Ministry of Security and Justice

Grooming: Dutch (good) practice

min symposium March 18, 2015, T-ES

16 March 2015

Mini Symposium programme

- Introduction in the Dutch legal framework: Dutch law and some thought on investigation and prosecution; Erik Planken
- Practices from investigation: a view from the specialised police team by detective Erik Kuijl
- General prevention strategies; the role of the NGO and the Dutch InHope hotline by Maaike Pekelharing, if needed support by Celine Verheijen of ECPAT The Netherlands / Defence for children.
- Discussion
- Lunch

Article 248e Dutch Criminal Code

"The person who proposes to arrange a meeting, by means of an automated work or by making use of a communication service, to a person of whom he knows, or should reasonably assume, that such person has not yet reached the age of sixteen, with the intention of committing indecent acts with this person or of creating an image of a sexual act in which this person is involved, will be punished with a term of imprisonment of at most two years or a fine of the fourth category, if he undertakes any action intended to realise that meeting.

Dutch supreme court november 2014

In order to prove grooming;

- ✓ The over 18 has to propose to the under 18 /16 a meeting for sexual pruposes or the posing for a web cam

- ✓ This has to be followed by cocnrete actions:
  - ✓ 1. Had a long chat history with sexual allusions;
  - ✓ 2. Kept asking for a meet and put pressure on the girl;
  - ✓ 3. Named several concrete places and dates;
  - ✓ 4 gave his phone number.

International comparison

1. Several countries with a strict interpretation of "following material acts"
    1. UK and some others
    2. Netherlands
    3. EU directive 2011???

2. Several countries with a broader interpretation
    1. France
    2. Germany
    3. Belgium

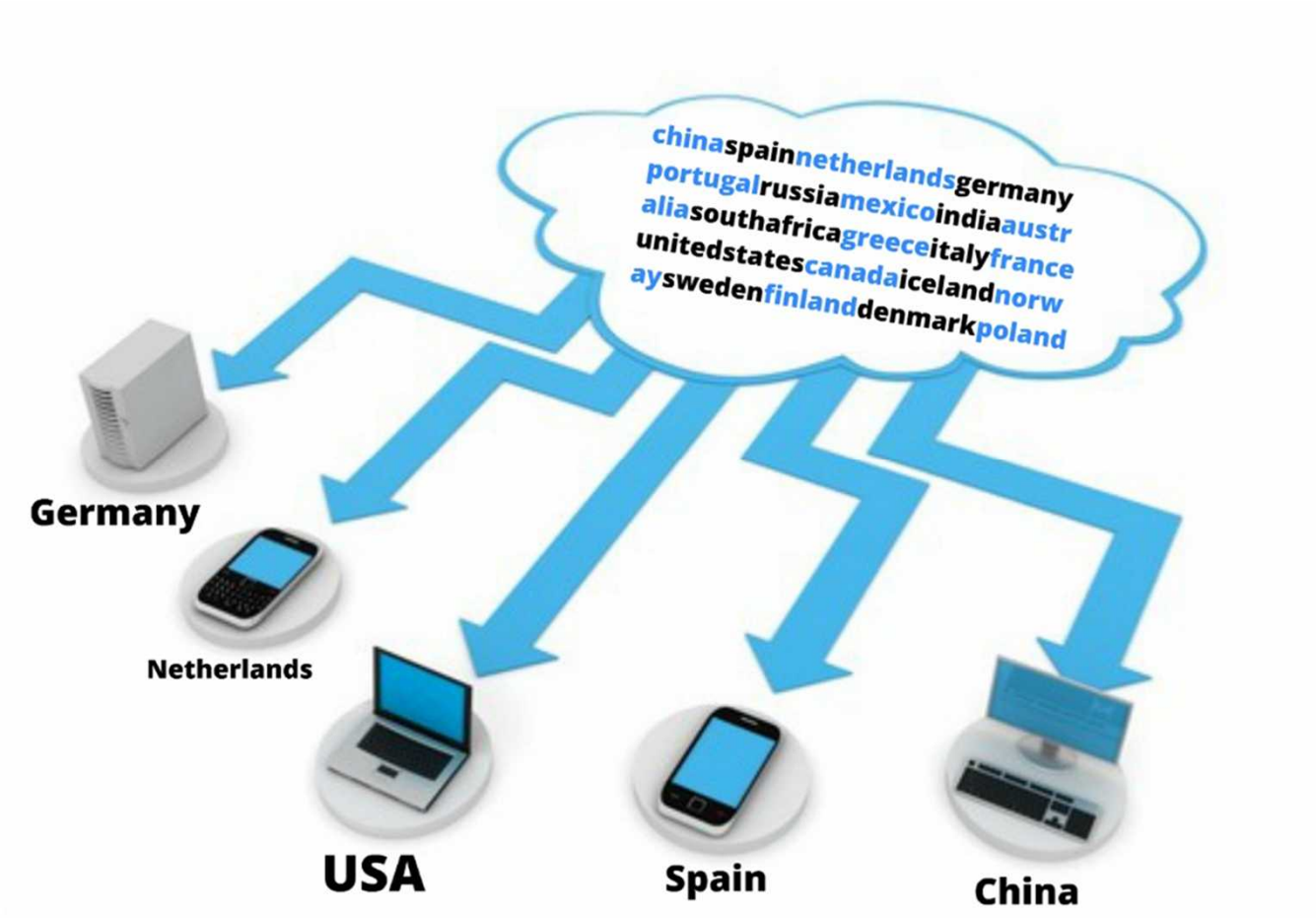
Proving grooming before actual abuse

- Very limited time frame to act

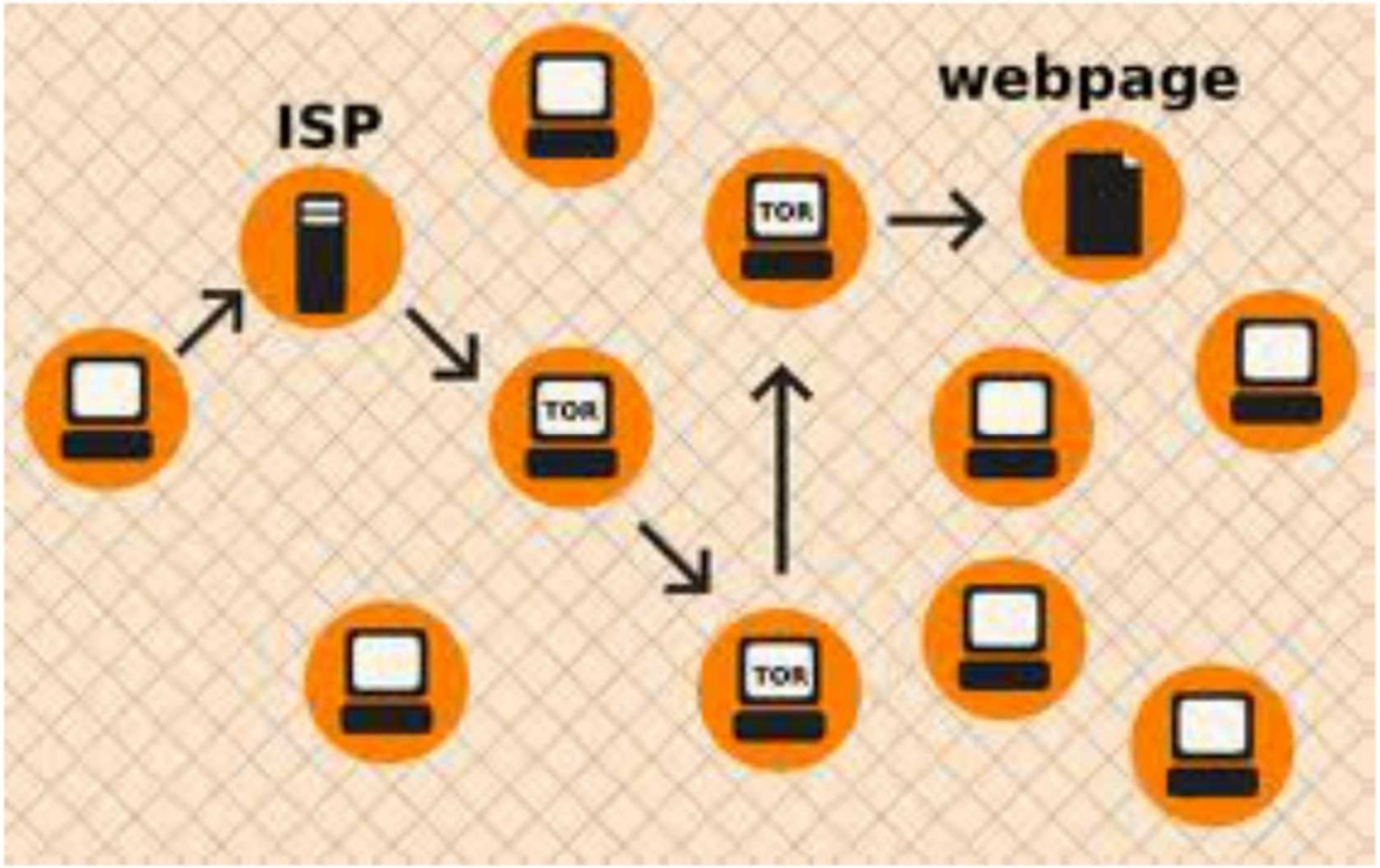
➢ Undercover, covert operations
➢ family (over 16) taking over the chat

- Is this grooming?
- Amend text 23?

Stage: cloud computing



Stage: anonimity / TOR-netwerk



Multiple devices + web based apps

More ways lead to Rome

Grooming often affiliated with:

- ❑ Corrupting children
- ❑ Producing child pornography
- ❑ Possessing and disseminating child pornography

What about sexting and sex chatting?

In summary

1. Penalising grooming requires a more unified position on the relation of a proposal to meet and the following acts to make this meeting happen.
2. Effective law enforcement only has a limited window of opportunity to prove grooming and prevent actual abuse of taking place. We should consider alternative investigation measures such a undercover operations with a decoy child.
3. The society and the way people, especially children, are digitalised compels us to have an open mind to the actual behavior we call indecent and to the ways in which we can effectively tackle this.