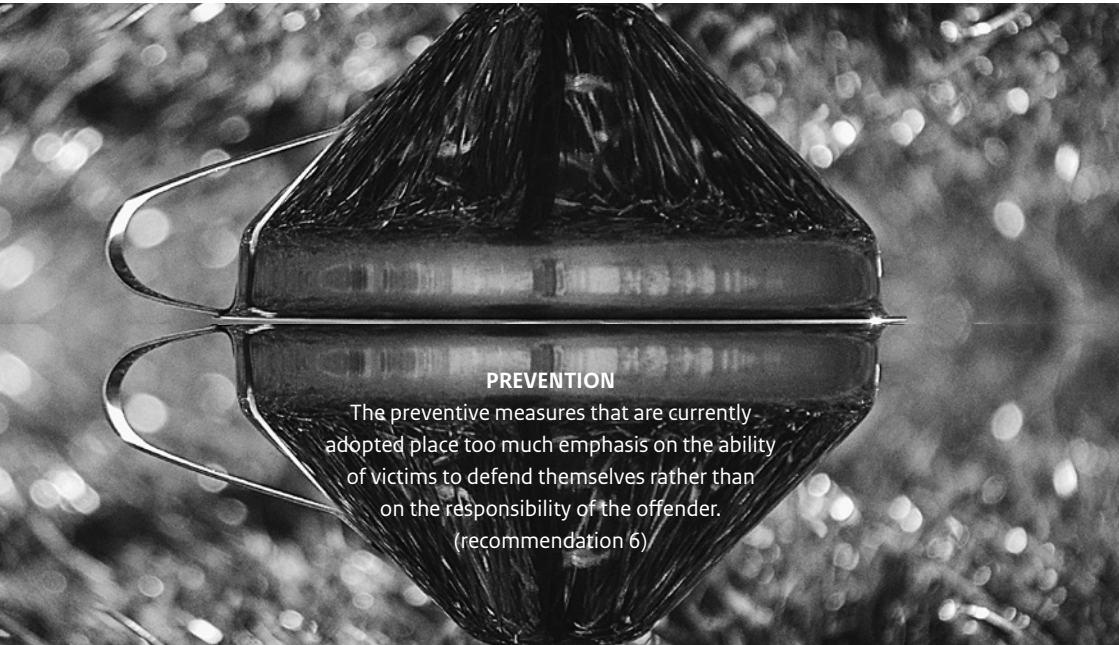
**HANDS-ON NON-FORCIBLE:** offences where the victim cannot be presumed to have willingly consented to the sexual act, for example because of his or her youth or because of an unequal relationship with the perpetrator

**HANDS-ON FORCIBLE:** offences where the use of force is an element of the crime, specifically rape and sexual assault

# Grounded decisions

Combating sexual violence is a process involving a series of decisions (see inside text). Sexual violence occurs, a teacher recognizes and reports it, the police investigate and confirm it, the Child Abuse Counselling and Reporting Centre arranges help, the Public Prosecution Service prosecutes the offender, the court sentences him, a forensic psychiatric hospital treats him, and the probation service monitors him. At each step, there is a filtering of victims or offenders, which is as it should be: reports of offences are not always legitimate, suspects are not always guilty, and victims do not always need help. It is impossible for every decision to be correct (in the sense, for example, that no guilty person ever escapes prosecution and that no innocent person is ever prosecuted). To demand such perfection can lead to paralysis (where the person required to make a decision does not dare to act) or to over-reaction (where any undesired outcome leads to a review of the en-

tire procedure). Since perfection is impossible, an undesirable outcome does not mean that the procedure followed to reach the decision was incorrect. What is essential, however, is that the decisions made at every step in the process are based on solid grounds. In the first place, a decision on whether or not to apply a particular intervention (to bring a prosecution, for example) must be based on sound information. Secondly, the threshold for selecting cases where intervention is required must be appropriate to the particular phase of the process. For example, the obstacles to reporting an offence and starting an investigation should be kept to a minimum so that the greatest possible number of cases of sexual violence can be uncovered. Every case that has been revealed can then be thoroughly investigated. More stringent criteria can then be applied in selecting cases calling for intervention at each succeeding stage in the process.



## PREVENTION

The preventive measures that are currently adopted place too much emphasis on the ability of victims to defend themselves rather than on the responsibility of the offender. (recommendation 6)

INTERVENTION IS...			
NECESSARY		NOT NECESSARY	
INCORRECT	CORRECT		INCORRECT
	CARRIED OUT	NOT CARRIED OUT	
INTERVENTION WILL BE...			



## Recommendations

### ... about registration

#### 1. INFORMATION TO BE REGISTERED

The information that is registered about sexual violence against children must be detailed enough to describe not only the scale but also the nature of the phenomenon.

- The National Rapporteur recommends that the Child Care and Protection Board (for research into protection), the Youth Care Agencies and organizations providing children and youth services register the reasons for their interventions.
- The National Rapporteur recommends that the police, the Public Prosecution Service, the probation service, the Child Care and Protection Board (for criminal investigations) and the Netherlands Institute of Forensic Psychiatry and Psychology register the numbers and characteristics of the victims of the suspects about whom they have made decisions or provided advice.

#### 2. METHOD OF REGISTRATION

The registration by all of the agencies referred to in this report should be as consistent and as uniform as possible in order to provide insight into the effect of measures taken to prevent sexual violence.

- The National Rapporteur recommends that the State Secretary for Health, Welfare and Sport, the State Secretary for Security and Justice and the municipal executives produce clear and uniform instructions on registration by the future Domestic Violence and Child Abuse Counselling and Reporting Centres (AMHKs) and provide training for their staff in the use of those instructions.
- The National Rapporteur recommends that the Minister of Health, Welfare and Sport revise the code lists for the mental health services to bring them into line with the international system, so that victims and perpetrators of sexual abuse can be distinguished from each other.

## Recommendations

### ... for measures to be taken

#### 3. LEARN MORE ABOUT THE SCALE AND NATURE OF SEXUAL VIOLENCE

The National Rapporteur recommends that the State Secretary of Health, Welfare and Sport commission research into the number of people that commit each specific form of sexual violence against children, for example by participating in existing studies into similar topics.

#### 4. IDENTIFY MORE VICTIMS

The National Rapporteur recommends that the State Secretary for Health, Welfare and Sport organize a permanent campaign to generate publicity about sexual violence and promote discussion of this subject, so that victims of sexual violence will dare to come forward and are easier to recognize.

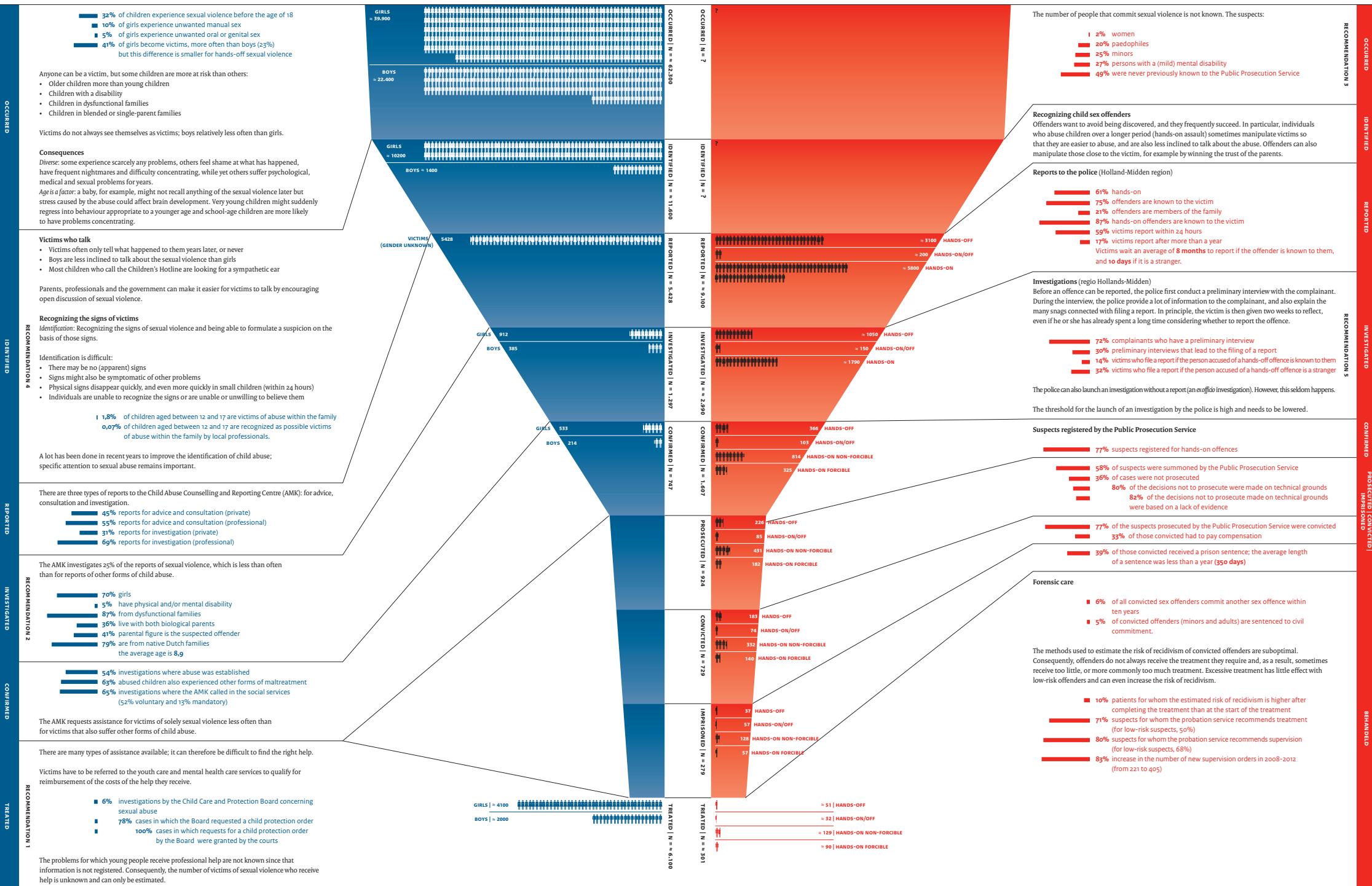
#### 5. LOWER THE THRESHOLD FOR POLICE INVESTIGATIONS

The National Rapporteur recommends that the police and the Public Prosecution Service lower the threshold for launching a police investigation by:

- revising the format of the preliminary interview in such a way as to make it easier to report an offence, and
- if no offence is reported, explicitly and jointly considering launching their own investigation.

#### 6. PREVENTION OF THE PHENOMENON IN ALL ITS FACETS

The National Rapporteur recommends that the Minister of Education, Culture and Science, the Minister of Security and Justice and the State Secretary for Health, Welfare and Sport extend campaigns aimed at preventing sexual violence to the entire scope of the phenomenon. These campaigns should be targeted not only at victims but also at offenders and should encompass not only sexual violence committed by adults, but also violence by children against children and violence both inside and outside the family circle.







Who's going to believe you? You are just a child



Now is the time to gain some EXPERIENCE! (73 years old!)



"If it happened, it was child's play." I'm still here and happy.



"Just for a moment!"



"Our secret"



"You were asking for it" (I was just 4) = Offender =



"You are a lust object"



"You don't want me to go to prison, do you?"

---

### **Correspondence address**

P.O. Box 20301

2500 EH The Hague

Telephone: + 31 (0) 70 370 45 14

[www.dutchrapporteur.nl](http://www.dutchrapporteur.nl)

@NLRapporteur